



# Withering Hopes

Historic window of opportunity for reconciliation will close if Sri Lanka fails to act on accountability and militarization



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An armed Sri Lankan soldier keeps watch at a sentry point in Jaffna, March 2016  
(Photo: PEARL)







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- A. Government Steps Towards Reconciliation
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# Glossary

CID	Criminal Investigation Department
CSD	Civilian Security Department
HSZ	High Security Zone
IDP	Internally Displaced Persons
LTTE	Liberation Tigers of Tamil Eelam
MP	Member of Parliament
NPC	Northern Provincial Council
OISL	Office of the United Nations High Commissioner for Human Rights Investigation on Sri Lanka
ONUR	Office of National Unity and Reconciliation
SLA	Sri Lanka Army
SLAF	Sri Lanka Air Force
SLFP	Sri Lanka Freedom Party
TCSF	Tamil Civil Society Forum
TID	Terrorism Investigation Department
TNA	Tamil National Alliance
UNHRC	UN Human Rights Council
UNP	United National Party
USAID	United States Agency for International Development



# Executive Summary

This report provides insight into the current human rights and political climate facing the Tamil population in the North-East of Sri Lanka, over one year after the change in presidency and seven months after the election of the United National Party (UNP)-led national government.

Despite positive statements and overtures towards reconciliation by President Maithripala Sirisena's government, prospects for a sustainable peace on the island are diminishing. This report explores why Sri Lanka's elusive peace remains just out of grasp, due to ongoing human rights violations, the militarization of the North-East, and obfuscation from the government on key issues such as accountability.

Human rights violations in the North-East have continued, including violence and harassment by members of the security forces, occupation of traditional Tamil lands acquired illegally, torture and sexual violence of Tamils, absence of answers for families of the "disappeared," and the continued detention of Tamil political prisoners without charge.

Recent reports by international non-governmental organizations document ongoing sexual violence and torture after President Sirisena's government took power. Security forces continue to harass and intimidate civil society activists, human rights activists, families of the disappeared, and former members of the Liberation Tigers of Tamil Eelam (LTTE), as well as other Tamils.

Security forces regularly visit and question Tamil activists about their political and humanitarian activities. Many former LTTE cadres are still required to regularly report to a local Sri Lanka Army (Army) camp and, in several cases, failure to do so has resulted in assault and torture, as recently as January 2016. The military continues to occupy vast swathes of private and public land, leaving thousands of Tamils languishing in camps for Internally Displaced Persons (IDP), nearly seven years after the end of the armed conflict.

The military also remains heavily involved in civilian activities, such as running shops, farms, hotels and even pre-schools. Military personnel continue to distribute goods to school children and other civilians, which is widely regarded as part of the Army's attempt to normalize its presence in the North-East. The current government has continued former president Mahinda Rajapaksa's policy of promoting military personnel suspected of being responsible for grave violations of international law, or appointing them as diplomats abroad. The government pledged to repeal the draconian Prevention of Terrorism Act and review the Victim and Witness Protection Act; yet both



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remain in place. The government's continued failure to take measures to engender confidence by Tamils, such as demilitarizing the North-East, returning all private Tamil land and releasing Tamil political prisoners, is contributing to resentment and disillusionment amongst Tamils in the North-East. This unquestionably hinders prospects for sustainable reconciliation and stability.

The ongoing human rights violations, persistent military presence, lack of transparency regarding the government's intentions and the resulting disillusionment of the Tamil people are significant barriers to ensuring credible accountability for the mass atrocities of 2008-09, which is a necessary precursor to genuine reconciliation. As long as reports of ongoing human rights violations continue to emerge, building confidence among the Tamil people in the government's sincerity to enact reforms will be virtually impossible. Furthermore, an environment in which Tamils continue to suffer at the hands of security forces and State-condoned apparatuses is not one in which many victims and witnesses will feel safe testifying about abuses before a judicial accountability mechanism.

