



# **OFFICE ON MISSING PERSONS**

## **ANNUAL REPORT**

**(Draft)**

**2023**

## **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 Actionand 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
WGIED	Working Group on Involuntary Disappearances

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## **Message from the Chairman**

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, diplomat's 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.

**Mahesh Katulanda**

Chairman

Office on Missing Persons

## 01. PREFACE

The establishment of the Office on Missing Persons (OMP) in Sri Lanka represents a significant milestone in the government's commitment to address the complex and deeply emotional issue of missing and disappeared persons. The Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016 (OMP Act) was passed in the Parliament in 2016, highlighting the nation's dedication to confronting this long-standing problem.

Recognizing the need for effective collaboration, an amendment to the OMP Act was introduced in 2017, enabling contracts with Non-Governmental Organizations (NGOs). This amendment aimed to enhance the OMP's capabilities and broaden its reach by harnessing the expertise and resources of reputable NGOs.

In 2018, the OMP was officially established as the first institution in Sri Lanka solely dedicated to handling all types of missing persons cases. This institutionalization demonstrates a fundamental shift in the government's approach, moving away from limited ad-hoc mechanisms and commissions of inquiry to a permanent and independent state institution.

Previous mechanisms, though they made valuable recommendations, were unable to provide the answers sought by the countless families tirelessly searching for their loved ones. The OMP aims to address this profound and widespread anguish by clarifying the fate and whereabouts of individuals who went missing or disappeared in connection with the conflict, political unrest, civil disturbances, or enforced disappearances.

Under the guidance of its first Chairman, Saliya Peiris PC, second chairman Hon. Upali Aberathna retired Supreme Court Judge and thereafter led by Chairman Mr. Mahesh Katulanda, the OMP has evolved through different iterations to ensure its efficacy and responsiveness. This third iteration of the OMP Board continues the mission of seeking truth, justice, and reconciliation for the families affected by cases of missing persons in Sri Lanka.

The OMP remains steadfast in its commitment to uncover the truth and provide solace to the families of the missing and disappeared. This annual report sheds light on the significant progress made, the challenges faced, and the unwavering determination of the OMP to fulfill its mandate and bring closure to those who have suffered immeasurable loss.

The Office on Missing Persons took the most of year 2022 for the inquiry process of the 6000+ complaints it had received in the window of 2021. They halted the acceptance of complaints from both the Head Office and the Regional Offices to focus on conducting effective inquiries for the complaints that it has already received.

After halting the acceptance of complaints in February and bringing forward the process of inquiries that was started in the end of 2021, the OMP engaged in an active year hosting over 2000 inquiry panels around the country in 2022.

## 2. INTRODUCTION

The Office of Missing Persons (Establishment, Administration and Discharge of Functions) Act No. 14 of 2016<sup>1</sup> was enacted in August 2016 to outline the procedures and guidelines applicable to the powers and functions assigned, to set up a database of missing persons, to provide assistance to relatives of missing persons, to provide for the search and tracing of missing persons, and to provide for all matters related to or incidental to the implementation of the provisions in the OMP Act. The Office on Missing Persons<sup>2</sup> remains committed and coordinated to this relief work. On 28 February 2018, the OMP was made operational with the appointment of seven commissioners based on the recommendations of the Constitutional Council.

The OMP's mandate is to clarify the circumstances surrounding missing persons; make recommendations to relevant authorities to ensure non-recurrence; protect the rights and interests of missing and disappeared persons and their relatives; identify avenues of redress for missing and disappeared persons; and centralize all available information in a database.<sup>3</sup>

Furthermore, the OMP is charged with a range of functions and duties with regards to aggressing the complaints lodged by the victim parties which expand into issuing letters to relatives of missing and disappeared persons to enable the Department of the Registrar General to issue Certificates of Absence (COA); provide or facilitate the provision of administrative assistance and welfare services including but not limited to psycho-social support to the relatives of the missing and disappeared or their relatives; making recommendations to relevant authorities to grant reparations to the 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 the particulars concerning the complaints lodged regarding missing and disappeared persons; creating public awareness of the causes, incidents and effects of missing and disappeared persons and facilitating support among the general public to fulfill their needs and ensure access to economic, psychosocial, legal and administrative support. 4

The OMP has broad authority to develop gender-sensitive norms and guidelines, appoint and remove staff, and construct units as needed for its effective functioning.<sup>5</sup> Furthermore, the OMP has the authority to make recommendations to other state authorities on a wide range of issues, including averting future disappearances; the means and methods of commemoration and acknowledgement of disappearances; the handling of unidentifiable and identifiable remains; the publication of information on missing persons issues for public knowledge; and

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<sup>1</sup> Hereafter referred to as the OMP Act

<sup>2</sup> Hereafter referred to as OMP

<sup>3</sup> OMP Act, Section 10

<sup>4</sup> OMP Act, Section 13

<sup>5</sup> OMP Act, Section 11

making recommendations for the development of national laws and regulations related to missing persons.<sup>6</sup>

The Act also has given OMP the authority to receive complaints, initiate inquiries, and investigate the location of a missing or disappeared individual to perform its investigations. Take all required actions to examine matters, including summoning anyone to appear before the OMP or producing any document or other item; create a procedure for accepting sensitive information or information in camera, as well as accepting information under the condition of confidentiality. apply to a Magistrate's Court for permission to conduct an excavation or exhumation while acting as an observer; request any required assistance from any state actor; search any site of detention without a warrant; and report offences that have been committed to a relevant law enforcement or prosecuting authority after due consideration.<sup>7</sup>

### **3. OBJECTIVES OF THE OMP ACT, SECTION 2 OF THE No.14 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;

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<sup>6</sup> OMP Act, Section 13(1) (k)

<sup>7</sup> OMP Act, Section 12



- 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 a person became missing.

