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காணாமல் போன ஆட்கள் பற்றிய அலுவலகம்;
OFFICE ON MISSING PERSONS

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ஆண்டு அறிக்கை
ANNUAL REPORT

2021

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இல.40, 03ம் மாடி, புத்கமுவ வீதி, ராஜகிரிய
No. 40, Level 03, Buthgamuwa Road, Rajagiriya,

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Annexure I

Annual Financial Report



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Abbreviations

CoA	Certificate of Absence
CoD	Certificate of Death
CoI	Commission of Inquiry
CTF	Consultation Task Force
DNA	Department of National Achieves
EU	European Union
GSP	Generalized Scheme of Preference
ICRC	International Committee of Red Cross
INGOs	International Non-governmental Organization
MIA	Missing in Action and Enforced Disappearances
MoFA	Ministry of Foreign Affairs
MoJ	Ministry of Justice
MoU	Memorandum of Understanding
MSD	Management Services Department
NGOs	Non-Governmental Organizations
OMP	Office of Missing Persons
PC	President Counsel
RTI	Right to Information
SLIDA	Sri Lanka Institute of Development Administration
UN	United Nations
UNWG	United Nations Working Group
UNWGIED	United Nations Working Group on Involuntary Disappearances
WGIED	Working Group on Involuntary Disappearances

Message from the Chairperson

The formation of the Office on Missing Persons (OMP) under the Act No 14 of 2016 in 2018, in Sri Lanka was considered as an important step to establish the truth about the fate of the missing and disappeared. The OMP has been given the powers through legislative procedures with an explicit mandate to establish the fate of missing persons. The OMP constitute with 07 members nominated by the parliamentary council and current members have been appointed based on their expertise and experience on the transitional justice, Quasi-judicial procedures and public grievance handling process. As a result of hard works, the OMP was able to release the list of missing persons and commenced the inquires.

During this year, the OMP made progress in a number of areas, particularly in the operationalization of the office and outreach to families of the missing and disappeared. In addition, the OMP made a number of key legal and policy interventions and advanced individual investigations and inquiries. The OMP received and prepared analysis of information relating to a number of emblematic cases. Since June 2018, the OMP acted as an observer in the excavation of the 11-mass grave and assisted the investigation by proposing measures to ensure public confidence in the process and providing financial assistance. In order to process the complaints, the OMP opened a regional office in Kilinochchi during this reporting period which will also facilitate referral services and future investigations. With the new addition OMP has 5 regional offices by now. As part of its efforts to commemorate the missing and the disappeared, the OMP held the virtual commemoration of the International Day of the Disappeared in Sri Lanka with the participation of ministers, representatives of the civil society organizations, members of families of the missing and disappeared.

Further, the OMP has established its working relationship with the Controller General of Immigration and Emigration, Department of Immigration and Emigration, Department of the Registrar General (births and death), Office on Reparations, Ministries and work in collaboration to eradicate the issues related to double entries and multiple complaints. The five-member European Union (EU) delegation has had the discussion with the OMP, and officials to assess the progress of Sri Lanka's pledges to comply with 27 international conventions in return for the Generalized Scheme of Preference Plus (GSP+) trade concession. The delegation has expressed appreciation for the immense contributions to the success and progress of the process. Meeting the ICRC team, diplomats community, donor agencies, embassies were significant development of OMP activities during the last year.

The Commission is empowered to examine the findings of the previous Commissions to ascertain whether there have been violations of international human rights law and international humanitarian law as found by those Commissions. If there have been such findings, the Commission is further mandated to find out whether the recommendations of the previous Commissions on accountability have been implemented and what needs to be the measures that should be adopted in the future to further the objectives of accountability.

Further, the OMP has taken steps to create an environment conducive to the work of the OMP and in order to ensure nonrecurrence by following up all incoming or new complaints reported

to the OMP. Accordingly, records of past 12 months revealed that there are no reported complaints over any enforced disappearances.

Despite constraints imposed by the COVID-19 pandemic, the OMP believes that in order to achieve reconciliation in Sri Lanka, the rights of the families of the missing and disappeared persons to truth and justice must be realized. For this, the OMP, Board members, staff, civil society organizations, families of the missing persons, and the partners have laid a greater foundation in which the future commission and the officials could fully operationalize its mandate and will endeavor to carry out its functions and duties with the full cooperation of relevant state agencies and departments.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the left.

Chairperson
Office on Missing Persons

1. Preface

In recognition of the severe strain imposed on vulnerable sections of Sri Lankan society, especially the families of the missing and disappeared in April 2020, the Office on Missing Persons (OMP) wrote to His Excellency the President Gotabaya Rajapaksa, recommending that when developing COVID relief measures, the circumstances of the families of the missing and disappeared be considered.

The OMP observed that Gazette No 2168/8, dated 6 March 2020, which established the Presidential Task Force, in paragraph 11, provided the Task Force with a specific mandate to “take steps to focus special attention on women, low-income families and persons directly at risk when undertaking above measures.”

The OMP observes that the most vulnerable among families of the missing and disappeared are the elderly and female-headed households that survive on the daily wages of one family member. The prevailing situation in the country has had dire consequences on these families, as they are no longer able to carry out livelihoods and have limited or no assets.

The OMP recommended that families of the missing and disappeared be included in any proposed relief measures, including providing food and financial assistance in response to the current crisis. In particular, as a short-term measure, the OMP recommended that dry rations be provided to families of the missing and disappeared through Grama Niladhari. Grama Niladhari have already collected information regarding missing and disappeared persons in their local area. Such lists could avoid duplication when such families are also beneficiaries under other state assistance schemes for vulnerable persons. The OMP remained committed and coordinated this relief work, and engagement was necessary during 2021.

2. Introduction:

The Office on Missing Persons Act No. 14 of 2016 was enacted in August 2016 to discharge functions concerning the missing persons in Sri Lanka. An Act to provide for the searching and tracing of missing persons; to provide assistance to relatives of missing persons; for the setting up of a database of missing persons; for setting out the procedures and guidelines applicable to the powers and functions assigned; and to provide for all matters which are connected with or incidental to, the implementation of the provisions of the Act. The OMP shall extend to missing persons notwithstanding the period in which such person became a missing person.

