

THE LONG SHADOW OF WAR

THE STRUGGLE FOR JUSTICE IN POSTWAR SRI LANKA



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**DRIVE SLOW
TROOPS AHEAD**

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The Oakland Institute

Acknowledgments

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The views and conclusions expressed in this publication are, however, those of the Oakland Institute alone and do not reflect opinions of the individuals and organizations that have supported the work of the Institute.

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Executive Summary

The bloody civil war that ravaged Sri Lanka for 26 years officially ended in 2009 with the defeat of the minority Tamil separatists, led by the Liberation Tigers of Tamil Eelam (LTTE). The conflict, in which the LTTE opposed the government led by the majority Sinhalese Buddhists, killed around 200,000, led to the displacement of more than a million people, destroyed infrastructure across the country, and took a heavy toll on the lives and livelihoods of the population of the Northern and Eastern Provinces.

Six years later, a silent war continues under a different guise. One major issue is the continued displacement of people from their lands and homes as a result of persistent military occupation of the Northern and Eastern Provinces.

Thousands of Tamils are still internally displaced and remain without land or livelihoods. For those who have been “resettled” through government schemes, the process has often taken place without voluntary or fully informed settlement choice and without adequate infrastructure in place for rebuilding their lives.

Sri Lanka’s army still occupies “high security zones” in the North and East of the country. In 2014, at least 160,000 soldiers, almost entirely Sinhalese, were estimated to be stationed in the North. With the Northern Province’s population estimated at just over one million in 2012, this yields a ratio of one army member for every six civilians, despite the official end of hostilities six years ago.

This military occupation is not about ensuring security. The army has expanded non-military activities and is engaged in large-scale property development, construction projects, and business ventures such as travel agencies, farming, holiday resorts, restaurants, and innumerable cafes that dot the highways in the Northern and Eastern Provinces. The army officially runs luxury resorts and golf courses that have been erected on land seized from now-internally displaced peoples. Tourists can book holidays in luxury beach resorts by directly calling reservation numbers at the Ministry of Defence. These resorts and businesses are located on lands that were previously home to the local Tamil population, who were displaced by the war. They see no sign of return, despite numerous demands and petitions.

These recent land grabs perpetuate and build upon a decades-long history of marginalization of the Tamil population, which has involved violence, pogroms, repressive laws, and a government-orchestrated colonization of the Northern and Eastern parts of the island nation that used to constitute

the Tamils’ homeland. This process has not only stripped Tamil peoples of their culture, land, and livelihoods, but also has significantly altered the demographic makeup of these regions. This systematic repression fueled the civil war that erupted in 1983, with the Tamil insurrection demanding separation of the Northern and Eastern Provinces.

In the decade following independence in 1948, the takeover of land and displacement started via “development” projects and irrigation schemes, which colonized the Tamil lands through the settlement of hundreds of thousands of Sinhalese brought from the southern part of the country. Beyond the destruction of Tamils’ livelihoods and the takeover of their land and water resources, this colonization involved a systematic war on Tamil culture, language, and religion. The 1956 Sinhala-only law that made Sinhala the only official language in the country was one of the many discriminatory measures aimed at the cultural and economic marginalization of the Tamils.

The LTTE was defeated in 2009 through a bloody military offensive that led to widespread destruction, the killing of tens of thousands of civilians by government shelling, and the displacement of the entire population living in rebel-controlled territories. A 2011 United Nations panel raised serious questions about the actual objectives of the military operations, observing how the army “shelled on a large scale in three consecutive No Fire Zones, where it had encouraged the civilian population to concentrate.”

Over the past six years, the process of Sinhalization has intensified with an aggressive government-led effort that systematically replaces Tamil culture and history with victory monuments dedicated to Sinhalese hegemony and Buddhist religion on the ruins of the Tamil homeland. The Sinhalization of the Northern and Eastern Provinces involves the establishment of Sinhala signboards, streets newly renamed in Sinhala, multiple monuments to Sinhala war heroes, war museums, and the construction of Buddhist temples—even in areas where no Buddhists live.

A new government was elected in early 2015 with the promise that it will engage in a process of truth and reconciliation. It is unclear how such a process could effectively take place, given the current level of military occupation and the ongoing Sinhalization efforts. Furthermore, a process of truth and reconciliation will have little hope of succeeding unless the new government makes decisive and concrete moves around two other paramount human rights issues that have not seen any progress since the end of the war.



The first concerns the thousands of people who remain missing since the end of the conflict. A 2012 United Nations report refers to more than 70,000 people who are unaccounted for. The bishop of Mannar has given an even higher number of 147,000 missing from the Vanni region alone. Although the Oakland Institute is unable to provide a precise estimate, our researchers gathered dozens of testimonies during their fieldwork that confirm that large numbers of individuals are still missing. Sons, brothers, and husbands have disappeared since their surrender to the Sri Lankan army in 2009 or since they were “whitevanned” during the conflict and at the end of the war. In August 2013, the former President, Mahinda Rajapaksa, set up a Presidential Commission to look into complaints regarding missing persons. In July 2014, the Commission’s mandate was expanded to investigate allegations of war crimes and violations of international humanitarian law by the LTTE and the Sri Lankan armed forces, thereby weakening its original mandate. By August 2014, family members of nearly 20,000 people, including 5,600 family members of Sri Lankan army personnel who went missing during the war, had petitioned the Commission.

The release of political prisoners and of all individuals imprisoned due to the conflict is the primary demand of many of those interviewed in the Northern and Eastern Provinces. Yet, to date, pledges made by the government for the release of prisoners have lacked timelines and enforcement mechanisms. It is feared that many of the missing are not imprisoned. The government has been strongly encouraging families to stop searching for the loved ones, and accept a death certificate for their family members along with financial compensation. However, many families have rejected this offer, which does not include restitution of the bodies and information about the cause and place of death.

A second major obstacle to any reconciliation process has been the lack of political will for any thorough investigation and prosecution of war crimes and human right violations that occurred in the course of the conflict. In March 2014, the UN Human Rights Council adopted a resolution to launch an inquiry into war crimes allegedly committed by both Sri Lankan state forces and Tamil separatist rebels and the ongoing human rights abuses on the ground today. President Mahinda Rajapaksa, who oversaw the government’s victory over the LTTE, responded by prohibiting the UN investigators from entering the country. Despite the government’s obstruction of the inquiry on war crimes, the UN was set to release the report on suspected human rights abuses in March 2015. However, the newly elected Sri Lankan government under President Maithripala Sirisena that came into power in January 2015 secured a six-month postponement of the release, promising an internal inquiry and reconciliation by the new government.

Given the government inaction over these critical human rights issues in recent years, international pressure will be critical for any decisive action to take place. Both India and the US have made gestures of geopolitical cooperation since the elections in early 2015 ushered in new leadership. It is feared that these two countries could decide that geopolitical alignment trumps a true and just reconciliation process, and fail to put the necessary pressure on the Sri Lankan government to adequately follow through with its promises.

This is a vital moment for the future of Sri Lanka. The human rights situation in the country will not improve until the culture of impunity is replaced with a culture of responsibility, accountability, and fulfillment of full rights of the Tamil community and all other minorities in the country. Ensuring that this happens should be the responsibility of the international community—not a political dilemma.





Uga Bay Resort, Passikudah, Baaticaloa

Introduction

Sri Lanka, a teardrop-shaped tropical island off the southern tip of India, is the pearl of the Indian Ocean. Lapped by azure waves, palm tree–studded beaches, and lush highlands, it is home to eight UNESCO World Heritage Sites.¹ Its stunning natural beauty and growing reputation as a tourism destination² belie a bloody past mired in civil war and human rights concerns regarding minority groups, especially the Tamil population, that remain relevant even today.

Dominated by the Sinhalese Buddhist majority since independence in 1948, the Tamils have experienced decades of systematic discrimination that fueled a separatist movement in the Northern and Eastern Provinces of Sri Lanka, which eventually came to be headed by the Liberation Tigers of Tamil Eelam (LTTE). The country was plunged into a full-scale civil war in 1983. The war ended in 2009 when the Sri Lankan army overran the last LTTE-controlled territory in the Northern Province. The 26-year-long war killed around 200,000,³ led to the displacement of over a million people,⁴ destroyed infrastructure, and took a heavy toll on the lives and livelihoods of the population of the North and East.

The war also affected the rest of the country, notably through devastating suicide missions and bombings perpetrated by the Tamil Tigers throughout Sri Lanka, including the capital, Colombo. And it carried a massive economic cost for the country, which built up its military and has continued to sustain an army of hundreds of thousands of well-equipped marine, air, and land forces.

Six years after the end of the war, one of the biggest concerns is the continued displacement of people from their lands

and homes due to persistent military occupation of the Northern and Eastern Provinces. Today, the armed forces have expanded non-military activities and are engaged in large-scale property development, construction projects, and business ventures such as travel agencies, farming, holiday resorts, restaurants, and innumerable cafes that dot the highways in the North and East.

Between December 2014–January 2015, the Oakland Institute carried out research and fieldwork in order to document the state of land conflicts and displacement amidst accusations of land grabs experienced by the Tamils and other minorities at the hands of the Sri Lankan army and the government. While investigating the land grabs, the research team witnessed continued discrimination, harassment by the police, and the horrors of the civil war that continue to torment minority groups, especially the Tamils. The outcome of our work is this report, *The Long Shadow of War*, which provides the history and evidence of ongoing land grabs, forced displacement, and continued economic, social, and political marginalization of the Tamil population in a nation built around the Sinhalese identity.

The Sri Lankan government has worked hard to prevent this type of evidence from leaving the country's shores. We present it here with the intent that both the people of Sri Lanka who aspire for a truly democratic and peaceful society and the international community, which has been lackadaisical in its response, will take the appropriate and much-needed action. The report begins by examining the immediate aftermath of the war and then moves chronologically.





Army checkpoint at Omanthai

About the Report

This report is based on research conducted by the Oakland Institute between 2014–2015. This included desk review of literature and fieldwork including interviews with political leaders, human rights groups, war widows, internally displaced people (IDPs), and impacted populations. Visits were made to villages, IDP camps, war memorials, and “development” projects in the Eastern and Northern Provinces between December 2014–January 2015. With impending elections and the forthcoming UN resolution, the watchful eye of the military made fieldwork difficult in a politically charged environment. Fieldwork in the Northern Province required clearance from the Sri Lankan Ministry of Defence.

The primary methods used to gather data during fieldwork included focus group sessions employing a facilitated discussion around ongoing land grabs and continued military occupation of the North and East. Each focus group was comprised of six to eight respondents. Prior to the start of the session, the research team went over the

topic, established an open environment to ensure all points of view were welcomed, and followed up on unexpected but relevant topics that were raised. Such focus groups were organized in Colombo (2), Batticaloa (5), Trincomalee (1), Jaffna (2), and Mullaitivu (1).

Individual interviews using open-ended questions were also conducted with key informants. More than 100 interviews were carried out in Colombo, Batticaloa, Trincomalee, Kuchaveli, Jaffna, Vavuniya, Kilinochchi, and Mullaitivu, with the intention of establishing detailed and in-depth information on issues raised in the report.

