

Sri Lanka

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review: 13		Cases clarified during the period under review: 0		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	
5,671	4	9	0	0	5,676 ^k
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)		
160	N/A		1		
Urgent appeal	N/A		Government response	N/A	
General allegation	Yes (2011)		Government response	No	
Prompt intervention letter	Yes (2 – 29 December 2011, 1 March 2012)		Government response	No	
Working Group request for a visit	Yes		Invitation extended	No	

Urgent actions

362. The Working Group transmitted four cases to the Government under its urgent action procedure.

363. The first two cases concerned Mr. **Lalith Weeraraja**, Jaffna coordinator of the *Jana Aragalaya* (People's Struggle) movement, and an executive committee member of We Are Sri Lankans, a student-based organisation which works to defend the rights of Tamil people in Sri Lanka; and Mr. **Kugan Muruganandan**, who were allegedly arrested by members of the Sri Lankan Army on 9 December 2011.

364. The third case concerned Mr. **Ramasamy Prabakaran**, a Tamil businessman of Indian origin, allegedly abducted by seven armed men in civilian clothing, believed to be security forces agents, on 11 February 2012. In a communication dated 5 April 2012, the Government acknowledged receipt of this urgent action.

365. The fourth case concerned Ms. **Vasanthamala Pathmanathan**, allegedly arrested at a bank near Vavuniya by agents of the Criminal Investigation Department (CID) of the Police on 21 August 2012.

Standard procedure

366. The Working Group transmitted nine newly-reported cases to the Government.

367. The first case concerned Mr. **Punyamoorthy Velusamy**, a three-wheeler taxi driver who allegedly disappeared between his house and Horombuwa Junction, Suduwatuara Road on 1 March 2008. The police had reportedly previously been to Mr. Velusamy's house on several occasions and questioned him regarding whether he had received money from the Liberation Tigers of Tamil Ealam (LTTE).

^k During its ninety-sixth and ninety-eighth sessions, the Working Group discovered that six and two cases, respectively, were in fact duplicates of existing cases. These eight cases were subsequently eliminated from the Working Group's records.

368. The second case concerned Mr. **Mathurakulasingam Velautham**, who was allegedly arrested at 55 Alwis Place, Kottehena, Colombo, by paramilitary forces reportedly working with the Sri Lankan military, on 11 June 2008.

369. The third case concerned Mr. **Abiyouth Anthony**, also known as Hilman, an employee of the District Secretariat of Mannar, Government Agent's Office, who allegedly disappeared after leaving a family member's house in Kallikaddaikadu, Uyilankulam, Mannar district, on 5 January 2009. Mr. Anthony was reportedly seen approximately one month after his alleged disappearance in front of Thalladi Military Camp, walking with army officers.

370. The fourth case concerned a **person below the age of 18** who, on 17 April 2009, was allegedly last seen in Puthumathalan. According to the information received, during the night of 17 April 2009, the person below the age of 18 was reportedly forcibly taken away by members of the Liberation Tigers of Tamil Eelam (LTTE). On 20 April 2009, the Sri Lankan army allegedly took control of the area. It was reported that all those in the area where the person below the age of 18 had been were taken away by members of the army.

371. The fifth case concerned Mr. **Varathalingam Ratnathurai**, also known as Puthuvai Rathinathurai, who was allegedly arrested by the Sri Lankan Army in Vadduvakal, Mullaitivu on 18 May 2009.

372. The sixth case concerned Mr. **Ilmi Rifai Ahmed Adbulla** who, on 5 May 2010, was allegedly abducted by seven individuals, one of whom was in police uniform, and driven away in a white van with registration number 7030 when he was returning home from work on his motorcycle.

373. The seventh and eighth cases concerned Mr. **Mohamed Kaya Mohideen Musammil**, an employment agency worker, and Mr. **Mohamed Oseer** who were allegedly arrested by police officers on Mawella Lane, Baseline Road, Dematagoda, Colombo 09, on 7 May 2010.