The Office on Missing Persons consists of seven members appointed by the President of Sri Lanka on the recommendation of the Constitutional Council for three years. Appointment of the members to the OMP office ensures that the composition of the OMP reflects the pluralistic nature of the Sri Lankan society. The members of the OMP shall be persons with previous experience, in fact, finding or investigation, human rights law, international humanitarian law, humanitarian response, or possess other qualifications relevant to the carrying out of the functions of the OMP.

The Chairperson, Mr Upaly Abeyrathne, Retired Judge of the Supreme Court, who was the chairperson of OMP up December 2021, was later appointed as a chairperson of Right to Information (RTI) Commission, and a new Chairperson, Mr Mahesh Katulanda (Attorney-At-Law), the member of the OMP, was appointed as the Chairperson on 16th December 2021.

During the reporting period, the previous or the first OMP members have completed their term; and the new members were appointed by H.E the President Gotabaya Rajapaksa. Accordingly, Mr Wijekoon Bandara Ganegala, Mr Thambaiaiah Yogarajah, Ms. Sithy Dane Arfa Thassim, Mr. Jayantha Wickramaratne, and Ms Hiranthi Wijemanne were appointed and remained as members. As Ms Hiranthi Wijemanne has resigned, Mr. Jayantha Wickramaratne was appointed to the Board in December 2021, and Mr. Shiraz M. Noordeen was appointed on 23rd December 2021 as new members.

The administrative office of OMP is at 408 Galle Road, Colombo 03, Sri Lanka Tel; 011 2301685 Fax: 011 230 1921, E-mail: ompsrilanka@gmail.com, web: www.omp.gov.lk with regional offices in Jaffna, Mannar, Batticaloa, Matara and Killinochchi. The OMP targeted establishing four regional offices and eight sub-regional offices for greater access by the families and the general public. The details of regional offices are given under the Regional Presence section.

3.Objectives of the OMP Act Number 14 of 2016:

To ensure that all necessary measures are taken:

- a) to provide appropriate mechanisms for searching and tracing missing persons and to clarify the circumstances in which such persons went missing and their fate;
- b) to make recommendations to the relevant authorities towards reducing the incidents of ‘missing persons’ within the meaning of the Act;
- c) to protect the rights and interests of missing persons and their relatives as provided for in the Act;
- d) to identify proper avenues of redress to which such missing persons or their relatives may have recourse.

4.The Mandate:

The OMP has a mandate to;

- a) Search for, and trace missing persons and identify appropriate mechanisms for the same, and clarify the circumstances in which such persons went missing;
- b) make recommendations to the relevant authorities towards addressing the incidence of missing persons;
- c) protect the rights and interests of missing persons and their relatives as provided for in the Act;
- d) identify avenues of redress to which missing persons and relatives of missing persons are entitled and inform the missing person (if found alive) or relative of such missing person of the same;
- e) collate data related to missing persons obtained by processes presently being carried out or which were previously carried out by other institutions, organizations,

Government Departments and Commissions of Inquiry and Special Presidential Commission of Inquiry and centralize all available data within the Database established under the OMP Act;

(f) do all other necessary things that may become necessary to achieve the objectives under the Act.

Further, the mandate of the OMP shall extend to missing persons notwithstanding the time period in which such person became a missing person.

5.The Organizational Structure and Powers:

The OMP is charged, as per its objectives and the mandate, with a range of functions and duties, which include issuing interim reports to relatives of missing and disappeared persons to enable the Department of Registrar General to issue Certificate of Absence (CoA); Providing or facilitating the provision of administrative assistance and welfare services that include psycho-social support to the relatives of the missing and disappeared; making recommendations to relevant authorities to grant reparation to missing or disappeared person or their relatives; developing and enforcing a system for victim and witness protection; creating, managing and maintaining a database which will include all particulars concerning missing and disappeared persons; creating public awareness of causes, incidents and effects of cutting and diapered persons and facilitating support among the general public to fulfill their needs and ensure access to economic, psycho-social and administrative support .

To fulfill these duties, the OMP has general powers to make rules, develop gender-sensitive guidelines, appoint and dismiss staff, and establish units as required for its effective operation . During the reporting period, the OMP functioned with the following Units;

1. Protection Unit
2. Legal, Policy & Research Unit
3. Victim & Family Support Unit
4. Data Management Unit
5. Finance & Procurement Unit
6. Human Resources & Administration Unit

The OMP held discussions during the year 2021 to establish the Communication, Outreach, Tracing and Investigations Units even though the OMP continued working on these areas through other units already existing.. The Legal, Policy and Reserch Unit which was functioning with the support of the UN Sri Lanka under an agreement entered between the government and the UN. This agreement ended in early 2021 and the functions were continued with the existing staff.

Further, the OMP has the powers to make recommendations to other state authorities relating to a broad array of issues which includes preventing future disappearance; the means and methods of commemoration and acknowledgement of disappearance; the handling of identifiable and unidentifiable remains; the publishing of information on issues of missing persons for public knowledge; developing national laws and regulations related to missing persons; granting of reparations psycho-social support and other means to improve social and economic conditions of missing and disappeared persons and their relatives.

To exercise these powers effectively and efficiently, the OMP held internal discussions to establish the Tracing and Investigation Unit and a Communication and Outreach Unit during the reporting period.

To conduct its investigations, the OMP has the authority to receive complaints, initiate inquiries and investigations into the whereabouts of a missing or disappeared person; take all necessary steps to investigate cases which include summoning any person to be present before the OMP or produce any document or other thing; accept confidential information or information in camera; accept information on the condition of confidentiality; apply to a Magistrate's Court for an order to carry out an excavation or an exhumation and to act as an observer; request any necessary assistance from any state actor; search without warrant any place of detention, and report offences that have been committed to relevant law enforcement or prosecuting authority.

