

30th August 2007

His Excellency the Hon. Mr. Mahinda Rajapakse
President Socialist Democratic Republic of Sri Lanka
C/o Office of the President
Colombo

Commemoration of the International day of the disappeared – 30th August 2007

We write in solidarity and bring greetings on this important day commemorating the global cause of justice for the disappeared and their families.

We appreciate the leadership you had taken as far back as late 1980s to eradicate this dreaded phenomenon in our country, and also note the several steps you have initiated as the President, such as the one man Presidential Commission of Inquiry, to address the rise of this grave crime against humanity.

We understand that the Chairman, Mr. Tillekeratne has submitted the final report of the Commission to you. As you know, one of the worst aspects of a disappearance, from the point of view of the family, is the unending grief, due to the non acknowledgement of the fact that your loved ones have actually disappeared, leaving no trace of what happens to them. The publication of Justice Tillekeratne's report will be a step towards addressing this great grief and we urge you to and we urge you to take immediate steps in this regard.

We also note the recent arrests of persons suspected of masterminding abductions in Colombo, but we continue to be concerned that this practice has not been completely eradicated in our country and note with dismay that according to the Human Rights Commission, in the first two weeks of August alone, 18 people disappeared and 11 people were unlawfully killed in Jaffna. We expect you to continue your keen interest in this matter by requesting the highest level investigations into the alleged disappearances in the North East as well as rest of the country and by supporting all attempts at prosecuting the miscreants.

You maybe unaware that there are many families of people who disappeared almost twenty years ago who have yet to even be given access to the minimum programmes that were spearheaded by you like the compensation programmes. Many have also not received justice despite participating in the court proceedings and in many of the Commissions created to inquire into enforced disappearances Some families experience difficulties in benefiting from this scheme due to the inability to obtain a death certificates. Discrimination based on the region and other considerations such as civilian and government servant of the victim also remains a key concern for family members. Your election to the office of the President had raised expectations of many such families, and we trust that you strive to fulfill their just aspirations by reviving these programmes and systematize them so that families who have no hope of any justice for the wrong done to them may at least feel that the state hears their pain and remains in solidarity with them.

At the same time, we also request you to make public the unpublished sections of the report handed over to the then President in 2002, by the All Island Presidential Commission of Inquiry to inquire into enforced disappearances that was appointed in 1998, which has identified details of what actually happened to people who had disappeared and those responsible. This too, will go a long way in providing a sense of support and solidarity to family members of those who had disappeared.

Considering that the dreaded phenomenon of enforced disappearances are again being reported on a large scale throughout the country, we call on you to take immediate steps to implement the

recommendations made by the various Presidential Commission of Inquiries appointed to investigate enforced disappearances and the UN Working Group on Enforced and Involuntary Disappearances.

Further, as you are aware, one of the blocks in our search for justice has been the lack of recognition of disappearances as a crime in Sri Lanka and the prohibition on examination of the command structures and determination of criminal culpability of the architects of the systems that perpetuate these crimes in our country. Thus, we request you to take steps towards amending our Penal Code to include the crime of disappearance and the concept of command responsibility within it.

Finally, given your own personal role in pushing for a strong international action against enforced disappearances in Sri Lanka and all over the world, we hope that your government will accept the assistance offered by the international community to Sri Lanka, particularly by extending an invitation to the UN Working Group on Enforced Disappearances to visit the country and assist you and your government to address the large number of disappearances which are reported as having occurred since 2006.

In order to prevent enforced disappearances, and in solidarity with families of the disappeared in Sri Lanka and world over, we trust that Your Excellency will also continue the support Sri Lanka extended towards the cause of international struggle against disappearances by taking immediate steps to ratify UN International Convention Against Enforced Disappearances

Together in solidarity with families of the disappeared,

Association of Family Members of the Disappeared (AFMD)
Association of War Affected Women
Centre for Human Rights and Development (CHRD)
Centre for Peace and Human Rights Culture (CEPAHRC)
Centre for Peace Building and Reconciliation (Cpbr)
Consortium of Humanitarian Agencies (CHA)
Families of the Disappeared (FOD)
Free Media Movement (FMM)
INFORM Human Rights Documentation Centre
International Movement Against All Forms of Discrimination and Racism (IMADR)
Home for Human Rights (HHR)
Human Development Organization
Human Rights Media Resource Centre
Janasansadaya, Panadura
Law & Society Trust (LST)
Mothers and Daughters of Lanka
Muslim Informational Centre
National Christian Council of Sri Lanka – Commission for Justice and Peace
National Peace Council (NPC)
Parents of Servicemen Missing in Action
Right to Life