

**REPORT ON THE FACT FINDING  
MISSION TO THE NORTH & EAST OF SRI  
LANKA TO ASSESS THE STATE OF  
DISPLACED PERSONS**

**SOUTH ASIANS FOR HUMAN RIGHTS  
(SAHR)**

**AUGUST 2007**



# CONTENTS

Foreword	3
About South Asians for Human Rights (SAHR)	4
Background and Current Situation	5
Summary of Findings of the Mission	7
Recommendations	14
Regional Reports	
Batticaloa, Kalmunai and Akkaraipattu	21
Vavuniya, Mannar and Puttlam	31
Trincomalee and the Border Villages	36

## FOREWORD

This report on the state of displaced persons in the North and East of Sri Lanka analyses the security condition and concerns of those who live in makeshifts and camps in conflict affected areas. It provides an overview of the current ground situation, i.e. the altered displacement landscape, and the dynamics which shape the distribution of aid and resettlement. In doing so it highlights the manner in which resettlement, sometimes forced resettlement, is changing the ethnic composition of certain areas, and being used to establish the political dominance of certain parties/segments of the population.

The usefulness of this report lies in the fact that while it sets out the current living conditions of displaced persons (right to life, liberty, food, water etc.) it also provides an analysis of the causes of displacement within the framework of the human security vs militarisation debate.

During the fact-finding mission all attempts were made to address the concerns of Sinhala, Tamil and Muslim communities with regard to displacement and security issues.

I hope this report will function as a useful advocacy tool for those working to protect and promote human rights, in particular the rights of displaced persons.

IK Gujral  
Chairperson  
August 8, 2007

## **ABOUT SOUTH ASIANS FOR HUMAN RIGHTS (SAHR)**

South Asians for Human Rights (SAHR) is a democratic regional network with a large membership base of people committed to addressing human rights issues at both national and regional levels. SAHR seeks to contribute to the realization of South Asian peoples' right to participatory democracy, good governance and justice by strengthening regional response, including regional instruments, monitoring human rights violations, reviewing laws, policies and practices that have an adverse impact on human rights, and conducting campaigns and programmes on issues of major concern in the region.

SAHR comprises both institutional and individual members. An elected bureau works as the organisation's executive body while a membership committee oversees enrolment of members. The SAHR Chairperson and Co-chairperson are Mr. I.K Gujral, former Prime Minister of India, and Dr. Hameeda Hossain of Bangladesh, respectively. The secretariat is in Colombo, Sri Lanka. Chapter offices are located in Colombo, Dhaka, Kathmandu, Lahore and New Delhi.

The bureau consists of the following members:

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Nepal- Dr. Devendra Pandey, Vijay Singh, Mohammadi Siddiqui  
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# REPORT ON SAHR FACT FINDING MISSION TO THE NORTH AND EAST OF SRI LANKA TO ASSESS THE STATE OF DISPLACED PERSONS

## Background and Current Situation

The last eighteen months has seen increased fighting between the armed forces of the government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE). The last year, in particular, has been marked by intense fighting including aerial bombardments in the East of the country leading to massive displacements of civilians in the area. Concerns regarding the manner in which civilians were originally displaced, their treatment and safety while displaced and, more vitally in the long term, the conditions of their return have all been controversial.

Beginning with the bombardments of the Sampur area in April 2006, we have observed massive shifts in population.<sup>1</sup> The situation worsened in late July/ early August last year when fighting led to a mass exodus of people from Muttur. The impact of this particular displacement was further exacerbated by allegations of the killing of fleeing Muslims by the LTTE,<sup>2</sup> the death of several Muslims in a multi barrel attack by government forces and the massacre of 17 aid workers from the French Relief Agency, Action Contre la Faim (ACF) who stayed behind in Muttur and the difference in the amount of compensation paid out by the government of Sri Lanka immediately after the cessation of fighting in mid August to Sinhalese farmers for crops ruined due to closure of the Mavil Aru dam by the LTTE and those displaced (mainly Tamil and Muslim) in Muttur due to the fighting.

Despite the fact that many moved after receiving notices from the government regarding potential fighting, preparedness to deal with displacement was inadequate. More disturbing however, were reports, both of forced return of the displaced to their home areas, (mainly in order to establish the government claims that particular areas were now totally within its control), and the compulsion (mainly by the LTTE) that people remain in their home areas despite fighting. Both attitudes showed absolute disregard for the material and physical safety of civilians.

The politics of the Eastern part of Sri Lanka, always controversial, has now been further complicated with the split within the LTTE. The breakaway Karuna group which assists the government forces in their security efforts in the East is also involved in establishing its own hegemony upon the people of the East. The people of the east seem to be stuck between parties in a contestation for power and control of their lands.

It is in this context, especially following reports that humanitarian agencies and even inter-governmental bodies are unable to visit the areas most affected by the conflict in order to guarantee security safety and the decent treatment of the displaced, that SAHR

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<sup>1</sup> Report on Field Visit to Kantalai and Serunuwara: (Trincomalee District, Eastern Province Sri Lanka) 26 Aug 2006, at <http://www.reliefweb.int/rw/rwb.nsf/db900sid/EK0I-6U94L7?OpenDocument>

<sup>2</sup> Hubris and Humanitarian Catastrophe, UTHR Special Report No.22, 23 Aug 2006 at <http://www.uthr.org/SpecialReports/spreport22.htm>

decided to undertake a fact-finding mission to the North and East of Sri Lanka. When it was planned, our intention was to ascertain the situation of civilians, especially in the East. Since then, there is a general sense that the fighting will now shift to the North of the country, probably leading to more pressure on civilians. It is hoped that this report will thus, not only address the immediate issues highlighted in it but also lead to better co-ordination of humanitarian aid and a general sense of preparedness for displacement in this continued war.

## **Methodology**

The 5 day long fact finding mission, from June 8<sup>th</sup>-13<sup>th</sup>, 2007 was carried out by 3 groups consisting of 4 members each, 2 Sri Lankans and 2 South Asians. South Asian mission members were Sahba Husain, Radhika Mukerji, Dr. Aruna Upretty, Nuzhath Kidvai, Aishath Velizinee and Lubna Marium. The Sri Lankan team consisted of Rukshana Nanayakkara, Ambika Satkunanathan, Kumudini Samuel, Anberiya Hanifa, Dhanukshi Jayawickreme, Dushiyanthini Kanagasabapathipillai and Shreen Saroor.

The geographical areas covered are Batticaloa, Kalmunai and Akkaraipattu, Vavuniya, Puttlam and Mannar as well as Trincomalee, Muttur and the 'border' area of Kabetigollawa and Morawawe in the contiguous district of Anuradhapura. The mission met with Internally Displaced Persons (IDPs), government officials, community groups, non-governmental organizations, international non-governmental organizations and UN agencies.

For reasons of security the identities of the persons/groups the mission met have been withheld. The structure of each field report varies as they were shaped by the issues at the sites visited and the narratives of the interviewees.

## SUMMARY OF FINDINGS OF THE MISSION

The SAHR mission focused on Internally Displaced Persons (IDPs), since the process of displacement creates a climate which is conducive to the perpetration of all forms of rights violations, and particularly because minorities constitute the majority of displaced persons. Although the mission's brief was to concentrate on the larger, political aspect of displacement rather than the day-to-day life of the displaced, as the narratives highlight, it was difficult to separate the two. In the case of displacement, the every-day, ordinary, personal life of the displaced and the political dynamics of displacement are enmeshed and interlinked. Also of particular relevance were the gendered consequences of displacement.

The element of fear has had a major impact on the people and their lives. Most people said that the multiplicity of actors -GOSL, LTTE, TMVP, EPDP- made it difficult for them to negotiate the simplest activities on a day to day basis. The mission found that despite such a high element of fear leading to the radicalization of some sections of all communities, whereby they resort to extreme forms of responses as they believe no just solutions can be obtained, there were also individuals who had a nuanced and in-depth understanding of local realities and were firm in their belief that a negotiated settlement was the only way forward.

The findings of the mission reveal the manner in which IDPs are often used as pawns by both state and non-state actors, in clear violation of basic principles of humanitarian law. Various agencies working amongst the IDPs and advocating on their behalf have also been the target of both warranted and unwarranted criticism, and at times intimidation and harassment by both state and non-state actors.

The increase in the presence and activities of the LTTE splinter group Tamil Makkala Viduthalai Pulikal (TMVP)/Karuna Group, has also had an impact on displacement, return and resettlement. Further, continued internecine violence within the Tamil armed groups such as the reported split within the TMVP, (where commander Pillayan issued a warning to Karuna to leave the group or face being removed by force), only added to prevailing insecurity in the region and heightened the threat of forced recruitment of adults and children by both factions.

### **Response to IDPs Needs**

Visits to the IDP camps and welfare centres illustrated the inadequacy of the response of both government and non-governmental aid agencies. The large numbers and the sprawl of many camps required very well managed services and a co-ordinated relief response, which the local officials were trying desperately to accommodate. However it seemed very obvious, for instance at the Killivedy camp, that they were over stretched, under staffed and had insufficient capacity to deal with enforced displacement of such magnitude. The living conditions in most camps were cramped, and sanitation facilities dismal. In many instances temporary shelters were constructed with materials, such as tin sheets, which are unsuitable for the searing temperatures in the region. Some camps had irregular supply of food, such as Killivedy and Kinniya, leading to deteriorating health conditions among inmates, especially children, pregnant and lactating mothers. Since many camps were situated in isolated spots, the IDPs didn't have access to water,

schooling, employment opportunities and health facilities. The location of the camps also created a sense of insecurity amongst the people as they felt isolated and cut off from the rest of the community. In some cases camp conditions were so unbearable, such as at Killivedy, that some families the mission spoke to said they would rather go back to their villages even though they had grave fears about renewed fighting and uncleared landmines.

The state of the camps also highlighted the lack of coordination between and amongst INGOs, NGOs and the government. This was sometimes exacerbated by a lack of knowledge of local context and politics, which restricted the ability of the agencies to respond effectively to the actual needs of the population as opposed to perceived needs of a generic IDP population. Sometimes provision of aid by INGOs created a dependency on 'aid' among the affected people. There have also been cases where increased violence, in particular targeted violence against humanitarian workers, has led to discontinuation of the presence of aid agencies or reluctance to work in the area. For instance, the Muslims in Muttur noted that following the massacre of 17 Action Contra Faim (ACF) aid workers in August 2006, NGOs were reluctant to come into the area resulting in the local populace being deprived of humanitarian assistance.

### **Return and Resettlement**

The government began resettling people in the Batticaloa West region in three phases, with the first phase beginning on 14 May 2007. The entire process was completed in mid June. The resettlement process has been controversial with allegations of forced resettlement, inadequate support to the newly resettled and imposition of policies which restrict the freedom of movement of resettled persons. Minister Hakeem of the Sri Lanka Muslim Congress, a minority party at present aligned with the government, made a statement during the emergency debate in Parliament on the 06<sup>th</sup> of June, 2007 that he had credible information that authorities were forcibly resettling those displaced by conflict.

Following a claim that the East has been liberated from the LTTE, the government announced plans to return all people displaced in the East. However, many IDPs the mission members spoke with, did not wish to return at the time because they feared for their safety as they felt conditions, both material and security, were not conducive for return. For instance, many IDPs the SAHR mission met, such as persons from Vavunaitheevu, one of the new resettled areas, did not want to return at the time, as sporadic clashes continued between the SLA and the LTTE. The word 'return' was conspicuously absent in the language used by the INGOs and the displaced themselves to describe the situation (such as relocation, resettlement and permanent housing). Local groups on the other hand, cast doubts on the voluntary nature of return. The only instance the word was used in the discourse was when the displaced categorically said they did not wish to return until a solution is found to the conflict and arrangements are made for an honourable return.

