

**Deteriorating Security Situation facing Families of the Disappeared in the North-East**

*May 16, 2022*



*March 20, 2022 – Families of the Disappeared protest in Jaffna*

The world's attention is now on Sri Lanka as it confronts its worst economic crisis ever. As the island sees record numbers of Sinhalese protesting in recent weeks, the excessive force used by police and security forces has rightly sparked international outrage. However, while such excessive force may be new for Sri Lankan and international headlines on Sri Lanka, it is not new to the Tamil community.

On the 20<sup>th</sup> of March 2022, families of the Tamils who were disappeared during Sri Lanka's armed conflict, led mostly by elderly mothers, were on their way to protest Sri Lankan Prime Minister Mahinda Rajapaksa's visit to Jaffna<sup>1</sup> when they were locked inside a bus by Sri Lankan police officers in Madduvil. They were then pushed, beaten, and trampled<sup>2</sup> so badly that the coordinator of the Mullaitivu Disappeared Relatives' Association and a mother of the disappeared from Vavuniya had to be admitted

<sup>1</sup> "Standoff between Sri Lankan police and Tamils protesting PM's visit to Jaffna" (20 March 2022), *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/standoff-between-sri-lankan-police-and-tamils-protesting-pms-visit-jaffna>.

<sup>2</sup> Interview with family of the disappeared, March 2022 (the names of interviewees and districts is not mentioned to protect the identity of families of the disappeared).

to their district hospital for a two-day stay.<sup>3</sup> One of the mothers was even visited in the hospital and threatened by police, telling her to withdraw the statements she had given publicly regarding the incident.<sup>4</sup> Several other protesters were also interrogated by police in the following days.<sup>5</sup> A nearby villager who witnessed the incident described it as “shocking” to see police officers act so violently towards elderly mothers who came for a peaceful protest. They also described feelings of helplessness at not being able to intervene because they were surrounded by armed police, Special Task Force (STF) and military officers.<sup>6</sup>



While these events are shocking, they are unfortunately not surprising. Over the past several years, the Adayaalam Centre for Policy Research (ACPR) has repeatedly documented the security challenges faced by disappearance activists and the families of the disappeared,<sup>7</sup> as well as the shrinking space for civil

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<sup>3</sup> “Injured and bruised – Sri Lankan police leave protesting Tamil mother in hospital” (22 March 22), *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/injured-and-bruised-sri-lankan-police-leave-protesting-tamil-mother-hospital/>.

<sup>4</sup> “Army threatens mother who fought against Mahinda’s visit to Jaffna” (23 March 2022) accessed here: <https://samugamedia.com/army-threatens-mother-who-fought-against-mahindas-visit-to-jaffna-again/>.

<sup>5</sup> Thinnakkural newspaper, (23 March 2022).

<sup>6</sup> Interview with a villager in Jaffna, March 2022.

<sup>7</sup> Adayaalam Centre for Policy Research, “Situation Brief No.2: Surveillance, Harassment and Intimidation of Disappearances’ Activists in the North-East” (30 August 2018), accessed here: <http://adayaalam.org/situation-brief-no-2-surveillance-harassment-and-intimidation-of-disappearances-activists-in-the-north-east/>.

society in the North-East.<sup>8</sup> Tamil families of the disappeared have consistently been targeted for harassment by Sri Lankan security forces since beginning their continuous roadside protests in 2017.

This brief provides an update on the security situation facing the Tamil families of the disappeared across the North-East of Sri Lanka. Since the election of Gotabaya Rajapaksa, the Sri Lankan police, military and intelligence forces have escalated pressure against leaders in associations of the families of the disappeared,<sup>9</sup> who are predominantly women, through increasingly severe threats and harassment that are intended to deter and silence existing and future activism. This brief also challenges the Government of Sri Lanka's (GoSL) claims concerning the work of the Office of Missing Persons and the Office of Reparations, which are contradicted by the experiences of the families of the disappeared. It is critical that the families of the disappeared are not forgotten as the spotlight remains on Sri Lanka – the government's dismissal of their quest for truth and justice is a function of the root causes of Sri Lanka's multiple cycles of violence.

