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Human Rights Commission of Sri Lanka

PARALLEL REPORT TO THE UNITED NATIONS COMMITTEE ON ENFORCED DISAPPEARANCE

Human Rights Commission of Sri Lanka

July 2025

I. Background and Methodology

1. The Human Rights Commission of Sri Lanka (HRCSL) is an independent commission established under the Human Rights Commission of Sri Lanka Act, No. 21 of 1996.
2. The HRCSL has a broad mandate to protect and promote human rights including protecting the human rights of those affected by enforced disappearance. The enforced disappearance of a person amounts to a gross violation of a person's human rights, including the right to life, the freedom from torture, the freedom from arbitrary arrest and detention, and a host of other rights. It also has a grave impact on family members who are compelled to live with uncertainty as to the whereabouts of the missing person and face continuous and long-term trauma.
3. The phenomenon of enforced disappearance has taken place in Sri Lanka during periods of armed insurrections in the South involving the Janatha Vimukthi Peramuna (JVP), during the thirty-year long armed conflict between the state and the Liberation Tigers of Tamil Eelam (LTTE), and the aftermath of the armed conflict. The phenomenon has taken place in all parts of the country and has impacted all communities in Sri Lanka.
4. While most persons subjected to enforced disappearance tend to be men, the phenomenon is particularly damaging for women who have lost their spouses, children, siblings, and other family members. Women family members have had to contend with increased economic and care responsibilities under great and ongoing uncertainty. Many have experienced threats and intimidation in the process of engaging authorities when searching for information about their loved ones. Despite these challenges, women have led efforts to organise to raise awareness and to advocate for truth and accountability with respect to enforced disappearance. The HRCSL observes and values the important efforts of families, activists, and civil society representatives in continuously calling for truth and accountability for enforced disappearance over many years.
5. Several presidential commissions of inquiry appointed under the Presidential Commission of Inquiry Act, No. 17 of 1948 have considered the issue of enforced disappearance. Among these were three 'Commissions of Inquiry into Involuntary Removals of Persons' established by President Ranasinghe Premadasa in 1991, 1992 and 1993, a 'Commission of Inquiry into Involuntary Removals of Persons established' by President D.B. Wijetunga in 1993, three 'Zonal Commissions of Inquiry into Involuntary Removals and Disappearances' established by President Chandrika Bandaranaike Kumaratunga in 1994, the 'All Island Commission of Inquiry into Involuntary Removals and Disappearances of Certain Persons' also established by President Kumaratunga in 1998, the one-person Commission comprising retired judge Mahanama Thilakaratne appointed by President Mahinda Rajapaksa in 2006, the 'Lessons Learnt and Reconciliation Commission' established by President Rajapaksa in 2010, and the Presidential Commission to Investigate into Complaints regarding Missing Persons headed by retired judge Maxwell Paranagama established by President Rajapaksa in 2013 (first mandate) and 2014 (second mandate). These various commissions examined cases of disappearances that took place from 1988 to 1994, during the mid 1990s, during the early and mid-2000s, and during the final stages of the armed conflict in 2009.

6. There is no consensus on the total number of enforced disappearances in Sri Lanka. The three 1994 Zonal Commissions received 27,526 complaints of which 16,800 cases were established as involving enforced or involuntary disappearance. Moreover, the 1998 All Island Commission considered 10,136 cases of which 4,473 were established as involving enforced or involuntary disappearance. The United Nations (UN) Working Group on Enforced or Involuntary Disappearances has transmitted 12,000 cases of enforced disappearance to the Sri Lankan state, of which 5,750 are yet to be clarified.¹ The Paranagama Commission received over 21,000 complaints concerning missing persons. The Office on Missing Persons (OMP), established in 2016, has received over 20,000 complaints of missing persons.
7. One of the most egregious episodes of systematic enforced disappearance in the recent past was observed by both the LLRC and the Paranagama Commission. The LLRC noted 1,018 incidents of disappearances of persons after such persons had surrendered to Sri Lanka Army (SLA) on 17 and 18 May 2009.² The Paranagama Commission meanwhile observed: ‘In evidence taken by this Commission at public sittings, it has been thus clearly established that several individuals who handed themselves in or who were handed in to the SLA were put on buses or other transport and that those individuals now remain among the disappeared.’³
8. Many past commissions have found specific perpetrators to be responsible for enforced disappearances. For instance, according to Sri Lanka’s Fourth Periodic Report to the Human Rights Committee in 2002, the three 1994 Zonal Commissions were of the opinion that, out of the 16,800 cases considered, there was evidence indicative of the identities of those responsible for disappearance in 1,681 cases.⁴ Subsequently, a ‘Disappearances Investigation Unit’ (DIU) of Sri Lanka Police was established to conduct criminal investigations and a separate unit in the Attorney General’s Department termed the ‘Missing Persons Unit’ was established to conduct prosecutions. Investigations were completed in 1,175 cases, and criminal proceedings were reportedly instituted against 597 personnel attached to the police and armed forces.⁵ Later, the DIU is said to have launched investigations into 378 more cases of disappearances in Jaffna.⁶ Yet, these cases have not resulted in many convictions, leading to widespread allegations of impunity. A notable exception is the 1998 conviction of six army personnel for the abduction, rape and murder of 18-year-old Tamil student, Krishanthi Kumaraswamy. The claims later made by one of the convicts resulted in the discovery and exhumation of human remains in a mass grave site in Chemmani. According to Sri Lanka’s Second Periodic Report to the Committee against Torture in 2004, the DIU had carried out investigations into 3,615 cases of disappearance,

¹ *Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Sri Lanka*, A/HRC/33/51/Add.2, 8 July 2016, para. 7.

² *Report of the Commission of Inquiry on Lessons Learnt and Reconciliation* (November 2011), para. 4.241 to 4.260 and Annex 5.1.

³ *Report on the Second Mandate of the Presidential Commission of Inquiry into Complaints of Abductions and Disappearances* (August 2015), at para. 445.

⁴ *Fourth Periodic Report of Sri Lanka to the United Nations Human Rights Committee*, CCPR/C/LKA/2002/4, 18 October 2002, p. 36.

⁵ *Ibid.*

⁶ *Ibid.*

of which 2,462 were completed. Most of these cases were closed on the advice of the Attorney General.⁷ 376 cases were filed before the High Court, but only twelve resulted in convictions.⁸ The DIU appears to have been subsequently disbanded.

9. Sri Lanka signed the International Convention for the Protection of All Persons from Enforced Disappearance ('the Convention') on 10 December 2015 and ratified the Convention on 25 May 2016.
10. In August 2023, Sri Lanka submitted its report to the Committee on Enforced Disappearance under article 29 (1) of the Convention ('state party report'). The HRCSL submits this Parallel Report in response to the state party report and to provide further information and observations to the Committee on the implementation of the provisions of the Convention.
11. This Parallel Report is primarily based on the information collected by the HRCSL during inquiries and investigations held in response to individual complaints received by the HRCSL and on its own motion. Relevant information was also gathered through monitoring places of detention, past reports concerning enforced disappearance published by stakeholders, a series of civil society meetings at the regional and national levels, discussions with families of disappeared persons from the districts of Ampara, Batticaloa, Colombo, Jaffna, Kilinochchi, Mannar, Matara, Trincomalee and Vavuniya, and with relevant institutional authorities including officials from the OMP.

