

Briefing Notes

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15 YEARS OF QUEST FOR JUSTICE: INVOLUNTARY DISAPPEARANCES IN SRI LANKA



The skeleton of a child, unearthed from the Chemmani mass grave in Jaffna, being carefully removed to be placed alongside 143 other skeletons.

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EXECUTIVE SUMMARY

Over the past fifteen years¹, Sri Lanka has grappled with the haunting legacy of involuntary disappearances—an enduring human rights crisis rooted in decades of civil conflict, political repression, and systemic impunity. Tens of thousands of individuals, including civilians, activists, journalists, and combatants, vanished without trace during the height of the armed conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE). Among the most harrowing recent symbols of this tragedy is the Chemmani mass grave in Jaffna, where 144 skeletons—including that of three children—were unearthed, starkly illustrating the scale and brutality of enforced disappearances.

Despite repeated calls for accountability, successive governments have failed to deliver meaningful justice. Domestic mechanisms starting from ‘Lessons Learnt and Reconciliation Commission’ (LLRC -2012) to establishing the Office on Missing Persons (OMP - 2016) have made limited progress, often constrained by political interference, lack of resources, and inadequate legal frameworks. Families of the disappeared continue to face intimidation, delays, and emotional trauma, with many still holding onto photographs and memories in silent protest.

International responses have been more robust but uneven. The United Nations Human Rights Council (UNHRC) has passed multiple resolutions urging credible investigations and transitional justice measures. The UN Working Group on Enforced or Involuntary Disappearances has documented thousands of cases, while human rights organizations like Amnesty International and Human Rights Watch have consistently highlighted Sri Lanka’s failure to uphold its obligations under international law, including the International Convention for the Protection of All Persons from Enforced Disappearance, which Sri Lanka ratified in 2016.

Unfortunately, these resolutions, reports, and statements have not been met with constructive engagement by the Sri Lankan government except a brief period of the Good Governance government of 2015- 2019.

To break the cycle of impunity and restore dignity to victims and their families, this Briefing Note recommends:

- Establishing an independent, internationally monitored investigative mechanism with prosecutorial powers.
- Strengthening the mandate and capacity of the OMP to ensure transparency and victim-centered approaches.
- Enacting comprehensive legislation criminalizing enforced disappearances in line with international standards.
- Providing reparations, psychosocial support, and legal aid to affected families.
- Ensuring non-recurrence through security sector reform and human rights education.

The quest for justice is not merely a legal obligation—it is a moral imperative. With new Government in power Sri Lanka stands at a crossroads, the next steps will determine whether the country can truly reconcile with its past or remain trapped in its unresolved grief.

A credible, inclusive, and independent Truth and Reconciliation Commission (TRC) could offer a path forward by acknowledging victims’ suffering, uncovering the truth behind disappearances, and fostering national healing. Drawing lessons from international models such as South Africa and Sierra Leone, a Sri Lankan TRC must be survivor-centered, transparent, and empowered to recommend reparations and institutional reforms. Without such a mechanism, reconciliation efforts risk remaining superficial and fragmented.

“The primary audience for this briefing note includes policymakers, human rights advocates, international organizations, and civil society actors engaged in transitional justice and reconciliation efforts. By synthesizing key insights and presenting actionable recommendations, the note seeks to inform decision-making, galvanize advocacy, and contribute to a more transparent and humane approach to addressing enforced disappearances in Sri Lanka.”

INTRODUCTION & SCOPE

Involuntary disappearances in Sri Lanka refer to instances where individuals are abducted, detained, or otherwise removed from public view by state or non-state actors, without acknowledgment or legal recourse. These disappearances often occur in contexts of political repression, counterinsurgency, or ethnic conflict, leaving families in a prolonged state of uncertainty and grief. In Sri Lanka, this phenomenon has been most prevalent during the civil war (1983–2009), but cases have continued in the post-war era, particularly in the Northern and Eastern provinces.

