

**TRINCOMALEE FACT-FINDING MISSION**  
**APRIL 2007**

A team from the Centre for Policy Alternatives (CPA) and the International Movement Against Racism and Discrimination visited the Trincomalee District from April 23 to 27 2007 to assess the humanitarian and human rights situation. The team visited internally displaced person (IDP) sites and other affected communities in Trincomalee Town, Mutur, Kilivetti, Lingapuram, and Kanguveli. In addition, the team spoke to individuals from local organizations, INGOs and the Government. The following report is one in a series of reports by human rights groups highlighting the human rights and humanitarian issues arising out of the upsurge in violence during 2006-7.

**Executive Summary**

This report examines several issues regarding the situation in Trincomalee, including security, civilian protection, displacement, resettlement and preparedness on the part of the authorities and I/NGOs. While the overall security situation appears to have improved and the number of killings has decreased, the Tamil community continues to face multiple threats including abductions, extortions and killings. This sustains and strengthens a climate of fear, thwarting resettlement and normalization. Human rights groups in the district noted that the **number** of killings, disappearances, number of IDPs and threats to civilians in general is only **an indicator** of the actual situation. This is largely due to the fear of reporting and the subsequent repercussions by armed actors as well as the lack of confidence in the existing structures dealing adequately with human rights violations. In such a militarized and insecure context, many of the incidents are unreported. The few who work in documenting and addressing human rights violations have to work in difficult and trying circumstances.

The report also highlights the humanitarian situation in parts of the Trincomalee district, with the absence of a systematic disaster response structure resulting in affected communities not having the most basic of services. This problem is compounded by the fact that more IDPs from Batticaloa are expected to return in the near future. It remains to be seen as to whether the coercive methods used to return IDPs in the recent past, as witnessed with the return of IDPs from Batticaloa on March 15, will be a recurrent trend in the future. Whilst there is a clear desire on the part of the Government to speed up resettlement so as to demonstrate the restoration of normalcy, there are conflicting signs as well, indicating that the Government is also apprehensive of allowing resettlement in all parts of the district. The proposed BOI scheme for Special Economic Zones in parts of Trincomalee has compounded fears that the Government is planning a re-development of Trincomalee district that will have significant implications for the demographic map of the district. The report also points to problems that have been noted in other districts and fact-finding reports, including the lack of preparedness, ethnicisation of humanitarian assistance and gaps in assistance systems.

## **Human Security**

The capture of Eastern Trincomalee from the LTTE and the subsequent defeat of the LTTE by the security forces in Vakarai, have at one level dramatically improved the security situation. Claymore blasts and attacks against the security forces and police have dramatically reduced, as have artillery bombardments against civilian populations, including the largely Sinhalese communities in the Seruwila area who were forced back into displacement in December 2006. Compared to other districts, especially Batticaloa, Vavuniya and Jaffna the number of killings and abductions in Trincomalee, at least as reported in the newspapers, is much lower. For a number of communities in Trincomalee, especially the Sinhalese and Muslims, the security situation has improved over the recent months and they have been able to resettle and attempt to rebuild their lives. Yet, at another level there is continuing insecurity with people limiting their movements, especially at night time, and some spending the night in communal areas and public buildings, rather than in their own homes. For the Tamil Community, the situation continues for the most part to be precarious, as they face a number of human rights abuses which were highlighted by individuals from and working with the affected communities. We were informed of a series of violations including arrests and detention, killings and abductions, that made clear that Tamil civilians are being targeted by the armed actors and face high levels of insecurity.

