

ARCHITECTURE OF DENIAL:
SRI LANKA'S
OFFICE ON MISSING PERSONS

July 2026

INTERNATIONAL
TRUTH
AND JUSTICE
PROJECT

SUMMARY

Sri Lanka's first permanent disappearance commission, the Office on Missing Persons (OMP), mandated in August 2016,¹ has spectacularly failed to deliver truth, accountability or meaningful redress over the last decade.

The OMP in Sri Lanka has been hampered by chronic political interference, inadequate resources, institutional weaknesses raising profound mistrust among affected families. "Many see it as another symbolic gesture rather than a functioning institution of accountability".²

The OMP was conceived as only one component of a broader transitional justice framework that included commitments to criminal accountability, institutional reform, and guarantees of non-recurrence, including a Special Hybrid court. The Government abandoned those commitments soon after co-sponsoring Human Rights Council Resolution 30/1 in 2015. As a result, the OMP became detached from any credible accountability framework and evolved into an institution primarily concerned with "managing" disappearances, rather than investigating them, or securing truth, justice and accountability for victims.

Sri Lanka's experience demonstrates the limitations of pursuing truth-seeking in the absence of accountability. Institutions established without independence, prosecutorial pathways, political will or institutional integrity, risk becoming mechanisms for managing violations rather than addressing them.

Rather than advancing truth recovery and justice, they can deepen victims' suffering by creating the appearance of progress while leaving impunity intact because:

- Truth without accountability risks becoming another form of abandonment;
- Reparations without acknowledgment become another form of denial;
- Reconciliation presupposes acknowledgement, accountability and institutional reform; where impunity persists, genuine reconciliation remains unattainable.

¹ <https://www.omp.gov.lk/about/establishment-of-the-commission>

² https://groundviews.org/2025/09/02/the-unending-suffering-of-the-forcibly-disappeared/?utm_source=chatgpt.com

Where perpetrators remain protected and victims remain without answers, rehabilitation and reconciliation is impossible and inherently unjust. When disappearance mechanisms are severed from justice, institutional reform, and guarantees of non-recurrence, they risk becoming part of the very architecture of erasure they were created to dismantle.

1.COMPILING A DATABASE OF THE MISSING AND DISAPPEARED

Sloppy Definitions

One of the most serious structural defects in the OMPs approach is its failure to distinguish between persons genuinely “missing” and victims of enforced disappearance. An enforced disappearance is not merely a humanitarian concern but a continuing violation of international law and, when committed as part of a widespread or systematic attack against a civilian population, may constitute a crime against humanity. Conflating the two categories obscures questions of state responsibility, command responsibility, criminal liability and victims’ rights to justice and a remedy.

The purpose of documenting patterns of enforced disappearances is not solely to establish the fate and whereabouts of individual victims. It is equally important to identify the chains of command, institutional practices, operational structures and decision-making processes that enabled, facilitated, or tolerated such violations. Enforced disappearances rarely occur as isolated acts; rather, they often emerge as part of broader patterns involving coordinated actions, reflect organised policies, recurrent operational directives, or tolerated practices that were known to, directed by, or inadequately prevented by state authorities. The failure to examine the patterns of disappearances through this broader analytical framework has prevented meaningful examination of command responsibility and institutional accountability, and contributed to the continuing impunity of senior officials who exercised command authority over the institutions responsible.

The failure to distinguish between missing persons and victims of enforced disappearance raises serious questions about the design, priorities and effectiveness of the institution.

Flawed Approach

The right to truth requires states to establish and preserve accurate records of human rights violations, including comprehensive registers of disappeared persons.

International standards further require states proactively to utilise existing official records and previously collected information, rather than place renewed burdens on traumatised victims, survivors and their family members decades after the violations occurred.

Requiring families to repeatedly re-submit complaints and information risks reproducing harm and may itself amount to a form of institutional re-

victimisation. However, in Sri Lanka, families of the disappeared have, over several decades, been required to provide information to successive commissions, investigative bodies, and institutions. This practice raises serious concerns with the states obligations to preserve records, coordinate information effectively, and avoid unnecessary burdens on affected families.

Ignoring its own Mandate

The OMP's mandate explicitly requires it to:

“Collate data related to missing persons obtained by processes presently being carried out, or which were previously carried out, by other institutions, organizations, Government Departments and Commissions of Inquiry and Special Presidential Commission of Inquiry and centralize all available data within the database³”.

However, it is clear the OMP has instead set the clock back to zero and started afresh. This means the onus is on families to come forward and register fresh complaints – decades later.

It's important to stress this is not a question of taking for granted NGO documentation – though the mandate doesn't actually preclude using it. This is about the government's own commissions, many of which did extensive interviewing of victim families all over the country in the presence of retired judges and police officials.

Today the OMP website says it has used: “data obtained from i) complaints received directly by the OMP; ii) complaints obtained by the former Ministry of National Integration and Reconciliation from District Secretariats in 2017 and forwarded to the OMP; and iii) lists of Missing in Action personnel provided by the armed forces at the request of the OMP”.⁴

Why didn't it follow the terms of its mandate and collate past lists from disappearance commissions? The failure to do so is not simply an administrative omission; it raises questions as to whether the institution has complied with one of its core statutory functions.

