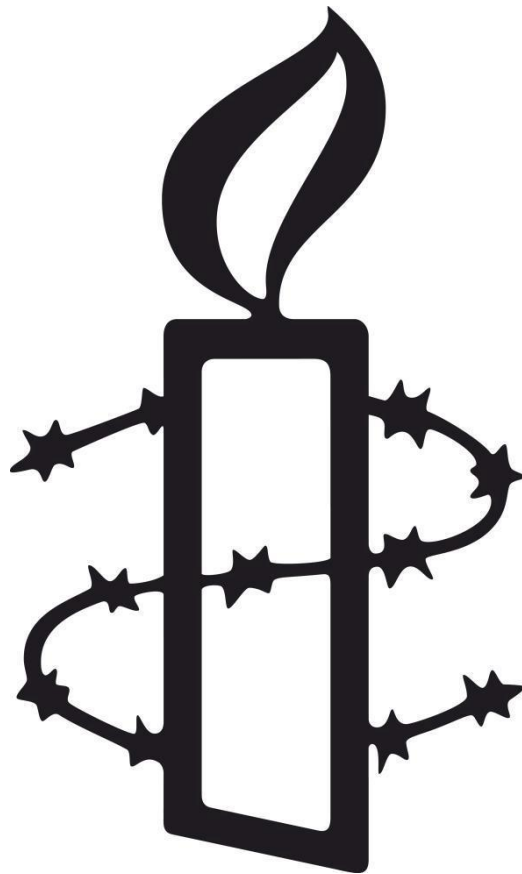


SRI LANKA

SUBMISSION TO THE UN COMMITTEE ON ENFORCED
DISAPPEARANCES

29TH SESSION, 22 SEPTEMBER – 3 OCTOBER, 2025



AMNESTY
INTERNATIONAL



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Amnesty International submits this document ahead of the review of Sri Lanka by the UN Committee on Enforced Disappearances during the 29th session, from 22 September- 3 October 2025.

INTRODUCTION

Sixteen years since the war ended, thousands of victims of enforced disappearances continue to suffer as they await truth, justice, and reparation. During its nearly three-decade long internal armed conflict between 1983-2009, Sri Lankan government forces and associated armed groups have violated international human rights law (IHRL) and international humanitarian law (IHL) with impunity, including by engaging in extrajudicial killings, enforced disappearances and tortured Tamils suspected of links with the Liberation Tigers of Tamil Eelam (LTTE). The LTTE also committed crimes under international law and human rights violations including, but not limited to, launching indiscriminate suicide attacks on civilian targets, like busses and railway stations, assassinated politicians and critics, and forcibly recruited children as fighters.

According to cases still outstanding before the UN Working Group on Enforced or Involuntary Disappearances (WGEID), Sri Lanka has the second largest number of unresolved enforced disappearance cases in the world, recorded at 6,264 by the end of 2024¹ — second only to Iraq. Amnesty International estimates that, as of 2017, there have been at least 60,000, and as many as 100,000 cases of enforced disappearance in Sri Lanka since the 1980s.² Those disappeared include those alleged to have been connected in any way to the LTTE (who disappeared following arbitrary arrests and detentions under the Prevention of Terrorism Act (PTA) or were taken away in unmarked vehicles by officers dressed in civil clothes – known locally as ‘white van abductions’), government critics, LTTE cadres including those who surrendered at the end of the armed conflict, as well as those forcibly conscripted by the LTTE, including child soldiers. Members of the government forces, paramilitary groups, other state agencies as well as the LTTE are among those suspected of criminal responsibility for carrying out enforced disappearances.

In 2010, the UN Secretary-General appointed a Panel of Experts to advise on accountability mechanisms for alleged violations of IHRL and IHL during the final stages of the internal armed conflict.³ The Panel found credible allegations of serious violations by both government forces and the LTTE,⁴ challenging the government’s “zero civilian casualties” claim.⁵

In response to mounting international pressure, Sri Lanka established the Lessons Learnt and Reconciliation Commission (LLRC) in 2010 to examine the breakdown of the 2002 Ceasefire Agreement and events up to May 2009.⁶ The LLRC made key recommendations, particularly on enforced disappearances, and criticized the government’s failure to implement past commission findings.⁷ However, the 2015 OHCHR investigation (OISL) noted the LLRC’s limited impact as many recommendations were not implemented, fuelling the public’s scepticism toward domestic commissions.⁸

¹ A/HRC/57/54: Enforced or involuntary disappearance - Report of the WGEID, OHCHR, 26 July 2024,

<https://www.ohchr.org/en/documents/thematic-reports/ahrc5754-enforced-or-involuntary-disappearance-report-working-group>

² Sri Lanka had two armed Marxist insurrections in the 70s and 80s in the south of the country

³ The report of the Secretary-General's internal review panel on UN action in Sri Lanka, November 2012, available at:

https://digitallibrary.un.org/record/737299/files/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf

⁴ The Panel of Experts report published in 2011 found credible allegations that comprise of five core categories of potential serious violations of international law committed by the government during the conflict. These categories include killing of civilians through widespread shelling; shelling of hospitals and humanitarian objects; denial of humanitarian assistance; human rights violations suffered by victims and survivors of the conflict, including both Internally Displaced Persons (IDPs) and suspected LTTE cadre; and human rights violations outside the conflict zone, including against the media and other critics of the government. The UN investigation also found credible allegations of serious violations perpetrated by the LTTE particularly associated with the final stages of the war. It revealed six core categories of alleged potential serious violations, including: using civilians as a human buffer, killing civilians attempting to flee LTTE control, using military equipment in the proximity of civilians, forced recruitment of children, forced labour, and killing of civilians through suicide attacks.

⁵ Humanitarian mission with zero civilian casualties – President, Onlanka, 11 January 2011, <https://www.onlanka.com/news/humanitarian-mission-with-zero-civilian-casualties-president.html>

⁶ Mandate of the LLRC can be found in page 5-6 of the LLRC report, available at:

http://www.jdslanka.org/images/documents/llrc_report_final.pdf

⁷ See page 163-164 of the LLRC report, available at: http://www.jdslanka.org/images/documents/llrc_report_final.pdf

⁸ Paragraph 509, OISL report, available at: <https://www.refworld.org/reference/countryrep/unhrc/2015/en/107236>

The UN Human Rights Council (UNHRC) has since passed nine resolutions on Sri Lanka from 2012,⁹ largely in response to inadequate domestic accountability efforts. Resolution 25/1 (2014) mandated the Office of the High Commissioner for Human Rights (OHCHR) to investigate violations during the LLRC's timeframe.¹⁰ The resulting 2015 OISL report found reasonable grounds to believe that all parties committed serious violations, some potentially amounting to war crimes and crimes against humanity.¹¹

In the meantime, another domestic mechanism was created. The Paranagama Commission, established in 2013 to investigate enforced disappearances,¹² later received an expanded mandate to examine wartime violations of international law.¹³ While it did not publish its final report on disappearances, its report under the second mandate acknowledged credible allegations of war crimes by individuals belonging to state forces for several alleged violations.¹⁴ These included the disappearance of surrendering combatants and civilians at the end of the war.¹⁵

In 2015, a new government took a more constructive approach to transitional justice. By co-sponsorship of UNHRC Resolution 30/1 in 2015,¹⁶ Sri Lanka committed to establishing four transitional justice mechanisms: including the Office on Missing Persons (OMP), a Truth Commission, an Office for Reparations, and a judicial mechanism with international participation. Only the OMP and the Office for Reparations were established before the government changed in 2019. The OMP, created in 2016, was mandated, inter alia, to trace missing persons and clarify the circumstances of their disappearance.¹⁷ However, it has been widely criticized – particularly by victim communities in the North and East – for its ineffectiveness and failure to build trust.

Amnesty International has expressed strong reservations about the government's 2024 proposal to establish a Truth, Unity and Reconciliation Commission (TRC). In a public statement,¹⁸ Amnesty highlighted the poor track record of past truth commissions in Sri Lanka, whose recommendations were largely ignored. Amnesty also warned that without meaningful criminal accountability – hindered by a politicized Attorney General's (AG's) department and the absence of domestic laws incorporating international crimes – a new truth commission would be ineffective and meaningless to victims. The organization further noted that ongoing land seizures in Tamil and Muslim areas and the heavy military presence in war-affected regions is not conducive to trust building.

Meanwhile, the UNHRC's 2021 Resolution 46/1 led to the creation of the OHCHR Sri Lanka Accountability Project,¹⁹ which has been collecting and preserving evidence for future accountability processes. Despite this, the current government has rejected the mechanism,²⁰ continuing a pattern of resistance to international oversight.

We include an overview of the various domestic initiatives in an annexure at the end of this submission.

