



Transitional Justice in Sri Lanka:

Will it deliver for the victims of enforced disappearances?

Side event at the UN Human Rights Council: Monday 5 March from 16h00 to 18h00
Room XXIV

Welcome and moderator:

Representative of the Office of the UN High Commissioner for Human Rights

Panellists:

Mr **Pablo de Greiff**: Special Rapporteur for Truth, Justice, Reparations and Guarantees of non-recurrence

Mothers of the disappeared from the Tamil, Sinhalese and Muslim communities of Sri Lanka

The effectiveness of transitional justice mechanisms and their ability to answer the urgent calls of victims' families depends in large part on the trust and confidence of affected communities. The side event aims to contribute by providing an opportunity for the families of the disappeared to share the stories of their loved ones, to relate their own experience, to present their ongoing struggle for truth and justice and to contribute to the practical shaping of an Office on Missing Persons (OMP) that will fully address their concerns.

Background

In 2015, the Government of Sri Lanka committed itself to embark on a comprehensive programme of transitional justice. In this context, Special Rapporteur Pablo de Greiff has undertaken a series of advisory visits that culminated in November 2017 in a country visit, the report of which will be presented to the Human Rights Council in September 2018.

Appointments of Commissioners to serve in the first transitional justice mechanism, the Office on Missing Persons (OMP), have just been announced (see attached article). For victims throughout the country, and especially for the families of those who were forcibly disappeared, this is long overdue. Mothers, wives and children of Tamils who surrendered to the Sri Lankan armed forces at the end of the armed conflict almost a decade ago, still await news on the whereabouts or fate of their loved ones. The families of disappeared Sinhalese youth caught up in the JVP uprisings in the 1970s/1980s have waited even longer. They are joined by the families of media operatives and other critics of former government policy, from all communities, whose plight remains to be clarified.

Latest on The Office on the Missing Persons (OMP)

Article from Sri Lanka Daily News: Zahrah Imtiaz, 1 March 2018

Saliya Peiris to head OMP

President Maithripala Sirisena yesterday confirmed the appointments of the seven members to the Office of the Missing Persons (OMP) which was established in September 2017. At a meeting held at the Presidential Secretariat, the President appointed President's Counsel Saliya Peiris as Chairman of the Office with six others also being appointed as members to work with him.

The members are: Jayatheepa Punniyamoorthy, Major General Mohanti Antonette Peiris, Dr Sriyani Nimalka Fernando, Mirak Raheem, Sumanasiri Liyanage and Kanapathipillai Venthan.

OMP Chairman Peiris speaking to Daily News said all members would meet next week to decide on their future course of action and how the office would be set up. The OMP (establishment, administration and discharge of functions) was established through Act No.14 of 2016 and amended by Act No.9 of 2017 and came into effect on September 15.

The Act stipulated that the OMP would, "Provide for the establishment of the office on missing persons; to provide for the searching and tracing of missing persons; to provide assistance to relatives of missing persons; for the setting up of a database of missing persons; for setting out the procedures and guidelines applicable to the powers and functions assigned to the said office; and to provide for all matters which are connected with or incidental to, the implementation of the provisions of this act".

In December 2017, the Constitutional Council nominated the names of seven persons to the OMP, having selected them from over 100 applications and the 2018 Budget allocated Rs 1.4 billion for the OMP.

The OMP is one of the four big transitional justice mechanisms proposed by the government, others being an office to handle reparations, a truth commission and a judicial mechanism to address allegations of wartime abuses.

According to the last Paranagama Commission appointed to investigate into missing persons; close to 19,000 persons have been confirmed to have gone missing during the three decade war. The UN Working Group on Enforced or Involuntary Disappearances has recorded 12,000 cases of enforced disappearances related to the Janatha Vimukthi Perumuna (JVP) uprisings and during the armed conflict between Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan government forces from 1980 to 2010.