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THE INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM

IMADR Oral Statement: 22nd Session of the Human Rights Council**Item 3: Interactive Dialogue with Working Group on Enforced or Involuntary Disappearances**

5 March 2013

Thank you Mr. President,

IMADR welcomes the efforts, activity, the report and recommendations of the Working Group (WG) and express its sincere and continuous support to the irreplaceable work of WG. We also commend the work of WG that clarified 298 cases in the past five years and welcome the inclusion of thematic section in its report. However, adequate resources and assistance needs to be provided to the WG in order for it to fully realize its mandate. As WG states, over 40.000 cases are still to be clarified, though the number only refers to those reported to WG. Despite the efforts of all committed parties, the issue of disappearance is still serious challenges in many countries and societies.

Mr. President,

While commending the work of WG, it is inevitable to stress that the primary responsibility lies with the States to effectively deal with the cases of disappearances and bring about justice to the victims and their families. And indeed, it is the obligation of States to investigate, prosecute, and punish those responsible for the disappearances as also stressed by the WG. The experience in some countries clearly indicates that the States concerned are often able to fulfil this obligation. Rather than actually capacity question, however, it is more about the willingness and readiness of the State actors to genuinely face and deal with accountability, ensure the rule of law and tackle the issue of impunity. Moreover, State governments must take all necessary measures to provide proper protection of witnesses, families, lawyers and HRDs seeking for justice in their cases.

We strongly support the statement of WG that emphasized that *“all families of the disappeared, even though those disappearances occurred decades before, should enjoy the right to the truth, the right to justice and the right to reparation”*. Family members of the victims are searching for their beloved, waiting for the truth and justice. At times themselves facing the risk of disappearance, reprisals and intimidation. The Government of Sri Lanka has failed to address the large number of disappearances. Ms. Eknaligoda, wife of the disappeared, has been struggling for the last three years using the existing national mechanisms to no avail. Others have lost confidence in the judiciary due to the impeachment process and the subsequent appointment of the Chief Justice who made contradicting statements on the disappearance of Prageeth Eknaligoda. For the families, the matter is urgent. We cannot give time, nor space, for denial and contradictions. We urge the government of Sri Lanka to invited the WG for country visit, for the sake of thousands of the families waiting for justice.

Against this backdrop, we would like to ask WG, what kind of “systematic reaction” it can recommend to counter and prevent reprisals, to the HRC, to the other Special Procedures and to civil society. In addition, could the reprisal be taken up by WG in their thematic activity.

Thank you Mr. President.

IMADR is an NGO in consultative status (Special) with the Economic and Social Council of the United Nations