

taining to detention to ensure that they conform with the provisions of the Convention;

- ♦ ensure that all allegations of torture — past, present and future — are promptly, independently and effectively investigated and that the recommendations arising from these investigations are implemented without any delay;
- ♦ while continuing to remedy, through compensation, the consequences of torture, give due importance to prompt criminal prosecutions and disciplinary proceedings against those responsible;
- ♦ strengthen the Human Rights Commission and other mechanisms dealing with torture prevention and investigation, and provide them with all the means necessary to ensure their impartiality and effectiveness; and
- ♦ make a declaration in favour of articles 21 and 22 of the Convention (complaints procedures).

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1998/44, paras. 6, 14, 15)

The report notes that the Working Group received information from the government related to Decision 1/1996 indicating that seven of the persons named had since been released and, in the case of the eighth individual, no person by the name given had been taken into custody.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1998/43, paras. 3, 13, 24, 25, 34, 40, 42, 63, 341–350)

On the question of compensation for victims, or relatives of victims, of enforced or involuntary disappearances, the report refers to information provided by the government indicating, *inter alia*: compensation is paid to next of kin of persons who have died or sustained injuries as a result of violence, terrorist activity, related security operations, and consequent to civil unrest; the Registration of Deaths (Temporary Provisions) Act No. 2 of 1995 provides for the registration of deaths of persons reported missing and for associated matters; and — with respect to persons who have died in the course of civil disturbances, as a result of violence and terrorist activity — a particular procedure has been established which requires that only one year must have passed before next of kin may apply to register the disappearance. The report notes that, as of August 1997, the state had paid compensation in relation to 5,991 deaths; approximately US\$1,694,900 was allocated by the General Treasury for 1998 for the purpose of paying compensation to families, including dependants of “missing persons”; and, as of 30 June 1997, 9,096 cases were pending payment.

Since 1980, 12,208 cases of disappearance alleged to have occurred in Sri Lanka have been reported to the

Working Group (WG). The cases occurred in the context of two major sources of conflict: 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 the 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 the JVP resorted to the use of extreme violence in the contest for state power. Cases reported to have occurred since 11 June 1990, the date of resumption of hostilities with the Liberation Tigers of Tamil Elam (LTTE), have taken place primarily in the Eastern and North-Eastern Provinces. 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 the LTTE.. Tamil persons internally displaced, staying in informal shelters such as church or school centres, were 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.

The report notes that the number of disappearances in Sri Lanka increased steeply following the resumption of hostilities in 1995. The persons concerned were mostly young Tamil men, many of them poor farm labourers, fishermen, or students from Trincomalee. During the period under review, 695 newly reported cases of disappearances were transmitted to the government, 77 of which reportedly occurred in 1997. The vast majority of the newly reported cases occurred during 1996 in Jaffna, Batticaloa, and Mannar districts, frequently in the context of “round-up operations” by military personnel.

The WG noted that serious concern was expressed over the increase in the number of reported cases of disappearances during the past year. Information indicated, *inter alia*, that: since the security forces regained control over the Jaffna peninsula in late 1995, the total number of disappearances is the highest since 1990; the security forces resort to disappearances in reprisal for attacks on them by members of LTTE; such disappearances frequently occur after the persons concerned are taken into custody during “round-up operations”; the Prevention of Terrorism Act and Emergency Regulations facilitate such violations, as does the failure of the government to bring the perpetrators to justice; and, the payment of compensation to affected families continues to be very slow.

The government provided information on 56 individual cases, noting that the vast majority of the persons named had been released from prison or were out on bail, five persons were detained, and one was said to have been killed. The government also stated that: the number of alleged disappearances decreased during 1997 due to its efforts to protect human rights; the International Com-