Most of these people were not given a choice regarding return. Residents from the Trincomalee district who fled to Batticaloa and were in camps at Valaichenai, Eravur, Chenkaladi and Batticaloa were moved to Killivedy by the government in the weeks preceding the mission's visit. They had been told that they were being transported to their home villages but were instead brought to the transit camp in Killivedy. The

mission was told by many people at the camp that they did not wish to move to yet another transit location or camp but had no choice since they were not consulted. Nor were they taken on go-see assessment visits to their homes prior to return. As the regional mission reports below will illustrate, in the majority of the camps visited by the mission, the IDPs were merely instructed by the Grama Sevakas that they would be returned to their places of origin on a certain date. The role of INGOs and particularly, the United Nations High Commissioner for Refugees (UNHCR), which is supposed to function as a coordinating agency in Sri Lanka, falls short of what is required of aid and protection agencies. Above all, interviews with both IDPs and local groups revealed that advocacy by UNHCR on this issue was inadequate. Further, the statement by UNHCR that resettlement was taking place in line with international protection standards was utilised by the government to silence critics, particularly local critics of the return process.<sup>3</sup>

The haste with which return took place has meant that material and security conditions in the areas have been less than conducive to resettlement. Issues include lack of facilities in the areas, inability to resettle people who live in the interiors due to security reasons, inadequate provision of support to the resettled and lack of access to INGOs and NGOs to the areas. The lack of access continues to be a problem to both local and international groups with the government putting in place additional restrictions upon the activities of aid agencies. This is compounded by the absence of a number of regular government officials appointed to serve in these areas, many of whom opt not to reside in these unsafe locations or refuse to take up regular postings. Increased militarization of the Eastern province also lends itself to the creation of an environment which is conducive to military oversight and control of civil society and non-governmental organisations.

### **Militarization and (In) Security Issues**

Increased militarization of the region was visible in the form of military checkpoints and the active engagement of the military in the return, resettlement and rehabilitation processes. From the appointment of military personnel to high posts in the Provincial Council of the Eastern Province<sup>4</sup>, such as the Governorship, to military oversight of INGO activities, a militarized civil administration appears to exist in the East. Mission members noted the presence of armed men in civilian clothing at the District Secretariat Office in Batticaloa. Due to the presence of armed groups functioning in the area there is no way of determining whether they were members of the Sri Lanka Army, Special Task Force (STF) or the Karuna group. In other areas of the East, such as Kalmunai mission members also saw men in civilian clothing carrying guns boarding public buses and patrolling the streets. When an armed person who is a member of the army or a paramilitary group boards or attaches himself to a civilian object he effectively transforms the object into a military target. This creates a sense of insecurity amongst the public and contributes to the atmosphere of tension, lawlessness and impunity. Mission missions (in all three areas) were informed that the armed forces often establish camps on private property without paying rent or compensation to owners. Public property such as temples, schools and hospitals, have also been taken over by the armed forces thereby denying the public access to, and the use of, these spaces.

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<sup>3</sup> <http://www.reliefweb.int/rw/RWB.NSF/db9000SID/LSGZ-738DLS?opendocument>

<sup>4</sup> Trincomalee GA is also retired military officer.

In many of the border villages, i.e. the areas adjoining or contiguous to the conflict affected Northern and Eastern provinces, most if not all families have a connection with the military apparatus. In the village of Morawewa every family the team interviewed had some connection with the armed forces. Almost all the women the mission spoke with either had a family member who was directly attached to the armed forces (as a soldier or home guard) or worked for the forces in another capacity (casual labourers, cooks).

The displaced people's narratives clearly illustrated increasing disregard for the safety and security of civilians by both the GOSL and the LTTE. The attack on Muttur and ensuing forced mass displacement of August 2006 was still a major issue for all Muslims the mission spoke with. They were especially insistent that the government conduct an independent investigation into the killing of 63 Muslims during the fighting between the GOSL and the LTTE from August 2<sup>nd</sup> to 4<sup>th</sup> in Muttur.<sup>5</sup> The Muslims were also concerned that they were not able to give proper testimony to the Presidential Commission of Inquiry into Serious Violations of Human Rights, when they visited the area. The people alleged that a number of army officers accompanied the Commissioners, due to which many witnesses did not come forward. They were critical of the Commissioners who they felt should have asked the military to leave if they wished to hold an independent and impartial investigation without jeopardizing the security and lives of witnesses. The Muslims in Muttur also condemned the attack by the military and navy who launched Multi-Barrel Rockets (MBRs) into densely populated Muttur in response to the LTTE attack on the Trincomalee Naval Base resulting in a large number of civilian deaths and damage to homes and infrastructure. The Muslims were concerned that their request to the government to include the incident of the massacre to the 17 being investigated by the Commission had so far not met with a positive response.

### **Minority Fears and Land Issues**

The current wave of displacement, return and resettlement has also led to fears amongst the minority communities about state sponsored colonization programmes and alteration of administrative boundaries in the region, which they believe seek to change the ethnic demography of the province. The cases of state takeover of minority lands (listed in the regional reports) illustrate that the fears are well-founded. Since the Eastern province forms an important part of the area demarcated by the LTTE as the homeland of the Tamil people, i.e. Eelam, state colonization programs have been taking place in the region for years with the aim of changing the ethnic demography and thereby defeating the claims of the Tamil homeland theory of the LTTE. The village of Morawewa in the Trincomalee district is a good example. The villagers the mission members spoke with alleged that settlers have been brought to Morawewa from the south since the 1950s with the promise of land for agriculture and that most owned no significant property in the south prior to the settlement.

The fallout of the political machinations of the government and the LTTE has impacted Sinhalese, Tamil and Muslim civilians, with Sinhalese civilians being subjected to violence by the LTTE, and Tamil civilians being ousted from their lands and attacked by state forces in retaliation for LTTE attacks. Muslim civilians have been the target of both GOSL and LTTE violence. The regional report from the visit to Trincomalee and the

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<sup>5</sup> People's Forum, Muttur.

'border' villages illustrates the volatile and complex local context in the 'border' villages and the problems related to co-existence. The report of the mission to Batticaloa and adjoining areas details the state sponsored land grabbing exercise that is taking place in Pottuvil, the ensuing tension between local communities and the struggle of the Muslim population against the scheme.

### **Discrimination against the Muslim Community**

Discrimination by government officials and processes were also a common complaint, with each community citing discrimination by both the majority Sinhalese and the other minority group. The Muslim community stated that since the northern Muslims were resettled in a relatively safe location like Puttlam, aid agencies and the government do not treat the Muslim IDP issue with the seriousness it requires. Muslim community groups alleged that discrimination against Muslims was common since a significant number of departmental heads in Batticaloa are Tamil. Another example cited by the interviewees was the allocation of post-tsunami land given to Muslims in Ariyampathy by the NHDA, to Tamil IDPs instead. It was pointed out to us that although Ampara is a Tamil speaking majority division, to date a Tamil speaking GA has not been appointed.

The Muslims expressed discontent at their political marginalization both by the State and the LTTE. They were particularly concerned about the one sided negotiations which resulted from the Cease Fire Agreement (CFA); their marginalization from development processes and the discrimination inherent in Tsunami relief and recovery processes. They also contended that it was in the interest of both the state and the LTTE to maintain a state of tension between Tamil and Muslim civilians. The Muslim leaders the team spoke with reiterated that their interests were inter-twined with those of the Tamils as a collective people occupying the eastern province. However, they had no trust in the LTTE, Muslim politicians or the state and insisted that an independent group of civil society representatives had to watch over the interests of the people in the area.

### **Gender Issues**

The SAHR mission also focused on issues affecting women in the context of displacement, return and resettlement, particularly since gender issues are often ignored in the provision of humanitarian aid/support, and because conflict impacts men and women differently.

Women spoke of their experiences from the perspective of the consequences of the conflict on their families and not from the perspective of political losses and gains. Many Sinhala women from the 'border' areas stated they were reluctant to let their sons join the armed forces or other armed groups, but said they had no option because of economic hardships. Women also feared for the safety and well-being of their children, particularly male children and other male members of the family due to forced recruitment by the LTTE and Karuna faction. Increased militarization, the recruitment of young men into home guard units and the presence of guns in the villages, women stated, led to men exercising more violence in the home and in intimate relationships. Women also spoke of the increased presence of military and police personnel in the vicinity of their villages and the sexual demands on women, which at times women had no means of resisting. There is fear amongst families, both within and outside IDP

camps about sexual violence against young women, leading them to arrange 'marriages' for their teenage daughters. Many interviewees noted the high number of under-age 'marriages' where parents either gave consent to marriages of girls over the age of 16 or falsified their ages. Some of these resulted from instances of teen age love affairs and subsequent pregnancies. Often these marriages cannot be sustained and the young men leave their wives and re-marry after a while, leaving many young mothers to take care of themselves and their children. Conflict related frustrations and hopelessness were cited as reasons for early school drop outs, under-age marriage and the gendered consequence of early pregnancy for young girls.

At many camps and welfare sites there were minimal facilities with regard to health issues such as family planning, child bearing and feeding infants. There appeared to have been no preparedness on the part of the state or NGOs to address the inevitable consequences of large scale enforced displacement resulting from concerted military engagement. There were a number of accounts of child-birth in flight and inadequate conditions at camp sites to address the post partum needs of mothers and infants. Women spoke of the lack of privacy in camps and the pressures put on them by husbands who demanded conjugal relations despite the adverse circumstances. They also spoke of their fears for the security of girl children. The mission noted that there did not appear to be a systematic emergency response in place to address the reproductive health needs of women in situations of enforced displacement. Mobile clinics were operational in some instances but were inadequate to deal with the magnitude of the humanitarian crisis. Health services in host communities were seriously overstretched and women's immediate needs with regard to menstruation, birth control and essential clothing such as appropriate underwear and underskirts were often overlooked or neglected. Women also spoke of gender violence in camp situations and the mission came across instances where such violence had been suppressed by management authorities.

The mission also came across a significant proportion of single women or widows, responsible for family welfare among the displaced. These women were often at a disadvantage with regard to accessing services and provisions since they were in relatively powerless positions and had to take whatever was available or given to them. In camp situations the men were better positioned to negotiate with authorities and were more likely to be consulted in decision making or asked to assist with camp matters. There was no definitive mechanism in place to ensure that women were also part of decision making processes in relation to camp administration and in relation to decisions with regard to the well being of the displaced.

In relation to forced recruitment, mission members were told that in response to the LTTE demand of one person per household, sometimes families were more willing to give away a female family member instead of a male. This is for two main reasons; the family would not have to worry about the security of the woman, marital prospects etc and secondly, sons are seen as an economic security for the family, particularly ageing parents.

In cases of sexual violence, particularly incest, communities indicated that the young women would be 'given' to the LTTE. For instance, in Mannar where a father raped his young daughter, the community stated the girl was sent away from the area but later stories began circulating that she had been given to the LTTE. The mission also came across similar narratives in the East where victims of violence, particularly incest, were

reportedly given to the Karuna group. Two victims of violence stated that the only way they could lead a life with dignity after rape was by joining the LTTE.

In relation to the Muslim community, many groups pointed out that at present women are compelled to wear the fully concealing garb originating from foreign Muslim tradition. Prior to the conflict the northern Muslim community had a very relaxed and local Tamil-culture based sense of dress. However, the host community's practice of orthodox Islam has led the IDPs to adopt a more conservative form of Islam which in some instances has had an adverse impact upon women.

## RECOMMENDATIONS

- All policies and interventions with regard to IDPs must be consistent with international human rights law and international humanitarian law.
- IDPs should enjoy equal rights and freedoms under international and domestic law with no discrimination on the ground that they are internally displaced.
- The Government should maintain a clear demarcation between civil and military authorities. The current militarization of civilian authority in the Eastern Province is a disturbing trend which should be stopped.
- All documents necessary for the enjoyment and exercise of legal rights and citizenship, such as passports, personal identification documents, birth certificates and marriage certificates should be issued to displaced persons. Any documents lost during displacement should be replaced. This should be carried out without imposing unrealistic conditions such as return to one's original place of residence. Women and men must have equal rights to obtain such necessary documents and have the right to have such documentation issued in their own names.

