



வலிந்து காணாமல் ஆக்கப்பட்டவர்களின் உறவுகளின் சங்கம்

வடக்கு கிழக்கு மாகாணங்கள்

Association for Relatives of the Enforced Disappearances
North & East Provinces

கண்டி வீதி, கிலினொச்சி

Kandy Road, Kilinochchi

11.09.2021

M.s.Michelle Bachelet Jeria,
UN High Commissioner for Human Rights,
OHCHR,
Geneva.

Your Excellency,

Thrusting OMP on the victims in lieu of fair justice

We the Relatives of the Enforced Disappearances in the North and East of Sri Lanka would like to bring the following matters for your kind attention and consideration.

Upon armed conflict came to an end, In the wake of this, the Sri Lanka Government and the Sri Lanka military had ,through loud speakers, announced to surrender, all LTTE militants and all those who had close contact with the LTTE movement, before the Sri Lankan military and repeatedly promised that the surrenders would be rehabilitated and released. Believing the fake promise of the Sri Lankan army we had handed over our kith and kin to the army. Some of our loved ones voluntarily surrendered in front of us. Some of our relatives surrendered with their whole family including babies and infants. Out of these surrenders there were more than 30 infants and babies. What has happened to them? What crime committed by them? What is the action taken by the international world to rescue these babies? After our relatives surrender to the army, we were sent to various welfare centers. We were searching for our loved ones in many ways while being at the welfare centers. Our loved ones were taken from various welfare centers and from various hospitals while receiving treatment also have gone missing. Many people had been abducted by white van and made to disappear by the Government intelligence group and paramilitary groups within the military controlled area. We have been deprived of our wealth and health condition as a result of wandering in search of the enforced disappearances referred to supra in all army camps, rehabilitation centers and in the prisons. Taking advantage of our mental derangement some people who introduced themselves to be the CID



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had cheated a great deal of money from the innocent mothers saying that they will rescue our loved ones.

As there was no use in wandering in search of our loved ones, all the relatives of the enforced disappearances from all the eight districts who were in search of their loved ones individually earlier, had combined together and commenced incessant protest in front of the Kandasamy Hindu Temple in Kilinochchi effective from 20 th February 2017. On the day of uprising of our incessant struggle we had handed over a memorandum to the UNHRC consisting of our demands. Our protest had gradually expanded to Vavuniya, Mullaitivu, Jaffna, Trincomalee and Amparai Districts. The Government of Sri Lanka, which was inadvertent towards our struggle had, agreed for a meeting with the then president Mithripala Srisena after our 100th day struggle on the 12.06.2017 in which more than 5000 people participated. At the first meeting itself we had elaborated our demands to him and also handed over our demands in writing. At that meeting itself the president had said that our demands are reasonable and assured that our demands would be sorted out very early. However, he failed to fulfill his promise while ignoring our reminders. We met the president for the third time at his office in Colombo after a great effort and asked him about his promise. He retreated from his promise. While having argument with him we told him” Justice will not be meted out by you. We also told him that we will seek justice from the international world. In reply to us, he said you can do that generously and also said “I know how to answer the international world”.

Madam High Commissioner!

The following incidents are few examples of the lack of justice for Tamils in Sri Lanka.

1. Sunil Ratnayake who was convicted and sentenced to death for the murder of eight Tamils in Mirusuvil was granted a general amnesty when the current President came to power. He was also given an immediate promotion as an incentive for the assassination committed by him.



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2. A court case has been withdrawn in the midway, on the instruction of the Attorney General's Department, in order to save guard, the culprits, including Wasantha Karannagoda who were involved in a murder case at the Trincomalee Naval base in which 11 Tamil youths from Colombo were abducted and massacred.
3. In another case Five students were shot dead by the Sri Lankan Security Forces at the Trincomalee beach in January 2006. The magistrate had dismissed the case due to lack of evidence despite Dr. Kasipillai Manoharan, who was the eyewitness and father of one among the five youths killed, was ready to testify at the government inquest.
4. "Habeas corpus" cases were filed by some of the relatives of the Enforced Disappearances in the Sri Lankan courts and these cases were dismissed, and the reason given by the courts was that the petitioners were not able to give the vehicle number in which their loved ones were transported. However, the victims were ready to testify to the courts, to whom their relatives were handed over. How can those who ran for their lives could remember the bus numbers? Who had pen and paper at that time?

