

Sri Lankan government establishes phony Office on Missing Persons

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Sri Lankan President Maithripala Sirisena last month signed a gazette to establish an Office on Missing Persons (OMP) so as to pretend to be delivering justice for the tens of thousands of people who disappeared during the country's three-decade communal war and civil emergencies.

In reality, this is a desperate attempt by the government to paint itself in "democratic" colouring, while protecting and further arming the same police and military forces responsible for these crimes.

More than 20,000 people, mainly Tamils, went missing during the 26-year communal war that ended in May 2009. Tens of thousands of Sinhala youth also disappeared during the suppression of rural unrest in the 1988–1990 period. These people were abducted by the security forces or associated paramilitary death squads and killed.

After signing the gazette on July 20, Sirisena tweeted: "This marks another step forward in Sri Lanka's path to sustained peace." UN Secretary General António Guterres commended the government, saying the decision was "an important step for all Sri Lankans who are still looking for the truth about their loved ones." Various media outlets and "civil society" quickly endorsed the government's claim of a victory for democracy.

Referring to the OMP, the official leader of the parliamentary opposition, Tamil National Alliance (TNA) leader R. Sambandan, said he "wished the issue of the missing persons would be credibly dealt with to ensure relief for the families."

All of this is false. Establishing the OMP was a key recommendation of the United Nations Human Rights Council (UNHRC) resolution in 2015 on "Promoting Reconciliation, Accountability and Human Rights in Sri Lanka." The government supported the resolution,

but took more than two years to finalise the OMP legislation.

The Office on Missing Persons (Establishment, Administration, and Discharge of Functions) Bill was introduced in parliament in May 2016 and passed in August 2016 following much internal contention. After another 10 months, the bill was finally adopted in June with an amendment proposed by the Sinhala communalist Janatha Vimukthi Peramuna (JVP), followed by Sirisena's endorsement on July 20.

It will take weeks or months to appoint the top OMP officials. They are to be selected by the Constitutional Council and approved by the president, giving the government full control over the OMP's investigations.

None of the UNHRC's resolutions on war crimes in Sri Lanka had anything to do with concern for the human rights of the victims. The resolutions were initially sponsored by the US for the purpose of pressuring the former President Mahinda Rajapakse and halting his political and economic tilt toward China.

When Sirisena was installed in office in the January 2015 presidential election, as a result of a US-orchestrated regime-change operation, the content of the UNHCR resolutions was changed to help the current government cover up human rights abuses and war crimes.

As some human rights organisations have pointed out, the legislation provides "civil, criminal and administrative immunity" to individuals who cooperate with OMP to trace missing persons. In essence, this will shield those individuals from being held accountable.

The legislation also prevents any evidence provided to the OMP to trace missing persons from being used by an OMP member or official in any subsequent trial.

The government is committed to covering up the

crimes behind the disappearances, for which many military and police officials are directly responsible. As soon as the bill was passed by the parliament last year, Sirisena sought to appease the military and communal forces. He said: “We only want to give redress to those who have been affected, not to punish anyone.”

The OMP’s powers include “to search for missing persons and identify appropriate mechanisms for the same” and “make recommendations to the relevant authorities towards addressing the incidence of missing persons” to protect their rights. The OMP can also “identify avenues of redress” for missing persons and relatives.

Underscoring the toothless nature of this body, Prime Minister Ranil Wickremesinghe told parliament during a debate on the bill on June 21: “The responsibility of this office is to search for missing persons and issue a certificate. There is no other power [for this office].”

The JVP fully endorsed this phony bill, saying the rights of missing persons must be protected. The amendment moved by the JVP concerned a clause that gave powers to the OMP to enter into an agreement with any person or organisation, domestic or foreign, to obtain information or technical assistance. In line with its ultra-nationalist outlook, the JVP claimed this would allow the OMP to strike agreements with foreign bodies, saying that would be harmful to the country.

Nothing has changed for the victims of the communal war in the North and East of Sri Lanka. These areas are still under military occupation, hundreds of political prisoners are still incarcerated without trial and the security forces are continuing arrests, torture and random shootings.

UN special rapporteur on human rights and counterterrorism Ben Emmerson, who completed a five-day visit to Sri Lanka in July, said torture remains “endemic and routine” in the country’s security system. Even those arrested as recently as late last year had been subjected to torture, he said, “despite a new government promising to end such practices.”

Emmerson met stern opposition from sections of the government. This included a heated argument with the Justice Minister Wijedasa Rajapakse, who is backing various Sinhala-Buddhist chauvinist groups.

Former President Rajapakse and the parliamentary group loyal to him—the Joint Opposition—are attacking the OMP on chauvinist grounds. In an open letter to

chief Buddhist prelates, Rajapakse criticised both the OMP Act and a postponed Bill on “enforced disappearances” as mechanisms “to punish the members of the armed forces and the political authorities that gave leadership to the war.” This is despite Sirisena’s and Wickremesinghe’s assurances to the military that the legislation has nothing to do with punishing the perpetrators.

The bitter infighting in the Sri Lankan ruling class over democratic window-dressing, such as the OMP, points to the deep crisis within the political establishment. At the same time, amid rising class struggles against the government’s austerity program, all factions are seeking to whip up communalism to divide the working class and are bolstering the police state apparatus.



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