374. The ninth case concerned Mr. **Mohamed Akram** who, on 9 June 2010, was allegedly abducted by a group of men, three of whom were in police uniforms, driving white vans with registration numbers 58-0093 and LF 7655 at the hotel in front of a race course in Nuwara Eliya.

Prompt intervention

375. On 29 December 2011, the Working Group, together with four other Special Procedures mechanisms, sent a prompt intervention letter regarding the alleged arrest and detention of 42 human rights and political activists, including members of the non-governmental organisation, the Committee to Investigate Disappearances.

376. On 1 March 2012, the Working Group, together with four other Special Procedures mechanisms, sent a prompt intervention letter regarding alleged repeated instances of excessive use of force against peaceful protestors, and undue restrictions on the rights to freedom of peaceful assembly and expression, including against members of the Organization Collective against Abductions and Disappearance (OCAD), a platform of civil society organizations working on cases of disappearances and abduction.

Information from the Government

377. The Government transmitted seven communications, dated 24 January 2012, 5 April 2012, 26 April 2012, 27 April 2012, 7 May 2012, 15 June 2012, and 29 October 2012.

378. In the first communication, the Government acknowledged receipt of a communication from the Working Group dated 19 December 2011 concerning its ninety-fifth session.

379. In the second communication, the Government acknowledged receipt of the urgent action concerning Mr. Ramasamy Prabakaran.

380. In the third communication, the Government provided information on the report of the Working Group presented to the Human Rights Council at its nineteenth session (A/HRC/19/58/Rev.1).

381. In the fourth communication, the Government responded to a communication transmitted by the Working Group on 6 May 2011.

382. In the fifth communication, the Government submitted information concerning one outstanding case. The information provided was not considered sufficient to lead to the clarification of the remaining case.

383. In the sixth communication, the Government submitted information concerning 59 outstanding cases. Based on the information provided by the Government, the Working Group decided, at its ninety-seventh session, to apply the six-month rule to one of the cases. The information provided was not considered sufficient to lead to the clarification of the remaining cases.

384. In the seventh communication, the Government submitted information concerning 100 outstanding cases. Based on the information provided by the Government, the Working Group decided, at its ninety-eighth session, that two cases were duplicates. The Working Group also decided to transmit information concerning one case to the source in order to verify whether the case was a duplicate. The information provided concerning the other 97 cases was not considered sufficient to lead to their clarification.

Information from sources

385. Sources provided information concerning two outstanding cases.

Meetings

386. Representatives of the Government of Sri Lanka met with the Working Group at its ninety-sixth and ninety-eighth sessions.

Request for a visit

387. On 16 October 2006, the Working Group requested the Government of Sri Lanka to extend an invitation to undertake a visit to the country. The Government replied that it would not be possible to schedule a visit during the proposed dates, and that the interest of the Working Group would be given due consideration. Reminder letters were sent on 20 July 2009, 16 August 2010, 20 July 2011 and 8 November 2012.

Total cases transmitted, clarified and outstanding

388. Since its establishment, the Working Group has transmitted 12,473 cases to the Government; of those, 40 cases have been clarified on the basis of information provided by the source, 6,535 cases have been clarified on the basis of information provided by the Government, 222 cases were found to be duplications and were therefore deleted, and 5,676 remain outstanding

Observations

389. The Working Group regrets that no response was received from the Government to its general allegation on 4 May 2011, concerning serious obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances in Sri Lanka during the last phase of the war against the Liberation Tigers of Tamil Eelam from 2006 to 2009 (A/HRC/19/58/Rev.1, paras. 495-501), notwithstanding a reminder sent on 13 August 2012.

390. The Working Group is seriously concerned that, during the reporting period, it transmitted four urgent actions, nine standard cases, and two prompt intervention letters. In this respect, the Working Group would like to recall the Declaration, which affirms that States must take steps to ensure that persons involved in investigations of cases of disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. The Working Group would also like to recall that, in its resolution 21/4, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances, and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

391. Following its request dated 16 October 2006, and reminder letters sent on 20 July 2009, 16 August 2010, 20 July 2011 and 8 November 2012, the Working Group wishes to reiterate its hope that the Government will extend an invitation for a visit to the country.