## 5. VISION AND INSTITUTIONAL PRIORITIES (WORKING PRINCIPLES)

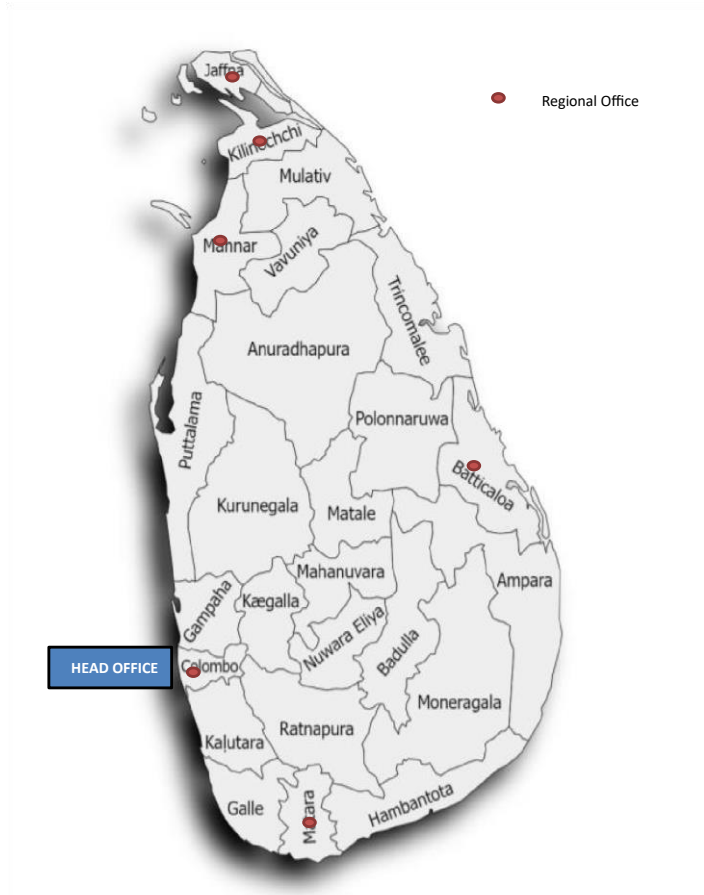
Based on the roadmap finalized by OMP 2023-2025 identified the working principles as mentioned below.

### Vision and Mission

<b>Our Vision</b>	<i>A country where everyone enjoys justice, and the reconciliation process is enriched.</i>		
<b>Our Mission</b>	<i>To protect the rights of the missing and disappeared, as well as their families as a part of the national reconciliation mechanism.</i>		
<b>Core Outcomes</b>  <b>Non-recurrence of</b>  <b>People going missing and disappearing in the future and ensuring the rights of people who have gone missing and disappeared</b>	<b>Outcome 1: (Objective)</b>  <b>Prevention measures</b>  Reducing the number of people who go missing – through preventive strategies, education work and early intervention in cases where children, young people and adults repeatedly go missing.	<b>Outcome 2:</b>  <b>Protection measures</b> Reducing the risk of harm to those who go missing – by ensuring local agencies provide a tailored, risk-based response to cases of missing children, young people, and adults and that they work together to find the person and to close cases as quickly as possible at a local and national level.	<b>Outcome 3:</b>  <b>Provision of remedial options</b>  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.

## 6. OMP's 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 OFFICES

**Jaffna**- No. 124, Adiyapatham Road, Kalviyankadu, Jaffna.  
Telephone No: 021-221 9400

**Kilinochchi**- A9 Road, Near the Court, Kilinochchi.  
Telephone No: 021-228 6030

**Mannar**- No. 5, Station Road, Mannar.  
Telephone No: 023-222 2083

**Batticaloa**- No. 124, Central Road, Batticaloa.  
Telephone No: 065-222 4532

**Matara** – No. 54, Dharmarama Road, Matara.  
Telephone No: 041- 222 4046

## **7. PROGRAMMATIC UPDATE**

The OMP under the guidance of Chairman and the Board, after revisiting the strategic plan for the year 2022 developed the following to be the programmatic strategy of the OMP for the year 2022.

- Prevention measures - lowering the number of missing individuals through raising awareness and intervening early in cases when children, young people, and adults go missing repeatedly.
- Protection measures - entailing limiting the risk of harm to persons who go missing by ensuring that local agencies deliver targeted, risk-based actions to locate the missing person and complete cases as swiftly as possible at the local and national levels.
- Provision or remedial measures - offering support and direction to missing persons and their families - by swiftly referring and ensuring that missing people and their families understand how and where to get aid and support.

The increased support received by the OMP, as well as the agreements reached with several Non-Governmental Organizations based in and outside of Sri Lanka, demonstrate the OMP's above-mentioned commitment to the cause throughout the year.

## **8. LEGAL, POLICY AND RESEARCH UNIT**

The OMP has a mandate to protect the rights of the missing and disappeared and those of their relatives and to facilitate access for families of the missing and disappeared to economic, psychosocial, legal and administrative support.<sup>8</sup> Further the OMP has the authority to make recommendations to State authorities to ensure the non-recurrence of disappearances, handling of human remains, and to improve the social and economic conditions of missing and disappeared persons and their relatives.<sup>9</sup>

In discharging the above mandate, the OMP made legal and policy recommendations regarding COAs; issuing of Interim Reports to families of the missing and disappeared to enable them to obtain COAs; the exercise of Magisterial powers in inquiring into human remains; family relief for families of the missing and disappeared and respond to requests for legal and administrative assistance to individuals.

The Legal, Policy and Research Unit mostly handled the Inquiries in the year 2022. The Unit used a phase-based categorization of the complaints received<sup>10</sup> until February 2022 to make the process of handling inquiries easier and effective. The phase breakdown is as follows:

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<sup>8</sup> Section 2(b), 10(c), 13(e), (f) OMP Act

<sup>9</sup> Section 13 (k)(i), (iii), (viii) OMP Act

<sup>10</sup> Section 12, OMP Act

1. All complaints post-2000 (Phase 1)
2. All complaints before 1999 (Phase 2)
3. All complaints before 1989 (Phase 2)

The highest number of the inquiries conducted in 2022 falls within the Phase 1 of the above categorization, since most of the complaints made in Phase 1 are recent, documentation is mostly intact and traceable. The OMP successfully conducted over 2000 inquiries covering all the locations of our sub-regional presence and also the head office in 2022. OMP also intends to continue its effective efforts in the upcoming years. With the country recovering from a pandemic, long term lockdown and quarantine while regaining normalcy, the opportunity for the OMP to conduct more inquiries in out stations has increased significantly.

