

Briefing Notes



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In mid-January 2013, flooding had caused human remains and abandoned belongings to come to the surface in what have been deemed 'Sri Lanka's killing fields'. Photo: The Sri Lanka Campaign.

THE STATE OF HUMAN RIGHTS IN THE NORTH OF SRI LANKA 2012



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EXECUTIVE SUMMARY

Repression and human rights violations in the North remained under-reported throughout 2012. This report does not provide a comprehensive account of all incidents and trends happened in 2012, nevertheless it attempts to highlight some key human rights violations facing the Tamils in the North. At the same time it has to be recognized that violations and repressions are faced by all communities across the country, such as in the East and in the plantation sector.

Forty five months following the end of the war (May 2009 to date), Sri Lanka is still unsafe for the minority Tamil community and dissidents of the State. With abductions, arrests and intimidation still continuing, there exists a general sense of lawlessness rampant across the country. This is much worse in the North, with heavy military presence and control. To date, people are asked the question “Are you Sinhala or Tamil?” at military checkpoints in the North.

In spite of repeated assurances to the International Community that devolution of power envisaged by the 13th Amendment to the Constitution will be fully implemented and a lasting political solution to the conflict will be materialized, the Government of Sri Lanka has not shown any commitment towards this end.

The attitude of “Victor” vs. the “Vanquished” is quite evident in every sphere of life. People are not permitted to speak or assemble freely, some have no access to their homes as the military and their families are occupying their lands and they still have no security with the military still being able to pick people up from off the street or from their homes on the “suspicion” of being linked to a terror outfit that the President himself has claimed to have annihilated in May 2009.

Militarization and imposition of the Sinhala Buddhist culture in the North has continued unabated. In the words of veteran Tamil politician V.

Ananada Sangaree, ‘(d)uring the past three years, hundreds of mini army camps and many Major camps had been set up in the midst of Tamil people who had suffered in many ways during the past thirty years and lost several lives and valuable properties more particularly during the last lap of the war; I am convinced more than anybody else that the minorities now feel discriminated more than ever before.’ (Letters to the President, 24 July & 8 Dec 2012)

Freedom of expression, Right to association and Right to peaceful assembly and protest have been violated throughout the year. On several occasions burnt oil, which has become the symbol of state sponsored terror against dissent, was thrown at the peaceful protests in the North.

The recent spate of arrests of Jaffna University students and former LTTE combatants by the Terrorist Investigation Division (TID) and attacks on media workers have heightened tensions in the area, and fear amongst locals in the North. Dozens of disappearances have been reported from the North and majority of them remains unresolved. Two Tamil prisoners have been killed and many others subjected to brutal torture whilst in the custody, earlier this year.

Ironically it was also the current President, who made the following statement at Sri Lanka’s 59th Independence Day Celebrations, on 4 February, 2007. He said that „it is our duty to protect the lives and property of the Tamil and Muslim people and bring sanctity to the future world of their children.” That being said, the State has not even been able to fulfill the recommendations made by their own Lessons Learnt and Reconciliation Commission (LLRC).

This report clearly shows that GoSL has failed miserably in implementing its own LLRC recommendations related to accountability and restoring democratic governance in the North of Sri Lanka.



1. THE POLITICAL SOLUTION: WORDS BUT NOT DEEDS



Since the joint communiqué between President Rajapaksa and UN Secretary General Ban ki-Moon in 2009, the Government of Sri Lanka has pledged to the International community to implement the 13th Amendment at least four times

The Tamil community is largely unanimous in its stand that although the war is over, the conflict is not. In this context the pivotal issue of minority communities living in the North and the East of the country is a self rule: a political system of power sharing, which is commonly described as the Political Solution.

However, what is clear is from statements from the President and various government Ministers and officials¹ is that the government is determined not to engage in a process towards resolving the historical legitimate grievances of the Tamil community through a process of power sharing / autonomy, within the framework of a united Sri Lanka.

In June 2011 the Government of Sri Lanka proposed to establish a Parliamentary Select Committee (PSC) in order to arrive at consensus political solution run in to a storm from the day one. Although claimed to arrive at a conclusion within six months² it has not been able to have single session so far.

The Tamil National Alliance (TNA) - which comprehensively won all elections held after the war in post-war North and East - took the position that their participation in the PSC could be consi-

dered only on the basis of meaningful discussions between the Government of Sri Lanka and itself.³ At the same time, a number of Sinhala nationalist parties refused to participate in the PSC.

After one year of the proposed PSC, negotiations between the two parties broke down and the TNA stated that „How can we expect the government to provide us solutions to the ethnic question in the North and the East through a PSC when it cannot negotiate with the TNA independently and come to a solution?“⁴

Despite the number of pledges given by the Government of Sri Lanka to the international community, including the UN, that it will implement the 13th Amendment, the devolution clause of the Constitution, no meaningful steps have been taken in this regard.

On the contrary, on his Independence Day address President Rajapaksa ruled out granting minority Tamils any political autonomy as a solution to the three-decades-long ethnic conflict. He said: “It is not practical for this country to have different administrations based on ethnicity. The solution is to live together in this country with equal rights for all communities.”⁵

1 See The President's Brother and Defence Secretary; stalk about abolishing the 13th Amendment! <http://www.srilankabrief.org/>

2 See PSC talks will conclude in six months, <http://www.srilankabrief.org/>

3 See TNA says it has no faith in the PSC: www.srilankabrief.org/

4 See M.A. Sumanthiran:13th Amendment to the Constitution ... :<http://dbsjeyaraj.com/>

5 See The Hindu:Rajapaksa rules out Tamil autonomy; <http://www.thehindu.com/>



At the same time, the Government moved to curtail some of the devolved powers under the 13th Amendment by introducing the Divinaguma bill. The Supreme Court held that the subjects dealt with in the Bill were dealing with several subjects contained in the Provincial Council List. In fact, it is seen that the Bill over-rides at least 16 subjects in the Provincial Council list.⁶ In January 2013 the Bill was passed by a 2/3 majority in the Parliament.

Today a political solution to the Tamil national question based on power sharing is much more distant than before. The commitment of the Government to a genuine political solution has become mere words to appease the International Community and in reality anti-devolution rhetoric and practices dominate the ruling political discourse.

“The Government assured the Head of the UN that it would not only implement the 13th Amendment, but it would go beyond by enhancing it. This joint statement was followed by the resolution at the special session of the UNHRC. The original draft proposed by certain EU nations was defeated. The resolution passed praised Sri Lanka for defeating terrorism but demanded reconciliation. The steering point was the reconciliation with a political solution based on 13th Amendment and enhancing it ...”

Mano Ganeshan, Leader of the Democratic People's Front

2. FREEDOM OF EXPRESSION: RECENT VIOLATIONS

Jaffna, the capital of the Northern Province is the only city in Sri Lanka that has thriving local newspapers, despite many attacks on media and journalists. Fourteen media workers have been killed in the province after this government came into power. In 2012 and early 2013, media critics of the government in Jaffna have come under immense pressure from the military as more and more political and civil agitations are taking place.

An Editor of Uthayan, T. Thevananth, was brutally assaulted and had to seek treatment in hospital. Military and alleged intelligence officers dressed in civilian clothes had tried to snatch his camera from his hands as he was taking photographs of the silent protest organized by the students of University of Jaffna on 28th November 2012 and when he resisted, he was assaulted on his face.^{9,10}

In August – September 2012, a local TV crew, local journalists, foreign journalists, human rights defenders and religious clergy were restricted and intimidated when they tried to visit and meet with people whose land has been occupied by the military in the Mullaitivu district. Some journalists were stopped from accessing certain areas in the Mullaitivu district by the military, even though they had prior approval from the local Government Agent (GA) to visit the people and highlight their plight.⁷

The Jaffna-based Newspaper Uthayan has faced multiple killings, abductions, assaults, grievous injury, and destruction of property over the years.⁸

6 See Lal Wijenayaka; Divinaguma development bill .. <http://www.srilankabrief.org/>

7 See Ruki, Restrictions and intimidation on journalists covering resettlement process in the Vanni - <http://groundviews.org/>

8 See Abdul H. Azeez, Uthayan Under Fresh Attack, The Sunday Leader - <http://www.thesundayleader.lk/>

9 See The Island, Editors' Guild demands action against Uthayan editor's attackers - <http://www.island.lk/>

10 At the time of compiling this report in January 2013, Uthayan staffers were made to face yet another attack, in an attempt to silence them. On 10 January 2013, Nagesh Pratheepan, 32, a newspaper delivery staff of the Uthayan Newspaper was obstructed by unidentified person on motorbikes in Karaveddi (along the Jaffna-Point Pedro road), brutally assaulted and thrown in a drain. Thereafter, all the newspaper bundles (amounting to 1000 newspapers) and the motorcycle which carried the papers were set on fire. Soon after, he was admitted to the Jaffna Teaching Hospital for treatment for his broken hand and other injuries. Yet another one of their newspaper delivery staff had been chased by the same people, but he had managed to take refuge at a nearby Police Station.

