

36th Session of the Human Rights Council

Agenda Item 3: Clustered Interactive Dialogue with the UN WG on Enforced Disappearances and SR on Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Oral Statement of Franciscans International

Delivered by: Mr. Budi Tjahjono

11 September 2017

Thank you, Mr. President,

We welcome the Report of the UN Working Group on Enforced Disappearances and the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and bring to the attention of the Council updates in relation to Sri Lanka.

We welcome Sri Lanka ratification of the International Convention for the Protection of All Persons from Enforced Disappearance in 2016, but express concern on the reservation of article 31 preventing submission of individual complaints to the UN Committee.

Promises made to this Council and people of Sri Lanka two years ago, have not been fulfilled. These includes publishing reports of previous Commissions of Inquiries, establishing two offices on Missing Persons and Reparations, establishing a special Judicial mechanism and criminalizing disappearances.

The draft bill towards criminalizing disappearances has weaknesses and the intention is questionable, when in parallel, the government produces secret drafts of draconian counter terrorism laws which can serve as a license for enforced disappearances.

Habeas corpus cases filed by Tamil families of disappeared in relation to those who disappeared after surrendering to the Army at the end of the war has not been concluded for several years. Meanwhile, there have been reports of continuing abductions and disappearances in Colombo and the North in 2016 and 2017.

Since January 2017, Tamil families of disappeared have started unprecedented continuous protests in the North and East Provinces. But this too had not led to truth and justice, despite these families trying to reach out to majority Sinhalese, meeting with various Ministers and coming to Colombo to meet media, government officials and diplomats. There have been reports of reprisals against a wife of a disappeared man participating in a protest and journalists reporting on the protests.

The protesting families managed to secure a meeting with the President after a 5-hour long blockade of the major highway to the North. But promise made by the President, including to provide a list of those surrendered to the Army at the end of the war had not been kept for three months.

In this context, we request the Working Group and Special Rapporteur to continue monitor developments in Sri Lanka and its engagement with the Sri Lankan government, as well as the promises made by the Sri Lankan government to the Council in September 2015.

Thank you.