The standard operating procedure on excavation and execution was drafted in collaboration with judicial medical officers, ministry officials and the Attorney General office. Together the OMP was able to enhance the partnership with state actors and civil organizations.

Additionally, the OMP has achieved a process in court hearings which includes forensic examination 13 grave sites which includes Kokkuthoduvai, Mullativu and Mannar as the leading sites. Moreover, OMP has been able to establish a good rapport with the parliamentary selective committee which includes the key independent state institutions such as United Nations and ICRC. Another assist to the OMP is the significant increase in the inquiry participation of people due to the establishment of the trust created between OMP and the affected people. It was revealed that more than 92% of the invited people have participated in the inquiry process.

In a case before the Vavuniya High Court, the OMP supported, in principle, the rights of the families of the missing and disappeared to participate and be represented by Attorneys-at-Law in magisterial inquiries into human remains. Further, the OMP is referred as one of the defendant along with the AG's Department, the OMP has emphasized on the importance of the participation of families in inquiries into human remains which are essential for the effective administration of justice, as families can provide crucial information necessary for the conducting of investigations; and; by referring the above, and the Global standards on the subject matter concerned, and for all the reasons mentioned above, the OMP's request considered wisely by the Provincial High Court of Vavuniya.

## **8.1 Inquiry Process**

The OMP Legal, Policy and Research Unit adopted a streamline process of handling pre-inquiry and post-inquiry to smoothen the flow of work and the flow of information.

Once a complaint is lodged on behalf of the victim by the support unit, a specific file shall be allocated for that complainant which includes basic reports of the complaint and other relevant documents from the portfolio. The file will be based on the complainant's relevant

district. Prior to the commencement of an inquiry, the Data Management Unit provides the files which will be addressed at the panel hearings. Once a file is processed as above, the respective complainant shall receive an invitation letter notifying them the date and place of the inquiry followed by a reminder through a telephone call.

Inquiry Panels usually consist of 03 professionals and among them one inquirer heading the Panel with a qualified lawyer or Senior Administrative Service officials or officers belongs to All Island Services (retired or serving). The Head of Panels are distinguished individuals in the fields of Law/ Investigation the Panels attempt to conduct inquiries in bulks due to the economic crisis in Sri Lanka. Due to Sri Lanka's economic situation, the Panels endeavor to conduct investigations in large numbers.

The inquiry Panel will then proceed to gather information about the missing or disappeared person and the incident surrounding such disappearance. This include information related to missing or disappeared person, any information about the day / incident on which he/she was reported to be disappeared or last seen. The investigation is being carried out based on the information provided by the relatives of the missing person and the complainant.

Moreover, the inquiry panels request an additional witness to be present alongside the complainant at the inquiry and the witnesses are inquired individually after the submission from the complainant. After the inquiry, the panel forwards the recommendations for the complainant. The provisional support which includes but not limited to provision of legal instruments such as COAs (Certificate of Absence), Revival Payments, land or housing and other psycho-social assistance.

Accordingly, in times of this inquiry process the following three types of disappearances are taken into by the OMP which are under the purview of the mandate of itself.

1. In the cause of, consequent to or in connection with the conflict which took place in the Northern and Eastern Provinces or its aftermath, or is a member of the armed forces or Police who is identified as “missing in action”; or
2. In connection with political unrest or civil disturbances; or
3. As an enforced disappearance as define in the “International Convention on Protection of All Persons from Enforced Disappearances”<sup>11</sup>

Once the reports of the inquiries are concluded categorizing them to either be under the OMP mandate and adding the recommendations suggested by them, the files are then sent back to the Legal Unit. The legal unit mainly looking after the entire inquiry process including coordination with Applicants, Witnesses, Panel members, Regional offices and District Secretariat in relation with logistic arrangements, scheduling inquiries, dispatching the invitation letters, and follow up by the reminders. Moreover, in terms of encouraging the inquiry process, applicants and witnesses are facilitated for their participation. Then, VFSO and Tracing Units handle the missing files.

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<sup>11</sup> Section 27 of the OMP Act No.14 of 2016

## 8.2 Challenges

One of the main challenges that OMP noticed is the limited participation of the applicants for the scheduled inquiries due to a series of protests that were conducted in front of the certain locations by unknown individuals and groups who vehemently attempted to bar the participation of invited complainants. Reasons for such unreasonable protests being, misconstrued ideologies with regarding compensation or reparations and demands for international presence. The inquiry processes were somehow conducted amidst these protests after peaceful negotiations. However, building the trust among the general public was the most prominent challenge for ongoing process in certain locations.

Additionally, the OMP noticed that few complainants failed to meet the requirements in terms of documentation resulting that there are no sufficient supportive documents to strengthen the complaint. As a result of lack of documentation, it effects on the implementation of the expected procedures.

## 8.3 Progress

Phase 1 of the Complaints Categorization had 6,025 complaints under its classification. As of 31<sup>st</sup> of December 2023, the OMP had done a total of 5,791 inquiries off which 2,832 were done within the year of 2023. Detailed of recommendations made by the panel of inquiries as follows,

<b>Panel recommendations</b>	<b>Number of families</b>
Family Revival payment.	2,252
Support for the legal instruments	1,565
Tracing/Searching and Further Investigation.	587
Family Support.	257

718 complainant files produced after these inquiries had been sent to the Registrar General with recommendations and 2,101 has been sent to the reparation's office with recommendations. This leaves 1,221 more inquiries to be done under Phase 1 (including 1,111 of absentee files), for it to be completely cleared off for the upcoming year.

The Legal Unit handles all activities from the initiation of investigations to implementation of recommendations after their completion. The Legal, Policy and Research Unit mostly handled the Inquiries in the year 2023. Accordingly, OMP legal and policy recommendations and is doing its work. The legal unit fulfills the aspirations of the people through inquiries. Preparation of the files for inquiries initiate inquiries by reviewing its document contents and preparing them for inquiry and distributing them to appropriate regional offices. Making physical arrangements by contacting the Divisional Offices where the investigations take

place. Ensuring participation of the Divisional Registrars by involving them in the investigations.

