

Report of Field visit to Trincomalee and Mutur

1st – 3rd Nov. 2007



Preliminary report - 14th November 2007

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1. Introduction:

This visit was undertaken in order to gain a better understanding of the human rights and humanitarian situation in and around Trincomalee district, on the invitation of a local human rights defender.

It aims to highlight key issues of concern faced by residents of Trincomalee, people still living in IDP camps and people who have returned after being displaced. It is not and does not attempt to be a comprehensive report of the human rights and humanitarian situation in the Trincomalee district.

Discussions were held with several local government officials (Grama Sewakas) in Mutur, officials of the Trincomalee district Human Rights Commission, staff of UN agencies, international and local humanitarian NGOs, human rights defenders and displaced people. There were also informal conversations with soldiers and policemen.

Areas visited include the Trincomalee town and surrounding areas in Mutur such as Ralkuly, Ichalampattu, Ilangaturai, Kallady, Karikamunai, Munchenai, Jinna Nagar.

LST gratefully acknowledges the time given by people met and views shared and in particular, the accompaniment and hospitality of human rights defenders working in the areas visited, whose names are withheld at their request, for security reasons.

2. General situation in and around Trincomalee:

Trincomalee remains heavily militarized and tense. In the short stretch of around 85km between Habarana and Trincomalee, the bus I traveled on was stopped at five checkpoints, forcing people to alight with all their belongings and walk a few hundred meters in the hot sun. Consideration was extended though to older people and women with children. At every checkpoint, Tamil passengers were singled out for intense checking and questioning.

After 7pm, Trinco town is almost deserted. At midnight on Saturday, when I was returning after a meeting, not a single vehicle was encountered on the road.

While I was in Mutur, a man had been shot dead in Karikamunai, in the Eechchilampathu division, where several displaced people had come back to resettle. Local people told me he was member of the Karuna group.

Another man had been killed due to shelling in, Ralkuly while the Grama Seweka in charge of the Manalchenai transit camp had also been shot dead. (See below for further details)

According to the Human Rights Commission's (HRC) Trincomalee office, abductions and disappearances continue to be reported almost on a daily basis – 24 had been reported in August and 39 in September. "We are also told of other cases, but these are not included as no formal complaint is made – many people don't complain to us or the Police due to fear of reprisals," said one official.

The Sri Lanka Monitoring Mission (SLMM) had reported killings, abductions and arrests from the Trincomalee district, in their recent weekly reports. Abuses by the Tamileela Makkal Viduthalai Pulikal (TMVP / Karuna faction) also continue to be reported, but I heard that their strength seems to be dwindling. They now have two offices in Trincomalee, while they had about 10 offices before.

One issue that was highlighted by several people was the inability to obtain death certificates for several people killed in shelling in Kadiravelly, near Vakarai, in 2006. This has also made it impossible for family members to obtain relief and compensation. Although agencies such as the Human Rights Commission and UNHCR seem aware of this, there has been no satisfactory response to the family members after more than a year.

The HRC seems to monitor the situation and intervene on some violations, including abuses by non state actors, but it doesn't seem to have a significant impact. In the case of three high profile cases (Killing of 5 students in Jan. 2006, killing of 17 aid workers of ACF in Aug. 2006 and killing of Buddhist Monk, Ven. Nandarathna Thero) in Trincomalee district, the HRC had made its own investigations and submitted a report to its headquarters in Colombo. Progress had apparently come to a standstill at that point. The IDP Unit in the HRC seemed up-to-date with information on the IDP situation and issues affecting IDPs. They had also been visiting IDP camps. But again, the level of strong interventions to protect and ensure IDP's rights was not clear.

3. Situation and key issues relating to IDPs - in camps and those returned:

Thousands of IDPs still stay in camps and with friends and relatives. With regard to camps, there are several around Trincomalee town, while there are three identified as transit camps on the outskirts of Mutur, as mentioned below.