II. Legal Framework

12. Articles 11 and 13 of the Constitution of Sri Lanka guarantee several fundamental rights that are relevant to the prevention and prohibition of enforced disappearance. Article 11 provides: 'No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.'
13. Article 13(1) provides: 'No person shall be arrested except according to procedure established by law. Any person arrested shall be informed of the reason for his arrest.' Article 13(2) provides: 'Every person held in custody, detained or otherwise deprived of personal liberty shall be brought before the judge of the nearest competent court according to procedure established by law and shall not be further held in custody, detained or deprived of personal liberty except upon and in terms of the order of such judge made in accordance with procedure established by law.' Article 13(4) meanwhile provides: 'No person shall be punished with death or imprisonment except by order of a competent court, made in accordance with procedure established by law.'
14. A person whose rights under articles 11 or 13 are violated is entitled to submit a fundamental rights application to the Supreme Court of Sri Lanka in terms of article 126 of the Constitution.

⁷ *Second Periodic Report of Sri Lanka to the Committee against Torture*, CAT/C/48/Add.2, 6 August 2004, para. 64.

⁸ *Ibid.*

15. Article 141 of the Constitution empowers the Court of Appeal ‘to grant and issue orders in the nature of writs of habeas corpus to bring up before such Court – (a) the body of any person to be dealt with according to law; or (b) the body of any person illegally or improperly detained in public or private custody, and to discharge or remand [such] person so brought up or otherwise deal with such person according to law’. Additionally, article 154P(4)(a) provides that every High Court shall have jurisdiction to issue, according to law ‘orders in the nature of habeas corpus, in respect of persons illegally detained within the Province’.
16. Sections 354, 355, 356 and 359 of the Penal Code Ordinance, No. 2 of 1883 of Sri Lanka respectively criminalises kidnapping, kidnapping or abduction in order to murder, kidnapping or abduction with intent to secretly and wrongfully confine a person, and wrongfully concealing or keeping a person in confinement. Moreover, the Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994 (‘Torture Act’) specifically criminalises acts of torture.
17. In 2016, Sri Lanka’s Parliament enacted the OMP Act, No. 14 of 2016, which established the OMP. The OMP was operationalised in 2018 and is currently responsible for clarifying the fate and whereabouts of missing persons, including victims of enforced disappearance, and persons who are missing in action. The OMP has its head office in Colombo and regional offices located in Batticaloa, Jaffna, Kilinochchi, Mannar, and Matara.
18. In 2016, the Registration of Deaths (Temporary Provisions) (Amendment) Act, No. 16 of 2016 was enacted to facilitate the issuance of a certificate of absence (COA) pertaining to missing or disappeared persons. The COA is a legally valid document utilised as a proof of absence and has a validity period of two years with the possibility of renewal. The COA enables relatives of the missing person to exercise certain legal rights on behalf of the missing person including obtaining welfare services and other administrative functions.
19. In 2018, Parliament enacted the International Convention for the Protection of All Persons from Enforced Disappearance Act, No. 5 of 2018 (‘Enforced Disappearance Act’), which incorporates the provisions of the Convention into domestic law, and specifically prohibits enforced disappearance in Sri Lanka. It is noted that section 23 of the Act prevails over any provision of any other written law. Crucially, the Act envisages a specific role for the HRCSL. Section 15(3) of the Act provides that the HRCSL ‘shall have access to the places where persons are deprived of liberty’. Moreover, section 20(3) of the Act provides that ‘the High Court may, where it considers it appropriate at any stage of the proceeding relating to a petition made to it...refer such matter to the [HRCSL] for an inquiry and report and request such Commission to submit its report to the High Court within such time as shall be stipulated by the Court for that purpose’.
20. In 2018, the Office for Reparations was established in terms of the Office for Reparations Act, No. 34 of 2018. This institution is mandated to provide reparations to those affected by identified incidents of violence including the armed conflict as well as political and civil unrest.

21. In 2023, the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023 was enacted to replace the previous Act, No. 4 of 2015. The Act defines and secures the rights and entitlements of victims of crimes and witnesses and seeks to give effect to appropriate international norms, standards, and best practices. Although the Act does not specifically refer to the crime of enforced disappearance, the scope of the Act covers this crime. Therefore, victims of the crime of enforced disappearance and witnesses related to an incident of enforced disappearance are entitled to protection under the Act.

III. Interventions of the HRCSL

22. In response to Item 2 of the List of Issues with respect to the state party report, the HRCSL wishes to clarify that it is an independent entity and enjoys autonomy with respect to its decision-making. The independence and impartiality of the HRCSL is guaranteed by the procedure by which the members of the HRCSL are appointed. The members are currently appointed by the president on the recommendation of the Constitutional Council – a multi-partisan body comprising members of parliament, including members of the opposition, and persons of high repute with no affiliation to any political party.
23. Under its Act, the recommendations of the HRCSL are required to be implemented by the relevant respondents. However, challenges remain with respect to the full implementation of recommendations. Accordingly, on 19 June 2025, the HRCSL wrote to all secretaries of ministries regarding the non-implementation of recommendations and informed them that measures would be taken against institutions that fail to comply. The primary measure that the HRCSL may take in this regard is to complain to the president and recommend disciplinary measures against institutional heads that fail to implement recommendations.
24. In May 2024, the HRCSL was reaccredited to ‘A’ status by the Global Alliance of National Human Rights Institutions, signifying the HRCSL’s compliance with the Principles Relating to the Status of National Human Rights Institutions, including adequate functional and financial autonomy.
25. The HRCSL currently has a Head Office in Colombo, ten regional offices (in Ampara, Anuradhapura, Badulla, Batticaloa, Jaffna, Kalmunai, Kandy, Matara, Trincomalee, and Vavuniya), and five sub-offices (in Hatton, Kilinochchi, Mannar, Puttalam, and Ratnapura). The total staff strength of the HRCSL is 169 personnel.

Inquiries and Investigations

26. The precursor to the HRCSL was the Human Rights Task Force (HRTF). The HRTF was established in 1991 and investigated enforced disappearance in Sri Lanka. According to its annual report in 1991/92, the HRTF received 3,589 complaints with respect to missing persons. During the next two years, the HRTF investigated 2,408 cases of missing persons.
27. The HRCSL, which was operationalised in 1997, is mandated under section 10 and 11 of its Act to investigate and inquire into complaints with respect to the infringement of fundamental rights guaranteed by the Constitution of Sri Lanka. It receives complaints with

respect to violations of article 11 and 13 of the Constitution. In this context, it receives complaints pertaining to missing persons.

