

Appeal of Sandya Ekneligoda, Sithy Ameena and Vijaya Lakshmi
on behalf of themselves and of
All Families of the Victims of Enforced Disappearances in Sri Lanka to:

The Honourable Chamal Rajapakse,
 Speaker of the Parliament of Sri Lanka,

The Honourable Ranil Wickramasinghe,
 Opposition Leader of the Parliament of Sri Lanka,

And all Honourable Members of the Parliament of Sri Lanka
 Sri Jaywardenapura Kotte

We once enjoyed the privileges of a good and peaceful lifestyle but we are now subjected to physical and mental torture, which no human on earth should suffer.

We do not know the reason why our parents, husbands, children, brothers and sisters were victimised by Enforced Disappearances. We are denied the rights that a Sri Lankan Citizen is entitled to under the Constitution.

I am Sandya Ekneligoda. My husband, Prageeth Ekneligoda, was forcibly disappeared on 24th January 2010 and has not been seen since then. Our children have been gravely affected mentally and their studies have been sabotaged. I have fallen now into a situation where I have to sell rice packets in order to keep my children alive. Like hundreds of other victims and relatives, I went to the judiciary with the hope of getting help to find Prageeth. I filed a 'Habeas Corpus' (HC (writ) 01/2010) in the Appeal Court. Even though four years and eight months have passed since, the judiciary has failed to find Prageeth or to bring his abductors to justice.

I am Sithy Ameena. My son, Mohamed Hakeem, is a three-wheeler driver. He was abducted by a white van while he was on a hire. At that time I was abroad working as a housemaid. When they took my son, I came back to look for him. How can I go back to work without my son? There is nobody to look after his two children.

I am Vijaya Lakshmi. My brother, N. Loganathan, ran a retail shop in Dehiwala. On 14th July 2008 he was abducted. As a result of that shock both Amma and Appa have been paralyzed.

All of us lodged complaints in the police stations. We have not received any effective help, only rejections, and threats. C.I.D. officers subjected us to torture, asking the same questions over and over again.

We wrote to many people and organizations that we felt would be able to help us, including President Mahinda Rajapakse. We have had no responses and no help.

The Commission to Inquire into Enforced Disappearances, which was appointed by the present president, is incomplete and biased. The time frame of the Commission is limited to the period from June 1990 to 19th May 2009. Like many other victims, I, Sandya Ekneligoda, I am not able to lodge

my complaint about my missing husband. As everyone knows, disappearances have continued since the end of the war but this Commission is not authorised to deal with them.

Even though we, Sithy Ameena and Vijaya Lakshmi, were able to lodge our complaints with the newly appointed Commission to Inquire into Enforced Disappearances, our complaints have not yet been called for inquiries. We did not even receive letters confirming that our complaints were accepted. According to Human Rights activists, this commission has investigated less than 5% of the total cases. We have lost our faith in this commission. Weak translations, statements which the commissioners give to media, the way they question witnesses and their general behaviour all prove that they are biased.

Without considering the weaknesses of this commission, which also does not ensure the safety of witnesses, the President has extended its mandate to investigate other alleged crimes under international law as well and has appointed a panel of international lawyers to advise the government. This move threatens that the commission will drift further away from its primary responsibilities: to assist families to find their loved ones who have been victims of Enforced Disappearance and to bring the perpetrators before the courts.

We Sri Lankans have been victimized by Enforced Disappearances since the late 1970s, but we are not going to present statistics in this letter. Even in the past, many commissions have been appointed to investigate Enforced Disappearances. About ten commissions have been appointed since the early 1990s; very few of them have accomplished much and very few of the perpetrators have been punished. The recommendations of those commissions have been widely ignored.

Despite threats and harassments, we still continue to look for our loved ones, and to speak out for them. That is because of the flames that burn inside our hearts, flames of grief, fear and nostalgia.

Another law that has added to our tragic situation is the Prevention of Terrorism Act (P.T.A.). This empowers the security forces to arrest any person they suspect of being against the government and to detain them incommunicado for long periods without any charges. This law provides a ready context for torture, deaths in custody and more Enforced Disappearances. The best recent example of this is Jeyakumari Balendran who has been detained under the P.T.A. in Boossa since 13th March 2014. Her little daughter is also detained in a childcare unit. All Jayakumari was asking was for her disappeared son to be returned to her.

Although there is no longer war in the country and the Emergency Law is no longer in force, Enforced Disappearances keep happening.

‘Enforced Disappearance’ is one of the most heinous crimes against humanity. We know by experience the horrors of it very well. That is why we request that you, the representatives of the people, of all Sri Lankans, raise your voices, intervene in this matter and stop Enforced Disappearances in Sri Lanka.

Honourable Members of Parliament, we request for our future and for our country, that you:

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance without making any reservation or amendment amounting to a reservation.
- Implement that International Convention into national law.

The situations that our families have fallen into and the extreme slowness of the judiciary have made us grief-stricken and lethargic. That is why we further request you to:

- Intervene and force the government to facilitate the visit of the UN Working Group on Enforced Disappearances.

Since the present commission appointed by the president, is biased and its brief incomplete, we ask you to:

- Intervene and force the government to appoint a new, unbiased commission, before which everybody will have a chance to inquire about enforced disappearances and seek justice.

We also request that you:

- Intervene and force the government to at least establish a mechanism to support the education of the children of affected families.

Finally, we ask you to:

- Ensure the right of the families and relatives of the victims of Enforced Disappearances to know the whereabouts of their loved ones, regardless of their race, religion, caste or gender.

We wish to be citizens of a respectable Sri Lanka, where no one will disappear and where victims will get justice!

Thank you!

Signed on behalf of all the families and relatives of the disappeared,

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Sandya Ekneligoda

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Sithy Ameena

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Vijeya Lakshmi

27th October 2014