



ENFORCED DISAPPEARANCES

According to the International Convention for the Protection of All Persons from Enforced Disappearance, an enforced disappearance is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

People were forcibly disappeared in mass numbers in Sri Lanka in two insurrections led by Janatha Vimukthi in 1971 and 1987-1989, and during the 3-decades long civil war. A large number of journalists have disappeared and many disappearances like the case of 11 youngsters who disappeared after being abducted in Colombo suburbs (known as Navy 11 case) happened in the South as well. Sri Lanka has the second highest number of enforced disappearances in the world according to the United Nations (UN) Working Group on Enforced or Involuntary Disappearances.

Under the UN resolution 30/1, Sri Lanka pledged to establish 4 mechanisms, but only the office of missing persons and office for reparations were established. The parliament passed the Office of Missing Persons (Establishment, Administration and Discharge of Functions) Act in 2016. Ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, Sri Lanka adopted the relevant Act in 2018. However, in 2021 Sri Lanka announced its withdrawal from the UN resolution 30/1. After that, Sri Lanka keeps rejecting all the UN resolutions.

At least 6 commissions have been established after the end of the civil war in 2009, including the proposed truth, unity and reconciliation commission in 2023. The surviving victims and relatives of the victims engaged with the above-mentioned mechanisms, and gave testimonies providing all the evidence. But no commission action has resulted in meaningful outcomes with regard to truth and justice.

Several times in history, the relatives of the disappeared started struggles to demand justice for their disappeared loved ones. In 1984 North-East mothers formed a front seeking justice for their missing and murdered children. Mothers in the south whose children disappeared and were murdered during the 1988-1989 JVP second uprising formed the front seeking justice in 1990. Sri Lanka's civil war had a profound impact on the North-East in 2009. Several reports revealed that thousands of Tamils who crossed into government-controlled areas in the final stages of the war were taken into army custody and are missing ever since.

In February 2017, Tamil families of the disappeared began protesting in Kilinochchi seeking justice for those who surrendered to or were detained by the Sri Lankan Armed Forces during and after the war. The protests quickly spread to all eight districts of the North-East. To date more than 200 relatives, mostly mothers have passed away. This struggle for justice is considered as the longest continuous struggle in Sri Lanka.