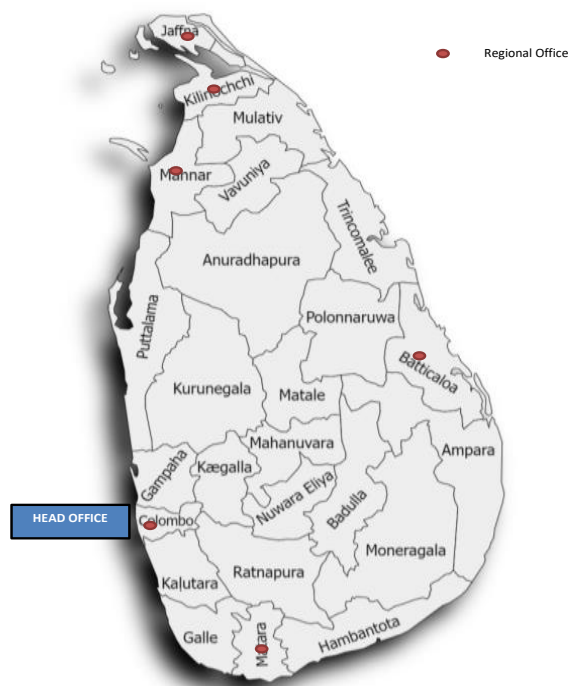
Any person can be held guilty of an offence of contempt against the authority of the OMP for a range of causes, including when a person fails to appear before the OMP or produce a document or other thing pursuant to the summons issued by the OMP; refuses without cause to answer questions or comply with requirements of a notice or written order made to him or her by the OMP; resists or obstructs an officer of the OMP to exercise their powers; or knowingly hinders the work of the OMP.

The OMP has operationalized its mandate to recognize the centrality of the rights and interests of the missing and disappeared and their families and the rule of law while facilitating the implementation and enforcement of existing laws and policies. The OMP has also been guided by the views of the families of the missing and disappeared that were shared directly with the OMP, including during public meetings held by the OMP in the past three years to elicit views of families on operationalizing the OMP, as well as the recommendations of the Consultation Task Force on Reconciliation Mechanisms (CTF).

The OMP experiences a severe shortage of staff which hinders its functioning. The staff positions in the year 2021, from the Management Services Department (MSD) approved carder of 255, 27 permanent positions, 03 Contract staff, 01 Temporary staff and 22 Trainees – are attached to Data Entry, Finance, and Administration Units while the OMP to fill 228 vacancies. The shortage of staff needs to be addressed as it hinders the efficient and effective operations of the OMP, and this has become a priority for the year 2022.

6.Regional Presence:

The OMP is working in the entire country whilst having its Head Office in Colombo and Regional and Sub-Regional Offices. The OMP is mandated to establish 12 Regional Offices and currently has five, including the one established during the reporting period in Killinochchi.



Regional Office – Batticaloa
 No. 124, Central Road, Batticaloa
 Tel: 065-222-4532/4534

Regional Office, Jaffna
 124, Adiyapatham Road,
 Kalviyankadu, Jaffna
 Telephon No: 021-2219414/9400/9401
 Fax: 021-221-9414

Regional Office- Mannar
 No. 5, Station Road,
 Mannar
 Tel: 023- 2222083 / Fax: 023- 2223929

Regional Office, Matara
 No. 54, Dharmarama Road,
 Matara
 Tel: 041- 2244684 / 041- 2224046
 Fax: 041-2244684

Regional Office - Killinochchi
 A9 Road, Near the court,
 Killinochchi,
 Tel: 021-2219400

The regional offices operate under the supervision of Regional Coordinators and carry out following duties and functions of the OMP:

- Function as the official in charge of the Regional Office of the OMP.
- Maintenance of Financial and Administrative functions of the Regional Office efficiently to the satisfaction of Board Members of the OMP.
- Responsible for overseeing tracing, investigation, victim and family support and protection activities at the regional level.

- Supervise and monitor the work carried out by staff in the Regional Office and ensure the smooth and effective functioning of the office.
- Communicate, coordinate and advocate with other state institutions at the provincial and district level on issues relating to disappeared and missing persons in consultation with the Chairperson/ Members of the Board or the Executive Director.
- Coordinate with the Executive Director and Legal Unit / Investigation Unit and make necessary arrangements for inquiries/ investigations to issue interim reports to the families of missing and disappeared.
- Monitor protection concerns raised by families of disappeared and coordinate with the Protection Unit, and proceed further accordingly.
- Attend all Victims and Family Support activities within the region in consultation with the Executive Director of the OMP.
- Monitor developments in the region to identify measures to be taken by OMP relating to the mandate of the OMP.
- Report to Head Office on the progress of activities, needs and challenges faced by Regional Office.
- Send required periodical progress reports of the regional office on time to the Executive Director.
- Coordinate with relevant Heads of Divisions of OMP for the day-to-day activities of the Regional Office.
- Liaise with Head of Data Management for maintenance of proper Database.

The year 2021 was a challenging year for the entire world, and Sri Lanka was not an exception. Sri Lanka faced many social and economic challenges due to health concerns created by the COVID 19 pandemic. In addition, the extended periods of lockdowns and travel restrictions in the country hindered the office's operations to a greater extent. Therefore, the year's performance assessment needs to consider the difficulties faced during the program cycle.

7. Programmatic Strategy:

The OMP, in developing the programmatic strategy for the year 2021, held discussions with state and non-state stakeholders. The OMP revisited its strategic approach with the new Chairman, Mr Katulanda, towards the very end of the year 2021 to focus on:

Prevention measures -reducing the number of missing people through prevention strategies, creating awareness and early intervention in cases where children, young people and adults repeatedly go missing.

Protection measures - reducing the risk of harm to those who go missing by ensuring local agencies provide tailored, risk-based responses to find the person who went missing and close cases as quickly as possible at a local and national level.

Provision or remedial options – providing missing people and their families with support and guidance – by referring promptly and ensuring that missing people and their families understand how and where to access help and support

The Annual Plan for 2021 has the following components and the OMP collaborating with all stakeholders representing the Government and the newly established Unity Cluster, Civil Society, Donor community and the Diplomatic community.

7.1 The Victim and Family Support

The Victim and Family Support unit's primary functions are receiving and acknowledging complaints, communicating with families to provide referral information by the other units/institutions, outreach, referrals for specialized psychosocial care, following up on Interim Relief Recommendations made by OMP, reparation, and staff training, and event management.

7.2 Protection

As per the OMP “protection unit shall protect the rights and address the needs and concerns of victims, witnesses and relatives of missing persons” . The Unit is responsible for ensuring the protection of OMP board, staff, premises, and the external actors that cooperate with the OMP. The prime duties carried out by the Protection Unit are documentation of incidents, developing protocols, standard operating procedures, monitoring of new missing complaints by using a tracking table, and strategy, follow-up protection measures, and training and review of procedures.