## **I. State Surveillance**

In February 2022, Tamil families of the disappeared marked the fifth year since they started a continuous roadside protest in Kilinochchi to demand truth and justice. Protests which began in 2017, quickly spread to every district of the Northern and Eastern Provinces, with clear demands for the Government of Sri Lanka (GoSL) including that they: (1) release a list of those who surrendered to the GoSL at the end of the armed conflict; (2) disclose all past and present detention centers; and (3) release the list of all detainees under the draconian Prevention of Terrorism Act (PTA). The protestors have been met by many representatives of the GoSL and of the international community, alongside promises to meet their demands—and yet, five years later, the families still have no answers or remedies for their suffering.<sup>10</sup>

Since the families started their protests across the North-East, many have faced frequent inquiries, house visits, and phone calls from government intelligence agents as well as consistent government surveillance during protests. Even during pandemic lockdowns, protest leaders in the North received visits from

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<sup>8</sup> Adayaalam Centre for Policy Research, "Situation Brief No.3: Covid-19 - Sri Lanka's militarised response poses grave threats to human rights" (30 April 2020) accessed here: <http://adayaalam.org/situation-brief-no-3-covid-19-sri-lankas-militarised-response-poses-grave-threats-to-human-rights/>.

<sup>9</sup> Formally organized under the umbrella Association for Relatives of Enforced Disappearances, North and East.

<sup>10</sup> "No more excused: President Sirisena release the lists immediately as promised" (30 August 2017) *Joint Statement on the International Day of the Victims of Enforced Disappearances*, accessed here: <http://adayaalam.org/joint-statement-on-the-international-day-of-the-victims-of-enforced-disappearances/>; Dharsha Jegatheeswaran, "Heeding Victims' Voices: The Struggle of Tamil Families of the Disappeared in Sri Lanka," (3 March 2021) *Just Security*, accessed here: <https://www.justsecurity.org/75095/heeding-victims-voices-the-struggle-of-tamil-families-of-the-disappeared-in-sri-lanka>.

intelligence agents and on occasion were called to appear at the Terrorism Investigation Division (TID) head office in Colombo for investigation.<sup>11</sup> These investigations continued despite the health risks involved for these protest leaders, many of whom are older and therefore at increased risk for severe COVID-19.

Five protest leaders, all Tamil women, in five different districts confirmed that in recent years they have been visited for investigations by police including the Terrorism Investigation Department (TID) and/or Criminal Investigation Department (CID), or men who identified themselves as intelligence agents.<sup>12</sup> In some cases these visits have been extremely persistent – one woman reported receiving at least five home visits by military intelligence agents over two years during the height of the pandemic.<sup>13</sup> When contacted, leaders faced questions about upcoming meetings or protests, personal income details, and information about those who provided financial support to the protests. Four of the leaders interviewed said that they were repeatedly asked for details about their immediate family members and sometimes about relatives as well.

Some of the leading protestors are under constant surveillance. Some mothers of the disappeared told ACPR that intelligence officers are stationed near their houses or offices on most days, watching who visits and what happens throughout the day.<sup>14</sup> An ACPR staff researcher experienced government surveillance firsthand when paying a visit to a mother of the disappeared in the Eastern Province. This mother told the researcher that it was unsafe to speak on the phone or visit her home for the meeting and asked the staff member to suggest a safe place to meet. Half an hour into the meeting, the mother got a call from her daughter, who was alone at home at the time, to tell her that two men came to the house to look for her. The mother returned home immediately to find two members of the CID waiting for her. They asked where she had gone and who she was meeting. The mother called the researcher to explain what had happened, and to ask to not be contacted until she felt the situation was safer.

In another instance, a district leader of the families of the disappeared in the Eastern Province was asked by security personnel whether she planned to meet anyone from the United Nations (UN) or to visit the UN to make a statement. The person informed her that intelligence officers would not prevent her from attending such meetings, but they wanted to know in advance what she planned to talk about. The district leader said that in the past, intelligence agents had always tried to stop her from going to meetings, so

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<sup>11</sup> Interview with a mother of a disappeared in Northern province, May 2021.