While much attention has focused on disappearances during the ethnic conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE), an earlier wave of violence occurred during the 1989–1990 Janatha Vimukthi Peramuna (JVP)-led insurrection. This Marxist uprising in the south was met with brutal countermeasures by state security forces and affiliated paramilitary groups. Tens of thousands of youth activists, and suspected insurgents were abducted, tortured, and killed, often without trial or record. While the government employed murderous paramilitary groups, the JVP was also responsible for killing thousands of unarmed civilians—either for criticizing their policies or for belonging to other political formations.

Mass graves and unmarked burial sites discovered decades later underscore the scale of state complicity in enforced disappearances during this period. The JVP insurrection remains a critical chapter in Sri Lanka’s history of political violence, revealing that involuntary disappearances have affected multiple ethnic and political communities.

The Sri Lankan civil conflict, primarily between the government and the LTTE, was similarly marked by widespread human rights violations, including torture, extrajudicial killings, and enforced disappearances.



A mother of a disappeared son in the South of Sri Lanka during 1988 – 1999 at Raddoluwa memorial October 2024
Photo Credit: © Sunanda Deshapriya

While the war officially ended in May 2009, the legacy of violence persists. Thousands of families still seek answers about missing loved ones, and accountability remains elusive.

This briefing note aims to provide a concise yet comprehensive overview of involuntary disappearances in Sri Lanka, focusing on their historical roots, legal frameworks, and ongoing challenges in the post-war context. It will examine the effectiveness of current mechanisms, highlight gaps in justice and reconciliation, and offer policy recommendations to strengthen accountability and support affected communities.



HISTORICAL OVERVIEW

Enforced disappearances in Sri Lanka have spanned decades, reflecting deep-rooted patterns of political violence, ethnic tension, and institutional impunity. From the 1980s through the post-war period after 2009, thousands of individuals—activists, civilians, journalists, and suspected insurgents—have vanished without trace, often at the hands of state or affiliated actors.

TIMELINE OF ENFORCED DISAPPEARANCES

1980s – JVP² Insurrection (1987–1990)

- Widespread disappearances of youth, students, and political activists during the second JVP uprising in the South.
- State security forces and paramilitary groups conducted mass arrests and extrajudicial killings.
- JVP also unleashed violent campaign against unarmed opponents and killed thousands of people.
- Victims were abducted from homes and public spaces; many remain missing.
- Estimated tens of thousands disappeared during this period.

1990s – Escalation in the North and East

- Civil war intensified, and enforced disappearance became a systematic counterinsurgency tool.
- Tamil civilians in conflict zones were especially vulnerable.
- Sri Lankan military and its paramilitary groups as well as the LTTE implicated in abductions and killings.
- Checkpoints, military camps, and “white vans” became symbols of fear.

2000s – Final Phase of War (2006–2009)

- Surge in disappearances during intensified military operations.
- Journalists, aid workers, and suspected LTTE sympathizers were targeted.
- Post-war disappearances continued, especially of surrendered LTTE cadres and those linked to international investigations.

Post-2009 – Transitional Justice Era

- Disappearances persisted at lower intensity despite the end of conflict.
- Families of the missing mobilized to demand truth and accountability.

Patterns of Abduction, Detention, and Denial

Enforced disappearances in Sri Lanka followed a chillingly consistent pattern:

- Victims were often taken from homes, workplaces, or public roads by armed men in unmarked vehicles.
- Detention locations were rarely disclosed; families were denied access or information.
- Authorities routinely denied involvement, and legal remedies were obstructed.
- In many cases, bodies were never recovered, and death certificates were withheld.

These patterns created a climate of fear and silenced dissent, while also eroding trust in law enforcement and judicial institutions.

LEGAL AND INSTITUTIONAL LANDSCAPE

Sri Lanka's legal and institutional response to enforced disappearances has evolved over time, shaped by domestic political pressures and international scrutiny. While several mechanisms have been introduced to address the issue, persistent gaps in accountability, independence, and protection continue to undermine justice for victims and their families.

