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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
DISAPPEARANCES AND SUMMARY EXECUTIONS**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Enforced or involuntary disappearances in Sri Lanka

1. The Asian Legal Resource Centre (ALRC) has brought before the Commission on numerous occasions over the years the issue of enforced or involuntary disappearances in Sri Lanka through written and oral submissions [most recently E/CN.4/2004/NGO/39]. In spite of the recommendations contained in these submissions and those to other U.N. agencies, not a single investigation or prosecution has been initiated into more than 30,000 disappearances in the country.

2. The ALRC and its sister organisation, the Asian Human Rights Commission, jointly published a book entitled *An Exceptional Collapse of the Rule of Law* in 2004. The contents of the publication are primarily based on interviews with 36 Sri Lankan families whose loved ones disappeared during the period of widespread violence in the country between 1988 and 1992. These interviews reveal that these families have suffered not only from the loss of their family members but also from an inability to attain legal redress and justice. Moreover, many families expressed their concern that this era of lawlessness and mass disappearances could once again occur in Sri Lanka because those believed responsible for their loved ones' disappearance are still in the military and police force but now occupy more senior positions. In addition, many family members note that Sri Lanka's judicial system has not substantially improved in the intervening years.

3. Details of these disappearances are contained in the book, and the commission is invited to read it for more in-depth information. However, for the purpose of this submission, a list of the disappeared, their age, place of residence and date of disappearance is provided below:

1. S. A. Chaminda Luxman Senanayake, 19, Divulapitiya, December 16, 1989
2. Warnakulasuriya Arachige Don Peter Michael, 31, Seeduwa, August 5, 1989
3. B. Hemantha Ajith Chandrasiri, 26, Divulapitiya, October 12, 1989
4. Handunkutti Pathiranelage Gamini Sugathasiri, 21, Divulapitiya, October 28, 1989
5. Sudath Premasiri, 30, Kandy, December 15, 1989
6. Herath Mudiyansele Ranjith, 30, Negombo, October 27, 1989
7. Neil Chandraratna, 21, Ridiyagama, October 5, 1989
8. D. G. Wijedasa, about 38, Beliatta, January 10, 1990
9. S. P. K. Prasanna Handuwala, 18, Embilipitiya, December 19, 1989
10. D. D. Rasika Kumara Wijetunga, 16, Embilipitiya, November 6, 1989
11. Pradeep Indika Malwathege, 16, Embilipitiya, November 1989
12. H. K. Palitha Alfred Gamage, 17, Embilipitiya, August 3, 1989
13. Saruna Bandanage Sanath Priyantha, 16, Embilipitiya, August 3, 1989
14. Rajapakshage Lalith Upul Shantha, 17, Embilipitiya, September 6, 1989
15. Y. V. A. Munidasa Susil, 17, Embilipitiya, October 12, 1989
16. Y. V. A. Munidasa Susantha, 19, Embilipitiya, November 18, 1989
17. Milan Manelka de Silva, 16, Embilipitiya, December 1, 1989
18. Girambe Gedara Samarasinghe, Kandy, October 9, 1989
19. Galapita Gedara Karunananda, Nugawella, July 6, 1989
20. Ajith Rohana Gunathilaka, Uduwa, September 1989
21. Abeygoda Gedara Gunawardena, 30, Kandy, May 30, 1990
22. J. H. A. Amarapala, 44, Colombo, January 12, 1989
23. Sunil Jayawardhana, 35, February 1989

24. M. Luxman Gunawardhana, 24, October 10, 1989
25. S. A. Samantha Kalyana Senanayake, Divulapitiya, October 9, 1989
26. S. A. Leelarathna, 29, Veyangoda, June 16, 1989
27. W. P. Lalith Wijerathna, 30, Colombo
28. W. P. Ranjith Wijerathna, 28, Colombo, December 12, 1989
29. H. U. Piyal Somarathne, 37, October 18, 1989
30. Shiranta Peris, 24, Negombo, October 29, 1989
31. Amitha Jayalath, 26, November 28, 1989
32. Yaman Gedara Jayasooriya, Rangala, September 9, 1989
33. Upul Nishantha Kumara, 17, Peradeniya, January 9, 1990
34. U. G. Janaka Saman Kumara Siriwardana, 18, and U. G. Chaminda Srinath Weerasinghe, 17, Panwila, November 19, 1989
35. Santha Kumara, 15, Kandy, November 9, 1990
36. R. B. Ananda Rajaguru, Katugastota, August 13, 1989
37. R. B. Samannatha, Katugastota
38. Lichchowi Nisanthe Weerasinghe, 19, Kandy, November 1989
39. K. S. Wasanthe Gamini Abeywickrama, 22, Maussawatte, September 19, 1989
40. Kossinna Gamarallage Ranasinghe, 30, Hair Park tea factory, October 9, 1989
41. Hettiwatte Gedara Sunil Rajarathna, Randenigala, January 6, 1990
42. Kiripitige Shelton Fernando, 28, Seeduwa, December 7, 1989

4. The Asian Legal Resource Centre once again urges that a law on enforced disappearances be enacted in Sri Lanka and in this regard reiterates the following recommendations that had been made earlier to the Government of Sri Lanka to ensure that the Minister of Justice

- a. Refers the matter to the law drafting commission without delay.
- b. Directs the law drafting commission to prepare the said law in keeping with the spirit and letter of the Working Group recommendations.
- c. Ensures that he receives a draft as soon as possible.
- d. Places the draft before the cabinet and brings it as a bill before parliament immediately thereafter.
- e. Takes all necessary steps so that the draft goes through the normal procedure of entering into law without undue delay.

5. The Asian Legal Resource Centre also reiterates that there needs to be a procedure to act on the recommendations by United Nations human rights bodies, in this case, to ensure successful prosecution of alleged perpetrators. The government must appoint the necessary authoritative bodies to ensure that its obligations under the ICCPR be fulfilled. As no such body has been appointed, to date, the Working Group's recommendations have been meaningless. Various commissions without powers to conduct criminal investigations were appointed, but these have only resulted in the granting of virtual impunity to the accused. The fact-finding inquiries made by the National Human Rights Commission also are inadequate. And as pointed out in previous

submissions, the current prosecution system, functioning within the Department of the Attorney General, is defective because it depends entirely on criminal investigation files to be made available by the police for the department to begin action on any crime. This allows the Department the excuse that it has not prosecuted known crimes because the necessary files have not been brought to it by the police. For the Government of Sri Lanka to meet its obligations under the ICCPR, it must appoint a separate body with powers and resources to investigate and prosecute the alleged perpetrators without delay.