<sup>12</sup> Interviews with families of the disappeared in Northern and Eastern provinces, February 2022.

<sup>13</sup> Interview with family of the disappeared in Eastern Province, February 2022.

<sup>14</sup> Interviews in the Northern and Eastern province, May 2021 – February 2022.

she believed that the shift in behavior—allowing her to go to meetings while still demanding information—reflected GoSL efforts to pacify the international community.<sup>15</sup> Many families of the disappeared across the North-East also describe a pattern of intimidation tactics during public demonstrations, meant to make protesters feel that their activism makes them surveillance targets. One mother said that a known intelligence agent approached her at a demonstration, introduced himself as a journalist, and demanded for her phone number. She felt she could not refuse.<sup>16</sup> Others said that intelligence agents asked fellow protestors about their personal details, either after showing a picture of them<sup>17</sup> or sharing their names.<sup>18</sup>

## II. Harassment and Violence directed at protests

On top of the environment of intimidation and surveillance, families of the disappeared increasingly face physical violence at protests, particularly the women. On January 26<sup>th</sup>, 2022, in Vavuniya, mothers protesting against then Minister of Justice Ali Sabry were shoved repeatedly by male police officers.<sup>19</sup> The police were already aware of who the women were. One woman present at the protest explained:

“Intelligence officers often visit the shop near my house and ask about me, my family background and how I earn my income. They also ask about who visits my house and the places I visit. Towards the end of January, we organized a demonstration against the Ministry of Justice’s mobile camp. The police who came there prevented us from gathering and policemen manhandled us, without even considering the fact we are all women. There were no policewomen. There were old mothers who are searching for their children, and then young women like me who are searching for our husbands. There is no need for the policemen to physically harass us.”<sup>20</sup>

After the violence had gone on for some time, policewomen joined the policemen in pushing the women. Witnesses reported seeing women with mussed hair, bruised arms and torn clothes after being attacked by the police. One protester pointed out that protests by victims’ families are almost always met with violence or pushback from the military and the state, while protests in the South, whether organized by

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<sup>15</sup> Interview with family of disappeared in Eastern province, January 2022.

<sup>16</sup> Interview with family of disappeared in the Eastern province, February 2022,

<sup>17</sup> Interview with family of the disappeared in the Eastern province, March 2022,

<sup>18</sup> Interview with family of the disappeared in the Eastern province, February 2022,

<sup>19</sup> “Sri Lankan police push back Tamil mothers of the disappeared protest in Vavuniya” (26 January 2022) *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/sri-lankan-police-push-back-tamil-mothers-disappeared-protest-vavuniya>.

<sup>20</sup> Interview with family of the disappeared, Northern province, February 2022.

political parties or any others, were until recently given police protection.<sup>21</sup> A journalist covering the protest reported that the pushback the families endured was very different and violent from other protests he had covered. He was appalled that their right to protest peacefully had been violated so openly.<sup>22</sup>

The protest described at the beginning of this brief, organized by the families of the disappeared on the occasion of the Prime Minister's March 2022 visit to Jaffna, underscores how GoSL intimidation tactics and physical violence work together to create an atmosphere of fear and repression of the victim communities. In the days leading up to the protest, several organizers received calls from intelligence officers asking for details about the participants<sup>23</sup> a prelude to the physical assault that awaited them.

### **III. Threats to family members of protest leaders**

Tamil families of the disappeared across the North-East frequently reported that family members of protest leaders received threats or warnings attempting to silence them. Below are three examples demonstrating the lengths to which security forces can go to harass the leaders and their family members.

#### **Physical interference in the Northern Province**

A wife of the disappeared in the Northern Province organized a demonstration on the day President Rajapaksa visited her district. As she was getting ready to leave for the demonstration with her son in their trishaw, she saw two men on motorbikes waiting by her house. The men followed them as they left the house, one in the front and one in the back. When she arrived at the bus stop that was her destination, where other protestors were already waiting, the men took pictures of everyone and marked the number of the bus. Soon after, the bus was stopped by intelligence officers and the driver was warned not to take the women any further. As a result, the driver forced the families off the bus in the middle of nowhere, as he was afraid to continue. The organizer's son's trishaw was also taken by the police because he had been seen with her. The trishaw was returned to him only after the police's illegal seizure of the trishaw was publicized by local media ensuring his business and reputation would be impacted.<sup>24</sup>

<sup>21</sup> Interview with family of the disappeared, Northern province, March 2022.