The research team employed theoretical sampling whereby the interviewees from distinct populations (for instance, displaced populations, war widows, activists, etc.) were selected who could contribute to the interview questions by providing background knowledge, facts, and evidence, and offer expert advice. The sample size was often determined during the course of the interview process. Interviews were stopped when new information was no longer emerging



and when new respondents started to reiterate the issues and facts that had already emerged. While this decreased the sample group, this qualitative research provided deep insight into the complex issues of land grabs and related human rights abuses since Sri Lanka's independence in 1948.

The data gathered through focus groups and individual interviews helped identify the categories this report uses to expose the phenomenon of land grabs and continued marginalization of minorities in the island nation. All data, classified in compliance with the identified categories, was scrutinized and interpreted by the Oakland Institute team.

This study focused on land grab issues within the postwar context while providing context with macro-level historical events. While any study investigating land issues in the North and East should ideally include all districts in the provinces given their unique demographic and socioeconomic characteristics, it was not possible for the research team to include all the districts due to restrictions of time and the political conditions that prevailed during the research. This is why two districts from each province were selected.

Although all districts in the North and East have been affected by land grabs, Batticaloa and Trincomalee were selected from the East, and Jaffna and Mullaitivu were selected from the North. Compared to Batticaloa and Trincomalee, the

personal statements from family members of those missing since their surrender to the Sri Lankan army in 2009; statements of people whose sons, brothers, and husbands were “whitevanned;”⁵ statements from former combatants, the Vanni warriors, now fighting a war against discrimination; war widows; and so much more about the war's spoils. While it was not possible to reproduce all testimonies in the report, the Oakland Institute is making available detailed testimonies to UN organizations, governments, and civil society organizations who care to learn about human rights abuses and displacement during and after the war in Sri Lanka.

Background

Sri Lanka is a multiethnic and multilingual plural society with a population of around 20 million, of whom the majority community is Sinhalese (75.4%). Other ethnic groups are Sri Lankan Tamils (11.4%), Indian Tamils (4.1%), Sri Lankan Moors (8.9%), Malays (0.2%), Burghers (of Portuguese and Dutch descent, (0.2%), and others (0.1%).⁷

There is a debate over whether the Sinhalese or Tamils were the original inhabitants of Sri Lanka. Recent scientific and historical studies have indicated that both the Tamils and Sinhalese are largely descended from the Mesolithic people who inhabited all parts of the island in the prehistoric period (more than 3,000 years ago). By the dawn of the thirteenth

“We want to tell our own narrative. We want our version to be there to help create an informed public opinion.”

—Anonymous citizen activist, Jaffna⁶

Eastern district of Amparai was not as affected by the war. The final battle of the war took place in Mullaitivu and had devastating social, economic, and political consequences that needed to be uncovered. Other districts in the North, such as Kilinochchi, Mannar, and Vavuniya, are also included in the Vanni region, the name given to the mainland area of the Northern Province of Sri Lanka. Jaffna was selected because of the serious land grab issues in the district. Our expectation was that the choice of these districts for the field visits would highlight more general factors impacting the North and the East, and thereby the problems, issues, and trends related to land grabs.

Testimonies gathered during the fieldwork related not only to the loss of lands and/or livelihoods, but also included

century, the two ethnic identities had begun their political and geographical separation. The island consisted of three kingdoms: a Tamil kingdom located in the Northeast, the Kandy kingdom located in the Central and Eastern area, and the Kotte kingdom situated in the South.⁸

European colonization began in the sixteenth century with the Portuguese occupation of the coastal areas, followed by the Dutch in the seventeenth century, and British colonization of the island by 1796.⁹ When the British established coffee, tea, and rubber plantations in the central highlands they brought Tamil laborers from Southern India.¹⁰

There was a surge in Sinhalese nationalism following independence from the British in 1948. The Citizenship Acts



of 1948 and 1949 disfranchised nearly one million Tamils of Indian origin, stripping them of their nationality, despite having lived on the island for more than six generations.¹¹ In 1956, Sinhala was made the country's sole official language and President Solomon Bandaranaike introduced several other measures aimed at bolstering Sinhalese and Buddhist power.

Tamil parliamentarians protested these laws, which led to state-sponsored riots targeting the Tamils around the country that killed more than 100 Tamils. Following Bandaranaike's assassination in 1959, the nationalization program continued under his widow, Srimavo.¹²

On June 1, 1981, an organized Sinhalese mob—allegedly government-backed gangs—went on a rampage and burned down the Jaffna Public library, destroying 95,000 volumes, including numerous culturally important and irreplaceable manuscripts. The anti-Tamil pogroms and riots of 1983, known as Black July, followed pogroms of 1958, 1977, and 1981. In 1983, mobs of mainly Sinhalese targeted Tamils, burning, looting, and killing, leading to a death toll estimated between 400 and 3,000, the destruction of 8,000 homes and 5,000 shops, and 150,000 people left homeless.

Decades of systematic discrimination fueled the Tamil separatist movement. Thousands of Tamil youth, faced with continued marginalization and violence, joined militant groups, eventually led by the Liberation Tigers of Tamil Eelam (LTTE). The country was plunged into a bloody civil war in 1983, which would last 26 years. The war ended in 2009 when the Sri Lankan army overran the last LTTE-controlled territory in the Northern Province.

Since the end of the war, Sri Lanka has been under growing international pressure to deal with war crimes allegedly committed in the final stage of the conflict. A 2011 United Nations (UN) panel, reported:¹³

“The Government shelled on a large scale in three consecutive No Fire Zones, where it had encouraged the civilian population to concentrate, even after indicating that it would cease the use of heavy weapons. It shelled the UN hub, food distribution lines and near the International Committee of the Red Cross (ICRC) ships that were coming to pick up the wounded and their relatives from the beaches. . . . Most civilian casualties in the final phases of the war were caused by Government shelling. . .

Tens of thousands lost their lives from January to May 2009, many of whom died anonymously in the carnage of the final few days.”¹⁴

A 2012 report of the UN Internal Review Panel documented other sources referring to credible information that indicates more than 70,000 people are unaccounted for.¹⁵

In March 2014, the UN Human Rights Council adopted a resolution to launch an inquiry into war crimes allegedly committed by both Sri Lankan state forces and Tamil separatist rebels and the ongoing human rights abuses on the ground today. President Mahinda Rajapaksa, who oversaw the government's victory over the LTTE, responded by prohibiting the UN investigators from entering the country.¹⁶ “Why would governments with nothing to hide go to such extraordinary lengths to sabotage an impartial international investigation,” questioned Zeid Ra'ad Al Hussein, the UN High Commissioner for Human Rights.¹⁷

A New Beginning

Despite the Sri Lankan government's obstruction of the inquiry on war crimes, the UN was set to release the report on suspected human rights abuses in March 2015. However, once the newly elected Sri Lankan government under President Maithripala Sirisena came into power in January 2015, it immediately embarked on efforts to squash the release. In February 2015, Jayantha Dhanapala, a senior advisor on foreign relations, was dispatched to Geneva while Foreign Minister Samaraweera was sent to London and Washington, since both the UK and US had pushed for an international investigation.¹⁸

Promises of an internal inquiry and reconciliation by the new government prompted many both within and outside the country to support the call for domestic mechanisms to deal with war crimes. The diplomacy worked, and Sri Lanka managed to win a delay of six months on the war crimes report.¹⁹ A domestic inquiry into the atrocities from the civil war was initially supposed to be set up by April 2015. In April, speaking to *Time* magazine, Sirisena said that the details of the planned investigation would be announced by the end of June 2015, just as the country heads into early general elections.²⁰ While UN investigators will not take part in the inquiry, the government has indicated that their views will be taken into account.²¹ The findings of this report constitute important elements to be considered by any domestic and/or international investigation conducted with the intent to reach truth and reconciliation.



Army camp, Mullaitivu

END OF THE WAR AND START OF A NEW WAR

Following the end of the civil war in 2009 and international pressure on Colombo to devolve power to the minority Tamil community under the Thirteenth Amendment (13A) of the constitution, provincial council elections were held in September 2013. The Tamil National Alliance (TNA) won a landslide victory in the first elections held in 25 years in the Northern Province, with the former Supreme Court judge C.V. Wigneswaran sworn in as the first Tamil chief minister.²²

The TNA's political win did not help realize the political nor economic aspirations of the Tamil community. Military occupation of the Northern Province—the countryside dotted with sprawling army camps and naval bases, watchtowers, and gun-toting soldiers—continues under the guise of security measures. According to Chief Minister Wigneswaran, “This heavy militarization helped maintain not only a stranglehold over the local population but criminalized all and any form of democratic and political dissent.”²³ The extent of the military's presence in the Northern Province are hotly disputed.

Military Occupation of the North: Numbers Make a Difference

In 2012, *Economic & Political Weekly* reported, “given 75% of the army's divisions are stationed in the Northern Province, in addition to other formations such as task forces and independent brigades and regimental units, it is not unreasonable to assume that at least 60 percent of the army—approximately 180,000 personnel, are stationed across the Northern Province.”²⁴

Challenging the allegations of over-militarization of the postwar North, the Sri Lankan government has reported a sharp decline in the numbers of troops. In January 2014, President Rajapaksa stated that there were 12,000 army personnel in the entire Northern Province—a “drastic reduction” from 70,000 at the end of the war in May 2009.²⁵ Just two days later, Presidential Secretary Weeratunge reported the presence of 80,000 army personnel in the North as of October 2013, a reduction from 120,000 in 2009.²⁶ President Rajapaksa's number of 12,000 troops included all security forces personnel, while his secretary Weeratunge was only giving the number for the army.



With 16 of the 19 Sri Lankan Army's divisions and task forces situated in the Northern Province, each with a minimum of 10,000 soldiers per division,²⁷ simple math calculations present the real number: At least 160,000 soldiers, almost entirely Sinhalese, were estimated to be in the North in 2014. With the Northern Province's population estimated at just over 1 million in 2012, this yields a ratio of one army member for every six civilians, despite the end of hostilities six years ago.²⁸

In 2010, the former President's brother and the country's Defence Secretary, Gotabhaya Rajapaksa, explained how the LTTE was defeated. "We realized the expansion of military would have a definitive impact on LTTE. In the 1980s, the strength of the military (Army, Navy and Air Force) was 30,000. In 2005, when President Rajapaksa assumed charge, the strength was 125,000. Between 2005 and 2009, the figure swelled to 450,000 out of which 300,000 is the strength of the Army."²⁹ This mindset helps explain the continued occupation of the North.

I want the UN to know and investigate what I have gone through.

-Testimony from Mrs. Kulanthaivel Thavamany, Mylembavely³⁰

In 1990, the army took over our homes and lands in Morakottanchenai, along the Batticaloa-Trincomalee road, and established an army camp, which is still there. My family was moved to an IDP camp at Sittandy Murugan temple. One day, my husband, along with 15 other males, was arrested by the army and taken away. I was told by the soldiers to come along with them if I wanted my husband. I refused. Another woman went, but she never returned.

Today my home is still occupied by the army, which pays LKR 300 (\$2.25) per month for the land. I went to the Human Rights Commission in Batticaloa and to the district officer to protest the continued occupation of my home. The army says, "if the government asks us to move, we will vacate the lands." But there is no legal procedure to obtain my land back.

After leaving the IDP camp, I went to live in the Navalady village with my children. The 2004 tsunami destroyed our lives and my three grandchildren died. Today I live in a temporary house provided by the charity Caritas. I have no hope of my husband returning—I hear there are mass graves of the missing—nor that the government will return my land. I hear that the UN is investigating. I want the UN to know and investigate what I have gone through.