It was difficult to gain a comprehensive understanding of the security situation due to the short duration of our visit, the limitations of existing human rights violation documentation systems in the district and the wariness of local actors to discuss human rights issues. While there are organizations and individuals working courageously and against all odds in trying to document violations and to assist the victims of these violations and their families, these actors face numerous constraints including the overall security situation, specific threats against them and the fear that pervades any conversation on human rights. A number of organizations with offices in Trincomalee Town were sent an email allegedly from the TMVP calling on them to register with the TMVP, stating that the security of expatriates who fail to register with TMVP by April 31<sup>st</sup> cannot be guaranteed. This was followed by a more recent set of emails in which national staff were named and threatened. The TMVP denied sending these emails, but the fact that these threats had been made at all made it clear that humanitarian and human rights groups were being monitored and were at risk, especially given prior incidents such as the killing of 17 local staff members of Action Contre Le Faim in Mutur in August 2006 and the grenade attacks on three INGO offices in Mutur in May 2006.

While human rights violations continue to be reported to key national and international institutions including the Human Rights Commission, many of those involved in human rights informed us that the reported human rights abuses do not reflect the actual scale of violations taking place on the ground. This is because those affected are afraid of the consequences they will face as a result of reporting these violations, be they abductions of children or adults or extortion. Hence, this fear has created a culture of silence among victims, their families and friends, witnesses to the violations and even those individuals and institutions charged with the responsibility of dealing with these violations. Groups that work with all three communities say that they are still attempting to ensure that there

is a dialogue and engagement between these communities. As a Mutur Muslim told us, they want to return to a time when all three communities lived in co-existence in Mutur. For this to happen it is clear that security will play a key role in strengthening confidence building initiatives between communities to restore trust and coexistence. In this present climate, efforts at multi-ethnic initiatives are under severe strain, with entities such as the Seruwila Peace Committee being unable to function for the above mentioned reasons.

**Killings, Abductions and Disappearances:** We were informed of continuing threats to individuals - killings, abductions, disappearances and intimidation – in Trincomalee Town and in remote villages such as Lingapuram and Kanguveli. These killings and the disappearances reinforce the culture of fear and insecurity, seriously impeding the reportage and exposure of violations. In Lingapuram, the headman of the village Alampalan Sivasubramaniam who took an active role in voicing the needs of displaced persons, disappeared when he went to the adjoining village Dehiwatta to get food, a week prior to our visit. For the displaced people of Ariyamankerny afraid to return to their homes and currently living as displaced persons in Lingapuram, the killing has deepened their fears. They prefer to live in the safety of numbers. Thirty six families living in the Lingapuram pre school have been displaced since April 2006. Due to the escalation of violence following the violence of April New Year Violence 2006 and subsequent attacks on communities along ethnic lines, they prefer to remain in displacement – return bringing with it fear and insecurity. They also stated that they visited their village and found that in a number of their houses, the windows and the doors had been stolen.

The fear and insecurity felt by the people to remain in their homes and with their communities is attested to by the continuing high number of displaced. Although Government figures dated April 16<sup>th</sup> state that there are 7,556 IDP in Trincomalee district, the actual number is much higher as there are many who are displaced with host families and communities. In addition, there are the night time displaced, the invisible IDPs who are not registered and therefore recognized by the authorities, but who are living testimonies to the fear and insecurity of the people. In Kanguveli, the recurring incidents of killings and disappearances have resulted in as many as 13 families being displaced in the Kanguveli School, with many more seeking the safety of the school during the night time. Incidents such as the shooting of a woman on April 24 in the late afternoon while she was collecting firewood, is just one of the many incidents in the last several months. People stated that at least one killing takes place every month. Kanguveli is a Tamil village, and next to two Sinhala villages, Nilapolla and Dehiwatta and an army camp. People state that even with the presence of the army camp, there are no guarantees of their security and no investigation into the continuing threats to civilians.

The Karuna Group has become more active in Trincomalee and has six offices in Town. It is accused of carrying out a range of human rights violations including abductions and extortions of business persons and individuals. Extortions, including ransoms, are under reported as those who have been threatened realize that they either have to pay the amount or flee the town. We were informed of several people and families, having to flee

the area due to fears of abductions, inability to pay or because they had reported violations committed by the Karuna Group.