<sup>22</sup> Interview with a journalist, Jaffna, March 2022

<sup>23</sup> Interviews with families of the disappeared, in the Northern and Eastern provinces, January – March 2022.

<sup>24</sup> Interview with family of the disappeared, in Northern province, January 2022.



### Surveillance in Mullivaikkal

One mother of the disappeared interviewed by ACPR attended a protest for the disappeared at Mullivaikkal on February 4, 2022. Her house was visited three times by Sinhala-speaking men in civilian clothes in the days after the protest. Her ailing husband, who stays at her family's house in a different village, was also visited by four or five men who came in a white van, parked in front, and entered the house to look around. Her neighbor who saw the men arrive, told them that the mother of the disappeared was not there, thinking they were acquaintances who were looking for her. The mother reports that since then, she has been deeply afraid to go back to that house, to organize, or to participate in any demonstrations and fears the safety of her family members. She still has no idea who they were and why they were there.<sup>25</sup>

### Threats against family in Jaffna

Another former families of the disappeared leader has a daughter who is studying at university. The rural development officer in her village as well as several neighbors have told her that intelligence agents visited them to ask about her family. They reportedly showed particular interest in knowing about her daughter. Intelligence officers later expressly told her that they know everything about her family, especially her daughter at university. They further specified that if she wants her daughter to be safe, she should not get involved in any campaigns related to disappearances.<sup>26</sup>

Even though many of these women have long become accustomed to personal threats and harassment, threats to their family members' security go beyond what most are willing to risk. The majority of women interviewed by ACPR have stepped down from leadership and stopped being involved publicly—or even entirely. They have expressed serious concerns about the success of these intimidation tactics, which have resulted in some of the district associations of families of the disappeared losing members and leaders due to the need to protect remaining family members.

#### IV. Social Isolation

<sup>25</sup> Interview with family of the disappeared in Northern province, February 2022.

<sup>26</sup> Interview with family of the disappeared in Eastern province, February 2022.

Almost all the families of the disappeared interviewed reported that their neighbors had been visited by intelligence officers claiming to be with the Criminal Investigation Department (CID) for questioning. Since the CID typically already has extensive information about the families themselves, the women believe this tactic is intended to scare the neighbors into sharing more information, to send a message to families that they are being closely watched, and/or to undermine families' relationships with their communities. In one case, one protest leader was served with a court order that prohibited her from taking part in a memorial event—but, unusually, the order was delivered by police officers in a jeep with flaring lights after dark. She said this drew a lot of attention in her village and caused people to speculate she had done something illegal that caused the police to visit her so urgently at night. She believes this was an attempt to undermine her reputation in her village, so that she would be ostracized and isolated from the moral and emotional support of her community.<sup>27</sup>

In one mother's words: "When you serve someone a court order, everyone thinks that this person has done something terrible or broken the law. We are being served court orders for only planning demonstrations and holding press meetings. [...] We just want to see our family." Court orders often accuse families of supporting the now-defunct Liberation Tigers of Tamil Eelam (LTTE), harming "communal harmony," and violating COVID-19 guidelines. Families are also often warned by the intelligence and the police that they will be arrested under the draconian Prevention of Terrorism Act (PTA) if they participate in demonstrations in violation of court orders. She added: "It is not only exhausting to go through this multiple times, but it is also very dangerous to accuse someone of breaking the law when they are not."<sup>28</sup> The consequences of being arrested under PTA and the consequences and social stigma the detainees and their families face are documented well.<sup>29</sup> Many of the women ACPR spoke to fear being arrested under the PTA and putting their families through further difficulties.