IN BRIEF: VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION

20 violent incidents in 28 years against “Uthayan”

Within 28 years, 20 times violence was unleashed against the “Uthayan” the leading newspaper in Jaffna and the Northern province. On 10th January 2013, the newspaper reporter and a distributor of the newspaper was assaulted, his motor cycle and newspaper bundles were set on fire. None of the incidents have been investigated to completion. (Uthayan)

17 January 2012: Attacked to stop a press briefing

An armed group stormed Thinakkural Rest hotel in Jaffna and damaged its property. This was to be the venue for a media briefing to be held by organizations against abductions and enforced disappearances, which was holding a leaflet campaign in the North. (Srilanka Mirror)

09 February 2012: Minister Devananda threatens journalists

It was reported that Minister Devananda openly called for retaliatory attacks on Jaffna Thinakkural newspaper on its coverage of the diversion of funds allocated to development of schools in Vanni to the highly showcased construction of swimming pool which was declared opened by President Mahinda Rajapaksa. (Tamil Net)

30 May 2012: Journalist assaulted

An official employed by the Sri Lankan Minister of Industries and Trade, Rishard Badurdeen, assaulted on 28 May 2012 a 72-year-old Muslim journalist, M.A. Cader, for having taken part in a prayer rally expressing solidarity with Mannar Bishop on 27 May 2012 with thousands of civilians of all walks of life in Mannar. (Watchdog sources in Mannar)

11 July 2012: Army chief sues newspapers

Army Commander Lt. Gen. Jagath Jayasuriya has moved the District Court of Jaffna against the Uthayan and Valampuri newspapers seeking Rs. 100 million each in damages. Army headquarters said that action was filed on Friday, 6th July. Lt. Gen. Jayasuriya’s action followed reports published by Jaffna newspapers on 11 July 2012, which the army chief said was defamatory of him. (The Island)

27 July 2012: TNA posters taken into custody

Police spokesman Ajith Rohana denied that former TNA parliamentarian M.K. Sivajalingam and seven others were arrested while transporting posters in Nellyyadi, Jaffna on 26 July 2012. Superintendent of Police Rohana said the posters, which depicted the August 1983 prison riots, were seized as they could have incited communal violence. (Daily Mirror)

3. FREEDOM OF PEACEFUL ASSEMBLY AND PROTEST: RECENT VIOLATIONS



Peaceful protest of Jaffna University students was met with brutal force on 28 November 2012

Freedom of Peaceful Assembly and Protest, a universally accepted right has come under official as well as unofficial suppression in the North on a regular basis. A glaring example of this suppression took place on 15 February 2013 when joint opposition held a Satyagraha protest in Jaffna town.

The Satyagraha called the authorities to resettle 30,000 in 24 Village Sectors (GS) in North Valikamam and to remove the High Security Zone. Despite the presence of leading opposition politicians, government backed thugs tried to disrupt the protest and forced the organizers to discontinue it.¹¹

JAFFNA UNIVERSITY SILENT PROTEST DISRUPTED BY SECURITY FORCES

Groups of students who had gathered at the University of Jaffna grounds on 27 November 2012, a Poya (full moon) holiday, which also marked Maveerar Naal (LTTE Heroes Day), were terrorized into evacuating the University premises by 10 unidentified men in civil, bearing pistols and riding motor bicycles, suspected to be military intelligence officers. No one had been held accountable, despite a student noting down the details of one of the motorcycles as being an Indian made Bajaj Pulsar bearing the registration number NPJM 3172.

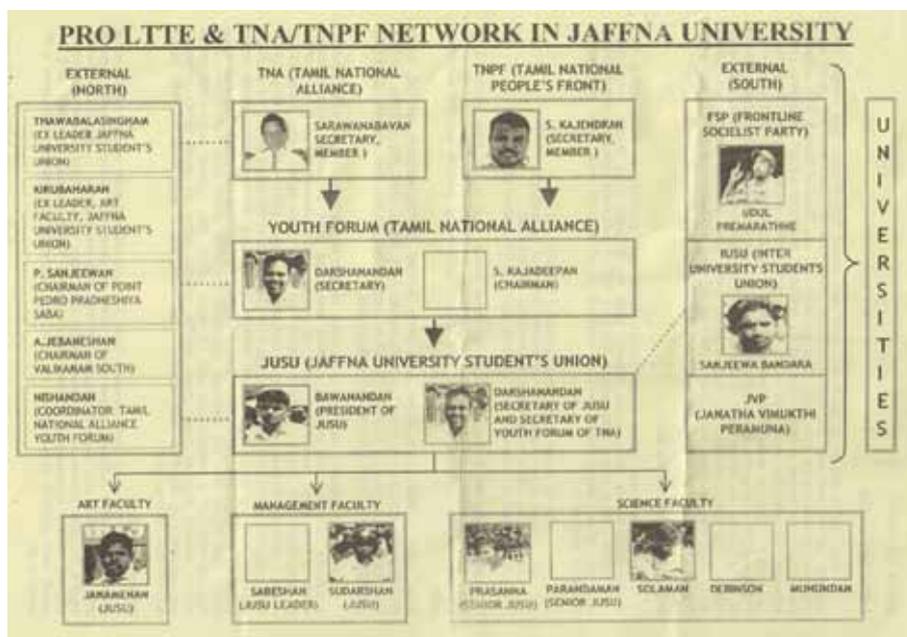
¹¹ See Opposition protest disrupted in Jaffna: <http://www.mirror.lk/news/>

On the 27th morning, military forces had stomped into the Jaffna University student hostels, expecting there to be some lighting of lamps to commemorate Maaveerar Naal. Subsequently, there was a heated argument between the male hostellers and the army.

The following day, on 28 November 2012, students who were harassed and intimidated on the day before, gathered at the University to conduct a silent protest against the terror tactics carried out by the security force, having acted the previous day in total disregard of the University's administration.

As the students started to walk out of one university entrance and return through another, the Riot Police Unit and officers dressed in civil batten charged the unarmed students. Many students, including female students were injured, with four students and an intelligence officer being hospitalized for further treatment.¹²

ARREST AND INTIMIDATION OF STUDENT LEADERS IN THE UNIVERSITY OF JAFFNA



A defamatory flyer against 16 present and former students of the University of Jaffna and the current and former Presidents of the Inter University Students Federation was distributed as part of disinformation campaign

In the days following the violent crackdown by the security forces on the University of Jaffna

(UoJ) student protest, the Kopay Police handed over two separate lists, with 17 student names to the UoJ authorities to be handed over to the TID. Of the total 17, nine students were interrogated and released, whilst four, including the Student Union President and Secretary, were detained at the Vavuniya TID office, and later transferred to the Welikanda Rehabilitation Centre without following any due procedures. On 13 December 2012, four female students were summoned to the TID office in Jaffna for questioning, including the UoJ Girls Hostel Student Union President. They were handed over on 15 December 2012 and were released following their interrogation later that day.¹³ Two of the arrested student leaders were released on 24 January and other two released on 12 February 2013, after a boycott by students of the Jaffna University and national and international pressure.¹⁴

Several students and activists in Jaffna believe that Government forces are behind the recent distribution of defamatory flyers¹⁵ against 16 present and former students of the UoJ, and the current and former Presidents of the Inter-University Students Federation (IUSF) who are Sinhalese and from Colombo. According to the flyer, the 16 students have been labeled as key members of the 'Pro LTTE and TNA/TNPF Network' of the UoJ. The former and current Presidents of the IUSF respectively, too, have been accused of supporting this Network.

On 18 May 2012 the Student Union Secretary of the UoJ, Paramalingam Tharshaanan, was brutally assaulted with iron rods by four unidentified persons, suspected to be military intelligence personnel. The attack had taken place in broad daylight, very near the Sri Lanka Army (SLA) camp in Kaladdi (Jaffna District).^{16,17}

¹² See WATCHDOG, The death of Freedom of Assembly, .. <http://groundviews.org/>

¹³ See Updates on ground situation in Jaffna - <http://groundviews.org/>

¹⁴ See Sri Lanka: Free or Charge Detained Students of Jaffna University - <http://www.hrw.org/>

¹⁵ See Lanka Views 27 September 2012, <http://www.lankaviews.com/>

¹⁶ See Network for Rights Sri Lanka, University student leader attacked in Jaffna - <http://www.nfrrilanka.org/>

¹⁷ Similarly, the President of the Student Union of the UoJ, K. Thavapalan, was also attacked with iron rods by unidentified persons, in October 2011.

HARASSMENT AND INTIMIDATION OF THE BISHOP OF MANNAR

In response to a defamatory statement¹⁸ made by the Minister of Industry and Commerce, Rishad Bathiudeen against the Bishop of Mannar, in May 2012, sections of the Catholic clergy and laity in Mannar had planned to organize a public protest in solidarity with the Bishop. The Mannar Police intervened and sought a Court Order prohibiting the demonstration, allegedly on the instructions of the same Minister. The Mannar District Judge sent summons to five priests from the Mannar District on the grounds that organizing such an event on 27 May 2012, would disturb traffic and create communal disharmony between the Tamils and Muslims in the area.¹⁹ After a court hearing, the Magistrate prohibited the demonstration but allowed the meeting to be held within private premises. Over 5000 persons participated at the meeting.²⁰

On 8 May 2012, the Criminal Investigation Department (CID) questioned the Bishop of Mannar about his query to the LLRC regarding the disappearance of 146,679 people during the last stages of the war (2008-09). A party belonging to the ruling Coalition, Jathika Hela Urumaya (JHU), called for the arrest and prosecution of the Bishop²¹, over a letter²² he and other clergy had written to the President and members of the UN Human Rights Council in 2012, calling for an international investigation into war crimes. Furthermore, in December 2012, the Bishop was again interrogated for several hours by intelligence officers, this time in Colombo, about a public statement in which he stated that it was insecure for Tamils seeking asylum in Australia to be sent back to the North.

The intimidation of a prominent personality like the Bishop has brought about fear to many activists in the North.

¹⁸ The Minister had accused the Bishop of “stirring the Tamil community against Muslims in his region... He even compared the bishop to the Ven. Innamaluwe Sumangala Nayak Thero, a Buddhist monk from the Golden Temple in Dambulla, who in late April, 2012 backed a group of Buddhists who attacked a mosque.” - Melani Manel Perera, Five thousand Catholics, Muslims and Hindus defend Mannar bishop against „vile“ accusations - <http://www.asianews.it/>

¹⁹ See Sri Lanka Brief, Five priests summoned over Mannar Bishop solidarity event - <http://www.srilankabrief.org/>

²⁰ See D.B. S. Jeyaraj, Pope Benedict to express concern over Mannar Bishop Rayappu Joseph's safety to President Rajapaksa at Vatican - <http://dbsjeyaraj.com/dbsj/archives/6763>

²¹ See Melani Manel Perera, Bishop of Mannar appeals to the UN. Buddhist Party calls for his arrest - <http://www.asianews.it/>

²² See Tamil Insight, Bishop of Mannar Rev. Rayappu Joseph and Several Christian Priests Call for an International Investigation into War Crimes - <http://tamilinsight.com/>

IN BRIEF: VIOLATION OF FREEDOM OF PEACEFUL ASSEMBLY AND PROTEST

21 March 2012: Centre for Peace and Reconciliation (CPR) attacked in Jaffna

Four men, allegedly from the Sri Lankan military's Intelligence, attacked the legal aid clinic organized by CPR in Jaffna, by throwing dirt and burnt oil and later slashing tires of a lawyer. (Watchdog sources in Jaffna))

28 May 2012: Participants of a protests were threatened and intimidated

The police and the army had been used to avert the protests that were scheduled to be staged at Vavuniya over abductions and disappearances. The villagers who were to participate had been threatened and intimidated against taking part in the demonstrations. An injunction order had also been taken by the police to stop these protest demonstrations. (LankaeNews)



Dimuthu Artigala, a leading female political activist was doused with burnt oil in Jaffna.