Arrests and detention were also critical concerns that were highlighted during the interviews. In St Anthony's Church in Mutur which houses IDPs, 6 boys were arrested after being identified by two masked men but were subsequently released on bail. We were informed of an incident where people returning to Mutur from Trincomalee Town numbered only elders and women, with the young men being left behind. However, the latter were asked to return by the security forces for a family photograph and on returning were arrested by the Navy and subsequently released. They have now returned to Trincomalee Town in fear of further arrest. At present, the Government is attempting to register particular sets of populations, including IDPs. The registration of IDPs has been cited on security grounds, though in the process of registration no regard is given to the humanitarian plight and the insecurity experienced by an already vulnerable group.

The provision of police powers to security forces has increased fears among civilians and civil society about the possible abuse and arbitrary nature of the use of such powers by security forces and the likelihood of such powers being used primarily against Tamils in the area. Already, the security forces are prominent around IDP camps and are being involved in forced return, thus heavily compromising humanitarian space. There is also a lack of clarity with regard to the justification for some of the procedures in place, including the justification for a family photograph. There is concern that if such practices target a particular ethnic group, namely the Tamils, the photographs, other documents and information establishing the identity of individuals collected by the security forces, could fall into the hands of paramilitary groups and in turn, be used by these groups to victimize those perceived to be supportive of rivals.

The increased militarization of Trincomalee Town and surrounding areas further illustrated by increased checkpoints and patrolling by security forces, was evident during the short period of our visit. It was reported that there was a clear shift away from the civilian administration with the appointment of new Government Agent to Trincomalee, a military personnel, Major General T.T.R. De Silva in June 2006 following the April violence. The increased military presence and the growing control over humanitarian initiatives and assistance was seen as a part of the increased militarization that followed the appointment of a Government Agent from a military background. The high military presence notwithstanding, threats to individuals and communities have increased and many live in fear of attack. The role of the TMVP and the activities of the Karuna Group have also increased in the recent months. It is not however clear as to the impact the granting of new police powers to security forces will have on the ground, especially in the areas of a growing TMVP presence. We were informed that the TMVP claimed that for a fee they could facilitate the release of individuals from custody. Consequently, families visit the TMVP Offices and rely on the TMVP to intervene to get their family members released from police custody.

### **Humanitarian and IDP Care**

Trincomalee experienced one of the largest military offensives in 2006 and various other

forms of violence including riots, civilian massacres and killings and aerial bombardments that forced entire communities into displacement. As of April 10 there were 7,556 IDPs registered in IDP sites within the Trincomalee district. There are also over 20,000 estimated IDPs from Trincomalee at present in sites in Batticaloa. All the IDPs are Tamils from Verugal/Eachchilampattu and Mutur. Many of them are in IDP sites or with host families in the Batticaloa District, with a significant number within Trincomalee, including Kilivetti transit sites and smaller camps in Trincomalee Town and Gravets, Thampalagamam, Kuchchaveli, Lingapuram, Seruwila and Kinniya. There are a number of concerns arising from the treatment of the IDPs. These include problems with registration and identification of IDPs and with the existing humanitarian assistance systems, particularly the lack of preparedness in dealing with the influx of IDPs. It is also noteworthy that most of the IDPs from Trincomalee have been displaced since April 2006, migrating to several places including other districts in search of security. Reports from Batticaloa demonstrate that many lived in dire conditions, sometimes living under trees and makeshift tents, with no proper food and sanitation for several months.