⁹ 19/2 in March 2012, 22/1 in March 2013, 25/1 in March 2014, 30/1 in October 2015, 34/1 in March 2017, 40/1 in March 2019, 46/1 in March 2021, 51/1 in October 2022, and 57/1 in 2024

¹⁰ UNHRC resolution A/HRC/RES/25/1, Preambulatory paragraph 10(b)

¹¹ Principal findings of OISL can be found in Chapter xxvi of the report, available at:

<https://www.refworld.org/reference/countryrep/unhrc/2015/en/107236>

¹² The mandate of the Commission can be found on page xii of the report available at: <https://www.colombotelegraph.com/wp-content/uploads/2015/10/Paranagama-Report-.pdf>

¹³ Ibid

¹⁴ Paranagama Commission report, page xxv of the Executive Summary, available at: <https://www.colombotelegraph.com/wp-content/uploads/2015/10/Paranagama-Report-.pdf>

¹⁵ Ibid at page xxvi

¹⁶ UNHRC resolution A/HRC/RES/30/1, 'Promoting reconciliation, accountability and human rights in Sri Lanka', 14 October 2015, available at: <https://documents.un.org/doc/undoc/gen/g15/236/38/pdf/g1523638.pdf>

¹⁷ Section 10 of the OMP Act, available at: http://www.omp.gov.lk/storage/5/1741331949_en.pdf

¹⁸ Sri Lanka's Flawed Plans for a 'Truth Commission', Amnesty International, 4 September 2023, <https://www.amnesty.org/en/documents/asa37/7165/2023/en/>

¹⁹ UNHRC resolution A/HRC/RES/46/1, 'Promoting reconciliation, accountability and human rights in Sri Lanka', 23 March 2021, available at: <https://digitallibrary.un.org/record/3927143?v=pdf>

²⁰ 58th Session of the Human Rights Council: Statement by PR/Geneva (as the country concerned following the Oral Update on Sri Lanka by the High Commissioner for Human Rights), Ministry of Foreign Affairs Sri Lanka, 3 March 2025, <https://mfa.gov.lk/en/58th-session-hrc/>; Statement delivered by Sri Lanka's Permanent Representative to the UN at the 57th Session of the Human Rights Council in Geneva, Ministry of Foreign Affairs Sri Lanka, 9 October 2024, <https://mfa.gov.lk/en/statement-delivered-by-sri-lankas/>

1. DEFINITION AND CRIMINALIZATION OF ENFORCED DISAPPEARANCE (ARTS. 1–7)

1.1 GAPS IN THE DOMESTIC LAW

After ratifying the Convention in May 2016, Sri Lanka gave partial effect to it in its domestic legislation by adopting the International Convention for the Protection of all Persons from Enforced Disappearance Act, in March 2018. Below we highlight some gaps in the domestic law.

ARTICLE 2

The definition in the Act does not enable the prosecution of the full range of perpetrators that would, under international criminal law, be responsible for the crime, as the Act requires that the same person is responsible for both the deprivation of liberty (either in the form of the initial arrest/abduction or subsequent detention) and the refusal to acknowledge the deprivation of liberty or to give information about the fate and whereabouts of the person. This is significant as many individuals who would be responsible for enforced disappearance under international law would not be liable under the Act.

ARTICLE 5

Sri Lanka should recognize that enforced disappearances that are committed as part of a widespread and systematic attack amount to crimes against humanity. Even though Article 5 does not impose an obligation to do so,²¹ by co-sponsoring UNHRC 30/1, Sri Lanka committed to incorporating the “full range of crimes under the general principles of law recognized by the community of nations relevant to violations and abuses of human rights and violations of international humanitarian law...”²² Given the number of enforced disappearances recorded in Sri Lanka, this step would be required to ensure meaningful prosecutions. It should be noted that retroactive criminalization of crimes under international law is permitted by the Sri Lankan Constitution, which explicitly provides for an exception to the non-retroactivity of criminal law principle where “a person commits an act or omission, which at the time it was committed violated a ‘general principle of law recognized by the community of nations’”.²³ The International Covenant on Civil and Political Rights (ICCPR), to which Sri Lanka is a state party, contains a similar provision (Article 15(2)). In any event, the crime against humanity of enforced disappearance being a continuous offense, the law applies to all ongoing cases of enforced disappearance.

ARTICLE 6

The Act does not provide for ordering as a discrete mode of responsibility, and should be amended to give full effect to the Convention.

ARTICLE 7

The Act does not provide for aggravating circumstances such as the death of the disappeared person or the commission of an enforced disappearance with respect to pregnant women, minors, persons with disabilities or other particularly vulnerable persons, and should be amended accordingly.

ARTICLE 8

The Act does not explicitly recognize the continuous nature of enforced disappearances, nor does it specify that the statute of limitation provided for under section 456 of the Code of Criminal procedure “commences

²¹ According to paragraph 68 of the state report, the Intersessional Open-ended Working Group to elaborate a Draft Legally Binding normative Instrument for the Protection of All Persons from Enforced Disappearance observed that ‘article 5 did not create any additional obligation on States to accede to particular instruments or amend their domestic legislation’

²² Paragraph 7 of the UNHRC resolution A/HRC/RES/30/1, ‘Promoting reconciliation, accountability and human rights in Sri Lanka’, 14 October 2015, available at: <https://documents.un.org/doc/undoc/gen/g15/236/38/pdf/g1523638.pdf>

²³ Art 13(6) of the Constitution. For further analysis on this also see: “FITTING THE BILL”: Incorporating International Crimes into Sri Lankan Law, SACLs, September 2016, page 23-24, [FITTING_THE_BILL_INCORPORATING_INTERNATIONAL_CRIMES_INTO_SRI_LANKAN_LAW.pdf](https://www.sacl.org/wp-content/uploads/2016/09/FITTING_THE_BILL_INCORPORATING_INTERNATIONAL_CRIMES_INTO_SRI_LANKAN_LAW.pdf)

from the moment when the offence of enforced disappearance ceases, taking into account its continuous nature”, and should be amended accordingly.

ARTICLE 31

Given the lack of robust action domestically, in the interest of furthering the rights of victims of enforced disappearances, we urge the Committee to call on the government to consider promptly making a declaration under Article 31 of the Convention recognizing the competence of the Committee to receive and consider communications from victims.

1.2 NEW ALLEGATIONS OF ENFORCED DISAPPEARANCES

Contrary to the state party’s indication that no cases of enforced disappearance were reported between 2017 and 2023,²⁴ Amnesty International would like to bring to the Committee’s notice, cases of abduction-style arrests that occurred since enforced disappearances was recognized as a crime under domestic law. Two of these five cases occurred during the mass protests against the then government.

1. 14 February 2022²⁵: 31-year-old Shehan Malaka Gamage, who had been seeking justice over the April 2019 Easter Sunday bombings, alleged that men who were in plain clothes who did not identify themselves had come in a white van, dressed in civilian clothing, accosted him in Panadura in a threatening manner before taking him in to their custody.²⁶ Shehan had recognized one of the men as a Criminal Investigation Department (CID) officer based on a previous CID interrogation incident.²⁷ Shehan also streamed the incident live on his social media.²⁸ According to the CID, he was arrested for attempting to “excite disaffection toward the state,”²⁹ produced before court the day after the arrest and released on bail.³⁰
2. February 2022³¹: Another ‘white van’ incident was alleged by Shanakiyan Rasamanickam MP, where he alleged that unidentified men who claimed to be part of the state intelligence apparatus attempted to kidnap the Assistant Secretary of his Party’s youth wing, in a white van.³² The Kalmunai Police dismissed the accusations as false and misleading, since according to the Police, the unidentified men are not part of state intelligence.³³
3. 1 April 2022: Anuruddha Bandara, a protester and page administrator of a Facebook group called ‘GoHomeGota2022’ was allegedly abducted from his home in Gampola by a group of men claiming to be from the Modara police³⁴ – nearly 120km away. For hours after Bandara’s arrest, activists searching for his whereabouts were unable to locate him at Police stations. The Modara Police had confirmed to the Human Rights Commission of Sri Lanka (HRCSL) that Bandara was in their custody. He was reportedly arrested on suspicion of publishing of various posts and articles on social media in a manner that would cause unrest among the public.³⁵

²⁴ Paragraph 36 of the state report

²⁵ Still no answers: An update on the rights of victims of enforced disappearances in Sri Lanka, Amnesty International, 1 March 2022, <https://www.amnesty.org/en/documents/asa37/5278/2022/en/>

²⁶ Social activist Shehan Malaka arrested by CID, The Morning, 14 February 2022, <https://www.themorning.lk/social-activist-shehan-malaka-arrested-by-cid/> and Sri Lanka: Arbitrary arrest and subsequent release on bail of Shehan Malaka, FIDH, 25 February 2022, <https://www.fidh.org/en/issues/human-rights-defenders/sri-lanka-arbitrary-arrest-and-subsequent-release-on-bail-of-shehan>

²⁷ CID summons social activist for questioning, NewsWire, 23 August 2021, <https://www.newswire.lk/2021/08/23/cid-summons-social-ativist-for-questioning/>

²⁸ Activist Shehan Malaka granted bail, day after he was arrested by CID in the street, Newsfirst, 15 February 2022, <https://www.newsfirst.lk/2022/02/15/activistshehan-malaka-granted-bail-day-after-he-was-arrested-by-cid-in-the-street/>

²⁹ Section 120 of the Penal Code

³⁰ Sri Lanka: Arbitrary arrest and subsequent release on bail of Shehan Malaka, FIDH, 25 February 2022,

<https://www.fidh.org/en/issues/human-rights-defenders/sri-lanka-arbitrary-arrest-and-subsequent-release-on-bail-of-shehan>

³¹ Still no answers: An update on the rights of victims of enforced disappearances in Sri Lanka, Amnesty International, 1 March 2022, <https://www.amnesty.org/en/documents/asa37/5278/2022/en/>

³² See tweet by Shanakiyan Rasamanickam MP, 17 February 2022, available at: <https://x.com/ShanakiyanR/status/1494326420994392065>