7.3 Legal and Policy Reforms

The OMP has a mandate to protect the rights of the missing and disappeared and those of their relatives and facilitate access for families of the missing and disappeared to economic, psychosocial, legal and administrative support. Further, the OMP has the authority to make recommendations to state authorities to ensure the non-recurrence of disappearances, handle human remains, and improve the social and economic conditions of missing and disappeared persons and their relatives. In discharging the above mandate, the OMP made legal and policy recommendations regarding CoAs; issuing Interim Reports to families of the missing and disappeared to enable them to obtain CoAs; lobby and advocate for the better implementation of Relief measures as announced in the 2019 Budget or in any forms; the exercise of Magisterial powers in inquiries into human remains; COVID relief for families of the missing and disappeared and responded to requests for legal and administrative assistance in individual cases. The legal and policy Unit majorly deals with the interim arrangements, court representation; provides training for legal professionals and staff capacity building on legal provisions

7.4 Certificate of Absence (CoA)

The Registration of Deaths (Temporary Provision) (Amendment) Act No.16 of 2016 provides the issuance of a CoA to families of the missing and disappeared. The CoA is a legal document which provides for the legal status of a missing or disappeared person and enables families of the missing and disappeared to access administrative and financial services and other benefits in the absence of a Certificate of Death (CoD). A CoA can be issued in respect of persons missing or disappeared due to the conflict in the North and East due to political unrest, civil disturbances, enforced disappearances, or as a member of the armed forces or the Police reported Missing in Action (MIA).

The Registration of Deaths Act provides for general procedures for obtaining a CoA; (i) through a process of inquiry held by the District Registrars or (ii) a particular procedure through which a CoA is issued based on an Interim Report issued by the OMP or a report of a previous Commission of Inquiry (CoI). Unfortunately, lack of awareness among state officials and

confusion regarding the two procedures have posed challenges to families when attempting to obtain CoAs.

At an institutional level, the OMP continued to engage with the Department of the Registrar General to facilitate and expedite the issuance of CoAs to families. Following the signing of a letter of collaboration between the OMP and the Department of the Registrar General in May 2019, the OMP continued to liaise with the designated officials of the Department and District Registrars to clarify the provisions of the law, citing the Circulars drafted by the OMP for the Department of the Registrar General which provides detailed procedures to be followed by District and Assistant Registrars on the process of issuing a CoA under both the general and special procedures .

The OMP continued to engage with District Registrars, Divisional Secretariats and Grama Niladhari officers regarding queries and requests for intervention received from families of the missing and disappeared regarding obtaining a CoA or a CoD on a case by case basis.

7.5 Interim Reports

The OMP is tasked with issuing Interim Reports to relatives of missing and disappeared persons if, pending an investigation, the OMP has sufficient material to conclude that the person to whom a complaint relates is a missing person . The sole purpose of an Interim Report is to facilitate issuing a CoA to the relative of such missing person by the Registrar General. The process for issuing Interim Reports as prescribed by the OMP Act and the Registration of Deaths Act was formulated by the OMP in 2019, including policies, procedures, rules and guidelines. Followed by the pilot inquiry process in January 2020 and the first Interim Report issued to relatives of a missing person in 2020. In 2021 total of 67 interim reports were issued by the OMP following the inquires held in different locaitons.

The OMP during the reportibg year conducted Interim Report inquiries in Regions: Matara 01, Mannar 42, Jaffna 24, Batticaloa 00 and Killinochchi (established in August 2021) 00

7.6 Data Management

For the effective and efficient collaboration with other authorities, the OMP, with its mandate by the Act, created a comprehensive data management system in 2021 and continued improving the same in consultations with the other authorities such as the Registrar General of Persons, Office of Reparation and the Office of National Unity and Reconciliation.

7.7 Unity Cluster

The Unity Cluster was an idea generated by the MOJ and Ministry of Foreign Affairs to work in a tangent for post-war reconciliation in Sri Lanka. The Unity Cluster comprises the Office of Reparation, National Unity and Reconciliation Office, Sustainable Development Directorate for Sri Lanka, and OMP. The cluster meets monthly to review the progress and meets with the ministry quarterly. It also met with the Foreign Missions in Colombo, Civil society and the Development Partners upon the request from the MoFA. The OMP attended about 5 Unity cluster meetings as of December 2021 and shared the progress on collaborative activities, challenges and new initiatives.

8.2021 Programmatic Highlights:

The OMP took guidance from the Annual Work Plan developed and approved by the Board in 2020 for 2021. Following are the highlights of the year 2021. The OMP re-emphasised that it had more than one challenge in fulfilling the obligations, and the Covid - 19 pandemic travel restrictions and the lockdowns were the main challenges. The Board and the staff took time to mainstream the functions, policies and rules and managed the Database as one of the priorities for the year 2021, which needed lessor travelling and presence in office.

8.1 Victims and Family Support

The victim and family support unit handles receiving and acknowledging complaints, communication and referrals with victim families, outreach, awareness-raising, psychosocial support, interim relief, reparation, memorial services, and staff development. A significant part of the budgetary allocations is dedicated to this function of the Commission.

a. Handling of Complaints

Due to the travel restrictions experienced during the reporting period, more emphasis is given to the internal operations. However, it cleared some pending complaints and attended to new complainants. Received 56 new complaints during the year 2021 and acknowledged 10,592 complaints, including the old complaints received during the reporting period. The OMP received 1354 complaints from the regions (Ampara, Trincomalee, Mullaitivu, Vavuniya, Batticaloa, Kilinochchi) were acknowledged during the reporting period.

The OMP revisited all the documents in Phase 1 (6025 files) and categorized them into three primary phases to prioritise. The First Phase of the priority consists of cases between the year 2000-and 2021, the Phase two consists of cases from the years 1999 to 1991 and the `third Phase of cases before the year 1990. It assesses the numbers based on the date of the missing report, gender, location, nature of the incident, and administrative district of the disappeared person.

The OMP has decided to accelerate the process to assess the records of 6025 applications/files as Phase 1 referring three major factors;

- (i) incidents of missing persons that have occurred most recently;
- (ii) incidents in which there is substantial evidence already available; or
- (iii) such incidents that are of public importance in the opinion of the OMP.