A significant development over the last two months has been the effort to return displaced communities from Trincomalee who were in IDP sites in Batticaloa back to their district. The Government took the decision that IDPs should be resettled and for this purpose a transit site was identified in Kilivetti. The camp was established on March 12 and we were informed that there are 2,960 individuals from 876 families, mostly from Mutur and Verugal/Eachchilampattu D.S Divisions with some from Seruvila. It should be noted that some of these IDPs, especially from Sampur, have been in displacement since April 2006 and on the move within Mutur, then to Verugal and Vakarai, Batticaloa, and now to Kilivetti. The majority of the camp residents were brought in buses by the Government through forcible return. There are a number of spontaneous arrivals in the camp as well. Some of the spontaneous returnees indicated that they returned to Trincomalee in search of families separated in the speed and haste with which the forcible return of IDPs was effected.

**Disaster preparedness and conditions in camps:** Families in Kilivetti are living mainly in transitional shelters. More than a month after the return of some families, the conditions in camps is still in need of urgent improvement. It was clear that food and ration distribution is a critical problem. We were informed that IDPs who were brought into the camps in March were provided with a family ration card. However, we were informed that the more recent IDPs in the camps are yet to receive a ration card. Communal cooking takes place for the newer IDPs with no indication from the authorities as to when they would receive a ration card. We also visited the transitional site at Paddithidai which has 858 individuals from 249 families. Most of these IDPs had been staying at the Kilivetti School and were re-located on April 19. The displaced stated that they had to sell some of their possessions such as jewelry in order to buy food, as there was no system in place to provide them with food or rations. The GS had informed them that he would address the situation to the DS and GA. Though a week had passed, the IDPs were yet to receive any food assistance from the authorities. During our visit, we witnessed locals putting up makeshift stalls and selling vegetables and essential goods. IDPs who were purchasing such goods stated that they could afford these only

after selling whatever belongings they had. Many feared that they would be unable to support and feed their families, if the authorities did not act fast.

Sanitation also needs to be addressed. The Kilivetti transit site had just 38 toilets and restricted bathing facilities. Consequently, some of the displaced were forced to walk 6 km in order to bathe in the closest channel. Though the camp was in existence for over a month, there was no camp management committee until recently. We were informed that efforts were underway to establish such mechanisms. The transitional shelters were built with tin sheeting, making it unbearable to stay in them during the day due to the scorching heat. We were also informed that there was no comprehensive plan in place to address the educational needs of IDP children, with many children in IDP camps still unable to receive proper education. Further, in cases where their stay is transitional in nature, there is lack of preparedness in handling children's education. The education of children in communities hosting IDPs, has also been affected as a consequence of schools being used as IDP camps. With no immediate answer forthcoming in respect of reducing IDP numbers, authorities must ensure that education needs of all children are adequately addressed.

The decision to create a transitional site raises a number of issues including the lack of preparedness on the part of the Government. Given the Government decision to move the displaced from Batticaloa, it is unclear as to why steps were not taken to move stocks to identified sites instead of turning to I/NGOs and UN agencies and expecting them to be the primary resource and service provider to the IDPs. It is clear that whilst there is a dependency on I/NGOs to provide assistance, they were not informed of Government plans to relocate IDPs. Many I/NGOs protested both the forcible resettlement that took place on March 15 and the lack of preparedness in the Kilivetti site. The poor conditions in the camps in Kilivetti, the lack of preparedness by the authorities to handle the needs of IDPs, and the prospect of more IDPs arriving at the site, demonstrates the authorities' interest in doing everything possible to reduce displacement and yet, at the same time in doing so in disregard of basic norms..

The Government is facing a huge challenge in dealing with the humanitarian situation. For instance, the Verugal/Eachchilampattu D.S. office re-opened only last week and is presently situated at the Kilivetti transit site. Yet, as seen with other waves of displacement, it is clear that Government is also divesting itself of the task of providing assistance to its own citizens and is instead, calling upon donors and international agencies to take up the tasks of feeding, providing temporary shelter and other basic tasks, which citizens expect their Government to perform. Even the food rations are those provided by the World Food Program to the Government as assistance. According to the authorities a further 1,000 people are expected, but it is unclear whether this will be a completely spontaneous and consensual movement and as to whether the humanitarian actors will be able to cope with an additional influx.