In order to make necessary arrangements in consultation with the relevant departments for all matters related to accommodation, food and transportation of the officials participating in the investigations. Facilitate the smooth conduct of investigations by considering all matters related to files after initiation and completion of investigations and obtaining necessary legal assistance.

The files are divided into 02 phases for the purpose of managing complaints effectively, and investigations are carried out to make the process of handling inquiries easier and effective. The phase breakdown is as follows:

1. Phase 1: All complaints post-2000
2. Phase 2: All complaints between 1980-2000
3. Phase 2: All complaints before 1980

Files belonging to phase 1 are inquired first. A total of 2,832 files have been inquired in 06 provinces (Northern, Eastern, Western, Central, Northwestern and Sabaragamuwa) during the year 2023.

The files at the Head Office and the files at the Regional Offices are prepared for hearings by checking their documentary content and legal status of the complainant. Invitation letters for inquiries are sent to the complainants through the regional offices and invitation letters for inquiries are sent through the respective Divisional Secretariats through the Grama Niladharies. Complainants shall be invited to appear for inquiries with relevant documents through letters of invitation for inquiries.

Inquiry Panels usually consist of 03 members who have been selected by adopting the selection criteria <sup>12</sup>. One inquirer heading the Panel and others assists. The Head of Panels are distinguished individuals in the fields of Law/ Investigation who will be appointed by board approvals on the recommendation of the Legal Unit. The Panels will attempt to conduct inquiries in bulks due to the economic crisis in Sri Lanka.

The inquiry Panel then proceed to gather information about the missing or disappeared person and the incident surrounding such disappearance. This include information such as Personal Information about the missing or disappeared person, any information about the day in which incident was reported to be disappeared and last seen. The investigation are carried out based on the information provided by the relatives of the missing person and the complainant. During the investigation, the complainant should produce a witness who can confirm the incident. The legal validity of the complaint and other procedural matters are observed during the inquiries.

The inquiry panels will also request an additional witness to be present alongside the complainant at the inquiry. The witnesses will be inquired separately after the submission

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<sup>12</sup> This was developed by the board of the OMP and approved as the policy document.



from the complainant and the same questions will be asked to ensure that the information corroborate with each other.

Recommendations for files will be made based on the requests submitted by the complainants to the hearing committee during the hearings. Inquiry the panel will decide what needs to be provided by the OMP for the complainant. The provisional support ranges from COAs (Certificate of Absence), COD (Certificate of Death), Reparations or Revival Payments and other psycho-social assistance.

The inquiry panel then files a confidential report. This report is made in unanimous agreement which will provide opportunity for the panel members to express their lack of confidence, this is a rare occurrence in practice.

After investigation files are handed over to legal unit and after review of their recommendation's files are handed over to VFSSO unit for further action. Once the reports of the inquiries are concluded categorizing them to either be under the OMP mandate and adding the recommendations suggested by them, the files are then sent back to the Legal Unit. Once the database updates are completed, the inquiry panel is compensated adequately for their time and effort.

#### **8.4 Challenges**

After the investigations and review their contents and implement their recommendations it takes some time, a point to be noted here is that our office is understaffed. It is a big challenge to overcome people when they are expecting immediate relief and they expect nimble response from the outcome of the work.

One of the main challenges that OMP noticed during this time with regards to inquiries is a series of protests that were conducted in front of the certain locations of the inquiry by unknown individuals and groups who vehemently attempted to bar the complainants from participating in the inquiry. Reasons for such protests being, misconstrued ideologies with regarding compensation or reparations and demands for international justice. The inquiry processes were somehow conducted amidst these protests after peaceful negotiations.

Additionally, the OMP noticed that some complainants failed to meet the requirements in terms of documentation resulting that there are no sufficient supportive documents to strengthen the complaint.

#### **8.5 Progress So Far**

Phase 1 of the Complaints Categorization had 6,025 complaints under its classification. As of 31st of December 2023, the OMP had done a total of 5,791 inquiries off which 2,832 were done within the year of 2023. 481 complainant files produced after these inquiries had been sent to the registrar general with recommendations of CoA – 377 and CoD 104 and 1883 has been sent to the reparation's office with recommendations. This leaves 1,150 more inquiries to be done under Phase 1, for it to be completely cleared off for the upcoming year.

## 9. DATA MANAGEMENT UNIT

The Data Management Unit (DMU) of the Office of Missing Persons (OMP) plays a crucial role in the efficient and effective maintenance of a comprehensive database. 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.

OMP has developed a proposal related to the digitalization process of all the complaints, and the progress made by the OMP and other agencies concerned. This proposal consists of two main activities

- I. System development for the databased related to the missing and disappeared persons reported to OMP.
- II. Archival system for the physical records reported to OMP.

In light of this concern, a technical committee was appointed by the Presidential Secretary to evaluate the feasibility of implementing the database of ICRC and currently discussions are being carried out with ICRC and OMP. Further, the OMP publicly shared information it has collated regarding the incidence of missing and disappeared persons by publishing a List of Complaints and Information and this list has further improved based on the new complaints and the outcome of inquiry process.

The database managed by the DMU contains various types of complaints received by the OMP. These include complaints submitted directly to the OMP, those forwarded by the United Nations, as well as complaints filed with the Police. 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, Commissions of Inquiries 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).

As of December 2023, the database reflects the significant volume of complaints received directly by the OMP, reaching a total of 21,374 physical complaints. The Database Management System was further enhanced at this time, mainly to maintain consistency within the database and to initiate the inquiry process to which all

complaints will be subjected to, in order for the institution to provide justice to those affected by unexpected situations occurring due to the missing and disappeared family members or relatives. Within this dataset, the DMU has diligently identified and categorized 6,386 cases as either Missing in Action (MIA) or duplicates/cases that do not fall within the OMP's mandate. However, since its establishment until 31st December 2023, the OMP has received 14,988 active records relating to missing and disappeared persons after depletion of the above 6,386 complaints from the database.

## **10. VICTIM & FAMILY SUPPORT UNIT**

The Victims & Family Support Unit (VFSU) is an integral part of the OMP, serving as the first point of contact for complainants seeking justice for their loved ones. The VFS employs various psychosocial methods to ensure that complainants feel safe and comfortable while providing their statements.

