THE OFFICE FOR REPARATIONS
SRI LANKA

ITS OBJECTIVES, ITS MANDATE AND ITS WORK

Office for Reparations
No.408, Galle Road, Colombo 03.
FROM THE CHAIRPERSON

The Members of the Office for Reparations considered the vital need to clarify the new approach to the grant of relief to aggrieved persons, as provided for in the new law titled Office for Reparations Act, No. 34 of 2018 of Sri Lanka. Most importantly, it is considered necessary to disseminate accurate information about the new Office, its mandate and its scope of work, so that persons who desire to access relief measures can do so with full knowledge of what is required of them and what can be expected from the Office for Reparations. It is also considered important to have a ready reckoner such as this document to create awareness among other stakeholders who are interested in our work and to obviate the need for them to delve in to the detailed text of the statute itself. Those who aspire to understand the reparations regime in Sri Lanka may find this nutshell account a useful first resource.

Most importantly we wish to provide information to those who wish to seek relief, and hence the questions and the answers in this booklet have been kept simple and devoid of complexities that the usual statutory interpretation requires.

I wish to acknowledge with gratitude the assistance received from the International Organisation for Migration (IOM) for bearing the printing cost of this booklet. It is indeed a significant support towards our outreach efforts.

Further information regarding the Office for Reparations and its work may be accessed from the website at www.reparations.gov.lk

Dhara Wijayatilake
March, 2021
Mrs. Dhara Wijayatilake, Attorney-at-Law, Chairperson.
A Lawyer who served in the Public Service of Sri Lanka for over forty years, Mrs. Wijayatilake holds the distinction of being the first woman to be appointed as a Secretary to a Cabinet Ministry with her appointment as Secretary to the Ministry of Justice (1994). She also served as the Secretary to the Ministry of Plan Implementation and Ministry of Technology and Research. She has served as a Member of the Law Commission of Sri Lanka and as a Member of the National Commission on Women. Upon retiring from Public Service, Mrs. Wijayatilake functioned as the CEO of the Ceylon Chamber of Commerce (2016-Jan 2020). Mrs. Wijayatilake served as a Member of the Public Service Commission (2015-Apr. 2019) and resigned to assume the post of Chairperson of the Office for Reparations. She also served as a Non-Executive Director and later Deputy Chairperson of Sampath Bank PLC.

Dr. J. M. Swaminathan, Attorney-at-Law, Member.
A Lawyer of over 55-years standing, Dr. Swaminathan served on the Law Commission of Sri Lanka, Council of the University of Colombo and the Council of Legal Education. Dr. Swaminathan is also a Member of the Intellectual Property Law Advisory Commission of Sri Lanka and a Member of the Company Law Advisory Commission, and also serves on the Boards of several Public and Private Companies. Dr. Swaminathan was the Precedent Partner of the Law Firm of Julius & Creasy and currently continues as a Partner of that Firm.

Mr. A. A. M. Fathihu - Member.
A former Chief Valuer of the Government Valuation Department, Mr. Fathihu has over 40-years of experience in the Public Service of Sri Lanka and presently serves as the President of the Institute of Valuers of Sri Lanka.

Ms. Sellathamby Sumithra – Member.
A freelance Consultant, Psychological Counsellor and a Researcher on Gender Issues, Reconciliation and Disability for over 10 years, Ms. Sumithra is a visiting lecturer at the Eastern University of Sri Lanka in the fields of Philosophy and Psychology. She also serves on the Boards of Civil Society Organizations.
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1. THE OFFICE FOR REPARATIONS – ITS OBJECTIVES AND ITS MANDATE

1.1 What is the Office for Reparations?

The Office for Reparations was established in terms of the Office for Reparations Act No. 34 of 2018, which was passed in Parliament and came into operation on October 22nd, 2018.

This is the office set up by Government to consider the situation of persons who were or may be affected by certain categories of conflicts and circumstances that occurred in the country or may occur in the future and to provide relief to such persons. These conflicts and circumstances are referred to in this document as “recognized circumstances.”

“Reparations” is another term for “relief” or “redress” and the affected persons are referred to as “aggrieved persons.”

1.2 With what objective was this law passed?

The intention is to assist citizens who have suffered loss or damage to rebuild and restore their lives.

The Office for Reparations Act recognizes that “a comprehensive reparations scheme anchored in the rights of all Sri Lankans to an effective remedy will contribute to the promotion of reconciliation for the wellbeing, and security of all Sri Lankans including future generations.”

1.3 What is the structure of the Office for Reparations?

The Act provides for the appointment by the President of five Members on the recommendation of the Constitutional Council, one of whom is appointed as the Chairperson. The Members are responsible to ensure that the policies in the Act are implemented. The first five Members were appointed by the Constitutional Council in April, 2019 for a term of 3 years.

The Secretariat of the Office for Reparations comprises supporting staff to implement its policies, programmes and plans. The Office for Reparations can also establish Regional offices to discharge its functions.
1.4 What are the main features of the Office for Reparations Act?

The Act provides for details regarding who an aggrieved person is, what kind of reparations can be granted as relief and also the categories of conflicts and circumstances that occurred or may occur in the future (referred to in this document as “recognised circumstances”) which resulted or will result in causing loss or damage for which reparations can be granted.