22 January 2012: Participants to a demonstration obstructed by Army and Police

Nearly a thousand political activists who were heading to Jaffna to take part in a protest campaign against the abduction of two of their colleagues were stopped by the police. <http://groundviews.org/2011/12/14/42-political-activists-and-hrds-detained-and-prevented-from-participating-in-peaceful-protest-in-jaffna-town-on-human-rights-day/>

17 July 2012: Crude oil attacks' target TNPf organisers of civil protests

The house of Rajappu Edward Anandarajah, the Vice President of the Tamil National Peoples' Front (TNPf), situated in Nellyyadi in and the house of Kandeepan Thangarajah, the Central Committee Member of the TNPf, were attacked with crude oil. The attacks have come a day before the peaceful protest organised by TNPf. (Tamil Net)

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18 July 2012: Jaffna peaceful protest disrupted by masked men

A peaceful protest held with the participation of Tamil political and social activists in Jaffna was disrupted by men believed to be working for Sri Lanka's Military Intelligence. The action was organized to condemn the recent killing of a Tamil political prisoner and to mark their protest against the increasing attacks on political activists in Jaffna. (JDS)

21 September 2012: Dirt thrown at people demanding resettlement in Mullaitivu

When people of Mullaitivu for the first time in last three years gathered in hundreds in front of the district secretariat to demand resettlement in their village at Keappaa-pulav in the district, the military responded with intimidation, taking videos of the demonstrators. A gang also threw human excretion at them. (Tamil Net)

10 October 2012: Burnt oil attack on Political activists

Unknown gang threw burnt engine oil on group of Frontline Socialist Party (FSP), members including leading female activist Dimuthu Atygalle who were campaigning in Jaffna. Although they had given the police the number of the motorcycle that was used to douse them with burnt oil, the activists claimed that the police did not make any effort to trace it. (The Island)

20 December 2012: Jaffna: Peaceful Sathyagrahaya obstructed

The night of 19 December 2012 the Tamil National Alliance led Sathyagrahaya calling for the release of arrested Jaffna University students goons of the paramilitary had destroyed the roof of the platform built for the event. The destroyed roof was found in a near by garbage canal. (Uthayan Online)

4. ARRESTS AND HARRASSMENT OF EX-DETAINEES

In December 2012, the TID has rounded up and detained approximately 44 persons, comprising of both recently released former LTTE cadres and those who allegedly had "links" with the LTTE.²³ A local Sinhala media newspaper is reported to have stated that the Government had a name list of 1000 LTTE ex-combatants that are under close surveillance by the TID.²⁴

Released ex-combatants are called on regularly for information by the TID, as they want to turn

them into "Informants", thus making it impossible for them to reintegrate into a society that is already afraid to associate with them due to possible reprisal by the State and the stigma associated with having been a LTTE cadre. Ex-detainees also continued to be questioned, summoned to Police and Army camps, asked not to travel without permission, among others.²⁵

²³ See 44 persons arrested in Jaffna and detained at Booza camp in the South - <http://www.srilankabrief.org/>

²⁴ See Premalal Wijeratne, Intelligence 'eyeing' 1,000 ex-LTTEers, Ceylon Today - <http://www.ceylontoday.lk/>

²⁵ See Calleigh McRaith, Arbitrary Detention in Sri Lanka: Internment, Rehabilitation, and Surrenderees in the Prison System - <http://groundviews.org/>

5. RESTRICTIONS ON GRIEVING AND REMEMBERING

Every year since the end of the war, on 18 May (“Victory Day”) and 27 November (LTTE Heroes Day) and 28 November (LTTE Leader, V. Prabhakaran’s birthday) the Government Security Forces stomp out lamps, demand that churches and Kovils not have services and Poojas (even if it happens to be a regular service) and disrupt any gathering of people, be it a religious service, commemorative event for those killed, birthday celebration or funeral service.

On 17 May 2012, unidentified persons had inquired after the organizer of a commemorative event about his activities, and the priest in whose church the commemoration event was to be held the following day, was also questioned by the military on the same day.²⁶

On 18 May morning, P. Tharshananth, the Secretary of the Jaffna University Students Union, who was on his way to commemorate a Mullivaaykkaal²⁷ Remembrance event at the University of

Jaffna, was brutally assaulted and seriously injured, as he was hit with iron rods by unidentified persons, in close proximity to the Kalladi Army Camp.²⁸

In addition to it being Maaveerar Naal (LTTE Heroes Day) on 27 November, this year the Hindu Festival of lights, Karthiaai Vilakkeedu too fell on this day. As a result of the State instigated paranoia, with military kicking and putting out lamps and threatening those who lighted them, devotees were therefore unable to celebrate their festival this year.²⁹

Chaos caused by the military and police at the University of Jaffna on 27 and 28 November 2012 resulted in the wide-scale intimidation, arrests and detention of University students and a full-fledged University boycott that lasted more than a month.³⁰



*No end to tears:
A mothers' campaign
for the missing
children in Sri Lanka
(Photo Credit: AP)*

²⁶ Ruki, Three years after the war in Sri Lanka: To celebrate or mourn? - <http://groundviews.org/>

²⁷ Town where the last battle was fought between the Government forces and the LTTE, and tens of thousands were allegedly killed in April-May 2009.

²⁸ Network for Rights, University student leader attacked in Jaffna - <http://www.nfrsrilanka.org/>

²⁹ WATCHDOG, The death of Freedom of Assembly, Expression and Religion in the North of Sri Lanka -... <http://groundviews.org/>

³⁰ Ibid

6. CONTINUING DISAPPEARANCES, KILLINGS, TORTURE, ARRESTS AND DETENTION

DISAPPEARANCES CONTINUED TO OCCUR IN THE NORTHERN PROVINCE:

At 2.31pm on 21 August 2012, a 32-year-old woman sent a text message to her relatives saying she had been taken to the Criminal Investigation Department in Vavuniya in the North of Sri Lanka. No one has heard from her since³¹. Media reported 13 abductions, including attempted ones, from the Northern province du-

ring 2012³². In January 2013, a 30 year old man was abducted in Jaffna, after being blindfolded and force into a van. Later on, the Police admitted the abduction was an arrest. (Testimony of the mother of the victim to Watchdog team)

Visits to hundreds of families across the Vanni over the months of January and February 2012 by the Watchdog team, have shown that almost every family had one member or more killed, injured or gone missing³³. Government authorities tended to withhold or “hide” information pertaining to deaths and disappearances. Furthermore, those collecting such information seemed to be at potential security risk, as they were under constant surveillance and scrutiny.

A Census Officer in the Vanni told that he had been explicitly instructed not to give out any Census details to anyone outside of the office, or else face the consequences of a possible sentencing of 20 years imprisonment. He was also made to sign a Declaration in this regard.

During the Vavuniya Prison riot³⁴ on 29 June 2012, prisoners were beaten and tortured to death by prison officials, in the days following the riot. All the victims were labeled as “former LTTE cadres/ LTTE suspects”, to make the masses to accept the injustice and inhumanity of these killings. Whilst

Ganesh Nimalaruban³⁵ and Mariadas Nevis Delroxan³⁶ succumbed to their injuries caused by brutal torture at the hands of prison officials, Sinnathanay Gauthaman, who was also severely tortured, was in a coma for 10 days before he recovered consciousness. He still suffers from fatigue and black-outs when he walks for prolonged periods. Even with these medical conditions he continues to be held at the Anuradhapura Prison, with limited access to medicines and medical facilities. Subsequently, in August this year, another Tamil prisoner, Sathis Kumar, was beaten into a coma by prison officials at the Galle Prison.³⁷

There are still hundreds of prisoners languishing in prisons or detention centres, not having had any charges filed against them to date. As at end July 2012, a woman named Thirumkal, has been in detention for more than 18 years, and has so far been produced before the courts more than 429 times.³⁸ She is still in detention. Yet another woman, Muththusamy Kathaye (68), who was arrested in 1994 in Chenkkaladdy (Batticaloa District), for having links with the LTTE, died of Cancer, on 6 January 2013, at the Welikada Prison, as she did not have access to proper medical care. After a spate of hunger strikes and protests by political prisoners in Welikada and Vavuniya, the relevant authorities assured the establishment of a special ‘speed courts’ procedure to expedite the hearing of such cases. So far very little action has taken place in this regard. There are currently hundreds of “forgotten” prisoners who are wasting away in

31 See Ruki Fernando, One every five days: Ruki Fernando on disappearances in Sri Lanka, <http://www.una.org.uk/magazine/autumn-2012-and-winter-2012-special/one-every-five-days-ruki-fernando-disappearances-sri-lanka>

32 See Watchdog reports on www.groundviews.org on 5 April 2012 and 30 August 2012

33 9 December 2012, marked one year since the disappearances of Lalith Kumar Weeraraj and Kugan Muruganandan, who disappeared on 9 December 2011, having last been seen leaving Mr. Muruganandan's home on a motor-bike, in Avarangal (Jaffna District), at 5pm that day. Both Lalith and Kugan were outspoken human rights activists belonging to the Movement for People's Struggle (MPS), a dissident faction of the Janatha Vimukthi Peramuna (JVP) and the organization, ‘We Are Sri Lankans’ (WESL). Both organizations that have aligned themselves with voicing human rights issues and grievances concerning the Tamil minority ethnic group, and with drawing attention to issues of State repression and injustice

34 See Tissa Ravindra Perera, How the Vavuniya prisoner rebellion was crushed by the STF - <http://dbsjeyaraj.com/>

35 See Groundviews, Ganesan Nimalaruban: A damning murder, funeral and silence - <http://groundviews.org/>

36 See Daily Mirror, Another Vavuniya prisoner dies - <http://www.dailymirror.lk/>

37 See Prison terror moves from Vavuniya to Galle: now Sathis Kumar in coma - <http://www.srilankabrief.org/>

38 See Ranga Jayasuriya, Were detainees sadistically beaten at A'pura? – Lakbima

prisons without being charged of any crime or for charges as minor as “providing food to the LTTE”.³⁹

In December 2012, the Human Rights Commission office in Jaffna reported receiving more than 46 complaints of arrests⁴⁰. Even in January 2013, a Tamil man in the North was arrested and tortured⁴¹.