28. In 2003, the HRCSL appointed a Committee of Inquiry into Disappearances, which published a report on complaints received by the HRCSL with respect to disappearances in the Jaffna Region. Of the 327 complaints received, 281 complaints were inquired into. Information with respect to the remaining complaints was not forthcoming and inquiries could not be conducted. In its final report, the Committee endorsed the recommendations of the 1998 All Island Commission. It recommended the prosecution of perpetrators including officers who fail to maintain records, and those who interfere with witnesses, threaten lawyers, petitioners, or witnesses, or obstruct investigations. It also recommended the establishment of an office of an 'Independent Human Rights Prosecutor'.
29. In 2005, the HRCSL established a Database on Disappearances to compile information on all cases of enforced disappearance. Another Committee of Inquiry of the HRCSL was then appointed in 2006 to probe into 2,210 cases of disappearances that occurred from 1980 to 1999. The HRCSL initially received 16,000 cases through multiple channels including the All Island Commission, and after the elimination of duplicates, the number stood at 10,656 of which further information was received on 2,210 cases. The Committee of Inquiry commenced proceedings in November of 2006 and concluded proceedings in July of 2007. The final report of the Committee concluded that state authorities, including personnel of Sri Lanka Police, Sri Lanka Army, Sri Lanka Navy and Sri Lanka Air Force, persons associated with the JVP, and paramilitary and militant organisations including the outfit called 'Black Cats', the LTTE, and the Eelam People's Revolutionary Liberation Front were responsible for disappearances.
30. The HRCSL also separately inquired into enforced disappearances that occurred during the period 2006-2012 while collaborating with its regional offices. With regard to the Batticaloa District, the HRCSL received 868 complaints (143 in 2006, 373 in 2007, 197 in 2008 and 155 in 2009). Following investigations, the HRCSL traced 272 persons, and also established that a further 24 persons were in custody and sixteen persons were deceased. Of the remaining 556 cases, the HRCSL received a response from the complainants in 204 cases. 182 of these cases were referred to a Special Committee for further inquiry. The final report of the Committee titled 'Enforced Disappearances in Batticaloa District (2006-2009)' found that a substantial number of those missing were initially arrested by the Special Task Force of the Police (STF), which had several camps in the region. The Committee found that many persons were abducted using 'white vans'. It also found that paramilitary groups, including the Tamil Makkal Viduthalai Pulikal, were responsible for some of the disappearances. The Committee recommended holding responsible parties accountable, and also called for legislative reform and reparatory measures. A major recommendation in the report was the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances.
31. The occurrence of enforced disappearance has reduced in Sri Lanka in recent years and the HRCSL only occasionally receive complaints relating to enforced disappearance. It did not receive any complaints in 2018. In 2019, a single complaint was recorded concerning a

disappearance in Jaffna. The investigation revealed, however, that the missing person had not been subjected to enforced disappearance. No complaints with respect to enforced disappearance were received in 2020 and 2021. In 2022, a complaint was received with regard to a missing person. However, it was later determined that the person had not been subjected to enforced disappearance. No complaints were received in 2023.

32. In 2024, the HRCSL received a complaint with respect to the disappearance of Gonapinuwala Kapila Kumara De Silva, a resident of Anuradhapura. Given that this incident took place following the ratification of the Convention and the enactment of the Enforced Disappearance Act, the HRCSL recounts the full details of the incident:
- a) The victim was reported missing on or about 27 March 2024. On 1 April 2024, his mother filed a complaint with the HRCSL, alleging that he was taken into custody by officers of the STF. Her allegation was based on the fact that several officers of the STF had visited the victim's residence inquiring about the whereabouts of the victim.
 - b) Following preliminary investigations, on 9 April 2024, the HRCSL sought a report from the STF on whether the victim was in the custody of the STF. On 12 April 2024, the Commandant of the STF sent a written report to the HRCSL denying that the victim was in the STF's custody.
 - c) On or about 22 April 2024, the HRCSL was reliably informed that the victim had been in the custody of the Pitigala Police Station and had been produced before the Elpitiya Magistrate's Court on 21 April 2024. It was thereafter confirmed that the victim was in remand custody in the Galle Prison.
 - d) On 24 April 2024, the HRCSL visited the victim and recorded his statement. In his statement, the victim alleged that, on 26 March 2024, he was abducted by several persons dressed in civilian clothing and that he was transported in a vehicle that he described as a 'white van' to a secret location. He alleged that the persons who took him into custody claimed that they were 'police officers'. The victim alleged that, while in the vehicle, the said persons removed his t-shirt and used it to blindfold him. He alleged that he remained blindfolded throughout the period of his confinement. The victim alleged that the persons who took him into custody transferred him to another vehicle and then transported him to a location that appeared to be secluded. He alleged that the persons who took him into custody interrogated him for several days in relation to a shooting incident. He alleged that his interrogators assaulted him and that, on one occasion, informed him that he would be executed.
 - e) The victim alleged that, following an extended period of interrogation, he was informed by the interrogators that they had concluded that he was not in fact the suspect they were looking for, and that he would be handed over to 'police custody'. He also alleged that these persons ordered him not to hold any press conferences in relation to the incident.
 - f) The victim stated that he was then transported and handed over to certain other persons who removed his blindfold. He alleged that, on the same day, which turned out to be 20 April 2024, these other persons handed him over to the Pitigala Police Station.
33. Following the conclusion of its investigation, on 14 May 2024, the HRCSL wrote to the Attorney-General stating that there were reasonable grounds to believe that the elements of the offence of 'enforced disappearance' under section 3(1) of the Enforced Disappearance Act had been satisfied, warranting an independent and impartial criminal investigation into

the incident. The HRCSL recommended the initiation of proceedings before the High Court in terms of the Act and recalled its mandate under section 20(3) of the Act to assist the High Court by inquiring into and reporting on any enforced disappearance on the request of the Court.

34. The Attorney-General thereafter wrote to the Inspector General of Police (IGP) on 16 May 2024 directing the Special Investigation Unit (SIU) of Sri Lanka Police to conduct an investigation into the victim's alleged enforced disappearance and to forward a dossier to the Attorney-General's Department within one month. The HRCSL is reliably informed that no dossier was submitted to the Attorney-General and that a subsequent reminder was sent to the Acting IGP in December 2024. The HRCSL is of the view that the apparent lack of progress in investigations into this case highlights the challenge of impunity with respect to enforced disappearance in Sri Lanka.

Visiting Places of Deprivation of Liberty

35. The HRCSL regularly visits places of deprivation of liberty in terms of its statutory mandate. It has a mandate to visit and monitor places of deprivation of liberty under sections 11(d) and 28 of the HRCSL Act and evaluate conditions of detention. Section 11(d) of the Act empowers the HRCSL to: 'monitor the welfare of persons detained either by a judicial order or otherwise, by regular inspection of their places of detention, and to make such recommendations as may be necessary for improving their conditions of detention.' Section 28(2) provides: 'Any person authorized by the Commission in writing may enter at any time, any place of detention, police station, prison or any other place in which any person is detained by a judicial order or otherwise, and make such examinations therein or make such inquiries from any person found therein, as may be necessary to ascertain the condition of detention of the persons detained therein.'
36. Moreover, section 9A(2) of the Prevention of Terrorism Act, No. 48 of 1979 (PTA) as amended by Act, No. 12 of 2022 provides that 'the detention of any person under section 9 [of the PTA] shall be communicated to the [HRCSL] in terms of section 28 of the [HRCSL Act] for the persons authorized by the [HRCSL] to visit the place of detention in terms of that Act'.
37. Additionally, in 2017, the HRCSL was designated the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). This mechanism was formally launched in 2022, and since then, the HRCSL has visited places of deprivation of liberty to identify systemic issues and recommend reform. The number of regular visits of the HRCSL to places of deprivation of liberty since 2018 is presented in Table 1. The number of special visits undertaken by the NPM is presented in Table 2.