Reparations can be granted to individuals as well as to groups of persons (collective reparations) in compliance with the Policies and Guidelines that are approved by the Cabinet of Ministers. For this purpose, the Members are required to formulate and recommend Policies and Guidelines to the Cabinet of Ministers after consulting with stakeholders.

The Guidelines for the disbursement of funds to aggrieved persons which are also formulated by the Members, are required to be approved by Parliament.

The mandate of the Office for Reparations covers not only grievances arising from past incidents, but also grievances that may be suffered due to incidents that may occur in the future due to the occurrence of any of the recognized circumstances. It therefore addresses not only past incidents, but also looks to the future.


1.5 Will the Office for Reparations punish the wrong doers?

The Office for Reparations is not an investigative or judicial body. The Office for Reparations will not investigate allegations of wrongdoing or findings by any person. The task of the Office for Reparations is to assess the eligibility of applicants for reparations, and to grant suitable individual or collective reparations to such persons.

1.6 Can a complaint be made to the Office for Reparations about an offence committed against any person?

The Office for Reparations cannot look into complaints of criminal offences to determine whether any persons should be prosecuted. Such a complaint will need to be made to the Police, which is the appropriate law enforcement authority to investigate such complaints.
However, a person who has suffered personal injury or emotional abuse or any other loss or damage as a result of the criminal conduct of a person during the occurrence of a recognized circumstance, can make an application to the Office for Reparations for relief. The Office for Reparations will examine the application and, where it is established that the applicant is an aggrieved person, the Office for Reparations will assess the needs of the person and consider the grant of relief that will be meaningful to the person to rebuild his or her life. However, there will be no investigation to come to a finding regarding the guilt or innocence of any person who is alleged to have committed a crime.
2. AGGRIEVED PERSONS

2.1 Who is an ‘Aggrieved Person’?

An ‘Aggrieved Person’ is one who has suffered ‘loss or damage’ due to the occurrence of any of the following circumstances:

c. due to the armed conflict which took place in the Northern and Eastern Provinces or due to the aftermath of that conflict; or
d. due to political unrest; or
e. due to civil disturbances; or
f. due to the enforced disappearance of a family member.

In this document, these circumstances are referred to as “recognized circumstances.”

An “aggrieved person” is either –
a. the person who has suffered loss or damage due to the occurrence of a recognized circumstance; or
b. where a person has died or a person has disappeared and cannot be found due to the occurrence of a recognized circumstance, the following relatives of that person -
   i. spouse
   ii. child
   iii. parent
   iv. brother or sister
   v. parent-in-law, brother/sister-in-law, son/daughter-in-law
   vi. grandchild and grandparent

2.2 What is “loss” or “damage”?

“Loss” or “damage” is caused to a person (an aggrieved person) where, due to the occurrence of a recognized circumstance, that person -
a. has lost a family member due to death; or
b. has lost a family member due to the disappearance of that family member who has never been found; or
c. has suffered harm or injury, either physically or mentally; or
d. has lost movable or immovable property that was owned by the person or the property has been damaged.

2.3 How will the Office for Reparations identify aggrieved persons?

The Office will entertain applications with supporting documents, process them and decide on the relief to be granted to aggrieved persons.
2.4 Can a group of persons be considered as “aggrieved persons”?

Yes, where a group of persons or a community has collectively suffered loss or damage, due to any recognized circumstance, the group or community will be considered to be aggrieved persons.

2.5 Are members of the security forces and their families considered as ‘aggrieved persons’?

Yes. Members of the security forces and their families, who have suffered loss or damage, due to the occurrence of any recognized circumstance, are considered to be “aggrieved persons.”

2.6 Are reparations available only to those who were living or are still living in the North and East of the country?

No. There is no geographical criterion to identify those who will be given relief. There’s nothing to state that only those living in any particular area of the country should be granted reparations. If any person has suffered loss or damage, due to any recognized circumstance, that person or his/her relative is entitled to reparations wherever he/she lives or lived in the country.

The Office for Reparations Act envisages that all communities and persons living in all regions of the country be served. The Office for Reparations is not set up to address grievances of persons who have suffered due to any one particular incident, or era or region of the country.
3. REPARATIONS

3.1 What is “reparations”? 

“Reparations” is another term for relief or remedies or redress.

3.2 Is the grant of reparations a new initiative of the Government?

No. The concept of compensating persons who suffered loss or damage or lost a relative due to circumstances beyond their control, such as due to conflict situations or due to natural disasters, has long been accepted by our Government. As far back as 1987, this policy of granting compensation was recognised by law with the enactment of the Rehabilitation of Persons, Properties and Industries Authority Act, No. 29 of 1987. We call it the REPPIA Act.

3.3 Why was a new Reparations Act considered necessary?

The REPPIA Act provided for the grant of monetary compensation. The new Office for Reparations Act provides for relief that goes beyond granting monetary compensation. It deals with assisting people in many other ways, including through psycho-social support and through recommendations to the appropriate Authorities to provide communities with facilities such as schools or roads, or access to market places. It recognises the need to respond to real issues faced by aggrieved persons by assessing their level of need, and to provide meaningful relief that will help aggrieved persons to rebuild and restore their lives.