Reducing the Numbers

If the OMP had taken past names of the disappeared from government processes, its lists would have multiplied in size dramatically, as shown below:

³ <https://www.omp.gov.lk/about/mandate#>

⁴ <https://www.omp.gov.lk/our-work/key-activities/3>

A. Approximately 30,000 names from the Janatha Vimukthi Peramuna (JVP) Period Omitted

Take, one example, the special Presidential Commissions (three zonal and one all island) into JVP-era disappearance in the late eighties, which were set up under President Chandrika Kumaratunga. These commissions investigated one of the peak periods of enforced disappearance in Sri Lanka, where the majority of victims were from the majority Sinhala community.

It is worth noting the temporal mandate was only cases from 1st January 1988 to 31st December 1990. There were many disappearances from 1987 excluded.

At the time the presidential commissions published booklets with lists of thousands of names of disappeared from each district, as a result of extensive interviews and verification⁵. These were publicly available but the names have **almost all been omitted** from the OMP lists.

A UN report say the three zonal commissions alone “concluded that approximately, 16,800 persons had disappeared during the period under reference” and the All Island Commission confirmed an additional 10,400 disappearances⁶. This is a total of 27,200 cases investigated by a state body and corroborated but the total OMP case load is half this⁷.

The ITJP has put in a spreadsheet names from two of the four commissions’ published booklets and found they contained 15,053 names (see chart 1 below).

All these historic lists were produced through official state sanctioned investigative processes that were meticulous. Requiring families to make fresh complaints and resubmit information, not only imposes an unreasonable procedural burden, but may constitute a violation of their rights to recognition, dignity and access to a remedy. This is an abuse of their rights and in violation of the OMP’s own mandate.

This number of 15,053 does not include 1,023 names that the historic commissions marked as removed from their list, in some cases because there was insufficient information or duplication. Some of these 1023 cases that are incomplete could still be further investigated today, if the intent were to be comprehensive. The OMP could have investigated these cases.

Historic cases

⁵ <https://itjpsl.com/reports/archive>

⁶ CCPR/C/LKA/2002/4, Paras 154 and 161 respectively.

⁷ Note as of 2001 16,324 families had received compensation. Ibid para 163.

Additionally, the All-Island Commission left about 16,000 cases all over the island un-investigated because they had been received after the last date for receiving complaints or were outside of the temporal mandate⁸.

This was reduced to 10,656 after removing (a) duplicates (b) cases where there was insufficient information and (c) cases already investigated by a government department such as a Divisional Secretariat for the purposes of giving families death certificates and compensation.

The remaining cases were to be investigated by the Disappearances Data Base Project (DDBP) of the National Human Rights Commission in the past. Questionnaires were sent to the complainants and a decision was made to inquire into just 2210 cases⁹ partly it seems because there was a severe lack of funding.

Summons were issued to complainants to come to Colombo; because of lack of money, they were not even sent registered post and no travel expenses were offered. Only 650 replied and were able to come to Colombo. An additional 113 replied that they were unable to travel (the civil war being one reason) and sent affidavits but even these were rejected because they were "not properly filled up".

These names have been omitted by the OMP.

Source	Nos of complaints OMP largely Ignored	Comments
- Central zonal commission published reports JVP era - All island commission published report	15053 ¹⁰ names	1023 names removed because duplicates or insufficient information.
Western and Southern Zone commission	7000 names approx..	
North Eastern Commission	3083 approx.	1691 names from published COI Part II.
DDBP of HRCSL (16000 complaints became 10656)	10656 remained, of which 2210 families replied to letters.	Of these only 650 investigated further. All ethnicities. List of 2210 names available in report. Additional 8446 names should be available with HRCSL also.

⁸ The Commissions also received a few hundred complaints of disappearances that had occurred before 1st January 1988. They were returned with a note by the Central Zone Commission stating that they did not come within the mandate of the Commission. They were never investigated. They pertained to disappearances in 1987. It is unclear what the other two zonal commissions did with complaints before their temporal mandate started.

⁹ Regional breakdown is given and they are all island.

¹⁰ Scraped from Pdfs by ITJP.

DDBP project ignored cases where compensation already paid	2249	List of names available in report.
Total names	29595 (+8446)	Ie. 15053+7000+3083+2210+224 (and the balance cases not investigated from the 10656 ie 8446 cases)

Chart 1

Investigative Failures

Additionally, NGOs in Sri Lanka have managed to collect more complaints from Sinhala families of the disappeared, many of whom may not have made submissions before – they are not on the Presidential Commission of Inquiry lists. This shows there are families who didn't complain in the past whose data still needs capturing.

Accessing lists of suspects and testimony

The historic lists of victims from the JVP era investigation commission are based on testimony from victims and witnesses which was despatched to the national archive and put under a gag order until 2030. The testimony reportedly identified hundreds of alleged perpetrators, many of whom were subsequently promoted occupying senior positions within the security forces and public institutions.

In a public discussion on 10 June 2026, the Director-General of the National Archives, Dr. N Rupasinghe, confirmed that the testimony collected by the various commissions remains intact under a secrecy order until 2030. She further confirmed that the OMP had accessed this information in 2019 but that the current members of the OMP had not sought renewed access to this material.