If the Sri Lankan government is actually interested to restore our loved ones, they should interrogate the army officers who were in charge for the army check posts at Vadduwagal, Mullivaikkal, Maththalan and Omanthai at the time when the war came to final stage. What could be achieved by investigating the victims again and again? This kind of action could only waste the time and to aggravate our grievances.

A press release was issued by the UN Residential representative in Sri Lanka on the international day of the Disappeared-on 30th August 2021 and in which she had praised the Sri Lankan Government for having established the OMP and the progressive measures taken by the OMP, which is utterly absurd. We



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are very much concerned over her ignorance regarding the OMP. But at the same time there was an important point in her message i.e. “It is essential to build up and maintain the confidence of the victims and the Relatives of the Disappeared in the success of the OMP.” **But what is happening in Sri Lanka?**

We the victims, have worked with dedication in all levels, being the District Chair Person, Secretary, and member of the Consultation Task Force in order to find out the public opinion for the establishment of the OMP and have made our contributions until the final report is handed over to the Government. We are well aware of the urgency with which the OMP was brought in and the opinion of the affected people was not taken into account. So, we had arranged for a meeting with Ms Prashanthi , the Lawyer who was responsible for drafting the OMP bill and Mano Tittawela, the head of the Reconciliation Commission and handed over a written request to build up the reliance of the victimized people by revising the shortcomings listed out by us while setting up the OMP .We had also explained our stand to the then president, Diplomats, and Medias. They did not take anything into account and all the activities were carried out in the most confidential manner without any transparency. Even the OMP offices were opened in the utmost secrecy regardless of our protest. The OMP office for Jaffna was also opened before 5Q clock at dawn. The OMP office for Kilinochchi was secretly opened on 12.08.2021 while Covid 19 travel ban was in force. Even the Medias came to know about this opening of this OMP only after 3 days.

If this OMP is set up in order to help us it should be with transparency and it would have built up our reliance as the UN Residential Representative said. In fact, the OMP is completely an inactive one which was set up hastily in order to reduce the pressure of the UN. With a view to prove the ineffectiveness of the OMP we had discussions with the Chairman of the OMP Mr. Saliya Peris and with various other commissioners on the 17th May 2019. In that meeting we had elaborated the reasons why we are rejecting the OMP. Eventually we had agreed to hand over details of five disappeared cases which have strong evidences and if anyone of them is resolved within three months, then we would trust the OMP we said. Accordingly details of five disappeared persons



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were handed over to the OMP on 2019.07.20. Two years have passed and there has been no response from them other than a letter of acceptance for receiving our document. This alone is enough to prove the in activeness of the OMP.

So far, the Sri Lankan Government has been dragging on the period of time by obtaining time extensions time to time for accountability. The UN also had reduced its pressure after the establishment of the OMP, believing that the OMP would pay way for the accountability and thus the period also had been dragged on. Now the Sri Lankan government is trying to pay compensation to the victims, setting a part, the matter how this disappearance took place and who was the wirepuller for this ill-treatment. On the whole what we understand is that the Sri Lankan Government is trying to dilute the enforced disappearance matter. Military intelligence group are intimidating our association members who are functioning actively in our struggle and those who are working hard to take this matter to the international level. Family members also have been intimidated by military intelligence group.

We have been protesting for more than 1660 days, with a bereavement of more than 100 association members, in order to find out what had happened our disappeared loved ones. How unfair is this that the Sri Lankan Government is trying to put an end to the disappearance matter by making reparation to the poverty- stricken mothers without meting out fair justice to our long-lasting issue. This kind of activities will never stop recurrence. The Inter-ethnic conflict will continue. Compensation only will not console the mental stress of the young generation like children, brothers and sisters of the disappeared. So, it will be easy for the anti-social elements to mislead them and our society may degenerate eventually.

Madam Commissioner,

We have submitted with the evidences the incompetent of the OMP for your utmost attention. We are deeply saddened to hear your last year Oral



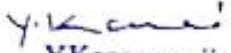
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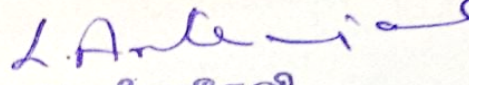
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statement in which you have praise the incompetent OMP which we had already rejected. Hence please refrain from thrusting OMP on us and recommend for a justice mechanism with international investigation and mete out justice before we die.

Thanking you.


Y. Kanaganjini
President
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of the Enforced Disappearance
North & Eastern Province

President


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