The government had steadfastly refused to implement the LLRC and local and international rights groups’ recommendations to issue a ‘list of detainees’ so families would at least know if their family members are being held in detention.

7. MILITARIZATION

VULNERABLE WOMEN COERCED INTO JOINING THE MILITARY

In November 2012, more than hundred young Tamil women from economically vulnerable families in Mullaitivu and Kilinochchi were recruited to the military, with the promise of providing them with clerical and administrative jobs and pay them a monthly salary of SLR 30,000 (approx. USD 230) a month. The information given by the military to those interviewed had not included that they would need to join the military in order to perform their duties. On 5 November 2012, the military took the women who registered their names for these jobs to the military camp in Bharathipuram (Kilinochchi District). The women underwent a medical examination conducted by male military doctors and nurses, with most information being gathered in Sinhalese, a language they did not understand. The women were also finger printed by the Police, which is usually only done in relation to persons suspected of a crime. On 15 November, male military personnel picked up the women from their homes again and transported them to the Bharathipuram camp. The first day was spent collecting detailed personal information about the women. A military function for new recruits was held on the following day (16). It was only at this point that the women had realized that they were required to join the military. Some had panicked and called their families, and in-

formed the military that they did not wish to join. To which the military had informed them that they could only leave after the function. On 17 November the function was held inside the Army camp whilst some of the women’s family members protested outside the camp. Of the 109 women, six were released due to the intervention of their families.

As of 2 December, mobile phones were barred inside the camp, and the families were informed that the women have been provided with uniforms⁴². Families were informed that they could only visit the girls once a week.

On 11 December, approximately 14 of the 100 young women had been admitted to the Kilinochchi Hospital, by the military, allegedly due to complaints of mental/psychological stress and being “possessed by an evil spirit”. TNA MP Sritharan was denied access by the military to visit these girls in hospital. However, their parents had been given access to their daughters eventually. Twelve of the 14 girls had been discharged on 13 December⁴³.

The girls were paid their first salary of SLR 35,000 (approx. USD 280) on 23 December 2012, at a special ceremony held at the Security Forces Headquarters, Kilinochchi⁴⁴.

39 Memo on the current situation in the North, presented to the Catholic Bishops’ Conference of Sri Lanka by the Commission for Justice & Peace of the Catholic Diocese of Jaffna, dated 10 January, 2013.

40 See <http://onlineuthayan.com/english-news/uthayannews/x2143343h1h1r2p2>

41 Testimony of mother in law to Watchdog team

42 See Tamil Women Coerced Into Joining The Military – A Statement Of Concern By WAN

43 See P.K. Balachandran, Haunted: Lanka Army Tamil girl recruits, <http://newindianexpress.com/>

44 See Sri Lanka Army, New Female Kilinochchi Army Recruits Get Their First Salary - <http://army.lk/>

14 OUT OF 19 MILITARY DIVISIONS DEPLOYED IN THE NORTH

Sixteen out of the Sri Lankan Army's 19 divisions (three each in Killinochchi and Mullaitivu, five in Vavuniya and two in the East), comprising approximately 85,000-86,000⁴⁵ soldiers are currently deployed in the Tamil-majority North and East.⁴⁶ This number is excluding the separate deployment in the East, and of the Navy and the Air Force. "The manner in which the troops were (are) spread out in the entire North and East was suggestive more of an Army in 'operational readiness' than in post-conflict response," aptly encapsulated Colonel (retd.) R. Hariharan, formerly with the IPKF in Sri Lanka.⁴⁷ In just one instance, the Watchdog team counted 7 large military camps along a mere 5km distance along the Paranthan-Mullaitivu road [A35], between the towns of Mungilaru (Mullaitivu District) and Vallipuram.

The military also seem to be on a steady recruitment drive in the North, increasing its numbers daily: e.g. 103 women were recruited to the Sri Lankan Army (SLA) in Vanni; pre-school and volunteer teachers in the Vanni were recruited to and paid by the Sri Lankan Army; thousands of men and women from Vanni were recruited by the Sri Lankan Army to clear jungle lands and start cultivating. The Sri Lankan Army is interfering and involved in civilian life, such as administrative matters pertaining to universities, rebuilding and reconstruction efforts, running street side shops, restaurants and holiday resorts, public health services and occupying and cultivating in private lands.

"Gotabaya Rajapaksa, the Defense Minister, says the armed forces have tripled in number under his brother, Mahinda, the President. The government has a duty, he says, to care for its soldiers, many of whom were recruited in poor, rural areas."⁴⁸

"Soldiers are taking on the civilian middlemen who control the vegetable trade by selling cheap produce, some of it from military farms. The navy has even opened a vegetable shop near one of its biggest camps in Colombo. The army has an air-ticketing agency. It is building roads and bridges, and houses for the internally displaced. Restaurants along the highway to Jaffna in the north are mostly army-owned/run."^{49,50}

Many civil administration posts such as the Governor of the Northern Province are being held by ex-military personnel in the North. Military involvement in civilian affairs is further highlighted by the establishment of the Civil Affairs and Public Relations Office in the North⁵¹, after the war. The military is also involved in cultural and sports⁵² events and variety shows.

45 Calculated at 6-7000 soldiers per division.

46 See Nirupama Subramanian, Sri Lankan Army still has vast presence in North & East, <http://www.thehindu.com/>

47 *ibid*

48 The Economist, Sri Lanka's army in bigger barracks - <http://www.economist.com/>

49 Tamil Guardian, Sri Lankan military expands commercial arm - <http://www.tamilguardian.com/>

50 The SLA recently announced the launch of their hotel brand Laya in November, 2012, having invested SLR 350 million (approx. USD 2,700,000) in the construction and revamping of three hotels, namely, Laya Safari in Yala - opened on December 10, 2012, Kukuleganga Holiday Resort being re-branded as Laya Leisure and Wadduwa Resort being re-branded as Laya Beach. The construction of a 5-star hotel in Colombo too seems to be in the pipe-line for the military. „Our vision is to make the ‚Laya‘ brand one of the most sought-after resort hotels in Sri Lanka," the Army Commander, Lieutenant General Jagath Jayasuriya said at the press conference launching the brand held in November, 2012.

51 See Civil Military Coordination Jaffna - <http://cimicjaffna.com/>

52 See Launch of Murali Cup 2012 opens cricket ground in Sri Lanka's war-torn north - <http://www.islandcricket.lk/>

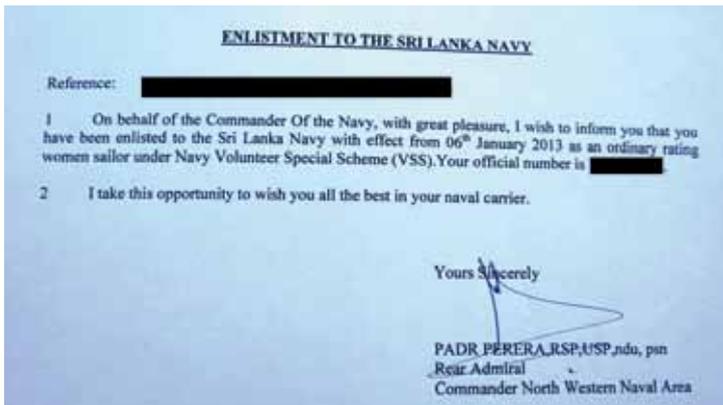
PRESIDENTIAL TASK FORCE WITH NO LEGAL AUTHORITY CONTROLLING ALL CIVIL SOCIETY ACTIVITIES

With the President’s appointment of the Presidential Task Force (PTF) on 7 May 2009⁵³, an administrative and monitoring body without any legal basis, exclusively applicable to the North, the State created a perfect means by which to clinch their hold on all civilian activities in the North. No organization or civilian can carry out any programme/project, without the prior consent and approval of the PTF, which has a heavy military influence. Any work related to psycho-social work, peace building or in short, any work that would involve people gathering together in one place, have been discouraged and frowned on. Organizations are encouraged to concentrate solely on hardware projects such as shelter and livelihoods, and steer clear of all projects that might potentially trigger “unnecessary” thoughts and ideas in people’s minds.

of the letter. The Rear Admiral signing the letter has gone as far as to wish them “all the best” in their “Naval career”. They had been appointed to teach Science and Tamil to Grades 5 through to 9, starting January 7 2013.

PRE-SCHOOL TEACHERS RECRUITED BY THE MILITARY

Likewise, in the districts of Mullaitivu and Kilinochchi, the Civil Security Department (CSD), run by the SLA, has recruited pre-school teachers, with the promise of paying them SLR 18,500 (approx. USD 146) a month. They are provided with a uniform consisting of a blue saree, which must be worn to daily to work. This is not a practice or regulation for teachers – whether in private or Government-run pre-schools. The Letters of Appointment have been given in both Sinhala and Tamil and have clearly indicated that these teachers would now be considered as part of the SLA. The letter also states that all recruits must



Appointment letter given to Volunteer teachers as naval volunteer



Appointment letter given to pre-school teachers as Civil Security Department temporary personal

VOLUNTEER TEACHERS EMPLOYED IN THE SRI LANKAN NAVY

Volunteer teachers in the Vanni have been provided with employment by the Sri Lanka Navy (SLN) and promised an undisclosed remuneration at the end of each month, which will be transferred directly to their accounts. They were not told that they would be considered as part of the navy, bearing the title of ‘ordinary rating women sailor,’ under the Navy Volunteer Special Scheme. As their Letter of Appointment had been written in English, they had not been aware of the contents

obey their superiors and be prepared to work at any time of the day, in any part of the country. The CSD has also instructed all pre-schools that have teachers from the CSD to change the names of their pre-schools to ‘CSD Montessori’ with immediate effect. In yet another initiation by the Government to militarize the North, uniformed soldiers were to be appointed to teach Sinhala in schools in the Vanni, citing the shortage of teachers in the North as a justification. The State however did not go through with this initiative now, but people fear that it might be resumed at a later date.⁵⁴

⁵³ The PTF was appointed by the President on May 7, ten days before the ‘end’ of the war, and consisted of 29 persons including Secretaries to various Ministries and the heads of the army, navy and air force; MP Basil Rajapaksa, then Special Presidential Advisor and now Minister for Economic Development, was the Chairman; the Commissioner General of Essential Services (CGES) served as Secretary; see Reliefweb, 14 May 2009.

