

346. The one outstanding case concerns a Saudi Arabian businessman who was allegedly arrested in Amman, Jordan in 1991 by Jordanian security forces, and was later allegedly handed over to the Saudi Arabian authorities. He is believed to be currently held at a secret location in Riyadh.

347. Despite a retransmittal of the case in 1994, at the Government's request, no information has yet been received by the Working Group from the Government of Saudi Arabia which would allow it to report on the fate and whereabouts of the disappeared person.

#### Seychelles

348. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Seychelles.

349. The three reported cases of disappearance allegedly occurred on the main island of Mahé in the years 1977 and 1984. All three persons were abducted shortly after they left their homes by persons believed to belong to the security forces. At least two of the persons were reportedly known opponents of the Government.

350. During 1994, no new information was received from the Government with regard to these cases. The Working Group is, therefore, still unable to report on the fate or whereabouts of the missing persons.

#### South Africa

351. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of South Africa. During this period, the Working Group clarified one case which occurred in late 1993 and concerned a young woman, reportedly a member of the African National Congress, who was found dead two weeks after her reported disappearance.

352. The majority of the 11 cases of disappearance reported to the Working Group occurred between 1976 and 1982 in Namibia. Since, at that time, Namibia was under South African jurisdiction, and the responsibility for the disappearance was imputed to agents of that country, in accordance with the Working Group's methods of work, the cases are retained on the South Africa country file.

353. During 1994, the Government of South Africa submitted information to the Working Group on the death of the woman who had disappeared in 1993. The case had, however, already been clarified by the Working Group on the basis of information submitted earlier by the source.

#### Sri Lanka

354. During 1994, the Working Group transmitted six newly reported cases of disappearance to the Government of Sri Lanka, under the urgent action procedure. The cases reportedly occurred in 1993. The Working Group also transmitted to the Government 942 cases, which were the remainder of its

backlog, and reportedly occurred between 1987 and 1990. During 1994 also, the Working Group clarified five cases and retransmitted to the Government of Sri Lanka three cases, updated with new information from the source.

355. Since the establishment of the Working Group in 1980, 11,441 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, secondly, 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 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 counter-insurgency 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.

356. Cases reported to have occurred since 11 June 1990, the date of resumption of hostilities with the Liberation Tigers of Tamil Ealam (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.

357. 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.

358. The newly reported cases concern the disappearance of five Tamil farmers from the Batticaloa district, following their reported arrest by members of the army from the Mullivedduvan camp. The sixth case concerned a 20-year-old student who was allegedly arrested by members of the army in Colombo.

Information received

359. During the present reporting period, information was received from a number of non-governmental organizations. According to this information, on 3 January 1994, three mass graves were discovered in southern Sri Lanka about 160 km. from Colombo, by a team of opposition politicians. It is reportedly estimated that the graves are 40 feet deep and contain 300 bodies, most of which are believed to be those of the members of the "People's Liberation Front" who were allegedly killed in 1989 in a government counter-insurgency operation. It was alleged that the Chief Minister of the Western Province, lawyers and other persons involved in the investigation, have been subjected to threats.

360. It was further reported that a number of complainants, lawyers and witnesses involved in inquiries about human rights violations allegedly perpetrated by the security forces have been subjected to threats.

361. According to the information received, the mandate of the Presidential Commission of Inquiry into Involuntary Removals was extended for another two-year period, with a view to speeding up the investigations into cases of disappearance. The Commission was initially established on 11 January 1991 to inquire into allegations concerning persons whose whereabouts were unknown, with only those cases which occurred after 11 January 1991 falling within its mandate. It is said, however, that to date no report on the Commission's findings has yet been published.

362. In 1991, subsequent to the international community's reaction to the human rights violations and impunity in Sri Lanka, the Government established, in June of that year, the Independent Commission of Inquiry, initially constituted to inquire into alleged military abuses and killings committed in Kokkadichcholai in the east of the country. Reportedly, military suspects were neither required to give evidence nor were they cross-examined and, consequently, the perpetrators were never convicted or punished. This is said to be an example of the Government setting up an investigative structure of which the outcome has been to no avail.

363. It was further alleged that the unit established by the Government for examining cases of disappearance transmitted by the Working Group will only study cases having occurred between 1983 and 1991.

364. Even though, according to non-governmental organizations, disappearances have reportedly decreased considerably during the past three years, there are still people who were arrested by the army or government security forces and whose whereabouts remain unknown.

365. Serious concern was expressed by several non-governmental organizations about the failure of the Sri Lanka authorities to undertake thorough investigations into the cases of disappearance and to prosecute those responsible. Reportedly, the majority of cases of disappearance have never been investigated and a climate of impunity is said to prevail among members of the security forces in Sri Lanka.