### Protection & Security Issues

- The right to life, liberty, dignity and security of person should not be violated in times of conflict and during displacement.
- The government should refrain from establishing military camps in the midst, or in the vicinity of public buildings, residential areas and camps for the displaced.
- The government should vacate public buildings such as schools, hospitals and temples and ensure that civilian and public establishments are not appropriated for use as military camps or installations.
- The government should ensure that only members of the regular armed forces are authorized to carry weapons. Further, in line with humanitarian law, members of the state forces should be required to be easily identifiable, i.e. should be in uniform etc.
- International and local agencies dealing with conflict affected populations should ensure that security and access concerns are addressed more effectively through joint advocacy mechanisms.
- Agencies engaged in providing humanitarian assistance should monitor human rights violations and ensure that accurate information is conveyed speedily to relevant institutions such as the Human Rights Commission, the ICRC and the SLMM for immediate attention.

- Government authorities and other agencies providing humanitarian assistance should also focus on the protection concerns, particularly of women and children, by providing adequate lighting and security, within and in the periphery of camp premises.
- Internally displaced persons themselves, including women, could be organized into protection committees with relevant training and specific responsibilities to deal with infringements of security at camp sites.
- Arrangements for the protection of women need to be strengthened, including through the designation of women to cater for special protection needs of women.
- Internally displaced persons have the right to request and to receive protection from child recruitment and should not be persecuted or punished for making such a request.

#### Forced Displacement and the Right to Return

- Every effort must be made to protect civilian populations from being arbitrarily displaced from their places of habitual residence.
- Prior to any action that can cause inevitable displacement of persons, the authorities concerned should ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures must be taken to minimize displacement and its adverse effects.
- In the event of arbitrary or enforced displacement or emergency dislocation, all relevant authorities must ensure, to the greatest practicable extent, that proper accommodation is provided in satisfactory conditions of safety and security. Mechanisms must also be in place to ensure the provision of food, health facilities and sanitation to meet the immediate needs of populations forced into displacement. It must be ensured that members of the same family and community are not separated.
- The right of return must be protected with respect to all internally displaced and areas of habitual residence must be made safe and secure for return. These areas must not be appropriated for other purposes such as the creation of special economic or high security zones (HSZs).
- Return of the displaced to their habitual places of residence should not be jeopardized through the imposition of restrictions to familiar and traditional livelihoods. All such restrictions imposed to fishing, agriculture and trading must be withdrawn.
- Arbitrary settlement of new communities or populations which affect existing demographics must be halted immediately.
- Internally displaced persons must not be arbitrarily transferred from temporary camps to transit camps on the pretext of return or resettlement. They must be

provided with accurate and adequate information to make an informed choice about when and in what circumstances they return. They should also be given the freedom to choose not to return at a given time or opt for relocation.

- The government should take special measure to ensure that the property of the displaced is safe and secure from theft, looting and arbitrary damage.
- The government should assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When this is not possible, the government must provide or assist these persons in obtaining appropriate compensation or another form of just reparation. The compensation should be adequate and commensurate with the loss incurred.
- Internal displacement shall last no longer than required by the circumstances and the displaced must be ensured informed choice to determine their return or continued residence in camps or with host communities.
- The concept of resettlement of northern Muslims must be on the basis of community resettlement. Northern Muslims were expelled as a community hence return too should be collective. Since the term IDP does not extend the right to collective return it is vital that the northern Muslim evictees be categorized as ethnically cleansed persons (ECPs).

#### Freedom of movement

- The right of every internally displaced person to freedom of movement and to choose his or her residence should be ensured. Internally displaced persons should also have the right to move freely in and out of camps or other settlements.
- The issuance of special ID cards for returnees should be stopped immediately as it identifies them as persons from a particular region/village which in turn leads to additional checks and harassment by the security forces who sometimes also impose restrictions upon their movement. This system should be stopped with immediate effect and returnees should be issued National ID cards like every other citizen.

#### Gender Issues

- Effective mechanisms must be in place to ensure coordinated response to conflict imposed emergencies including enforced displacement.
- Women must be consulted in all matters relating to displacement including, the location of camp sites, the provision of basic amenities, food, health services and security. They must be present in equal numbers on all camp committees. Government frontline workers should be given adequate training in gender related concerns and women administrative officers should be recruited in greater numbers.

- Special attention should be paid to the health needs of women and adolescent girls, living in conflict affected areas and in camps for the displaced. This should include access to female health care providers and services, such as reproductive health care, as well as appropriate counseling for victims of sexual and other abuses.
- Programmes should be designed for men and boys as well to ensure safe and responsible sexual behaviour.
- The special nutritional needs of pregnant and lactating mothers, infants and children must be adequately met. Government rations must be adequate to meet the basic nutritional needs of conflict affected and displaced communities. These rations must be supplemented with other nutrients such as vegetables through a coordinated response of governmental and non governmental agencies.
- Women living in the vicinity of militarized areas, military encampments, military transit points, in areas controlled by paramilitaries and other armed entities and women IDPs should be protected from enforced sex work.
- Activities to prevent and manage the consequences of sexual violence and provide protection from and prevent sexually transmitted infections (STIs) must be in place in conflict affected areas and in humanitarian emergencies.
- Attention must be paid to address and prevent the high levels of domestic and sexual violence, including incest and sexual harassment, prevalent in militarized and conflict affected environments. Preventative work must address the gendered effects of conflict on men and masculinities and its impact on women.
- Women living in conflict affected areas and facing humanitarian emergencies must be provided with skills, training and access to income earning opportunities. Lack of economic opportunities place women and adolescent girls in extremely vulnerable situations. Economically dependent on others, women and girls suffer domestic violence, trade their bodies for needed cash and commodities and suffer a range of human rights violations.
- The lack of livelihood options for women is highly prevalent in situations of internal displacement. Attention must be given to providing viable economic activities for women and adolescent girls so that they are not marginalized, economically isolated and vulnerable to abuse both within their families and in society.
- Special attention should be paid to the gendered needs of single women headed households, widows, women with young children and women caring for the disabled. They must be offered shelter with sufficient protection and easy access to basic amenities so that they are not discriminated against or forced to bargain or barter sexual favours for basic needs.
- The government should establish one stop crisis centres at least in the Base Hospitals in all the conflict affected districts and contiguous districts so that women affected by gender based violence can access medical attention,

counseling and be referred to other support services in a safe and supportive environment. Such Centres can help reduce the impunity surrounding violence against women and play a preventative role as well as a curative role.

#### Livelihood Issues

- The State should protect against the displacement of indigenous peoples, minority communities, peasants and cultivators, fisher-folk and traders with a special dependency on and attachment to their lands and communities. In the event of return, the state should take all measures to ensure support is provided to help them revive their original livelihoods.
- Government should respect the traditional livelihood practices of villagers in the conflict affected areas including 'border' villagers and should minimize the military restrictions imposed on livelihood of villagers in every possible way.
- Internally displaced persons must have the right to seek freely opportunities for employment and to participate in economic activities. IDPs should be allowed to find work opportunities outside the camp once they have ID cards to reduce total dependence for subsistence.

#### Security of Property

- The property and possessions of internally displaced persons should in all circumstances be protected, in particular, against the following acts:
  - (a) Looting;
  - (b) Direct or indiscriminate attacks or other acts of violence;
  - (c) Being used to shield military operations or objectives;
  - (d) Being made the object of reprisal; and
  - (e) Being destroyed or appropriated as a form of collective punishment.
- Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

#### Rights to Adequate Standard of Living, Health and Education

- Attention must be paid to the educational needs of all displaced children. Evidence based research is necessary to determine the needs of these children including the tracking of attendance, school retention and the need to provide appropriate education for children suffering multiple displacement and war related trauma which impact on their continued education.
- Since the majority of internally displaced have suffered multiple and repeated displacement and since displacement is a long term phenomenon, resulting in children having little access to formal or non-formal education, schools and comprehensive education have to be designed to meet the long term needs of the displaced.

- Education and training facilities must be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit

#### Access to Aid & Assistance

- There should be no discrimination based on region, ethnicity, religion or gender in the delivery of humanitarian assistance to displaced communities.
- National authorities have the primary duty and responsibility to provide humanitarian assistance to internally displaced persons within their jurisdiction.
- At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
  - (a) Essential food and potable water;
  - (b) Basic shelter and housing;
  - (c) Appropriate clothing; and
  - (d) Essential medical services and sanitation.
- Special efforts should be made to ensure the full and equal participation of women in the planning and distribution of these basic supplies.
- Programmes should also reach internally displaced persons who live in non-camp situations with friends, family or in host communities
- Internally displaced persons, with special needs, such as pregnant and lactating mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, should be entitled to assistance required by their condition and to treatment which takes into account their specific requirements.
- The subsistence needs of IDPs must be adequately met with regular provision of basic food rations; the provision of food that is in good condition for consumption and the provision of supplementary food to meet the overall nutritional needs of the displaced
- The shelter and living conditions of the internally displaced needs rapid improvement. Options include the use of environmentally sound material that is available locally, involving the displaced in decision making regarding their accommodation and the maintenance of shelters and the extension of overcrowded camps such as in Kiliveddy.
- Government frontline workers such as Grama Sevakas should be made aware of the Guiding Principles on Displacement and the gendered dimension of displacement.

### Dispensation of Aid and Safety of Humanitarian Workers

- All persons engaged in humanitarian assistance, their transport and supplies should be respected and protected from attack or other acts of violence. Safety and security of all NGOs and human rights organization should be ensured and they should be allowed to work independently without intimidation.
- Humanitarian agencies should be given unrestricted and rapid access to all camps and resettlement villages.
- Donor agencies, the United Nations, human rights agencies and local and international non-governmental organisations have to work together to assess and meet the needs of internally displaced persons in accordance with the Guiding Principles on IDPs. These agencies should also work together to encourage the government to incorporate Guiding Principles into domestic law.
- The capacity of locally based civil society organisations working among the internally displaced should be strengthened and their work should be integrated into coordinated work plans so that local expertise is made use of and duplication and the waste of resources minimized or avoided.
- Efforts should be taken to strengthen the knowledge of humanitarian and protection work of local implementing partners and their capacity to undertake it.

## REPORT OF THE MISSION TO BATTICALOA, KALMUNAI AND AKKARAIPATTU

### The Politics of Displacement, Return and Re-settlement

The first movement of displaced persons, 6,000 families, approx 30,000 persons, took place in April 2006 from the Trincomalee District to the Batticaloa District after the Mavil Aaru clashes between the Government of Sri Lanka (GOSL) and the LTTE.<sup>6</sup> The IDPs first moved from Trincomalee to Vaharai in the Batticaloa district, then in late 2006 from Vaharai to Batticaloa. The third movement of persons was from West Batticaloa to Batticaloa East.<sup>7</sup>

At the time of the visit, the mission was informed that there were a total of 103 welfare centres and that the government was in the process of consolidating the camps. The figures at the time were as follows<sup>8</sup>:

	Within Batticaloa	From Trincomalee	Total
Families	37,268	5,692	42,960
Individuals	141,928	19,986	161,000

The welfare centres are managed by the Grama Niladari, the head of the administrative unit, and an INGO or NGO. Mission members were informed that often INGOs voluntarily agree to take responsibility for camps in certain districts.<sup>9</sup> In Batticaloa UNHCR was responsible for shelter and registration of IDPs in all camps, UNICEF for water and sanitation, and the World Food Program for food, which they are currently undertaking in addition to regular programmes such as food for work.