In addition, women leaders across the North-East report that they see heavy recruiting in their local communities by intelligence agencies looking to hire informants, using a combination of money and threats. One woman from the Eastern Province told ACPR that she has frequently seen certain men in her village meeting with intelligence agents, appearing to work with them closely to share information about families of the disappeared and their activities. These same individuals deliver messages to her from

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<sup>27</sup> Interview with family of the disappeared in Eastern province, February 2022.

<sup>28</sup> Interview with a family of the disappeared in Vavuniya, February 2022.

<sup>29</sup> "Report of the Fact Finding Mission to Batticaloa to Study the Impact of the Easter Sunday Bombings" (4 January 2021) accessed here:

<https://www.minormatters.org/storage/app/uploads/public/61d/281/690/61d28169031b5163048128.pdf>.



intelligence and sometimes remind her that she is being watched.<sup>30</sup> A Tamil human rights defender of over 20 years confirmed to ACPR that these concerns about informants are well-founded. Based on his conversations with informants and victim communities, he understands that informants are given a monthly target of cases to report to security forces, for which they receive a handsome monthly allowance.<sup>31</sup>

One woman said,

“Whenever we try to do something to demand justice or address our rightful concerns about the state of human rights, the police and intelligence try their best to get close to us to extract information. The moment they have the information they need, they come with a court order. If we inform journalists about even one thing, the intelligence finds out in no time. Now, we must inform journalists only hours beforehand in order to keep the police off our backs.”<sup>32</sup>

#### **V. Impact on leading protestors**

Receiving court orders against every event, demonstration, and commemoration, as well as being prohibited from openly planning and participating in community events, has significantly impacted families of the disappeared’ psychological well-being. Constant surveillance, inquiries and phone calls not just to the families of the disappeared, but also to their neighbors, friends, and relatives, have served to amplify the isolation of the pandemic and have made the families feel like outsiders in their own communities. ACPR found that the women we spoke to this year highlighted the impacts that their experiences have on their mental health and well-being. This is an aspect mothers have not talked about explicitly in past years despite clear exhaustion and frustration. The statements made by the president and the Justice Minister about families of the disappeared having to settle for death certificates and a 100,000 rupees compensation instead of truth and justice also affects their mental well-being.<sup>33</sup>

Many of the women expressed sadness due to lost connections with neighbors and relatives who feared the consequences of continuing to associate with targeted families of the disappeared. In one case, a relative living abroad cut ties with a family of the disappeared because the relative was warned by a neighbor that being associated with them would make it dangerous to return to Sri Lanka. Families of the

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<sup>30</sup> Interview with family of the disappeared in Eastern province, January 2022.

<sup>31</sup> Interview with a HRD, Eastern province, February 2022.

<sup>32</sup> Interview with family of the disappeared in Eastern province, February 2022.

<sup>33</sup> “Sri Lanka to issue death/missing certificates to disappeared, pay 100,000 LKR to next of kin” (15 March 2022) *Economy Next*, accessed here:<https://economynext.com/sri-lanka-to-issue-death-missing-certificates-to-disappeared-pay-100000-lkr-to-next-of-kin-91667/>.

disappeared feel increasingly isolated from their communities' support and protection due to the systematic intimidation of their relatives, friends, and neighbors.

Another mother said that the continuing security challenges made her feel that she would need to abandon the other families of the disappeared, who were her community, and continue her search only privately, if she wanted any normalcy in her life. She started working at a shop to earn an independent wage so that no one could accuse her of protesting for money. Most of the women ACPR spoke to who are or were leaders in their respective districts either have stepped back from public engagement or are in the process of transferring their leadership roles to someone else. One leader reported that one district has not had a leader for months because every leader has faced similar challenges, which have pressured them to step down and have made other potential leaders unwilling to take their place.<sup>34</sup> Almost all the families said that they are frustrated by the fact that they cannot be more active, because they want to support other families and show solidarity within the community of families of the disappeared.