This revelation raises serious questions about the extent to which the OMP has utilised existing state-held information relevant to enforced disappearances. The archival records reportedly contain thousands of witness statements, investigative findings and important information concerning alleged perpetrators. Access to such material should have constituted a critical starting point for any institution mandated to establish the fate and whereabouts of missing persons.

UN reporting indicates that suspects were identified and named in respect to 1681 cases investigated by the three zonal commissions of inquiry:

“Nevertheless, of a total of 16,800 alleged disappearances, in respect of the **1,681 cases**, the zonal commissions were of the opinion that, there was evidence indicative of the identities of those responsible for the relevant involuntary removal of persons and their subsequent

disappearances. Therefore, acting on the recommendation made by the Commissions, the government decided to institute criminal proceedings against the perpetrators.”¹¹

If the OMP had access to records identifying alleged perpetrators in at least 1,681 cases, it is difficult to understand why it did not systematically seek information from those individuals or otherwise utilise these findings as part of its mandate. While the OMP is not a prosecutorial body, it is empowered to gather information from any person who may assist in clarifying the fate and whereabouts of the disappeared. The apparent failure to pursue such an obvious investigative avenue represents a significant missed opportunity to advance truth and accountability to families

The UN says:

“...in November 1997, a separate unit in the Police Department was established, named the ‘Disappearances Investigations Unit’ (DIU). This unit was mandated to conduct criminal investigations into these 1,681 cases. Congruent to the DIU, a separate unit was established in the Attorney General’s Department in July 1998, named the ‘Missing Persons Commissions’ (MPC Unit). The task of this Unit was to consider the institution of criminal proceedings against perpetrators”¹².

According to the same UN report, criminal proceedings were instituted against 597 security force personnel as summarised in chart 4 in the magistrate and high courts¹³. Even if the OMP regarded criminal accountability as being beyond its mandate, there was no impediment to reporting publicly on the status and outcome of these cases, assessing the extent to which they contributed to establishing the truth, and informing families of the steps taken by the State in response to the disappearances.

The OMP’s failure to exploit existing state knowledge, to examine and report on these existing investigations and prosecutions is particularly difficult to reconcile with the OMP’s mandate. Families were repeatedly asked to provide testimony and documentation that had already been supplied to earlier commissions, which potentially valuable information already in possession of the State appears not to have been fully utilised. This not only undermined confidence in the institution but also imposed an additional burden on families who had already participated in multiple investigative processes over several decades.

¹¹ CCPR/C/LKA/2002/4 CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT Fourth periodic report SRI LANKA*, Para 156.

¹² Ibid Para 157.

¹³ Ibid, Para 159.

	Nature of the Action Taken (as at 31st December 2001)	
1	Indicted in the High Courts (number of cases)	262
2	<u>Non Summary</u> action instituted in the Magisterial Court (number of cases)	86
3	Total number of Security Force's personnel against whom Criminal Action has been instituted	597
4	Discharged due to want or absence of evidence	423
5	DIU advised to cause further investigations	323

B. CIVIL WAR PERIOD

Hiding locations

The OMP has organised its lists according to the place the victims (or their surviving family members) come from, rather than of where they went missing or were disappeared from. This likely reflects the place the information was recently gathered. This method of organisation obscures patterns that may be relevant to establish responsibility.

For example, large numbers of people who surrendered into the custody of the security forces between 16-19 May 2009 and who were last seen in the custody of the security forces have been subjected to enforced disappearance by the military. However, this is not visible from the way the data has been organised.

The ITJP published a list of disappeared during the good governance period but the OMP hasn't incorporated those names despite the Government writing to ask for the names - we told them were already public.¹⁴

Data Collection

It is also not clear whether the OMP collected photos from families so that witnesses could identify the missing and disappeared. This is critical given Tamil former combatants used *noms de guerre*. Their former comrades, who may have witnessed them in detention, will not recognise their birth names but would recognise their photos.

Safety

Still some families say they don't feel safe reporting disappearance to state bodies because of intimidation, questioning and surveillance¹⁵; others have reported facing pressure to falsify the date of disappearance in 2009 so that it could be argued their loved one disappeared at the hands of the Liberation Tigers of Tamil Eelam (LTTE) early in the year rather than in the last days of the war while surrendering to the army.

¹⁴ <https://t.co/70EK9JZHKY>

¹⁵ https://www.hrw.org/news/2025/08/20/sri-lanka-police-target-families-of-disappeared?utm_source=chatgpt.com

Recent reporting that families – many of whom are financially struggling without breadwinners – are being pressured to accept death certificates to close their cases is troubling¹⁶. In contexts of enforced disappearance, the issuance of death certificates absent truth, investigation or accountability risks converting an unresolved crime into an administrative file closure exercise. For many families, accepting such certificates is experienced not as recognition, but as coerced closure. International law recognises the right to know the fate and whereabouts of the disappeared; administrative certification of death cannot extinguish that right where the circumstances of disappearance remain unresolved.

Do No Harm

Leaving names out of the list has a traumatic effect on victims. Family members of emblematic cases have been devastated to discover their loved ones are not on the published lists because they didn't re-report the case to the OMP.