³³ Shanakiyan's white van accusations false and misleading: SL Police, The Morning, 19 February 2022, <https://www.themorning.lk/articles/189616>

³⁴ ‘Go Home Gota’ FB admin and social media activist Anuruddha Bandara arrested by Mutuwal Police, Daily Mirror, 2 April 2022, https://www.dailymirror.lk/breaking_news/Go-Home-Gota-FB-admin-and-social-media-activist-Anuruddha-Bandara-arrested-by-Mutuwal-Police/108-234357

³⁵ Youth activist Anuruddha Bandara released from court case, Ada Derana, 21 June 2022, <https://www.adaderana.lk/news.php?nid=83181>

4. 27 July 2022: According to reports, student activist Veranga Pushpika was forcibly taken away by an unidentified group after he attended a protest organized by trade unions, in the context of the mass protests taking place at the time demanding the resignation of the President and system change. An arrest receipt had not been issued in relation to the incident the Police claims was an arrest and not an abduction by the Colombo South Divisional Crime Detective Bureau³⁶, nor were any arresting officers dressed in Police uniform.³⁷ Acting upon a complaint, the HRCSL had inquired from the police to learn that Pushpika had been taken into custody. He was reportedly arrested in connection with causing damages to public property during a different protest.³⁸
5. 26 March 2024: Following a complaint made to the HRCSL by the victim's mother, the Commission wrote to the AG's department regarding the alleged enforced disappearance of Kapila Kumara De Silva.³⁹ The HRCSL recommended that the AG initiates criminal action against the Police for the enforced disappearance. For weeks the victim's whereabouts were unknown before he had been handed over to the Pitigala Police station on 20 April 2024. The victim reported he was abducted in a white van by persons claiming to be from the Police, who had blindfolded him and taken him to an unidentified location for several days of interrogation where he claimed to have been assaulted and threatened with execution.

As noted by Amnesty International,⁴⁰ abduction-style arrests violate the rights to liberty and security of persons and to a fair trial and bring back fears of the practice of enforced disappearances, placing those arrested outside the protection of the law and at risk of torture and other ill-treatment. Arbitrary deprivation of liberty and torture are prohibited in all circumstances and the prohibition constitutes a peremptory norm of international law, for which no derogation is permitted including during states of emergencies.⁴¹ Article 9 of the ICCPR specifically protects the right to liberty and security of person, and prohibits arbitrary detention. This prohibition is an essential corollary to the right to liberty. As clarified by the UN Working Group on Arbitrary Detention, an arrest that is pursued solely on the basis of the peaceful exercise of human rights or that is the result of the violation of fair trial rights is arbitrary.⁴²

Amnesty International is unaware of any cases where the Police has conducted criminal investigations on the basis of the crime of enforced disappearance as introduced by the 2018 Act, of legal action initiated by the AG's department on that basis, or of anyone found guilty of the offense.

2. JUDICIAL PROCEDURE AND COOPERATION IN CRIMINAL MATTERS (ARTS. 8–15)

In its history of working on Sri Lanka, Amnesty International has recorded Sri Lanka's many failed attempts to provide truth, justice and reparations to victims of war time violations of IHRL and IHL.⁴³ Commissions of Inquiry and the OMP have all largely been unable to provide truth to the families seeking answers, due to either a lack of independence, willingness or capacity to carry out investigations into enforced disappearances cases. Despite a few successes, impunity for enforced disappearances remains pervasive.

³⁶ Police arrest IUSF activist Veranga Pushpika, Daily Mirror, 27 July 2022, https://www.dailymirror.lk/top_story/Police-arrest-IUSF-activist-Veranga-Pushpika/155-241908

³⁷ See tweet by Ambika Satkunanathan, 5 August 2022, available at: <https://x.com/ambikasat/status/1555560400107712512>

³⁸ Freelance journalist cum GGG activist arrested in daylight abduction style, Daily Mirror, 28 July 2022, https://www.dailymirror.lk/print/front_page/Freelance-journalist-cum-GGG-activist-arrested-in-daylight-abduction-style/238-241942

³⁹ Letter to Hon. Attorney-General regarding Alleged Enforced Disappearance of Mr Kapila Kumara De Silva, HRCSL, 14 May 2024, <https://www.hrsl.lk/letter-to-hon-attorney-general-regarding-alleged-enforced-disappearance-of-mr-kapila-kumara-de-silva/>

⁴⁰ End government crackdown on peaceful protesters, Amnesty International, 5 August 2022, <https://www.amnesty.org/en/documents/asa37/5928/2022/en/>

⁴¹ UN Human Rights Committee, General Comment No. 29, para. 11.

⁴² Methods of work of the Working Group on Arbitrary Detention, U.N. Doc. A/HRC/33/66, 12 July 2016, <https://www.ohchr.org/EN/Issues/Detention/Pages/MethodsOfWork.aspx>.

⁴³ Twenty years of make-believe. Sri Lanka's Commissions of Inquiry, Amnesty International, 11 June 2009, <https://www.amnesty.org/en/documents/ASA37/005/2009/ent/>

Court cases have made scant progress as state entities have not cooperated with hearings and summons to provide information, such as lists of those who surrendered to the Army at the end of the war.⁴⁴

2.1 THE OMP

The seven-member office was operationalized in 2018 after legislation to set up the Office was passed in 2016. Its mandate includes *“to search for and trace missing persons and identify appropriate mechanisms for the same and to clarify the circumstances in which such persons went missing”*. The OMP is different to presidential Commissions of Inquiry since it is a permanent office, established through statute as opposed to Presidential decree. The members are appointed through the Constitutional Council. The first batch of members included victims and civil society members, however after that, since the appointment process for the OMP changed⁴⁵ under President Gotabaya Rajapaksa, appointments to the Office have been less effective, and they have not addressed administrative challenges it faces while carrying out its mandate.⁴⁶ Families of the disappeared from the North and East engaged with the OMP at the beginning. They informed Amnesty that they handed over five case files to the OMP and that those files were misplaced by the OMP’s second batch of Commissioners that included a controversial Chair. Amnesty also expressed concerns around the OMP’s membership.⁴⁷ In November 2020, the OMP published on its website, a list of cases and information it received regarding missing persons. Under the leadership of Upali Abeyratne, the lists were taken down and new lists with fewer cases were uploaded in their place. Despite ample evidence publicly available to the contrary, in 2022, the current Chair of the OMP, Mahesh Katulanda, rebutted claimed that those who surrendered to the authorities at the end of the war went missing.⁴⁸ After a long delay, the OMP has uploaded an Annual Report for 2023 and a Strategic Road Map for its operations 2023-25 on its website.

The OHCHR’s September 2024 update on Sri Lanka criticized the OMP for prioritizing administrative tasks – like verifying financial aid eligibility and closing files – over actively tracing missing persons, thereby shifting the burden of evidence presentation onto victims and risking re-traumatization.⁴⁹ Despite broad investigative powers, the OMP had confirmed the fate of only 16 individuals from 2002–2007. Of 5,791 complaints reviewed from 2000–2021, 1,058 involved the military or LTTE, but only 397 cases saw further action, with 50 files referred to the CID for verification, raising concerns about the OMP’s effectiveness.⁵⁰

Families remain frustrated with the OMP as they continue to await critical investigative steps—such as summoning and questioning members of the military. Families of the disappeared have, therefore, been protesting for the past seven years in militarized former war zones in each district in the North and the East, braving pushback from the state in the form of surveillance, harassment, intimidation and restrictions on their protests.

2.2 MASS GRAVES

A report released in 2023 drew attention to the fate of mass graves or clandestine graves discovered around the country.⁵¹ It highlighted the flawed exhumation process, lack of involvement of families in the process,

⁴⁴ In response to 13 families who filed habeas corpus applications seeking information about their loved ones who surrendered to the 58th Division of the Army, the Mullaithivu magistrate ordered the General Officer commanding the Division, Major General Kavinda Gunawardena, to submit the list to court. Subsequent to failing to produce this list, the Magistrate in late September 2016 ordered the CID to investigate. This was after ruling that the documents eventually filed by the army were not a complete record of all those who had been detained by army but instead reflected only those people who had completed “rehabilitation.” To date the real lists have not been produced. See: Release lists of the forcibly disappeared, Amnesty International, 18 May 2018, available at: <https://reliefweb.int/report/sri-lanka/sri-lanka-release-lists-forcibly-disappeared>

⁴⁵ The 20th amendment to the Constitution changed the appointment process to the OMP. The Constitutional Council was replaced with the Parliamentary Council (PC). The PC only had to provide observations on their recommendations to the President who was not bound by them.