LOSING LANDS, LOSING LIVELIHOODS

One of the biggest consequences of the war was the displacement of people from their homes and the lands that they depended on for their livelihoods. Beyond the indiscriminate killings, this remains a highly contentious issue between the local Tamil population and the Sri Lankan army. Forced to vacate their homes, farmlands, and fishing zones once areas were designated as High Security or Restricted Zones or by war itself, the displaced hoped

that their right to return would be granted someday. But continued military occupation has kept tens of thousands away from their homes and livelihoods.

In September 2012, the government declared all IDPs "resettled."³¹ In a sharp contrast, the Internal Displacement Monitoring Center (IDMC) reported nearly 90,000 IDPs in the country in May 2014. As of September 2013, some 7,000



IDPs were still living in camps, with more than 4,000 in Jaffna, at least 2,600 in Trincomalee, and several hundred at the sites of two former camps in Vavuniya.³² These people, displaced before April 2008, are still prevented from returning to their homes by the continued military occupation of their lands.

480,000 IDPs are considered as having returned to their places of origin in the North and the East. Concerns remain that tens of thousands went back without the necessary infrastructure, including shelter, water, and sanitation. Further, thousands of them were moved to permanent relocation sites without their voluntary or fully informed settlement choice.³³

When we left our homes, we left with nothing. Not even our documents and land deeds.

-Testimony of Mrs. Indrakanthi Mohanalingam, Batticaloa³⁴

In June 1990, the army took over the buildings and lands of families in Morakottanchenai in Sittandy area of the Batticaloa district—some 25 acres belonging to 40 families—to establish an army camp. The displaced families came to Batticaloa town and rented houses. Our homes are still occupied.

When we left it was not from choice. We were forcibly evicted without compensation and legal procedure. The army now says that it will leave if the government gives orders to vacate.

When we left our homes, we left with nothing. Not even our documents and land deeds. So we cannot go to the government. [Our lands are] a strategic location for the government. If you pursue the issue, unidentified visitors come to see you. Out of the homes of 40 families, today only seven to eight remain. The rest have been destroyed to make way for the army camp.



Waiting for Return: The Displaced from Sampoor³⁵

As the news of the Sri Lankan government's jubilation over the postponement of the UN report on war crimes captured media headlines, the IDPs from Sampoor, which is situated on the southern tip of the Trincomalee Bay (part of the Muthur East division in Trincomalee district), started a hunger strike demanding the release of their lands.³⁶

Targeted by the Sri Lankan forces in April 2006, Sampoor's population—mainly Tamil—fled amid heavy shelling, leaving behind homes, farms, and fishing grounds. Celebrating the takeover of Sampoor, President Rajapaksa declared, "Our armed forces have captured Sampur for the welfare and benefit of the people living there."³⁷ The reality could not be more different.



IDPs from Sampoor on hunger strike, February 2015

On May 30, 2007, the government's *Extraordinary Gazette* (No. 1499/25) declared the entire Muthur East as a high security zone (HSZ), allowing the army to take over a 90 sq km area (22,239 acres), rendering 15,000 residents homeless.³⁸ Any person violating the regulations was liable to rigorous imprisonment (at minimum three months and not exceeding five years) and a fine of at minimum LKR 500,000 (\$3,762).

Challenging the regulation, the Colombo-based Center for Policy Alternatives and four affected people filed a fundamental rights violation petition in Sri Lankan courts in June 2007. The petition was dismissed, with the takeover of Sampoor justified on grounds of national security.³⁹

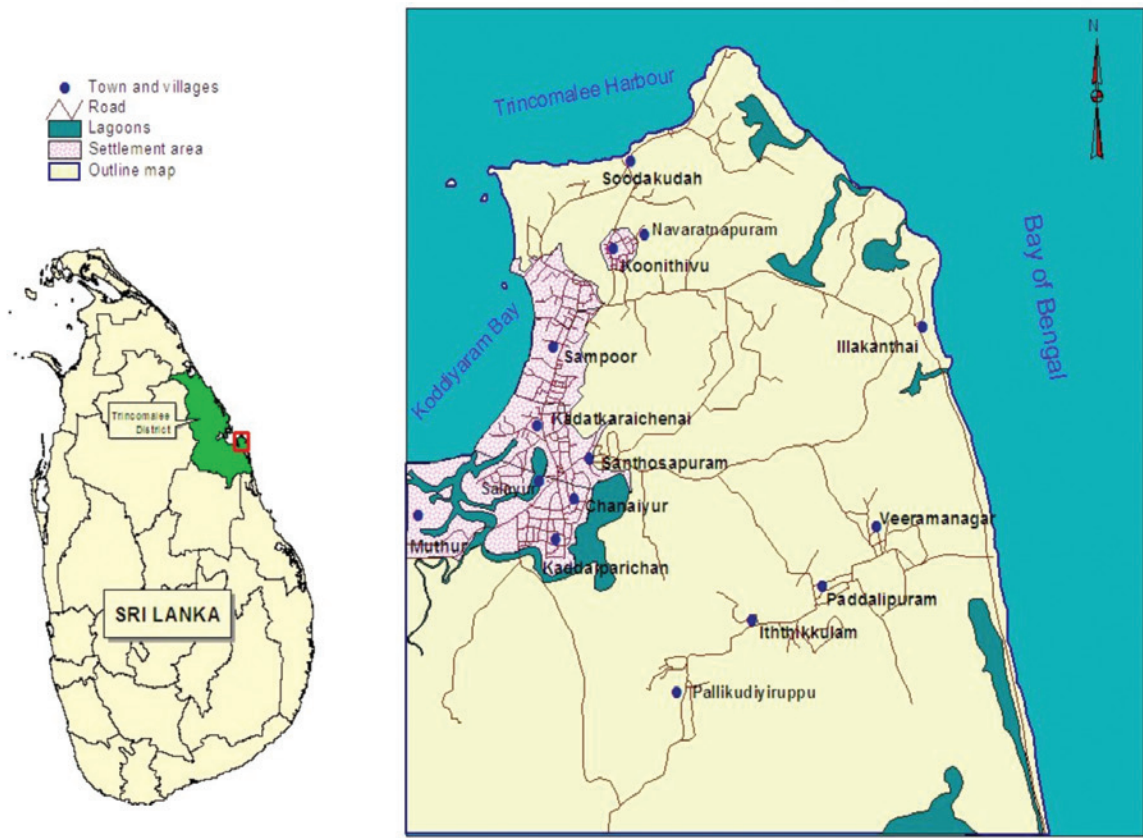
In October 2008, the *Extraordinary Gazette* announced the high security zone area had been reduced from 11 to 4 grama niladhari divisions (the smallest civil and administrative division in Sri Lanka), allowing around 8,000 people to resettle in their homes.⁴⁰ In 2009, the remaining IDPs from Sampoor—2,760 people, belonging to 848 families—were forcibly moved to four refugee camps: Kiliveddi (310 families), Paddiththidal (134 families), Kaddaiparichan (352 families), and Manal Chenai (59 families). More than 100 families continue to live with their relatives and friends in other parts of the country and some remain in refugee camps in India.⁴¹

Displaced from their homes, the people of Sampoor await their right to return. Meanwhile, they remain in limbo in so-called welfare centers, where all basic facilities, including food or any services from the UN or international aid organizations, have ceased. With no possibility of returning home amid the military occupation, relocation has been offered as the only option.

The people of Sampoor demand their original homeland, which is "full of resources for livelihood such as the paddy fields, agricultural farm and fishing areas."⁴² The alternate lands offered by the government allegedly not only lack the above but also basic facilities, such as drinking water.

Why have the people of Sampoor been prevented from returning to their homes and lands? Interviews with the displaced allege that the military will use the land for business purposes, including a hotel and golf courses.⁴³ In 2012, 1,458 acres—lands belonging to some 170 families—were handed over to the Board of Investment to create a Special Zone for Heavy Industries. This includes sufficient area for a planned 500 megawatt coal power plant. The Memorandum of Understanding for the plant was signed between the Ceylon Electricity Board (CEB) and the National Thermal Power Cooperation (NTPC), affiliated with the Indian Government, as far back as December 2006. The residential area (236 acres), schools, and temples, including the famous Sampoor Pathrakali Ambal Kovil, remain under the control of the Sri Lankan Navy.

Figure 1: Location of Sampoor Coal Power Plant, Trincomalee



I just wish for our children to be educated. But who can help?

- [REDACTED] Kadaiparichan camp⁴⁴

On April 26, 2006, intense aerial bombardment and artillery shelling by the Sri Lankan forces resulted in our forced displacement from Sampoor and move to Batticaloa. Since then, I have lived in various camps. The war is over, but I am still not allowed return to my village. The Sri Lankan Navy occupies our homes.

I can come out of the camp but am monitored each day. The outsiders cannot go in. In my camp there are some 90 widows, and 85 members are above 75 years of age. There are more than 1,000 students with no school facilities. I work as a day laborer in the nearby vicinity to survive since I cannot go too far. In Sampoor, I had cattle, land, and did fishing. I had food and income . . . a good life. Today I barely make LKR 3,000 to 4,000 (\$22 to \$30) a month if I can find a job.

My home, Sampoor, is very fertile. It has more than 8,000 acres of paddy fields, water tanks used for irrigating farmlands, grazing land for livestock, a water supply unit, coastal area for fishing, and our famous temple, Pathrakali Ambal Kovil, along with several other temples, schools, a

continued

hospital, library, cooperative society, government offices, an Agrarian Development Center, the Fishermen Society. We were a very vibrant community. The buildings I mention are on some 236 acres. Today our lands are occupied by the Sri Lankan Navy, where it has set up a naval training center.

This occupation they claim is for public purpose. But army and navy IS NOT a public purpose. I hear that India has some 509 acres for the coal power plant. Public purpose is what the public can use—schools, hospitals, community centers, etc.

Seven affected people from Sampoor brought a case to the High Court. According to the “Government Rehabilitation Circular,” displaced people have to be given food facilities. But for 3 years now, food and all other forms of aid have been stopped. The government says that there are no more IDPs, so there is no longer any need for aid and we are told to move to an alternative place (not Sampoor). We cannot go back to our native land.

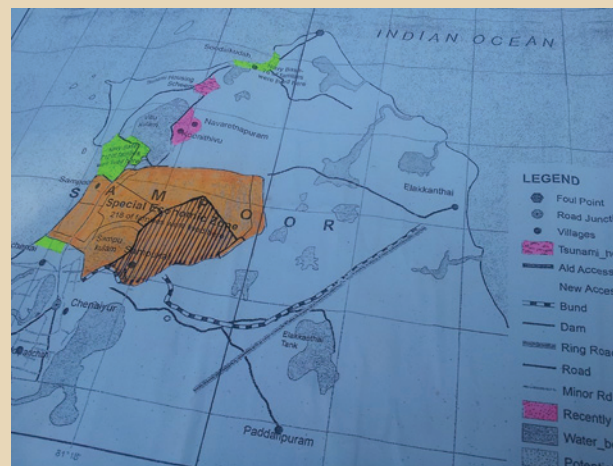
Last year there was a feeble protest organized by civil society. But we, the IDPs, were threatened by the Criminal Investigation Department (CID) and told not to join. We have complained to the President, Secretary of President, Minister for Economic Development, and asked the navy to return our 236 acres alone—which house our main places—allow us only these 236 acres and take land elsewhere. But there has been no response. The government claims this is for security purposes.