Table 1

Year	2018	2019	2020	2021	2022	2023	2024
HRCSL visits	2,265	2,265	1,003	473	654	653	2,450

Table 2

Year	2023	2024
NPM Visits	25	146

Policy Advice, Advocacy, and Cooperation

38. The HRCSL has in the past advised the Government of Sri Lanka on the computation of compensation for victims of enforced disappearance. On 16 July 2003, S. Jegatheeswara Sarma submitted Communication No. 950/2000 to the UN Human Rights Committee. This case related to the disappearance of the author's son. The Committee transmitted its views to the state and recommended that it conducts an effective investigation into the disappearance, provides adequate information to the author, and pays adequate compensation. The Attorney-General thereafter advised the Ministry of Foreign Affairs to refer the matter to the HRCSL to obtain advice with regard to the computation of compensation. The HRCSL examined the case, and relying on international standards, recommended LKR 1,888,000 in pecuniary damages, LKR 1,000,000 in non-pecuniary damages, and LKR 1,000,000 in exemplary damages. The HRCSL's recommendation, along with its compensation guidelines, was sent to the Ministry of Foreign Affairs. However, following the Supreme Court's judgment in *Nallaratnam Singarasa v. Attorney General* S.C. Spl (LA) No. 182/99 in which the Court held that Sri Lanka's ratification of the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) requires separate parliamentary approval, further processing of the compensation payment was suspended.
39. The HRCSL remotely participated in the twenty-fifth session of the Committee on Enforced Disappearances held from 11 to 29 September 2023 in Geneva, Switzerland. At the session, the HRCSL made an oral statement on the status of Sri Lanka's fulfilment of obligations under the Convention.
40. The HRCSL has engaged the OMP including its regional offices with the aim of strengthening collaboration between the two institutions. Upon a request made by the HRCSL in September 2024, the OMP provided the following details with respect to the complaints it has received, and progress made:

Table 3

Category	Number of Cases (up to 31 st August 2024)
Cases directly received to OMP head office and other five regional offices	2,878
Cases received through Ministry of National Integration	14,702
Cases received with respect to security forces personnel missing in action	3,742
Total	21,322

41. According to the OMP's report, 6,374 inquiries were conducted up to August 2024. Some of these matters will be subject to further investigations. 4,131 cases were referred to the Office for Reparation for payment of compensation. 2,305 cases were referred to the Registrar General's Department for the purpose of issuing COAs, and 411 cases were referred to the Registrar General's Department for issuing of certificates of death.
42. In March 2025, the HRCSL convened a discussion with representatives of the OMP. At this discussion, it was reported that the first phase of the OMP (i.e., the processing of cases that took place between 2000 and 2021) was nearly completed. It was also reported that the second phase (i.e., the processing of cases that took place between 1980 and 2000) is yet to be launched. Challenges faced by the OMP were also discussed, including with respect to the recognition of COAs by financial institutions, and the lack of public awareness of the OMP's mandate. Notably, the HRCSL and OMP had entered into a Memorandum of Understanding (MoU) in 2019 enabling collaboration and information exchange between the two institutions. At the meeting in March 2025, the two institutions agreed to continue to collaborate.
43. The HRCSL has examined and provided observations and recommendations with respect to legislative reform that is connected to the issue of enforced disappearance. For example, in 2023, it provided observations and recommendations on two versions of the proposed Anti-Terrorism Bill, which was set to replace the PTA. In June 2025, it wrote to the Minister of Justice calling for the immediate repeal of the PTA and the application of ordinary criminal procedure when investigating future offences concerning 'terrorism'. Previously, in a letter to the president sent on 17 January 2024, the HRCSL provided feedback on the Commission for Truth, Unity and Reconciliation in Sri Lanka Bill. In this letter, the HRCSL observed that it is 'imperative that the recommendations of past truth-seeking mechanisms, relating to accountability, are fully implemented', and cited the example of the LLRC's recommendation on investigating cases where persons who surrendered to state officials during the final stages of the armed conflict subsequently disappeared, and prosecuting those responsible for such disappearances.
44. In May 2025, the HRCSL finalised and launched its General Guidelines and Recommendations No. 1 of 2025 to Sri Lanka Police on Preventing Custodial and Encounter Deaths. The Guidelines and Recommendations offer key guidance on the procedure to be followed when Sri Lanka Police take persons into custody, and references the safeguards mentioned in the Enforced Disappearance Act. Notably, the Acting IGP circulated these Guidelines and Recommendations among all divisions of Sri Lanka Police via Circular RTM-567/CRTM-446 directing the relevant officers to implement the Guidelines and Recommendations.
45. The HRCSL has also separately engaged law enforcement officials on the subject of reprisals against human rights defenders (HRDs), including those who advocate for the rights of victims of enforced disappearance. In December 2024, it launched its General Guidelines and Recommendations No. 1 of 2024 on the Protection of Human Rights Defenders, which specifically recognises the right of HRDs to 'be free from extrajudicial killing, torture or

cruel, inhuman or degrading treatment, enforced disappearance, and arbitrary arrest and detention on account of their legitimate activities’.

46. In February 2025, the HRCSL held a dialogue with the Acting IGP, raising concerns with respect to enforced disappearance. In a statement issued following the dialogue, the HRCSL drew attention to the SIU of Sri Lanka Police, particularly in terms of its role in investigating law enforcement officers allegedly involved in torture and enforced disappearance. The HRCSL raised concerns with respect to the low levels of prosecution and convictions in this regard. It also raised concerns with respect to the rights of HRDs to engage in the advocacy of human rights, including the right to stage peaceful protests against government policies. Notably, in May 2025, the Acting IGP issued Circular RTM-568/CRTM-447 to all divisions of Sri Lanka Police directing the relevant officers to implement the HRCSL’s General Guidelines and Recommendations on the Protection of Human Rights Defenders.