Importantly, it provides for granting of reparations to people affected by conflict, civil disturbances and political unrest, and not due to natural disasters or private disputes. There is an acceptance that providing for meaningful relief in this way will contribute to reconciliation among our people who were affected by the conflict that occurred.

3.4 What kind of relief will be offered as reparations?

The type of reparation will depend on what’s required to assist aggrieved persons, whether they are individuals or communities, to rebuild and restore their lives. Reparations could be in the form of any of the following. monetary and material benefits;

- monetary and material benefits;
- support towards education, acquiring skills;
- new opportunities to earn a livelihood;
- assistance in securing land and housing;
- development of infrastructure and basic amenities;
• medical and psycho-social support;
• means of remembrance of deceased persons

3.5 Does the Office for Reparations have the power to build roads and schools?

No. If the Office for Reparations determines that a community that has suffered loss or damage would benefit by better access to education for the children or by better road connectivity, then the Office for Reparations will make a recommendation to the appropriate Government Authority to provide the relevant facility.
4. APPLICATIONS FOR RELIEF

4.1 What does an aggrieved person have to do to get reparations?

An aggrieved person will need to apply for reparations. He or she will need to fill an Application Form and submit documents to confirm that loss or damage was in fact caused. The submission of documents to establish the grievance is important.

The Office for Reparations will consider these Applications and decide whether the Applicant is eligible for reparations and if so, what relief should be given.

If the Applicant has been granted any relief previously, this will be considered in deciding what further assistance the Applicant needs.

4.2 Is it necessary to travel to Colombo to make an application?

No. The Office for Reparations will make arrangements to distribute Application Forms through regional offices and to have the completed Forms collected. The Forms will be available at the Divisional Secretariats and with Grama Niladharis.

Applications Forms will also be available on the Office for Reparations website (www.reparations.gov.lk) and may be downloaded from the website.

An Applicant may also send the completed documents to the Office for Reparations by registered post.

The Office for Reparations will give publicity to arrangements made. Every effort will be made to make it easy for Applications to be submitted.

4.3 Is the application procedure complex? Will a lawyer be needed to make an application?

No. The application procedure is simple. The Application Forms will be available in all three languages.

It will not be necessary to retain a Lawyer to complete and submit an application. The Office for Reparations will make arrangements to assist applicants who need assistance.
4.4 Will an applicant for relief need to give oral evidence before the Office for Reparations?

Neither an Applicant nor any other person will be required to give oral evidence. However, it is very important that all the necessary documents are submitted.

4.5 Will information provided to the office for Reparations, be kept confidential?

Yes. In terms of the applicable laws there is a legal obligation to maintain confidentiality in respect of all information provided to the Office for Reparations by aggrieved persons.

4.6 If an application has been made by a person to the Office for Reparations or if a person has received reparations from the Office for Reparations, is that person prevented from making a complaint to the Police or other Authority regarding a criminal offence committed against that person?

No. Such a person can pursue all the other remedies available, even if an application has been made to the Office for Reparations or the person has been granted relief by the Office for Reparations.

The making of an application to the Office for Reparations for relief, is not a bar to pursuing any other remedy available aggrieved persons.

4.7 If a person has already received compensation from REPPIA, can that person apply for reparations to the Office for Reparations?

Yes. An aggrieved person can apply for reparations to the Office for Reparations even if that person had already received compensation from REPPIA or even from the Office for Reparations. However, in granting suitable reparations, any previous relief received by the aggrieved person by way of monetary compensation from REPPIA or the Office for Reparations, or any other relief from any other source, will be taken into consideration.

4.8 If a person has already received relief from the Office for Reparations but is not satisfied, can that person make another application to the Office for Reparations?

If an application has already made and the applicant aggrieved person has been granted relief, it’s not necessary to make another application. The Office for Reparations looks to assist aggrieved persons in the best way possible. The Office
for Reparations may be able to assist further depending on the circumstances of the applicant and the availability of resources to assist. It’s therefore advisable for a person who is not satisfied with the relief already granted, to contact the Office for Reparations and discuss concerns.

4.9 If a statement has already given to the Office on Missing Persons will it be necessary to give another statement to the Office for Reparations?

The Office on Missing Persons (OMP) will refer its recommendations regarding granting of reparations to the Office for Reparations. The Office for Reparations will act on such recommendations. Therefore, if a statement has already been made to the OMP, it is not necessary to make a separate application to the Office for Reparations.

4.10 From where can more information be obtained regarding the status of an application already made?

On receipt of an application at the Office for Reparations, the Applicant will be informed of the Number which will be assigned to the Application. The Applicant can call the Office for Reparations and make inquiries with regard to the status of the application.

In this regard, to obtain more information, the Applicant can refer the registration No. provided when submitting the Application and contact the Office for Reparations through the below given details:

**Office for Reparations**
No. 408, Galle Road
Colombo 03.
Tel: 011-2575803/011-2575813
Email: info@reparations.gov.lk
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