Omitted

Names from the pre-digital era – especially during the Indian Peacekeeping Force period of violence (October 1987-March 1990) – largely haven't been included though the ITJP has now collected **2,710 names of disappeared** and three times that killed then¹⁷.

¹⁶ https://srilankabrief.org/nine-years-of-protest-families-still-seeking-truth-about-sri-lankas-disappeared/?utm_source=chatgpt.com

¹⁷ <https://lkdd.itjpsl.com>

OMP Response

In June 2026, the ITJP provided the OMP and the Ministry of Justice an advance copy of this report, and invited their comments prior to publication. The Ministry of Justice did not respond. The OMP submitted both a covering letter and detailed observations addressing a number of issues raised in the report. Where relevant, those comments have been incorporated and addressed in the corresponding sections dealing with data discrepancies, conflict of interests, and data protection.

The OMP's response is reproduced and considered below in the interests of accuracy and fairness. While it provides additional information regarding certain administrative processes, it does not substantially alter the concerns identified in this report regarding transparency, institutional independence, access to historical records and the effectiveness of the OMP in fulfilling its statutory mandate.

In response to the general issues we raised, the OMP said:

“The OMP has from the outset focused on building a centralized database of cases of missing and disappeared falling under its mandate. Within months of its establishment it set up a temporary database and since then has been entering data, verifying and updating information, cleaning up data to ensure no duplicates, following up with families in order to provide them services (such as the Revival Payment and the Certificate of Absence), among other tasks. In 2020 the OMP shared a provisional list online, which is up on its website. Since then, the OMP has been updating its internal database, including accepting new cases, but recognizing the limits of this temporary database, which is excel base, is transitioning to a permanent database. Currently the OMP is conducting consultations with diverse agencies, website developers and authorities, in addition to international agencies, to design a database, which will better ensure that it can fulfil its mandate. This transition also involves the cleaning up of its existing data, after which the OMP will publish the amended list soon including new complaints.

As noted in its annual reports, it reached out several state agencies which have data on the missing and disappeared. To achieve this goal, the OMP has been developing collaborations with up to 18 different state agencies and signing memorandums of understanding (MOU) with these agencies to compare data and obtain further information. This includes a MOU with the Department of National Archives, which involves developing a project of digitization

and archiving records of past commissions, that the OMP expects to implement over the coming year.

A central problem with compiling data has been the lack of critical information in the data sheets provided by some agencies, including to verify if it is the same individual on the OMP's existing list and the lack of contact information provided to the OMP that means that the OMP is unable to contact the individual so that it can undertake verification that this is not a duplicate case. “

While the ITJP welcomes the OMP's indication that it intends to migrate to a permanent database, continue consolidating information from multiple state agencies and digitise historical records, which constitute important administrative steps, they do not however resolve the principal concerns identified in this report. At the time of writing, the permanent database remains incomplete, the revised consolidated list has yet to be published, and significant discrepancies continue to exist between figures reported by different state institutions and international mechanisms. Nor does the response explain why key historical records—including those held by previous commissions of inquiry and the National Archives—have not been systematically integrated into the OMP's work at an earlier stage.

More fundamentally, the report does not criticise the OMP merely because technical challenges remain in managing a national database. Rather, it questions whether, nearly a decade after its establishment, the institution has exercised the full extent of its statutory powers to secure, preserve and utilise information capable of advancing truth, accountability and the rights of families of the disappeared. The administrative initiatives described by the OMP therefore do not fully address the institutional and legal concerns examined in this report.

Notably, the OMP does not address the report's concern that historical commission records already held by the National Archives—including material identifying alleged perpetrators—have not been systematically analysed or operationalised by the OMP. Instead, it refers to a future digitisation project, without explaining why these records have not already been incorporated into its investigative work.

2. DATA SEEMINGLY DISAPPEARING

The OMP says it “built a centralized database to streamline information and foster transparency”.¹⁸ However public pronouncements by the OMP on the data it has collected do not add up.

Maths

The ITJP extracted all the names off the recent lists published on the OMP website and identified 10,988 names in total¹⁹. The dataset contains apparent anomalies and integrity issues, including entries dated 1900, 1905, and 1969, which appear to be manifest errors. Nevertheless, Sri Lanka’s Ministry of Justice (MOJ) publicly stated that as of 25 January 2026 there were 16,966 active complaints.²⁰ This indicates a discrepancy of approximately 6,000 cases.

	No of complaints	
MOJ	16966	10988 names published online only by OMP
MOJ received ²¹ initially	21374	
OMP received direct complaints by families as of 2025 ²²	23352	
Removed 6386 military names and duplicates ²³	14988	
Preliminary Inquiries concluded	4795 into post 2000 cases (but numbers	

¹⁸ <https://www.omp.gov.lk/our-work/key-activities/9>

¹⁹ Spreadsheet on file.