All homes have been destroyed. In 2010, 75 percent of the buildings were still there. Now only three to four remain. But the war ended in 2009. What happened to our homes, temples, schools, and our land after the war?

No NGO can provide support to us. All NGOs have to obtain permission from the Government Agent in the area, a former army major general. We have lost everything—our culture, our history, temples, schools, livelihoods. Now I just wish for our children to be educated. But who can help?



Sampoor IDP Camp



Map of Sampoor

Occupation of Valikamam North

Interviews conducted during fieldwork revealed that during the war the army would set up a base, then push the perimeter out and declare it a high security zone (HSZ). Consequently, large areas were declared HSZs. If people lived there, procedures were maintained for people to come in and out. However, in the Eastern and Northern Provinces, people were forced to move.⁴⁵

When the government started its operation in the Northern Province in the 1980s, the population of Jaffna moved out into Vanni, but was allowed to return later.⁴⁶ However, more than 11,000 acres⁴⁷ in the Valikamam North and Southwest divisional secretariats were acquired by the military in the early 1990s and declared HSZ, displacing nearly 90,000 people.⁴⁸ In Palaly, a small town in the Valikamam North secretariat, nearly 3,000 acres were taken in 1996 but the displaced have yet to return to their lands.⁴⁹

In 2006, the Supreme Court had the title deeds of those displaced checked and confirmed the rights of the owners to their lands. The court ordered the Ministry of Defence to explore the possibility of releasing the lands in Valikamam North without hindering national security. A committee from Jaffna comprised of a High Court Judge, District Secretary, and Security Forces Commander operated until 2011; following its recommendations, nearly 50,000 people were able to return to their lands.

However, in 2011 and 2012, the military set up a barbed wire fence extending from the Palaly garrison, acquiring more than 6,000 additional acres. In March and April 2013, while the area's displaced residents were in welfare centers, notices were posted on trees informing the local population that their lands were being acquired under the Land Acquisition Act for public purpose.⁵⁰

“While a large extent of land from the 11,639 acres were under the control of the security forces during the period of the war, 6,152 acres in the Palaly area is being maintained by the Sri Lanka Army and the Sri Lanka Air Force as an HSZ.”

—Sri Lankan Ministry of Defence⁵²

“This takeover of land is illegal. So we filed a case with 2,176 petitioners, including the Bishop of Jaffna, since 52 plots of land belong to the church. The State claims to be building a cantonment, military HQ for Jaffna. Our contention is that the Land Acquisition Act applies if “a” land is acquired for public purpose. Here it is not “a” piece of land, and, more important, these lands have not been acquired for any public purpose. The government is trying to get 6,381 acres of private land, claiming for it to be a military cantonment—when it is for commercial activities. The army is even cultivating the fertile soil. They bring the produce to the local market to sell at a lower price, further adversely impacting livelihoods of the farmers in the area.”⁵¹

The American Association for the Advancement of Science (AAAS) Geospatial Technologies and Human Rights Project used satellite imagery from 2009 to 2014 to determine the usage of the area and whether it was being developed beyond the scope of military purposes. The project reported a dramatic increase in housing-style structures, particularly between 2011 and 2014, thereby leading to questions about the delineation of the border between the HSZ and civilian areas.⁵³ Furthermore, it reported that the majority of development consisted of the construction of new residential structures and infrastructure, including a large number of roads and improvements to existing roads. According to the Geospatial Technologies and Human Rights Project, “Alongside these infrastructure changes were several developments of the coastline, particularly the Thalsevana Holiday Resort and other large complexes of structures.”⁵⁴

Chief Minister of the Northern Province, C.V. Wigneswaran told the Oakland Institute:

“If human security were the guiding principle, the military would not be taking over people’s lands, cultivating them with the owners having to buy the produce from their own land and building hotels and golf courses when the dwelling homes of the



people devastated by the war remain like pock marks in the Northern landscape. Today, cases involving more than 2,100 petitioners are pending before the Court of Appeal and the Supreme Court regarding the acquisition of 6,381 acres for an illegal high security zone for the Sri Lankan armed forces. Despite the legal actions pending

before the highest court in the country, the army continues to destroy whatever is left of the buildings, homes, holy places, or hallowed school premises inside the HSZ. When I, as the Chief Minister, tried to visit such places of vandalism, I was politely told by the armed personnel to obtain permission from the Secretary of Defence. . . .”⁵⁵



Thalsevana Holiday Resort, Kankasanthurai, Jaffna

Thalsevana resort, which was inaugurated by Lieutenant General Jagath Jayasuriya, Commander of the Army, on December 30, 2010, is the first of its kind on the Jaffna Peninsula—a resort-type hotel owned and managed by the Army. The Ministry of Defence advertises on its website: “Newly opened 31 roomed [sic] beach resort located along the picturesque northern coastline offers its visitors the opportunity of experiencing the luxurious comforts at very reasonable rates and caters to the general public as well. Any visitor to Jaffna will also have the privilege of having a prior reservation of its 9 luxury rooms and 22 semi-luxury rooms through the telephone numbers 021-2225245 (Staff Officer SF HQ – J [Sri Lankan Forces Head Quarters, Jaffna]) or 021-3219777 (Thalsevana).”



Hotel Thalsevana

Credit: Sri Lanka Army http://defence.lk/new.asp?fname=20101003_02



No more IDPs? Voices of Valikamam's Displaced

The IDP camps that are home to those displaced from Valikamam North are close to Urumpurai (near Jaffna). With some of the residents having returned home, the number of camps is down from 57 to 36. Konadpulam camp is the largest, housing 217 families, but the presence of an army camp inside makes it difficult for media/researchers to visit and speak to the communities.⁵⁷

The Oakland Institute researchers were able to visit Camp Neethavan which houses some 200 people (57 families), with 60 school-age children and 25 senior citizens.⁵⁸ The public facilities at the camp are minimal—two small water tanks (which need to be filled around five times a day so families can fill jerry cans to carry back home), an enclosed common area for bathing and washing clothes for women, and eight toilets that are not easily accessible in the dark, making it especially hard for the elderly, young women, and children to use the facilities at night. Most homes have tin or bamboo roofing and use cardboard and plastic sheets to close the gaping holes, and have no electricity. As evening descends, families light up rusted lanterns. During the day, families scour the area for wood that is used for cooking.



Bathing area for men, Camp Neethavan



Inside of a hut, Camp Neethavan



Kitchen inside a hut at Camp Neethavan



Camp Neethavan



Left alone, Camp Sabhapathy



Inside of a home, Camp Sabhapathy



Broken faucet, Camp Sabhapathy



Community center, Camp Sabhapathy

The residents are former fisherfolk, farmers, and cattle herders from Palaly and Majiliddi. “Today our livelihoods are nonexistent. We cannot fish anymore, and neither do we have the grazing grounds to keep the cattle. We look for any job—coolie, day laborer, anything—to survive.”⁵⁹

The families have lived here for 25 years. When they first arrived there were 37 families, and over the years, the number has grown to 57. “But the infrastructure has only deteriorated as the UN organizations and NGOs have left. Left behind, we try to make do and often two or more families share a small house.”⁶⁰

“With the war over in 2009, we want our land back. We have complained, organized hunger fasts, but still remain displaced refugees. We continue to organize, despite being harassed by the Criminal Investigation Department (CID). When the UK’s Prime Minister David Cameron visited the IDP camps in 2013, we managed to get a letter to him about our plight so that Europe can learn. Dan TV tried to cover our story 2013, but the CID turned them away.”⁶¹

██████████ has been at the camp since 1990. Her husband has been missing since 2008, when he was “whitevanned”—taken away by the paramilitary forces in a white van. Her young son tries to find jobs as a mason. “The jobs are scarce to come by in the rainy season. Some days we eat and some days we don’t. Unlike Palaly, there is no land here to grow food. Palaly had very good land—we had palm trees, grazed cattle, fished. Today, with no compensation, we have been relocated to this welfare center. I hear that in my village, houses have been built for the Sinhalese,” she shares.⁶²

“No work, no livelihood. And no one wants to marry the girls from the camp,” another IDP resident at the camp shares. “Just give us our village back. We don’t have bags, books, bicycles, or money to go to school. Give us our lives back,” another resident pleads.⁶³

A young widow in her 30s, [REDACTED] lives with her elderly mother. With no way to earn a livelihood, she has no sense of future. She and her mother had stayed up the night before as the monsoon rain streamed in from all sides of the hut. In a corner of the hut is their wet bedding, which is not going to dry for a while, as more clouds are gathering, darkening the sky and portending more storms. Mother and daughter pray for a night without rain.



Collapsed huts, Camp Sabhapatthy

A young couple with two children report making a living selling bird eggs and wood and working as laborers. They report earning LKR 17,000 (\$127) per month when all is well. “But it is not enough to raise a family. We don’t have clothes for [the] children or bus money for them to go to school. Even if President Obama comes here, we still don’t have a chance to go back to our homelands. But still my dream is to remove these camps they call our houses and have real homes instead. When it rains we cannot sleep, as the rain pounds the tin sheets and water gushes in. We cannot go outside [the camp] or live inside. This is our life, with no place to hide or no place to run.”⁶⁴

Following the heavy rainfall the night before, many houses were vacated—the thatched roofs had caved in and some houses were flooded. Overcrowded neighboring homes were taking in the displaced neighbors to provide a roof over their heads. “Initially, UNHCR provided the materials to build these homes—25 years ago. With all UN agencies and NGOs removed by the government, we are on our own and look after the other.”⁶⁵



A resident at Camp Sabhapatthy

A 72-year old, [REDACTED], steps forward. “I have lost everything,” she mumbles. Neighbors explain that her husband is dead and her 33-year-old son died in the camp from dengue fever. As she walks away mumbling to herself, the drizzle turns into a downpour and the fragile wood and mud walls of her hut appear to melt away as the water gushes in. She is at Camp Sabhapatthy, home to some 140 families from Majiliddi.

Camp Sabhapatthy is no different from Camp Neethavan. The hand pump is broken, a few huts have collapsed in the rain, residents have no livelihoods, and the children’s future appears bleak. A seven-year-old walks around with us since he is alone in his home. His widowed mother is at the hospital with her older son who was bitten by a snake.

Only 17 to 20 families in the camp have electricity. Residents report that the candidates participating in the January 2015 elections have promised electricity.



Election campaign bus

Later that day, on the way to Mullaitivu, near Kilinochchi, hundreds of government buses with photos of President Rajapaksha adorning the front and the back crawled through the village roads.⁶⁶ Armed army personnel were out gathering local populations to show a mass of strength during the President’s campaign stop at Kilinochchi. Both sides of the road were heavily guarded by army camps. Amid the hustle, travellers can stop for a rest at cafés, which are operated by the army.

50 YEARS OF STATE-SPONSORED COLONIZATION THROUGH IRRIGATION SCHEMES

Agriculture and irrigation schemes in Sri Lanka have been a constant source of contention between the majority Sinhalese and minority Tamils and a major factor in inter-communal violence since 1956.⁶⁷ These schemes have relocated Sinhalese peasants into Tamil-dominated areas under the pretext of development—a trend that continued during and after the war.⁶⁸ The schemes have irrevocably changed the demographic map of the North and the East; more importantly, have severed the continuity of the Tamil population in the North and East, a strategic move to destroy the demand for a permanent merger of the two provinces that could constitute a single politico-economic entity.