**Discrepancies in providing assistance:** Humanitarian agencies highlighted the fact that the treatment of the IDPs differed. For instance, agencies providing assistance to the Sinhalese IDPs from the Seruwila area who fled to Kanthale in December had to work

directly through the Kanthale D.S., while those working with the Tamil IDPs were expected to deal more directly with the G.S. and the affected communities. Further, as recorded in previous reports, Sinhalese IDPs from Seruwila were provided with assistance in a coordinated and efficient manner, with the Kanthale DS playing a direct role in the provision of humanitarian assistance. As with other displacements, humanitarian agencies played a key role in the provision and distribution of assistance. By contrast, the provision of humanitarian assistance, levels of disaster preparedness and the role of the authorities in assisting IDPs was similar to the treatment of Muslim IDPs from Mutur who were displaced to Kanthale in August 2006 and the Tamil IDPs in Batticaloa and Trincomalee. The assistance in these situations was less efficient and effective, which may have also been due to the large numbers of displaced involved. However, it also reflected a lack of interest on the part of the state in taking full responsibility for dealing with the IDP issue. There are delays in providing assistance and no comprehensive plans in place for the present group of IDPs, the majority of whom are Tamil. This raises the issue that there is in fact an “ethnicisation” of humanitarian assistance, with authorities having different standards of responses to different ethnic groups.

**Categories of IDPs and other affected groups:** With humanitarian actors including the Government and INGOs focused on the number of IDPs, it is clear that the true scale of displacement and the impact of large-scale and daily violence on communities is being largely overlooked. The displaced from Ariyamankerni presently displaced in the Lingapuram Pre-School and Library, is a case in point. The people in the camp stated that there were 36 families in the camp and 60 with friends and relatives. CARE has begun construction of transitional shelters in Lingapuram. This construction has been halted, as the Divisional Secretary of Seruwila is more interested in encouraging IDPs to return to their land Ariyamankerni where transitional shelters will be built. Those in the camp complained of a lack of food. They have been promised assistance by the D.S if they resettle in their village. This is an instance of coercive methods being used to ensure return - the promise of food being conditioned upon return to their land. Such a practice seems to have become an increasingly common one employed by the Government in its efforts to reduce the number of IDPs and move them from sites the Government does not want them on.

Communities that have not been displaced in the conventional sense, like the ‘night time displaced,’ are also largely ignored. Security for these communities and the IDPs is a critical concern and compounds the challenge of daily life. The violence coupled with security restrictions places additional hardships in respect of livelihoods. For instance, the fishermen in Mutur Town, many of whom have returned in September 2006, are finding it increasingly difficult to earn a profit. They are not allowed to use motor engine boats to fish and have to restrict themselves to 1 km from shore. In addition, they have to go through security points at dawn and dusk in order to get daily permits to fish. While there is a clear attempt to encourage (most) communities to resettle, there is little focus on how the communities will cope once they move back into their area of residence. In the case of the Tamils of Mutur Town, about 204 families moved into St Anthony’s Church where they were ‘night time displaced’ between April and July 2006, and fled to Trincomalee

Town during the Mutur Crisis in August where they lived in two camps, one of which was a school. The poor conditions in the camps, the need to open the school and the daily commute that the Government workers had to make from these camps to their offices in town, all encouraged the displaced to go back to Mutur. They received cooked food from EHED and Caritas but at least 32 families still live in the church compound. The insecurity of the community was palpable, with the youth in particular being kept within the confines of the compound for fear of them being arrested or abducted.

Another group which has been largely ignored are the displaced living with host families. Increasingly INGOs and NGOs have come to recognize this phenomenon of displaced people seeking shelter with friends and relatives. Rather than strengthening these local initiatives in response to displacement which have been observed over many waves of displacement, it seems that in Trincomalee the Government is not attempting to comprehensively register the displaced with a view to granting them some assistance – humanitarian agencies being willing to provide these rations with no cost to the Government. By comparison, in some Batticaloa D.S Divisions such as in Arayampathy, the local government officials and agencies are more cognizant of this phenomenon and have put some system in place to provide rations to displaced with hosts families, even though the ration distribution to those in the camp is more frequent than for those with host families.

