

8 June, 2015

Mr. Maxwell Paranagama,
Chairman
Presidential Commission to Investigate into Complaints Regarding Missing Persons
No. 9/8, Suranimala Place,
Colombo 06.

Dear Sir,

Raising Concerns with the Work and Progress of the Commission

The Centre for Policy Alternatives (CPA) has monitored and engaged with the Presidential Commission to Investigate In to Complaints Regarding Missing Persons (COI) since its appointment in 2013. CPA has monitored its public sittings and raised concerns about protection and procedural issues such as witness protection, translations and investigations. In the spirit of constructive engagement, CPA has also regularly met with the COI and shared concerns. CPA therefore writes to the COI to raise several new concerns.

- 1) **Interim Report-** Although the information in the public realm indicates that the interim report of the COI was handed to President Maithripala Sirisena on 10 April 2015, this document is yet to be made public. CPA is concerned with the lack of transparency regarding this report which one hopes sheds light on the progress of the work of the COI, any investigations that have commenced, future plans and other related issues. The Lessons Learnt and Reconciliation Commission (LLRC) publicly issued interim recommendations in September 2010, thereby raising issues that required urgent attention by the State. Given this precedent, CPA urges that the COI make public its interim report and commence a dialogue on key issues with the necessary parties including government agencies, victims, families and civil society.
- 2) **Nature of Public and Private Sittings-** CPA has learnt from media reports that several military officials including Major General Jagath Dias and Major General Kamal Gunaratne have been interviewed by the COI. These media reports state that Major General Shavindra Silva is to be interviewed by the COI upon his return to Sri Lanka. While the COI has a mandate to offer sittings either in public or private, CPA is concerned with the secrecy of the latter and those conducted so far. Our concern is compounded by the non-availability of the option of a private sitting for all the victims, families and witnesses who have come before the COI. This in a context when some of them have faced security issues.

- 3) **Status of Investigations-** In addition to the two issues raised above, there is concern regarding the status of investigations, if any, initiated by the COI. Although media reports indicate to the COI highlighting the issue of investigations, there is no information publicly available on whether investigations have commenced and on the nature and scope of such investigations. CPA urges the COI to publicly share the status of investigations and plans for the future.

The issues raised in the present letter, coupled with issues raised previously by CPA regarding the mandate and operation of the COI begs the question of whether there is genuine willingness by the Government to address issues of truth, justice and reparations.

Media reports indicate that the COI is to issue its final report in August. However the COI office clarified to CPA that this final report only deals with the expanded mandate of the COI to look into matters beyond disappearances, i.e. International Human Rights Law and International Humanitarian Law violations. As on numerous occasions, the COI's focus has thus shifted from its original mandate to conduct investigations and of truth seeking on the issue of disappearances, to now looking into other matters. Such developments highlights that the new Government too is relying on the tactics of the former regime to delay any independent and credible truth and justice mechanisms.

Furthermore, CPA is concerned with the thousands of complaints that have yet to be heard and processed by the COI and as to whether any information will be shared with the victims, families and affected communities who have testified before it. CPA urges that more information on the process and future plans be released to the public and that that any future process and mechanism are victim- centered, transparent and inclusive.

In light of the issues raised and its implications for transitional justice and reconciliation, CPA will be forwarding this letter to key government actors and media.

Thank you

Yours Sincerely



Dr. P. Saravanamuttu
Executive Director

Cc- H.E. Maithripala Sirisena,
The President.

Hon. Ranil Wickremasinghe,
The Prime Minister.

Hon. Mangala Samaraweera,
Minister for Foreign Affairs.

Rt. Hon. Chandrika Bandaranaike Kumaratunga,
Office of National Unity and Reconciliation.