The 6025 complaints received were classified during this period, and the documents have been verified through a checklist which consisted of facts relating to the applicants' details, facts associated to the incident, progress made by the applicant after the incident and the relationship between the missing person and the applicant. Out of 6025 complaints, 1600 applications were incomplete, hence the OMP communicated with the complainants to obtain missing details and supporting documents to determine the facts associated with the complaints.

Around 350 complaints were translated during the reporting period, and assessment for the interim report inquiry process had already commenced. This includes 68 complaints which were issued Interim Report.

b. Communication with Families

Families continued communicating with the OMP Offices to provide referral information concerns, legal issues and matters regarding tracing despite the covid travel restrictions, although the number is significantly low compared to the year 2020. In the year 2020, OPM Regional Offices had communicated with 1991 families and only 35 families had communicated with the Head Office. In 2021, 16 families were in contact with the Head Office and the Regional Offices

c. Outreach

Outreach was a challenge due to travel restrictions during the period, and preparatory work was carried out instead. The step by step guide in line with the case handling process, checklist for cross verification, and training materials targeting government officials were developed during this period. And 25 District Secretaries and 30 officials attached to the Ministry of Public Service and Administration were oriented on the functions of the OMP, and the way how the officials can assist OMP in its operations. In addition, 2,000 data forms and an interim report request forms were printed and made them available at the regional offices.

d. Referral System

A needs assessment study was carried out to identify psycho-social and socio-economic needs. As a result, a needs assessment strategy paper was developed.

e. Reparation

Coordinated with the Investigation Office and the Office on Reparation and referred about 100 cases for reparation.

8.2 Victim and Witness Protection

The OMP has the mandate to develop and enforce a victim and witness protection system. It develops procedures for receiving and recording complaints from victims and witnesses and follows up on recommendations made in its Interim Report. The OMP shall request the cooperation of the Attorney-General, Inspector General of Police, and Secretary to the Ministry of Defence to take action to prevent, as well as to investigate, incidents where victims, witnesses and other justice collaborators have been threatened or intimidated. Further, the Protection Unit has a mandate to protect the rights and address the needs and concerns of victims, witnesses and families of missing and disappeared persons; those who engage with the OMP; OMP staff; and its premises.

To ensure the victim and witness protection activities of OMP, the Unit has updated tracking tables of 2 complaints, carried out 11 consultations, and shared information on 69 incidents in 2021. The Unit also built capacities through 4 events totalling 121 persons receiving the training on conducting investigations. The trained officials carried out investigations and referred 11 cases to the agencies concerned. In addition, consultations were carried out through 3 events covering all districts and reaching out to 171 people in 2021. Further, three consultations were carried out, reaching 184 officials. OMP also followed up on 27 cases and developed the tracking table, and produced reports with details.

8.3 Legal and Policy Reform

The OMP has an explicit mandate to make recommendations relating to missing and disappeared persons and to take action to protect their rights and those of their relatives. It is also charged with facilitating access to the missing and disappeared families to economic, psycho-social, legal and administrative support. It also has the authority to make recommendations to other state authorities on several issues, including preventing future disappearances, handling human remains, and improving the social and economic conditions of missing and disappeared persons and their relatives.

The OMP continued to receive requests for assistance from civilian and military families of the missing and disappeared on varied subjects, including accessing state services, financial services, compensation, obtaining CoDs and pensions, obtaining CoAs, ongoing legal cases, disputes regarding assets, ownership and succession. The OMP responded by taking up such matters with the relevant state institutions, including the Office for Reparations, Department of the Registrar General, local government institutions and the armed forces. The OMP also assisted families with legal advice, practical guidance, and referrals.

The OMP also assisted families in individual cases to obtain CoAs or CoDs through interventions with relevant District Registrars, Divisional Secretariats, and Grama Niladhari officers, pursuant to queries received from families of the missing or disappeared.

As per the mandate given, OMP verified and issued recommendations for 385 Interim Reports, updated the Database on the details, and updated the Database on the progress of 3100 files in 2021. In addition, upon applications made by the OMP to relevant Courts, the Office on Missing Persons was permitted to act as an observer in ongoing judicial proceedings, investigating human remains found in seven locations. The OMP continued to follow up on the progress of the investigation and the court cases during the reporting period and supported the families where necessary. Further, the Legal and Policy Reform Unit representatives appeared for 13 court cases and produced court case reports and lawyers' reports

In the year 2021, the Legal and Policy Reform Unit developed three (03) training modules to be used for the training of lawyers and staff/ judicial officers on excavation, forensic and DNA techniques approved by the Board of OMP. Further, the Unit built capacities of 11 staff members in two training sessions on confidentiality and other related legal provisions and another training on technical and other expertise for 15 staff members in one training session.

8.4 Data Management

The OMP has the authority to receive complaints, collate data and establish a database containing information regarding missing and disappeared persons. Accordingly, the OMP continued to process, verify and enter the information obtained from multiple sources into its Database. Simultaneously the OMP communicated with families and acknowledged that it had received information regarding their missing or disappeared loved ones. Further, for the first time, the OMP publicly shared information it has collated regarding the incidence of missing and disappeared persons by publishing a List of Complaints and Information it has received regarding Missing and Disappeared Persons .

a. Collating existing data related to missing and disappeared persons

The OMP has an explicit mandate to collate data related to missing and disappeared persons obtained by processes previously carried out by other state institutions, organizations, Government Departments, CoIs and Special Presidential Commission of Inquiry and to centralize all available data within a database in terms of Section 10(1)(e), OMP Act. Since its establishment, the OMP has collated information from the tri-forces and the Police, other state institutions, non-state organizations and the United Nations Working Group on Involuntary and Enforced Disappearances (UNWGIED).

14,700 Feedback Data Sheets covering all the Districts were handed over to the OMP on 15 March 2018, and continued to work on the files during 2021. A significant source of records regarding missing and disappearing are past CoIs. There have been at least nine CoIs regarding missing and disappeared persons, several of which have produced public reports, whilst the final report of several others got delayed in publishing due to challenges with lack of staff and covid lockdowns .