Displacement through the Gal Oya Settlement Scheme⁶⁹

One of the first agriculture projects, the Gal Oya project, launched in 1950, dammed the Gal Oya River, and made available 40,000,000 acres of arable land to settle landless peasants. The Gal Oya Development Board (GODB) was charged with tasks including irrigation, flood control, cooperative agriculture, industrial undertakings, promotion of hydro-electric power; the entity was instructed to direct all activities to improve economic conditions for the inhabitants within the area of its authority.

However, the board lacked independence, and the scheme, which was controlled by the Ministry of Agriculture, created several Sinhala settlements in the district. It never realized its task “to carry water to the farthest geographical limits towards the southern parts.” The scheme was instead extended to the North, with the goal to establish new Sinhala villages, adversely impacting the Tamil population there.⁷⁰

By 1956, 50 new villages with Sinhalese majorities had appeared, settled at the more productive headwaters of the Gal Oya tank. Buddhist temples were built with big bells—and as far as the ringing of the bells could be heard was declared Sinhala lands. The settlers were also provided police and military protection.⁷¹

The settlement of large numbers of Sinhalese peasants in traditional Tamil homelands became a source of tension. In 1956, riots spread throughout the island following attacks on the peaceful Satyagraha protest in Colombo, which had been organized against the Sinhala-only law. The Gal Oya riots, the first ethnic riots to target the minority, started on June 11, 1956, establishing a precedent of targeting Tamils that persists to this day.⁷² Properties owned by Tamils

were looted and burned down. The Sinhalese colonists and employees of the GODB commandeered government vehicles and weapons, and an estimated 150 Tamils who were working in a sugar cane farm and factory in Inginiyagala under the Gal Oya scheme lost their lives.

Sinhalization of Trincomalee through Irrigation Development Projects⁷³

Irrigation schemes such as the Allai Kulam, Kanthalai Kulam, Pathavik Kulam tank, and others centered in the Trincomalee district in 1950s and 60s saw old tanks restored, new tanks constructed, and forests cleared to give land to landless peasants. These, however, became instruments used for Sinhalization of the district.

The Kanthalai Kulam tank was initiated in 1952 with the promise of 50 percent of the water being for the locals and 50 percent for others. Yet the project brought in peasants from elsewhere to settle in Kanthalai, a predominantly Muslim village; farmers who had worked the land for more than 30 years and cultivated about 4,000 acres of paddy were chased away without compensation, and their lands were awarded to the Sinhalese in 1954.⁷⁴

The Pathavik Kulam scheme annexed parts of the Pathavik Kulam tank in Trincomalee District to the Sinhalese-dominated Anuradhapura District.⁷⁵ Twenty-five km south of Trincomalee town, the Allai Kulam tank scheme brought in settlers comprised of 65 percent Sinhalese settlers and the rest Muslim. The region that received irrigation waters from the project, the Koddigar AGA's division, has now been replaced by three divisions: Muthur, Seruvila, and the Verugal AGA's Division—and all have gone through Sinhalization.⁷⁶

Under the project, 99 percent of the Sinhalese were brought from the South of the country. This trend was accompanied by deliberate name changes—the AGA's division of Seruvila is located at Serunuvara, which was originally called Arippu; the old village of Kallar is today Somapura; the Tamil village of Neelapalai is now Neelapola; part of Poonagar is called Mahindapura; and Thirumangalai is now Srimangalagama.⁷⁷

Another project, the Muthalikulam (Morawewa) tank scheme, started in the 1960s with initial allotments made on a proportionate basis. However, violence directed against the Tamils on a regular basis forced many to evacuate. In the late 1960s, an air force farm was started near the tank and



granted complete rights over the use of water, making the Tamils vulnerable to attacks. This was the first instance in Sri Lanka's history of stationing military forces in the middle of an agricultural scheme, resulting in the displacement of Tamils.⁷⁸

In another colonization project, the Padavia Scheme, all land that was within the Trincomalee District in the Eastern Province was provided to the Sinhalese, including land that fell within the North-Central Province. Tamils and Muslims who had state permits to the land within the Trincomalee District were compelled to vacate the lands.

Sinhalese settlers were also placed throughout the coastal villages. In 1983, hundreds of Sinhalese illegally encroached and occupied the land adjoining the Pulmoddai Agricultural Development Society. On December 2, 1984, the Sinhalese colonists attacked Thennamaravadi, a village north of Pulmoddai, and burned down 165 houses and seven shops belonging to Tamils, displacing some 749 people, including 147 families.⁷⁹

During the 1960s and 70s many Sinhalese villages such as Srimapura, Mud Cove (or Sumedhankarapura), and Abayapura, among others, sprang up after Sinhalese settlers drove away the local Tamils. In 1984, Tamils living in China Bay and Kavathikuda were uprooted and, with the help of the armed forces, Sinhalese took their place.

Vast tracts of state and private lands were also acquired by state corporations, including the Ceylon Petroleum Corporation (500 acres of state land in China Bay), Sri Lanka Ports Authority (the entire extent of land from Maddikali to Palampoddu Bridge on the eastern side of the Trincomalee Road), and more than 2,000 acres of land off Marble Bay was reserved for tourist development.⁸⁰

These “development schemes” resulted in Tamils in the Eastern province losing two-thirds of their land to the Sinhalese and being reduced to a minority population—their numbers dwindled from 76 percent in 1827 to 39 percent today. Now Batticaloa is the only district in the province that has more Tamil than Sinhalese residents.⁸¹

Weli Oya (Manal Aru) Colonization Scheme⁸²

Before the launch of government colonization programs in 1984, Weli Oya was known as Manal Aru (it is a direct Sinhala translation of Manal Aru, which means Sand River). Located between Anuradhapura, Mullaitivu, Trincomalee, and Vavuniya Districts, Weli Oya is referred to as the “border village(s)” since the territory north of the area was previously under the control of the LTTE.

Settlements in the Manal Aru began in 1984 with the establishment of a dry zone farmer colony under the Land Commission. An *Extraordinary Gazette* notification renamed the land as Weli Oya on April 16, 1988, proclaimed it the 26th District of Sri Lanka, and brought it under the jurisdiction of the Sinhalese-dominated Anuradhapura for administrative purposes. The administrative officials of the three Tamil districts of which Weli Oya was a part—Vavuniya, Mullaitivu, and Trincomalee—were required to obtain a military clearance to enter the area. Weli Oya settlements were later re-christened the Mahaweli ‘L’ scheme, in 1983.⁸³

Under the guise of a development scheme, a total of 13,288 Tamil families who had been living for generations in 42 villages were ordered to vacate their homes and farmlands within 48 hours or face eviction by force. The threat was issued by the Army over the public address system. The Manal Aru land in the Vavuniya District included long-term land leases (99 years) to Tamil businesses, which were cancelled—including Kent Farm and Dollar Farm—and the land taken over by the government. Tamil opposition to the Sinhalese settlement led to violence at the Kent and Dollar Farms on November 30, 1984 led by the LTTE, which killed 62. In response, 68 people, allegedly terrorists, were

“ . . . about 300 families of prisoners [were taken] from Anuradhapura prison. . . . the Kent and Dollar Farms settlement was opened on 6th October 1984. The prisoners were used as labour for constructing roads and clearing jungle with a view to opening up the region, and making it attractive for further settlement. This differed from old colonisation schemes, which could be defended as fulfilling an economic purpose. The new one [...] had a clear political and military purpose and was very dubious for economic and social upliftment. It also radically altered the dynamics of the conflict as regards the civilian population by fulfilling the worst nightmares of making the Tamils ‘insecure in their own home’. The prisoners were set up to harass the Tamils in the area.”

– Rajan Hoole, University Teachers for Human Rights⁸⁴



killed by the security forces. In *Sri Lanka: Arrogance of Power —Myth, Decadence and Murder*, Rajan Hoole exposes the brutality with which the Tamil civilians, including women and children, were the ones killed in response and then reported as terrorists.⁸⁵

By 1988, 3,364 Sinhalese families had been settled under Mahaweli System “L”. The Weli Oya AGA Division is now almost exclusively home to ethnic Sinhalese—8,469 out of 8,477 residents are Sinhalese.⁸⁶ A year after the end of the armed conflict in 2009, the Director General of the Mahaweli Authority declared that a total of 25,000 families would be settled in areas under the Mahaweli “L” system.⁸⁷

Mahaweli River Scheme

In the 1970s, the Mahaweli River Scheme—which was the largest irrigation project in the country and upheld as a development scheme—created new Sinhalese settlements at the border of the Eastern and Northern provinces. This decisively separated the North from the East, destroying the concept of Tamil homeland.

Under the project, the Mathuru Oya settlement scheme brought 30,000 Sinhala men in buses from the South in 1983. At the second settlement, in the Weliknde area on the border of Batticaloa and Polonaruwa districts, more than 3,000 Sinhala families were settled and provided irrigation. The International Crisis Group reports:

“As Sinhalese were settled and armed villages established, thousands of Tamil families were forcibly displaced by the army from their traditional villages. Also forced out were hundreds of Tamils of Indian origin who had settled and worked on Tamil-owned farms in the area after fleeing the organized 1977 riots in the south and central highlands. Large numbers of Tamils were killed and thousands displaced, some to India. The LTTE retaliated by killing over a hundred Sinhala civilians and the army’s counter retaliation was brutal in many parts of the north.”⁹⁰

State-sponsored settlements have continued following the end of the war, and have been documented extensively by the Center for Policy Alternatives.⁹¹

Displaced from Koklai Village⁸⁸

Since 1961, a group of people would come each year for fishing and live next to our lands. In December 1984, the army asked the villagers to vacate. Army burnt down the houses of some 200 families; 16 people were killed and we left, leaving behind everything.

We returned in April 2011 to find our lands, including our paddy lands, occupied by some 350 Sinhala families from the South. We reported it to the government agent but no one listens. The government has created a separate administrative division, known as Weli Oya, with the intention to occupy. Our livelihoods are denied and we have been given temporary shelter. But the paddy land is gone, forcing us to come to Mullaitivu to look for work.

Altogether, some 2,500 acres of land have been taken away. Today 350 Sinhala families occupy the fishing area. Another 3,600 families occupy the 2,500 acres, the most fertile land close to the tank.

When we go to the police station, they do not record our complaint. When our cattle wanders into their land, we have conflicts. We have a deed to our land, which is not respected. Army is bringing people from the South and evacuating villages, including Koklai, Kokadhoduwai, and Karunaddukeneiy.⁸⁹

██████████ farmer from Paththithidal Village⁹²

In Muthur section division is the Kankuveli village, inhabited by the Tamils. Surrounding the village is the Padakadu, Muthalimadu agricultural area with 600 acres of good lands for cultivation. But the farmers have been prohibited from cultivating around 400 acres by the Buddhist monks and Sinhalese homeguards. We have complained to the government agent, to the local police station, but still await action. Nothing has been done.

My grandfathers cultivated the area for nearly 67 years till we were displaced from the village during the war. When we returned, we were threatened by a Buddhist monk and his six brothers. They even assaulted several people in November 2013. Despite a police complaint, no arrests were made. We complained to the divisional secretary, but no solution was offered. Last year we cultivated, maintained the fields, but the crop was harvested by the monk and his brothers. There is no rule of law. Most police are Sinhalese. The governor and the government agent of the Eastern Province are former army officers with a communal mindset. Our lives and livelihoods are destroyed.