⁵⁴ Memo on the current situation in the North, presented to the Catholic Bishops’ Conference of Sri Lanka by the Commission for Justice & Peace of the Catholic Diocese of Jaffna.

FORMER COMBATANTS AS FARM HANDS IN MILITARY FARMS

Former combatants and others from the Vanni have also been recruited by the CSD to work in farms in Kilinochchi and Mullaitivu districts. Approximately 2000 people per farm have been recruited to clear jungles in State land and cultivate paddy and corn. The recruits work seven days a week. Community leaders are also concerned regarding the numerous marital and social problems that have been brought about due to these farms.

A priest from the Vanni who started work on building a Community Vocational Training Centre in a vacant land in Kilinochchi, had been questioned by the military, as to why he was building the Centre on this land, which as had been the residence of a senior LTTE leader. On another occasion, the military had asked if the priest's retreat house was directly affiliated to the LTTE, as the design of the church auditorium was deemed to be similar to that of the former LTTE meeting halls.

The military has approached a number of Parish Priests of the Roman Catholic church in many parts of the Vanni, in December 2012 and January 2013, to provide them with a complete 'Year Plan' for 2013, comprising all liturgical celebrations and feasts etc., to be celebrated throughout the year.

In addition, the military has also informed schools in the Vanni not to organize any special function, however small, without the explicit permission of the military. The military has also taken for granted that they can remove school children from school at any given time, to functions they consider important, or need to show numbers at, irrespective of the cost to the children. Once, a semester exam had to be postponed as a result of the children being taken for a function by the military.⁵⁵

PUBLIC EVENTS UNDER MILITARY SCRUTINY

No public functions or gatherings can be held in the Vanni without obtaining prior approval from the military. In the rare case that such approval is not taken, as was in the case of the Opening of a Community Centre, an Opening of a Nursery and the holding of a Nursery Sports Meet all in different villages in the Vanni, the military had made prompt "house-calls" to check as to why they had not been informed prior to the events. In addition, a Children's Home in Vanni had received two consecutive visits by the CID in February 2012, to register who the in-charge was, who the second in charge was, how many children resided at the Home etc. The following day, another group of CID officers had visited the home and asked the same questions all over again, telling the administrators that the same information is required by different Units and that therefore they must give the information again. Also in February 2012, following a visit by some UN officials to the Children's Home, the CID had promptly appeared and questioned the priest in charge who their funders were and other questions relating to the visit by the UN.

In most areas in the Vanni, people are not permitted to have birthday celebrations or even a funeral, thus denying the community from carrying out proper rituals for the dead either, without prior permission from the military/CAO.

In another instance, a Principal from a school in the Vanni complained to the Watchdog team how every time he would switch on his computer to carry out some work, the military would show up and ask him what he was doing, why he was using the computer and what sort of work he was hoping to do on it.

⁵⁵ Memo on the current situation in the North, presented to the Catholic Bishops' Conference of Sri Lanka by the Commission for Justice & Peace of the Catholic Diocese of Jaffna.



*In Sinhala and English it says this land belongs to the Army
(Original Tamil name board: Mullewaikal public market)*

‘THIS LAND BELONGS TO THE ARMY’

In Kepapulavu and Mulliyavalai, the Sri Lanka Air Force (SLAF) has fenced off a large portion of land, and is currently occupying this land. This area was originally occupied by 300-500 families involved in traditional livelihoods, such as fishing and agriculture, but as they are not allowed to return to their own lands yet, they are still living in displacement and poverty.⁵⁶ Yet another paddy land of 5-10 acres in Konavil (Kilinochchi District) has been occupied and cultivated by the military. The land has been reported to have belonged to former LTTE Colonel Jeyam⁵⁷. Currently the military is utilizing all modern machinery and technology to cultivate paddy and sell to the locals. There is also a military farm (located on occupied land) along the main road between Konavil and Akkarayan (Kilinochchi District), with the board “Vegetables sold for low price,” written in Tamil, erected right outside the farm.

Furthermore, there are many other sign boards written in Tamil erected in front of occupied lands in the Vanni. “This land belongs to the Army”, “Property of the Army”, “No Entry”. In addition, all the military camps in the area have boards such as these at the entrance to the camp, “Welcome to the (51) Brigade” or “(51) Brigade - Area of responsibility”. Such boards are usually put up by local civil authorities to welcome visitors to their respective regions in other parts of the country.

Army run restaurants (Jana Avahalas) and shops line the central Ag road and other main “tourist” areas, such as the Puthukkudiyiruppu junction, and visitors are even able to purchase beer here. There are also bars/taverns run by the military in areas such as Kepapulavu, Mungilaru and Wattuwal (Mullaitivu District). The public sale and consumption of alcohol is also not culturally conducive to the people of the North, who have not been in the habit of doing so in the past. Furthermore, usually a liquor license is required if you are to serve liquor to the public. Fruits supposed to be from LTTE leader Prabhakaran’s garden are also being sold by the military at these military shops in

Puthukkudiyiruppu. Whilst travelling on the Ag and even in interior areas, the military is involved in a majority of the reconstruction work. One school the Watchdog team visited was being rebuilt by the military, with an Army Commander’s wife having donated the funds required for it to be rebuilt. While this seems a positive initiative at face value, both these reconstruction efforts and the Army Shops, apart from further legitimizing the presence of the military in the Vanni, also have a negative economic impact on local vendors and builders in the area, as jobs that would ideally have gone to them, are now being carried out by the military.



IDPs re-displaced to jungles due to military occupation of their lands, Sep 2012

⁵⁶ Memo from the Keppapulavu people to the IC, dated 21 September, 2012 - <http://www.tamilnet.com/>

⁵⁷ Testimony of villagers to the Watchdog team



8. LAND GRABBING AND COLONIZATION

LAND GRABBING IN KEPPAPULAVU

Keppapulavu is a village belonging to the Maritimpattu Divisional Secretariat (DS) (Mullaitivu District), and comprising approximately 350 families. Having been displaced by the war as of September 2012, most of its former residents lived within the Ananda Coomaraswamy camp of Menik Farm⁵⁸, whilst others lived with host families in the North. Due to a large military base in Keppapulavu being there, both the Government and the military have been trying to convince these former residents to resettle elsewhere. One such ploy was to tell them that the school within Menik Farm was to shut down soon⁵⁹. Still refusing to resettle elsewhere, the villagers of Keppapulavu protested outside the Mullaitivu Government Agent's office on 21 September 2012.

The following day, the Regional Military Commander of the Keppapulavu area had met with representatives of the village at Menik Farm to try and get consent from the families to move⁶⁰ temporarily on 24 September to the Vattrappolai Maha Vidyalayam until the villagers were able to identify alternate lands they would like to settle in because they would not be able to return to Keppapulavu as the construction of a large army base was underway. The officials had promised to provide all the needed financial and other assistance to facilitate their relocation.

However, the representatives from Keppapulavu had refused to leave Menik Farm unless they were able to return to their own lands, which was more important than assistance offered. At this stage the military intelligence officials had begun to photograph the village representatives and had threatened them. As a compromise, villagers agreed to leave Menik Farm and shift to a temporary location on 24 September, as a last resort, if a written assurance was given from a high ranking official, that within a specified time frame, all families from Keppapulavu would be returned to their respective lands.

The Commander had lost his temper at this point and stated that come what may, everyone would

be removed from Menik Farm on 24 September and had closed the meeting on that note.

On 23 September, the military had again insisted that all those from Keppapulavu within Menik Farm, must leave the next day to areas designated by the military for relocation. When the inmates had resisted again, the military had made it clear that all the assistance that had been provided to them would be withdrawn. This was followed by them dismantling the buildings that housed the Menik Farm administration were dismantled, including its fences.

This left the villagers with little choice but to pack up their belongings and leave to schools in Vattrappolai. They were not given access to their belongings that day, and were subsequently informed on the morning of 25 September that they would not be able to return to Keppapulavu, and that alternate lands had been identified for the time being in the Seeniamoddai East area. When the villagers had strongly resisted to this plan, the military had ordered that the lorries containing all their belongings be driven to the new site and unloaded. Once again, their actions forced the villagers to move to the designated land which was jungle on three sides and the military occupying the fourth side which was also the villagers' only connection out of the village. At the time of arrival, there were no facilities for water, nor any basic infrastructure⁶¹.

The villagers still live under meager conditions in displacement, and have yet to receive any assurance of being returned to their homes in Keppapulavu. The military is currently building 50 houses in Seeniamoddai for the landless, whilst the remaining villagers want to return to their homes in Keppapulavu. Six families have filed a Fundamental Rights case regarding this issue, but have been intimidated at a gun point by "unidentified persons", demanding that they withdraw their cases.

⁵⁸ The IDP camp located in Cheddikulam, Vavuniya District, in early 2009, where about 285,000 Tamil civilians who managed to survive the final phase of the war, were detained. till it was shut down in September this year

⁵⁹ Memo from the Keppapulavu people to the IC, dated 21 September, 2012 - <http://www.tamilnet.com/>

⁶⁰ As the Government was trying to accelerate the resettlement process and shut down Menik Farm prior to the UNHRC sessions which was held in Geneva in November this year.

⁶¹ Emails to the International Community from Gajendrakumar Ponnambalam, Former Member of Parliament for the Jaffna District (2001-2010), President - Tamil National People's Front (TNPF) and General Secretary - All Ceylon Tamil Congress.