LEGAL FRAMEWORK ON ENFORCED DISAPPEARANCE³

In theory Sri Lanka's Constitution and legal system provide multiple safeguards against enforced disappearance:

- Fundamental Rights: Articles 11 and 13 of the Constitution prohibit torture and unlawful arrest or detention. Violations can be challenged in the Supreme Court under Article 126.
- Judicial Remedies: The Court of Appeal and High Courts are empowered to issue writs of habeas corpus for persons unlawfully detained.
- Penal Code: Specific sections criminalize kidnapping, abduction, and wrongful confinement.
- Torture Act (1994): Criminalizes acts of torture in line with international standards.
- Office on Missing Persons (OMP): Established in 2016 to investigate and clarify the fate of missing persons, including victims of enforced disappearance.
- Certificate of Absence (COA): Allows families of the missing to access legal and welfare services.
- Enforced Disappearance Act (2018): Incorporates international convention into domestic law, prohibits enforced disappearance, and empowers the Human Rights Commission of Sri Lanka (HRCSL) to access detention sites and assist judicial inquiries.
- Office for Reparations (2018): Provides reparations to victims of conflict and unrest.
- Victim and Witness Protection Act (2023): Ensures protection for victims and witnesses, including those affected by enforced disappearance.

DOMESTIC MECHANISMS

Sri Lanka has established multiple Commissions of Inquiry (ColIs) since the 1990s to investigate human rights violations, including disappearances. These commissions—such as the Presidential Commission on Disappearances (1994) and the Paranagama Commission

INTERNATIONAL FRAMEWORKS

Sri Lanka is a signatory to key international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), which prohibits arbitrary detention and protects the right to life. The country has also engaged with the UN Working Group on Enforced or Involuntary Disappearances (WGEID), which has transmitted hundreds of cases to the Sri Lankan government. While Sri Lanka has acknowledged some of these cases, cooperation has been inconsistent, and follow-up action limited.

Despite repeated calls, Sri Lanka has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), nor has it accepted the competence of the WGEID to conduct country visits or investigations. This reluctance reflects broader resistance to international oversight and accountability.



GAPS IN LEGAL ACCOUNTABILITY AND INSTITUTIONAL INDEPENDENCE

A major obstacle to justice is the lack of legal accountability. Few perpetrators have been prosecuted, and institutional mechanisms often lack the independence required to investigate powerful actors. The judiciary, while constitutionally independent, has faced allegations of politicization and bias, particularly in cases involving military personnel.

The absence of a comprehensive legal definition of enforced disappearance in domestic law further complicates prosecution. Victims' families often struggle to obtain death certificates or initiate legal proceedings due to bureaucratic hurdles and fear of reprisals.

There is cautious optimism surrounding the Chemmani mass grave court proceedings, particularly the recent order allowing victims to identify grave materials—a milestone in the pursuit of justice. This progress reflects the collective efforts of lawyers, victims, activists, journalists, and committed officials. However, while the NPP government is not obstructing the process, it has yet to offer full support or seek international assistance. The broader promise of justice for the disappeared remains uncertain.

Rights activist Brito Fernando, 10 August 2015 at the launch of the book, CHEMMANI

CHALLENGES IN EVIDENCE PRESERVATION AND WITNESS PROTECTION



Preserving evidence in disappearance cases is fraught with difficulty. Many incidents occurred decades ago, and physical evidence—such as mass graves or detention records—has been destroyed or concealed. The lack of forensic capacity and political will to exhume and investigate burial sites has stalled progress.

Witness protection remains another critical challenge. Survivors, family members, and whistleblowers face intimidation, surveillance, and threats. Although Sri Lanka has a Witness Protection Act (2015), its implementation has been weak, and many victims are reluctant to testify without robust safeguards.

In Sri Lanka, impunity for wartime crimes persists—defying all legal boundaries.