- i. Killiveddy
- ii. Paddiththidal
- iii. Manalchchenai

Key issues:

i. High Security Zone (HSZ) in Sampoor

- Government created a HSZ by gazette dated 30th May 2007
- There was no official figure of the number that would permanently lose their traditional lands and homes due the establishment of the High Security Zone in Sampoor by the government. According to statistics I got from the Human Rights Commission, 15,425 people from 11 Grama Niladhari Divisions, who are presently in camps and with relatives will be affected, while most of the displaced still in Batticaloa (11,672 as of September) will also be losing their lands. NGOs working with displaced people in camps put a higher figure
- Most people had been sent back from IDP camps in Batticaloa with the promise of returning to Sampoor – they only realized when they arrived in camps that they will not be allowed to go home. At that point, they were told that they would be allowed to go home in a few days. But later on, they had heard from various sources that they will never be allowed to go back
- None of the affected people I met had been officially informed or consulted about this by any government official
- Displaced people I spoke to, who now live in camps (Cultural hall, Inner Harbour Road, Trincomalee, Killiveddy and Paddiththidal), were clear they don't want to go anywhere else except their homes in Sampoor. Several mentioned that the proposed place for relocation, Ralkuly, is not a suitable place for them to live. Many mentioned that they have means of livelihood such as paddy fields and cattle in their homes, and that they could even survive without assistance as long as they could go back home. One went as far as saying that he would commit suicide if forcibly relocated
- UN Agencies and HRC officials mentioned that government has plans to reduce the size of the high security zone, but no official announcement has been made to date

Appendix 1:

Map of Trincomalee, indicating area around Sampoor as an area without humanitarian access (C/o OCHA, 5th Oct. 2007)

ii. Proposed relocation site – Ralkuly

- Several affected people and officials I met mentioned that Ralkuly has been identified as the place where affected people will be relocated to, and hence, I also visited Ralkuly
- I learnt from a local government official and residents in Ralkuly that a jungle in Ralkuly is being cleared to build a housing scheme – that two houses had already been built and that the plan is to build 138 houses
- Ralkuly residents, who themselves had come back after being displaced mentioned they would welcome others to resettle if they like to come, but express doubt whether they want to come
- Ralkuly residents mentioned despite claims of “liberation”, they still live in fear that they would be affected if fighting broke out again
- A man had been killed by shelling, which according to local villages was by the government forces, on 24th September. A 63 year old woman told me how she had been injured in that incident, and took me to her kitchen to show a gaping hole made by the shelling. Villages told that the three children and wife of the man killed are finding it difficult to survive without any income. There has been no compensation of any sort, neither has there been any inquiry into this incident

- I also heard that people in Navallady, near Ralkuly, have not been allowed to resettle as that area too had been marked as a High Security Zone, but was not able to verify this



This woman was injured in the shelling while she was in her kitchen. The hole left in her kitchen wall is still visible

iii. Assistance and facilities in camps

- I visited two major transit camps in Killiveddy and Paddiththidal and also the camp in Cultural Hall in Inner Harbour road
- In both Killiveddy and Paddiththidal, I was told that the toilets are full and that they cannot be used anymore
- In the Cultural Hall, several people mentioned that they don't receive any assistance from the government, and that the only assistance they get is half a loaf of bread (around 225 grams) per person per day for dinner, provided by a NGO
- They also mentioned difficulties in finding means of livelihood, such as daily jobs, and I also heard from several men who fear to go out of the camp due to apprehensions about being arrested on suspicion of having links to the LTTE

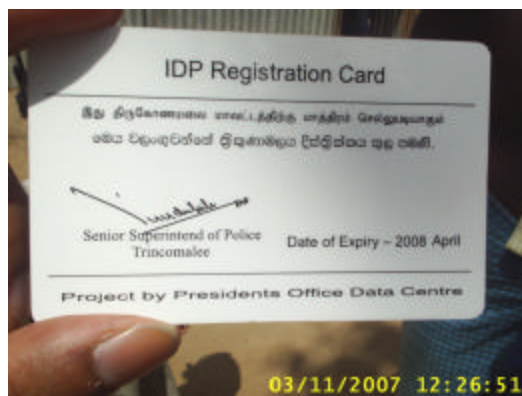
iv. Security in camps

- There was an alarming level of fear in the Paddiththidal camp due to harassment by the government forces
- Several displaced persons told me that whenever there is firing in the jungles behind the camp, the army would come to the camp, conduct search operations, round up young men for questioning and threaten people
- The military had threatened that if one soldier is killed in any incident, they will take revenge on the people in the camp, repeatedly referring to the massacre of more than 20 Tamil civilians in 1996 in nearby Kumarapuram
- In September, 26 people were beaten up by the military, including a pregnant woman. Another woman who had tried to intervene had also been beaten
- A petition signed by around 150 people in the camp had been handed over to the ICRC and the Human Rights Commission, but the intimidation continues
- I was also told that young men are scared to go out and do any casual job, as they might be arrested in round ups by the military