⁴⁶ For e.g., the OMP’s 2018 interim report states, “An unexpected issue is the lack of recognition of its status as an independent commission on the part of some key state authorities, necessitating clarification and resulting in delays.” The interim report is available at: http://www.omp.gov.lk/storage/29/1741334429_en.pdf

⁴⁷ Still no answers: An update on the rights of victims of enforced disappearances in Sri Lanka, Amnesty International, 1 March 2022, <https://www.amnesty.org/en/documents/asa37/5278/2022/en/>

⁴⁸ Families in Sri Lanka yearn for answers on relatives who disappeared in civil war, Reuters, 2 November 2022, <https://www.reuters.com/world/asia-pacific/sri-lankans-yearn-answers-relatives-who-disappeared-civil-war-2022-10-26/>

⁴⁹ A/HRC/57/19: Situation of human rights in Sri Lanka - Comprehensive report of the UN High Commissioner for Human Rights, OHCHR, 22 August 2024, paragraph 39, <https://www.ohchr.org/en/documents/reports/ahrc5719-situation-human-rights-sri-lanka-comprehensive-report-united-nations>

⁵⁰ Ibid

⁵¹ Mass graves and failed exhumations in Sri Lanka, JDS, FOD, CHR, ITJP, June 2023, https://itjpsl.com/assets/ITJP_MassGraves_report_v5.1.pdf

the very few exhumations that have led to identification of victims, or any clarification of the circumstances surrounding their deaths, let alone prosecutions and convictions. Mass graves were discovered in 2023 in Kokkuthoduvai in the Mullaithivu district, in Muhamalai in the Kilinochchi district in April 2024, and near Chemmani in the Jaffna district in February 2025. In Kokkuthoduvai, the year-long excavation process unearthed 52 skeletons.⁵² Judicial Medical Officer (JMO) reportedly confirmed that bodies of individuals whose remains were excavated from the Kokkuthoduvai mass grave were buried "in a hurry" without any religious rites, sometime between 1994 and 1996.⁵³

Amnesty raised concerns⁵⁴ around the Chemmani mass grave that is being exhumed at the time of submission. Reports from journalists covering the exhumation indicate that 65 skeletons have been exhumed and that the Ministry of Justice has released the necessary funds required for the process.⁵⁵ In an interim report submitted to the Jaffna Magistrate's Court, Archaeologist Professor Raj Somadeva reportedly highlighted that the recovered skeletal remains do not resemble those from customary burials.⁵⁶

Sri Lanka has multiple mass graves in the South of the country⁵⁷ where there were two armed insurrections during the 1970s and 1980s. One of the largest discovered so far is the 2018 Mannar mass grave which saw the exhumation of more than 300 skeletons.⁵⁸

2.3 PROGRESS IN EMBLEMATIC CASES

Sri Lanka has thus far only managed to achieve successful prosecutions in two instances of disappearances – not as enforced disappearances, but for offences related to abduction. Both these cases pre-date the end of the war. The first success is with the 1989 Embilipitiya school boys' case and the second is the 1996 Krishanthi Kumaraswamy case. The former involved the enforced disappearance of more than fifty Sinhalese students from Embilipitiya in the Ratnapura district between 8 September, 1989 and 30 January, 1990 by a school principal acting in collusion with soldiers from a nearby Army camp.⁵⁹ In the case, six soldiers as well as the school principal were convicted for conspiracy to abduct and abduction and kidnapping of the students in order to murder and/or with intent to secretly and wrongfully confine them.⁶⁰ In the latter, the victim Krishanthi Kumaraswamy, an 18 year-old Tamil schoolgirl was stopped at a checkpoint near Kaitadi in the Jaffna district by security personnel, detained, repeatedly gang raped, and murdered.⁶¹ Six were convicted for abduction with intent to force illicit sexual intercourse, rape, and murder.⁶²

Post-war, only a handful of emblematic cases of enforced disappearances have made it to trial stage. As far as Amnesty is aware, none of the cases are being prosecuted for enforced disappearances, but for crimes such as abduction and murder – offences that do not acknowledge a core element of the crime, i.e. involvement of the state. Two such examples below:

1. Prageeth Eknaligoda (HC (TAB 725/19),⁶³: Prageeth Eknaligoda is a journalist and cartoonist who was forcibly disappeared in January 2010. Nine Army personnel were indicted in 2019 in connection to the case.⁶⁴ The trial began before a permanent high court trial-at bar established in 2018. The

⁵² Kokkuthoduvai mass grave body parts identification process on, Ceylon News, 14 August 2024, <https://english.ceylonnews.lk/kokkuthoduvai-mass-grave-body-parts-identification-process-on/>

⁵³ Sri Lankan government refuses to fund Kokkuthoduvai mass grave excavation, crippling investigation, Tamil Guardian, 5 April 2024, <https://www.tamilguardian.com/content/sri-lankan-government-refuses-fund-kokkuthoduvai-mass-grave-excavation-crippling>

⁵⁴ Amnesty International South Asia Regional Office on X, 5 June 2025, <https://x.com/amnestysasia/status/1930610604194050253?s=46&t=vPB8rPu2GneCugglnTTnKQ>

⁵⁵ See tweet by Kumanan, 10 July 2025, <https://x.com/kumanan93/status/1943247516557889671>

⁵⁶ See tweet by Kumanan, 15 July 2025, <https://x.com/kumanan93/status/1945175125990760808>

⁵⁷ Mass graves and failed exhumations in Sri Lanka, JDS, FOD, CHR, ITJP, June 2023, page 13, https://itjpsl.com/assets/ITJP_MassGraves_report_v5.1.pdf

⁵⁸ Mass grave in Mannar in Northern Sri Lanka unearths 300 human skeletons, Ceylon Independent, 17 January 2019, <https://www.independent.lk/mass-grave-mannar-northern-sri-lanka-unearths-300-human-skeletons/>

⁵⁹ Post-War Justice in Sri Lanka: Rule of Law, the Criminal Justice System, and Commissions of Inquiry, International Commission of Jurists, 18 January 2010, page 54, available at: <https://reliefweb.int/report/sri-lanka/post-war-justice-sri-lanka-rule-law-criminal-justice-system-and-commissions-inquiry>

⁶⁰ Ibid at page 55

⁶¹ Ibid at page 52

⁶² Ibid

⁶³ Submission to the UN Human Rights Committee 137th session, 27 February- 24 March 2023, Amnesty International, 31 January 2023, <https://www.amnesty.org/en/documents/asa37/6398/2023/en/>

⁶⁴ Daily Mirror, Prageeth Eknaligoda case: Nine army officials indicted, 27 November 2019, https://www.dailymirror.lk/breaking_news/Prageeth-Eknaligoda-case-Nine-army-officials-indicted/108-178597

charges are abduction, conspiracy to murder, and murder – notably not for enforced disappearance, despite the crime having been introduced in domestic law prior to the indictment. In November 2021, a newly established Presidential Commission of Inquiry on Political Victimization⁶⁵ summoned witnesses in the case in a motion that could amount to sub-judice.⁶⁶ Subsequently, several key witnesses either recanted their testimony or failed to appear in court. The AG’s department prosecutors requested the Court to investigate influence over key witnesses.⁶⁷ The nine suspects were granted bail in 2022. However, one of the main accused in the case, Brigadier Shammi Kumararatne of the Army Intelligence Unit, was re-arrested in June 2025 for intimidating Suresh Kumar, a key witness in the case on several occasions.⁶⁸

2. ‘Navy 11’ (HC (TAB)/1448/2020),⁶⁹: The Navy is alleged to have been behind the forcible disappearance of the “Navy 11”, a case involving the abduction of 11 youth in 2008 and 2009. The case has faced many obstacles in courts. In August 2018, the CID of the Police arrested Lt. Commander Chandana Hettiarachchi, alias “Navy Sampath”, as the main suspect.⁷⁰ The CID accused then Chief of Defence Staff Admiral Ravindra Wijegunaratne of shielding one of the main suspects, and the court ordered his arrest.⁷¹ In February 2019, former Commander of the Navy, Admiral Wasantha Karannagoda, was named as the 14th suspect in the case.⁷² Following the appointment of the Presidential Commission of Inquiry into Political Victimization in August 2021, the AG’s department decided not to proceed with charges against Wasantha Karannagoda, over his alleged role in the abduction.⁷³ This has now been disputed in court, and the case has been stalling since.

In both the aforementioned cases, victims seeking justice have faced great financial difficulty enduring and sustaining their quest for accountability with no support received from the state.

2.4 CONFLICT OF INTEREST AT THE AG’S DEPARTMENT

In many cases where state actors are implicated, prosecutions have not been forthcoming. This is because the AG’s department holds a dual and conflicting mandate: legal advisor and defendant of the state and chief prosecutor. In practice, this dual mandate becomes problematic when state officials or security forces are accused of serious crimes committed with the authorization, support or acquiescence of state authorities. In such cases, the roles tend to blur, undermining prosecutorial independence. The prosecution of enforced disappearances by the AG’s department would be challenging for this very reason. As noted earlier, since enforced disappearances were criminalized, Amnesty is unaware of any prosecutions against state actors, even in cases where the HRCSL has recommended legal action.⁷⁴

In recognition of this conflict of interest, the present government indicated interest in setting up an Office of the Public Prosecutor, “as a mechanism to prevent delays within the judicial system and establish an independent Office of the Public Prosecutor and Provincial Sub Offices, operating separately from the AG’s

⁶⁵The three-member Presidential Commission of Inquiry was appointed by President Gotabaya Rajapaksa in January 2020 to investigate alleged political victimizations that occurred between 2015 and 2019. In August 2024, the Supreme Court quashed the recommendations of the Commission. See: <https://www.ft.lk/news/SC-quashes-recommendations-by-Upali-Abeyratne-Commission/56-765356#>

⁶⁶ Amnesty International has been attending and monitoring the case: <https://x.com/amnestysasia/status/1461290596681732096>