In relation to camp management, the District Secretariat (DS) allocates camps to groups, i.e. INGOs and NGOs, and each organisation takes responsibility for different needs. The mission's visit to the camps illustrated this system was not functioning effectively due to lack of coordination and follow-up. For instance, at the time of the visit of the mission, the Dharma Cultural Hall Camp 2 in Navatkuda was experiencing a water problem. We were told that since the camp was situated on private property they had been asked to vacate the property and hence had to find alternate land for the camp. Further, the people said they received no assistance from the government. We were informed by the IDPs that though there were 100 families in the camp (370 individuals) they had only 3 toilets. Though 6 toilets had been built, only 3 were usable due to lack of water supply. The toilets which were built by CARE International have no options for waste disposal/sewage and the mission was told there was no maintenance and follow-up by CARE. The camp inhabitants received provisions from the Ramakrishna Mission on an irregular basis. Due to this fact no other organisation supplied food, since it was assumed the Mission was responsible for meeting the needs of the camp. When inquired whether they wanted to return, the people stated that though they wished to return to their homes they didn't want to do so at that juncture. In many cases, such as

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<sup>6</sup> Interview with Government official.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

Sathurukkondaan Camp 3 in Batticaloa, the camp was in the middle of nowhere with no access to employment, schools, hospital or markets.

Violence and threat of violence is used indiscriminately by both the government and armed groups to displace and resettle people. Armed groups too use forced displacement and resettlement to further their nationalist politics. For instance, Tamils from Vaharai were taken and resettled past Mannampitiya in Punanai in tents by the Tamil Makkal Viduthalai Puligal (TMVP) to stop Muslim encroachment into the area.

At the time of the mission the government had begun resettlement in the Eastern province in areas that were reportedly cleared of the LTTE. The second and third phases of resettlement in the East were completed in June. According to the Additional Government Agent (AGA) the resettlement process is implemented through the following steps:

- 1) situation assessment (if they receive security clearance go to assess areas)
- 2) re-establish administration prior to resettlement
- 3) resettlement programme
- 4) registration of IDPs, prior to being taken to place of origin
- 5) relief activities
- 6) services
- 7) infrastructure development

The mission was informed by the AGA that two to three days are allocated for the completion of each cycle of the resettlement process in each locale. He also stated that they had undertaken go-see visits to Pattipallai in the Ampara District, which he pointed out was less vulnerable than other areas as it had only suffered some looting and minor damage. According to the AGA Rs. 25,000 was provided as settling in allowance to Vaharai resettlers which the North East Community Restoration Development (NECORD) was responsible for disbursing. Livelihood assistance in the form of support for paddy cultivation was provided by various INGOs. Immediate assistance for the next 6 months was given in the form of rations such as rice, dhal, sugar and complimentary foods such as chilli powder, soya meat, dry fish etc. In total 41 items, which are distributed fortnightly. The same scheme is said to be in operation in Pattipallai, Vaharai and Vellaveli. In relation to reconstruction, the National Housing Development Authority (NHDA) has reportedly assessed damage in Vaharai and is making preparations to pay compensation. There is no minimum or maximum amount in relation to compensation for rebuilding property. Compensation for death is Rs. 50,000 and Rs. 25,000 if the person is under 18 years. Compensation for injury depends on the extent of the injury. In the case of government servants Rs. 150,000 is paid in the event of death.<sup>10</sup> The Ministry of Resettlement and Disaster Relief, Ministry of Nation Building and Estate Infrastructure Development, Ministry of Disaster Management and Human Rights and the Presidential Secretariat are involved in the process of resettlement.

The return process has been controversial with allegations of forced returns, inadequate support to the newly resettled, and imposition of policies which restrict the freedom of movement of resettled persons. Despite this, UNHCR went on record and stated that the return process was in line with international protection standards and called for free

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<sup>10</sup> Interview with government official.

access to aid agencies to work in the areas.<sup>11</sup> Minister Rauf Hakeem made a statement during the emergency debate in Parliament on the 06<sup>th</sup> of June, 2007 that he had credible information that authorities were forcibly resettling those displaced by conflict. When the SAHR mission met with persons from areas such as Vavunaitheevu who had been informed they would be resettled as part of the 3<sup>rd</sup> phase, many issues emerged which highlighted the questionable nature of the return process. These persons clearly stated they didn't wish to return as sporadic clashes continued in the area between the SLA and LTTE. Further, access to resettlement areas such as Vaharai and Pattipallai were restricted to certain agencies/INGOs/NGOs.

The Cultural Hall camp Batticaloa had people from Echilampattu who had moved to Muttur a year ago, then to Vaharai and finally to Batticaloa. Since it had been reported that the government planned to build a coal plant in Echilampattu some of these families were resettled in Verugal. The families at the camp said they'd been told by the Grama Sevaka that resettlement would begin on 17<sup>th</sup> June 2007. At no point were any of them asked whether they wished to return. (15<sup>th</sup> has been announced as date by the GOSL).

Of the IDPs at Saratha 1 camp, those from Paduwankarai had been informed that resettlement would begin on 17<sup>th</sup> June 2007. The 40 families (146 individuals) were not taken on go and see visits nor were they asked whether they wished to return. Most persons didn't wish to return due to security reasons and were afraid they'd be displaced again. They said that when fighting had broken out they had crossed over to Batticaloa by boats and since they've now been told they would not be allowed to take their boats for security reasons, were afraid they'd be trapped if fighting broke out again. The general fear amongst the people about safety and security was well founded as control of various parts of the Eastern province has changed hands from the government to the LTTE more than once in the past 20 years. At the time of the visit the locals said that Pullumalai which was captured by the army 1 month ago had been re-captured by the LTTE 10 days prior to our visit.

Of the people at 3<sup>rd</sup> Camp Sathurukkondaan in Batticaloa most were from Pankudavelly-Badulla Road- Chenkaladi 6<sup>th</sup> post, Eravur DS division. The people from Eechantheevu and Vavunaitheevu who were told they'd be resettled on 17<sup>th</sup> June, 2007 were also afraid to return. This camp was in the middle of nowhere with no access to employment, schools, hospital or markets.

In relation to Vaharai, local organizations maintained that only main roads have been resettled. Further, livelihood issues haven't been adequately addressed in Vaharai. For instance, civil society groups informed us that fishing in the lagoon has been restricted to certain times. West Batticaloa is an agrarian economy and hence due to the cultivation cycle it will be a full six months before the communities are able to sell their produce and become self-sufficient. This means they require support for at least six months in the form of dry rations, to enable them to meet their daily needs. The safety of the paddy fields was an issue that was of particular concern to the resettlers. Much like the welfare camps many of the newly resettled areas, such Vaharai, don't have basic amenities. Vaharai for instance was severely affected by looting with even hospitals and schools subjected to looting. At the time of the mission, local civil society groups reported that only main roads in Vaharai had been resettled with the army said to be occupying interior areas. It was reported that due to a lack of permanent shelters in the area many people

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<sup>11</sup> <http://www.reliefweb.int/rw/RWB.NSF/db9000SID/LSGZ-738DLS?opendocument>

were occupying destroyed houses. Threat of unexploded ordnances (UXOs) was another problem faced by new returnees. Further, sporadic fighting between the government and LTTE was reported during the time of the visit. At the time of the visit, Sewa Lanka, ACTAD, World Vision and AHED were providing some support to the returnees. Provision of compensation and support by the government was also found to be inadequate. Local groups stated that though the government allocated Rs. 250,000 for rebuilding a house the sum was inadequate, since rebuilding costs Rs. 1 million to 1.5 million. Groups stated that this too had been stopped since 18<sup>th</sup> May 2007.

Entry to and exit from newly resettled areas is subject to military control with certain areas requiring special IDs for entry. At the time of the mission, entry to Vaharai was strictly controlled and mission members were not allowed to enter the area. Further, the military personnel at the checkpoint did not provide a reason for barring entry.

According to community groups, children and young persons who have returned/released from armed groups, are facing additional problems in the newly resettled areas. For instance, the Special Task Force (STF) is well aware of their history with the armed groups and often warns them that they are being watched. The families are therefore afraid the STF will round up and detain the children who are known to be ex-members of the groups in the event of an incident. Further, the family ID cards that are being issued are also causing problems for young persons. For example, parents often leave teenage children in Batticaloa when they re-settle in areas such as Vaharai and Pattipalai due to the prevailing insecurity in these areas. Hence, the children are left out of the family photo which is an integral component of the family ID, and cannot return to these areas as the STF does not allow anyone who is not in the photo to reside with the family.

### **Role of INGOs and NGOs**

The lack of coordination between aid agencies was highlighted by the various needs assessment being conducted by different agencies at the time. Moreover, the mission was told that agencies were not sharing their individual needs assessments, either with the government or each other. It was pointed out to the mission that there is no common beneficiary list, with overlap and duplication taking place. Complicating the situation, some agencies had agreed to supply food to only some families in each village, while the rest of the families received no support. The government announcement that in the future all aid agencies would have to channel aid to new resettlement areas through the DS has contributed to the existing atmosphere of excessive state control and fear amongst local aid and humanitarian agencies. The presence of armed groups, who threaten aid agencies in many ways, ranging from recruiting staff members to preventing them for engaging in certain types of work, means that local groups find it extremely difficult to carry out their mandate effectively.

The opinion regarding the role and effectiveness of INGOs and NGOs was complex; it varied on the party in question and at times was paradoxical. IDPs repeatedly told mission members that they felt abandoned by the state and were appreciative of the support extended by the aid agencies. At the same time, local groups expressed concern about the manner in which the intervention of INGOs has shaped local communities. For instance, local groups stated that people now expect financial reward for even attending programs, or they expect equipment etc. Further, since INGOs pay more for

services provided by local tradespeople, they now expect the same high rates from the locals. Some groups felt that at present there is an expectation amongst the people that NGOs and INGOs should provide services, whereas in the past they only expected assistance during difficult times. It was said this change had taken place after the tsunami.

### **Sinhalization of the Eastern Province: State Colonization and the Fears of the Minority Communities**

The issue of state colonization of the Eastern province was raised by most groups the mission spoke with. Historically, the government has utilised various schemes, such as the Mahaweli irrigation scheme, to move Sinhala settlers into Tamil and Muslim areas with the aim of changing the ethnic demography of the province and thereby alter electoral politics. Mannampitiya, is a perfect example of one such area which was colonized through the Mahaweli development scheme, where at present there are virtually no Tamil inhabitants. Kaliachchai inside the village of Rithithanna, which is currently part of the Koralai West DS division, was a Muslim area from which people were moved to Ottamavadi and Sinhalese settled in 1990 through the Mahaweli scheme. Some local sources claim that after the tsunami the Presidential Secretariat allocated houses in the post-tsunami resettlement scheme in Pottuvil 18 to Sinhalese persons recruited by the government to work on post-tsunami reconstruction. Groups also informed the mission that the Ports Authority has taken over lands on the Habarana-Trinco road which they fear will be used to resettle Sinhalese. The people believe the use of the lion as a symbol for the Muslim majority Ampara district in the new flag for the Eastern province is a further message by the government to the minorities that Ampara is a Sinhala division. These claims illustrate the fears of the minority communities which deepen existing divisions between communities.

Muslims groups that mission members spoke with pointed out several ways through which, what they called the Sinhalization of the Eastern province, was taking place; appointment of numerous Sinhala government officials to the Provincial Council in the East after the de-merger of the Northern and Eastern province; establishment of Sinhala resettlements in Ampara; and building Viharas in Pottuvil, a predominantly Muslim area. The Muslim people, correctly, viewed themselves as being stuck between Sinhala and Tamil nationalisms.

Pottuvil DS is 269 sq km and separated into 27 GS divisions. The ethnic ratio in Pottuvil is 78.11% Muslims, 19.79%- Tamils and 2.11% Sinhalese.<sup>12</sup> Pottuvil is an area that has been adversely affected by the demarcation of the tsunami buffer zone, Sinhala colonization and LTTE alienation. We were told that although 98% of the population of Pottuvil is Tamil speaking, the Pottuvil police station has only 2 Muslim OICs. Mission members were told that people who go to the police station are often subjected to ethnic slurs when they attempt to file complaints. Further, since most of the officers at the station are unable to file entries in Tamil, they use home guards who don't know the language fluently either, as translators.