Records of past CoIs pertaining to missing and disappeared persons, including information obtained directly from families, are stored at the Department of National Archives (DNA) under Presidential Seal for thirty years. As detailed in the OMP's 2019 Annual Report, the OMP obtained necessary approvals from successive Secretaries to the former President to access the records of past COIs. Furthermore, in a letter dated 24 May 2019, the Ministry of Housing, Construction and Cultural Affairs, under whose purview the DNA falls, further advised the DNA to proceed with the project. In terms of these approvals, the OMP entered into a Memorandum of Understanding (MoU) with the DNA on 22 July 2019. However, the OMP was unable to proceed with implementing the MoU in 2021 due to a lack of clearance from the DNA.

In response to OMP's requests, the tri-forces provided lists of the armed forces personnel considered Missing in Action. The OMP is yet to receive details of Missing in Action personnel from the Sri Lanka Police. However, the OMP received lists of information regarding missing and disappeared persons reported to the Sri Lanka Police.

The WGIED had forwarded all reports regarding missing and disappeared persons from Sri Lanka to the Ministry of Foreign Affairs. In 2019, the Ministry of Foreign Affairs forwarded 12,664 complaints regarding disappeared persons to the OMP, including 6,066 unclarified reports and 6,598 clarified reports. OMP also complied with 6,538 cases of the United Nations Working Group (UNWG) and prepared 1,044 reports on the request of UNWG in the year 2021.

In November 2021 the OMP sent letters for inquires to 96 families in Killinochchi, Jaffna and Mannar and 81 responded and in December 17 letters sent to families in Colombo and Matara and received 14 responses

b. Complaints

The OMP has the authority to receive from any relative of a missing or disappeared person or any other person or organization complaints relating to missing or disappeared persons. Since its establishment, the OMP Head Office and Regional Offices have received 2,787 complaints

directly regarding missing and disappeared persons from families as of 31 December 2021. This includes 56 letters received at OMP Head Office in Colombo from January to December 2021. Out of 56 complaints, 38 complainants requested new data forms over the phone, and 16 people visited the head office for consultations. However, COVID 19 staffing restrictions delayed the processing of complaints.

The procedure for processing complaints requires the OMP to provide written confirmation to families of missing and disappeared persons, acknowledging the receipt of information regarding their missing or disappeared persons. As part of the OMP's pilot Interim Report project, in January 2021, the OMP has sent about 350 applications requesting Interim Reports and acknowledgement letters to selected families from the Kandy and Gampaha Districts.

The OMP has sent 10,592 letters of acknowledgement of receipt of complaints to families as of 31 December 2021. However, a balance of 4,351 letters was not sent to families in 2021. The lack of Tamil-speaking staff has proved a severe hindrance in this regard. The details of the letters of acknowledgement are as follows:

District	Number of complaints received	No. of complaints acknowledged	No. of complaints to be acknowledged
Ampara	566	209	357
Anuradhapura	273	273	0
Badulla	6	6	0
Batticaloa	4157	1385	2772
Colombo	130	128	2
Galle	297	297	0
Gampaha	261	249	12
Hambantota	393	393	0
Jaffna	2106	1974	132
Kalutara	190	190	0
Kandy	582	582	0
Kegalle	109	109	0
Kilinochchi	1010	869	141
Kurunegala	387	387	0
Mannar	488	488	0
Matale	292	292	0
Matara	555	555	0
Monaragala	76	51	25
Mullaitivu	528	466	62
Nuwara Eliya	16	14	2
Polonnaruwa	343	343	0
Puttalam	85	81	4
Ratnapura	221	221	0
Trincomalee	1349	622	727
Vavuniya	568	408	160
Total	14,988	10,592	4,351

OMP has categorized its complaints into three phases (Phase 1 – 2000 – 2021 / Phase 11 -1999 – 1990 and Phase 111-1990 backwards), and 6,086 cases have been identified as cases between

2000 to 2021(Phase 1). Out of 6,086 cases, 5300 letters have been sent to the families of missing persons to gather incomplete information /documents, including 154 letters to obtain the date of disappearance, which was missing in the initial data form.

The number of visits by families to the OMP Head Office in 2021 is as follows:

Month (2021)	Number of Families visiting Head Office
January	05
February	-
March	-
April	04
June	-
July	01
August	-
September	-
October	05
November	-
December	-
Total	16

c. Missing Persons Data Form

The Missing Persons Data Form used by the OMP for gathering information on the missing and disappeared has undergone several phases. Where it was piloted in 2018, and based on the feedback in 2019, an updated missing person's data form was finalized and approved by the Board of OMP in 2020, which is in use currently. This form is available in Sinhala, English and Tamil. It was developed based on internationally accepted standards on the minimum required information to record a missing person's report and the unique context and needs of Sri Lanka. As a result, the simplified Missing Person Data Form was approved by the OMP Board and made available in Sinhala, Tamil and English languages.

d. Database

Under the OMP Act, the OMP is authorized to create, manage and maintain a database which must include all particulars concerning missing and disappeared persons and take all necessary steps, including technical safeguards, to ensure the security of all its databases and data.

Upon receiving information regarding missing and disappeared persons, the OMP engaged in the process of review before entering the data into its Database. The method includes reviewing the accuracy of the information provided, ensuring that the missing or disappeared person falls within the OMP's mandate, and checking for duplicates.

The OMP determines if a missing or disappeared person falls within its mandate by examining the information recorded in the complaint and other contextual information, including the date and place of the disappearance. Where a person falls outside the mandate of the OMP, the OMP informs the complainant and, where applicable, provides further information regarding another

state institution that may be relevant to the complaint. In such instances, the complainant has the opportunity to give more details that will establish that the missing or disappeared person falls within the OMP's mandate. If there is insufficient information in the complaint to determine whether the complaint falls within the OMP's mandate, the OMP request further information from the families.