⁶⁷ Ekneligoda Disappearance: Army Intel personnel granted bail; Witness remanded, Newsfirst, 17 June 2022, <https://www.newsfirst.lk/2022/06/17/ekneligoda-disappearance-army-intel-personnel-granted-bail-witness-remanded/> and Court orders investigation into the threats on the witness in the Prageeth Ekneligoda case, Colombo Page, 11 July 2022, http://www.colombopage.com/archive_22B/Jul11_1657561804CH.php

⁶⁸ Ex-Army Intel Brigadier Remanded Over Threats in Ekneligoda Murder Trial, Newsfirst, 11 June 2016, <https://www.newsfirst.lk/2025/06/11/ex-army-intel-brigadier-remanded-over-threats-in-ekneligoda-murder-trial>

⁶⁹ Submission to the UN Human Rights Committee 137th session, 27 February- 24 March 2023, Amnesty International, 31 January 2023, <https://www.amnesty.org/en/documents/asa37/6398/2023/en/>

⁷⁰ ‘Navy Sampath’ arrested by CID, Ada Derana, 14 August 2018,

<https://www.adaderana.lk/news.php?nid=49362#:~:text=Chandana%20Hettiarachchi%20also%20known%20as%20%E2%80%98Navy%20Sampath%E2%80%99%2C%20wanted,in%20the%20Lotus%20road%2C%20according%20to%20the%20police>

⁷¹ Authorities falter on accountability in ‘Navy 11’ case, Amnesty International, 4 August 2021,

<https://www.amnesty.org/en/latest/news/2021/08/sri-lanka-authorities-falter-on-accountability-in-navy-11-case/>

⁷² Ibid

⁷³ Ibid and AG to not proceed with charges against Karannagoda in case on disappearance of 11 youth, Daily FT, 5 August 2021, <https://www.ft.lk/news/AG-to-not-proceed-with-charges-against-Karannagoda-in-case-on-disappearance-of-11-youth/56-721324>

⁷⁴ Letter to Hon. Attorney-General regarding Alleged Enforced Disappearance of Mr Kapila Kumara De Silva, HRCSL, 14 May 2024, <https://www.hrsl.lk/letter-to-hon-attorney-general-regarding-alleged-enforced-disappearance-of-mr-kapila-kumara-de-silva/>

department to conduct cases on behalf of the Government.”⁷⁵The government also expects the establishment of the Office “to improve the independence and transparency of the criminal justice system and expedite the criminal justice process, enabling to gain confidence of the people.”⁷⁶At the time of this submission, a Committee of Technical Experts has been appointed to report on introducing new legislation to establish the Office.⁷⁷

2.5 HABEAS CORPUS REMEDY

Although the state report to this Committee highlights⁷⁸ the Court of Appeal’s writ jurisdiction of *Habeas Corpus* under Article 141 of the Constitution as one of the institutional remedies available for victims of enforced disappearances, in practice this has seldom been an effective remedy. As noted by the Final Report of the 1994 Western, Southern and Sabaragamuwa Disappearances Commission and highlighted in a report by the International Commission of Jurists,⁷⁹ there was an uptick of victims resorting to the *habeas corpus* remedy in the 1980s during the JVP’s armed insurrection period. However, many *habeas corpus* cases were dismissed due to petitioners’ absence, often caused by poverty or fear. Respondents, usually state agents, avoided court by citing service duties. Some petitioners, or their lawyers disappeared or faced threats, making justice inaccessible.⁸⁰

The report highlights undue delays at every stage of the process, and transfer of cases, as further notable factors affecting *habeas corpus* writs.⁸¹ It notes these issues were prevalent in cases emanating from the North-East conflict.⁸²

The report shows that although a positive trend was seen in the 1980s and early 1990s where the writ remedy worked in holding to account those suspected of criminal responsibility, later cases linked to the North-East conflict, were dismissed often dismissed on technicalities making it an “inconsistent and unpredictable” judicial remedy.⁸³

Victims of enforced disappearances that Amnesty interacts with from the North and the East have regularly highlighted their lack of faith in judicial processes and their inability to trigger domestic institutional remedies to secure a successful judicial outcome.

2.6 WITNESS AND VICTIM PROTECTION

In many instances, the victim and witness protection framework set up through the Assistance to and Protection of Victims of Crime and Witnesses Act of 2015,⁸⁴ had proven inadequate. Several human rights defenders, including legal practitioners, strongly criticized the Act upon its adoption,⁸⁵ particularly over the appointment process, which allows the President to make direct appointments to the Authority rather than relying on recommendations from the Constitutional Council, and due to the Protection Division’s lack of safeguards to ensure independence from the Police.⁸⁶ While new legislation passed in 2023 replaced this

⁷⁵ Press briefing of Cabinet decision taken on 7 May 2025 available at:

https://www.cabinetoffice.gov.lk/cab/index.php?option=com_content&view=article&id=16&Itemid=49&lang=en&dID=13153

⁷⁶ Ibid

⁷⁷ Ibid

⁷⁸ Paragraph 33 of the state report

⁷⁹ Post-War Justice in Sri Lanka: Rule of Law, the Criminal Justice System, and Commissions of Inquiry, International Commission of Jurists, 18 January 2010, page 47, available at: <https://reliefweb.int/report/sri-lanka/post-war-justice-sri-lanka-rule-law-criminal-justice-system-and-commissions-inquiry>

⁸⁰ Ibid at page 48

⁸¹ Ibid

⁸² Ibid at page 49-50

⁸³ Ibid at page 50

⁸⁴ Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015 available at:

<https://www.napvcw.gov.lk/img/about/resources/Assistance%20to%20and%20Protection%20of%20Victims%20of%20Crime%20and%20Witnesses%20-%20Act%20No%204%20of%202015.pdf>

⁸⁵ The Need for a Strong Victim and Witness Assistance and Protection Mechanism, Centre for Policy Alternatives, 5 September 2014,

<https://www.cpalanka.org/the-need-for-a-strong-victim-and-witness-assistance-and-protection-mechanism/>

⁸⁶ Section 19 of the 2015 Act, available at:

<https://www.napvcw.gov.lk/img/about/resources/Assistance%20to%20and%20Protection%20of%20Victims%20of%20Crime%20and%20Witnesses%20-%20Act%20No%204%20of%202015.pdf>

Act,⁸⁷ concerns around independence remain with the Authority’s Board of Management comprising ten ex-officio members from various institutions and five members appointed directly by the President.⁸⁸

In a 2021 report, Amnesty International documented how Attorney Achala Senevirathne who represents aggrieved parties in the “Navy 11” case has been unable to get sufficient protection through the Authority.⁸⁹ Achala has been threatened with violence and sexualised abuse on social media. She also said that the navy officials accused in the case have telephoned her from within prison and threatened her and described how during 2018-2019 there were unmarked vehicles parked outside her house before case hearings. After several complaints to different mechanisms, in June 2019, the National Authority for the Protection of Victims of Crime and Witness deemed her case high risk and instructed the police to provide her security.⁹⁰ It took almost one and a half for the police to initiate a check-in system at her residence, which Achala described as very ad-hoc and unreliable. Achala believes the mechanism exposes her to greater vulnerability due to random, unscheduled intrusions by police officers into her personal life.

3. MEASURES TO PREVENT ENFORCED DISAPPEARANCES (ARTS. 16–23)

3.1 REASONABLE TIME TO TRANSPORT A DETAINEE TO THE RELEVANT POLICE STATION

In recent cases where concerns around alleged enforced disappearance were raised, there was a significant delay between the victim’s abduction or alleged arrest – sometimes by unidentified individuals in civilian clothing – and official acknowledgment of custody. In a country as small as Sri Lanka, the time taken to transfer a detainee to a lawful detention centre must be reasonable. Unjustified delays and failure to notify families place detainees outside the protection of the law, increasing the risk of abuse and disappearance.

3.2 REPEALING THE PTA

The PTA was initially passed in 1979 as an extraordinary and temporary measure to tackle “elements or groups of persons or associations” attempting to bring about a change of government. It has since been weaponized to harass minorities, activists, journalists and voices critical of sitting governments. Together with Emergency Regulations passed under the Public Security Ordinance,⁹¹ authorities used the PTA to bypass due process safeguards under the regular legal framework and make arbitrary arrests en-masse.⁹² The PTA therefore became one of the greatest enablers of enforced disappearances, and repealing the draconian law is critical to ensuring non-repetition.