Photo credit © Sampath Samarakoon

HUMAN STORIES AND CIVIL STRUGGLES BEHIND ENFORCED DISAPPEARANCES IN SRI LANKA

Enforced disappearances in Sri Lanka are not just statistics—they are lived experiences of grief, resilience, and the pursuit of justice, especially by women-led movements and civil society.

FAMILIES ACROSS SRI LANKA RECOUNT TRAUMATIC DISAPPEARANCES OF LOVED ONES:

- Tamil families in the North and East describe abductions by uniformed men or unmarked vehicles, often during military operations or at checkpoints.
- Many were last seen surrendering to the army in 2009.
- Sinhalese families in the South recall youth taken during the JVP insurrection, never to return.

Common themes include:

- Lack of information and denial of justice.
- Emotional trauma compounded by economic hardship and social stigma.
- Parents repeatedly visiting detention centers and filing complaints, often met with threats or indifference.

Role of Women-Led Movements

- Women—especially mothers, wives, and sisters—have led grassroots advocacy
- Movements like Mothers of the Disappeared organize silent protests, hunger strikes, and vigils.
- In Kilinochchi and Mullaitivu, women have protested for years, holding photos of missing loved ones.

These actions reflect:

- Courage and love transformed into collective resistance.
- Resilience despite surveillance, harassment, and intimidation.
- Creation of solidarity networks across regions.
- Memorialization and Psychosocial Impact

Families engage in memorialization through:

Commemorative events, murals, and symbolic graveyards.

Personal rituals that honour the disappeared and resist state erasure.

The psychosocial toll includes:

- Suspended grief and inability to mourn.
- Children growing up with unanswered questions.
- Widespread depression, anxiety, and isolation—especially in war-affected areas.
- Scarcity of mental health support.

Civil Society Documentation and Advocacy

Civil society groups play a vital role in:

- Documenting cases and preserving evidence.
- Mapping mass graves and compiling testimonies.
- Engaging international mechanisms for justice.

Despite their impact, these groups face surveillance, legal harassment, and smear campaigns.



In the North, remembrance is resistance: families mark another year without answers for their missing loved ones.

Photo credit © Sampath Samarakoon



CURRENT STATUS & EMERGING CONCERNS

Despite decades of advocacy and international engagement, the current status of investigations into enforced disappearances in Sri Lanka remains deeply troubling. While some institutional mechanisms exist, meaningful prosecutions are rare, and emerging threats continue to undermine truth-seeking and justice efforts.

STATUS OF INVESTIGATIONS AND PROSECUTIONS

The Office on Missing Persons (OMP) has received thousands of complaints but has yet to deliver substantive outcomes. Investigations are slow, under-resourced, and often lack transparency. No high-profile prosecutions have resulted from OMP findings, and families continue to express frustration over the lack of progress. The Attorney General's Department and police have shown limited initiative in pursuing cases, particularly those implicating military personnel.

Political will remains weak, with successive governments either deprioritizing the issue or actively obstructing accountability. Promises of truth and reconciliation have largely remained rhetorical, and institutional inertia continues to shield perpetrators.



No end in view—families of the disappeared continue their search for justice.

Photo credit © Sampath Samarakoon

“The Office on Missing Persons must be granted independent status equal to the Commission to Investigate Allegations of Bribery or Corruption. It needs adequate human resources and must be freed from bureaucratic red tape. For a lasting solution, both state and non-state actors involved in enforced disappearances and violence must acknowledge their responsibility. Given the current international political climate, it is difficult to expect an international mechanism to address wartime accountability in Sri Lanka will become a reality.”

*Saliya Pieris, PC, Attorney-at-Law and former Chair of the Office on Missing Person
(12 August 2025 at the launch of the book, CHEMMANI.)*

RECENT EXHUMATIONS: CHEMMANI AND MANNAR

Occasional breakthroughs have occurred through mass grave exhumations, which offer critical forensic evidence. The Chemmani mass grave in Jaffna, uncovered in the late 1990s, contained remains of individuals allegedly killed by the military. Although initial investigations began, they were later stalled due to lack of political support and forensic follow-through.