Government Response to Assessing Land Rights

The many years of war led to multiple displacements in the Northern and Eastern areas in which land changed hands several times, making documentation of land claims difficult. Displaced communities were often unable to preserve original land deeds. Official government land records were also damaged or destroyed during intense fighting.

In the midst of such travails, with growing international recognition of land grabs in Tamil areas, in 2013 the Sri Lankan government issued the circular “Accelerated Programme on Solving Post Conflict State Lands Issues in the Northern and Eastern Provinces.” This replaced a widely opposed 2011 circular, challenged for its complex claim form and overreliance on decision-making bodies composed of government and military officials.

As pointed out by the Center for Policy Alternatives (CPA), the 2013 circular pertained to state lands only, “failing

to recognize that with missing and lost deeds, multiple displacements, and the ravages of 26 years of war, land issues in the north and east are much more complex than a simple distinction between ‘state’ and ‘private’ lands.”⁹³

The circular also presented scenarios when the land could be classified as “lost.” This included lands vacated or cases where the occupants were chased away during the conflict, land being used for “development” activities under government institutions and armed forces, and instances where other people have permanently settled on those lands. The circular went on to instruct that alternate lands should be provided, with consent of those who have lost lands. The Land Acquisition Act of 1950 does allow for private land to be acquired for public purposes. However, if the loss of private land happens through state-sponsored “development” activities or when other people have permanently settled, does this redefine acquisition of land for public purposes?⁹⁴

People were only given temporary certificates to the state land, so they have no compensation.

—Testimony of Kanthalingam Tharmarajah, Salampaikerni, Vavunatheevu

I represent a community in Salam with 40 families in the hamlet. In 1986, the battle started in our village and the families had to flee. Everyone had to run away—there were 20 small brick houses and others were made of clay on about 40 perches.⁹⁶ Between 1986 and 1990, we received no help from the government and the families stayed with friends and other family members.

We returned to our hamlet in 1990, when the Indian Peace Keeping Force (IPKF) set up a big camp. The whole village had been razed to the ground with no standing houses. So we built temporary huts in the same area, again to be displaced in 1992, and then returned between 1999 and 2000. Our temporary homes were gone. Huts had been burnt down.

The government gave us temporary huts, and, between 2000 and 2002, 20 brick houses under North East Housing Reconstruction Program were provided. During the 2007 conflict, we were again displaced. The 20 brick houses were occupied by the special task forces. After much struggle, we got the special task forces to move.

We now live on the same site. But there has been no compensation for the lost belongings, cattle, and homes that were destroyed. Today, 14 families have lost land rights, as their lands were taken over by the Government Central Electricity Board, which purchased the land from a private landowner who lives in town. People were only given temporary certificates to the state land, so they have no compensation. We have informed the Divisional Secretary (who distributes the land), but people have been abandoned. For our hamlet, the war and displacement is still not over.



POSTWAR TAKEOVER OF LANDS FOR INDUSTRY AND TOURISM THROUGH THE STRATEGIC DEVELOPMENT ACT

Following the end of the war, lands have been taken over for tourism and other industries—allegedly for development activities to create livelihoods for the local populations but with complete disregard for legitimate residential and livelihood concerns of those inhabiting the areas.

Raigam Saltern Ltd., Kuchaveli, Trincomalee

In 2009, the Kingdom of Raigam, a diversified group of consumer goods companies, secured 1,805 acres of land at Periyakaraichchi, Kuchaveli, through a 30 year lease for a saltern project, claiming it would provide jobs to more than 1,500 people in the area.⁹⁷ The saltwater area was used by some 2,500 poor Tamil and Muslim families to catch crabs and prawns for their livelihoods, which have been crushed today. Furthermore, with outsiders brought in to work at the saltern, the demographic composition of the area has undergone changes, creating resentment among the people and detracting from much-needed reconciliation, given the area's history.⁹⁸

The development logic of converting the Periyakarachchi Lagoon into a saltern ignores the lagoon ecosystem's value, as it assists with nutrient cycling and flood control during heavy rains. Fisherfolk involved in sea fishing depend on lagoon fishing during the monsoon season and use it as an anchorage for fishing boats.⁹⁹ With increased salinity of lagoons following the conversion to salterns, the loss of livelihoods is permanent.¹⁰⁰

George Chandran, a local fisherman, lives next to the lagoon. "Our livelihoods are encroached. The locals cannot enter the Raigam area. We can no longer fish. And now there is no income from the lagoon. While Raigam was awarded 1,805 acres, they encroached on 2,700 acres." Local villagers insist that no compensation has been provided. "No schools, clinics, hospitals . . . what we need in our community; they gave us just a Piliyar temple to placate us."¹⁰¹ We made complaints to the Divisional Secretary and politicians. But they take no action."¹⁰²

With no jobs available at the saltern, the locals have been forced into desperation; one option is to work with trawlers engaged in deep sea fishing. "We are no longer fishermen, but just menial laborers on big ships," a resident of the fishing village reported. "My community, some 280 families, were devastated by the 2004 tsunami and provided homes by the Australia Red Cross. Raigam's takeover of our lands is another tsunami for us. . . . far worse than what we faced in 2004."¹⁰³



Piliyar temple built by Raigam Saltern

Encroachment through Tourism: Uga Escapes for Eco Tourism?

In 2010, President Rajapaksa launched a program to fulfill infrastructure and other requirements in order to attract 2.5 million tourists annually by the year 2016.¹⁰⁴

UGA Resorts (Pvt) Ltd., popularly known as Uga Escapes, a subsidiary of Sri Lanka's Finco group, is part of this vision. Uga's Jungle Beach Resort is a 10-acre reserve leased for 99 years in the quiet coastal village of Kuchaveli in the Eastern Province.

Declared open in 2012 by the Minister of Economic Development Basil Rajapaksa (President Rajapaksa's brother), Jungle Beach lures tourists with four km of private white sand beaches and cottages tucked away in tropical mangroves. Promotional materials boast about the site's eco tourism, offering "opportunities to the local community by training the youth, raising employment and lifestyle levels."¹⁰⁵ However, the adverse impact on local ecosystems, including the mangroves and lagoons, and the communities who have depended on the land and water for their livelihoods is not mentioned by the tourist guidebooks.¹⁰⁶





Jungle Beach Resort, Kuchaveli

The Jungle Beach Resort sits between the Indian Ocean and the Periyakarachchi Lagoon, which is surrounded by mangroves and scrublands along with smallholder farming and cultivation of rice and coconut.¹⁰⁷ In addition to the important environmental role played by the lagoons, mangrove ecosystems are also key to environmental well-being. Known for buffering the force of tsunami waves, they are instrumental in supporting the livelihoods of local coastal communities, perform vital hydrological functions, and serve as breeding grounds for fish and other marine species.¹⁰⁸

The ecological and social importance of this area prompted the Coast Conservation Department (CCD) to propose that the Periyakarachchi Lagoon be designated as the Special Area Management (SAM) planning area, actively involving local residents in the coastal management plan, as reported by IUCN in 2006.¹⁰⁹ The Guest Relations Executive on duty at the resort cheerfully informed the Oakland Institute research team “only two trees were cut while building the property—we are eco friendly.”¹¹⁰

In contrast, locals report the forced removal of poor fishermen and farmers from the area in order to clear lands for the resort.¹¹¹

Uga Bay in Passikudah Bay, Batticaloa, the sister hotel of Uga Escapes, is one of the 14 hotels under the Passikudah Hotel Project. The project area extends to 2 kilometers, and all entranceways to the beach, formerly used by locals, have been closed.¹¹² The hotel development project pitted poor fisherfolk against the Sri Lanka Tourist Board. The land, which was initially taken over by the government during the war, was subsequently included in the 150-acre Passikudah Tourist Zone by the Tourism Development Authority in 2012.

The 368 impacted families were promised huts, four acres of land to anchor their boats, and a renovated harbor. When nothing came through, they demanded alternative fishing areas with their customary land grabbed for tourism. Instead, “they were simply warned that if they did not leave, police would evict them by force.”¹¹³

SINHALIZATION OF THE NORTH AND THE EAST

War Victory Memorials as Symbols of Complete Hegemony

The Northern theatre of war, where the bloodiest battles between the Sri Lankan forces and the LTTE took place, is today a popular destination for Sinhalese tourists. Since the end of the war, victory memorials that vilify the LTTE as “terrorists” have been built in the region.¹¹⁵ Viewed as an imposition of Buddhist hegemony over the Tamil parts of the island, the locals accuse these monuments of being

“With the massive number of troops in the north have come various forms of Sinhalization. The almost entirely Tamil-speaking north is now dotted with Sinhala sign-boards, streets newly renamed in Sinhala, monuments to Sinhala war heroes, and even a war museum and battlefields that are open only to Sinhalese. Sinhala fishermen and businessmen are regularly given advantages not accorded to Tamils. The slow but steady movement of Sinhala settlers along the southern edges of the province, often with military and central government support and sometimes onto land previously farmed or occupied by Tamils, is particularly worrying. These developments are consistent with a strategy—known to be supported by important officials and advisers to the president—to change “the facts on the ground,” as has already happened in the east, and make it impossible to claim the north as a Tamil-majority area deserving of self-governance.”

—International Crisis Group¹¹⁴





War Hero Memorial, Mullaitivu

oblivious to the grief of the Northern Tamils who faced the brutal Sri Lankan Army assault, which is estimated to have killed tens of thousands of civilians toward the end of the war.

On a sandy patch of land in Pudumathalan, Mullaitivu, the scene of the last battle in May 2009, a statue of a soldier rises from a base of rocks. Holding a gun in one hand (with a dove sitting on the gun), and the national flag in the other, the statue defines the essentials of a Sri Lankan soldier—a brave warrior, a patriot, and the one who brought peace to the war-torn North. Unveiled by President Rajapaksa in December 2009, the plaques below the memorial are in Sinhalese and English only. Tamil is visibly missing. A statue of a lion—Sri Lanka’s national animal—decorates the four corners of the memorial, a symbol of the victory of the Sinhalese state in what was once Tamil Tiger territory.

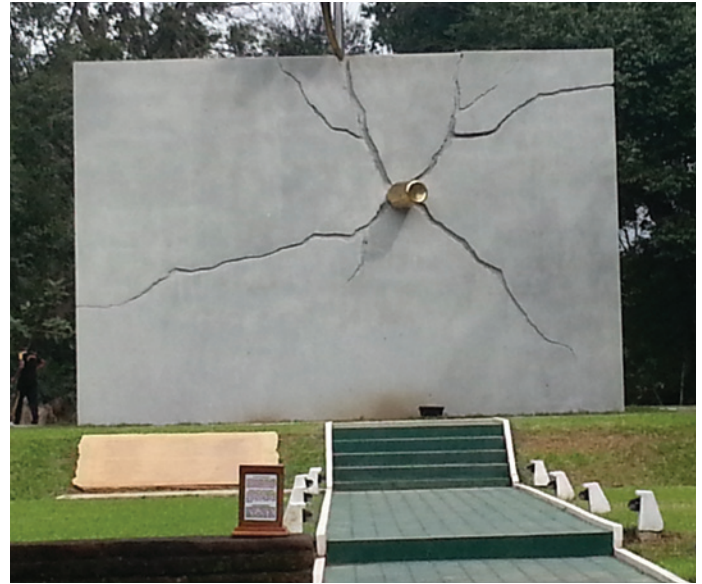
LTTE bunkers, supposedly used by the LTTE leader Prabhakaran—including a swimming pool, in which Sea Tigers practiced diving, and “main terrorists” houses—have been converted into tourism spots. There are also open-air sites displaying an armored vehicle, a submarine, and Farah, a Jordanian ship that was seized by the LTTE in 2006.¹¹⁶



Welcome to Kilinochchi

In February 2011, a special war hero memorial was unveiled in Kokavil, in the former LTTE Tiger heartland of Mullaitivu.