Despite repeated assurances by consecutive governments to repeal the PTA and replace it with counter-terror legislation that is in line with international laws and standards,⁹³ it remains in use and calls for a moratorium have gone unheeded. The PTA has come under heavy criticism as a key example of legislation that facilitated some of the most serious heinous crimes committed during the conflict. It enables prolonged detention for up to a year without charge,⁹⁴ and removes safeguards against the custodial torture of detainees.⁹⁵ The Act was used heavily to target the Muslim community in the wake of the Easter Sunday

⁸⁷ Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023 available at https://www.napvcw.gov.lk/img/about/resources/10-2023_E.pdf

⁸⁸ Section 42(3) of the 2023 Act

⁸⁹ Old ghosts in new garb: Sri Lanka’s return to fear, Amnesty International, 17 February 2021, <https://www.amnesty.org/en/documents/asa37/3659/2021/en/> pg 45

⁹⁰ Amnesty International interviews with Achala Senevirathne, 11 August 2020, 11 December 2020

⁹¹ The Public Security Ordinance is available at: <https://www.srilankalaw.lk/revised-statutes/volume-vi/968-public-security-ordinance.html>

⁹² Return to War: Human Rights Under Siege, Human Rights Watch, August 2007, Chapter VII, <https://www.hrw.org/reports/2007/srilanka0807/7.htm>

⁹³ See statements in the media by Foreign Minister Samaraweera from the 2015-2019 government: <https://www.tamilguardian.com/content/sri-lanka-process-repealing-pta-mangala>; Minister Sabry from the 2019-2024 government: <https://www.adaderana.lk/news.php?nid=88063>; Prime Minister Amarasuriya from the current government that came into power in 2024: <https://www.adaderana.lk/news.php?nid=88063>

⁹⁴ PTA section 9(1)

⁹⁵ PTA section 16(1)(a)

bombings in 2019.⁹⁶ In more recent times, it's been used against student protesters⁹⁷ as well as Tamils commemorating those killed during the war.⁹⁸

In 2023, the government proposed PTA replacement legislation called the Anti-Terrorism bill (ATB), which too falls short of international law and standards. The ATB was first published in a gazette in March 2023, and Amnesty International wrote to the Minister of Justice with concerns around the bill including: the vague and broad definition of what constitutes a terror offence; pre-charge detention of up to 12 months; law enforcement powers to the military (including powers to carry out arrests without warrants); and unchecked powers of the executive, including to designate persons and organizations without judicial oversight.⁹⁹ Later, the bill was withdrawn and re-published¹⁰⁰ in September 2023 with minor changes that made no substantive difference to the most pressing concerns raised. More than 30 petitioners challenged the bill in the Supreme Court, however the Supreme Court's determination¹⁰¹ regarding the constitutionality of the bill fell short of recognising the adverse effect the legislation may have on fundamental rights recognised in the Constitution, should it be passed into law.

Although the new government in its election manifesto promised to repeal the PTA,¹⁰² it then backtracked on this commitment.¹⁰³ New PTA arrests persist under the new government.¹⁰⁴ The latest proposal by the Justice Minister is to replace the PTA with an Anti-Terrorism law, however a draft has still not been made available for comment. A committee has been appointed to draft the legislation.¹⁰⁵

4. MEASURES TO PROTECT AND ENSURE THE RIGHTS OF VICTIMS OF ENFORCED DISAPPEARANCE (ART. 24)

Tamil families of the disappeared in the North and East continue to face intimidation by police and military, creating a chilling effect on their rights to peaceful assembly, association, and expression – protected under both the Constitution and the ICCPR.

4.1 ONGOING HARASSMENT AND INTIMIDATION OF VICTIMS

In reports released in 2021,¹⁰⁶ 2022,¹⁰⁷ 2023,¹⁰⁸ 2024¹⁰⁹ Amnesty has constantly flagged the harassment, intimidation and surveillance of families of the forcibly disappeared. In particular, protests by families of the forcibly disappeared in the North and East were under surveillance by the security forces and Police.¹¹⁰

⁹⁶ Respect human rights in the aftermath of Easter Attacks, Amnesty International, 4 May 2019, <https://www.amnesty.org/en/documents/asa37/0297/2019/en/>

⁹⁷ Protesters must not be detained under the draconian anti-terror law, Amnesty International, 22 August 2022, <https://www.amnesty.org/en/latest/news/2022/08/sri-lanka-protesters-must-not-be-detained-under-the-draconian-anti-terror-law/>

⁹⁸ Tamils Detained for Commemorating War Dead, Human Rights Watch, 6 December 2023, <https://www.hrw.org/news/2023/12/06/sri-lanka-tamils-detained-commemorating-war-dead>

⁹⁹ Amnesty International writes to the Minister of Justice with concerns around the proposed Anti-Terrorism Act, Amnesty International, 1 June 2023, <https://www.amnesty.org/en/documents/asa37/6847/2023/en/>

¹⁰⁰ The Anti-terrorism bill gazetted in September 2023 can be found at: https://documents.gov.lk/view/bills/2023/9/383-2023_E.pdf

¹⁰¹ Supreme Court determination on the Anti-terrorism bill, October 2023, available at: https://supremecourt.lk/wp-content/uploads/2023/12/sc_sd_70_2023.pdf

¹⁰² NPP policy statement, page 129, available at: https://muragala.lk/wp-content/uploads/2024/10/NPP_manifesto_English_2024.pdf

¹⁰³ NPP accused of making U-turn on abolishing PTA, Colombo Gazette, 30 October 2024, <https://colombogazette.com/2024/10/30/npp-accused-of-making-u-turn-on-abolishing-pta/>

¹⁰⁴ Amnesty International writes to the Minister of Justice and National Integration, Amnesty International, 7 April 2025, page 3, <https://www.amnesty.org/en/documents/asa37/9231/2025/en/>

¹⁰⁵ Committee Appointed to Repeal Prevention of Terrorism Act, Daily News, 13 April 2025, <https://www.dailynews.lk/2025/04/13/admin-categories/breaking-news/761144/committee-appointed-to-repeal-prevention-of-terrorism-act/>

¹⁰⁶ Old ghosts in new garb: Sri Lanka's return to fear, Amnesty International, February 2021, <https://www.amnesty.org/en/documents/asa37/3659/2021/en/>

¹⁰⁷ Still no answers: An update on the rights of victims of enforced disappearances in Sri Lanka, Amnesty International, 1 March 2022, <https://www.amnesty.org/en/documents/asa37/5278/2022/en/>

¹⁰⁸ Sri Lanka's Flawed Plans for a 'Truth Commission', Amnesty International, 4 September 2023, <https://www.amnesty.org/en/documents/asa37/7165/2023/en/>

¹⁰⁹ 'Ready to suppress any protest': Unlawful use of weapons during protests, Amnesty International, 9 April 2024, <https://www.amnesty.org/en/documents/asa37/7896/2024/en/>

¹¹⁰ Ibid at page 34

Another report flagged how for several years, law enforcement officers- including members of the CID, made visits to organisations and activists demanding justice for the disappeared, to inquire about their work and funding sources.¹¹¹ This has been perceived as a form of intimidation. Victim families have further been subjected to other forms of intimidation, including photographing and video recording of their protests by authorities dressed in civilian clothing, harassment through phone calls including in the night and incessant questioning not only of themselves but also in some instances of their neighbours.¹¹²

Over the years and to date, local organizations¹¹³ and UN officials¹¹⁴ have recorded reprisals, harassment and intimidation of representatives of the families who attend the UNHRC sessions in Geneva. A report released earlier this year documents recent cases of harassment including the case of an activist being repeatedly summoned by the CID and the Counter Terrorism and Investigation Division upon return from Geneva.¹¹⁵

4.2 RESTRICTIONS ON PROTESTS, MEMORIALISATION EFFORTS AND ARREST OF VICTIM FAMILY MEMBERS

As documented in Amnesty reports, the police have repeatedly tried to obstruct peaceful protests organised by families of the forcibly disappeared, at times using Covid-19 pandemic as a pretext. This trend continued up to the present without reference to Covid-19.¹¹⁶

According to victim families Amnesty spoke to, authorities seek pre-emptive court orders against key activists demanding truth and justice for the disappeared, obstructing their right to peaceful assembly, movement, and freedom of expression — a trend common in almost all districts in the North.¹¹⁷ In court orders seen by Amnesty, Magistrates in the North had granted the Police's requests to restrict victims' rights to peaceful assembly in some cases up to a week, citing a number of domestic laws including the PTA, the Penal Code, the ICCPR Act and the Quarantine Ordinance.¹¹⁸ In one incident in January 2024, two Tamil disappearances activists were arrested for organising a protest against a visit to Vavuniya by then President Wickremesinghe.¹¹⁹ One of the activists who met with Amnesty in May 2025 reported that the practice of issuing pre-emptive court orders against protests is continuing in 2025.¹²⁰

5. RECOMMENDATIONS

Amnesty International wrote to the Sri Lankan government earlier this year listing out recommendations for reform.¹²¹ The organization reiterates some of this below:

¹¹¹ Still no answers: An update on the rights of victims of enforced disappearances in Sri Lanka, Amnesty International, 1 March 2022, page 11, <https://www.amnesty.org/en/documents/asa37/5278/2022/en/>

¹¹² Ibid

¹¹³ Situation brief no. 2: Surveillance, harassment and intimidation of disappearances' activists in the North-East, Adayaalam Centre for Policy Research, 30 August 2018, <http://adayaalam.org/situation-brief-no-2-surveillance-harassment-and-intimidation-of-disappearances-activists-in-the-north-east/>; A phantom that is real: Persisting culture of surveillance and intimidation in the North-East, Adayaalam Centre for Policy Research, February 2025, [A-Phantom-that-is-Real_Persisting-Culture-or-Surveillance-and-Intimidation-in-the-NorthEast.pdf](https://adayaalam.org/A-Phantom-that-is-Real_Persisting-Culture-or-Surveillance-and-Intimidation-in-the-NorthEast.pdf)

¹¹⁴ Report of the Secretary-General: Cooperation with the UN, its representatives and mechanisms in the field of human rights, 2022, Available at: <https://docs.un.org/en/A/HRC/51/47>

¹¹⁵ A phantom that is real: Persisting culture of surveillance and intimidation in the North-East, Adayaalam Centre for Policy Research, February 2025, [A-Phantom-that-is-Real_Persisting-Culture-or-Surveillance-and-Intimidation-in-the-NorthEast.pdf](https://adayaalam.org/A-Phantom-that-is-Real_Persisting-Culture-or-Surveillance-and-Intimidation-in-the-NorthEast.pdf)

¹¹⁶ Still no answers: An update on the rights of victims of enforced disappearances in Sri Lanka, Amnesty International, 1 March 2022, page 12, <https://www.amnesty.org/en/documents/asa37/5278/2022/en/>

¹¹⁷ Ibid

¹¹⁸ Ibid

¹¹⁹ Two arrested for raising black flags against President, Daily Mirror, 5 January 2024, <https://www.dailymirror.lk/breaking-news/Two-arrested-for-raising-black-flags-against-President/108-274507>

¹²⁰ Amnesty International spoke with Sivanathan Jenita, a family member of the disappeared in Vavuniya in May 2025, who had received a court order preventing them from attending a protest against the President's visit to the North earlier this year.