Changing administrative boundaries is another means through which the demography of the Eastern Province is being changed, since it impacts upon the ability of minority groups to influence the political processes in their local areas. The local communities

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<sup>12</sup> Pottuvil District Secretariat.

informed the mission of government plans to incorporate Vaharai which at present part of the Batticaloa district into the Sinhala majority Welikanda DS division and thereby reduce the size of Tamil majority Batticaloa division.

Local groups informed the mission of several moves by the state to grab land from the minorities by declaring the area as sacred land and constructing Buddhist temples and statues in the area. For example, in Pottuvil, Navilaru, a farming area was declared sacred land by the Government Agent in March. The same took place in Oluvil. After the tsunami the government declared Ullai, a majority Muslim/Tamil village south of Batticaloa, as a tourist zone, constructed hotels and reportedly encouraged Sinhalese settlements. Many groups and individuals the mission met opined that the murder of ten Muslim men in Pottuvil in September 2006<sup>13</sup> was carried out with the intention of grabbing land and warning the Muslims that they should not contest control for land. According to locals the Pottuvil murders took place between two Sinhala villages and there was continuing dispute between the villages, with the latest altercation occurring the morning before the murder. The dispute was regarding burying non-Muslims in the Muslim cemetery. Since fishermen settlers from Tangalle took over the non-Muslim cemetery and built houses, there has been no burial ground for non-Muslims. Hence, they attempted to bury non-Muslims in the Muslim cemetery which led to a dispute between the communities. Based on these facts many local groups claim they have strong reasons to believe that there was suspected involvement of STF personnel. They further stated there was no reason for the LTTE to kill them; to take risks and travel passing many military camps just to kill 10 villagers. Local people said that in Chengamam, 3 kms from Pottuvil, the STF harassed Muslim people for trying to build a mosque and demolished the constructed structure. Allegations and counter allegations by communities against each other were also common. For example, Tamils claimed that Muslim communities had used the displacement of Tamils in areas such as Thiraiakerny to buy land at cheap prices.

The Muslim people are subjected to attempts by both state and armed groups to grab land. In many areas Muslims afraid to live on and farm their lands due to formal and informal threats by armed groups. In many cases, though they have deeds to the lands but are unable to use them.

Some cases cited by the interviewees are below:

- In Vattamadu the GA had issued a land permit to both Muslims and Tamils for the same piece of land, which led to an inter-community dispute. The LTTE allowed Muslim people to cultivate the land for a certain period of time and then refused entry.
- In Thirukkivil, Rasoolthotum coconut estates owned by a Muslim man were left in trust for the daughter but after the CFA the LTTE built houses for Tamils on the land with the help of World Vision.
- In Pottuvil, town, (a 99% Muslim populated area), Muhuthumaha Vihara, an archeological site, was turned into a Buddhist temple with no worshippers. This has been contemplated as a move to create communal tense in this area.

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<sup>13</sup> From Welikanda to Muttur and Pottuvil: A Generation of Moral Denudation and the rise of Heroes with Feet of Clay, UTHR Special Report No. 25 at <http://www.uthr.org/SpecialReports/spreport25.htm>

- Land at the 3<sup>rd</sup> mile post has been declared an archeological site, with the planting of a Bo tree on the Lahugala and Pottuvil road.
- In Saasthraveli 1000 acres of Muslim agricultural land, (which were on renewal permits), have been taken over by the state and a Buddhist monk and ten children with 50 homeguards for security have been settled in the area. The mission was told that the land is currently being divided into 2-3 acre plots and gradually being used to settle Sinhala people.
- In Arugam Bay a large Buddha statue was placed opposite the main STF camp at the foot of the Arugam Bay Bridge. It should be noted there are no Buddhists residing in the vicinity. Immediately after tsunami another Buddha statue was erected by Ullai town on the beach. USAID which is building a bridge in the area was forced to shift the location of the bridge to avoid shifting the location of the statue.
- In Pottuvil town a sign board which states that Sri Lanka is a Buddhist country and belongs only to the Buddhist was placed on a Bo tree. The sign board which was installed a couple of years ago is in Sinhala.

The latest means by which the government has deprived thousands of persons, mostly minorities, of their land is by Gazette notification on 16 February 2007, (the Gazette notification for the Economic Zone was issued on 16<sup>th</sup> October 2006 - No 1467/3 Board of Investment of Sri Lanka Law No 40(1978), through which the President declared a new High Security Zone covering Sampur and Muttur East (at least six Grama Sevaka divisions) for the establishment of a Special Economic Zone (SEZ) which will displace thousands of families. The government said that it has already taken action to acquire land for relocation of said displaced families. Eastern Security Forces Commander Parakrama Pannipitiya has been appointed as the Competent Authority for the implementation of the regulations. Local groups surmised that if the government establishes a coal power plant in Sampur they would not trust minorities to work at the plant. Further, they will have to provide security for the plant. Hence, they fear the government will settle Sinhalese families in the area and change the ethnic ratio.

### **Militarization of the East: Military Administration under the Guise of Civil Administration?**

Militarization of the conflict areas is very visible and civil administration appears to defer to the security concerns and the 'advice' of the military establishment. The mission was informed by several parties that it was common practice for the military to use private property to establish camps without compensation or payment of rent to the owner. Given below are instances where the establishment or existence of STF camps has disrupted the lives of civilians and placed them in danger as narrated by the individuals and groups the mission interviewed.

- In Pallayaddi Vettai 4 STF camps have been established in the middle of villages.
- The STF has taken over hospitals in Akkaraipattu and Thirukkivil.
- The Kannakipuram Kovil has been a STF camp since 1990.
- In Akkaraipattu worship times at the Nagapiran temple are restricted due to the proximity of the temple to the camp.
- In Uganthai, Paanama, after a claymore blast the STF attacked devotees and warned them not to return.

- In Aligama as there is a STF camp next to the village and people are not allowed to enter the village without the permission of the STF. One needs to submit an ID card and obtain special card in order to enter the area.

Mission members noted the presence of armed men in civilian clothing at the District Secretariat Office in Batticaloa. Due to the presence of armed groups functioning in the area there is no way of determining whether they were members of the Sri Lanka Army, Special Task Force (STF) or the Karuna group. In other areas in the East, such as Kalmunai, men in civvies carrying guns were seen boarding public buses and patrolling the streets. When an armed person who is a member of the army or a paramilitary group boards or attaches himself to a civilian object he effectively transforms the object into a military target. This creates a sense of insecurity amongst the public and contributes to increased atmosphere of lawlessness and impunity.

Sources alerted the mission to the presence of a member of the Karuna group at every STF checkpoint from Ampara to Pottuvil. Since the split within the Karuna group civilians said it had become more difficult to trace abductees and forced recruits, since there are several factions and each denies responsibility and blames the other. The split and the prevailing atmosphere of uncertainty and insecurity are reportedly being used as an excuse to commit various grave crimes.

Many areas in the East experience restrictions on the freedom of movement of people and the ability to go about their day-to-day activities. These restrictions are imposed by local commanders and STF camps, and are not part of any formal process. For instance, people claimed the STF sometimes did not allow people to switch on their lights at night and some roads are open only up to the camps.

### **Discrimination and Human Rights**

Violation of the freedom of expression and right to information occur on a daily basis in the East. For instance, there is no cell phone connection in Batticaloa, which adversely affects livelihoods. Certain newspapers are not permitted to be sold in Batticaloa with some paramilitary-politico groups selling their own newspapers by force. Mission members witnessed this while entering Batticaloa.

The right to education of those living in the East has also been adversely affected. At present there is army presence inside the University premises which prevents many students from attending classes due to fear. Local groups believe this is an attempt by the state to cripple the education system in the East and the access of minorities to education.

The tsunami displaced are one of various groups that have no public space to articulate their grievances. Those displaced by the tsunami continue to live in camps in many parts of the East. The recent spate of conflict displacement has also led to the plight of the tsunami displaced being ignored by both the government and aid agencies. For example, though Maruthamunai was one of the most affected areas there has been minimal rehabilitation in the area. A tsunami displaced person said that in February 2007 the people who hadn't yet been provided with housing staged a Sathiyakraga (peaceful protest) to reiterate their needs as IDPs. Discussions with the GA and DS resulted in

promises being made that they'd be given land within a week. Four months later nothing has been done and the situation of the IDPs remains the same. In many cases post-tsunami resettlement has been ill-conceived with people finding it difficult to engage in livelihood activities in the new settlement areas. In Ismailpuram for example, people do not want to resettle in the ICRC housing scheme as their livelihood is fishing and it is difficult to engage in livelihood from 11 kms away from the sea.

Another community that experiences alienation from the larger populace and is denied space to articulate its grievances is the group of gypsies in Aligama, 14 kms from Akkaraipattu. These people who engage in hunting and chena cultivation and speak a Telugu based language are converts to Christianity. The Grama Sevaka for the area told us that they were displaced from Aligama to Thirukkivil in 1990 and returned to their homes in 2001. Though they were supposed to occupy houses rebuilt by NECORD, many people live in incomplete houses as the project was not completed. There are 225 families in all. The area does not have electricity or transport and the closest town is Akkaraipattu. There is no post-office, co-op or hospital. Further, during the months of June-July the area experiences severe water shortage. The local school was built by UNICEF and has classes up to the 7<sup>th</sup> grade. Since there are no roads into the area the people encounter severe difficulties, particularly at night time during emergencies. The Grama Sevaka of the area stated that there is 100% probability of these people being displaced again.

### **Muslim-Tamil Relations**

Many Muslim people felt their community had no voice for which they blamed the politicians. Some groups said that post-tsunami reconstruction in Muslim areas was hampered by internal conflict within and between Muslim political parties. They said that the representatives of the Tamil people were working for the Tamil people without joining the government, while the Muslims had no voice in parliament despite the Muslims MPs holding portfolios. After the death of Ashraff they said no political leader has emerged to speak on behalf of the Muslims. The mission was also informed of the presence of certain armed groups, which are supported by political parties, within the Muslim community, which has reportedly led to an increase in crime. The area of Saanthamaruthu is said to be particularly affected, with seven murders taking place in the past month. Many also felt that internal Muslim conflict is used by GOSL and the LTTE to sideline the Muslim community. Ironically, the Tamils who were interviewed felt the Muslim MPs were working for their community while the Tamil MPs were ignoring the plight of the Tamils.

Inter-community relations between the Tamils and Muslims have been affected by the activities of the Tamil Makkal Viduthalai Puligal (TMVP) also known as the Karuna group. Many Muslims said that in the event of an inter-community dispute the Tamils believe they will receive redress if they complain to the TMVP. The TMVP in turn threatens the Muslim people. In one case of conflict between a Tamil and Muslim from Maruthamunai and Kalavaanchikuddy respectively, the Tamil complained to the TMVP who called and threatened the man and asked him to appear at their office. When the threatened man complained to the police he was told to approach the TMVP through the peace committee and mediate to resolve the dispute. He was told to lodge a complaint with the police only if the issue remained unsettled. At the same time the Police called the TMVP and informed them they had no authority to inquire into the

matter. In another instance, a Muslim man was abducted and tortured by TMVP after a road side altercation. Most often, local community groups don't publicize such incidents but instead negotiate quietly for the release of 'arrested' persons.

The dismal state of inter-community relations was highlighted by several persons who pointed out that Muslims are not allowed to enter the Tamil part of Akkaraipattu due to the presence of armed groups. If there is army presence in the area then Muslims are not allowed to enter Tamil areas. The interviewees further said they felt there are continuous attempts to incite violence between the two communities by spreading rumours.

In Ampara there are three NGO consortiums, the Muslim NGO Consortium, the Muslim-Tamil Consortium and the Tamil-Muslim-Sinhala Consortium. Recently, persons from the Muslim-Tamil Consortium were abducted by the Muslim Consortium in order to prevent the Muslim and Tamil communities from working together. When the MTC considered taking the issue to the authorities they were advised by Action Aid to reconsider such action as it might be used by the government to stop aid to the areas.