²⁰ https://www.moj.gov.lk/index.php?option=com_content&view=category&id=27&Itemid=245&lang=en

Number of the complaints of Missing Persons
(Allegedly Complaints - as of 25th of Jan 2026)

No	Description	Sub total	Total
01	Total number of Physical complaints received by OMP		23,352
	No of files received through Security forces (Missing in Action)	3,742	
	No of files don't fall under the mandate & reported multiple times	2,644	
	The number of active complaints belongs to general public	16,966	
	Cases belongs to phase 1 (from 2000 to 2024)	7,406	
	Cases belongs to phase 2 (Before 2000)	9,560	

This said 7406 were from 2000-2024 and 9560 were from before 2000.

²¹ <https://www.moj.gov.lk/index.php/en/departments-institutes/institutions/office-on-missing-persons#current-progress>

²² OMP letter to ITJP Jul17y 2026.

²³ Security forces 3742 and duplicates 2644. (OMP letter 2026 to ITJP)

	don't add up as balance to be inquired is 12341 and the phase 1,2 and 3 cases total 10193).	
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Chart 2

Instead of explaining the discrepancy, that MOJ statement was recently removed from its website. Notwithstanding that in October 2025, the Government had given the same number of 16,966 to the UN²⁴.

What now sits on the Ministry of Justice website²⁵ is a total case load that's 1,978 cases smaller than reported in January 2026, with no explanation. The OMP and the MOJ numbers do not match. If the missing cases had been removed as duplicates, or military cases or lying outside the mandate, they would show up in the number of excluded cases which has remained the same as before (namely 6,386 - composed of 3,742 military missing in action and 2,644 duplicates/outside the mandate cases).

MOJ data put online has 1,978 cases missing and doesn't compute on the number of inquiries conducted.

²⁴ <https://www.ohchr.org/en/press-releases/2025/10/un-committee-enforced-disappearances-publishes-findings-benin-montenegro-and>

²⁵ <https://t.co/70EK9JZHKY>

- Based on the information obtained from the families and relatives of the missing persons, in 2020, the OMP published the details of 21,374 complaints received, which is called “the provisional list”. The general public was requested in assisting to furnish the records related to their complaints. Accordingly, The progress made by OMP as of 30th of November 2023 as follows

No	Description	Sub total	Total
01	Total Number of Complaints / Cases received by the OMP initially		21,374
02	No. of Cases with missing military personnel/ Cases with double entries files to enter text		6,386
03	The number of active complaints / Cases		21,374 - 6,386 = 14,988
	Total number of preliminary inquiries concluded		4,795
	In 2020	184	
04	In 2021	95	
	In 2022	2,111	
	In 2023	2,405	
	Balance cases to be inquired		12,341
	Cases reported with the date of missing between 2000-2021 – Phase I	1,230	
05	Cases reported with the date of missing between 1980-2000 – Phase II	3,173	
	Cases reported with the date of missing before 1980 + the date is not clear – Phase III	5,278 + 512 = 5,790	

14988
-4795
=10193
Not
12431



MOJ previously said they had 23352 cases to start - how did they lose 1978 complaints?

Number of the complaints of Missing Persons (Allegedly Complaints - as of 25th of Jan 2026)

No	Description	Sub total	Total
01	Total number of Physical complaints received by OMP		23,352
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	Cases belongs to phase 1 (from 2000 to 2024)	2,406	
	Cases belongs to phase 2 (Before 2000)	5,560	

Chart 3

No new data in 6 years?

Furthermore, the OMP lists currently available online appear to reflect data published in 2020 but given the continuing receipt of complaints and the ongoing mandate of the OMP, it is reasonable to expect that substantial additional data has been collected in the last 6 years since the data in the lists was uploaded. Where is that data? Why is the list getting smaller not bigger?

The unexplained disappearance of thousands of cases from official statistics raises serious concerns regarding transparency, record preservation, institutional integrity and the State's legal compliance with its obligations to preserve evidence relating to serious human rights violations including truth recovery processes. In any credible disappearance mechanism, reductions in case numbers require detailed public explanation, audit trails and independent oversight. The absence of such safeguards undermines confidence in the reliability of the entire process.

In disappearance investigations, the integrity of records is itself a component of the right to truth. Unexplained alterations, reductions or inconsistencies in official datasets undermine confidence not only in the institution concerned but in the State's willingness to preserve evidence of serious human rights violations.

3. SILENCE ABOUT CONFLICTS OF INTEREST

The credibility of the OMP has also been severely undermined by the appointment in the past of individuals closely associated with state institutions allegedly implicated in disappearances and related abuses.

International standards governing truth-seeking and investigative bodies require actual and perceived independence from institutions potentially implicated in violations. Appointing individuals who previously represented, advised or commanded institutions under scrutiny undermines public confidence and compromises the appearance of impartiality that is essential for victim trust.

In disappearance investigations, independence is not merely a procedural safeguard; it is essential to public confidence, victim participation and the credibility of findings.

2018

In 2018, one of the first commissioners appointed to investigate thousands of disappeared and missing in Sri Lanka was chief lawyer for the Army during the war at the time many of the victims disappeared in its custody.

The issue is not simply one of perception. In contexts where allegations of enforced disappearance implicate state institutions, the independence of investigative bodies is central to determining responsibility, including command responsibility. Appointments that blur the distinction between investigator and institution under investigation inevitably raise concerns about whether the process is designed to uncover responsibility or to shield it.