For Sri Lanka to experience lasting reconciliation between communities on the island, the grievances of the Tamil people must be addressed. This requires accountability and justice for the mass atrocities committed during the armed conflict, and significant changes to the Sinhala Buddhist nationalist nature of the state. Sustainable peace and reconciliation will require the government to act meaningfully, expeditiously, and in good faith when addressing Tamils' legitimate misgivings and distrust, while also educating the Sinhala polity on the need for credible accountability and an inclusive, pluralistic society.

The diametrically-opposed narratives between the Sinhala community celebrating the war victory and the unimpeachable honor of Army forces, while Tamils simultaneously consider themselves survivors of genocide and mourn tens of thousands dead, must be genuinely confronted by a government policy that acknowledges past and present crimes against Tamils. Sri Lanka must implement a comprehensive transitional justice program in line with international best practices, which includes criminal prosecutions, reparations, institutional reform and truth commissions. Further, the government must respect the rights of all its peoples to self-determination, which must form the basis of any lasting political solution.

**But before justice and a political solution can take root, the Government must immediately take steps to demilitarize and stop all ongoing human rights violations against Tamil communities in the North-East, who have already suffered enough.**



# I. Background

Sri Lanka's presidential election of January 2015 was decisively won by Maithripala Sirisena, defeating the incumbent Mahinda Rajapaksa. After a decade of increasingly authoritarian, violently repressive and ultra-Sinhala nationalist rule under Rajapaksa, Sirisena's victory raised hopes for a radical change in the country's governance, both amongst the international community and within the country – including amongst Tamils, who had voted overwhelmingly for him.

These hopes were further raised by the results of the Parliamentary elections in August 2015, when a coalition comprised of the main opposition United National Party (UNP), Sirisena loyalists in the ruling Sri Lanka Freedom Party (SLFP) and some smaller parties won the majority of seats, replacing Rajapaksa's SLFP-led coalition. As in previous parliamentary elections, Tamils voted overwhelmingly for the Tamil National Alliance (TNA), which had endorsed Sirisena in the presidential elections.<sup>1,2</sup>

The optimism seemed justified by changes soon after President Sirisena assumed office. The repression of media, civil society and political activism reduced considerably, though to a lesser extent in the Tamil-majority North-East in contrast to the Sinhala-majority South. In the North-East there was a noticeable increase in space for civil society and political activism as overt surveillance by the security forces reduced in contrast to the Rajapaksa era.

The military reduced its visibility – for example, dismantling parts of the network of checkpoints – but the enormous troop presence remained in place along with an oppressive climate of militarization. Nonetheless, the limited changes prompted a dramatic increase in protests demanding accountability,<sup>3</sup> the release of political prisoners,<sup>4</sup> answers on the fate of those who 'disappeared' in government custody, and the return of land forcibly appropriated by the military. 2015 also saw the largest and most widespread commemorations of Tamil war dead since the war's end, despite the new government banning such events.<sup>5,6</sup>

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<sup>1</sup> TNA pledges support for opposition's Maithripala Sirisena," *The Hindu*, Dec 30, 2014, accessible at <http://www.thehindu.com/news/international/south-asia/tamil-national-alliance-backs-opposition-candidate-in-sri-lanka-presidential-polls/article6738507.ece>.

<sup>2</sup> Support given, now cautious hope," *The Telegraph (India)*, Jan 21, 2015, accessible at [http://www.telegraphindia.com/1150121/jsp/nation/story\\_9477.jsp](http://www.telegraphindia.com/1150121/jsp/nation/story_9477.jsp).

<sup>3</sup> Thousands protest in Jaffna rejecting domestic probe, demanding release of UN report," *Tamil Guardian*, Feb 24, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=13897>.

<sup>4</sup> Towns across North-East shut down in support of Tamil political detainees," *Tamil Guardian*, Nov 13, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16443>.

<sup>5</sup> May 2009 massacre commemorated at Mullivaikkal despite ban by Sri Lankan authorities," *Tamil Guardian*, May 18, 2015, accessible at <http://tamilguardian.com/article.asp?articleid=14793>.