Victim and Civil Society Engagement and Protection

47. In 2024, the HRCSL re-established its Thematic Sub-Committee on Personal Liberty, which includes practitioners and civil society representatives as members alongside HRCSL staff. The Sub-Committee meets periodically to discuss a range of issues including torture, custodial and encounter deaths, arbitrary arrests and detention, and enforced disappearance.
48. The HRCSL also held consultations in 2024 with families of the disappeared and civil society representatives working on the issue of enforced disappearance. As mentioned above, information gathered during consultations held in Ampara, Batticaloa, Colombo, Jaffna, Kilinochchi, Mannar, Matara, Trincomalee, and Vavuniya is reflected in the present Parallel Report.
49. During consultations with the HRCSL, families of the disappeared and civil society representatives stressed the lack of meaningful accountability. The HRCSL recalls that among the emblematic cases yet to be concluded is that of the journalist Prageeth Ekmaligoda, who went missing in January 2010. The HRCSL was informed that progress in judicial proceedings including habeas corpus cases has been limited. In many cases, the litigants are unable to sustain litigation due to age and illness. In some cases, witnesses face threats and intimidation from persons, including law enforcement officials, thereby discouraging the pursuance of litigation. Examples were also presented of instances where court orders are yet to be complied with. For instance, in February 2023, the Vavuniya High Court ordered the SLA to produce three persons who had surrendered to the SLA in May 2009 and had subsequently disappeared. The persons are yet to be produced and a revision application against the order is now pending in the Court of Appeal. The HRCSL was also informed that the SLA is yet to produce a complete list of persons who surrendered in May 2009 despite the Magistrate’s Court of Mullaitivu ordering it to do so.
50. It was also brought to the attention of the HRCSL that mechanisms established to provide reparations have not resulted in meaningful individual and collective reparations, including monetary compensation and memorialisation. Families of the disappeared from the Southern Province in particular expressed frustration with respect to delays in launching the second

phase of the OMP and providing meaningful reparations. The HRCSL observes that this lack of progress has resulted in many families losing confidence in official mechanisms established to deliver truth, accountability, and reparations.

51. Another major concern brought to the attention of the HRCSL is the prevalence of threats and intimidation targeting families and activists who speak out on enforced disappearances. The HRCSL recalls section 14(2) of the Enforced Disappearance Act, which provides that every victim and relative of a victim shall, subject to restrictions placed by law, have ‘the right to form and freely participate in organisations and associations concerned with attempting to establish the circumstances of [enforced disappearances], and the fate of disappeared persons, and to assist victims of [enforced disappearance].’ However, the HRCSL received credible reports from a number of civil society organisations, including those based in Ampara, Batticaloa, Colombo, Jaffna, Kilinochchi, Mannar, Matara, Trincomalee, and Vavuniya that certain law enforcement officials – including officers claiming to be from intelligence services, the Criminal Investigation Department (CID), and the Counter-Terrorism & Investigation Division of Sri Lanka Police – threaten and intimidate families and activists. It was consistently reported that women remain particularly vulnerable to such abuses. The HRCSL notes that such abuses amount to infringements of the fundamental rights to the freedom of speech and expression guaranteed by article 14(1)(a) of the Constitution, the freedom of peaceful assembly guaranteed by article 14(1)(b) of the Constitution, and the freedom of association guaranteed by article 14(1)(c) of the Constitution. It is also noted that such abuses, if committed by police officers, violate the IGP’s recent directives with respect to the treatment of relatives of missing persons (cited in paragraph 134 of the state party report).
52. In November 2024, the HRCSL issued a statement observing that ‘the advocacy of truth and accountability, such as the peaceful protests regularly held in the North and East, and acts of collective remembrance, such as the annual event held on 27 October in Seeduwa, are constitutionally protected as part of the people’s fundamental rights to freedom of expression and peaceful assembly’.

IV. Observations on the Implementation of the Convention

Article 1

53. The Enforced Disappearance Act clearly criminalises ‘enforced disappearance’ and does not stipulate any exceptional circumstances under which enforced disappearance would not be an offence.

Article 2

54. The elements of the offence in section 3(1) of the Enforced Disappearance Act encapsulates all elements of the definition of ‘enforced disappearance’ found in article 2 of the Convention. Section 3(1) provides:

Any person who, being a public officer or acting in an official capacity, or any person acting with the authorization, support or acquiescence of the State –

- (a) arrests, detains, wrongfully confines, abducts, kidnaps, or in any other form deprives any other person of such person's liberty; and
 - (b) (i) refuses to acknowledge such arrest, detention, wrongful confinement, abduction, kidnapping, or deprivation of liberty; or
 - (ii) conceals the fate of such other person; or
 - (iii) fails or refuses to disclose or is unable without valid excuse to disclose the subsequent or present whereabouts of such other person,
- commits the offence of enforced disappearance.

55. Compared to the Convention definition, the Act adds further circumstances in which an enforced disappearance may take place. According to section 3(1)(b)(iii) of the Act, the failure or refusal to disclose the subsequent or present whereabouts of a person deprived of liberty, or the inability without excuse to disclose the subsequent or present whereabouts of such a person, can amount to an offence of enforced disappearance in Sri Lanka. The HRCSL notes that this element is only an additional circumstance in which an enforced disappearance may take place in Sri Lanka and does not diminish the Act's consistency with the definition of 'enforced disappearance' found in the Convention.

Article 3

56. Section 3(2) of the Enforced Disappearance Act adequately criminalises disappearance perpetrated by persons or groups of persons acting without the authorisation, support or acquiescence of the state and to bring those responsible to justice. This section is relevant in Sri Lanka given its legacy of non-state actors being involved in abductions. For instance, the HRCSL recalls the abduction and execution of more than 600 police officers by the LTTE in the Eastern Province in 1990.
57. The substance of article 3 of the Convention refers to taking 'appropriate measures to investigate acts' perpetrated by non-state actors. The HRCSL is reliably informed based on dialogues with Sri Lanka Police that the SIU of Sri Lanka Police is yet to complete an investigation under the Act with respect to any offence under section 3(1) or section 3(2) of the Act. Accordingly, the HRCSL expresses its concern that the state is yet to fulfil its substantive obligations under article 3 of the Convention.

Article 4

58. The Enforced Disappearance Act adequately criminalises the act of enforced disappearance in compliance with article 4 of the Convention. All offences under the Enforced Disappearance Act are 'cognizable' and non-bailable offences within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

Article 5

59. The HRCSL acknowledges that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity. The Enforced Disappearance Act does

not include a specific offence relating to the widespread or systematic practice of enforced disappearance. Although it is acknowledged that article 5 does not necessarily create any additional obligation on states to amend their domestic legislation, the HRCSL is of the view that such an offence should be included as an aggravated offence in the Act.

Article 6

60. Section 4(1) of the Enforced Disappearance Act provides that any person who aids or abets the commission of any offence set out in section 3 or conspires or attempts to commit any offence set out in section 3, shall be guilty of a separate offence. Moreover, section 3(3) of the Act provides for superior responsibility where the officer has ‘effective authority and control’ over subordinates who commit an offence and fails to take all necessary and reasonable measures to prevent or repress the commission of an enforced disappearance. Additionally, the Act does not permit the invocation of ‘superior orders’ or ‘due obedience’ as a potential justification for the commission of an enforced disappearance. Accordingly, the HRCSL is of the view that the Act adequately gives effect to article 6 of the Convention.

Article 7

61. The Enforced Disappearance Act provides for an absolute prohibition on enforced disappearance. It does not explicitly permit any justifications or mitigating circumstances with respect to the commission of the offence of enforced disappearance. However, it is noted that the Act carries a maximum penalty of twenty years of imprisonment. Therefore, the High Court retains sentencing discretion with respect to circumstances that may warrant a sentence of less than twenty years of imprisonment.
62. Although the Act does not explicitly provide for mitigating circumstances contemplated by article 7 of the Convention (e.g., for persons who, having been implicated in the commission of an enforced disappearance, effectively contribute to bringing the disappeared person forward alive or make it possible to clarify cases of enforced disappearance or to identify the perpetrators of an enforced disappearance), prosecuting authorities retain the ability to charge those implicated in an enforced disappearance with a lesser offence in exchange for their cooperation.