¹²¹ Amnesty International writes to the Minister of Justice and National Integration, Amnesty International, 7 April 2025, <https://www.amnesty.org/en/documents/asa37/9231/2025/en/>

THE DOMESTIC LAW

- Explicitly recognize in domestic law that enforced disappearances committed in the context of a widespread and systematic attack constitutes a crime against humanity and must be prosecuted as such;
- Recognize the retroactive applicability of the crime of enforced disappearances, as provided by Article 15(2) of ICCPR;
- Recognise the continuous nature of the crime of enforced disappearances and that the statute of limitation “commences from the moment when the offence of enforced disappearance ceases, taking into account its continuous nature” – in line with Article 8 of the Convention;
- Amend the definition of the crime of enforced disappearance to make clear that the deprivation of liberty and the refusal to acknowledge the deprivation of liberty or to give information about the fate and whereabouts of the person need not be committed by the same person;
- Recognize ordering as a discrete mode of responsibility for the crime of enforced disappearance;
- Recognize aggravating circumstances for the commission of the enforced disappearance such as the death of the disappeared person or the commission of an enforced disappearance with respect to pregnant women, minors, persons with disabilities or other particularly vulnerable persons;
- Recognize the competence of the Committee to receive and consider communications from individuals from the state party under Article 31 of the Convention.

ACCOUNTABILITY

- Ensure the efficiency of the writ of *habeas corpus* by ensuring authorities cooperate with the process expeditiously;
- Promptly and impartially investigate new allegations of enforced disappearances and, where there is sufficient and admissible evidence of criminal wrongdoing, bring charges against those suspected of criminal responsibility;
- Define a reasonable time to transport a detainee to a lawful detention centre from the point of arrest;
- Ensure there are sufficient funds allocated for excavation and identification processes linked to the discovery of mass graves, and ensure the process of exhumation and the custody of remains is secured and transparent, with sufficient updates periodically provided to family members of suspected victims;
- Provide a timeline for the government’s plans to set up a new Public Prosecutor’s Office;
- Prosecutions in emblematic cases should be expedited, and proactive steps need to be taken to reduce delays. In this regard, it would be prudent to request the AG to appoint a dedicated prosecutorial team to exclusively handle emblematic cases. Similarly, there needs to be dedicated judges appointed to the bench of the special high court trial-at-bar, so that hearings can take expeditiously as specified in the Judicature Act. It is imperative that delays in these cases are not on account of not having a full bench to hear cases;
- Ensure that the continuing harassment faced by victims’ families, lawyers, journalists and activists while pursuing justice stops immediately. In this respect, the Ministry of Justice should coordinate with the Ministry of Defense and the Ministry of Public Security with the view of issuing clear instructions to relevant agencies such as the CID, the Terrorism Investigation Division (TID), Counter-terrorist Investigation Division (CTID) and acting Inspector General of Police (IGP) to cease and investigate all threats against lawyers, activists, victims seeking justice for human rights violations;
- Desist from penalizing families of the forcibly disappeared who are exercising their right to peaceful protest and memorialize their loved ones. Law enforcement authorities must be sent strict instructions to avoid approaching the judiciary seeking pre-emptive court orders restricting public gatherings, protests and memorialisation initiatives, as a matter of practice;
- Amend the Protection of Victims of Crime and Witnesses Act in order to make appointments made to its Authority more independent by ensuring the appointed members are made on the recommendation of the Constitutional Council (instead of the President), and guarantee the Division’s independence from the Police;

- Work constructively with the OHCHR, including the Sri Lanka Accountability Project, to ensure justice for victims of the internal armed conflict. Provide them access to Sri Lanka to pursue further investigations;
- Accede to the Rome Statute of the International Criminal Court as it would help bring justice and lead to closure over crimes committed during the internal armed conflict, as Sri Lanka is yet to adopt international crimes into its domestic legal framework.

THE ANTI-TERRORISM LAW

- Ensure that any new counter-terrorism law is in line with international law and contemporary best practices on protecting human rights while countering terrorism;
- Issue an immediate moratorium on the PTA, stop abusing the law's vast powers to detain individuals, and publicize a timeline for the PTA's repeal.

THE OMP

- Urgently and genuinely take account of the demands of families of the disappeared demanding answers for decades. The state authorities must prioritize, respect and facilitate the victims' rights to truth, justice and reparations without seeking to close the cases on their missing loved ones without clarifying their fate, independently verifying whereabouts, the circumstances of the disappearance, and finding remains to be returned to families in cases where they are not found to be alive;
- Hold the OMP and its leadership to account for its lack of progress on the mandate, make systemic changes with regards to its operations, and ensure that recommendations on appointments made to the Office are of individuals that are capable, committed and independent;
- Ensure that information made available by the OMP, for example in its draft Annual report, is specific and detailed. Much more outreach work needs to be embarked upon to bridge the trust and knowledge gap that exists between the institution and those affected;
- Table amendments to the OMP Act and the Constitution in order to make the OMP a Constitutional body, on par with other Independent Commissions;
- Table an amendment to the OMP Act to reverse the amendment that was brought in 2017 removing its ability to enter into agreements with other organizations and individuals. The OMP should be able to receive the full support needed to carry out its mandate;
- Encourage the OMP to seek and accept foreign technical expertise to assist ongoing mass graves investigations on an urgent basis, while Sri Lanka strengthens its national forensic capacity;
- Ensure that the OMP makes demonstrable progress on carrying out its tracing mandate by obtaining and publishing the list of those who surrendered to the armed forces at the end of the war and provide an update on inquiries conducted thus far with the armed forces and other perpetrators who have allegedly carried out abductions.

ANNEXURE

Post-armed conflict, following international pressure to advance reconciliation, justice and accountability for victims, successive governments launched several initiatives. However, due to a clear lack of political will to create an environment in which transitional justice processes could succeed, these measures have failed to provide answers to the victims. Consequently, most families in the armed conflict- affected North and East have given up hope of any effective or credible domestic institutions that are willing and capable of delivering truth and justice. Below is a quick presentation of the various post-war mechanisms on truth, justice and reparations to date, both nationally and internationally.

LLRC REPORT (2011)

In response to mounting international pressure, the government set up its own domestic body, a Presidential Commission of Inquiry in May 2010, to investigate, among other things, the “facts and circumstances which led to the failure of the Ceasefire Agreement operationalized on 21st February 2002 and the sequence of events that followed thereafter up to the 19th of May 2009”, those responsible and lessons learnt in order to prevent recurrence. LLRC’s recommendations, like those of other Commissions of Inquiry created before it, have not been effectively implemented.¹²² The 2015 report of the OHCHR investigation noted,

*“In its 2011 report, the LLRC took a very strong position on the issue of enforced disappearances. It highlighted the failure to implement recommendations of previous commissions dealing with enforced disappearances, stating that they “warrant immediate implementation, as these will help address this serious issue”. It added that “Continued failure to give effect to such critical recommendations of past commissions gives rise to understandable criticism and scepticism regarding government appointed commissions from which the LLRC has not been spared”.*¹²³

UN PANEL OF EXPERTS REPORT (2011)

In the face of all the evidence to the contrary, the government continued to proclaim that its troops followed a “zero civilian casualties”¹²⁴ policy. The UN Secretary General appointed a Panel of Experts in 2010 to advise him on “the modalities, applicable international standards, and comparative experience relevant to an accountability process, having regard to the nature and scope of alleged violations of IHL and IHRL during the final stages of the armed conflict”.¹²⁵ The investigation found credible allegations of a wide range of serious violations of IHRL and IHL committed both by the government as well as by the LTTE.¹²⁶

UNHRC RESOLUTIONS

The UNHRC passed the first resolution ‘Promoting reconciliation and accountability in Sri Lanka’ in 2012. There have been nine resolutions to date, mostly responding to piecemeal domestic efforts by hostile governments to keep more robust international action at bay.

OHCHR REPORT ON SRI LANKA (OISL) REPORT (2015)

In the UNHRC resolution 25/1 passed in 2014, the Council requested the OHCHR to undertake a comprehensive investigation of violations that allegedly took place during the period covered by LLRC’s

¹²² See paragraphs 27-35 in the 2014 Report of the Office of the UN High Commissioner for Human Rights on Promoting reconciliation and accountability in Sri Lanka (A/HRC/25/23), where the OHCHR notes, “Noting the breadth and depth of the full range of recommendations made by the Lessons Learnt and Reconciliation Commission, the High Commissioner has questioned the process and rationale for the Government’s selectivity in implementing only some of the recommendations. In some instances, as discussed below, she also observed that certain recommendations had been watered down in the national plan of action or during various stages of implementation.”