In Mullikulam, in the Mannar district, a community of about 500 Tamil villagers is not being permitted to return to their homes, due to the Sri Lankan Navy's occupation of their lands. Having constructed the sprawling North Western Command Headquarters there, and having moved Navy families to live within the village of Mullikulam, the Navy appears to be there to stay. The original dwellers of these lands are being made to live under basic conditions at a temporary resettlement camp located outside the Naval Base, whilst the Navy and their families occupy the people's home and paddy lands, and school and church premises. The village school, originally known as the MN/Mullikulam Roman Catholic Tamil Mixed School, is now referred to as the 'Civil Engineering School – SLNS Barana', where the Navy conducts Civil Engineering classes for the Navy in one of the two school building. The children study in the other.^{62,63,64}

DENYING RETURN TO ORIGINAL VILLAGES

On December 26, the Defense Secretary, Gotabaya Rajapaksa accompanied by the Cardinal of Colombo, His Eminence Malcolm Ranjith, met with the displaced community of Mullikulam to give up the village and accept an alternative place. The people have been offered half an acre per family, totaling 450 acres, to resettle away from their village of origin. They have been told that they could have access to their schools and religious places located within their land now occupied by the Sri Lankan Navy, but that they could not return to their abandoned homes in Mullikulam.⁶⁵

In addition, Rajapaksa has also made promises to construct new reservoirs, level new paddy fields and construct new roads and housing for more than 200 families. Having lived under grueling circumstances for the past six plus months in transit camps, and taking into consideration the recent flooding of their areas, and no hope in sight, the people have had little choice but to accept this proposition.⁶⁶

In Marichikattu (Musali Division), Mannar District too, Muslim villagers were facing intimidation

allegedly at the hands of the Sri Lankan Navy, as they did not want the villagers returning to their places of origin⁶⁷ in such close proximity to the Naval base. A local Policeman in the area in conversation with Watchdog said "We can see how the people are suffering but who are we to tell? Nothing can be done. Who can fight against the Government? The Defense Ministry is trying to secure 1500 acres to build a hotel in this area. This is the main reason they don't want these people to return to their homes. What the Defense Ministry wants, it usually gets."⁶⁸

A 65-year-old father of a family which had suffered multiple displacement due to tsunami and the war, and still not received a house had handed over letter comprising a detailed account of their plight to the Point Pedro Pradesha Sabha Secretary (local authorities) on 2 January, 2013, but he said that he had no time to read it, and merely kept it on his desk. Local authorities had told him that they could grant him with a house if he was in the possession of some land. Having been displaced three times over now, they have lost all their belongings and do not have the monetary capacity to purchase even one perch of land, which is currently being sold at SLR 500,000 (approx. USD 3946) a perch.

"In my own village of Mayiliddi (which is located within the Palaali High Security Zone (HSZ)), we have 12 perches of land that belongs to me. But it has been 23 years since we have been displaced from there. If the Government cannot provide us with housing, can they at least permit us to return to our hometown, so we can build a small hut and live out the rest of our days in our own land? It is with deep sadness that I recall having lived in, and moved between 24 houses in the last 23 years. I therefore kindly implore the Government to reclaim the housing that has been given to those who already have homes, or who have given them out on rent, and provide them instead to families such as us who are genuinely in need of them," lamented the old man tearfully.

62 See WATCHDOG, The continuing occupation of a school by the Sri Lankan Navy - <http://groundviews.org/>

63 See Ruki, The struggle to go home in post war Sri Lanka: The story of Mullikulam - <http://groundviews.org/>

64 See WATCHDOG, Sri Lanka Navy vs. the people of Mullikulam, <http://groundviews.org/>

65 See TamilNet, Gotabhaya appropriates whole village in Mannaar - <http://www.tamilnet.com/>

66 Discussion with a community leader in the area.

67 See also similar plight of the people of Ashraf Nagar in the East, who, having been multiply displaced from their homes since 1983. Having started the process of resettlement in 1996, they were not able to fully settle down due to varied reasons, both instigated by the State and other. As a result of being temporarily displaced in 2011 due to the Grease Yaka attacks, the military entered their village (Kasangkeni) and has been occupying their lands ever since. - Womens Action Network, Ashraf Nagar: The Courageous Struggle of Peasants against the Forcible Land Acquisition in Ampara District - <http://groundviews.org/>

68 WATCHDOG, Who burnt houses of returning Muslim IDPs in Mannar? - <http://groundviews.org/>

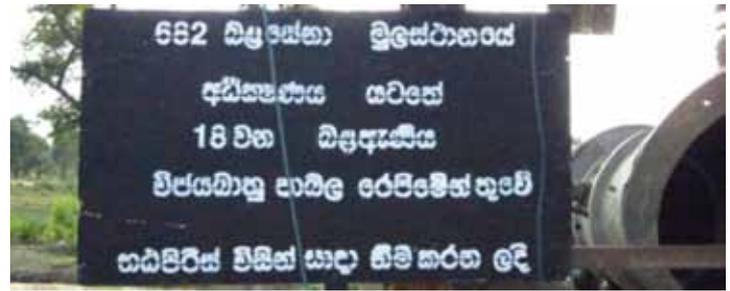
24 GRAMA NILADARI (GN) DIVISIONS TAKEN OVER PERMANENTLY

There are 24 Grama Niladari Divisions in the Valikamam region (Jaffna District) under army occupation. Most of these lands are red-soiled and arable. Thousands of families displaced from here are still living in welfare centres or with friends and relatives. In certain areas, the people have been told that they will not be able to return to their homes, and that they will have to relocate to alternate areas indicated by the military.”⁶⁹

A permit holder, since 1975, of a two-acre plot in Semmankundu (Jaffna District), which is neither being demined nor designated to be a High Security Zone, is yet to have his land returned by the military who is currently occupying it. He was told in November 2012 that the military would return his land within 3 months, however, in February 2012, they have told him that they would require a further 4 months to give back his land. Having originally had 204 coconuts on his plot, there is only 91 trees left on his land now. He used to be able to sell 250-300 coconuts a month, at SLR 5 (less than one US cent) per coconut, as it was to the local community. However, if he gets his land back now, he would be able to sell his coconuts for more than 5 times of that amount.

Another large house located along the Puthukku-diyiruppu-Iranapalai road, has been made into an Army HQ in the area, and even though the owner has deeds, they have refused to return the land to its rightful owner. Even in Mallavi (Mullaitivu District), the house which is currently the Police Station, is not being returned to its original owner even though she has the necessary deeds and documentation. Currently, she has filed a case in court regarding this matter.

SINHALA COLONIZATION



Sinhala only military notice in Vanni

In addition to not permitting people to return to their homes, the Government, together with the Sri Lankan Army, has been systematically engaging in a state sponsored ‘Sinhala Colonization’ project in the North, with the intention of transforming the demographics in majority Tamil areas from being the majority to being the minority. Examples of this project can be seen in the villages of Manal Aaru⁷⁰ (now renamed Weli Oya in the Mullaitivu District), Navatkuli (Jaffna District) and Nelukkulam (Vavuniya District). The new settlements comprise both of soldier families and others. “The State wants gradually make the Tamils a minority in the North so that our cry for self determination can be suppressed and disregarded. You cannot bring about reconciliation by force. It has to be won by good will and trust,” said a human rights activist in the North.

⁶⁹ Memo on the current situation in the North, presented to the Catholic Bishops’ Conference of Sri Lanka by the Commission for Justice & Peace of the Catholic Diocese of Jaffna.

⁷⁰ See University Teachers for Human Rights Jaffna (UTHRJ), Special Report 5, From Manal Aaru to Weli Oya and the Spirit of July 1983 - <http://www.uthr.org/>

9. ERASING MEMORIES AND IMPOSING WAR CULTURE

The Government has done and continues to do everything in its power to erase all traces of the “enemy” by destroying LTTE ‘Heroes Cemeteries’ and monuments, and building “Victory Monuments” and army camps⁷¹ all over the Vanni.

The destroyed LTTE cemetery Mulliyawalai (Mullaitivu District) was used by the military as a Beer Stall cum Car Park, during a week-long Musical/Variety Show organized by the Government, from 22 January to 4 February 2012.

A pre-school, which was opened in February 2012 and was located alongside the former LTTE cemetery in Visuvamadu (Mullaitivu District), was shut down by the Military a mere 15-20 days after its opening. Villagers told the Watchdog team that the military had said that they didn’t want

teachers to see the cemetery and be tempted to tell children stories about what had happened, as it would supposedly make the children grow up to be more aggressive. An alternate location was yet to be identified for the school to be re-opened when the Watchdog team visited the area in early 2012.

Destroying these cemeteries has denied families of those killed a place to grieve and pay homage to their loved ones. A mother told us that ever since the cemetery in Mulliyawalai (Mullaitivu District) where her son was buried was destroyed, she never passes by it, but rather, goes by the much longer route around it, just so she would not have to face the pain of seeing the desecration of her son’s grave.

‘The military removed a memorial erected by a school in the Vanni, in memory of the students from the school who were killed in the , bombing of a LTTE run Orphanage’, by the Sri Lankan Air Force in Chencholai, killing more than 60 young girls⁷². Now the military has erected a Buddhist religious monument there in its place.”

KOVIL PAINTED IN MILITARY COLOURS

Furthermore, in Manthuvil in the Mullaitivu district, opposite the War Museum, the walls of the Pillaiyar Kovil have been painted green, in place of the religiously significant red and white stripes which are painted on Kovil walls across the coun-

try. This particular shade of green is usually synonymous with all things associated with the military, such as camps, vehicles, uniforms. Furthermore, villagers have said that the Victory Monument erected near the Museum has been built on temple land.



Sinhala only sign board of Puthukudiyiruppu war museum says: ‘You are entering the victorious land. Your duty is to keep it clean.’

⁷¹ The 51st Brigade of the Army was opened on the Kopay (Jaffna District) Cemetery ground yesterday on 4 March, 2011). The Chief Guest, Army Commander - Jagath Jayasuriya, opened the new Head Quarters (HQ). The entire area was decorated for the event. In 2010, a decision was taken to erect the new HQ on the vacant LTTE cemetery grounds. In order to erect the new HQ, all the graves in the LTTE cemetery were destroyed. After this, with the help of Chinese funding, the new Army HQs was constructed.