One of the leaders in the North explained her traumatic experience as follows:

“I see all of these as attempts to weaken us psychologically, so we step away from the protests and make it easy for them to make up false stories about disappearances. If we ever stop doing this, they will just tell everyone everything is fine, and no one disappeared, and we will never find our families or justice. Taking pictures of us at protests, meetings and public gatherings has never stopped but singling out people and posing challenges psychologically has been happening a lot to many of our members recently.”<sup>35</sup>

## VI. A pretense of transitional justice

When the Office on Missing Persons (OMP) in Sri Lanka was established in 2018,<sup>36</sup> it quickly came under widespread criticism for lacking impartiality, transparency, and for failing to have the power to deliver the answers the families were looking for.<sup>37</sup> Despite some early efforts by families to engage with the OMP,

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<sup>34</sup> Interview with family of the disappeared in Eastern Province, February 2022.

<sup>35</sup> Interview with family of the disappeared in Northern province, February 2022.

<sup>36</sup> The OMP was established pursuant to Act No. 14 of 2016, after a two-year delay, to comply with a 2015 UNHRC Resolution.

<sup>37</sup> “No more excused: President Sirisena release the lists immediately as promised” (30 August 2017) *Joint Statement on the International Day of the Victims of Enforced Disappearances*, accessed here: <http://adayaalam.org/joint-statement-on-the-international-day-of-the-victims-of-enforced-disappearances/>; Dharsha Jegatheeswaran, “Heeding Victims’ Voices: The Struggle of Tamil Families of the Disappeared in Sri Lanka,” (3 March 2021) *Just Security*, accessed here: <https://www.justsecurity.org/75095/heeding-victims-voices-the-struggle-of-tamil-families-of-the-disappeared-in-sri-lanka>.

the Office's ongoing failure to make any progress on accountability resulted in confirmation of a lack of trust among the families of the disappeared. Since the start of the Rajapaksa Presidency, which led to the appointment of numerous accused war criminals to OMP leadership as well as other key senior government positions,<sup>38</sup> the OMP has lost any credibility it might have had.

Towards the end of November 2021, the OMP announced that families of the disappeared must submit 20 documents for the OMP to be able to search for answers about their disappeared loved ones.<sup>39</sup> The documents requested included, among others, affidavits of kinship, official village government letters confirming place of residence, letters from the divisional secretary to reconfirm place of residence, and records of previous police complaints—all of which involve authorization from various levels of government authority. Many of these government authorities are well known for harassing or mistreating vulnerable people, including families of the disappeared. Families who comply with the OMP's requirements are exposed yet again to bureaucratic challenges, as are notaries and government officers who genuinely attempt to help the families.<sup>40</sup> Confirming these concerns, a Justice of Peace who is also a longtime human rights defender also reported that he receives many requests from families of the disappeared to certify documents such as birth certificates, marriage certificates, and affidavits.<sup>41</sup> He also received numerous warnings from people identifying themselves as intelligence agents against certifying documents of people who were disappeared by the military. His colleague, also a Justice of Peace, has faced similar intimidation – including from security forces reportedly from a nearby military base.<sup>42</sup> He said that there is no effective complaint mechanism to report security incidents, since the complaints are supposed to be made to the same people who are responsible for such incidents.

Yet there has been no sign that the OMP is truly committed to delivering the truth it is asking families of the disappeared to jump through hoops for.

Even in respect of interim compensatory relief there has been little to no progress. Despite several official statements saying that the OMP and the Office of Reparations are working together to provide 6000

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<sup>38</sup> "Ex-Police Chief's Appointment to the Office of Missing Persons Sparks Concerns" (31 May 2021) accessed here: <https://www.newswire.lk/2021/05/31/ex-police-chiefs-appointment-to-the-office-of-missing-persons-sparks-concern/>.

<sup>39</sup> "OMP calls for 20 documents to search for disappeared" (19 November 2021) accessed here: <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/1058-sri-lanka-omp-calls-for-20-documents-to-search-for-the-disappeared>.

<sup>40</sup> Interview with an HRD, Eastern Province, February 2022.

<sup>41</sup> Interview with family of the disappeared in the Eastern Province, February 2022.

<sup>42</sup> *Ibid.*

rupees of interim relief,<sup>43</sup> no one among ACPR's interviewees in the North had heard of anyone who had received any compensation at all from either institution.