<sup>6</sup> Maaveerar Naal 2015," *Tamil Guardian*, Nov 27, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16563>.



Meanwhile, in contrast to the Rajapaksa regime, the President Sirisena and UNP-led government also expressed a preparedness to engage with the international community, including on the key issue of accountability for wartime mass atrocities and widespread rights abuses during and after the war.

In a surprise move in October 2015, the government co-sponsored UN Human Rights Council (UNHRC) Resolution 30/1, which called for a credible accountability mechanism with the participation of international actors,<sup>7</sup> in the wake of the landmark report by the UN Office of the High Commissioner of Human Rights Investigation on Sri Lanka (OISL) on wartime and post-war human rights violations, war crimes and crimes against humanity.<sup>8</sup>

Yet amid these positive developments, there was increasing evidence from the North-East of discontent replacing the initial optimism, evidenced by repeated protests. A deepening disconnect appeared between the government's rhetoric of 'democratic transition' and accounts by Tamil civil society and community organisations of continued harassment and intimidation, rights abuses and military interference in civil administration.<sup>9</sup>

In October 2015 major protests erupted in the North-East over the government's continued detention-without-trial of a large numbers of Tamils. Despite hunger strikes, demonstrations and shutdowns, and repeated urgings by the international community, the government refused to release the detainees – and rejected the notion that those detained were political prisoners.

In February 2016, responding to long-standing demands that the government account for the whereabouts of people who 'disappeared' in military custody, Prime Minister Ranil Wickremesinghe casually stated that most of them were 'probably dead', prompting shock and outrage.

Concluding his visit to Sri Lanka soon after, UN High Commissioner for Human Rights, Zeid Ra'ad al Hussain observed, "The element of fear has considerably diminished, at least in Colombo and the South. In the North and the East, it has mutated but, sadly, still exists [...] When you visit the North and the East, you see, [...] more ominous [sic] signs of hopes that are not yet bearing fruit, and optimism that is already showing some signs of souring."<sup>10</sup>

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<sup>7</sup> "Promoting reconciliation, accountability and human rights in Sri Lanka," Oct 1, 2015, accessible at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/236/38/PDF/G1523638.pdf?OpenElement>.

<sup>8</sup> Report of the OHCHR Investigation on Sri Lanka (OISL), Sep 16, 2015. A/HRC/30/CRP.2, accessible at [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A\\_HRC\\_30\\_CRP\\_2.docx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_CRP_2.docx).

<sup>9</sup> Comprehensive report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka, Sep 28, 2015, A/HRC/30/61, accessible at [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A\\_HRC\\_30\\_61\\_ENG.docx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_61_ENG.docx).

<sup>10</sup> Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at the end of his mission to Sri Lanka, Feb 9, 2016, accessible at <http://un.lk/news/unhrc-mediastatement/>.






It is in this context that PEARL conducted a research trip to the North-East in January 2016, to assess the human rights and political climate for the Tamils in the region. A PEARL researcher visited all eight districts there – Amparai, Batticaloa, Trincomalee, Vavuniya, Mullaithivu, Mannar, Kilinochchi and Jaffna. The researcher met with a wide range of civil society groups and activists, human rights activists, politicians, journalists, families of the “disappeared,” and spoke with civilians living in IDP camps and at focus groups and political events. The interviews were conducted in Tamil or English, depending on the respondent’s preference.

This report summarizes the findings of the research. It presents key findings in relation to overall conditions and patterns in the North-East today, as described by many of those with whom we spoke. It also includes representative accounts by some respondents in their own words. Many people spoke on condition of anonymity, citing a continuing fear of reprisals for criticizing the Sri Lankan government and security forces. Accordingly, of those cited, names followed by an asterisk are pseudonyms.

PEARL recorded cases of ongoing human rights violations in all eight districts of the North-East. While overt surveillance by the security forces has lessened since the change in government, it nonetheless manifests frequently, including during protests observed by PEARL’s researcher.