### **Resettlement Policies and Practices**

It is clear that the Government is determined to resettle the large numbers of displaced and thereby create a situation of normalcy in the areas that were previously controlled by the LTTE or that were contested, such as Sampur, Eachilampattu and Raulkuli. Towards this end, resettlement in Trincomalee is proceeding at a varied pace. In Mutur 30 of the 42 G.S divisions, ie mostly the non-Tamil majority divisions, have been resettled while in Verugal/Eachchilampattu, home to 11,500 people living in 9 D.S. divisions, there is almost no resettlement. Many of the IDP we spoke to, be it at the Cultural Hall in Trincomalee Town or the Kilivetti transit site, were keen to return but are concerned about the security conditions in their places of origin. Many stated that with security guarantees from the authorities, they would be willing to return. This is an indicator of the people's desire to return to their homes, to some form of normalcy and the dire conditions faced by many in transitional shelters. Some IDPs informed us of reports of looting of their property, a trend that is also seen in parts of Batticaloa, such as Vakaraai.

The Government's desire to resettle people without adequate planning and preparedness for returnees, reflects the urgency and priority accorded to the reduction of the numbers of displaced and to the restoration of normalcy in the areas of their original habitation. With the increase of IDPs in the recent past - presently amounting to around 300,000 and that only numbering people registered with the authorities and displaced since January 2006 - insecurity on the ground is aptly demonstrated. By speedily resettling IDPs, there is an attempt not simply to speed up normalization, but also to reduce the attention on human security issues in the North East and the plight of affected communities.

**Forced return:** The Government has demonstrated a determination to go ahead with resettlement despite the unwillingness of IDPs. The Government set a precedent in this respect with the forced return of Muslims from Mutur in September 2006. They were in certain instances forced onto buses in Kanthale and Kinniya or forced out of welfare camps with the electricity being cut off and the gates padlocked, forcing the displaced, as in Kinniya, to seek shelter by the roadside. On March 15 Government forces forced displaced from Trincomalee onto buses in the welfare camps in Batticaloa and brought them to the Kilivetti camp. We spoke to some of the people in Kilivetti. They informed us of how they were forced onto the buses and told that they were going to be returned home. This is a clear instance of forced return and the Government has acknowledged this as attested to by the statements of Minister of Resettlement and Disaster Relief, Rishard Badurdeen (Daily Mirror, “IDPs moved against their will?” March 20 2007). It is also clear that the displaced were provided with false information. They were put on the bus and told that they were being taken home, and not to a transitional site where they have been for over one month.

Despite newspaper reports stating that UNHCR would not support any such program in any form and the public remonstrations against forced movement by UNHCR, the agency stated its opposition to the process. It also expressed a willingness to assist once the process was completed and at the same time informed IDPs of their rights whilst the process was going on. UNHCR has taken up a prominent role in the resettlement process as they are the key agency for shelter at the Kilivetti Transitional Centre. While support and assistance for all IDPs and returnees is paramount, it is essential that UNHCR and other agencies involved in the resettlement process encourage and ensure that authorities adhere to basic standards, including informed voluntary return. Unlike in Batticaloa where international and local agencies adopted the measure of distributing leaflets informing IDPs of their rights including the right of consent to being moved, in Trincomalee there have been no such effort. Here, it is as if the agencies including UNHCR have made a collective decision not to oppose the Government’s decision to resettle. in spite of their own concerns of how resettlement is proceeding. None of the camps we visited had the leaflets listing IDP rights in all three languages that we had observed in camps in Batticaloa, suggesting a lack of will on the part of humanitarian agencies to follow the good practices in Trincomalee that they are following in other districts.