¹²³ Paragraph 509, OISL report

¹²⁴ Humanitarian mission with zero civilian casualties – President, Onlanka, 11 January 2011, <https://www.onlanka.com/news/humanitarian-mission-with-zero-civilian-casualties-president.html>

¹²⁵ Mandate laid out as per the Executive Summary of the Panel of Experts report, page i

¹²⁶ The UN Panel of Experts Report

mandate, and to “establish the facts and circumstances of alleged violations and of the crimes perpetrated by both parties with a view to avoiding impunity and ensuring accountability”.¹²⁷ The report found “reasonable grounds to believe that gross violations of international human rights law and serious violations of international humanitarian law were committed by all parties to the conflict. Some of these violations may amount to war crimes and crimes against humanity.”

PARANAGAMA COMMISSION (2013)

President Mahinda Rajapaksa appointed this Commission of Inquiry in response to international pressure to investigate cases of enforced disappearances. While the Commission’s primary mandate was to focus on addressing the grievances of the families of the disappeared, the mandate was expanded later to make it a mechanism for addressing allegations of war time violations of international human rights and humanitarian law. The Commission did not end up publishing the full report of its primary mandate on the forcibly disappeared,¹²⁸ but reported on its second mandate.¹²⁹ In the report on the second mandate, the Commission notes, “There are credible allegations, which if proved to the required standard, may show that some members of the armed forces committed acts during the final phase of the war that amounted to war crimes giving rise to individual criminal responsibility.”¹³⁰ The incidents listed includes the “disappearance of busloads of persons who surrendered in the last days of the conflict. One such busload was accompanied by a Catholic Priest, Father Francis.”¹³¹

CO-SPONSORSHIP OF UNHRC RESOLUTION 30/1 (2015)

The government in power in 2015 took on a more cooperative approach at the UNHRC and co-sponsored resolution 30/1. Among other promises, it set out to establish transitional justice institutions, including an Office on Missing Persons, an Office for Reparations, a Truth commission and a hybrid court. By the time the government changed in 2019, only the first two of these institutions were established after country-wide consultations carried out by the Consultation Task Force which included members from civil society gathered more than 7000 submissions from the public on the institutionalization of the proposed mechanisms. However, the following government under President Gotabaya Rajapaksa, which had at its helm members who were implicated in grave IHL/IHRL violations, took on a more hostile approach to the UNHRC’s calls for accountability and opposed domestic calls for an independent and credible international investigation into alleged war crimes. It also withdrew support for the co-sponsored resolution 30/1. Small gains made during 2015-2019 in the pursuit of accountability domestically for serious IHRL violations were reversed under President Gotabaya Rajapaksa, and justice in emblematic cases stalled.¹³²

OMP (2016)

Following commitments made in the 2015 UNHRC resolution 30/1, in 2016 a permanent body was statutorily formed to investigate cases of missing persons. The membership of the OMP has been ineffective in carrying out its mandate (among others, to search for and trace missing persons and to clarify the circumstances in which such persons went missing¹³³) and, as a result, it has lost the faith of victim communities from the North-East in particular.

OFFICE FOR REPARATIONS (2018)

The office is mandated to, among other functions, to receive recommendations on reparations to be made to aggrieved persons from the OMP, to receive applications for reparations from victims, to identify the

¹²⁷ A/HRC/RES/25/1, Preambulatory paragraph 10(b)

¹²⁸ It released an interim report on the first mandate

¹²⁹ The report can be found at: <https://www.colombotelegraph.com/wp-content/uploads/2015/10/Paranagama-Report-.pdf>

¹³⁰ Page xxv of the Executive Summary

¹³¹ Page xxvi of the Executive Summary

¹³² The UN Human Rights Council must step up efforts to advance accountability for serious violations in Sri Lanka, Amnesty International, 14 January 2021, <https://www.amnesty.org/en/documents/asa37/3541/2021/en/>

¹³³ Section 10 of the OMP Act

aggrieved persons who are eligible for reparations, etc.¹³⁴ The Office is also mandated to formulate and recommend to the Cabinet of Ministers, policies and guidelines on reparations, including the criteria for eligibility, form and quantum of reparations,¹³⁵ and implement them as approved by the Cabinet¹³⁶ - which makes the Office beholden to the government to validate its policies, calling its independence into question. The office carries out payments for financial compensation primarily, while implementing smaller projects on livelihood support and psycho-social support, among others. It does not treat reparations holistically or broadly. For example, the Office has not taken any public positions around contentious post-war issues such as memorialization, a key element of reparations under measures for satisfaction of those affected.

SRI LANKA ACCOUNTABILITY PROJECT (2021)

UNHRC resolution 46/1 passed in 2021, recognized “the importance of preserving and analysing evidence relating to violations and abuses of human rights and related crimes in Sri Lanka with a view to advancing accountability,”¹³⁷ and decided to strengthen the capacity of the OHCHR “to collect, consolidate, analyse and preserve information and evidence and to develop possible strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law in Sri Lanka, to advocate for victims and survivors, and to support relevant judicial and other proceedings, including in Member States, with competent jurisdiction”.¹³⁸ As a result, the OHCHR established the Sri Lanka accountability project, with a team based in Geneva. The project reported that it received a steady increase in assistance requests for ongoing criminal investigations in several jurisdictions, including in relation to 10 named individuals. The OHCHR reported that, as of 5 July 2024, the evidence repository comprises 96,215 items from over 470 different sources, including information provided by more than 220 witnesses and 250 non-governmental, international and multilateral organizations.¹³⁹ The current government, like others before it, has rejected the mechanism.

TRC PROPOSAL (2024)

Along with other international human rights organizations, Amnesty published a public statement in September 2023¹⁴⁰ on the proposal for a truth mechanism. The organizations highlighted the poor legacy of past truth mechanisms –as these past Commissions’ reports and recommendations were largely ignored by consecutive governments, disappointing victims who were forced to give repeated accounts of their experiences without much prospect for truth or justice. A new bill to establish a TRC was published on 1 January 2024,¹⁴¹ and an Interim Secretariat was set up in order to institutionalize the Commission. The Secretariat also conducted consultations around the bill.¹⁴² Since the change of government, the work of this Secretariat has stalled. As a part of the consultation process, Amnesty raised concerns regarding a proposed truth mechanism being established while prospects for meaningful criminal accountability remain elusive due to significant shortcomings in the domestic criminal justice framework. Consequently, grave IHRL and IHL violations are unlikely to be prosecuted and, if they are, Sri Lanka lacks legislative tools to prosecute those suspected of criminal responsibility for the most egregious violations. Amnesty raised concern that in this context, a truth commission will be meaningless to most victims. Additionally, Amnesty International noted that the continuous practice of state acquisition of land originally owned by Tamil and Muslim communities in the North and the East, for entities such as the Archaeology department and the Forest department, combined with a significant military presence in former conflict-affected regions (North and East of the country) - is not conducive to trust-building for the proposed truth mechanism.¹⁴³

¹³⁴ Section 11 of the Office for Reparations Act, available at: https://www.reparations.gov.lk/web/images/2021/act/act_en.pdf

¹³⁵ Section 11(1)(g) of the Act

¹³⁶ Section 11(1)(h), of the Act

¹³⁷ A/HRC/RES/46/1, Preambulatory paragraph 6

¹³⁸ A/HRC/RES/46/1, Preambulatory paragraph 6

¹³⁹ A/HRC/57/19: Situation of human rights in Sri Lanka - Comprehensive report of the UN High Commissioner for Human Rights, OHCHR, 22 August 2024, <https://www.ohchr.org/en/documents/reports/ahrc5719-situation-human-rights-sri-lanka-comprehensive-report-united-nations>

¹⁴⁰ Sri Lanka’s Flawed Plans for a ‘Truth Commission’, Amnesty International, 4 September 2024,

<https://www.amnesty.org/en/documents/asa37/7165/2023/en/>

¹⁴¹ The bill is available at: https://documents.gov.lk/view/bills/2024/1/432-2024_E.pdf

¹⁴² Truth and Reconciliation Mechanism - Stakeholder Consultations, Hiru News, 10 January 2024, <https://www.hirunews.lk/en/358931/truth-and-reconciliation-mechanism-stakeholder-consultations>

¹⁴³ Sri Lanka’s Flawed Plans for a ‘Truth Commission’, Amnesty International, 4 September 2024,

<https://www.amnesty.org/en/documents/asa37/7165/2023/en/>

The new government has not made any specific comments or commitments around the TRC (except mentioning in its election manifesto that it hopes to expand the work of the TRC to investigate acts of violence caused by racism and religious extremism), however it stated at the UNHRC's September session that,

“The Government will protect democracy and human rights of all citizens including addressing past issues. Domestic mechanisms and processes that deal with reconciliation, accountability and justice will be credible and independent within the Constitutional framework, and a truth and reconciliation process that has the people’s trust will be operationalized. As stated by H.E the President ‘Our aim is to make domestic mechanisms credible and sound...’”¹⁴⁴

¹⁴⁴ Statement delivered by Sri Lanka’s Permanent Representative to the UN at the 57th Session of the Human Rights Council in Geneva, Ministry of Foreign Affairs Sri Lanka, 9 October 2024, <https://mfa.gov.lk/en/statement-delivered-by-sri-lankas/>

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