366. During the reporting period, the Government of Sri Lanka communicated to the Working Group replies on 128 individual cases of disappearance, as well as information of a more general nature. With regard to individual cases, the Government reported that in one case the person was detained at the headquarters of the Criminal Investigation Department in Colombo Fort, where he was being held under a detention order for suspected terrorist activities. The Government confirmed that the person concerned was in safe physical condition. With respect to nine other cases, the Government reported that the operational headquarters of the Ministry of Defence had denied that the persons concerned had been arrested; with regard to two other cases, the Department of the Police had denied that the subjects had been arrested. The Government of Sri Lanka also addressed a communication to the Working Group in order to clarify the name of one person reported as missing. In addition, the Government reported that in one case the person had been murdered and that in another case the person was, in April 1991, in police custody and that the release of a third person had been requested in December 1991. The Working Group requested the Government to provide a death certificate in respect of the murder, and to report on the current situation of the two other persons. Forty-three cases were reported to be under investigation by the Presidential Commission of Inquiry into the Involuntary Removal of Persons. The Presidential Commission considered five cases unsubstantiated. In the majority of the replies, the Government stated that no previous petition concerning the person's disappearance had been filed.

367. The Government, furthermore, submitted the Annual Report of the Human Rights Task Force for the period from 10 August 1993 to 10 August 1994, which concerned the Organization's activities during this period. It reported on investigations undertaken in cases of arrest, torture and other violations which had been reported to it.

#### Observations

368. The Working Group remains concerned at the large number of past cases in Sri Lanka which have not yet been clarified, as well as at the fact that disappearances continue. Furthermore, according to information received, officials in charge of the investigation of mass graves discovered in various parts of the country have been subjected to threats, as have the relatives and lawyers of disappeared persons. This results in a situation in which investigations will become difficult or, worse still, impossible.

369. However, the Working Group appreciates the cooperation of the Government in, inter alia, having invited the Group on two occasions to visit the country. It wishes to remind the Government of its responsibility under the Declaration to investigate fully all cases of alleged disappearance and to bring the perpetrators to justice. Therefore, the Working Group would welcome information on the actual results of the work of the Presidential Commission of Inquiry into Involuntary Removals.

#### Sudan

370. During 1994, no new cases of disappearance were reported to the Working Group, notwithstanding the ongoing civil war in southern Sudan.

371. The six reported cases of disappearance submitted to the Working Group have occurred during the period since the current Government came to power in 1989, and have primarily involved former government officials. All but one of the cases reportedly took place in Khartoum.

#### Information received

372. During 1994, the Working Group received information of a general nature concerning the Sudan, in which it was reported that disappearances continue to occur in the Sudan in the Nuba Mountains. The Government is said to have continued its counter-insurgency campaign and forced relocation of villagers. The elimination of the Nuba leadership through incommunicado detention and disappearance allegedly continues. It is further reported that children are forcibly separated from their families and taken to camps in the north where they receive military training.

373. According to the information received, in southern Sudan, the ongoing civil war has created a situation in which disappearances are all too common. The Sudanese People's Liberation Army (SPLA) is reportedly committing serious crimes, including the detention and summary execution of civilians and combatants. As in the Nuba Mountains, the conscription of minors is said to be a serious problem, with reports of boys as young as eight being separated from their families and placed in camps where they receive military training.

374. There are also numerous allegations that the Government continues to operate "ghosthouses" (i.e. detention centres) in the north. Arrest without warrant and incommunicado detention of opposition leaders, trade unionists and journalists are said to be widespread.

375. In a letter dated 28 September 1994, the Government refuted the above allegations, stating that they were baseless and were provided by sources hostile to the Government.

376. The Government of Sudan also replied with regard to one case, stating that the individual concerned had joined SPLA, the rebel forces in southern Sudan. The Working Group considered that in accordance with its methods of work the information provided by the Government was insufficient to clarify the cases.

377. The Working Group received information from the Government of Sudan on the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance. The reply provides information on provisions of the Criminal Code of 1991 and the Code of Criminal Procedure governing cases of enforced or involuntary disappearance. Although the act of disappearance as such does not seem to be an explicit offence under the Sudanese Criminal Code, there are provisions relating to detention and legal measures taken in cases of unlawful detention.

#### Syrian Arab Republic

378. During 1994, the Working Group transmitted to the Government of the Syrian Arab Republic, 17 newly reported cases of disappearance, none of which

was reported to have occurred in 1994. During the same period, the Working Group clarified 11 cases in which it was reported that the persons had been released.