**Resettlement and the Special Economic Zone:** There is a lot of confusion as to when and how resettlement will proceed. At one level the Government is reportedly going ahead with efforts to facilitate return by carrying out de-mining which it states is the primary obstacle to resettlement. The Government has stated that demining should be completed within a month, but demining agencies believe that the process will take longer. Kilivetti was intended as a transitional site which could serve as a base for the UNHCR and Government supported ‘go and see’ visits. IDPs we spoke to stated that no such visits have taken place. Such visits could create greater confidence in the resettlement efforts and allay other fears - the people we spoke to in the transitional camps were afraid that their houses had been looted and/or destroyed; they do not want to return to their properties in these circumstances and end up in another tent.

At another level it seems that the Government does not have a clear program for the displaced. Speculation is rife as to whether the Government will allow resettlement in all areas. This is largely due to the proposed Special Economic Zone (SEZ) to be established in areas in the Trincomalee district, gazetted on February 16, 2006. According to the Board of Investment plans, 675 sq km of land will be used for the creation of the SEZ under the BOI Act 1978. While a power point presentation of the BOI plan is publicly available, people in the area have yet to be informed of the details of the plan and what the long term implications of having a SEZ in the area would be. There is also speculation that 'peace' villages in which the three communities would live in harmony, will be established. Initiatives within the SEZ seem to be underway, with the Urban Development Authority having already begun construction of a Outer Circular Road, outside of the Trincomalee town. There has also been considerable discussion about a proposed coal fired power station to be built in Sampur which would have implications for resettlement. There have been newspaper reports of ex-servicemen being given land in Trincomalee, which would represent a return to the state-sponsored Sinhala colonization programs (See B.Raman "Rajapaksa bent on Peace" <http://www.saag.org/papers20/paper1983.html>). This claim has not been substantiated, but the poor transparency and lack of accountability of officialdom has intensified fears. There is a growing fear that these plans are all part of an effort to alter the demographic map in Trincomalee, with the primary victims being the Sampur Tamils. That the present GA is a Sinhalese and an ex-military official, as is the Governor of the Eastern Province, has only served to exacerbate tension. There is a clear need for the Government to make public both its resettlement and development plans for Trincomalee and ensure that the affected communities and those agencies and groups working with these communities (where appropriate) are informed and consulted. The Government has a clear duty to ensure that the rights of all citizens of Sri Lanka are protected.

### **Assistance and Compensation**

In response to the death and destruction in 2006, the Government announced a series of compensation schemes including the damages to crops due to the closure of Mavil Aru by the LTTE in July 2006 and compensation for the deaths in Muttur in August 2006 and in Seruwila in December 2006. The Government announced a program to provide assistance to farmers who lost crops due to the Mavil Aru closure with a maximum sum of Rs 25,000. At present the Government is investigating a scam at the Colombo office of the Agrarian Insurance Service which was responsible for disbursing assistance through the Farmer's Organisations. The latter were also responsible for doing the assessments. At Kanguveli we met farmers who claimed that not all farmers had been able to claim the compensation and that those who were able to had received only Rs.16,000. In Seruwila too, most of those who had been allocated compensation were given Rs.16,000 and not the promised Rs 25,000. As a part of the investigation, the Government should review how damages were assessed. It is also clear that other sets of farmers have as a result of the violence faced significant hardships and lost harvests, forcing them to sell personal possessions in order to avoid falling heavily into debt. Reportedly, there are also fishermen who lost boats and nets in the fighting in August who are finding it difficult to get back to fishing. There is a clear need to assess how livelihoods have been affected

and continue to be affected as a result of the violence and security restrictions, so as to devise ways of alleviating current hardships.

