



# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

## COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

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Geneva

### **ICJ urges Sri Lanka to ratify Convention against Enforced Disappearances**

The International Commission of Jurists (ICJ) today urged the Government of Sri Lanka to reaffirm its commitment to ending and preventing enforced disappearances by signing and ratifying the *International Convention for the Protection of All Persons from Enforced Disappearance* and passing enabling laws giving effect domestically to the provisions of the Convention. The Convention was adopted by the General Assembly of the United Nations on 20 December 2006.

Allegations of disappearances in Colombo and in the North and East of Sri Lanka have continued to be received. In the majority of cases, it is not possible to verify who is the perpetrator. The Government of Sri Lanka should take urgent steps to prevent this heinous crime, investigate allegations and, where evidence is available, bring to justice before ordinary criminal courts those responsible for the crime.

“Given the history of enforced disappearances in Sri Lanka, the ratification of the disappearances Convention would be a historic step. It would send a clear political message that this heinous crime is not tolerated by the Government”, said the ICJ.

Since its establishment in 1980, the United Nations Working Group on enforced or involuntary disappearances has received over 13,000 cases from Sri Lanka. In the early 1990s, four Presidential Commissions of Inquiry confirmed over 20,000 cases of enforced disappearances.

The ICJ welcomes efforts by the Government of Sri Lanka in the 1990s to resolve many of these cases, with over 15,000 death certificates issued and over 12,000 families compensated. However, there have been very few prosecutions of those responsible for these enforced disappearances.

“The failure to hold accountable those responsible for disappearances creates a culture of impunity. Today, we see the legacy of impunity: continuing gross human rights violations”, said the ICJ.

The ICJ is concerned that with continuing impunity and an escalation of the armed conflict, Sri Lanka could again see a return of the practice of enforced disappearances.

The 1999 report of the UN Working Group on enforced or involuntary disappearances found that the Emergency Regulations and the currently suspended *Prevention of Terrorism Act*, elements of which have been incorporated in the new counter-terrorism regulations adopted December 2006, were the main reason for the continuation of enforced disappearances. The ICJ calls on the Government and Parliament of Sri Lanka to immediately carry out a full review of security-related legislation.

The ICJ also renewed its call for the establishment of an international human rights field operation in Sri Lanka, which would contribute to verifying the whereabouts and circumstances surrounding alleged enforced disappearances.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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## Background

The *International Convention for the Protection of All Persons from Enforced Disappearance* is the result of immense and sustained worldwide efforts by associations of relatives of disappeared persons and non-governmental organizations, since 1981, when the first conference on a United Nations treaty on enforced disappearances took place and in which the ICJ participated.

The Convention states that enforced disappearance constitutes an international crime and establishes an absolute right not to be subjected to enforced disappearance. It sets out State obligations to prevent enforced disappearances, such as a prohibition on secret detentions; a requirement that people be detained only in officially recognized and supervised facilities that maintain records of all detainees; a requirement that the State ensure that all detainees are able to challenge in court the legality of their detention (*habeas corpus*) and the right to obtain information on detainees.

The Convention reaffirms the right to truth and reparation for victims and their relatives as well as the right to form associations and organizations to fight against enforced disappearances.

The Convention provides for the establishment of a Committee on enforced disappearances that, in addition to functions of monitoring and consideration of individual and inter-state complaints, has the power to undertake field inquiries and to alert the United Nations General Assembly of situations of widespread and systematic practices of enforced disappearance.

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