## MISSION TO VAVUNIYA, MANNAR & PUTTLAM

The demographic profile of Vavuniya has altered in the last 15 years. It was previously a sparsely populated district but its population has increased in the past decades with 50% of its current population consisting of IDPs from other districts.<sup>14</sup> Vavuniya is a town that appeared to be administered by different Tamil politico-paramilitary groups. People who live within these artificially boundaries demarcated by paramilitary groups have been forced to pay taxes, ransom and compelled to buy the newspapers of these groups at gun point. Certain trades are controlled by the politico-paramilitary groups and some even administer IDP and resettlement camps.

A large number of IDPs in Vavuniya are from the LTTE controlled areas of north which has put tremendous restrictions on their mobility especially in the last 19 months. Even though most of them have been resident in these camps for over 15 to 17 years and possess special ID cards issued by UNHCR, which authorises their residency in these camps, the SL military continues to identify them with their place of origin (LTTE controlled areas) and subjects them to harassment at check points. This has drastically affected the ability of IDP men to engage in livelihood activities since they are compelled to stay in camps due to fear of harassment. This has forced many women to venture out to earn an income, sometime under very risky conditions. There were also stories of young women taking up prostitution as survival strategy.

Many of the IDPs the mission met didn't seem to associate relief, return and resettlement work with the government. They stated that government officers are unapproachable and don't take the complaints of the IDPs seriously. Most often resettlements work is associated with a NGO or INGO, even though each camp has a government appointed person to look into the welfare of the IDPs.

### **Right to Return**

The camps the mission visited were established 17 years ago. Some people in the camp had been resettled on nearby lands by an NGO, and had been living in various parts of Vavuniya over the past twenty years. At the time of the mission, none of them wanted to return even though some stated that soon after the 2002 ceasefire (CFA) they returned to their homes only to find their lands and properties uninhabitable. Landmines planted by both the government and the LTTE have turned most of the agricultural land into a danger zone and public buildings like hospitals, libraries, schools and temples have been taken over by the warring parties. Most IDPs seemed to think their villages could not be rebuilt and hence preferred to settle in Vavuniya permanently irrespective of the precarious security situation in the area.

A young woman in a Vavuniya resettlement village speaking about her right to return said that she was 17 years old when her family was forced out of their native place and that they've lived in the same camp for sixteen years. She felt it was pointless to return to their place of origin in Jaffna as there was nothing left for them there. She also unequivocally stated that the people had no choice where they lived as it was the military that decided on their place of residence. She said camp life had become permanent now.

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<sup>14</sup> Interview with SEEDS Vavuniya.

The UNHCR Mannar office commenting on the right of Muslim IDPs' right to return, stated that the condition in Mannar was not conducive for their return and that they are very well integrated into host community in Puttlam since it is a largely Muslim area. She further said that the World Bank is currently engaged in building permanent housing for the Muslims in Puttlam. On the contrary, many IDPs do not wish to return, not because they feel settled in Puttlam, but because of fear and uncertainty. Hence, the security concern remains the main problem. Most stated they would return if there was peace in the area. Aid agencies therefore need to recognize the IDP community's right to return to their homes and realize under which condition the Muslim IDPs expressed their wish to permanently settle in Puttalam.

The pressure on limited resources in Puttlam gives rise to tension and conflict between the host community and the IDPs, where the former believe they encounter various difficulties due to the IDP influx. However, as mentioned earlier, it was the host community that provided support to the IDPs when they first arrived in Puttlam by settling many IDPs on their private land. The government stepped in only four years later with land and temporary shelters. After 17 years of living in Puttlam 35% of the IDPs purchased land from the host community.

Puttlam now hosts around 75,000 evicted northern Muslims. In the last 17 years the government has not allocated resources to the northern Muslims in Puttlam.<sup>15</sup> Puttlam authorities say they should obtain public resources and university quotas from the north, and northern authorities say that since the evictees have been living in Puttlam for an extended period they should approach the Puttlam Government Agent. Hence, reallocation of public resources is very much a vital concern and any permanent relocation program of northern Muslims in Puttlam should take this into consideration. Though many IDPs said that the opening of the Mannar- Puttlam road would facilitate their return, at least for trading and seasonal agricultural purposes, they felt that the LTTE would not allow the road to be opened due to the presence of a sea tiger base in Mullikullam. For the government forces the opening of the road would be an additional burden as it would force them to stretch thin the northern ground forces.

## **Human Rights**

The narratives of women were particularly powerful and highlighted the internal immunity that communities have constructed in order to deal with violence on a routine basis. Many women narrated stories of how their male family members had disappeared or were found dead but felt it was pointless to complain. They cited many reasons for this. Firstly, families do not obtain compensation if persons are killed by "unidentified gunmen". Secondly, some women felt the fact a family member was killed by unidentified gunmen was in itself a threat to the rest of the family. Hence, they chose to be silent. In some cases women had not even obtained the death certificate because due to the attached security risks they didn't want to be identified as family members of a person killed by 'unidentified' parties.

Interviewees informed the mission of increased control of the area by paramilitaries and the resulting culture of impunity. One of the examples quoted was the presence of white

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<sup>15</sup> Interview with Community Trust Fund.

vans parked near the SLA military check points with men in masks by the road side after 6 p.m. Persons who pass through the checkpoints are screened by the masked men and some taken away by the armed forces if identified by the masked men. According to the interviewees these men never returned alive.

Due to the prevailing security situation and restricted mobility men are unable to find jobs and in some areas don't travel out of the camp. This has led to idleness, gambling, alcohol and drug abuse. Due to poverty, some young women have had to turn to sex work. Women in the camp are aware of other women engaging in sex work but do not openly acknowledge the fact. In confidential conversations with mission members many spoke of instances of young women being 'picked up' at night by the military and dropped back in the morning. There is however, no community acknowledgement of this and nothing is done to stop the sexual exploitation and abuse of women.

With regard to alcoholism among men, women pointed to the existence of a connection between paramilitary groups and the 'kassipu' (local liquor, moonshine) brewers. They said this made it difficult for communities to combat alcoholism since people were afraid to complain about kassipu brewers as they do not know which paramilitary group might be associated with the brewers. Even in cases of murder and rape, people are reluctant to lodge complaints because the offenders are often connected to one of the paramilitary groups, a connection they utilize to threaten the victims and witnesses.

Like in Batticaloa, in these areas too domestic violence, teenage marriages and increasing rate of abandonment are common. Families anxious about the safety of their daughters marry them off at an early age. Some are married at the age of 13-14 years. Community groups in Mannar said that mass marriages among the young people have taken place in the past 6 months. This was done for two reasons: to escape LTTE recruitment and to get safe passage to India, since a young couple will obtain entry into refugee camps in India as opposed to a single young person who'd be suspected of being a LTTE member penetrating into India. Apart from security reasons, early marriages also lessen the material burden of the family. Quite often, these marriages are not registered leading to problems of desertion and second marriages among men. Children from such marriages are also abandoned.

### **The Politics of Displacement, Return and Re-settlement**

Resettlement locations are identified by the government with no consultation with the IDPs. Local mobilisers pointed out that INGOs and NGOs have dead-lines for projects and hence want to spend the money within a stipulated period. They therefore don't consult with IDPs or find alternative safe places to construct their resettlement schemes/villages. INGOs in their effort to meet timelines have rushed into resettlement without conducting proper assessments of the areas and livelihood opportunities. INGOs have also been accused of forcing the IDPs to resettle in undesirable locations. The resettlement villages the mission visited in Mannar, Vavuniya and Puttlam are situated a fair distance from the towns and people experience great difficulty obtaining basic needs like water, electricity, transport, medicine and education. This also adversely impacts upon their ability to find means of livelihood. The Puttlam Sultan camp is one example where a traditionally agricultural community has been forced to live on barren land for the past 17 years.

In Mannar, like in parts of the East, return and resettlement has caused inter-community tensions. The Catholics in Mannar are quite anxious about the Hindus being settled in the area as some government officers and religious leaders fear mass resettlement could disturb the ethnic composition of the area. INGOs cite this as the main reason for the lack of success of resettlement plans. Most often host communities oppose new resettlement programs because of the belief that displaced people are the cause of all social, political and economic problems of the region.

There have also been cases where IDPs who have been living in camps have been given temporary shelters in areas where there is heavy military presence. In both Vavuniya and Mannar the mission observed that resettlement villages and camps were surrounded by military bases, bunkers and check points. Irrespective of the fact that the main road connecting Vavuniya-Mannar and Mannar-Madawachchiya has been heavily militarised for a very long time, what is now apparent is that the military has moved into resettlement villages and established bunkers and check posts near schools and public administrative building. In Mannar, like in many parts of the East, IDPs felt that the resettlement is being done in a manner which will enable the military to use IDPs as a security buffer/human shields.

With regard to the displaced in Madhu, according to the Protection Officer at the UNHCR Mannar office, UN agencies have not entered Madhu area since displacement began. The officer said they faced several practical difficulties in obtaining clearance since they require permission from the military, LTTE, Defence Ministry and the air force commander to enter this area. Hence, UNHCR had no idea about the plight of the people who were forced to flee from Madhu Church into the jungles of Madhu since they hadn't visited the area since March 2007.

### **Provision of Aid & Support**

The mission was told by the IDPs that each family received coupons worth Rs. 1200 for dry rations that include 12 and half kg rice, 3kg flour, 3kg sugar and lentils. Though the cost of rice has now increased to Rs. 45 the amount given by the government remains at Rs. 12 per kg. Employment opportunities are scarce with seasonal employment (agricultural labour) fetching Rs 500 as and when available. Some men/women manage small shops and engage in home gardening. Some IDPs in Vavuniya told the mission that their requests to the GA for a plot of land to establish a collective kitchen garden had been turned down.

Local groups claimed that many international humanitarian agencies did not have an analytical understanding of the situation which contributed to further the ongoing conflict. The example cited was the relocation by UNHCR of IDPs to the highly militarized main road along Mannar–Mathawachchiya. In a way these agencies are furthering the government's forced return and resettlement plan by dismantling all welfare centres, thereby making it difficult for IDPs to remain at these centres. Further, if people refuse to move to a relocated site, their meagre rations are reduced, causing great hardship. For instance, locals said that at the Kalimotai Puliyankulam camp, Mannar, 55 families have been asked to be ready to be relocated in Thampannaikulam. Some families who have been living in this camp since 1999 don't wish to be moved but as other families are moving, they were told that the camp would be closed down. Therefore, these families have been forced to accept the relocation option.

NGOs we met both in Mannar and Vavuniya talked about the grim status of the IDPs who live in LTTE controlled areas. Since only few agencies have been allowed to undertake limited activities in the area there is urgent need to address issues related to IDPs trapped in LTTE control areas.

### **Livelihood Issues**

From the first week of June, 2007 the government has imposed restrictions upon the transport of goods to and from Mannar. This constitutes a ban on any vehicle registered in Mannar or the north passing through the Madawachchiya check point to the south. All goods from the north therefore have to be unloaded and the traders have to hire a transport vehicle (mostly lorries) from Madawachchiya to transport their produce to Colombo. The same applies to lorries that transport goods to Mannar. At the Madawachchiya check point the goods that come from the south to Mannar have to be unloaded, checked and reloaded into vehicles that have north registration. This entire exercise takes four to six hours and is a costly affair which impacts upon Mannar's economy very badly, since the fisher folk are unable to transport their fresh catch to Colombo. It has also caused an abnormal price hike of essential items that are transported from the south to Mannar. There is also military imposed restriction on fuel distribution in Mannar. The monthly fuel requirement in Mannar is 600,000 litres of kerosene, 110,000 litres of petrol and 250,000 litres of diesel, while the current distribution of fuel in Mannar under the supervision of the military is 60,000 litres of kerosene, 45,000 litres of petrol and 50,000 litres of diesel.<sup>16</sup> Petrol is rationed and there is acute shortage of kerosene and diesel, resulting in the restriction of the mobility of civilians within Mannar district. Kerosene and diesel oil shortages have adversely impacted upon the fishing industry, the livewire of Mannar people.