The OMP processed 39,416 reports regarding missing and disappeared persons. As of 31 December 2021, the OMP has entered into its Database 21,175 reports regarding missing and disappeared persons. Moreover, OMP has categorized its complaints into three phases, and 6,086 cases have been identified as cases between 2000 to 2021 (Phase 1). OMP also complied with 118,000 cases from the Department of Immigration & Emigration, and 93 cases were identified with travel history. Twelve thousand five hundred (12,500) cases complied from Office for Reparations, and out of 12,500, OMP has identified 760 cases that already received the compensation. In 2021, the OMP continued to accelerate entering data and temporarily allocated staff to process the minimum details of complaints despite the challenges such as the staff shortage and COVID 19 travel restrictions and lockdowns.

e. List of Complaints and Information Regarding Missing and Disappeared Persons

The OMP has the authority to publish information on issues of missing and disappeared persons for public knowledge with due consideration of all relevant laws pertaining to confidentiality and protection of data. The year 2021 was utilized to collate all data received as there were few Covid 19 lockdowns and travel restrictions. During this period, the Unit reached out to the families to obtain the relevant information that was not submitted at the initial stage.

8.5 Human Resource and Administration

The OMP devoted significant energy and resources to fully operationalize its Head Office in Colombo, and its Regional Offices in Killinochchi, Mannar, Matara, Jaffna and Batticaloa. The establishment of the Regional Offices has enabled OMP to reach families in affected districts with ease. The OMP is committed to work towards ensuring that the affected families are treated with sensitivity, dignity and respect at all times.

The OMP faced significant challenges in retaining and recruiting staff for critical positions due to various rules and regulations that limited its ability to utilize the funds allocated under the Budget fully. In addition, the OMP's institutional development was also constrained in 2021 due to the COVID-19 pandemic.

The first Chairman, Mr Saliya Peiris (PC) and OMP Board Members have played a crucial role in establishing and developing the OMP, engaging multiple levels to carry out essential tasks. The Board met regularly to discuss strategic developments of the OMP and held 15 meetings during the year 2021 despite the challenges with lockdowns and travel restrictions. The OMP Board Members have continued to oversee operations of the OMP and work with staff to carry out functions where unit heads have not been appointed, or units have not been established. Furthermore, the Commissioners have participated in conducting inquiries and site visits and engaged with families, civil society, and other state officials concerning the improvements of services of the OMP.

a. Staff Recruitment

Since the establishment of OMP, it has spent significant time, energy and resources to recruit qualified staff with the required experience to fill its positions.

During the reporting period, after reviewing of applications and interviewing candidates, the OMP was convinced that some of the positions needed to be re-designed to attract individuals that have the required skills and experience. Based on that decision following changes were done to some job titles and duties: Head of HR & Administration (HM 1-1), Head of Finance & Procurement (HM 1-1), Secretary to the Board/ Senior Legal Officer (MM 1-1), Senior Legal Officer (MM 1-1), Legal Officer (JM 1-1) and forwarded to the Department of Management Services through the Ministry of Justice and this process is not completed yet.

Throughout the year 2021, Seven (07) staff members resigned from the OMP to pursue other offers of employment, 01 staff member who was on a contract basis completed his term and 01 staff member released to relevant Ministry who worked on secondment basis.

Hon Justice Upali Abeyrathne, Retired Judge of the Supreme Court, was appointed by His Excellency the President as the Chairman of the OMP with effect from 30th November 2020 until the 10th December 2021. Mr Mahesh Katulanda (Attorney-At-Law) was appointed as the Chairman on 16th December 2021. The new Board Members are as follows:

#	Full Name	Designation	Date of Appointment
1	Mr Mahesh Katulanda, AAL	Chairman	16 th December 2021
2	Mr. WijekoonBandaraGanegala	Member of the Board	29 th April 2021
3	Ms Sithy Dane ArfaThassim	Member of the Board	29th April 2021
4	Mr. ThambaiaiahYogarajah	Member of the Board	6th May 2021
5	Dr Jayantha Wickramaratne	Member of the Board	16th December 2021
6	Mr. Shiraz M. Noordeen	Member of the Board	23rd December 2021

b. Regional Offices

The Regional Offices of the OMP assisted in conducting Interim Reports, received complaints and visits from families, and held meetings with relevant state and non-state organizations.

Details of the number of visits made by families to Regional Offices are presented below.

Regional Office	Number of visitors received in 2021
Matara	485
Mannar	654
Jaffna	344
Batticaloa	455
Killinochchi (since August 2021)	55
Total	1993

c. Ensuring psycho-social responsiveness and sensitivity towards families

The OMP continued to operationalize its mandate consistent with its psycho-social strategy, which the Board adopted in 2020. The first point of contact for families when visiting the OMP is Family Supporting Officers, based both at the Head office and Regional offices, who engage directly with the family members and the public, note their complaints, provide information, and liaise with other Units and staff for follow up action.

The OMP held consultations with victims and family members during the year. Still, progress was severely hindered due to public health and safety concerns and restrictions imposed due to the ongoing COVID-19 pandemic.

d. Capacity building and knowledge sharing

The OMP conducted a training on 5S for Non-Judicial Officers during the year 2021 in collaboration with the Sri Lanka Institute of Development Administration (SLIDA). Also planning to conduct Efficiency Bar Examinations to confirm in the government services for MM11, JM11 and MA 11 with SLIDA in 2022

e. Right to Information

Under the Right to Information Act No. 12 of 2016, the OMP must ensure access to information held by the OMP. The table below summarises how the OMP processed right to information requests in 2021

No.	Subject	No. of Days
1	Number of information requests in 2021	28
2	Number of requests for which information has been provided fully	28
3	Number of requests for which information has been provided partially	0
4	Number of information requests refused or denied in terms of Section 5 of the Act	1

5	Number of information requests denied, other than for reasons contained in Section 5 of the Act (e.g. non, availability of information)	0
6	What is the average time (number of working days) taken to respond to an information request?	14 days
7	How many information requests were received by post?	28
8	How many information requests were received by e-mail?	0
9	How many information requests were received by any other means other than by post or e-mail	0

OMP Members have held 15 Board meetings in 2021 and discussed strategic developments of the OMP. As a result, the Board of the OMP decided to open its 5th Regional Office in Killinochchi to enable OMP to reach affected families easily, and it was opened on 12.08.2021.

Although the OMP was granted Cabinet approval to recruit the required staff to implement the process of issuing Interim Reports and conducting inquiries at District level, staff recruitment remained unfulfilled. As a result, the OMP was compelled to abandon the planned District level inquiry process to cover the entire island with mobile inquiry units staffed by trained inquiring officers.