And the town of Kilinochchi, the de facto capital of the LTTE until January 2, 2009, is now home to a huge monument, the Victory War Memorial. Its centerpiece, a massive cracked concrete cube, represents the LTTE’s violent insurrection. The bullet piercing the stone is the emblem of the invincible Sri Lankan army; it is topped by a flower representing peace. Locals don’t visit the memorial, which they report as being humiliating.¹¹⁷



Victory War Memorial

A bit further north, a billboard next to the Kilinochchi water tower, lying on its side by the main road reads: “Say no to destruction ever again.” A full-fledged tourist site, it even has a souvenir store manned by military personnel. The plaque on site reads:

“This fallen tower was once the source of water—the fountain of life—for the people of Kilinochchi. Destroyed by LTTE terrorists in the face of the valiant troops converging on Kilinochchi in January 2009, this tower is a silent witness to the brutality of terrorism. Yet, terrorists did not succeed in destroying our determination to secure freedom and peace. This is a monument to the futility of terror and to the resilience of the human spirit. Terrorism shall never rise again in our great land. We are free.”

At Elephant Pass, the strategic gateway to the Jaffna Peninsula, “the terrorist bulldozer” is on display. The marble stele below boasts of the valiance and virtue of Sri Lankan forces, “ever ready to even make their supreme sacrifice with their lives in order to defend this land against evil and liberate the Nation. . . .”





Kilinochchi destroyed water tank



“Terrorist” bulldozer on display, Elephant Pass



War Hero Memorial—Credit Sri Lanka Army www.army.lk



Mullaitivu

Similarly, close to the Jaffna Lagoon, the towering War Hero Memorial “immortalizing memories of the fierce gun battles, fought by valiant War Heroes at the strategic Elephant Pass . . . ” was unveiled by Secretary Defence Rajapaksa “amidst a pantheon of military chiefs.”¹¹⁸ The monument, designed by the National Design Center, depicts four outstretched arms hoisting Sri Lanka, with the national flag above. Surrounded on all four sides with lions and numerous symbolic images of battle, blooming flowers jut out of the newly captured Vanni region, reminding visitors of the defeat of “terrorism.”

All these monuments at iconic locations send a strong message of the complete Sinhalese takeover of the Tamil land. The Sri Lankan army maintains the monuments visited by Sinhalese tourists and runs the kiosks that sell snacks and soft drinks.

The government’s discourse around the war puts forward the image of triumphant Sinhala nationalism. Any sites that might build the legacy of the LTTE—the martyr’s cemetery of the LTTE, or the location of LTTE’s leader Thileepan’s 1987 fast-unto-death,¹¹⁹ or the childhood home of LTTE leader Prabhakaran—have been bulldozed and destroyed.¹²⁰ The only image of the Tigers permitted is one of a defeated terrorist, but still a threat that justifies the ongoing militarization of the North and the takeover of Tamil lands.¹²¹

Land Grabs Via Buddhist Temples, Statues, and Designation as Archaeological Sites

In a meeting with the Oakland Institute, Mr. Thantayuthapai, an opposition leader in the Eastern Provincial Council, shared historic evidence pointing to the North and East as the traditional homeland of the Tamils. Since independence, he reports deliberate efforts by the Sri Lankan government to sabotage the demography of the Tamils—one such method being the construction of Buddhist temples and the erection of Buddha statues in places where there are no Buddhists.¹²² This includes numerous Buddha statues along the A9 route to Jaffna, in places where no Buddhists reside.¹²³

In October 2013, Defence Secretary Rajapaksa and Army Commander Dayaratne inaugurated a new Buddhist pagoda, Mankulam Sri Sugatha Viharaya, in the former rebel stronghold of Kilinochchi in the Vanni region and enshrined the Buddha’s sacred relics in its pinnacle. The website of the Sri Lankan Ministry of Defence reported that the Security Force Headquarters–Kilinochchi (SFHQ–KLN) supported the construction of the pagoda, claiming it to be a place of Buddhist worship with a long history.¹²⁴



Entrance to Mankulam Sri Sugatha Viharaya

SFHQ–KLN troops and Engineer Service Regiment troops reportedly even lent their expertise for the construction.¹²⁵

Located about 10 km from Trincomalee, the seven hot springs of Kanniya, the site of an ancient Hindu Shiva temple, are sacred for Hindus. Initially, the wells were placed under the direct control of the Divisional Council of Trincomalee by the government agent. With the temple in ruins, a new Buddha statue, maintained by a Buddhist monk, has been built in its place. The army is deployed for security purposes, with both seeking permanent accommodation at the site. At the same time, renovation of the Hindu temple by the local community has been prohibited, citing Kanniya as an archaeological site.

A quarter acre of land in the heart of Trincomalee was also taken over for the purpose of “archaeological research.” This land had previously been allocated to a local girls’ school for construction of a sports field, which is now no longer possible due to the new designation.

In Kaladi, which borders Batticaloa, 78 acres were seized by a Buddhist monk who built a Vihara (Buddhist temple) on the site of a former preschool. There are similar reports of land seizures elsewhere under the Kuchaveli D.S. Division, which have been seized for the purpose of building Buddhist temples: 60 acres, including cultivable land, in Chempimalai; 600 acres of land in Kanniragimalai; 75 acres in Kalikkaddukulam; and 100 acres in Mankindimalai in Pulmoddai.¹²⁶

Under the Kuchaveli D.S. Division, 3,070 acres of land in the village of Thiriyai, including paddy fields and irrigating tanks, have reportedly been taken over. There are claims of an ancient Buddhist temple in the area. In the Verugal D.S. Division, Murugun Kovil, a Hindu temple in the Ilankaitthuraimuhaththuvaram was demolished and a Buddhist temple was built on the same spot, taking over 25 acres of land.

“There are no Buddhists in the targeted area, thereby these land grabs are not intended for worship. According to locals, these efforts are aimed at denying and changing the historical fact that the North and East of the island nation is the traditional homeland of the Tamils,” remarked Mr. Thantayuthapai.¹²⁷

Such moves have changed the demography of the Trincomalee district. In 1881, the percentage of Sinhalese in the area was 4.2 percent; the population had increased to 27 percent by 2012. At the same time, the percentage of the population that is Tamil decreased from 64.4 percent in 1881 to 30.6 percent in 2012 (the rest of the population is mostly Muslim, a minority primarily present in some coastal towns).¹²⁸



Mankulam Sri Sugatha Viharaya



“We do need an enemy change even if there is no regime change. Political solution requires that future is secure before we look to the past. We need a clear power sharing arrangement, a social contract which fundamentally recognizes Sri Lanka as a pluralistic state. Attitudinal changes are necessary on both sides. Justice yes, but revenge no.”

– M.A. Sumanthiran, human rights lawyer and member of Parliament¹²⁹

Following the UN agreeing to delay the release of its report, the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, acknowledged the willingness of the new government to cooperate compared to the previous administration. He thus recommended the report's deferral to reflect “the changing context in Sri Lanka, and the possibility that important new information may emerge which will strengthen the report”¹³⁰ while acknowledging that he was “acutely aware that many victims . . . might see this as the first step towards shelving, or diluting, a report they have long feared they would never see.”¹³¹

As hope is placed in the verbal commitments of the new government, it is pertinent to keep a few factors in mind that might determine the ability of the government to follow through on its promises.

First, the results of the parliamentary elections expected in late June–early July 2015, could be impacted by the release of an international inquiry into war crimes committed by government forces. This concern might have prompted the new government to ask for the report to be postponed. Former President Rajapaksa is popular among sections of Buddhist nationalists and many Sinhala language newspapers still support him and his ideology. The widespread support among the Sinhalese population for the way the war ended, who saw the defeat of the Tamil Tigers as a victory for the ethnic majority, might impact the government's ability to deal with the inquiry and its findings.

Second, given the economic and political asymmetry between the politically dominant Sinhalese and the Tamils within international geopolitics, is a fair domestic investigation possible? Under President Rajapaksa, the previous government had established its own commission, the Lessons Learnt and Reconciliation Commission (LLRC). The widely criticized commission held hearings, but failed to make the findings public or carry out any prosecutions.

Third, on January 29, 2015, the new President, Maithripala Sirisena, pledged to free hundreds of Tamil political detainees and return much of the land still under military

occupation in the North and East.¹³² However, no timeline or monitoring mechanism has been proposed to ensure the release of detainees or the lands. Since 2009, an absence of official figures on the number of Tamil detainees continues to torment families of the missing. The government estimates that nearly 300 people are being held without charge under the Terrorism Act, but Tamil leaders offer figures many times that.

Lastly, in the face of the recent commitment to reconciliation, the continued militarization and occupation of lands in the North and East is a mortal blow to all promises.

Geopolitics/Realpolitics at Play

Beyond national dynamics, international geopolitics are also at play as governments, including those who backed the UN resolution on war crimes, repair their relationship with the Sri Lankan government under the country's new leader. For instance, the Obama administration is keen to improve relations with Sri Lanka, which forged closer ties with China under President Rajapaksa.

A 2009 Senate Foreign Relations Committee report (issued with John Kerry as the chairman) candidly stated:

“the US Government has invested relatively little in the economy or the security sector in Sri Lanka, instead focusing more on IDPs and civil society. As a result, Sri Lanka has grown politically and economically isolated from the West. This strategic drift will have consequences for US interests in the region.”¹³³

“Sri Lanka is strategically located at the nexus of maritime trading routes connecting Europe and the Middle East to China and the rest of Asia. It is directly in the middle of the ‘Old World,’ where an estimated half of the world's container ships transit the Indian Ocean. American interests in the region include securing energy resources from the Persian Gulf and maintaining the





Road sign, Jaffna

free flow of trade in the Indian Ocean. . . . Sri Lanka's strategic importance to the United States, China, and India is viewed by some as a key piece in a larger geopolitical dynamic, what has been referred to as a new 'Great Game.'¹³⁴

Given Sri Lanka's strategic importance, the report made several bold recommendations, including that the US "take a broader and more robust approach to Sri Lanka that appreciates new political and economic realities in Sri Lanka and US geostrategic interests."¹³⁵ With the change of government from Rajapaksa to Sirisena, will the US prioritize its geostrategic interests instead of maintaining its focus on human rights and humanitarian concerns?

John Kerry, the US Secretary of State, welcomed Sri Lankan Foreign Minister Mangala Samaraweera in February 2015 saying, "this is an exciting moment for all of us because Sri Lanka on January 8 had an historic election in which there has been really a vote for change, a vote to move Sri Lanka in a new direction, to open up greater accountability and possibility for the preservation of human rights, for democracy, for fighting corruption and putting together a government that will speak for and to the people." Minister Samaraweera acknowledged this vote of confidence replying, "for us, for the new administration, the United States of America is not a threat but a great opportunity."¹³⁶ Only time will attest to the sincerity of these words.