- In September, the Grama Sewaka in charge of the nearby Manalchchenai transit camp had been shot dead in the night. One person told me that it was likely because of his involvement in supporting the attempt to petition the Supreme Court on the loss of homes due to the Sampoor High Security Zone
- I camp leader reported that everyday, 23 families are moving out due to fear and already, about 15 families have left

v. Concerns about a separate “IDP” identity card

- Police had started to issue “IDP identity cards” to people living in camps – when I was in the Killiveddy transit camps, this was going on
- This ID is valid only for the Trincomalee district and includes the picture of the person, address, occupation, date of birth and also the race
- This had been issued to people who already have National Identity Cards (NIC) issued by the Central government, as well as people who didn’t have their NICs
- The general feeling was this IDP identity card was an attempt to mark them out as “IDPs” and “Tamils”
- Several people expressed fear that the identity card could be used for round up of people by Police and Security forces, and in particular to single out people who had lived in areas controlled by the LTTE. “The military always try to harass us, thinking we are LTTE supporters because we lived in areas that were controlled by the LTTE. This ID card will help them to single us out” said one man, whose 19 year old son had been taken in on suspicion.
- Many I spoke to questioned why the Police had to issue a separate ID card when the NIC issued by the central government was valid throughout the country. They also suggested that the effort and resources they are putting to make this ID cards could be directed towards issuing NICs for those who don’t have one at present
- Of particular concern was the fact that the ID particularly mentions “race”, and in most of the IDs I saw, “Tamil” was displayed prominently. This is something that is not disclosed in the NIC



This is the ID card being issued by Police to IDPs – some of the details are blurred to protect the identity of the holder

vi. Fishing restrictions in and around Mutur

- Severe restrictions on fishing have been imposed by the military. One affected area that I visited was Thaqwa Nagar, a predominant Muslim fishing community, close to the jetty in Mutur. The restrictions imposed are causing untold hardships to the people there
- The day before I went there, Friday 2nd Nov., fishing had totally banned by the military, without any reason
- On days that fishing is allowed, its subject to a series of restrictions
 - Fishing is not allowed beyond 2kilometers from the shore
 - Engine boats are not allowed
 - Fishing can only be done with a permit issued by the Navy, valid for 3 months

- The cost of photos has to be borne by Fishermen, and this is around Rs. 300, more than what most fishermen earn for a day under the existing restrictions
 - This permit has to be surrendered to a military checkpoint each time they go fishing, and has to be collected on return on the same day. The registering point opens only at 4am, so in effect, only very few fishermen can actually go out to sea by 4am
 - The form for obtaining the permit is only in Sinhalese and almost no one understands Sinhalese in this community
- One fisherman told me that he had not caught any fish that day. On other days, the income would be Rs. 200 – 300 (less than USD 2-3), much less than what they used to get before
 - Most of the fish collecting centres had also been closed down
 - Several fishermen also told me that fishing had been allowed when the area was under the control of the LTTE and that fishing is also allowed in and around Trincomalee
 - Fishing has been the traditional means of livelihood for the Thaqwa Nagar community and fishermen mentioned that they are not able to engage in other forms of livelihood
 - A soldier manning the registration point for fishermen admitted that fishermen are facing many difficulties due to these restriction and said that he didn't know when the restrictions would be relaxed, such an order would have to come from higher authorities in Colombo



Discarded engine boats in Thaqwa Nagar due to the limit of 2km and ban on engine boats

vii. Paddy fields affected by a new road

- I saw a new road being built across the A15 road (Matur – Eravur) bisecting the paddy fields. I learnt later that this new road was to link Kantalai to Sampoor, the high security zone area
- A farmer, who had been displaced and returned back, mentioned that he had lost large parts of his paddy field, and might lose as much as Rs. 75,000 (around USD 700) per harvest because of this
- He had not been informed or consulted on this by the military or any government official
- I heard from another farmer that about 50 farmers (Sinhalese, Tamil and Muslim) will lose their paddy fields due to this project, and that to his knowledge, no one had been informed or consulted
- There has been no compensation offered or even discussed
- One of the farmers I spoke to expressed fear to complain about this matter and said it might be best to bear the loss silently. “We are Tamils, so we can't complain. We live in fear, and if we try to complain, we might even be killed” he told me