More recently, the Mannar mass grave, discovered in 2018, revealed over 300 skeletal remains. While the discovery generated international attention, the investigation has been slow and inconclusive. Families and civil society groups have called for independent forensic analysis and international oversight, fearing tampering and cover-ups.

These exhumations underscore the importance of evidence preservation and the need for credible, impartial investigations. They also highlight the emotional toll on families, who often view these sites as the last hope for closure.



August 2025: Tamil photojournalist Kanapathipillai Kumanan summoned by Sri Lanka's Counter Terrorism Investigation Department over his coverage of rights issues, including photos of the Chemmani mass grave excavation. Photo from Social media

MILITARIZATION, SURVEILLANCE, AND INTIMIDATION

In the post-war landscape, militarization of civilian spaces—especially in the North and East—remains a major concern. Families of the disappeared, particularly women-led protest groups, report constant surveillance, harassment, and intimidation by security forces. Peaceful vigils are monitored, and activists are questioned or threatened.

This climate of fear discourages participation in truth-seeking processes and undermines the credibility of state institutions. The presence of military personnel in administrative roles further blurs the line between civilian governance and security control.

SHRINKING SPACE FOR CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS

Civil society organizations working on disappearances face increasing restrictions. Legal harassment, smear campaigns, and bureaucratic obstacles have intensified, particularly under nationalist political regimes. Human rights defenders are labeled as “traitors” or “foreign agents,” and some have faced arrest or travel bans.

The shrinking civic space threatens not only documentation and advocacy but also the broader democratic fabric of Sri Lanka. Without protection for civil society actors, the pursuit of justice for the disappeared risks being silenced altogether.



POLICY RECOMMENDATIONS TO ADDRESS ENFORCED DISAPPEARANCES IN SRI LANKA



*Chemmani, Jaffna:
Excavation reveals
nearly 150 skeletons—
among them, children's
remains.*

*Photo credit © Shabeer
Mohamed*

To resolve the enduring crisis of enforced disappearances, a comprehensive strategy combining domestic reform and international engagement is proposed:

STRENGTHEN INTERNATIONAL OVERSIGHT AND FORENSIC SUPPORT

- Reinforce UN and allied technical and forensic support, especially for mass grave investigations.
- Invite independent forensic experts to ensure credible evidence collection and prevent tampering.
- Encourage Sri Lanka to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).
- Facilitate country visits by UN Special Rapporteurs and the Working Group on Enforced or Involuntary Disappearances.

EXPAND MANDATE AND RESOURCES OF THE OFFICE ON MISSING PERSONS (OMP)

- Grant the OMP greater investigative powers, sufficient funding, and political independence.
- Extend its mandate to include prosecutorial referrals and victim support services.
- Ensure public release and follow-up on OMP findings, with regular updates to affected families.
- Strengthen its regional presence in conflict-affected areas to improve access and trust.

REPEAL REPRESSIVE LEGISLATION

- Repeal or reform the Prevention of Terrorism Act (PTA) to meet international human rights standards.
- Introduce a clear legal definition of enforced disappearance into domestic law to enable prosecution and redress.

PROTECT CIVIL SOCIETY AND FAMILIES OF THE DISAPPEARED

- Guarantee safety and freedom for civil society actors, human rights defenders, and affected families.
- End surveillance, harassment, and intimidation.
- Establish a national witness protection program with international oversight

SUMMARY OF THE RECOMMENDATION SUBMITTED BY HUMAN RIGHTS COMMISSION OF SRI LANKA (JULY 2025)

Independent Investigative Body

Establish a permanent, independent institution to investigate and prosecute serious crimes by state officials, including enforced disappearance.

Judicial Reform

Prioritize habeas corpus and enforced disappearance cases in High Courts to ensure timely resolution.
Legal Enhancement

Amend the Enforced Disappearance Act to:

- Recognize widespread and systematic enforced disappearance as a distinct offence.
- Require state authorities to safeguard the physical integrity and rights of detainees upon release.
- Criminalize the wrongful removal of children linked to enforced disappearance.