Article 8

63. The HRCSL observes that the state has a special obligation to refrain from instituting a statute of limitation on the offence of enforced disappearance until ‘the moment when the offence of enforced disappearance ceases, taking into account its continuous nature’. It appreciates the acknowledgement in the state party report that, ‘where a person is continuously deprived of liberty, such as through detention or some other form of wrongful confinement without such person’s consent, the offence of enforced disappearance *shall be of a continuing nature*, so long as there is refusal to acknowledge such deprivation of liberty’ (emphasis added). The state party report also acknowledges that, in such an event, ‘the statute of limitations shall not be applicable until such person is no longer deprived of liberty,

or until the deprivation of liberty is acknowledged, in which case the offence of enforced disappearance ceases.’

64. It is clarified that, although the Enforced Disappearance Act came into operation in 2018, the elements of the offence of ‘enforced disappearance’ as per section 3(1) of the Act warrants investigations into the whereabouts of *any* person who *continues* to be missing after the Act came into operation.

Illustration

For instance, if a person went missing in 2015, prior to the Act coming into operation, but, in 2018, after the Act came into operation, is reasonably suspected of being held in ‘wrongful confinement’ by a public officer in a secret location, the first element of the offence of enforced disappearance stipulated in section 3(1)(a) of the Act may be satisfied. This element is satisfied regardless of the fact that the person may have been first arrested prior to the Act coming into operation in 2018.

Next, in 2018, if a public officer refuses to acknowledge such wrongful confinement at the time, or conceals the fate of the missing person, or fails or refuses to disclose the whereabouts of the missing person, the second element of the offence of enforced disappearance stipulated in section 3(1)(b) may be satisfied.

Therefore, an enforced disappearance under the Act can take place at any point when a person continues to be in wrongful confinement, regardless of the fact that the initial arrest took place prior to the Act coming into operation.

65. The state party report cites article 13(6) of the Constitution, which provides that no persons shall be subjected to the retroactive application of criminal law. The report correctly refers to the exception to this provision and the fact that ‘nothing in [the] article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations’. This reference intimates the state’s recognition of the fact that enforced disappearance is considered a criminal act according to the general principles of law recognised by the community of nations, and that any retroactive criminalisation of past instances of enforced disappearance is not prevented by article 13(6) of the Constitution.

Article 9

66. Section 6 of the Enforced Disappearance Act affords the High Court of Sri Lanka in Colombo with exclusive jurisdiction to try offences under the Act. Therefore, no other court, including a military court or tribunal, may exercise jurisdiction to try the offence of enforced disappearance.
67. The Act, read together with the Extradition Act, No. 8 of 1977 (as amended) and the Mutual Assistance in Criminal Matters Act, No. 25 of 2002, adequately gives effect to article 9 of the Convention with respect to extradition and mutual legal assistance.

Article 10

68. Section 7 of the Enforced Disappearance Act adequately gives effect to article 10 of the Convention. The section guarantees to all non-citizens arrested under the Act the right to communicate with and be visited by their consular representatives, and to be informed of such right.

Article 11

69. Section 14(3) read with section 6(2)(a) of the Enforced Disappearance Act obliges the state to initiate investigations whenever there are reasonable grounds for believing that a person has been subjected to enforced disappearance, and whenever it has jurisdiction over such offence, including when the suspect of such offence is found within the territory of Sri Lanka. Those submitted to prosecution would be entitled to the right to a fair trial guaranteed by article 13(3) of the Constitution.

Article 12

70. Sections 12(a) and (b) of the OMP Act empowers the OMP to receive from any relative of a missing person, or any other person or organisation, complaints relating to missing persons, and to initiate an inquiry or investigation into the whereabouts or circumstances of the disappearance of a missing person. The HRCSL notes that this framework relates to tracing the whereabouts of a missing person and does not contemplate criminal investigations. The OMP has a dedicated tracing unit and for extensive and further investigations, the OMP collaborates with the CID. Moreover, section 12(i) of the OMP Act provides that where an offence within the meaning of the Penal Code or any other law (including the Enforced Disappearance Act), has been committed, the OMP may, after consulting the relatives of the missing person, report the matter to the relevant law enforcement or prosecuting authority.
71. The Enforced Disappearance Act contemplates investigation into the crime of enforced disappearance. It guarantees the right of any person who alleges that a person has disappeared to report the facts and to have the case promptly and impartially investigated. Section 14(1) of the Act provides that ‘every victim and relative of a victim shall have the right to know the truth regarding the circumstances of an enforced disappearance, the progress and results of the investigation as are carried out by the law enforcement authorities, and the fate of the disappeared person.’
72. The HRCSL notes the claim in the state party report that ‘Sri Lanka Police, with its numerous branches, are competent to investigate those accused of enforced disappearance, while the Attorney General’s Department are competent to prosecute the cases.’
73. The HRCSL recalls that numerous commissions of inquiry, and its own Committee of Inquiry in its 2003 report, have observed that the ordinary process through which investigations into abductions are conducted by law enforcement authorities remains ineffective. Moreover, the lack of progress in investigating the alleged enforced disappearance of Kapila Kumara De Silva reveals that this challenge is yet to be overcome

even after the enactment of the Enforced Disappearance Act. The HRCSL accordingly observes that the state is yet to fulfil its obligations under article 12 of the Convention.

74. Section 20 of the Enforced Disappearance Act provides that, in the event that law enforcement authorities fail or refuse to investigate a complaint, any person with a legitimate interest can petition the High Court and seek an order directing such investigation. However, to date, the HRCSL is not aware of any instance in which a person has availed themselves of this remedy.
75. The HRCSL notes the state party report's reference to a number of ongoing cases in which human remains and other belongings have been found in 'mass graves' and have been or are in the process of being exhumed and excavated. E.g. the discovery of human remains in Mannar in Case No B/232/2018, in Mullaitivu in Cases No. AR/808/19 and No. AR/503/20, in Kilinochchi in Cases No. B/542/20 and No. B/1053/20, in Kalawanchikudi in Case No. B172/14, and in Chemmani, Jaffna in Case No. BR/433/PC/25. Previously, the proceedings in Case No. B/1810/12 concerning the discovery of 154 human remains in Matale was ended in 2015 on the basis that a radiocarbon dating opinion with respect to four samples had concluded that the inhumation of the remains predated 1950. The Matale Magistrate, however, ruled that the CID was free to seek a further order from court on the advice of the Attorney-General if an offence was later disclosed.
76. Even as the HRCSL was preparing this Parallel Report, exhumation and excavation work had resumed in Chemmani following the discovery of human remains in February 2025. As of July 2025, it is reported that the remains of over 65 persons have been uncovered at this site, including the remains of children. It is recalled that in 1998, the HRCSL communicated with UN bodies to gauge the possibility of international assistance in investigating the mass grave in Chemmani. Another recently uncovered mass grave site is the Colombo Port mass grave. In early 2025, skeletal remains of sixteen persons were identified, including two young children.
77. The HRCSL also notes that the OMP has intervened in each of these cases and has obtained observer status. It endorses the OMP's recommendation that effective measures be adopted to secure the chain of custody of all evidence generated during the investigation, and that findings of all members of the investigation team including Sri Lanka Police Scene of Crime Officers and the Judicial Medical Officer be submitted to the relevant Magistrate's Court. However, the HRCSL remains concerned that any criminal investigations following the exhumation of human remains and excavation of human belongings are at risk of being ineffective if the existing investigative apparatus is relied upon. It is recalled that many past criminal investigations under the former DIU did not result in successful prosecutions.
78. In this context, the HRCSL recalls its public statement in November 2024, and recommends that the institution responsible for investigating serious crimes that law enforcement officials are accused of committing should be independent of the regular law enforcement apparatus to avoid a conflict of interest. Accordingly, it is recommended that a Special Office for the Investigation and Prosecution of Serious Crimes by State Officials should be established and entrusted with broad investigative and prosecutorial powers to investigate allegations of