**Discrepancies:** There appeared to be significant problems with the compensation for deaths due to fighting in August and December. Compensation was initially fixed at Rs 15,000 for the affected in Mutur. A few weeks later, Rs. 100,000 was provided for the persons in killed in Potuvil. As a result of protests against the different standards used for disbursing compensation at a meeting in Mutur presided by Presidential Advisor Basil Rajapakse September 24 2006, the Government announced that it would provide Rs. 100,000 for all deaths. Though this was decided, very few of the families identified by the Government appear to have to have been provided this sum due to difficulties in obtaining a death certificate. In Seruwila, Rs 50,000 has been provided in the interim, while in Mutur only Rs 15,000 has been issued for the 21 killed. According to local government officials we spoke to this was due to the fact that in Seruwila the D.S was able to vouch for the individuals. The issue of death certificates continues to be a problem due to the circumstances involved – bodies were quickly buried during the artillery bombardment while no corpses of Muslim civilians were identified in Kiranthimunai. As to how this issue will be resolved is yet to be seen. The Government has not attempted to recognize civilian deaths as a result of the fighting in Vakara which has created problems on the ground. Local government officials are unwilling to accept families' claims that they lost family members to the more recent violence and are not willing to issue the appropriate death certificate. The absence of police or magistrates in areas previously controlled by the LTTE has meant that it is difficult to get death certificates for civilians who were killed in these areas.

The re-building of houses damaged in the fighting is another issue which needs to be taken up. Communities who have re-settled, such as the Mutur Muslims and Sinhalese from the Seruwila area, were promised assistance to re-build their houses. In Seruwila UMCOR has carried out an assessment and is in the process of disbursing funds. The D.S office informed us that 286 houses were fully damaged and 1,425 were partially damaged. In Mutur the issue appears to be more complicated as an assessment was done and compensation was provided to some of the affected, but it seems that there are gaps in the provision of compensation. Again it appears that it is up to international agencies to pick up the bill and take the lead role in re-building houses, with the state playing a more passive role. One of the people we spoke to in Mutur said that his house was damaged and that he had begun to re-build it himself. The tsunami housing response has been dismal. There are 1249 houses in need of tsunami assistance and allocated to agencies, with only 342 being completed. Only 193 have been handed to beneficiaries. The Government has announced that it is moving from a donor-driven to a home-owner driven reconstruction scheme which it is hoped will speed up the process. These families organized a protest outside the D.S.'s office in Mutur and were joined by families whose houses were destroyed in the fighting to demand that the Government take immediate action. It seems that the North East Housing Reconstruction Project (NEHRP) funded by the World Bank may take up the project.

## **Conclusion**

From our conversations with individuals from displaced and affected communities, humanitarian agencies, human rights groups and civil society groups it was clear that there is a deep desire for normalcy.

- Security was a critical issue raised in many of the conversations and it is apparent that due attention has not been paid to the security needs and fears of the civilian population. Rather than ignoring the security concerns of the displaced altogether, the authorities and agencies should facilitate confidence building measures including 'go and see visits' and 'stop gap measures' until communities are willing to resettle.
- Authorities and other actors need to ensure that human rights and humanitarian standards such as the Guiding Principles on Internal Displacement that lay out the rights of people during displacement and on return, are respected and that minimum standards are adhered to. Humanitarian agencies should play a more active and consistent role in strengthening the confidence of the displaced people in this regard.
- In addition to focusing on the immediate needs of the displaced and identifying gaps in assistance schemes, there is a clear need to respond to the needs of the various invisible categories of displaced including host families and 'night time displaced.' Similarly, assistance to affected populations, including those who have lost homes and livelihoods needs to be assessed and addressed.
- The disbursement of compensation schemes needs to be urgently reviewed.
- There is also a need for increased transparency with regards to development and resettlement programs so as to avoid creating suspicion and fear of the Government and among the ethnic communities.
- Given the underlying desire for security and normalcy and the willingness of community leaders to work with others, there is a clear need to facilitate local initiatives so as to secure normalcy and co-existence in the district.