⁷² Wikipedia, Chencholai bombing, <http://en.wikipedia.org/>



10. WOMEN AND CHILDREN – SOME SALIENT ISSUES

WAR WIDOWS

Government Figures on female-headed households (FHH):
19'081 in the districts of Vavuniya, Mullaitivu, Kilinochchi, Jaffna and Mannar⁷³

Figures from the Deputy Minister of Women's Affairs, Provincial Council of the East:
40'000 widows in the North⁷⁴

Child Development and Women's Affairs Minister, Sri Lanka, Tissa Karalliyadda: 19'936 widows in the North⁷⁵

UN figures: 29'742 widows in the Jaffna peninsula alone⁷⁶

The Centre for Women and Development, Jaffna Survey:
40'000 Female-Headed Households, with over half being single parents under 30 supporting their own, and extended families⁷⁷

RAPE AND KILLING OF 13 YEAR OLD GIRL BY FORMER PARA-MILITARY CADRE

Jesudasan Lakshini (13) was raped and killed by Kanthasami Jegatheswaran (alias Kiruba), a former member of the EPDP⁷⁸ on 3 March 2012 in the Delft Island, Jaffna.

“Lakshini had left home for the fish market at about 8am on that fateful day, with the 100 rupee note her mother had given her to buy fish, clasped in her hand. Later that day, when she had not yet returned home, her family and relations had started to search for her in their neighborhood. “My relatives saw my child (Lakshini) being picked up by Jegatheswaran (the alleged perpetrator) whilst she was on her way to the fish market. He had told her to come with him that he would get her some fish, as fish was unavailable at the market that day. He was the one who killed my daughter,” said Lakshini's distraught mother.

The Police was notified about this incident by a woman from the village who had discovered Lakshini's body on her way to chop firewood. “We found Lakshini's half naked body, lying face down at a bare land approximately 30

meters down a little lane nearby the Pillaiyar Temple, at the 10th Region of Delft. She was only wearing her Shalwar top, as her trousers had been removed, and she had received multiple injuries to her head. A bicycle, an empty bottle of Arrack (quarter pint), a 100 rupee note, a few coins, and a large stone were found alongside the body of the victim,” elaborated the Delft Police.

As the Kayts Magistrate was due to arrive from Kayts the next day, to initiate an enquiry into her death, villagers had stood guard over her body until the judge arrived to the scene. The Post Mortem Report stated that the child had been raped and later killed as a result of having her head smashed by a rock.⁷⁹”

As a result of numerous unnecessary delays at the hands of the Police and postponements, the accused is still being held at the Jaffna Remand Prison, without a sentence. The case details are currently being prepared to send to the Attorney General's Department and then on to the High Court for an indictment.

73 LLRC Report, Annex 8, November 2011. (As cited in Frances Harrison's *Still Counting the Dead*, p. 159, Published by Portobello Books 2012.)

74 Frances Harrison: *Still Counting the Dead*, p. 159, Published by Portobello Books 2012

75 *ibid* p. 160

76 *ibid* p. 160.

77 *ibid* p. 160.

78 The Eelam People's Democratic Party (EPDP) is a political party and a pro-government political party accused by many activists in North of being a paramilitary organization that has carried out numerous killings and abductions.

79 Marisa de Silva, *The rape of a 13 year old and paramilitary presence in Jaffna*, Groundviews - <http://groundviews.org/>



War or no war, it is still a man's world out there," says war widow Rajina Mary from Sri Lanka's northern Kilinochchi District.

(Photo Credit: Amantha Perera/IPS)

This particular case highlighted the absolute lawlessness rampant in the North, particularly in the islands, which are for the most part isolated from the mainland. Considering that Delft is still being run by the Sri Lankan Navy, it is particularly troublesome that a gun-toting former paramilitary cadre is able to walk the streets of Delft freely, acting as he sees fit.

LIVING WITH FEAR

Most survivors of sexual abuse and harassment are reluctant to share their experiences, for fear of intimidation and possible threats to their personal safety, and the mental stress involved in having to re-live their trauma. Very few report any such violations, as most Police Stations in the Vanni do not have a Women's Desk, and because once they give their details to the Police, many officers have called these women in the night and made house calls in the night. In addition, widows are potentially subject to further harassment as a result of their economic and social vulnerability. This vulnerability is further exploited by the military carrying out reconstruction work in these villages, as they take down contact details of these widows under the pretext of informing them when new aid comes by, and then start calling them in the nights and pursuing relationships with them.

As a result of the war, many families in the Vanni are now female-headed households, facing many hardships, economically and socially. A Government official told the Watchdog that even though some of these widows have been given livelihood assistance by numerous NGOs, that these initiatives have for the most part not been successful nor sustainable in the long run. With the rapidly

increasing cost of living, these widows require a more long-term solution, such as vocational training, so that they will be able to become self-sufficient in the future. Of the 350 families the Watchdog team visited in a village in the Vanni, 101 were female-headed households.

A widow and mother of three in Kilinochchi told the Watchdog team, that she had not been given a new house, even though all the other women in her village were given houses, because her husband had been a part of the LTTE.

A 33-year-old widow of eight children from Mullaitivu, whose husband was killed in 2009, had been travelling to and from Colombo in search of work, and has finally got a visa to go abroad and work. Before she got her visa, she was so desperate for money that she even sold her youngest child, only 3-months old (1 of 2 born in the camp after the death of her husband). Having been informed by someone in the village, the Police eventually returned the child to her. She has now stopped attending church/temple and is placing all her hopes on going abroad, leaving all her children in her parents' care.

Widows who try to make ends meet somehow and so wind up working in male-dominated environments such as road construction or demining are subject to a lot of stigma by society, as well as harassment by her co-workers.

UNDER PAID SEX WORKERS

Villagers also told us that prostitution and the emergence of brothels were on the increase in the Vanni, as a result of dire poverty, unemployment, high number of female-headed households

and there being no job opportunities or potential livelihood initiatives geared to support these families. The primary clientele comprise both local men and the military, and women are mostly pimped out by three wheel drivers, who not only transport the women but also “market” them to potential clients. And due to the ‘clandestine’ nature of their work, the women are often exploited and paid as little as SLR 20-100 (less than USD 1) per client.

Women are also at the brunt of physical abuse meted out by frustrated, alcoholic husbands who cannot get a fish catch due to Indian trawlers fishing in Sri Lankan waters. The abuse combined by their dire poverty, make these women all the more vulnerable and dependent on their abusive spouses.

11. WAR TOURISM

THE OPENING OF LAGOON’S EDGE HOLIDAY BUNGALOW IN NANTHIKADAL, MULLAITIVU

The Lagoon’s Edge Holiday Bungalow, run by the Security Forces Headquarters - Mullaitivu (SFHQ-MLT) in Nanthikadal, was opened by the President of Sri Lanka and Commander in Chief of the Armed Forces, Mahinda Rajapaksa, on 25 September 2012.

“The bungalow consists of three fully air conditioned bed rooms with attached bathrooms, a living area, pantry and garden area for outdoor activities. All meals and services are supplied by the Sri Lanka Army and the bungalow is available for reservations for a maximum of 6 adults (above 12 yrs) who are recommended by a Sri Lanka Army official.” Holiday makers are required to make a deposit of SLR 5000 (approx. USD 40) per day, to a military bank account, in order to confirm the reservation⁸⁰.

This Bungalow lies in the midst of the absolute destruction and desolation of Puthumathalan, where recent returnees must resort to wading through debris for scrap metal, in order to survive⁸¹.

The local Sinhala language newspaper Mawbima has marketed the Bungalow under the caption ‘Prabhakaran marunu Nanthikadal Kalapuwe Rs. 15,000 gewala reyak inna kamathide?’ (Would you like to pay SLR 15,000 (approx. USD 115) and stay a night at the Nanthikadal Lagoon where Prabhakaran was killed?⁸²) The Bungalow overlooks the very lagoon where hundreds of thousands of Tamil civilians were forced to flee across in the final stage of the war, and where tens of thousands are believed to have lost their lives⁸³.

The military-run Holiday Resorts in the North include Thalsevana in Kankesanthurai⁸⁴ - opened on 2 October 2010, Nature Park⁸⁵, alongside the Chundikulam bird sanctuary, Jaffna opened on 3 January 2012, and two more opened in Mayiliddi an KKS on 13 January 2013.

The army website goes on to say that these resorts are two of an “ongoing campaign to further strengthen island-wide welfare facilities, being made available to all ranks for their rest and relaxation.”^{86,87}

⁸⁰Lagoon’s Edge - <https://www.facebook.com/>

⁸¹ Marisa de Silva, “Nothing to call our own...” – The plight of the recently returned, resettled and landless IDPs in Sri Lanka’s North - <http://groundviews.org/>

⁸² Sanjaka Prasad Dolawatta, : 15,000? - <http://www.mawbima.lk/> (In Sinhalese)

⁸³ Report of the Secretary-General’s Panel of Experts on accountability in Sri Lanka (31 March 2011), Nature and scope of alleged violations - The number of civilian deaths, Section 137, pg. 41 - <http://www.un.org/News/>

⁸⁴ Thalsevana Holiday Resort Jaffna - <http://www.thalsevanaresort.com/>

⁸⁵ Chundikulam Birds Sanctuary Resurrects & Open for Tourists - <http://www.army.lk/>

⁸⁶ Sri Lanka Army, Army Putting Barren Land into Good Use Put Up Two More Holiday Resorts for All Ranks - <http://army.lk/>

⁸⁷ In addition, the SLAF runs a holiday resort in Mable Beach, Trincomalee (opened in March 2011). Proclaimed to be one of the most beautiful beaches in the country, but, one can only access the beach with the permission of the SLAF. The SLN offers cruises on the “Jetliner,” a former passenger and cargo vessel utilized during the war. The Jetliner Nautical Enterprise is a collaboration between the SLN and the Sri Lanka Tourism Development Authority, and was launched in January 2010 under the theme ‘Visit Sri Lanka - 2011’. The SLN also carries out Whale Watching Tours on their passenger crafts such as „Princess of Lanka“, off the coast of Galle in the South.