enforced disappearance and prosecute perpetrators. This office should be resourced with adequate funding, expertise and technology to effectively discharge its responsibilities.

Article 13

79. Section 13 of the Enforced Disappearance Act closely aligns with article 13 of the Convention, establishing that offences under the Act are not to be classified as political crimes, and enforced disappearance remains an extraditable offence.

Articles 14 and 15

80. The legal framework set out in section 9 of the Act read with the Mutual Assistance in Criminal Matters Act, No. 25 of 2002 and the Mutual Legal Assistance (Amendment) Act, No. 24 of 2018 adequately gives effect to articles 14 and 15 of the Convention.

Article 16

81. Section 18(1) of the Enforced Disappearance Act provides that ‘no person shall be expelled, returned, surrendered or extradited to another State where there are substantial grounds for believing that such person would be in danger of being subjected to enforced disappearance’. Section 18(2) provides that ‘the existence in the state concerned of a consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law shall be taken into account’, when determining whether there are substantial grounds for believing that a person is in danger of being subjected to enforced disappearance. Accordingly, the Act gives effect to article 16 of the Convention.
82. The HRCSL, however, observes that, in practice, relevant state authorities, including officials from the Department of Immigration and Emigration, are not adequately apprised of the provisions of sections 18(1) and (2) of the Enforced Disappearance Act.
83. On 19 December 2024, 116 asylum seekers, including 57 children, from the Rohingya community in Myanmar arrived at Mullivaikkal, Mullaitivu. These persons were brought before the Trincomalee Magistrate and eventually detained at the Mullaitivu Air Force Camp. The HRCSL visited the Camp on 9 January 2025 to assess the conditions of detention of the asylum seekers and make appropriate recommendations. Following the visit, the HRCSL published its findings and recommendations. In its report, the HRCSL noted that a report of the UN Independent International Fact-Finding Mission on Myanmar refers to enforced disappearances in Myanmar and the risks faced by Rohingya with respect to being subject to enforced disappearance. In this context, the HRCSL found that state authorities are bound by the Enforced Disappearance Act to abide by the principle of *non-refoulement* and to refrain from repatriating those who are at risk of persecution, torture, ill-treatment or other serious human rights violations, including enforced disappearance, upon their return.

Article 17

84. Section 15 of the Enforced Disappearance Act sets out the legal framework that prohibits secret detention and affords a number of safeguards with respect to persons deprived of liberty. These safeguards include the right to communicate with and be visited by their relatives, attorney-at-law, or any other person of their choice, and the compilation and maintenance of up-to-date official registers or records of persons deprived of liberty.
85. Notably, section 15(3) of the Act, which grants the HRCSL the authority to access places where persons are deprived of liberty, does not confine such authority to official places of deprivation of liberty. Therefore, the HRCSL has the authority under the Act to access unofficial places of deprivation of liberty, including privately-owned sites, buildings, and enclosures.
86. Additionally, section 12(f) of the OMP Act authorises an officer of the OMP to ‘enter without warrant, at any time any place of detention, police station, prison or any other place in which any person is suspected to be detained, or is suspected to have previously been detained in, whether by judicial order or otherwise and make such examinations therein or make such inquiries from any person found therein, to ascertain the conditions of detention and retain any documents or objects, as may be necessary’. In 2020, the OMP issued search guidelines with respect to this provision.
87. The HRCSL observes that certain cases concerning abductions featuring secret detention, which took place prior to Sri Lanka’s ratification of the Convention and the enactment of the Enforced Disappearance Act, are yet to be completed. For example, the Colombo Permanent High Court Trial-at-Bar case concerning the abduction and killing of eleven youth in 2008 and 2009 is currently suspended pending the outcome of proceedings before appellate courts. Investigators alleged that the youth were kept in secret detention in a Naval Base in Trincomalee. The Attorney-General’s decision to withdraw the indictment against the 14th accused, former Navy Commander Wasantha Karannagoda, was challenged by the families of the victims, and the matter is currently pending before the Supreme Court.
88. The HRCSL also recalls the disappearance of Kapila Kumara De Silva wherein the victim was held in secret detention outside the protection of the law for nearly one month. The incident reflects the fact that secret detention in violation of both article 17 of the Convention and the Enforced Disappearance Act has recently taken place in Sri Lanka.

Article 18

89. Section 16(1) of the Enforced Disappearance Act provides that any relative of a person deprived of liberty, the representative of a person deprived of liberty, or an attorney-at-law of a person deprived of liberty, shall have the right to obtain the information mentioned in article 18 of the Convention. Section 16(2) provides that any relative of a person deprived of liberty, the representative of a person deprived of liberty, or an attorney-at-law of a person deprived of liberty, as well as persons participating in the investigation of an alleged offence under the Act, shall be protected from any ill-treatment, intimidation or sanction as a result

of the search for information concerning a person deprived of liberty. Meanwhile, section 16(3) of the Act provides that any relative of a person deprived of liberty, the representative of a person deprived of liberty or an attorney-at-law of a person deprived of liberty shall have the right to a prompt and effective judicial remedy as a means of obtaining without delay the information referred to in section 16(1) of the Act, and that such right to a remedy shall not be suspended or restricted in any circumstances.

90. The HRCSL also notes that any person with a legitimate interest may enforce the above rights by petitioning the High Court under section 20(1) of the Act.

Article 19

91. Section 19 of the Enforced Disappearance Act read with the Personal Data Protection Act, No. 9 of 2022 adequately gives effect to article 19 of the Convention in terms of safeguards with respect to the medical and genetic data of victims of enforced disappearance. The latter Act defines ‘genetic data’ as ‘personal data relating to the genetic characteristics of a natural person which gives unique information about the physiology or the health of that natural person which results from an analysis of a biological sample or bodily fluid of that natural person’.
92. Additionally, section 13(1)(k)(v) of the OMP Act empowers the OMP to make recommendations to relevant authorities regarding ‘the publishing of information on issues of missing persons for public knowledge with due consideration to all relevant laws pertaining to confidentiality and protection of data’.

