



வலிந்துகாணாமல் ஆக்கப்படலோர் உறவுகளின் சங்கம்
கிமக்குமாகாணம் அம்பாரைமாவட்டம்
Association for Relatives of the Enforced Disappearances
Eastern province - Ampara District

பதிவு இல }
Rgd No }

பிரதானசுந்தை தம்பிலுவில் - 02

திகதி }
Date } 29.02.2024

From,

Mme Selvarani Thambirasa
Association of relatives of the enforced Disappearances
Vagrichavavithi, Thirukkivilurmundu
Ambarai District

29th February, 2024,
Amparai,

Appeal from Associations for relatives of the Enforced Disappearances in Amparai, 2200 days of protest: 'We need an international justice mechanism!'

Failure to protect Tamil Civilians in War and UN Responsibilities, End arbitrary arrests, reprisals against human rights defenders and activists advocating against Tamils' Enforced Disappearances in Sri Lanka.

We are members of Associations for relatives of the Enforced Disappearances in Amparai district in Sri Lanka strongly condemn the ongoing persecution and reprisals by Sri Lankan authorities against the leaders and activists of the Associations for relatives of the Enforced Disappearances North and East Provinces of Sri Lanka, for last 15 years we are living under Sri Lankan security forces reprisals and continuous harassments.

Sri Lanka has the world's second-highest number of cases registered with the United Nations Working Group on Enforced or Involuntary Disappearances". An estimated 100,000 Tamils have been forcibly disappeared.

Last August 2021, Sri Lankan Minister, Dinesh Gunawardena, claimed without evidence that victims of enforced disappearance are secretly living abroad.

The statement further takes issue with former President Rajapaksa's commission into "political victimisation" which seeks to exonerate senior military officials implicated in these disappearances and instead of prosecuting the police investigating the case.

For the past Seven years, we have been part of a group participating in a continuous protest in all 8 districts, and today marks 2000th days, asking the simple question, "Where are they?" But to find the answer to the simple question is a very complex process fraught with evasion, denial and politics. While the previous government set up an Office on Missing Persons which we don't recognize any credibility's, that has found no one yet nor brought any of the guilty to book, President Gotabaya Rajapaksa and his government deny the very concept of the missing. They refuse to accept the possibility that all Sri Lankan Genocidal military which they called some "war heroes" may in fact have flouted the rules of war. This is despite many eye witness accounts of enforced disappearances over the decades and especially during the end of the war. Enforced disappearances are continuing to this day; just recently groups of young men have been arrested under the PTA and their families are unable to gain access to them.



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In order to keep up our cause alive and to bring it to the notice of our last hope – the international community – the mothers from eight districts in the north and east went on a protest march for last 8 years in all 8 districts.

The persecution and intimidation of the Tamil mothers and wives have intensified under this government. Military intelligence officers visit their houses regularly warning us not to participate in protests. For some mothers is a stark choice – do I keep looking for my missing child and put my remaining children in danger or should I just give up?

The mothers of enforced disappearances are under discrimination from Sri Lankan authorities, We are unable to get loans from banks when the officers know we are involved in the protest movement. Sometimes We are able to get help from neighbours and relatives, but even the relatives have fear to have any link with us because of TID, STF, Sri Lankan Police, Sri Lankan military, Sri Lankan Navy and other intelligent service's continuous harassments.

Despite the harassment, we are determined to continue our quest for justice. The government wants us to stop because it is a disturbance for them. If families don't participate in the protests the issue will be forgotten. That is why all mothers from 8 districts are continuing.

We continue our search for our husband, our sons, our daughters, we believe they are alive. We will keep looking until we know what happened to them. If They are dead, how did they die? We are not afraid of the army. We want to know what happened.

For last 15 years all Leaders from 8 districts, Association of Relatives of Enforced Disappearances, had used all domestic process and there are no any single results, from Sri Lankan authorities.

As Sri Lanka's abandonment of truth, justice, human rights and the rule of law is being discussed at the 49th sessions of the UN Human Rights Council, it has been announced that President Rajapaksa, who has referred to the missing as being "already dead", will meet the families of the disappeared to "bring closure to this issue and give the families a solution."

During 51st Session the Current President Ranil Wikramasinghe also rejected to collaborate with Human Rights Council, for Tamils victims of Sri Lankan genocidal government only international mechanism is unique solution.

Nearly 180 mothers and relatives who are part of our protest for last 8 years, have already died without knowing what has happened to their children, the last Just 12 weeks ago. Some mothers are too sick to join the protests, so attendance is low. But despite these adversities, they are determined to carry on.

Office of Missing Persons

Commenting on the Office of Missing Persons established under the Sirisena administration, we already highlighted the failure of the institution to win the trust of victim's families and the no any single progress it made.

However, we note that Rajapaksa's recent appointments to the office have gravely undermined its independence.



