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Speech the UPR pre-session between States and NGO on Sri Lanka

By Mrs. Sandya Ekneligoda, invited by Society for Threatened Peoples Switzerland

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Ladies and Gentlemen,

I am Sandhya Ekneligoda, wife of Prageeth Ekneligoda, a Sri Lankan cartoonist and media activist who disappeared on the 24th of January 2010. I became a human rights defender because I am a victim of a human rights violation. Today is it the 947th day since Prageeth disappeared.

I am a Sinhalese, a Buddhist and mother of two sons. We live close to our capital Colombo. There are many like me in Sri Lanka today, mothers, fathers, husbands, wives and children of the disappeared. Many of them are from the north and east of the country, where even three years after the war ended they live under a heavily militarized regime. They don't even have the freedom to cry out in their sorrow.

In the past years, as a law abiding citizen of my country, I have gone to every single place that I could, to seek help in my search for Prageeth – to the Police, to the National Human Rights Commission, to the Courts. I have written any number of letters appealing for help to find Prageeth, including to the President, to the President's wife, to the Attorney General, to Ministers and to Members of Parliament. Nobody has taken any responsibility for investigating his disappearance. Nor I have received any other kind of support from any of them.

Some of you may know that on September 11, 2011, at the review of Sri Lanka's report to the Committee against Torture, Mohan Peiris, the Legal Adviser to the Cabinet in Sri Lanka who was a member of the official delegation, told the Committee that the government had received information that Prageeth was alive and had sought refuge in a foreign country. For over 7 months after that day I tried to get some verification of this. I asked the Human Rights Commission to bring Mr. Peiris before a Magistrate so that we could find out the truth of this matter. Finally, after 7 months, Mr. Peiris appeared before the Magistrate. When shown the transcript of what he had said, Mr. Peiris said that he had received the information from a member of the Intelligence Unit whose name he had forgotten. He said only God knows about Prageeth Ekneligoda. This is the extent to which officials of the government of Sri Lanka care about human lives. If this is the case with me, a Sinhala woman from the south, what do you think would be the situation of Tamil and Muslim women from the north and south who are also searching for their missing and disappeared children and family members?

In Sri Lanka today, disappearance has become a social issue. When you hear speakers on any public platform refer to opposition politics, to social issues, to human rights issues, to labour issues, they often end with the words 'Who knows but I be the next person to be 'disappeared' because I spoke for social justice'. Some social activists have been forced to stop some of their work. Other than a few who are close to the government, most people in Sri Lanka today are knowingly or unknowingly caught up in this new reign of terror.

When Prageeth disappeared, many people asked me why I had done nothing to stop him from doing what he did. But why should I have stopped him? He was not doing anything wrong. He was doing something good and positive for our future. Today disappearances have taken over our political body. It is an anti-social act that is supported by those in power.

It is in the 1978-1979 period, when the Tamil nationalist movement began to be more militant, that disappearance first began to be used as a political tool. Disappearances in Sri Lanka first came to the attention of the UN and of the Working Group on Disappearances in the 1988-1989 period. That was indeed a reign of terror. The UN Working Group came to Sri Lanka in 1991 and in 1992. The establishment of the National Human Rights Commission was one of the outcomes. Today we are asking for the Working Group to visit Sri Lanka again. This is far more important for us than a visit by the High Commissioner.

Sadly, what is the situation of the National Human Rights Commission today? It is completely ineffective. My experiences with them have been very distasteful. After I had written 5 letters to them, one after another, about asking Mohan Peiris to clarify his statement to the Committee against Torture, the Chairperson responded to me asking me to stop writing to them with unreasonable demands. They often refuse to accept our complaints and appeals. Why must this be so? The Commissioners are all appointed by the President. They serve the interests of the person who has secured this position for them, they don't serve us, the people. The National Human Rights Commission is not working in keeping with the Paris principles. It is essential that it becomes an autonomous body that can provide justice, protection and relief to victims of human rights violations in Sri Lanka.

The report of the government's Lessons Learned and Reconciliation Commission (LLRC) has a recommendation calling for the appointment of a Special Commissioner on Disappearances. This could be an important mechanism if it is an independent one, and has the resources to carry out its work.

Prageeth was the main breadwinner in our family. After he disappeared our entire family maintenance structure broke down. It is the same for many of us from the families of the disappeared. We need to have some system for ensuring compensation and reparation for our loss.

In 1994 under President Chandrika Kumaratunga, a memorial was built for those who disappeared in the 1988-1989 period. It was called the Shrine of Innocents. The same person who defended the families of the disappeared in the past, the present President Mahinda Rajapakse, has had this monument bulldozed and destroyed in order to acquire the land for an urban development project.

We have never been able to bring the perpetrators of disappearances to justice in Sri Lanka. Some of those responsible for disappearances in 1988-1989 have remained in high positions in subsequent governments. They are not afraid of continuing to commit these violations. They don't care about abducting people in broad daylight. They are confident that they will not be punished. They know they will be protected by the President and by politicians. This is the worst kind of impunity. It is only if we set up a system for investigating and punishing the crime of disappearances in Sri Lanka that our children will live in a country free of fear.

To summarize our recommendations, we call on the Government of Sri Lanka

- to invite or accept a visit of the Working Group on Enforced or Involuntary Disappearance and give their observations and recommendations priority in governmental action.
- to appoint an Independent Special Commissioner on Disappearances endowed with sufficient resources to carry out his work.
- to elaborate a holistic approach to the issue of disappearances that includes complaint mechanisms, witness protection, remedy, compensation and reparation for victims of enforced disappearances.
- to urgently take measures to end impunity in the country, hold perpetrators accountable and do justice to victims of violence and crimes.