In this case the army representative was both a witness and an investigator, a dual role prohibited by Sri Lanka's rules of conduct and etiquette for lawyers²⁶. Major General (ret) Mohanti Peiris had been the chief lawyer (Director General Legal) for the Sri Lankan Army from 2007-10 when the bulk of the disappearances

²⁶ P 31 IIGEP Report, Rule 8 and 12, Supreme Court (Conduct of and Etiquette for Attorneys-at-Law) Rules (1988).

occurred²⁷. Her job description²⁸ included: preparing courts martial, suspending army personnel, preparing charges against them, and preparing the army commander's opinion on courts of inquiry.

She had also acted as a witness to previous investigative bodies, such as the International Independent Group of Eminent Persons (IIGEP), which OHCHR helped establish to investigate emblematic human rights cases in Sri Lanka²⁹. She was also involved in investigations relating to allegations of sexual exploitation and abuse of children by Sri Lankan UN peacekeepers in Haiti – for which not a single person was jailed³⁰.

Maj. Gen. Mohanti Peiris when Adjutant General was the subject of a complaint in a letter dated 8 October 2003 from the Disappearance Committee of the Human Rights Commission Sri Lanka (HRCSL) to the then Army Commander – her response to a request for information commencing on 13 January that year was said by the HRCSL disappearance committee head to be “evasive and unrelated to our inquiries”³¹.

Mohanthi Peiris should have been called by the OMP as a witness for the army, as its former lawyer, to testify about whether it had launched investigations into enforced disappearance and if not, why not and who ordered it not to be investigated.

2020: After the government changed in 2019 a new Chairman of the Office of Missing Persons was appointed: Justice Upali Abeyrathne, who, in his capacity as Chairman of the Presidential Commission of Inquiry into Political Victimization, allegedly blocked investigations into some of the emblematic cases and is allegedly responsible for attempting to exonerate perpetrators through trying to quash trials and set aside indictments as well as recommending acquitting and releasing complaints³¹. UN High Commissioner for Human Rights, Michelle Bachelet, noted that the Presidential Commission on Political Victimization had “undermined police investigations and court proceedings related to several high-profile human rights and corruption cases”.³²

2021: In 2021, the police chief at the end of the war (1 JULY 2008 - 2 NOV 2009), HAJSK Wickremaratne was appointed to the OMP. According to the Director of the

²⁷ Director General Legal: 1 Jan 2007- end 2010.

Director Humanitarian Law and Human Rights: 1 Jan 2005- 3 May 2007.

Directorate of Legal services, Director Legal – Jan 2004-Dec2004.

[source: army annual performance reports to parliament].

²⁸ As outlined in annual performance reports to parliament from the Sri Lankan Army.

²⁹ FOOTNOTE 62: Letter to the Commission from M.A.M. Peiris, Major General, dated 2 August 2007). This is with reference to Case 2 – the ACF case.

³⁰ <https://itjpsl.com/reports/haiti-2026>

³¹ <https://www.themorning.lk/articles/170917>

<https://www.amnesty.org/fr/wp-content/uploads/2022/03/ASA3752782022ENGLISH.pdf>

³² https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJan2021.

notorious Terrorism Information Division (TID), IGP Wickramaratne was informed daily about developments and in command of TID activities during the final phase of the war.³³ This was when enforced disappearance occurred.

A US WIKILEAKS telex³⁴ from June 2009 described the then Sri Lankan Army Commander Sarath Fonseka and Inspector General of Police (IGP) Jayantha Wickramaratne threatening action against Sri Lankan journalists deemed traitors. At the time several Tamil and Sinhala journalists were in TID custody where they had been tortured.

Also in June 2009, a Sinhala journalist (Poddala Jayantha) was abducted and badly beaten in Colombo. IGP Wickramaratne was allegedly part of the disinformation campaign inciting hatred against journalists – alleging a spurious LTTE funding link.³⁵ Human Rights Watch referenced this incident³⁶ and the US State Department report in 2009 commented that the attack on Poddala Jayantha “seemed to have been encouraged by the government, which had aired photos of journalists—including a close-up of Jayantha—during comments by the Inspector General of Police Jayantha Wickramaratne, who called journalists traitors who would be dealt with.”³⁷

In March 2018, Jayantha Wickramaratne was questioned by the CID in connection with the murder of former Sunday Leader Editor Lasantha Wickremetunga. He was asked about a notebook belonging to Wickremetunga that had gone missing while in police custody³⁸. He obtained a stay order from the Supreme Court against his arrest³⁹.

2022: Subsequently another retired DIG of police Mr. P. Jayantha. K. S. W. Wickramasinghe was appointed though there is no biography for him on the OMP website as there is for other commissioners.⁴⁰ He was based in Vavuniya in 2013⁴¹ and the OMP lists have two disappearance cases from Vavuniya in that year.