Covert surveillance, including through large numbers of informants, continues. Civil society, human rights and political activists continue to be harassed and intimidated, and sometimes detained, including under the draconian anti-terrorism law. There is a stark contrast between the climate in the South, including the capital, Colombo, and the oppressive conditions in the North-East.

This is sustained in great part by the continuing domineering presence of the military. Whilst less visible in some ways – for example, fewer checkpoints – the military continues to maintain a massive operational presence in the North-East. The military is heavily involved in public administration both overtly – in school life, for example – and covertly through interference and coercion in other areas.



The military is also heavily involved in the North-Eastern economy, running large farms (including on land appropriated from displaced people) and a network of shops, all of which have signage reflecting the details of the military units responsible. One year since the change in government, the militarization which became 'normalized' during the Rajapaksa administration continues largely unabated and is a key obstacle to the post-war normalization, both in terms of local governance and public life more generally.

This is despite demilitarization being a key and persistent demand by Tamil political leaders, civil society and community groups, and the international community, as well as being raised in UNHRC resolutions on Sri Lanka. There is a significant contradiction between the new government's declared commitment to 'democratic transition' and its openness to Tamil and international concerns, on the one hand, and the continued militarization of the North-East, on the other hand.

This inconsistency is also manifested in President Sirisena's election campaign pledge to maintain the level of military presence in the North-East,<sup>11</sup> which was also a key demand by Sinhala nationalist organizations allied to both sides of the major political divide in the South. Since assuming office, President Sirisena has repeatedly assured Buddhist leaders that the military presence – 'national security' – will be maintained.<sup>12</sup>

Another major divergence between the government's stated position and its subsequent actions relates to accountability for wartime mass atrocities and rights abuses during and after the war. While the government co-sponsored UNHRC Resolution 30/1 and has since undertaken a number of steps (discussed further below) in relation to 'reconciliation' and transitional justice, these are directly contradicted by a number of its other moves in the past six months.

For example, in contrast to assurances by Prime Minister Ranil Wickremesinghe and Foreign Minister Mangala Samaraweera of the government's commitment to implement the UNHRC resolution through a 'credible' accountability mechanism, President Sirisena, the supreme authority, has emphatically rejected any international role, the lynchpin of the resolution's definition of 'credible.'

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<sup>11</sup> A post on Sirisena's campaign website on January 2, 2015 quotes him telling a rally: "no military camp in the North would be removed," accessible at <http://voteformaitthri.com/category/news/>.  
<sup>12</sup> "Govt. will take all measures to strengthen national security – President," Daily News, May 6, 2015, accessible at <http://www.dailynews.lk/?q=local/govt-will-take-all-measures-strengthen-national-security-president#sthash.QS8luFZS.dpuf>.

<sup>12</sup> "Comprehensive national security plan under preparation in Sri Lanka," Colombo Page, May 24, 2015, accessible at [http://www.colombopage.com/archive\\_15B/May24\\_1432477327CH.php](http://www.colombopage.com/archive_15B/May24_1432477327CH.php).



Moreover, since taking office, the President has vowed that he will not allow the honor of the military to be tarnished. Additionally, in recent months when the government has sought to rationalize any moves towards accountability, it is by saying this would restore the 'good name' of the armed forces.

Significantly, the government now has also started to openly question the core findings of the OISL report, with prominent officials denying as recently as March 2016 that state forces committed any war crimes.<sup>13</sup> In a potent symbolic move, within weeks of assuming office, President Sirisena restored the rank and privileges of the former Army commander, Sarath Fonseka, and then also promoted him to Field Marshall (retired). Fonseka, whose rank and privileges had been stripped by Rajapaksa after Fonseka's failed challenge in the 2010 presidential elections, had commanded the Army during the bloody climax of the war in 2008-09.


In further symbolic moves in February 2016, during Commissioner Zeid's landmark visit to Sri Lanka, Fonseka was officially accorded a seat in Parliament (one of those allocated to the new UNP government) and later joined the cabinet as Minister for Regional Development.