Some women attended the "Access to Justice" mobile campaign organized by the Justice Ministry, which was advertised as a means to access assistance with the justice process, including with the compensation process with both the OMP and the Office of Reparations.<sup>44</sup> However, interviewees reported that their questions were not taken seriously by the government staffers on the campaign. These staffers told the women that there were no reparations applications left. For example, one mother of a disappeared person who went to get an application at the divisional secretariat was told that they had no application forms left so she would need to go to a different office in Kilinochchi, which they were planning to open but which was yet to be opened.<sup>45</sup> This woman expressed serious concern that the long process to visit offices, getting signatures, and running back and forth would result in, at most, such a small amount of money that it would not even cover the travel costs involved to secure it.<sup>46</sup>

Some families also raised concerns that they would face repercussions from the police and the CID if they go to police stations to file new complaints regarding disappearances. Many families originally registered disappearances with the International Committee of the Red Cross (ICRC), but new laws require them to file a report directly with the police in order to receive reparations. For most families, the reason they did not file the report with the local police in the first place was due to a lack of trust in security forces. The security forces were often the perpetrators of the disappearances the families would be reporting. In addition, the forms require applicants to mark whether they were involved in any activity against the government, which would prevent many families of the disappeared and of ex-combatants from being eligible to receive reparations.<sup>47</sup>

It is clear that families of the disappeared are right to have no faith in domestic transitional justice mechanisms.

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<sup>43</sup> "OMP recommends inclusion of families of disappeared in Covid-19 relief" (9 April 2020) *Daily FT*, accessed here: <https://www.ft.lk/News/OMP-recommends-inclusion-of-families-of-disappeared-in-COVID-19-relief-measures/56-698682>.

<sup>44</sup> "Ministry holds 'Access to Justice' Mobile Service in North" (26 January 2022) *Daily News*, accessed here: <https://www.dailynews.lk/2022/01/26/local/271075/ministry-holds-%E2%80%98access-justice%E2%80%99-mobile-service-north>.

<sup>45</sup> Interview with family of the disappeared in Northern Province, February 2022.

<sup>46</sup> Interview with family of the disappeared in Northern Province, February 2022.

<sup>47</sup> Interview with family of the disappeared in Northern Province, February 2022.

## **VII. Recommendations**

This brief outlines the deteriorating security issues surrounding the families of the disappeared. As they continue to demand justice they face increasing verbal, physical, and serious psychological harassment from the intelligence apparatus. Although the security concerns facing families of the disappeared have persisted since the beginning of their protests, over the course of the pandemic we have seen an alarming trend of targeting leading members of the families of the disappeared to such an extent they are now feeling forced to step down from their roles and activism in general. ACPR strongly condemns Sri Lanka's harassment, surveillance, and intimidation of families of the disappeared and allied civil society.

ACPR urges the Government of Sri Lanka and its security forces to cease all surveillance, harassment and intimidation of families of the disappeared, and take concrete steps to respond to their demands for answers and accountability for their loved ones. At a bare minimum, the GoSL should acknowledge and formally respond to the families' quest for truth, justice, and accountability.

We call on international stakeholders including the UN, foreign governments, and international NGOs, to unequivocally recognize the failure of domestic transitional justice mechanisms to support truth and justice for the families of the disappeared. We urge them to make express reference to the need to advance justice for families of the disappeared in any bilateral or multilateral negotiations on assistance or trade. We also reiterate our previous recommendations that any formal or informal cooperation with Sri Lankan security forces and police must be ended on grounds of avoiding complicity in grave human rights violations, including the repression of the freedom of expression of families of the disappeared. International actors should impose conditions that any resumption of assistance could only take place after a credible accountability process involving judicial prosecutions of security forces accused of crimes during and after the war, including enforced disappearances.

We also call on international stakeholders to dedicate more resources to closely monitor the situation of the families of the disappeared and engage with them directly, regularly, and publicly. Close monitoring and reporting will not only give a sense of safety and assurance to the families but will also ensure the international community is well-informed about security incidents that are no longer being reported due to the current political climate.