The initial stage of the complaint procedure is handled by competent VFS officials, which provides a more effective mechanism for handling missing or disappeared cases. Following authorization of the complaint, the VFS unit dispatch the acknowledgement to the complainants.

One of the main challenges facing the VFS is the lack of permanent staff. This understaffing has led to difficulties in handling these new cases and the VFS has had to work alongside verification of cases to ensure the process. The new complaints can be classified based on districts mentioned as at 31<sup>st</sup> of December 2023.

### **10.1 VFS and external collaborations**

In addition to its role in victim and family support, the Office on Missing Persons (OMP) also collaborates with various entities to gather additional information relevant to missing persons cases. The OMP actively engages with Divisional Secretariats, Grama Niladhari, District Secretariats, and local police to obtain valuable insights and data that contribute to the comprehensive understanding of each case.

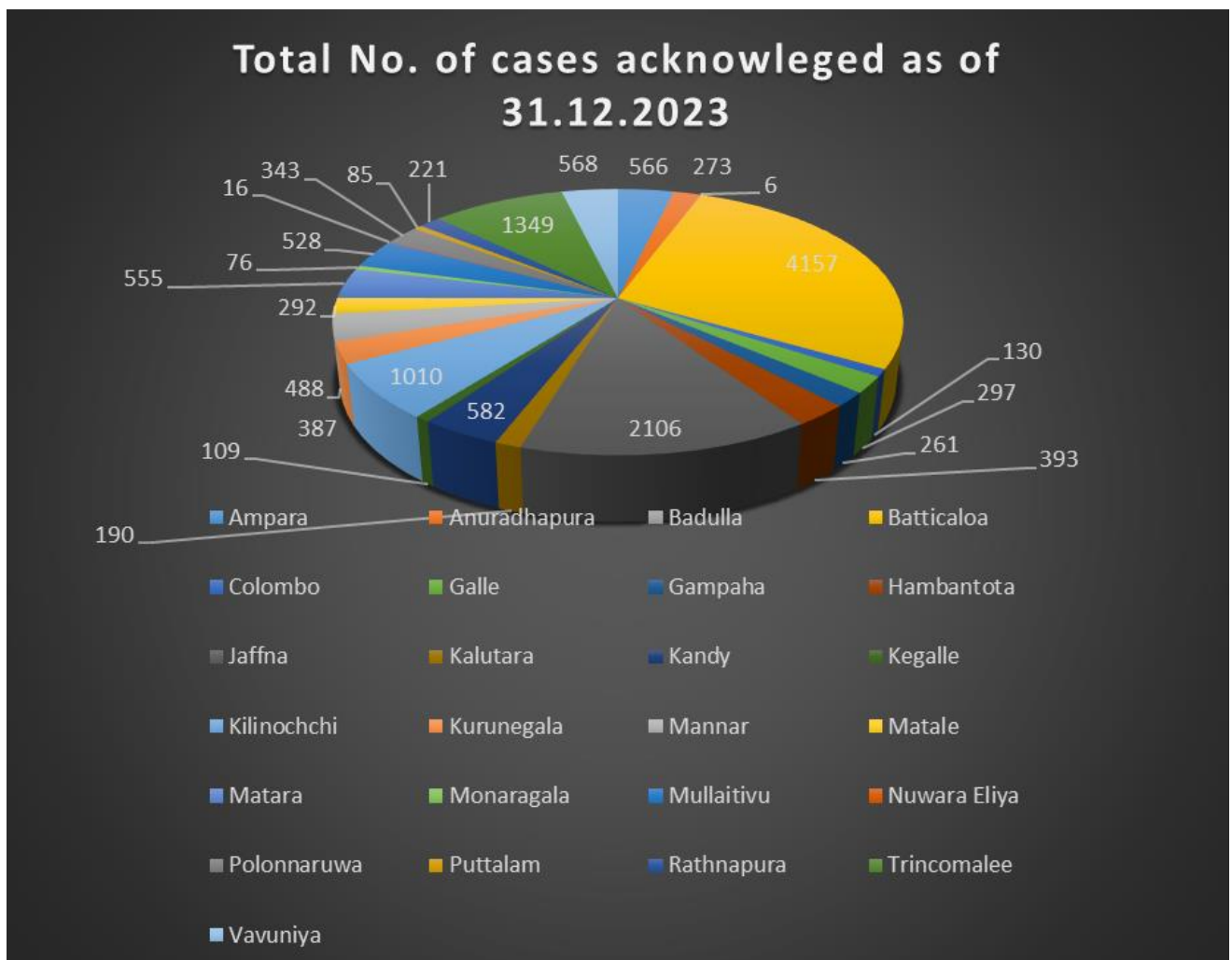
Recognizing the importance of involving the families of missing persons, the OMP maintains close communication with them. By establishing a supportive and empathetic environment, the OMP ensures that the families' voices are heard, and their needs are understood. This collaborative approach enables the OMP to gather critical information from the families, which further strengthens the investigative process and enhances the overall quality of the data.

To facilitate efficient data management, the OMP's Victim and Family Supporting Unit works in conjunction with the Legal Unit. The Legal Unit plays a vital role in developing essential tools and guidelines for the panel members involved in the investigative process. These include the formulation of a comprehensive code of conduct, procedural guides, checklists, and case management techniques. These resources ensure that the investigative procedures

are conducted in a transparent, systematic, and accountable manner, while adhering to legal and ethical standards.

Through the combined efforts of the Victim and Family Supporting Unit, the Legal Unit, and collaborative partnerships with relevant authorities, the OMP strives to build a robust and reliable data management system. This system allows for accurate documentation, efficient analysis, and informed decision-making, ultimately advancing the OMP's mission of truth-seeking, justice, and reconciliation for the families of missing persons in Sri Lanka.

The VFS has dispatched 14,988 letters of acknowledgment to complainants who have submitted their complaints pertaining to missing and disappeared persons from 2021 onwards until the complaint deadline in 2022, thus completing the examination of all complaints received within that timeframe.