"Victory" monument in Puthukudiyiruppu, Mullaitivu (Photo: PEARL)



<sup>13</sup> "100% sure armed forces did not commit war crimes - Sarath Fonseka," *The Nation*, Mar 5, 2015, accessible at <http://nation.lk/online/2016/03/05/action-against-those-who-robbed-the-state.html>.





In these ways, the new government's policies and rhetoric have significant continuities with those of the Rajapaksa government, both in terms of day-to-day life in the North-East and the wider issues related to 'transition' and 'reconciliation.' A direct consequence of this in the North-East, one year after the wave of optimism triggered by the sudden end of the Rajapaksa regime, is a widening and deepening sense of disillusionment, frustration and anger.

With the government's promises of rapid progress on restoring normalcy and justice for rights abuses ringing increasingly hollow – not least in a context of the continuing domineering presence of the military and ongoing rights abuses, including torture and sexual violence – the government's pledges are increasingly being seen as empty words carefully offered primarily to alleviate the international pressure that had been built up on Sri Lanka in recent years.

Significantly, this sense of disillusionment and frustration is accompanied by a related one of either abandonment by the international community or, as is increasingly articulated, cynicism about the sincerity of the international commitment to accountability and justice, post-war normalization and, for that matter, liberal reform.

This stems from a growing view that the international community is retreating from its own stated commitments in relation to these goals, and is instead content to allow Sirisena a free hand, provided international 'interests' are not undermined. The government itself proudly touts its very good relations with countries that were key to securing the UNHRC process towards accountability.

Drawing on the research conducted in January, this report proceeds as follows. The next section elaborates on the ongoing militarization of the North-East, including military involvement in public life and the economy. The third section discusses the continuing intimidation and harassment of civil society, human rights and political activists. The fourth section focuses on the military's continued occupation of vast tracts of private land appropriated during and after the war, including in the past year. The fifth section discusses the negative impacts on the North-East of state policy, including militarization, in relation to economic revival and societal rebuilding. The sixth section summarises patterns of expressed views of Tamils in the North-East on the Sirisena government, followed by a conclusion.

The report concludes with a set of recommendations for, respectively, the international community, the Sri Lankan government, Tamil political leaders and civil society and Sinhala civil society.



# II. Militarization

## of Tamil Lands and Civilian Institutions

### A. Overview of the Military Presence in the North-East

Seven years after the end of the armed conflict, there has been no reduction in the scale of military forces deployed in the Tamil heartland. An estimated 160,000 soldiers are stationed in the Tamil-majority North-East.<sup>14</sup> A 2015 study by The Maatram Foundation found that 14 of the 19 Sri Lanka Army bases are in the North.<sup>15</sup> These are under the control of three different Security Force Headquarters (Jaffna, Kilinochchi, and Vanni),<sup>16</sup> two of which were established post-war.<sup>17</sup>

In February 2015, an MP reported to Parliament that there were 56 Army camps in the Trincomalee district alone, which has a largely Tamil and/or Tamil-speaking Muslim population.<sup>18</sup> Sri Lanka's military remains overwhelmingly Sinhala, due to a policy of selective recruitment introduced in 1962.<sup>19</sup>

One noticeable difference in the past year is that military checkpoints have been reduced, and troops largely remain in their barracks in sprawling High Security Zones (HSZ), most established during the war and some after its end.<sup>20,21</sup>

However, the military in the North-East remains prominently involved in public administration (such as in schools), continues extensive surveillance of the population, and continues to harass and intimidate civil society groups, human rights defenders and journalists. It also continues extensive commercial activities, including several large farms on occupied private land and a network of shops.

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<sup>14</sup> "The Long Shadow of War," Oakland Institute, 2015, accessible at [http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI\\_The\\_Long\\_Shadow\\_of\\_War\\_0.pdf](http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_The_Long_Shadow_of_War_0.pdf).

<sup>15</sup> "Understanding Post-War Land Issues in Northern Sri Lanka," The Maatram Foundation, November 2015, accessible at <http://www.scribd.com/doc/292130057/நிலமும்-நாக-தொழும்>.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> Parliamentary Debate, Colombo, Feb 12, 2016, accessible at <http://parliament.lk/uploads/documents/hansard/1456208028032888.pdf> Column 1016.