Sri Lanka's neighbor India is also more comfortable with Sirisena at the helm in Colombo.¹³⁷ India had abstained from voting on a 2014 resolution calling for an independent investigation on the human rights situation in Sri Lanka, though it had supported the resolution in 2012 and 2013. Diplomatic sources were then reported as saying that if "India had failed to stand with Sri Lanka at this time, it would not be able to stop Chinese influence spreading in the country."¹³⁸

Soon after the elections, India was the first foreign port of call for President Sirisena in February 2015. The two countries signed four agreements, including civilian nuclear cooperation, culture, agriculture, and defense and security cooperation. India's intent is clear: to counter China's presence on the island.¹³⁹ It was Rajapaksa's enthusiastic endorsement of China's Maritime Silk Route project and its growing military presence in Sri Lanka—including a Chinese warship and submarine docked at the Colombo port in 2014—that raised grave concern in India over Sri Lanka's excessive tilt toward China. In March 2015, India's Prime Minister, Narendra Modi, in the first official visit to Colombo by an Indian Prime Minister in 28 years, urged Sri Lanka and India to act like good neighbors and promised benefits from India's status as "the new frontier of economic opportunity."¹⁴⁰

Is India, very pleased with Sirisena's victory and keen to look forward, willing to ignore the past in the process?



CONCLUSION: AMID CONTINUED MILITARY OCCUPATION, A WAY FORWARD

Despite the end of the civil war in 2009, a silent war is still raging in the heavily militarized North and East Provinces of Sri Lanka. Discontent bubbles just underneath the surface with lives lost, families missing, livelihoods destroyed, and stolen lands—all worsened by the lack of answers from those in power in Colombo.

The new government has made promises. However, the strategy to maintain peace and prevent future uprisings appears to still be based on the old mindset. “No Change in Security Status or Removal of Camps”¹⁴¹ is the *déjà vu* position of Sirisena’s government, despite speaking of reconciliation. In his first formal visit to the North and East in February 2015, Minister of Defense Ruwan Wijewardene confirmed the status quo to the tri-service troops of the Security Force Headquarters in Jaffna:

“National Security will remain the priority of our government and there is no change in that policy under any circumstances. I say this with responsibility. Members of the Armed Forces should not believe in unfounded rumours and various fabricated stories in relation to security concerns. I assure you that the government would not remove any Army Formations in the peninsula, nor does the government plan to scale down security arrangements. All members of the Security Forces will continue to receive welfare facilities as it is and the dignity your profession deserves. . . .”¹⁴²

On February 2, 2015, President Sirisena extended an order made under Public Security Ordinance by the President Rajapaksa, which transferred police powers to the armed forces. The *Extraordinary Gazette* notification calling out the armed forces to exercise police powers under the pretext of public security does not bode well for a return to civilian administration. Instead, the notification suggests concerns around public security and the inadequacy of the police to deal with the situation.

The new government’s reluctance to demilitarize the North and the East, and the continued stronghold over power by the Sri Lankan armed forces should be a major concern for the international community, which for now is busy celebrating the new government and its talk of reconciliation. As pointed out in this report, continued military occupation is one of

the major causes of human rights abuses, violence, land grabs, and livelihood destruction for the Tamil minority.

While lands in the North and East continue to be occupied and new Sinhalese village settlements continue to be built, in a move toward reconciliation President Sirisena announced the release of 1,000 acres in the Jaffna Valikamam High Security Zone (HSZ) to citizens in several stages.¹⁴³ Initial plans include a pilot village for the resettlement of 1,022 families on 220 acres of land in the Valalai Grama Niladhari Division of the Valikamam East Divisional Secretariat Division.¹⁴⁴

However, the plan is too small and too late, as it does not allow families to resettle in their original traditional lands. In fact, 220 acres of the Sirisena government’s 1,000-acre resettlement plan was initiated by the Rajapaksa regime, and was deemed unacceptable by the displaced even then.¹⁴⁵ Speaking on March 23, 2015 at an event to mark the resettlement of people in Valalai, Chief Minister C.V. Wigneswaran provided the sobering reality—the areas opened with much fanfare to civilians are unproductive lands, while the areas retained by the army have maize, manioc, carrots, and plantain growing. He cautioned the international community that the peoples’ “fertile stretches of lands should not be the playing grounds of military ploughshares anymore.”¹⁴⁶

The Tamil political leadership has called for the issue of land and property to be resolved through internationally recognized principles, including the 2005 UN Principles on Housing and Property Restitution for Refugees and Displaced Persons, the Geneva Conventions, and the Universal Declaration of Human Rights.¹⁴⁷

That is a proposal the international community can and should support and lobby around. The 2005 UN Principles on Housing and Property Restitution for Refugees and Displaced Persons clearly articulate the right of refugees and displaced persons to repossess property lost as the result of armed conflict. More important, given the new government’s commitment to reconciliation, these principles will be essential given that they recognize “that the right to housing, land and property restitution is essential to the resolution of conflict and to post-conflict peace-building.”



POSTFACE: HOPE FOR FUTURE—TRUTH AND RECONCILIATION

If there is to be hope for truth and reconciliation, it is important to understand what factors led to the civil war and the violent period following the end of the war in 2009 through the January 2015 elections. This period—pockmarked with fear and distrust, continued displacement of communities from their homes and lands, tens of thousands missing, arrests and detention of activists active in the search of disappeared persons—leaves much desired for lasting peace in the island nation.

Indeed, in a show of willingness to reconcile with the country's disaffected minorities, Sirisena's government released eight people on March 10, 2015, including Tamil activist Jayakumari Balendran. Held under suspicion by the Terrorism Investigation Division (TID) for more than a year while her 13-year old daughter was kept in the custody of the child protection authorities, she was never charged with a specific crime.¹⁴⁸ However, she was released on conditional bail, requiring her to post bail of about \$1,500. The release of people on bail is not the same as letting them go free. In addition, she has to surrender her passport and must also report in person to the police each month while her investigation continues. Balendran had been involved in efforts to find missing people from the war. Her own son was forced into the ranks of the rebel army as a child and has been missing since 2009, when he reportedly surrendered to government forces.¹⁴⁹ There are around 20,000 complaints filed with the authorities about similar disappearances.¹⁵⁰



Jayakumari Balendran with her daughter at a protest for the missing

While the Sri Lankan government has managed to obtain a six-month reprieve, it is pertinent to not lose sight of the intent and the ability of the new government to ensure justice and reconciliation. The political coalition that displaced Rajapaksa united largely around the goal of removing him from office. Moving forward on issues such as the demilitarization of the North, an investigation into war crimes and prosecution of all (including military officials) who are found guilty, and ensuring fulfillment of

economic and political aspirations of the Tamil minority—essential for reconciliation—might however prove to be more tricky and difficult.

War wins and political victories don't accomplish peace and reconciliation.

On February 10, 2015, Sri Lanka's Northern Provincial Council (NPC) passed a strongly worded resolution accusing successive governments of the island nation, since independence, of committing genocide against the Tamils. The resolution calls for the UN Office of the High Commissioner for Human Rights Investigation on Sri Lanka (OISL) to investigate the claim of genocide and recommend appropriate investigations and prosecutions by the International Criminal Court.

“Although the OISL investigation is a time-bound effort focused on February 2002 – November 2011, Sri Lanka’s genocide against Tamils began with the island’s independence. Since then, Tamils across Sri Lanka, particularly in the historical Tamil homeland of the North East, have been subject to gross and systematic human rights violations, culminating in the mass atrocities committed in 2009. Sri Lanka’s historic violations include over 60 years of state-sponsored anti-Tamil pogroms, massacres, sexual violence, and acts of cultural and linguistic destruction perpetrated by the state. These atrocities have been perpetrated with the intent to destroy the Tamil people, and therefore constitute genocide.”

—Northern Provincial Council Resolution on Sri Lanka's Genocide Against Tamils, February 10, 2015.

The resolution amplified the growing protests in the country calling for a boycott of domestic investigations by the Sri Lankan government and demanding the release of the UN report on war crimes.¹⁵¹

President Sirisena, who turned every wheel to delay and derail the submission of the UN investigation report in



Geneva, responded to the resolution by urging reconciliation and asking to “avoid extremism.”

Soon after the resolution, Jeffrey Feltman, the UN Under-Secretary for Political Affairs, was dispatched to Sri Lanka on a four-day visit. Concluding his visit in Colombo, he told reporters, “The United Nations will stand with the people and leaders of Sri Lanka as the country forges ahead along the path to reconciliation.” He continued, and “voiced encouragement at the Government’s ongoing commitment to promote accountability and human rights following the nation’s three-decade-long civil war.”¹⁵²

But mere words don’t deliver. The country’s future is fraught with uncertainty. The ability of the new government to deliver on its promises to the international community remains an open question. The determination and willingness of the international community to ensure justice for the minorities in Sri Lanka, especially the Tamils, is also an open question. One thing is clear—the human rights situation in Sri Lanka will not improve until the culture of impunity is replaced with a culture of responsibility, accountability, and fulfillment of full rights of the Tamil community and all other

minorities in the country. To ensure this happens should be the responsibility of the international community—not a political dilemma. The change in government does provide leverage for international intervention and it might have the necessary impact, which was not possible under President Rajapaksa.

Within this context, the words of Chief Minister Justice C.V. Wigneswaran regarding the TNA resolution are a reminder to the international community of the impending moral challenge and responsibility:

“It is my hope that this Resolution would not be considered as an epistle to the International Community only, unrelated to the life of my Sinhalese brothers and sisters. This Resolution is a challenge to your moral integrity and humanness. If you could assimilate what brutality and inconsiderateness has preceded you or bypassed you so far, may be chances for moral regeneration and a more healthier cooperative and coordinated life style for the future of all people living in this blessed Isle could be ensured.”¹⁵³



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- 3 Per the assessment of Strategic Foresight Group, the estimated number of civilian casualties through 2005 was 65,000. In addition to this, prior to the ceasefire agreement in 2002, the LTTE lost 14,000 of its cadres. A previous UN report on the war, which ended with the LTTE's defeat in May 2009, said that as many as 40,000 civilians were killed in the last months of the war. A UN Internal review report published in November 2013 added that some sources cited credible information that over 70,000 were "unaccounted for." However, Rev. Dr. Rayappu Joseph, Bishop of Mannar, in his submission to the Lesson Learnt and Reconciliation Commission [LLRC] in January 2011, referring to government documents, stated that 146,679 people were unaccounted during the final stage of the conflict. Therefore, it can be estimated that the total number of people killed during the 26 years of the war is over 200,000. Strategic Foresight Group. *Cost of Conflict in Sri Lanka*. Mumbai, 2006; United Nations. *Report of the Secretary General's Panel of Experts on Accountability in Sri Lanka*. March 31, 2011. http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf (accessed February 24, 2015); United Nations. *Report of the Secretary General's Internal Review Panel on United Nations Action in Sri Lanka*. November 2012. http://www.un.org/News/dh/infocus/Sri_Lanka/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf (accessed March 21, 2015).
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- 5 Being "whitevanned" became synonymous with abductions in Sri Lanka after dozens of people were abducted in white vans, their dead bodies later dumped by the road.
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கடிகரிக ஓடிர்யேன
மெதுவாகசெல்க
இராணுவம்முன்னால்
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