



# Memo to Sri Lanka Office of Missing Persons (OMP) By Tamil Mothers of Disappeared About Why They Lack Confidence In OMP

*We search our loved ones- including several babies, girls and children - whom we personally handed over to Sri Lankan forces at the end of war in May 2019*

JAFFNA , SRI LANKA, July 16, 2018 /EINPresswire.com/ --

Memorandum to the Office of Missing Persons (OMP) by Tamil Mothers of the Disappeared about why we lack confidence in OMP

We are Tamil mothers of the disappeared, who desperately searching well-over eighteen (18) thousand of our daughters, sons and husbands who disappeared since 1983 in Tamil areas. In addition, we also search thousands of our loved ones - including several babies, girls and children - whom we personally handed-over to the Sri Lankan Security forces at the end of the war in May 2019.

We are continuously searching our loved ones, despite numerous challenges, including abuse by the Sri Lankan Security forces and Military Intelligence. We sold our houses, jewels and other properties and also borrowed money to pay "Security Forces Middlemen" who promised to get our loved ones back. But all our efforts failed and we were cheated. Several of our Mothers have died as a result of stress and sorrow, many of them due to heart attack.

Out of desperation to bring attention to our disappeared loved ones, we continuously held peaceful protests and hunger strikes for the last one and a half years in Tamil areas, despite intimidation and attacks by the Security forces and Military Intelligence. Still we continue our protests.

We continue to live with the pain of not knowing what happened to our daughters, sons and husbands. Every day we suffer imagining what would have happened to them.

- Are they alive?
- Are our daughters get raped?
- Are they tortured?

We have difficulty eating, sleeping or concentrating and continuously fall sick.

We want to bring to your attention that International law recognizes that the families of the missing have the "Right to Know the Truth" with respect to the fate of their loved ones. On December 15, 2015, Sri Lanka signed the International Convention for the Protection of All Persons from Enforced Disappearance. Article 21 of the convention recognizes the continued victimization of the families of those who have disappeared and grants these victims the "right to know the truth regarding the circumstances...and the fate of the disappeared person[s]."

Also, any continued failure of the Sri Lankan government to provide such concrete information

prolongs the suffering of the families of the missing; constitutes an ongoing violation of their human rights, and constitutes an ongoing failure by Sri Lanka to fulfill its obligations under international law as well as its obligations under Human Rights Council Resolution 30/1 and 34/1 which Sri Lanka voluntarily co-sponsored.

WE DESPERATELY WANT TO FIND OUR LOVED ONES - BUT BELOW PLEASE FIND OUR REASONS TO WHY WE HAVE DIFFICULTY TRUSTING THE OFFICE OF THE MISSING PERSONS(OMP):

- 1) When the new Government came to power in January 2015, we had hope that the new Government will find our loved ones or give us the status of what happened to them.
- 2) We met Hon. President Mithripala Srisena thrice. At the first meeting itself, he had assured us that he will find an immediate solution to our demands. He had revealed that he will give an order at the Security Council Meeting to be held on the following day, to release the list of those surrendered at the end of the war in May 2009. But his promise had not been translated into action. When an executive President in this country is not in a position to keep a promise, how can we expect OMP, which was created by the Government to mete out justice? Can the OMP at-least get the list of those surrendered at the end of the war in May 2009 and disappeared?
- 3) Furthermore, Hon. Prime Minister Ranil Wickremesinghe, came to Jaffna for one of our major festivals (Thai Pongal) and said in a public meeting on January 15, 2016 that "Those who surrendered to the Sri Lankan Security forces at the end of the war in May 2009 are no longer alive". These Tamils, including several babies, girls and children voluntarily placed themselves in the hands of the security forces at the end of the conflict in reliance on assurances that they would be safe.  
  
But, the Prime Minister refused to give any clarification about his statement, including who is responsible for the killings, manner in which they were killed and where the dead bodies are. How do you expect us to believe the OMP, which was established by this Government, when its own Prime Minister is refusing to give clarification of a public statement he made about the deaths of the Tamil disappeared? Can OMP get the clarification from the Prime Minister?
- 4) The Government had also made changes in the OMP bill (Sec.11a) to curtail even its least power, due to the intervention of a Sinhala political party. This happened even without taking into consideration the recommendations of the consultation Task force on Reconciliation mechanism.
- 5) How do you expect OMP to bring justice to us, when OMP act section13 (2) mentions that the findings of the OMP could not be used in any civil or criminal cases for seeking justice?
- 6) There is no transparency adopted in the selection of the Commissioners for the OMP. Selections were made by the Constitutional Council in which Sinhala Politicians are also members, who repeatedly said that they will not allow any members of the Security force to face justice. Can OMP guarantee that alleged perpetrators will be brought to justice?
- 7) Out of the seven Commissioners is a former senior Security force officer. How can we go and seek justice from him? Can OMP take steps to remove him as its Commissioner?
- 8) Repeated requests to have some OMP Commissioners from the UN and other international experts were rejected. How do you expect us to have confidence in OMP, given the long and failed history of Sri Lankan Government appointed Commissions to deal with abuses against Tamils? Can OMP include UN and other International experts as Commissioners?

We urge you to rectify our above mentioned concerns and we will give our whole hearted support to you.

After all, this is about the disappearance of our daughters, sons and husbands.

Sincerely,

Mrs. K. Yogarajah  
Coordinator - Tamil Mothers of the Disappeared

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