Moreover, after the Inquiry is completed, the recommendations of the individual panel are reviewed and compiled by a member of the OMP. The VFS unit assists to compile the major findings and recommendations of the Inquiry Panel. The compilation report prepared by the unit to facilitate as a tool for decision making and also used as a supplementary document for taking further action in line with the recommendations of the Inquiry Panel. In addition, the Unit compiled 4,223 cases as of 31.12.2023 and obtained the Board approval to implement the recommendations of the inquiry panel.

## **10.2 VFS and external collaborations**

The VFS unit actively forges collaborations with diverse entities to acquire supplementary information pertinent to missing persons cases. The OMP proactively liaises with Divisional Secretariats, Grama Niladharies and District Secretariats, fostering cooperative relationships to glean valuable insights and data that enrich the comprehensive understanding of each case.

Furthermore, the VFS unit submits the recommendation of the inquiry panels to relevant authorities including Office for Reparations to grant family revival payment, Registrar General to issue Certificates of Absence (COA), Certificate of Death (COD) and referred to District Secretariats for family support. The following table depicts the progress as of 31.12.2023 of the VFS Unit.

The Victims & Family Support Unit (VFS) upholds its steadfast commitment to delivering quality service to complainants through the establishment of a supportive and empathetic framework. In addition, the unit guarantees that the voices of the families are not only heard but comprehensively understood in terms of their needs.

## 11. FINANCE AND PROCUREMENT UNIT

During the year 2023, according to the procumbent plan Rs.25.15 million, OMP completed 9.06 million for acquisition of fixed assets. Although the organization had a minimal workforce, its recurrent funding was fully utilized. The financial report for the year 2023 is attached herewith. (Annexure I)

### SUMMARY OF FINANCIAL PROGRESS

The OMP received a sum of **Rs.115 million** as the budget allocation for the year 2023.

Item	Allocation (Rs. Mn)	Imprest received (Rs.Mn)	Expenditure (Rs.Mn)	Expenditure as a % of imprest received	Remarks
<b>Recurrent</b>					
Salaries and personnel emoluments	33	31.02	31.02	100%	
Other recurrent	32.85	24.68	24.68	100%	
Payment of operation cost	24	22.063	22.063	100%	
<b>Sub total</b>	<b>89.85</b>	<b>77.763</b>	<b>77.763</b>	<b>100%</b>	
<b>Capital</b>					
Capital	25.15	9.057	9.057	37%	The low Utilization was due to the limited time period unable data base system.
<b>Grand total</b>	<b>115</b>	<b>86.82</b>	<b>86.82</b>	<b>84.86</b>	

## **12. HUMAN RESOURCES AND ADMINISTRATION UNIT**

The OMP strengthen its work force by adding substantial numbers and maximized the efficiency in the head office in Colombo as well as its regional offices in Killinochchi, Mannar, Matara, Jaffna, and Batticaloa in order to give a maximum service to the members of the missing person families and the other stake holders. With the establishment of the Regional Offices, OMP has now been able to reach the families in affected districts easily. The OMP is dedicated to ensure that the affected families are treated with sensitivity, dignity, and respect in all times.

Human Resources and Administration Unit is mainly looking after key activities related to monitoring and evaluating the general operation of the OMP including facilitating logistics, events management and all other administrative functions. In addition, Human Resource and Administration Unit frequently engage with the members of the Board, regional offices, State and private sector entities, resulted the OMP was able to revise the scheme of recruitment, staff carde list, recruiting staff on secondment basis, coaching staff Efficiency Bar Exam (EB) and Official languages. In 2023, 12 officials attached to the OMP have successfully completed the EB exam and altogether 23 officials of OMP have successfully passed the second language course.

Further, a partnership was established with National Peace Council (NPC) for Capacity Building initiatives for OMP. Three-day residential workshop was conducted by National Peace Council (NPC) in Colombo to build the capacities of OMP team. Similarly, the NPC and the OMP team have conducted such training programme to the government officials at district level. This project was funded by Canadian Embassy.

The Chairman and the OMP Board members have played a crucial role in decision making, overall administrative functions in engaging multiple levels to carry out essential tasks. The strategic roadmap, workforce reorganization, the inquiry process, and capacity building were just a few of the many subjects that the OMP Board members discussed during their sessions.

The Board members have made an effort to consult operations of OMP and collaborate with staff to perform administrative functions, despite the absence of a unit head for Human Resource Management and Administration. Furthermore, the Board members have handled administrative functions such as recruitment, decision-making of event management, and other essential administrative activities.

### **12.1 Staff Recruitment**

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 noticed that significant number of recruitments were halted. However, we recruited group of people based on essential.

Since its inception, OMP has invested substantial time, effort, and resources in recruiting skilled individuals with the necessary experience to fill positions. During the year 2023, it

was discovered that, despite having a workforce of 255 officers in the approved cadre, there are only 41 officers in the permanent cadre and one officer on contract. Accordingly, in the year 2023 the following, 23 officers were recruited.

<b>Serial Number</b>	<b>Designations</b>	<b>Number of Employees</b>
1.	Head of HR & Administration	<b>01</b>
2.	Head of Protection	<b>01</b>
3.	Internal Auditor	<b>01</b>
4.	Senior Psychosocial Officer	<b>01</b>
5.	Senior Protection Officer	<b>02</b>
6.	Senior Data Analyst	<b>01</b>
7.	Research Officer	<b>01</b>
8.	Victim and Family Support Officer	<b>04</b>
9.	Legal Officer	<b>04</b>
10.	Investigation Officer	<b>04</b>
11.	Senior Investigation Officer	<b>02</b>
12.	Personal Assistant to Chairman/ED	<b>01</b>
<b>Total</b>		<b>23</b>

By the end of 2023, the organization's entire workforce had increased to 41 owing to the recruitment of new officers.