379. Of the total 32 cases of disappearance reported to the Working Group, a substantial number allegedly occurred in the early to mid-1980s, mostly in Damascus. Seventeen of these cases have been clarified.

380. Of the 17 newly reported cases, 11 were said to concern relatives and friends of General Salah Jadid, a former senior official of the Bath party who died in custody on 19 August 1993. The missing persons were reportedly arrested by military security forces between 23 and 29 August 1993. These cases were clarified during 1994, on the basis of information submitted by the source in which it was reported that the persons concerned had been released. Of the six other cases, four reportedly occurred in 1983 and two in 1980. Two of the persons concerned were allegedly military men. The arrests reportedly took place in Dar'a, Palmyra and Al-Qariatain.

381. During the period under review, the Government of Syria sent a number of replies on specific cases, including the 11 cases concerning the friends and relatives of General Jadid, in which it reported that they were not detained and were living in their place of residence. In two other cases, the Government reported that the persons concerned had been sentenced to death, in one case the person was sentenced to life imprisonment and was in detention, in one other case the person died in detention, two other persons had gone to Lebanon, and two other cases were not known to the Syrian Government.

#### Tajikistan

382. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Tajikistan. The Group considered clarified one case which concerned an architect of ethnic Pamiri background, who was allegedly abducted in December 1992 by the Peoples Front, reportedly a paramilitary group, and whose corpse was found in January 1994 in Dushanbe.

383. All of the six cases of disappearance reported to the Working Group were alleged to have occurred between late 1992 and July 1993 in the context of the escalating civil war when pro-government forces took over the capital of Dushanbe.

384. Although a reminder was sent, no information has been received by the Working Group from the Government of Tajikistan. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

#### Thailand

385. During 1994, no new cases of disappearances were transmitted by the Working Group to the Government of Thailand.

386. The outstanding cases involve two refugees from Myanmar who were allegedly arrested by the authorities on 22 May 1992 in the city of Ranong on

Annex II

DECISIONS ON INDIVIDUAL CASES TAKEN BY  
THE WORKING GROUP DURING 1994

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Mozambique	-	-	-	-	-	-
Myanmar	-	-	-	-	-	-
Nepal	-	-	-	-	-	-
Nicaragua	-	-	-	-	-	-
Nigeria	-	-	-	3	-	-
Pakistan	1	1	4	1	-	-
Paraguay	-	-	-	-	-	-
Peru	3	2	27	15	1	1
Philippines	5	5	-	-	5	2
Romania	-	-	-	1	-	-
Rwanda	-	-	-	-	-	-
Saudi Arabia	-	-	-	-	-	-
Seychelles	-	-	-	-	-	-
South Africa	-	-	-	-	1	-
Sri Lanka	1	5	3 536	2	3	3
Sudan	-	-	-	-	-	-
Syria	-	-	17	-	11	-
Tadzhikistan	-	-	-	-	1	-
Thailand	-	-	-	-	-	-
Togo	10	8	2	-	-	-
Turkey	55	58	14	9	25	8
Uganda	-	-	-	-	-	-
Uruguay	-	-	-	-	-	-



Annex III

STATISTICAL SUMMARY

Cases of enforced or involuntary disappearances reported  
to the Working Group between 1980 and 1994

These statistics do not include cases of disappearance received  
by the Working Group after the adoption of its annual report  
on 9 December 1994

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Sri Lanka	11 441	126	11 381	124	27	34	29	16	16
Sudan	6	-	4	-	-	2	2	-	-
Syria	32	3	15	3	5	12	14	3	-
Tadzhikistan	6	-	5	-	-	1	-	-	1
Thailand	2	-	2	-	-	-	-	-	-
Togo	10	2	10	2	-	-	-	-	-
Turkey	116	10	76	4	11	29	28	7	5
Uganda	20	4	13	2	2	5	1	5	1
Uruguay	39	7	31	4	1	7	4	4	-
Uzbekistan	1	-	1	-	-	-	-	-	-
Venezuela	8	1	4	-	4	-	1	-	3
Yemen	98	-	97	-	-	1	1	-	-
Zaire	23	1	17	1	6	-	6	-	-
Zimbabwe	1	-	1	-	-	-	-	-	-

Annex IV

GRAPHS SHOWING THE DEVELOPMENT OF DISAPPEARANCES IN COUNTRIES WITH  
MORE THAN 50 TRANSMITTED CASES

These graphs do not include cases of disappearance received  
by the Working Group after the adoption of the present  
report on 9 December 1994

# DISAPPEARANCES IN SRI LANKA OVER THE PERIOD OF 1974 - 1994