Military built and run Guest house by the Nandikadal lagoon

Since April 2011, the Sri Lankan Navy runs a tourist boat service at Talaimannar to visit the famous Adam's Bridge and other "touristic" sights. Boats leave twice a day, with the Sri Lankan Navy providing tourists with everything, including food and water.⁸⁸

A large illustrated map titled 'Important Locations of Final Stage of Humanitarian Operation' greets all visitors in Sinhala and English as they enter the Visitor Information Booth, manned by the Sri Lankan Army at Puthukkudiyiruppu. Ever since the end of the war in 2009, bus loads of local tourists from the South have visited the North to sight-see.

Puthukkudiyiruppu (PTK) was opened to the public in 2011 - before residents could resettle in late 2012, a full-fledged tour, complete with military 'tour guides' has been offered to visitors. With the first stop being at former LTTE Leader, V. Prabhakaran's split-level underground bunker, Sea Tiger Chief - Soosai's Safe House and swimming pool and the FARAH-3 ship wreck (the Jordanian merchant ship captured by the LTTE in 2006) are some of the "highlights" of the Tour.

The War Museum structure itself is quite basic, made up of tin sheets and a concrete floor, but the doors and windows of the Museum seem like those taken out of actual homes in the area. We also found similar styled doors lying in strategic

locations on the ground, as make-shift bridges over shallow drains and ditches en route to the Museum.

Hawkers (mostly from the South) and the military have set up stalls and canteens known as Jana Avanhals, respectively, catering to the throngs of tourists visiting these sights on a daily basis. Locals say that as many as 3,000 local tourists visit these sights on a daily basis, particularly during the holiday season.⁸⁹



IDP dwelling in PTK, January 2013

⁸⁸ Janani Amarasekara, A journey to the island of Mannar, The Sunday Observer - <http://www.sundayobserver.lk/>

⁸⁹ Kavan Ratnatunga, First stop Prabhakaran's bunker - <http://sundaytimes.lk/>



12. CONCLUSIONS

The incidents and trends described in this report is an indicator of the government's unwillingness to implement some of the more constructive recommendations of the LLRC. Continuing disappearances, sexual abuse, arrests under the prevention of terrorism act, restrictions, intimidations, assaults on journalists and human rights defenders, restrictions and attacks on peaceful protests, remembrance events for those killed, religious events, singing of the national anthem in Sinhalese only, continuing occupation of land

by the military and refusal to hand over occupying land or even provide alternative land and compensation, continuing military involvement in civil administration, shops, restaurants, farms, tourist resorts, teaching in schools etc. - all clearly indicate the lack of progress in implementing LLRC recommendations. On the other hand, the government has been unwilling to ensure independent investigations into allegations of violations of international law during the last phase of the war and all other past abuses.

„We had also witnessed continuing ignorance and violations of the key LLRC recommendations, related to political solution to the ethnic conflict, release of political prisoners, appointment of a Commissioner to look into disappearances, reparations, release of land occupied illegally by the military, restrictions on media, commemorating those dead and disappeared, use of both national languages etc. In the last year, those criticising and challenging the government in peaceful ways including by engagement with the UN, have been assaulted, questioned, arrested, threatened, discredited and intimidated by government ministers, officials, military and police.“

Letter to UNHRC from the Christian Clergy in the North



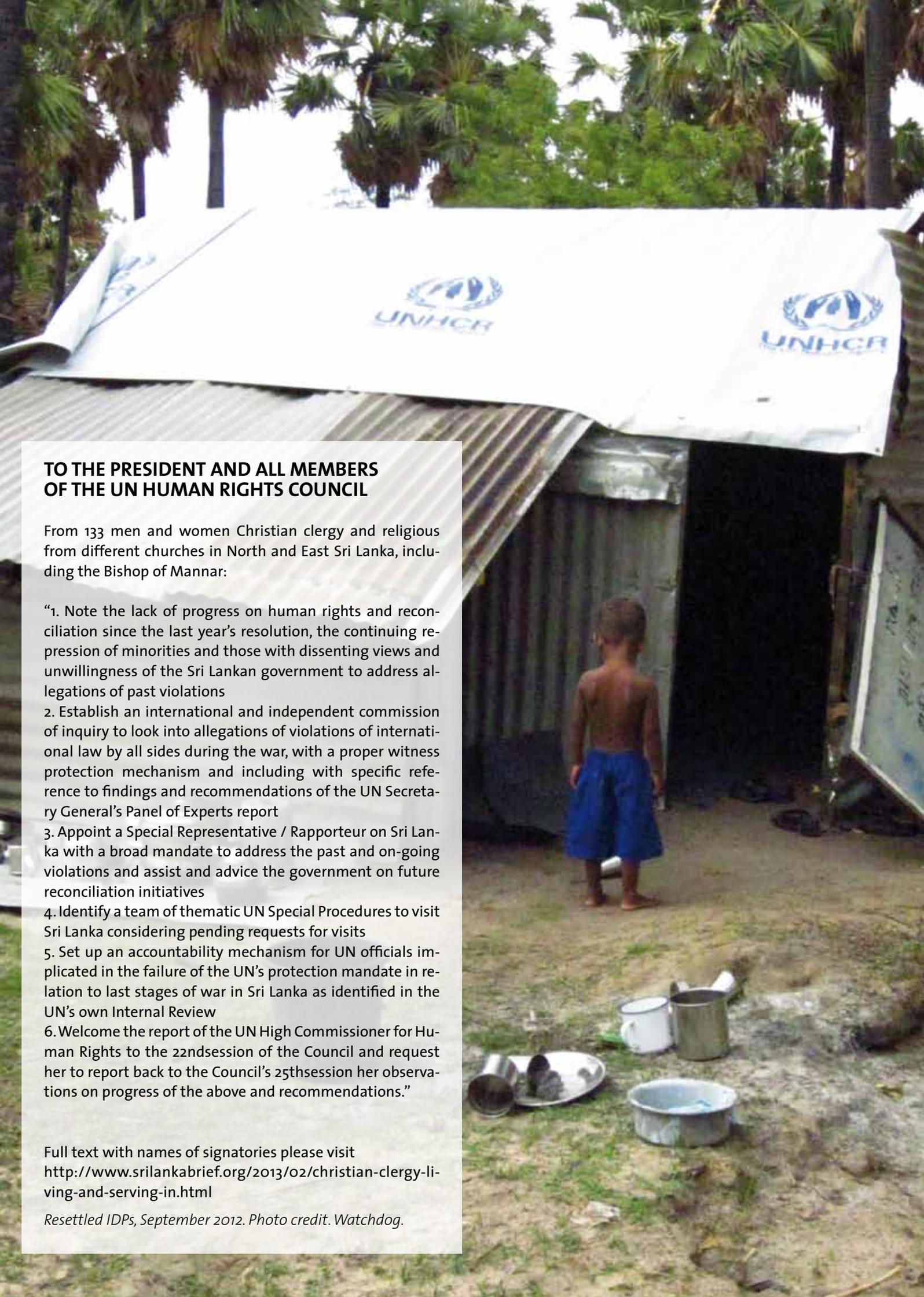
LIST OF ABBREVIATIONS

CAO	Civil Administration Officer	MP	Member of Parliament
CID	Criminal Investigation Department	PC	Provincial Council
CPR	Centre for Peace and Reconciliation	PSC	Parliamentary Select committee
CSD	Civil Security Department	PTF	Presidential Task Force
DS	Divisional Secretariat	SLA	Sri Lanka Army
EU	European Union	SLR	Sri Lankan Rupees
GA	Government Agent	SLAF	Sri Lanka Air Force
GoSL	Government of Sri Lanka	SLN	Sri Lanka Navy
GS/GN	Grama Niladari (Village officer)	TNA	Tamil National Alliance
HSZ	High Security Zone	TNPF	Tamil National Peoples Front
IPKF	Indian Peace Keeping Force	TID	Terrorist Investigation Division
IUSF	Inter University Students Federation	UoJ	University of Jaffna
JDS	Journalists for Democracy	UN	United Nations
JHU	Jathika Hela Urumaya	USD	United State dollars
LTTE	Tamil Tigers of Tamil Eelam		

METHODOLOGY USED TO COMPILE THIS REPORT

Several researchers and volunteers from the North and outside the North were part of gathering information for this report from January 2012 to February 2013. The information presented in this report rely on secondary data collection (desk research), as well as primary data collection. One-to-one in-depth interviews were conducted through home visits where people shared first hand experiences and eye-witness accounts, as

well as second hand accounts. Information was also gathered from school principals and teachers, as well as school children at school visits, and from GS offices, Secretaries and other office staff of village and district authorities. Finally, religious clergy in the North has also provided information. Sri Lanka Brief thanks all those who had the courage and trust to provide information to the Watchdog team.



TO THE PRESIDENT AND ALL MEMBERS OF THE UN HUMAN RIGHTS COUNCIL

From 133 men and women Christian clergy and religious from different churches in North and East Sri Lanka, including the Bishop of Mannar:

- “1. Note the lack of progress on human rights and reconciliation since the last year’s resolution, the continuing repression of minorities and those with dissenting views and unwillingness of the Sri Lankan government to address allegations of past violations
2. Establish an international and independent commission of inquiry to look into allegations of violations of international law by all sides during the war, with a proper witness protection mechanism and including with specific reference to findings and recommendations of the UN Secretary General’s Panel of Experts report
3. Appoint a Special Representative / Rapporteur on Sri Lanka with a broad mandate to address the past and on-going violations and assist and advise the government on future reconciliation initiatives
4. Identify a team of thematic UN Special Procedures to visit Sri Lanka considering pending requests for visits
5. Set up an accountability mechanism for UN officials implicated in the failure of the UN’s protection mandate in relation to last stages of war in Sri Lanka as identified in the UN’s own Internal Review
6. Welcome the report of the UN High Commissioner for Human Rights to the 22nd session of the Council and request her to report back to the Council’s 25th session her observations on progress of the above and recommendations.”

Full text with names of signatories please visit <http://www.srilankabrief.org/2013/02/christian-clergy-living-and-serving-in.html>

Resettled IDPs, September 2012. Photo credit. Watchdog.