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<sup>16</sup> Mannar Divisional Secretariat.

## **MISSION TO TRINCOMALEE AND THE BORDER VILLAGES**

Trincomalee city is a highly militarized zone. The emptiness on the beaches, the lack of boats or any signs of fishing folk was stark in coastal areas. There was a checkpoint at almost all cross-roads and the town emptied completely at dusk, except for the ubiquitous check points. One evening around 8 p.m. the SAHR mission vehicle was the only civilian vehicle on the streets during the fifteen minutes it took us to get to the outskirts of Nilaveli. The mission met some INGO workers in Nilaveli and had dinner amidst the constant sound of shelling which everyone said was quite 'normal'. Going into Nilaveli itself we were told was too dangerous. The only shop open that night was selling coffins.

The Governor of the newly de-merged Eastern Province is from the military, making for a regimented public administration. Civilians also spoke of rigid controls and restrictions to movement. The presence of the Karuna faction and its political offices in the town added to a sense of fear and mistrust both among as well as within Tamil, Sinhala and Muslim communities. The difference between development in the South of the island and under-development of the places in the East the team visited was glaringly apparent. There seemed to be very few opportunities for people in terms of employment as some livelihood activities such as fishing are restricted by the government. In the interior paddies lay fallow as people were too afraid to go to their fields.

### **Camp Conditions**

The conditions in most camps were dismal, especially the transit camp at Kiliveddy, which has become permanent for the Sampoor IDPs since they can't return home. Environmentally unsound building materials, such as tin and asbestos roofing sheets were used to build camps in extreme hot climate conditions. There was inadequate ventilation and space with the structures being small, dark & dingy with dirty uneven earth floors. All the camps had inadequate sanitary provisions.

The quantity of food supplied barely fulfilled the needs of the individuals. There was irregular supply at certain camps (Kiliveddy & Kinniya camps) leading to deteriorating health condition among inmates especially the children, pregnant and lactating mothers. This also forced many people to sell whatever possessions of value they had for food and supplements. Many people cooked within their small tent/shed space making the congestion and heat worse. Almost all the families the mission spoke with reported outbreaks of diarrhea and skin infections. There were also long waits in queues for rations, registration and so on and families such as single women and pregnant mothers were greatly disadvantaged.

The Tamils living in IDP camps experience extreme economic hardships due to restrictions on movement, since no person is allowed to go out of the area without permission of the Divisional Secretary. Accessing agricultural lands was impossible and the only work, if any available, was day labour or 'coolie' labour. They are hence totally dependant on dry rations provided by the government or supplements provided by NGOs. There are restrictions on fishing and agriculture in some areas while in others it is unsafe to access agriculture lands due to on going conflict and landmines which adversely impacts upon people living in resettled areas and Muttur. The resettlement of Tamils in Sampur has stopped completely. Many Sinhalese from villages in the

contiguous districts bordering the eastern province are being recruited as home guards, an employment opportunity which creates a strong inter-dependency between the Sinhala villages and the military.

### **Militarization and its Impact upon Civilian Life**

There are clear restrictions on the movement of Muslims and Tamils in the East based on arbitrary decisions taken by the military or the police. The Sinhalese in Mihindupura expressed fears regarding their ability to travel freely as their village is surrounded by Tamil villages. People fear that their movement is watched, checked and monitored. This is evident from the presence of many military checkpoints in the areas the team visited. Relatives and friends of persons living in IDP camps are reluctant to visit due to checks done by the military.

Militarization was also illustrated by the active involvement and incorporation of the military in several areas of civic life. For instance, due to the inclusion of military commanders in the reconstruction of the East, NGOs and community based organisations (CBOs) are extremely reluctant to voice their opinions freely, particularly at monthly meetings with government officials. More serious in nature was the presence of military personnel at an inquiry on the murder of the 10 Muslims convened by the Presidential Commission of Inquiry.

### **Differential Treatment of Communities**

There was a clear difference in the support extended by the authorities to Sinhalese, Tamils and Muslims. This was evident in the areas of relocations and resettlement, restriction on movement and livelihood, providing employment opportunities and provision of other basic facilities to people.

The Sinhala IDPs in Kebitigollawe camp and other relocated villages do have better facilities which were absent in other IDP camps. Education was a priority issue amongst parents in Sinhala villages in the IDP camp in Kebitigollawe and no complaint was made by the parents about the available facilities. Some Tamil parents were not willing to send their children to school due to forced recruitment by militant groups. The camps and relocated villages inhabited by Sinhalese are in a better state both in terms of the construction of houses and location. Even the Kebitigollawe camp, the worst of the ones inhabited by Sinhalese, consisted of bigger structures in comparison to the rest of the camps visited. Despite its environmentally unsound construction, the Kebitigollawe camp had certain other facilities and conveniences, such as closeness to schools, a bigger town and access to goods and employment opportunities, not available to inmates in other camps visited.

The team was also informed of the inadequate facilities at the Muttur District hospital because hospital equipment was taken to the Trincomalee general hospital when the Muttur people were displaced in August 2006. At the time of the visit, leaders of the Muslim community were in negotiation with government health authorities to access the equipment for the Muttur hospital, which serves a large district including a substantial population of displaced persons. They allege that some dysfunctional equipment was

received in lieu of the donated goods and allege government discrimination and disinterest in the welfare of Muttur.

Recruitment of home guards from Sinhala villages created a sense of safety and security among the Sinhala villagers. People living in Morawewe village stated that they requested further security from the government as they felt unsafe. The camps with Tamil inmates are directly under the Government. The insecurity in these camps stems from the fear of where and when they will be resettled or re-located. The government is putting pressure on inmates in certain camps to return to their villages though people are reluctant to return. Certain promises such as provision of identity cards and more systematic food rations were made by the government in lieu of return.

In Mihindupura, the villagers were taken to safer locations by the government after the LTTE attack and direct government support was provided for people to return to their villages. Though they were displaced again after another attack by the LTTE, their houses were not looted and the village was guarded by the government against vandalism. In contrast, the Tamils in the Kiliveddy camp said that they'd left most of their belongings in Eachalampattu, and had heard that their houses were looted.

Almost every family in the Sinhala speaking camp and areas seemed to be dependent on military service for their livelihood. For instance, some worked as day labourers in army camps or were employed as home guards. The Tamils on the other hand are completely dependent on food rations provided by the government and NGOs and INGOs. Though there is restriction on the freedom of movement of Sinhalese in the resettled villages they have the ability to choose not to remain in the village. For example, the IDPs in Kebitigollawe had visited their village, and persons who did not wish to remain in the village returned to the camp. The Tamils inmates, on the other hand cannot leave the area or the camp as IDP IDs or other identity cards were not provided by the government.

## **Welfare Centres/Camps for Displaced Visited**

### **Kinniya**

Kinniya is situated south west of Trincomalee and is a predominantly Muslim area of about 70,000 inhabitants with a very small Tamil population (3%).<sup>17</sup> It was badly affected by the 2004 Tsunami, registering the largest number of deaths and displacement in the Trincomalee district, compounding the ravages of conflict. Much of its infrastructure was badly destroyed including the district hospital that served its population. The mission noted extreme poverty in the area. Public transport was limited and the town area had only few shops, which cater to bare necessities. In comparison to the small towns in the South, there was little economic activity and therefore few job opportunities. Fishing and agriculture were the main avenues of employment for men while women sought employment overseas as migrant labour. Young men stood around everywhere doing nothing while the few women about were marketing at desultory vegetable stalls. There was some new reconstruction following the tsunami, including a new hospital and housing for the tsunami displaced and relocated communities.

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<sup>17</sup> Kinniya.Net at [http://kinniya.net/basic\\_information.asp](http://kinniya.net/basic_information.asp)

### Welfare Centre at Alankerny-Vinayakar Vidyalalya

There are two IDP sites in Kinniya of which the team visited the Welfare Centre at the Alankerny-Vinayakar Vidyalalya in the village of Eechantheevu. According to the inhabitants of the camp the Centre housed approximately 139 Tamil families mainly from the Raal Kuli area and included a few from Chenaiyur, Sampur and Kattaiparichchan some of whom had fled the fighting between the government and the LTTE in August 2006 and others in November 2006. The majority of Raal Kuli villagers are fisher folk while some cultivate onions and vegetables and the women tend home gardens. They had been in regular contact with the Tamil villagers of Kinniya and commuted by sea, a comparatively short journey of 3 kilometres. However, when the fighting broke out some villagers of Raal Kuli were forced to flee along land routes crossing the sea and Mahaweli tributary. This arduous journey to Kinniya took over two days. Others traveled via the Eechantheevu route which was at the time under the control of the LTTE, which also took two days. As a result many families were separated. As recounted by a villager:

“We are scared to return. We have our boats there. We heard the sound of shelling and came through the jungles for two days. The LTTE was there. We waded through the waters carrying only some clothes. My village is an island surrounded by the Mahaweli river and sea. Some came by boats, some waded through the waters” – Raal Kuli resident at the Alanthani Vinayakar Vidyalaya IDP Centre

Many children and the elderly were carried most of the way and the villagers of Raal Kuli were reluctant to return until it was completely safe as they did not want to repeat the tortuous experience of enforced flight. However, the continued occupancy of the school premises including the newly constructed school building by the displaced was hampering educational activities, and both the host community and the displaced felt that alternate premises had to be found. There was also no privacy for the IDPs. All families shared the open space of the school hall. Women in particular were very uncomfortable and young couples stated that they occupied abandoned houses in the vicinity at night. Since the Centre was supplied with dry rations irregularly, the quantities were patently insufficient and the IDPs had no means to supplement their food rations. People were particularly concerned that they had no fresh food supplies such as vegetables and were desperate to have some work and money at their disposal. We were told that work was very difficult to come by even for the host community. Everyone was very frustrated and waiting impatiently to return to their villages and resume their familiar way of life. Though there's constant pressure on the displaced to return to their villages they didn't feel secure enough to do so. Three men who returned had been killed and there was widespread belief that their belongings had been looted.

“There were 750 families in my village and we earned a living through agriculture and fishing. We grew onions, vegetables; we collected firewood from the forests. They have taken the things away from our houses. Houses are broken and the village is under Army control. A team led by the Muttur DS, Kinniya DS and Sri Lankan Red Cross asked us to return to our villages. The government is asking us to go but there is no talk of rebuilding our homes. Four, five times, the government asked us to go and we said no. We know the difficulties of living here but we are also afraid of shelling and face the uncertainty of being uprooted yet again” - IDP at the Alanthani Vinayakar Vidyalaya IDP Centre

The children of the IDPs were schooling with the children of the host communities and medical assistance was available at the temporary hospital in Kinniya which was being run by an Italian Aid Agency. The Public Health Midwife visits the camp and four

women had given birth since their displacement and three more were pregnant. There were more women among the approximately 450 IDPs here and 29 were widows.

### **Re-settled Village – Sinnathottam**

The re-settled village of Sinnathottam was in fairly close proximity to the Alanthani-Vinayakar Vidyalalya Welfare Centre. The villagers informed the team that the village was made up of 42 Tamil and 12 Muslim families and that the land for re-settlement was negotiated from the Muslim community. This area was devastated by the tsunami and homes were re-constructed or newly built for all the tsunami displaced. Some of the people we met had been displaced since 1990, mainly from Upparu, and were living in makeshift housing and subsisting on government rations.

“We are caught between the army and the Muslims. Even here, they resent our presence because they think we have occupied their land. The Muslims keep prodding us to go back to our original village, even government officials in this area do the same.

If the army is suspicious, it searches our homes. Our homes are routinely photographed, so are we. If I have a guest, I have to promptly report to the army. There is no market close by. We are scared to go anywhere alone so when we go to the Wednesday market, we do it collectively” - Tamil woman resettled at Sinnathottam.