To meet the requests for Interim Reports received from families, the OMP established a process by designating four persons from the existing staff cadre to act as part-time inquiring officers travelling to the Regional Offices of OMP to conduct inquiries and issue Interim Reports. Unfortunately, this process was further delayed by the COVID-19 pandemic and the lockdowns and following travel restrictions imposed due to the pandemic.

8.6 Finance and Procurement

The audited financial report for the year 2021 is attached herewith. Unfortunately, due to various restrictions on staff recruitment and the pandemic related restrictions, the OMP was not able to meet its financial targets in both programming and administrative tasks as planned. Therefore, a particular focus on Finance and procurement was initiated by the new Chairman towards the end of the year upon his appointment to ensure the smooth functioning of the office (see anexture I) for the audited accounts)

8.7 Communication and Outreach

The OMP is tasked with a mandate to create public awareness of the causes, incidence and effects of missing and disappeared persons and build public support to fulfil the needs of their relatives. Since its establishment in 2018, the OMP has developed a communications and outreach strategy to raise awareness of the OMPs mandate and work; generate awareness regarding the consequences of disappearances; the responsibility of the state and society to protect the rights of the missing and disappeared and their families; and dispel misconceptions regarding the OMP. To this end, the OMP has ensured that families of the missing and

disappeared, key stakeholders and the general public can learn about the OMP's work through outreach materials, print media engagements and the OMP's digital and communication platforms.

Since the Communication and Outreach Unit is yet to establish, all activities were carried out and monitored by the respective units according to the allocations made to individual units in the Annual Action Plan. The members of the Board oversaw the media engagements, press briefings, and communication material.

a. Public Events

Due to the prevailing COVID-19 pandemic, the OMP was not able to held any public event to ensure the safety of all persons. However, OPM celebrated the International Day of Missing Persons using zoom technology in collaboration with all the internal units, stakeholders and the Unity Cluster. There were about - participants for this session, and the highlights are

b. Engagement with the Media

The international day Virtual discussion was telecasted and broadcasted, and published in all social, print, private and state media. Especially the points which were highlighted by the Chairperson of the OMP, Hon. Minister, and Hon Member of the Parliament Dr Suren Raghavan were highlighted in the front pagers.

c. Digital Presence

The OMP managed Social media accounts on Twitter and Facebook to enable engagement with the public via digital platforms. As of 31 December 2021, the OMP has 5,149 followers on Facebook and 1,866 followers on Twitter.

The OMP launched its official website in English on 19 November 2020 to enable the public to access information on the OMP and its work. In January 2021, the website was made available in Sinhala and Tamil Languages. The website has had 50 visitors as of 31 December 2021.

9. The Challenges in 2021

There were huge challenges in performing during the year 2021. The Covid - 19 lockdowns and the travel restrictions were a major challenge in reaching out to the public and the families of missing persons.

Further, there were inherent challenges regarding the policies, especially as the OMP Act, Section 11 (a) of Act No. 14 of 2016, was repealed in the amendment of 2017 (No 09 of 2017). According to this amendment, the OMP faces difficulties in serving as an independent institution as the clause focus on entering into agreements, as necessary to achieve the mandate of the OMP, with any person or organization.

Further, the OMP faces serious challenges due to limited human resources. As an independent institution, the OMP was faced with many challenges owing to change of leadership constantly

due to stepping down of OMP members. The major challenge was to recruit the approved carder. In the last quarter of the year, with the leadership of the new Chairman, the OMP held constructive dialogues with MOJ and other ministries, authorities, and stakeholders to overcome this challenge.

10. Way Forward

The OMP, with the new leadership, initiated developing a five-year road map, recruiting staff, collaborating with the donor community, development agencies, and state and no state actors to deliver efficient and effective service through the OMP as it is mandated on eight focus areas.

The five-member European Union (EU) delegation met the Chairperson of the OMP in August 2021 and officials to assess the progress of Sri Lanka's pledges to comply with 27 international conventions in return for the Generalized Scheme of Preference Plus (GSP+) trade concession. Chairperson has presented in detail the progress on the ground, despite constraints imposed by the COVID-19 pandemic. The delegation expressed appreciation to the Chairperson for his immense contributions to the success and improvement of the functioning of the OMP.

During a meeting with the ICRC team in August 2021, OMP discussed about the progress, and made a presentation on the importance of having a formal partnership established for the effective functioning of the OMP. The team discussed the possibilities, and shared their views in this regard.

Further discussions were held to meet Diplomatic Community and Donor Agencies, and collaborate with the Ministry of Justice and Foreign Affairs. Further more, the OMP had discussions to meet EU delegates, Embassies, ICRC, INGOs, NGOs, and Civil Society Organizations and present the progress of the OMP regularly.

Appointment of key officials such as Executive Director, Director-Finance and Procurement, and interns or graduates, the OMP initiated negotiations with District Secretariates, Vocational Training Authority, Universities, and National Institute for Social Development. In addition, the OMP has successfully negotiated with the Ministry of Public Administration to place Four Legal Graduates to be placed at the Ministry of Justice for OMP and assigned duties of Legal Unit.

Arrangements were made to open new regional offices in the year 2022 in those provinces where the OMP has records of more than 1000 complaints. This will enable people to have easy access to OMP and obtain the services of the OMP. Accordingly, two more regional offices will be established in the year 2022.

- Targets for 2022 – 6025
- Strengthening family support
- Regional officers Trincomalee / Kurunegala
- Website improvement

11. Appreciation

The OMP would like to extend our sincere thanks to all our partners who have given their utmost cooperation in the year 2021 for us to achieve our goals. The OMP is grateful for the support provided by the Government, the Minister, Registrar General's Office, Attorney General's Office, all District Secretariats and the Grama Niladharis for their unwavering support extended. The Diplomatic Community and the Development Partners, including the UN, EU and ICRC have provided their fullest support towards the operation of the OMP mandate, and the Office wishes to note their support with gratitude. The OMP also wishes to thank the Association of the Families and the Religious Leaders for their cooperation in 2021. Without their involvement, the OMP could not have gone this far. The encouragement given by Media, Journalists and Academia was commendable, and the Office on Missing Person wishes to thank them. Finally, the OMP appreciate the untiring efforts made by the staff of MoJ, the team of the OMP, volunteers, and the OMP Board Members to make the year 2021 a year of achievements.