<b>Serial Number</b>	<b>Designation</b>	<b>Total Quantity</b>
1.	Executive Director	01
2.	Head of Human Resources & Administration	01
3.	Head of Data Management	01
4.	Head of Tracing Unit	01



5.	Senior Psychosocial Officer	01
6.	Senior Data Analyst	01
7.	Senior Investigation Officer	02
8.	Senior Protection Officer	02
9.	Internal Auditor	01
10.	Regional Coordinator (Main)	03
11.	Research Officer	01
12.	Legal Officer	04
13.	Victim and Family Support Officer	09
14.	Investigation Officer	04
15.	Personal Assistant	01
16.	Management Assistant	08
<b>Total</b>		<b>41</b>

In the year 2023 the Board members serves as follows:

#	Full Name	Designation
1	Mr. Mahesh Katulanda (AAL)	Chairman
2	Mr. W. Bandara Ganegala	Member of the Board
3	Mrs. S.D. ArfaThassim	Member of the Board
4	Mr. Thambiaiah Yogarajah	Member of the Board
5	Mr. P M W Sampath Perera	Member of the Board
6	Mr. Madhava Jayawardhana	Member of the Board
7	Mr. Jayantha Wickramasinghe	Member of the Board

### **13. Tracing & Investigation Unit**

The Office on Missing Persons has a formal order establishing a Tracing and Investigation Unit. Accordingly, the Tracing and Investigation Unit established is a fundamental Unit of the Office on Missing Persons and operates in accordance with the investigation powers conferred. The Tracing and Investigation Unit take on secondary action on files recommended for further investigation after preliminary inquiries of missing persons.

Its extents several main streams, First, the identity of the missing person and the applicant are investigated. For that, assistance is sought from the Department of Registration of Persons, Controller General Department of Immigration and Emigration, Department of Motor Vehicles, Election Commission of Sri Lanka and District / Divisional Secretariats and other government and non-government agencies.

In the second stage, further missing individual facts, incident, time period, other facts related to the incident will be investigated and for that, information will be obtained from the Sri Lanka Police Department and its line agencies as well as security and intelligence services including the tri forces. Apart from this, according to the information provided by the applicant or the witness, the assistance of the Prison Department as well as the assistance of Ministries, Departments and other non-governmental organizations are also taken for relevant investigations. As at 31st of December 2023, 931 complaints recommended for further investigation, action has been taken on 338 cases. Out of those 338 cases, although further investigations were conducted under the above-mentioned stages, the prepared reports of 50 missing persons have been forwarded to the Criminal Investigation Department for further investigation.

In further investigations carried out so far by the Tracing and Investigation Unit with the assistance of the police department, information has been revealed about the fate of 12 persons who are said to be missing, and in addition, there are 04 files that have been withheld due to the ongoing proceedings in the Court. The details regarding this are as follows.

Description	Alive in Sri Lanka	Abroad Legally	Abroad Illegally	No Longer Missing	Court Case
Number of Cases	06	04	01	01	04

Apart from this, a code of guidelines was drafted as per the instructions of the Ministry of Justice, Prison Affairs and Constitutional Reforms for further effectiveness of Tracing and investigation activities. After the session held with the International Red Cross on 13<sup>th</sup> of December 2023, the guidelines were updated in a compilation and forwarded to the Ministry of Justice.

#### **14. PROTECTION UNIT**

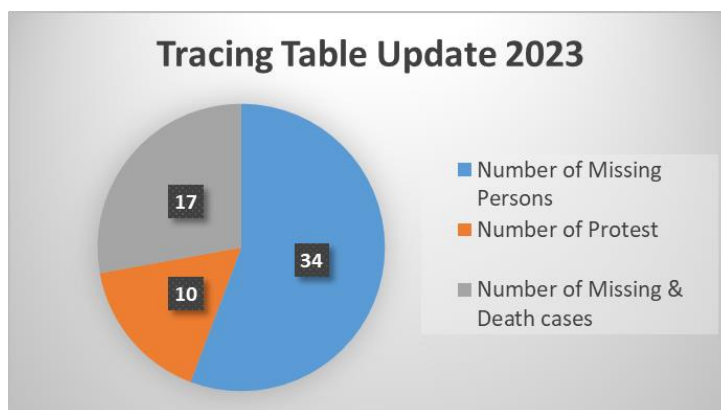
The Protection Unit is the one of main components of the OMP and this includes to develop and enforce a system for victim and witness protection, protecting individuals and enabling their active participation in the process of OMP.

The Protection Unit will be concerned with protecting the physical integrity of individuals, broader protection issues, psychosocial well-being will be addressed in liaison with other Units.

In order for the unit to be effective it will have to take variety of actions including documentation, preparatory planning and establishing safeguards, designing. Also, it urges to implement the standard operating procedures and regulations, risk evaluation, follow up with affected persons of incidents (supporting the protection of persons) and advocacy.

One of the main challenges faced by the Protection unit was the lack of permanent staff. Therefore, it functioned under the Legal unit with one management service officer. This under-staffing has led to difficulties in the related activities, and the Unit has had to work alongside with receive the new complaints, conduct the no mandate inquiries, regularly update the tracking table, and the attending awareness programme for government officials.

The Protection Unit was able to update the tracking table regularly brought forward from the year 2020 to up to now. In the year 2023, 63 cases already updated at the Tracking table which categorized as the conduct of protest in relation to missing persons, number of disappearances and missing or death incident as follows:



The unit has received new complaints and successfully conducted 15 numbers of no-mandate inquiries in the year 2023. Protection Unit engaged with organizing the “Disappearance Day” celebrations in collaboration with VFS unit on 30th August 2023.

The Protection Unit is mainly looked after the entire protection process of conducted inquiries for 5,791 families of missing persons, members of the inquiry panels, inquiry premises and related documents as well as security related to the entire operational process of the OMP in collaboration with Sri Lanka Police and military officials.

Further, the Protection Unit was involved in seeking further information and verification process conducting the meeting with CSOs/State sectors and Sri Lanka Police for follow-up cases and drafted documents and other related information saved by/shared with the Protection Unit. Overall, the Protection Unit plays a vital role in the OMP’s mission to bring protection to the families of missing persons, staff of the OMP, related officials, data or any other premises related to the OMP. In the year of 2023, the OMP has conducted six media briefings, three media releases, and four interviews in which the progress of the OMP were updated to the general public and the misconception related to the preliminary inquiry process were clarified.