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The appointments include Jayantha Wickramaratne, a former policeman accused of destroying evidence in the murder of journalist Lasantha Wickrematunge, and Upali Abeyrathne, who led last year's commission seeking to exonerate alleged perpetrators.

In June 2016, the Cabinet approved draft legislation which would provide 'certificates of absence' to families who are unable to locate missing family members, thereby creating a legal status for the thousands missing and easing family members' access to legal processes such as succession of land and payments of pensions. There has however been very little public awareness about the benefits of such a Certificate, and the apprehension (as pointed out in the CTF report) surrounding these Certificates may prevent families from applying. According to the Office on Missing Persons Act, these Certificates can be issued by the Registrar General, upon the issuance of either an interim report, or a report upon the conclusion of investigations by the OMP. However when speaking to the media, OMP Chairman Saliya Peiris stated that Certificates of Absence would be issued by the regional offices of the OMP. While the circumstances surrounding the issuance of these Certificates is unclear, there is no public information of how many (or if any) Certificates of Absence have been issued.

We further highlight the government's repeated harassment and threatening of victims' families, as well as lawyers and organizations representing them.

Tamil activists been "abducted, tortured and raped because of their involvement in the search for the truth about the disappeared in Sri Lanka".

Marking International Day for the Victims of Enforced Disappearances, the Association for Relatives of the Enforced Disappearances have called on UN High Commissioner, **Volker Türk**, to reject the Sri Lankan Government's Office of Missing Persons (OMP) and instead pursue an international inquiry into the fate of those forcibly disappeared.

In our statement, we detailed the dire situation in Sri Lanka with over a decade passing since the end of the armed conflict and still no account for their missing loved ones. Sri Lanka has the world's second-highest number of cases registered with the United Nations Working Group on Enforced or Involuntary Disappearances. An estimated 100,000 Tamils have been forcibly disappeared by Sri Lankan security forces. Following this refusal, we began our protests and would demonstrate outside these offices. In turn, the government began to open these offices in secret.

In their letter, we note that the Former High Commissioner's praise for the OMP as a step in the right direction. The High Commissioner has since raised concerns about "recent appointments to the Office of Missing Persons and Office for Reparations".

In May 2021, former Inspector General of Police, Hapu Arachchige Jayantha Shantha Kumara Wickremaratne was appointed to the Office of Missing Persons despite the widespread outcry.

It's hard to make this up – the man who was in charge of three police units named by the United Nations investigation as involved in mass enforced disappearances at the end of the war is now investigating the disappearances himself.



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Given the failures of the OMP, Is it reasonable for the UN to abet the Sri Lankan Government to thrust the OMP on us? The international community and UN should accept the fact that the OMP is incapable and advise the Sri Lankan Government to abolish the OMP immediately and refer Sri Lanka to the ICC.

It has been 2,350 days since we began their roadside protests across the eight districts in the North-East. Over the years, over a hundred participants in these protests have died without learning the fate of their loved ones. Due to the state-imposed lockdown, these families chose to continue their protest at home, lighting lamps.

How can we accept the claim by the President of Sri Lanka that no one is alive, we [...] had been eyewitnesses when our loved ones were handed over to the Sri Lankan army in 2009?"

The same person to whom we handed over our relatives, has become the President of Sri Lanka then as president also he doesn't do any progress toward Justice for Tamils.

We are called upon children organisations such as UNICEF, Children Fund, and Save the Children to ask what steps you have taken to rescue our children.

3 years UNICEF faced intense criticism after it decided to collaborate with the war crimes accused Sri Lankan Prime Minister, Mahinda Rajapaksa to produce a video for children on the coronavirus.

United Nations Investigations & Proposed Tribunal

In 2014, the UN High Commissioner for Human Rights established the OHCHR Investigation on Sri Lanka (OISL) to investigate alleged human rights violations in the country committed by government forces against Eelam Tamils from February 1983 to November 2011. In a 2015 OHCHR report on Sri Lanka, the OHCHR confirmed "patterns of grave violations" and urged for the "creation of a hybrid special court" to address allegations of war crimes and crimes against humanity, finding that Sri Lanka's criminal justice system "lacks a reliable system for victim and witness protection and has been corrupted by decades of emergency, conflict and impunity."

While Sri Lanka voluntarily committed to provide accountability and redress for all human rights violations committed during the civil war in UN Human Rights Council resolution 30/1 on the *Promotion reconciliation, accountability and human rights in Sri Lanka*, and reaffirmed this commitment in 2017 and most recently in Human Rights Council resolution 40/1 in 2019, it has consistently rejected the establishment of a hybrid special court.

In February 2020, Sri Lanka announced that it would no longer honor its commitments in resolutions 30/1 and 40/1 to "establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law," among others. *See* Permanent Mission of Sri Lanka to UN, *Foreign Relations Minister meets UN High Commissioner for Human Rights*. The announcement follows previous statements by now President Rajapaksa, declaring that once his government took office, Sri Lanka would no longer cooperate with the UN Human Rights Council, and would instead prioritize purely domestic reconciliation and accountability. In response, civil society organizations have called on the Human Rights Council to establish an international accountability mechanism and conduct international investigations and prosecutions to ensure justice for the victims of the conflict.