Sudan

<i>Number of outstanding cases at the beginning of the period under review</i>	<i>Cases transmitted to the Government during the period under review: 0</i>		<i>Cases clarified during the period under review: 0</i>		<i>Number of outstanding cases at the end of the year under review</i>
	<i>Cases sent under the urgent action procedure</i>	<i>Cases sent under the standard procedure</i>	<i>Government</i>	<i>Non-governmental sources</i>	
174	0	0	0	0	173 ¹
<i>Number of cases on which the Government has replied</i>	<i>Multiple replies on some cases</i>		<i>Number of cases of possible clarification by Government (6-month rule)</i>		
1	No		0		
<i>Urgent appeal</i>	N/A		<i>Government response</i>	No	
<i>General allegation</i>	N/A		<i>Government response</i>	N/A	
<i>Prompt intervention letter</i>	N/A		<i>Government response</i>	N/A	
<i>Working Group request for a visit</i>	Yes		<i>Invitation extended</i>	No	

¹ Following the independence of South Sudan on 9 July 2011 and its admission as a State Member of the United Nations on 14 July 2011, the Working Group has started reviewing the cases recorded under Sudan to determine whether any of these should be transferred to the records of South Sudan in accordance to the Working Group's working methods. In accordance with paragraph 15 of its Methods of Work, the Working Group decided at its ninety-seventh session to transfer one case from the statistics of the Sudan to those of South Sudan.

Annex II

[English only]

Statistical summary: cases of enforced or involuntary disappearance reported to the Working Group between 1980 and 2012

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification				
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	Discontinued cases	Closed cases
	Cases	Female	Cases	Female							
Afghanistan	3	-	3	-	-	-	-	-	-	-	-
Albania	1	-	1	-	-	-	-	-	-	-	-
Algeria	3 033	19	3 005	18	9	19	10	10	8	-	-
Angola	10	1	-	-	7	-	-	-	7	3	-
Argentina	3 449	773	3 271	734	124	52	30	5	141	-	-
Bahrain	5	-	1	-	-	4	2	2	-	-	-
Bangladesh	12	2	11	1	1	-	1	-	-	-	-
Belarus	3	-	3	-	-	-	-	-	-	-	-
Bhutan	5	-	5	-	-	-	-	-	-	-	-
Bolivia (Plurinational State of)	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	19	-	14	-	5	-	4	1	-	-	-

States/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases	Closed cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead		
	Cases	Female	Cases	Female							
Spain	5	-	3	-	2	-	-	-	2	-	-
Sri Lanka ⁶⁰	12 473	156	5 676	88	6 535	40	103	27	6 445	-	-
Sudan	383	37	173	5	205	4	209	-	-	-	-
Switzerland	1	-	1	-	-	-	-	-	-	-	-
Syrian Arab Republic	121	5	72	3	15	34	26	17	6	-	-
Tajikistan	9	-	4	-	3	2	1	-	4	-	-
Thailand	78	5	71	5	2	-	1	1	-	2	-
Timor-Leste	504	36	428	28	58	18	51	23	2	-	-
Togo	11	2	10	2	-	1	1	-	-	-	-
Tunisia	19	1	2	-	12	5	1	16	-	-	-
Turkey	182	11	60	2	72	49	71	24	26	1	-
Turkmenistan	3	-	1	-	2	-	-	2	-	-	-
Uganda	22	4	15	2	2	5	2	5	-	-	-
Ukraine	6	-	4	-	2	-	1	-	1	-	-
United Arab Emirates	7	-	5	-	2	-	2	-	-	-	-
United Kingdom of Great Britain and Northern Ireland	1	-	-	-	-	-	-	-	-	-	-
United Republic of	2	-	-	-	2	-	2	-	-	-	-

⁶⁰ The Working Group determined that eight cases were duplicated and were subsequently eliminated from its records.

Annex III

[English only]

Graphs showing the number of cases of enforced disappearances per year and per country according to the cases transmitted by the Working Group during the period 1980-2012 (only for countries with more than 100 cases transmitted)