The community now has permanent housing and the assistance of local NGOs to cultivate home gardens. They engage in small enterprise and appeared more stable. They also continued to receive government support through ration coupons for dry goods which were available at the local co-operative society shop. Due to the lack of adequate water for irrigation coupled with poverty it was a continuous struggle to eke out a meagre living. Therefore, many men and women resorted to overseas migration for employment which appeared a fraught experience. Many women we spoke to had pawned or sold any belongings of value to pay for the migration but had no sense of exactly where their family members were employed. They received occasional communication and irregular remittances but were hopeful that a better future lay in store for them.

### **Kiliveddy**

Kiliveddy was in the middle of a large extent of waste land, with dry brush and almost desert like conditions. It can hardly be considered a town. Public transport appeared almost non-existent and people seem to live in contained areas with little movement between them. There appeared to be no economic activity. When the team entered the camp, the members were asked by soldiers guarding the camp whether they'd obtained permission from the GA to visit. Though the members responded in the negative they were nevertheless allowed to enter the camps.

The Kiliveddy site was originally used to relocate the displaced sheltering at the Kiliveddy school in mid-December. It was subsequently converted to a transit site for IDPs once schools reopened. Many of the displaced at this site are from villages in the vicinity, which are uninhabitable because of fighting going on at the time, and the large number of anti-personnel mines believed to be planted in the area.

The transit camp at Kiliveddy was situated enroute between Kantale and Muttur. The approach to Kiliveddy is strewn with checkpoints and the mission encountered no public transport on the road indicating that access was quite difficult and limited. The camp consisted of a large number of tents and tin shed constructions which the mission was informed was temporary housing for the displaced. At the time of our visit the camp housed approximately 1249 families and 4196 individuals displaced from the villages south of Kiliveddy – ranging from Eichalanpattu to Vaharai. The ongoing fighting between State forces and the LTTE had forced entire communities to flee and relocate, and some families were still arriving at the camp from as far south as Vaharai despite reports that Vaharai was ‘cleared’ and ‘safe’ for occupation.

At the time of our visit two very malnourished women were seated outside the government relief office at the camp premises, one nursing a baby of a few months (who had been born at a Welfare Camp in Batticaloa) and the other a child of four who looked no bigger than a one year old. They had walked to the camp from Vaharai and had not found any shelter, nor had a proper meal for days and were desperate for help. The newly arrived Grama Sevaka Niladari was attempting to find them some decent shelter and provide food.

In most cases, hospitals do not seem equipped to deal with such large IDP populations plus the host population, and only dispense very basic medication. For example, at Kiliveddy we saw a family arrive at a mobile clinic conducted by a NGO. They had no access to health care which had resulted in not being treated properly for chicken pox. They had been brought to the camp in the hope they’d be able to see a doctor and be provided with medication.

### **Iridiyapuram**

Both the camp and village of Iridiyapuram are not far from Kiliveddy camp and there were a few families still sheltering at the Church of Our Lady in Iridiyapuram. They were originally displaced to Vaharai, fleeing the fighting in the Iridiyapuram area in July 2006. They returned to Iridiyapuram when fighting broke out in Vaharai. Some of the homes in Iridiyapuram village were partially rebuilt with government assistance. The construction of the homes had stopped once the walls were about three feet high and the people were expected to complete the building. However, none of the villages had the resources to do so and their homes had makeshift roofs and plastic sheets for walls. The village was very isolated and the area surrounding it very dry. There is a quarry some distance away as well as fields belonging to Muslims, who give these villagers some work from time to time during cultivation season.

### **Mihindupura**

This is a small Sinhala village. Although the community is poor the village seemed to be more organized than other places the team visited. The village is surrounded by Tamil villages and experienced violence following the 2006 April New Year attack on the market in Trincomalee town. The villagers said a Sinhalese man and boy were killed in the ethnic violence that followed the market bomb and the destruction of Tamil shops in town. As a result the villagers were wary of commuting across Tamil areas and said they moved about in groups and went into town only on very urgent business. However their

most pressing problem was the lack of work. The women of the Kantha Samithiya were meeting at the temple premises when we arrived and they all asked for some assistance to start a revolving loan fund for the organization. They envisaged starting up small home based enterprises to supplement family income and asked for support in skill enhancement and marketing.

## **Muttur**

Muttur is located south of Trincomalee and is accessible by ferry from Trincomalee town and by road via Kantale. The population of Muttur prior to displacement in August 2006 was 62,390 (16,480 families). Muttur is a multi-ethnic society. Approximately 52.5 percent of its population is Muslim and 47.3 percent are Tamils with the Sinhalese comprising a minute 0.3 percent.<sup>18</sup> Historically, Muttur enjoyed a high degree of interdependency between Muslims and Tamils. Both communities engaged in fishing and Muslim owned agricultural land is located in Tamil areas and cattle are often grazed in Tamil areas as well. Trade in the town was controlled mainly by Muslims. As the conflict intensified ethnic tensions increased making some of the Tamil areas inaccessible to the Muslims resulting in large internal migrations into Muttur town, which put severe pressure on available facilities. Education was badly affected with the intensification of the conflict with science stream education coming to a complete standstill.

The hospital was also seriously handicapped by a shortage of health care professional. Many appointees did not report for duty and the hospital had only 4 Medical Officers and 13 nurses out of a complement of 175, and 2 Public Health Midwives out of the required 11 making for overworked and overstretched medical staff.

The militant activity of the LTTE in the outskirts of Muttur also put pressure on its economy with restrictions to movement and livelihood activity. Fishing was particularly affected with the imposition of high security zones and time bound bans on fishing. This has severely weakened the once prosperous economy of Muttur which depended on transporting a large percentage of its produce for sale in Kantale, Dambulla and Colombo. This has led to high levels of unemployment, youth frustration and unrest. There was also fear in the community that the Metro Development plans for the Trincomalee district proposed by Minister Dinesh Gunawardene would affect their traditional livelihoods and ways of life. Fears were expressed that fishing and agriculture may not be considered priority areas for Muttur. The restriction limiting fishing to 2 km as opposed to the 350 km in which the communities used to fish illustrates these fears are well founded.

There have been historical conflagrations with the LTTE, particularly in 1987 and 1995. However, the most serious was the battle of August 2006 which affected the entire population of Muttur destroying much of its infrastructure, resulting in a large number of deaths and displacing all of its population in the span of a few days. The team gives below a succinct recollection of the events of early August 2006:

"The LTTE gave notice to the people to leave Muttur on August 1, 2006 saying they planned a major attack on the army between 9 and 10 p.m. They then cut off electricity. We asked the LTTE's political wing leader for the area, Elilan to

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<sup>18</sup> Muttur District Secretariat.

put off the attack because we didn't know how to communicate the message to our people as loudspeakers couldn't be used. When Karim Moulavi tried to speak to Elilan, he cut the phone connection after telling Karim Moulavi to carry out their orders immediately. Karim Moulvi phoned at about 10.30 pm but by nine o'clock itself, the Tigers were inside the town”.

"Soon afterwards the LTTE started attacking military installations across the water from near Muslim homes and the army shot back at the same place. Since the shooting was untargeted, civilians were injured and killed. 1117 houses were damaged, 196 persons were badly injured and 63 died. 286 houses were completely destroyed. Paali Nagar and Neithal Nagar –were the worst hit. The attacks went on for three days with brief breaks. One of the first sites hit was the hospital. There was no medicine and wounds were bandaged with ordinary cloth. The dead and injured were lying next to each other. There was no food for four days. Many bled to death”.

"The people took shelter in the Al-Hilal Maha Vidyalaya and Nathwathul Ullama Arabic College but the Tigers attacked the military from the vicinity of these shelters. The Army retaliated by using multi-barrel rocket launchers for the first time together with cluster bombs to repel them. The army did not behave any better than the rebels. We are citizens of Lanka, we pay our taxes and it is the state's duty to protect us”.

"Karim Moulavi begged them to stop for one hour so that we could eat something and clear the dead bodies. Nothing happened and we were forced to flee out of town on the A5 road. When passing by Jabal Nagar, there were LTTE cadres with weapons. They said come this way, no harm will come to you. But there was a Tamil lady who warned us not to go because she said we would be killed. Regardless of this we were forcibly diverted to Kiranthimunai. At 9.30 in the morning, the LTTE stopped us and separated the men and women. The men were taken away and while they shot one youth the shelling started, and people ran in different direction. It was assumed that people who went missing during this calamity were shot by the LTTE, but except three, others returned from their jungle hideouts later.”

“For four days we hadn't eaten or drunk anything. There was some drinking water but when some boys reached out for it, they were beaten with sticks. There were male and female Tigers and the LTTE did its share of media management. A bucket of water was brought, horrible muddy, but some children and women reached for it, which was video-taped. After that whoever went towards the bucket was beaten badly. The women wanted to feed their kids but one mother was hit for breaking the queue though she appealed to the LTTE. A pregnant woman was writhing in pain and ended up delivering a baby on a tractor”.

"We went as refugees to Kantale. The government gave us nothing but many NGOs fed us. After about 33 days the government asked us to return to Muttur and promised to give us Rs.25,000 each but we refused and said we wouldn't return to Muttur until it was safe. The army came and stopped the water supply at the camp at the Al-Hikma Muslim school Kantale. Finally we were brought back in hundreds of buses by the army and navy. It took a month to partially restore our houses with the help of Muslim Aid, UMCOR and the United

Methodist Church. Despite everything they say it is still not safe. The LTTE still lives in the jungles and those who go to collect firewood are chased away. On May 17, those who went to the forest, west of Muttur, were warned by the Tigers to not set foot there again although there's an army camp on the way”.

### **Morawewa**

The village looked prosperous and calm. Next to the community hall where the meeting took place, Sarvodaya runs a nursery school which had some interesting wall paintings. One depicted war visuals of a helicopter hovering in the sky, a bleeding man whose back was pierced by a bayonet and a couple of grenades and a bunker. The other mural was of peace time visuals of flowers, doves and smiling children. When the kids (below the age of 5) left the classroom, one of the team members asked them to identify paintings relating to the war. They did it eagerly, promptly and accurately. However, when asked to describe the peace visuals the children showed little interest.

In the past twenty years the villagers have moved away from their village a number of times due to numerous attacks. Most villagers returned in 2002 after the ceasefire agreement.

Although security is provided through home guards the villagers claimed they lived in perpetual fear. In addition, the Sri Lanka Army and Air Force are both providing security to the village. Every family the team interviewed had some connection with the armed forces. Almost all women the mission spoke with had either a family member who was directly attached to the armed forces (as a soldier or home guard) or worked for the forces in other capacity (casual labourers, cooks).

The villagers do interact with the Tamil community in the area and sometimes take part in Tamil festivals and access their temples. Some Sinhalese also lease Tamil lands for agriculture. Though all interviewees highlighted the need for peace in order to lead normal lives they had no faith in the possibility of reaching a negotiated settlement with the LTTE.

### **Kebetigollawe**

The inhabitants of the camp said they left their homes after a claymore mine explosion in June 2006 which killed sixty three persons. Although some families returned to their village the remaining families did not feel it was secure to return. Some families who had returned spend their nights in the jungle or have built bunkers in their homes. The first LTTE attack occurred in 1995 when three persons were abducted and killed. The villagers said they left their homes in 1995 but returned when the government promised to rebuild their houses. Rs. 35,000 was given to each family to re-build houses.

According to the inhabitants currently 41 families are living in the camp and do not wish to return. Some said it was easier for them to stay in the camp as certain facilities such as schools, and hospitals are easily accessible. Families affected by the blast were given Rs. 150,000 by the government. Of the 41 families that live in the camp, 31 persons work as home guards for a monthly salary of Rs. 1200.

People who live in the camp seek alternate land which is safe for settlement. The Sinhala villagers have no interaction with the Tamil community and some interviewees directly expressed their anger toward Tamils as they held the Tamil community responsible for the death of their family members and friends. At the same time they stated they have no faith that the present government would bring peace to the country.