The OMP says in response:

³³ “We receive clear guidance from the Inspector General of Police Jayantha Wickramaratna. He ensures that we maintain complete reports everyday and keeps pushing us to show results. He never postpones anything and is always up to date on the progress of the investigations.” http://www.businessday.lk/cover_page.php?article=205&issue=206

³⁴ Wikileaks 5 june 2009 09COLOMBO596_a

³⁵ Sri Lanka war on words continues, BBC, 24 June 2009, http://news.bbc.co.uk/1/hi/world/south_asia/8107869.stm

³⁶ <https://www.hrw.org/news/2009/06/03/sri-lanka-avoid-postwar-witch-hunt>

³⁷ BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR 2009 Country Reports on Human Rights Practices Report March 11, 2010 <https://www.state.gov/j/drl/rls/hrrpt/2009/sca/136093.htm>

³⁸ “According to the statements made by the former SSP Mt. Lavinia Adikari Appuhamilage Hemantha Harischandra Appuhamy alias Hemantha Adikari and the then OIC Crimes SI, Tissasiri Sugathapala (second suspect), it was on the directives of the then IGP Jayantha Wickramaratne through DIG Mirihana, Vitharana Arachchige Sirimevan Prasanna Nanayakkara (third suspect), that evidence had been concealed or destroyed to botch the investigation.” <http://www.dailymirror.lk/expose/Evidence-unfolding-before-courts-on-Lasantha-s-Murder/333-147877>

³⁹ <http://www.dailynews.lk/2018/03/01/law-order/144282/sc-stays-arrest-former-igp>

⁴⁰ <https://www.omp.gov.lk/media/events-and-campaigns/7>

<https://www.newsfirst.lk/2022/10/08/acting-chief-justice-appointed>

⁴¹ <https://adaderana.lk/news.php?id=25014>

“OMP Commissioners are, like other independent commissions, appointed by the President based on the recommendations of the Constitutional Council in accordance to the OMP acts requirements for its better implementation”.⁴²

4. QUESTIONS OVER HISTORIC WGEID DATA

The concerns raised by current OMP data management practices are not entirely new. Sri Lanka has previously faced questions regarding the handling and closure of disappearance cases within international mechanisms⁴³.

Historically there has been a trend of closing disappearance cases by issuing death certificates. A human rights activist, Adrien-Claude Zoller, alleged at a side event in Geneva in 2015 that disappearance files had literally disappeared in OHCHR early in the 2000s⁴⁴. He referred to problems with a huge backlog of cases in the Secretariat resulting in lack of processing of complaints.⁴⁵ With regard to the Sri Lankan disappearance cases submitted to the UN Working Group on Enforced and Involuntary Disappearance, he raised questions about the unprecedented case numbers that were closed at this time.⁴⁶

The UN procedure is a case can only be closed if the whereabouts AND the fate of the individual are established. In thousands of cases, the Government of Sri Lanka stated that the individuals concerned were dead. That alone shouldn't have been enough to clarify the case, but a record number of cases appear to have been closed by the WGEID Secretariat, which was at the time run by a Sri Lankan, who went on to become an Ambassador. Two members of the five-person group on Sri Lanka were said not to attend sessions and a third objected to their report without explaining why⁴⁷.

Looking at the WGEID annual reports, it is apparent 4,390 Sri Lankan cases were closed by 2002. WGEID says this is, “the largest number of cases that the Working Group has been able to clarify in its first 20 years of existence”.

WGEID described how Sri Lanka was clarifying cases by presuming death and paying compensation to families⁴⁸. It said “some 15,000 death certificates were issued

⁴² OMP Letter to ITJP, July 2026.

⁴³ The OMP commented on this section of the report, saying that this was not relevant to the OMP. OMP Letter to IT JP, July 2026.

⁴⁴ speaking a side-event on the enforced disappearances in Sri-Lanka convened by Amnesty International organized on 11 March 2015.

⁴⁵ *SPECIAL PROCEDURE ON ENFORCED DISAPPEARANCES:*

A SHAME, March 2003, Human Rights Features.

⁴⁶ <https://www.colombotelegraph.com/index.php/did-tamara-kunanayakam-destroy-records-on-sri-lanka-in-the-un/>

⁴⁷ Zoller, *SPECIAL PROCEDURE ON ENFORCED DISAPPEARANCES:*

A SHAME, March 2003, Human Rights Features.

⁴⁸ NB the 2249 cases in the compensation report (“List of names of disappeared persons in respect of whom death certificates have been issued and compensation paid”) all have UN working group references numbers and death certificates.

since 1995” and a special unit in the Government had “clarified 4,010 of the roughly 12,000 cases submitted by the Working Group (2,761 of which on the basis of death certificates) but the Working Group has not yet been in a position to examine this information on a case-by-case basis.”⁴⁹

This issue was obliquely addressed by O/S LAP in its special investigation into enforced disappearance in 2024 which said (§76):

“According to a January 2007 WGEID report, of the 12,319 cases that were referred by the WGEID to the Sri Lankan authorities, 6,570 were considered “clarified” on the basis of information coming from the Government (6,530 cases) or another source (40 cases). The number has not substantially risen during more recent years. The Sri Lankan Government’s 2023 report to the CED refers to 6,598 “clarified cases” (representing an increase of only 28 cases since 2007). It is not evident, however, that cases considered “clarified” in the 2007 report would meet the criteria used now by the WGEID for clarification of the fate and whereabouts. The WGEID’s current working methods state that cases can be reopened with the WGEID.”⁵⁰

It is unclear whether the Working Group did ever examine the information on the basis of which it closed a record number of files.