<sup>19</sup> Sri Lanka's Military: The Search for a Mission" Brian Blodgett, 2004. Aventine Press.

<sup>20</sup> PEARL interview.

<sup>21</sup> "Problems Continue to Plague Sri Lanka's Northern Province," The Diplomat, Feb 18, 2016, accessible at <http://thediplomat.com/2016/02/problems-continue-to-plague-sri-lankas-northern-province/>.

## B. Militarization Precludes Progress on Transitional Justice Initiatives

Tamil civil society groups, victim-based groups, and human rights organizations have repeatedly called for the removal of the domineering military presence from the North-East, pointing to how the insecurity this creates amongst the population is undermining progress on accountability, justice, and reconciliation.<sup>22</sup>

The international community also has repeatedly called for demilitarization of the North-East, including in the recent UNHRC resolution on Sri Lanka in October 2015. On a recent visit to Sri Lanka, U.S. Ambassador to the United Nations, Samantha Power, acknowledged a sense of urgency on the need to reduce the military presence in the North-East.<sup>23</sup> The UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein (High Commissioner Zeid) also reiterated this point during his visit in February.<sup>24</sup>

The heavy military presence has two distinct effects. First, security forces continue to be responsible for well-documented sexual violence, torture, and other human rights violations against Tamils<sup>25, 26, 27</sup> Second, the military presence significantly undermines the social fabric of Tamil communities and instils fear, particularly amongst girls and women.<sup>28</sup> As Tamil Civil Society Forum spokesperson Kumaravadivel Guruparan recently said:

I am also worried about the long term collective psychosocial impact on the Tamil population as a whole. The objective of militarization ... is the normalization of abnormalcy, and this will have wide-ranging impact on self-motivation and self-development in individuals, and also the collective desire within the community for valuable public ideals.<sup>29</sup>

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<sup>22</sup> "Joint Statement on the OISL Report" Tamil civil society organisations, Sep 18, 2015, accessible at <http://www.scribd.com/doc/281762016/Joint-Statement-on-the-OISL-Report>.

<sup>23</sup> "We pull no punches": Samantha Power," Daily FT, November 26, 2015, accessible at <http://www.ft.lk/article/500803/We-pull-no-punches>, "Ambassador Power was asked about key issues in the North that remained unaddressed by the Sri Lankan government, and responded, "The issue of demilitarisation. The recognition that the size of the military presence had become somewhat smaller, but that it needed to still come way down. There was an expression of the sense of urgency about the size of the military presence coming down."

<sup>24</sup> "Statement by UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, at the end of his mission to Sri Lanka," Feb 9, 2016, accessible at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17025&LangID=E> ("In parallel, the size of the military force in the North and the East can be reduced to a level that is less intrusive and intimidating, as a first step in security sector reform.").

<sup>25</sup> Amnesty International Annual Report 2015/16 - The State of the World's Human Rights," Feb 2, 2016, accessible at <https://www.amnesty.org/en/documents/pol10/2552/2016/en/>.

<sup>26</sup> "The Long Shadow of War" (2015), Oakland Institute, accessible at [http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI\\_The\\_Long\\_Shadow\\_of\\_War\\_0.pdf](http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_The_Long_Shadow_of_War_0.pdf).

<sup>27</sup> "Silenced: survivors of torture and sexual violence in 2015," International Truth and Justice Project Sri Lanka, Jan 7, 2016, accessible at [http://www.itjpsl.com/wp-content/uploads/2015/07/Silenced\\_jan\\_2016.pdf](http://www.itjpsl.com/wp-content/uploads/2015/07/Silenced_jan_2016.pdf).

<sup>28</sup> "The Forever Victims? Tamil Women in Post-War Sri Lanka" Nimmi Gowrinathan and Kate Cronin-Furman (2015), p. 10, accessible at <http://www.deviarchy.com/wp/wp-content/uploads/2015/09/The-Forever-Victims-Tamil-Women-in-Post-War-Sri-Lanka.pdf>.

