

# AMNESTY INTERNATIONAL

£SRI LANKA:

@UPDATE ON COMMISSION OF INQUIRY TO INVESTIGATE NEW CASES OF  
"DISAPPEARANCE"

April 1991

AI INDEX: ASA 37/12/91  
DISTR: SC/CO

The Government of Sri Lanka has provided Amnesty International with further details about the recently established commission to inquire into reported cases of "disappearance" which occur after 11 January 1991<sup>1</sup>.

The commission was established by President Ranasinghe Premadasa under an official Gazette notification, which explains that "allegations are being made that persons are being involuntarily removed from their places of residence by persons unknown, and that the whereabouts of such persons so removed are not known" and that it has therefore "become necessary to ascertain the veracity of such complaints and to recommend immediate measures to prevent the occurrence of such alleged illegal activity, and to take steps according to law against any person or persons or groups found to be responsible therefore".

Under the Gazette notification, the commission is empowered to investigate and report on:

- "(i) any complaints of such alleged removal, and/or the subsequent lack of information of the whereabouts of the person or persons so removed;
- (ii) the evidence available to establish the truth of such allegations;
- (iii) the present whereabouts of the person or persons so removed;
- (iv) the identity of the person or persons or groups responsible;
- (v) the evidence available to establish the truth of such allegations.
- (vi) the steps at law to be taken against such persons responsible;
- (vii) whether such illegal acts took place by reason of any lack of legal provision in the present laws relating to law enforcement;
- (viii) the remedial measures necessary to prevent the future occurrence of such illegal activity."

The Gazette notification specifies that the commission is empowered to investigate reported "disappearances" which may occur between 11 January 1991 and 11 January 1992 and that it must report to the President within fifteen months of its establishment. It leaves

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<sup>1</sup> For Amnesty International's initial comments on the establishment of the commission, based on press reports, see Sri Lanka: Commission of Inquiry Announced to Investigate New Cases of "Disappearance" of February 1991 (AI Index: ASA 37/04/91).

open the working methods to be used, empowering the commission to "hold all such inquiries and make all other investigations ... as may appear necessary". The commission may conduct its inquiries in private at its discretion.

The public have been invited through the press to submit information to the commission in writing. The press notification indicates that there may be public sittings of the commission, the dates of which will be publicly notified.

Although initially established with only three members, Amnesty International recently learned that two additional members have been appointed to the commission, one of whom is a member of the Tamil community.

Amnesty International hopes that the existence of the commission will help deter future "disappearances". However, it regrets that no mechanism has yet been established to investigate the tens of thousands of "disappearances" believed to have taken place in Sri Lanka in recent years. The organization understands from government officials that it would be possible for the term of office of the commission, and for its terms of reference, to be extended at a later date. Amnesty International believes that this may be necessary, especially if the commission is to be able to investigate the large number of "disappearances" currently being reported from northeastern Sri Lanka (which apparently have not yet been submitted to the commission for investigation).

Amnesty International has previously recommended that full, impartial investigations be held into reported "disappearances" and extrajudicial executions. Such inquiries should meet internationally approved standards for the impartial investigation of human rights violations, such as those set out in the UN Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and the Declaration against Torture<sup>2</sup>. These standards include granting the commission powers to protect complainants and witnesses from violence, threats of violence or any other form of intimidation; the requirement that the report of the commission be made public, and that it should include the evidence on which the findings are based as well as details of the methods, conclusions and recommendations; the requirement that the government's response to such findings should also be made public. In addition, it is important that such a commission be empowered to recommend steps to be taken to compensate victims or their relatives.

The terms of reference of the commission of inquiry into new cases of "disappearance" in Sri Lanka do not include all of these points. Amnesty International urges the government of Sri Lanka to ensure that the terms of reference of the commission fully correspond with the conditions specified in such international standards.

**INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ,  
UNITED KINGDOM**

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<sup>2</sup> See for example Sri Lanka: Extrajudicial Executions, "Disappearances" and Torture, 1987 - 1990, (AI Index: ASA 37/21/90), September 1990 and Sri Lanka: Amnesty International renews call for inquiries into human rights abuses, (AI Index: ASA 37/WU 05/90), 7 December 1990.