## **15. STRARGIC PLAN, COMMUNICATION AND OUTREACH UNIT**

The OMP's mandate is to raise public awareness of the reasons behind missing and disappeared people, as well as their incidence and impact, and to mobilize support for helping their families. Since its founding in 2018, the OMP has developed a communications and outreach strategy to increase knowledge of the OMP's mission and activities, generate awareness of the effects of disappearances, highlight the need for society and the government to protect the rights of those who are missing or vanished and their families, and dispel myths about the OMP. To do this, the OMP has made sure that through outreach materials in both physical and digital media, the families of the missing and disappeared, important stakeholders, and the general public can learn about the OMP's activities.

All activities were carried out and supervised by the appropriate units in accordance with the allocations given to individual units in the Annual Action Plan because the Communication

and Outreach Unit has not yet been established. The Board members managed the press conferences, media appearances, and written and verbal communications.

### **15.1 Report on Assessment of Needs of the Office of Missing Persons of Sri Lanka**

The OMP with the support of IOM, Office of the Resident Coordinator, and Civil society Organizations conducted an assessment of the needs in 2023. The report provides an assessment of the institutional capacities and technical tools at the disposal of the institution charged with establishing the fate and whereabouts of persons disappeared or missing in relation with the conflicts experienced in Sri Lanka. This assessment has been carried out between April and July 2023; and the findings were presented to the board and the staff in October 2023. The final report is shared with the OMP in November 2023.

The process was guided by good practices learned in the field of transitional justice including contextual specificity, the centrality of victims, the value of consultation, objectivity, comprehensiveness and confidentiality. The methodology combined analytical and interactive activities. The analytical approach included the desk review of the legal mandate of the OMP, its annual reports, managerial information, academic articles and review of press. The review included documentation created at the time of the OMP establishment, such as the report of the Consultation Task Force and planning documents of the Secretariat for the Coordination of Reconciliation Mechanisms and international reports on human rights in Sri Lanka.

The interactive approach interrogates the perspectives on the OMP from the standpoint of key stakeholders in the institution, in civil society, including victim organizations and government, using structured interviews. The interviews sought to identify the understandings of the OMP mandate, awareness of challenges, levels of trust and identification of the conditions that would be most conducive to a productive tenure by the OMP.

The consultancy team interviewed various stakeholders in conducting this study. This included current and former and current officials of the Office on Missing Persons (OMP), Secretariat for Coordinating Reconciliation Mechanisms (SCRM), Consultations Task Force (CTF), Office for Reparations, United Nations, Sri Lanka as well as- representatives Victims, families/relatives of the missing and Civil Society.

### **15.2 The OMP's presence at the Commission of Inquiry<sup>13</sup> to Investigate and Inquire into the Findings and Recommendations of the Preceding Commissions and Committees**

On accountability, both the interim Report and the final report of the Commission of Inquiry to Investigate and Inquire into the Findings and Recommendations of the Preceding Commissions and Committees appointed to investigate into serious human rights violations of the international humanitarian law and other such serious offences, headed by Justice Nawaz was presented to H.E. the President on 21 July 2021, and the OMP has presented its progress to the Committee and while appreciate all the efforts taken up by the OMP

especially the development of strategic framework<sup>14</sup>, the key accomplishments were highlighted in its reports along with the findings and recommendations.

The findings and the recommendations of those two important documents will be taken into account by the OMP in early 2024, and will be translated into action/projects with the support of the donor agencies. And those recommendations will guide the strategical framework of the OMP<sup>15</sup>.

### **15.3. Engagement with the Media**

A media conference was held on the 30th of August in commemoration of the International Day of the Victims of Enforced Disappearances.

### **15.4 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 2023, the OMP had 2,088 followers on Twitter and around 5,000 followers on Facebook

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<sup>14</sup> [https://www.moj.gov.lk/images/OMP/Docs/Strategic\\_Road\\_Map.pdf](https://www.moj.gov.lk/images/OMP/Docs/Strategic_Road_Map.pdf)

<sup>15</sup> The OMP is in the process of revising its Strategic Road Map in the mid of 2024

## 16. RIGHT TO INFORMATION

In compliance with the Right to Information Act No. 12 of 2016, Office on Missing Persons is committed to ensuring transparency and accountability in its operations. Throughout the year 2023, the organization diligently responded to information requests in accordance with the provisions outlined in the Act. The following highlights our performance in this regard:

No	Subject	Count
1.	Number of Information requests in 2023	27
2.	Number of requests for which information has been provided fully	18
3.	Number of requests for which information has been Provided N/A partially	N/A
4.	Number of Information requests refused or detained in terms N/A of Sec 5 of the Act	N/A
5.	Number of Information requests denied, other than for reason) contained in Section 5 of the Act (e.g., non, availability of information)	01
6.	What is the average time (Number of working days) taken to respond to an information request?	N/A
7.	How many information requests were received by post?	17
8.	How many information requests were received by e-mail?	N/A
9.	How many information requests were received by any other means other than by post or e-mail?	N/A

OMP remains committed to upholding the principles of transparency and accountability enshrined in the Right to Information Act No. 12 of 2016. OMP recognize the importance of facilitating access to information for the public and will continue to improve our processes and practices in this regard.

## 17. THE CHALLENGES IN 2023

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.

Further, the OMP faces several challenges where one is the synchronization process of the previous commission reports and testimonial records which consume more working hours. For an instance, a trained social worker for a day in average can only manage 15 files maximum. Even though OMP has succeeded in recruiting and hiring middle management cadres, it still faces difficulties in hiring higher management levels cadres as well as junior management level.

## **18. APPRECIATION**

The OMP has been very significant in terms of reaching the progress in terms of overall work plan and the strengthening of the organization. OMP has been able to finalize the strategic plan in this year 2023 where more than 92% of the alleged complaints relating to Phase 1 has been testified according to the testimonials from the applicants and witnesses. Further the Tracing and Investigation unit and Family support unit has been established with a workforce.

However, in order to strengthen the contractual obligations between the people and the OMP, more concrete steps need to be taken so that the OMP would be able to heal the affected community.

Finally, this foundation which has been laid down by the board members, staff and the partner organizations will certainly create new pathways for greater achievements and better realization of the OMP mandate.