Road being built across the paddy fields

viii. Restrictions on breaking stones

- Another group of displaced people, in Jinna Nagar, whose traditional means of livelihood had been breaking stones, are badly affected by recent restrictions on this
- According to affected people, a group of Buddhist monks had visited the area and asked them to stop breaking stones as there had been a Buddhist statue in the area before
- The monks had promised food rations and other support to the affected communities, but nothing had been received
- Subsequently, Mutur Police had threatened them with arrest if they continued breaking stones
- Authorities had ordered them to stop breaking stones for a month, but afterwards, they were allowed to resume this, but in only in a small area
- As these people do not have alternative means of livelihood, this had put them under a severe economic difficulties
- About 60 affected families had handed over an appeal to the Divisional Secretary and the Military Commander, but they had not received any response

ix. Suppression of Hindu places of worship

- There has been a Hindu Kovil in Ilangeturai, but after the area had been taken over by the government forces, Hindus have been prevented from going there
- Several villagers in nearby Kallady and Muthichenai told me their fears that Hindu statues had been put aside and Buddhist statues put in its place by the military
- They also mentioned that although Tamil villagers are being prevented from visiting what had been a place of worship for them, visiting Sinhalese people are allowed to visit the site, apparently because they are Buddhists and they are also allowed to bathe in the nearby beach



In the background, on the top right hand corner is the controversial Hindu Kovil, allegedly being transformed into a Buddhist shrine by the military

x. Assistance to resettled IDPs

- Most people who had been displaced and come back to resettle, live in makeshift huts, near their homes
- The people I spoke to mentioned that there had been assistance provided to build temporary shelters
- Although many had returned to their places of origin, they have not received assistance to build permanent houses
- All the returnees I spoke to also mentioned problems about livelihood. For fisherfolk, the restrictions imposed on fishing by the military are having a crippling effect on their economy. Farmers expressed a need for seeds and equipment to restart farming, while several others said they would need assistance to develop the small income generating projects they had restarted, such as cycle repair shops and grocery stores



The humble dwelling and kitchen of a resettled family

xi. Property lost during displacement

- Many of the displaced had come back and found that their property was missing, even when ruins of their houses were still there

- Amongst the property that many had lost were motor bikes, tractors and electrical appliances such as TVs
- One family mentioned that they had lost their car, which they had seen in a nearby army camp. They claimed that despite repeated requests and production of relevant documents, the military refuses to hand back the car

4. Conclusion:

Despite claims of “liberation” and “reawakening” of the East, civilians in Trincomalee live in a highly militarized environment. Despite the heavy presence of security forces, disappearances and killings continue regularly.

Displaced people who still live in camps experience a number of problems. They live in fear of harassment and threats by the military, do not have enough assistance and facilities and people whose homes and lands had been taken over by the military for high security zones have serious concerns about forcible relocation. Government officials have not informed or consulted affected people on these matters.

People who were displaced and had returned to their places of origin also face problems of security as shown by the killings in Ralkuly and Karikamunai in the last two months. There are serious problems regarding livelihoods, such as the restrictions placed on fishing, the arbitrary taking over of paddy fields for a new highway and restrictions on breaking stones. Most people are also in need of assistance to build permanent shelters and begin livelihoods.

Key agencies, such as the Human Rights Commission and UN agencies are monitoring the situation and seemed aware of many of the problems and are making interventions with local government officials. ICRC and SLMM also continue to have a presence and accept complaints from civilians. But people I spoke to are yet to benefit from their interventions, particularly relating to protection and security. Humanitarian agencies assistance to thousands of people over an extended period and their task is made more difficult due to lack of information about government plans on resettlement.

LST calls on the government and all other concerned agencies to take immediate steps to address the concerns of displaced people in the Trincomalee district, including the eleven specific concerns highlighted in this report.



Waiting to live in dignity