Victim Compensation

Develop guidelines for financial and symbolic reparations based on international standards.

Mass Grave Investigations

Allocate sufficient resources and expertise for exhumations to preserve evidence and identify victims.

Training & Awareness

Conduct regular education programs for police and military on the Convention and domestic law.

International Engagement

- Recognize the UN Committee's authority to receive individual and inter-state complaints (Articles 31 & 32 of the Convention).
- Consider joining the Rome Statute of the International Criminal Court, which defines enforced disappearance as a crime against humanity.



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*Grief and resilience — Muslim mothers mark the memory of their disappeared kin, October 2024.
Photo credit © Sunanda Deshapriya*



SUMMARY OF THE HIGH COMMISSIONER'S RECOMMENDATIONS FOR TRANSITIONAL JUSTICE IN SRI LANKA (AUGUST 2025)

The High Commissioner urges the Government of Sri Lanka to take the following actions to advance transitional justice and accountability:

1. Create an Enabling Environment

- Accede to the Rome Statute of the International Criminal Court.
- Release military-held lands and halt new land seizures, especially in the north and east.
- Accelerate land titling efforts.
- Release long-term detainees under the Prevention of Terrorism Act (PTA).
- Support victim memorialization initiatives.
- Ensure impartiality and credibility of the Office on Missing Persons through international expertise and monitoring.

2. Transparency and Disclosure

- Publish and disseminate all unpublished reports and annexes from past commissions of inquiry (e.g. Zonal, All-Island, Army Court of Inquiry).

3. International Commitments

- Recognize the competence of the UN Committee on Enforced Disappearances to receive individual complaints under Article 31 of the Convention.

4. Accountability in Appointments

- Remove and refrain from appointing individuals credibly accused of human rights violations to senior government, security, or diplomatic roles.

5. Reform Counterterrorism Law

- Apply a moratorium on the PTA.
- Expedite its repeal or replacement with legislation aligned to international human rights standards.

6. Zero Tolerance for Abuses

- Issue clear public instructions to military, intelligence, and police that enforced disappearance, extrajudicial killings, torture, and sexual violence are prohibited and will be investigated and punished.

7. Strengthen Justice Mechanisms

- Ensure prosecutorial independence and effectiveness.
- Consider establishing a judicial mechanism with an independent special counsel to address past human rights and humanitarian law violations.



CONCLUSION

Enforced disappearances in Sri Lanka represent one of the most painful legacies of its turbulent political and ethnic history. From the JVP insurrection in the South to the civil war in the North and East, thousands of families have endured decades of silence, denial, and unresolved grief. Despite the establishment of domestic mechanisms and international engagement, justice remains elusive, and the wounds of the past continue to shape the present.

The persistence of militarization, weak institutional accountability, and shrinking civic space underscores the urgency of renewed action. Families of the disappeared—especially women-led movements—have shown extraordinary resilience, but they cannot carry the burden alone. A credible path forward requires political will, legal reform, and sustained international support.

This briefing note has outlined the historical context, legal landscape, and lived experiences surrounding enforced disappearances in Sri Lanka. It has also offered concrete policy recommendations aimed at restoring truth, justice, and dignity to affected communities. The time for symbolic gestures has passed; meaningful change must begin with listening to those who have waited too long for answers.

- ¹ Although large-scale disappearances in Sri Lanka have persisted for over three decades, this Briefing Note focuses on the period since 2009—following the end of the civil war.
- ² JVP – Janatha Vimukthi Peramuna (Peoples’ Liberation Front) is the deciding factor in the current National People’s Power (NPP) Government. President Anura Kumara Disanayake is the leader of both NPP and JVP.
- ³ Source: PARALLEL REPORT TO THE UNITED NATIONS COMMITTEE ON, ENFORCED DISAPPEARANCE (July 2025), Human Rights Commission of Sri Lanka.