Though it is possible to reopen these old cases if they were wrongly closed, WGEID will only share the names of the relevant complainants with the organisations that originally submitted the information thirty years ago and several of these are no longer functioning.

The ITJP wrote to the UN in 2024 raising this grave issue and has received no response to date.

Furthermore, there arises the question of culpability for the cases clarified.

A UN report in 2002 said around 12000 cases were referred to WGEID reduced to 11881 after repetitions removed. “In respect of the remaining clarified cases

⁴⁹ <https://www.refworld.org/reference/mission/unchr/1999/en/30963>

⁵⁰ Accountability for Enforced Disappearances in Sri Lanka, OHCHR 2024.

it is envisaged that criminal proceedings would be instituted against the perpetrators in the near future where they are clearly identifiable.”⁵¹

5. PROTECT THE RIGHTS AND INTERESTS OF VICTIMS AND THEIR FAMILIES

In contexts of enforced disappearance, witness protection is not a peripheral issue, but a precondition for truth recovery. The OMP's list from Batticaloa included personal contact details, including many victim families' phone numbers. The publication of such sensitive personal data constitutes a prima facie violation of data protection and privacy obligations, and may expose victims' families to risk, harassment, or re-traumatisation. It also risks deterring future cooperation and undermining confidence in the institution. **Victim-centred approaches require confidentiality, informed consent and measures designed to minimise re-traumatisation. The publication of personal information without adequate safeguards risks undermining the very trust upon which disappearance investigations depend.**

The ITJP wrote to the OMP alerting them to this issue. They replied saying:

“The Office on Missing Persons (OMP) has acknowledged the concern regarding the publication of personal details in the Batticaloa list and has taken corrective action. The list has now been updated to remove applicant-specific information, ensuring that families are no longer exposed to risks of harassment or breaches of privacy. This rectification reflects OMP's commitment to safeguarding the dignity and confidentiality of affected families while maintaining transparency in its processes. By anonymizing sensitive data, the institution has strengthened its data management practices and demonstrated responsiveness to legitimate concerns raised by stakeholders.”

CONCLUSION

Sri Lanka's experience offers a broader warning for transitional justice processes globally. Institutions created without independence, investigative powers, prosecutorial pathways, political commitment and meaningful victim participation may generate the appearance of progress while leaving impunity untouched. The lesson of the OMP is therefore not only about one institution's

⁵¹ CCPR/C/LKA/2002/4, Para 164

shortcomings; it is about the limits of truth-seeking when divorced from accountability.

Truth-seeking mechanisms cannot succeed when severed from accountability, institutional reform and political commitment. Nearly a decade after its establishment, the OMP reflects the broader trajectory of Sri Lanka's accountability process: the creation of institutions that generate the appearance of progress while leaving the underlying structures of impunity largely intact. Any future international engagement with Sri Lanka must therefore assess not only whether institutions exist, but whether they are capable of identifying perpetrators, advancing accountability, delivering meaningful remedies to victims and contributing to guarantees of non-recurrence in practice.

Chairperson
Dr. Radhika Coomaraswamy

Members
Dr. N. Deepika Udagama
Mrs. G. G. Senanayake
Mr. N. Selvakumar
Dr. M.A. Zainudeen



ශ්‍රී ලංකා මානව හිමිකම් කොමිෂන් සභාව
இலங்கை மனித உரிமைகள் ஆணைக்குழு
HUMAN RIGHTS COMMISSION OF SRI LANKA

මානව හිමිකම් සුරැකීමේ හා ව්‍යාපෘතියේ හැසියාව වර්ධනය කිරීමේ ව්‍යාපෘතිය - අතුරුදහන්වීම් පිළිබඳ කමිටුව
கைது உரிமைகளை மேம்படுத்துவதற்கும் பாதுகாப்பற்றவர்களை ஆதரவை வழங்குவதற்கான செயற்கிட்டம் - காவலமல் மேலமைய சம்பந்தமான வினாக்களுக்கு
Capacity Building Project for the Protection and Promotion of Human Rights - Committee on Disappearances

Your No.: 350/177(07)
My No : CBP/09

8th October, 2003.

The Commander,
Sri Lanka Army,
Army Headquarters,
Colombo 02.

TRACING SECURITY PERSONNEL INVOLVED IN
CAUSING DISAPPEARANCES

This refers to a letter dated 25/09/2003 sent by the Legal officer of the Army Headquarters in reply to a letter dated 25/07/2003 from us seeking the whereabouts of security personnel whose names transpired in the course of the inquiries as being responsible for causing the disappearances of certain persons in the Jaffna Region.

As you could see the reply is evasive and unrelated to our inquiries. All that we require is to trace the security personnel concerned. It merely says that the files in respect of certain persons who had disappeared have been sent to the CID when all that this Committee requires is the present whereabouts of the personnel named.

Your urgent intervention to provide the information required would be appreciated as this Committee is to complete its task shortly.

Devanesan Nesiiah,
Chair,
Committee on Disappearances of the
Human Rights Commission.

Encl : Copies of the relevant letters and the list of names.

සාකාලය : අංක 11/6, ආරක්ෂක හා නීති, රොස්මිටි පෙදෙස, කොළඹ 7. දුරකථන / තැපෑ