Article 20

93. Section 16(1) read with section 20(1) of the Enforced Disappearance Act and section 25(3) of the Right to Information Act, No. 12 of 2016 adequately meet the requirements of article 20 of the Convention in terms of ensuring that the right to information pertaining to a person deprived of liberty is not unduly restricted. Section 25(3) of the Right to Information Act provides that ‘where the request for information concerns the life and personal liberty of the citizen, the response to it shall be made within forty-eight hours of the receipt of the request’.

Article 21

94. Section 16(1)(e) of the Enforced Disappearance Act recognises the rights of relatives, representatives and attorneys-at-law to information on the date, time and place of release of a person previously deprived of liberty. Where such information is not provided, the person concerned may complain to the High Court under section 20(1) of the Act.
95. The HRCSL, however, notes that the Act does not explicitly require state authorities to take measures to assure the physical integrity of a person deprived of liberty and their ability to fully exercise their rights at the time of their release.

Article 22

96. Section 17 of the Enforced Disappearance Act criminalises interference with an investigation, the failure to record accurate information, and the refusal to provide information on a deprivation of liberty, thereby adequately giving effect to article 22 of the Convention.

Article 23

97. The HRCSL notes that the state party report details educational and training programmes offered to police and armed forces personnel with respect to human rights and international humanitarian law.
98. However, the HRCSL observes a gap in these educational and training programmes with respect to the provisions of the Convention and also the provisions of the Enforced Disappearance Act. The HRCSL regularly references the provisions of the Act, and particularly section 15 of the Act, when engaging law enforcement personnel. The HRCSL intends to offer specific education and training programmes on the Convention and Act in all future training that it will conduct with such personnel.

Article 24

99. Section 25 of the Enforced Disappearance Act defines a ‘victim’ to mean ‘the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance’. The right of victims to know the truth about the circumstances of an enforced disappearance, and the fate of the disappeared person, is guaranteed under section 14(1) of the Act. Moreover, section 13(1) of the OMP Act guarantees to relatives the right to know the status of an ongoing investigation pursuant to a complaint to the OMP.
100. The HRCSL notes that the Enforced Disappearance Act does not directly deal with the rights of victims to the entire range of reparations contemplated by article 24 of the Convention. It only refers to the payment of compensation not less than five hundred thousand rupees to a victim where a person is found guilty of the offence of enforced disappearance.
101. However, the Office for Reparations is empowered to provide a range of individual and collective reparations to aggrieved persons. An aggrieved person is defined by section 27(a)(iv) of the Office for Reparations Act to include ‘persons who have suffered damage as a result of loss of life or damage to their person or property due to an enforced disappearance as defined in the International Convention for the Protection of all Persons from Enforced Disappearance Act, No. 5 of 2018’.
102. The Office of Reparations upon a request by the HRCSL dated 10 October 2024 provided the following information on compensation paid to families of missing persons. The number of families that have receive compensation and the quantum of compensation paid in each district in 2022, 2023, and 2024 are presented in Tables 4, 5 and 6 respectively.

Table 4: 2022

No	District	Cases	LKR
1	Jaffna	26	5,200,000
2	Kilinochchi	35	7,000,000
3	Mannar	17	3,400,000
4	Mullaitivu	19	3,800,000
5	Vavuniya	20	4,000,000
	Total	117	23,400,000

Table 5: 2023

No	District	Cases	LKR
1	Jaffna	63	12,600,000
2	Kilinochchi	36	7,200,000
3	Mannar	6	1,200,000
4	Mullaitivu	1	200,000
5	Batticaloa	6	1,200,000
6	Gampaha	2	400,000
7	Kandy	1	200,000
8	Trincomalee	88	17,600,000
9	Polonnaruwa	1	200,000
10	Matara	1	200,000
11	Colombo	1	200,000
	Total	206	41,200,000

Table 6: 2024

No	District	Cases	LKR
1	Ampara	111	22,200,000
2	Colombo	33	6,600,000
3	Gampaha	1	200,000
4	Hambantota	1	200,000
5	Matara	5	1,000,000
6	Jaffna	750	150,000,000
7	Kilinochchi	443	88,600,000
8	Mannar	195	39,000,000
9	Mullaitivu	264	52,800,000
10	Vavuniya	235	47,000,000
11	Kurunegala	1	200,000

12	Anuradhapura	5	1,000,000
13	Polonnaruwa	11	2,200,000
14	Matale	1	200,000
15	Kegalle	1	200,000
16	Batticaloa	893	178,600,000
17	Trincomalee	203	40,600,000
18	Ratnapura	1	200,000
19	Monaragala	1	200,000
	Total	3,155	631,000,000

Article 25

103. Section 5(2) of Sri Lanka's ICCPR Act, No. 56 of 2007 provides that 'in all matters concerning children, whether undertaken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, the best interest of the child shall be of paramount importance.'
104. It is noted, however, that the Enforced Disappearance Act does not specifically give effect to article 25 of the Convention, and does not prohibit the wrongful removal of children subjected to enforced disappearance, or children whose parents are subjected to enforced disappearance, or children born during the captivity of mothers subjected to enforced disappearance.

V. Recommendations

105. The HRCSL presents the following recommendations to the Sri Lankan state with respect to giving full effect to the provisions of the Convention, and to related matters:
- Complete investigations into the alleged enforced disappearance of Gonapinuwala Kapila Kumara De Silva under the Enforced Disappearance Act;**
 - Establish a new permanent institution (e.g. a 'Special Office for the Investigation and Prosecution of Serious Crimes by State Officials') that is independent of regular law enforcement authorities and with broad powers to investigate *inter alia* enforced disappearance, and prosecute perpetrators;**
 - Introduce necessary legislative reform to ensure that habeas corpus cases and cases under the Enforced Disappearance Act before the High Court are prioritised to enable their expeditious conclusion;**
 - Include 'widespread and systematic enforced disappearance' as a specific offence under the Enforced Disappearance Act;**

- e) Include provisions in the Enforced Disappearance Act requiring relevant state authorities to take measures to assure the physical integrity of a person deprived of liberty and their ability to fully exercise their rights at the time of their release;**
- f) Formulate compensation guidelines for pecuniary, non-pecuniary, and exemplary damages for victims of enforced disappearance drawing from international standards;**
- g) Provide adequate financial resources, expertise, and technology for the exhumation of human remains at mass grave sites to ensure the preservation of evidence and effective investigation to ensure identification of deceased persons;**
- h) Conduct regular education and training programmes for police and armed forces personnel on the provisions of the Convention and the Enforced Disappearance Act;**
- i) Include the wrongful removal of children subjected to enforced disappearance, or children whose parents are subjected to enforced disappearance, or children born during the captivity of mothers subjected to enforced disappearance as offences under the Enforced Disappearance Act;**
- j) Consider issuing declarations under articles 31 and 32 of the Convention to recognise the competence of the Committee to receive individual and inter-state communications; and**
- k) Consider becoming a party to the Rome Statute of the International Criminal Court, which lists widespread and systematic enforced disappearance as a crime against humanity.**