The update further noted the UN Human Rights Council (UNHRC) adoption of resolution 46/1 in March 2021 which expressed serious concern over human rights in Sri Lanka and stressed the need for a "comprehensive accountability process for all human rights violations and abuses



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committed in Sri Lanka". The resolution also called for the collection and preservation of evidence that may be used in a future war crimes tribunal.

Those UN Human Rights Council (UNHRC) Resolutions on Sri Lanka totally failed to recognize who are the victims in Sri Lanka, and also continue to give time to Sri Lankan government and victims continue to deny Justice.

International Justice

Instead, we have called for an international investigation into the genocide in Sri Lanka and to inquire into the fate of our loved ones, because we don't have any hope in any domestic mechanisms.

We trust that the International Criminal Court (ICC) is the only solution for justice. We will continue our protests until our demands are met.

We call upon United Nations member States and other affiliated UN agencies to adopt, as a matter of utmost urgency, the following measures:

(a) Recognize the genocide resolution passed unanimously in the Northern Provincial Council of Sri Lanka on 10th February, 2015.

(b) Direct appropriate measures at the International Criminal Court outlining that the affected Tamil people have no faith in any domestic commission or inquiry.

- United Nations Human Rights Council Members to have a new Resolution under Agenda 4 to appoint a special Rapporteur to monitor and investigate ongoing human rights violations and repression against the Tamils.

- We need to have a special session at Human Rights Council on Sri Lanka for refer the Sri Lanka to the International Criminal Court by security council.

- All political detainees to be released or brought to justice without any further delay.

- It is well known that the victims of Genocide in Sri Lanka are Tamils in the hands of Sinhala Government and its security Forces. However, the Victims of Genocide, War Crimes, and other Crimes against Humanity, naming words, Tamils has been consciously, omitted and never mentioned in any of the Resolutions of HRG and other UN reports. We therefore request your good self to investigate this omission and needful mention the word "TAMILS" wherever right.

To the Parliament and civile society to:

- Bring a Resolution to recognize Tamils Genocide by Sri Lankan State

- In order to bring Tamils issues under the spotlight and restoring Tamil's trust in the political leadership, please organize in your country Parliament, two/three days annual session focused on the prevailing issues of Tamils. A focused discussion in the house, on the status and standards of Tamils, Tamils security.

- Organize a hearing at parliament foreign affairs committee with foreign affairs minister

- Please Help us to ensure to protect human rights defenders in Sri Lanka to carry out their legitimate work, in a safe and enabling environment without fear of threats, acts of intimidation or reprisals of any kind witnesses and families seeking truth and justice, and failed to prosecute those against whom there was evidence of wrongdoing.

To the UN Special rapporteurs and treaty bodies experts.

We recall the mandates of the UN Special Procedures to send communications on human rights violations to governments, to report to the Human Rights Council and General Assembly, and to



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give recommendations to bring an end to abuses and the climate of impunity. In light of the above, our organizations call on the relevant UN Special Procedures mandates to:

- Please Help us to ensure to protect human rights defenders in Sri Lanka to carry out their legitimate work, in a safe and enabling environment without fear of threats, acts of intimidation or reprisals of any kind witnesses and families seeking truth and justice, and failed to prosecute those against whom there was evidence of wrongdoing.
- All political detainees to be released or brought to justice without any further delay.
- Please Recognize the Tamils as Victims in North and East of Sri Lanka, United Nations Human rights Council continue to not recognize who are the victims in occupied Tamils Homeland.
- Condemn Sri Lanka's continued lack of cooperation with UN human rights mechanisms, including the denial of implementation of country visits to UN Special Rapporteurs as well as UN investigatory mechanisms, thereby undermining international efforts to establish the facts surrounding Sri Lanka's widespread and systematic human rights violations and entrenching Sri Lanka's pervasive impunity;
- Pressure Sri Lanka to Adopt the Rome Statue of the International Criminal Court, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Protocols additional to the Geneva Conventions of 12 August 1949.

To UN Special-Adviser on the Prevention of Genocide Mme Wairimu Nderitu

- We respectfully request the opportunity to brief you on the work of the Coalition of more than 13800 Organizations directly or via an online platform. In your remarks at the International Day to Commemorate the Victims of Genocide we urge you to highlight the importance of reparations for victims of Sri Lankan Genocidal Army's atrocities and encourage the Government of Sri Lanka to expedite the passing of the draft Reparations Bill. Finally, we request your Office to consider writing a report on the nexus between the non-repetition of genocide and reparations. To have a panel of discussion with Eelam Tamils Victim of Genocide in Sri Lanka

Thank you very much

Yours Sincerely

Mme Selvarani Thambirasa

Amparai District