<sup>29</sup> "Militarization in Sri Lanka continues," Taylor Dibbert, Feb 9, 2016, accessible at <http://thediplomat.com/2016/02/militarization-in-sri-lanka-continues/>.





The militarization generates insecurity particularly amongst Tamil women and girls. As High Commissioner Zeid said at a press conference on February 9, 2016:

Sexual violence and harassment against women and girls is particularly poorly handled by the relevant State institutions — especially when the alleged perpetrators are members of the military or security services — and, as a result it remains all too widespread.<sup>30</sup>

Militarization has significant implications for developing transitional justice mechanisms. In an environment where Tamils collectively feel intimidated by what many consider an ongoing military occupation,<sup>31</sup> the possibility of meaningfully and safely engaging with any accountability mechanism is questionable. As the case studies in this report underline, demilitarization of the North-East is a necessary precursor for any credible accountability mechanism. As S. Shritharan, Tamil National Alliance (TNA) Member of Parliament from Kilinochchi, puts it:

You may feel safer and things have indeed changed on the surface. But be under no illusion. They are watching you and noting down your activities. This is not new, we experienced this during the ceasefire – when it broke down, they hunted down those who were actively campaigning. When the situation deteriorates this time, they will remember these activities again.<sup>32</sup>

The domineering military presence contributes to an enduring perception of occupation and state hostility. Tamils interviewed for this report repeatedly spoke of “their Army” and “our homeland”. This is reinforced by recognition that the same commanders and soldiers who allegedly ordered and committed numerous war crimes and crimes against humanity, continue to enjoy de facto impunity while prominent in the military’s influence over public life in the North-East.

Persisting a year after the change in government, the heavy military presence, triumphalist victory monuments, and Sinhala chauvinist character of the state’s security structures are exacerbating feelings of oppression and occupation, and fueling Tamil disillusionment, resentment and mistrust towards the government.

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<sup>30</sup> Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at the end of his mission to Sri Lanka, Feb 9, 2016, accessible at <http://un.lk/news/unhrhc-mediastatement/>.

<sup>31</sup> PEARL interviews.

<sup>32</sup> PEARL interview.

## C. Military Commercial Activities Hurt Economic Development of Tamil Population

The military presence in the North-East is preventing large sections of the population from accessing work and livelihood opportunities, particularly fishing and farming, given the extensive spread of HSZs which enclose vast tracts of private lands captured during military operations and/or forcibly appropriated with state authority.

At the same time, major commercial activities by the military is undermining economic revival in the North-East by crowding out local commercial enterprises. Many military camps have stores attached to them, which are often the only stores in the area. These stores often have signage that prominently displays the Army brigade number, with lettering only in Sinhala. They are especially prevalent along the main roads of the Vanni region – the A9 between Vavuniya and Jaffna, and the A35 between Kilinochchi and Mullaithivu.<sup>33</sup>

A shop operated by the military. The board identifies it as operated by the 573 Brigade, January 2016 (Photo: PEARL)



<sup>33</sup> PEARL interviews.



The military also runs several large farms, in which it employs Sinhala laborers from the South or local Tamil farmhands at a higher wage than can be offered by Tamil farmers. Military-run farms in the Northern Province alone include those at Vaddakkachchi (1000 acres), Thiruvaiyaaru (1100 acres), Mulankavil (1000 acres), Pooneryn (1000 acres), and Visvamadu (size unknown).<sup>34</sup>

The military is also reported to be using land and livestock taken from villagers from Keppapilavu in the Northern Province to operate a dairy farm.

The military continues to hire Tamils through the paramilitary Civilian Security Department, for jobs ranging from teaching to farm labor, with continuing reports of abuse and exploitation. State security forces operate several large hotels, including at the site of the “Killing Fields” in Mullaithivu, where two resorts exist at the location where tens of thousands of civilians were killed. At least one hotel is located on land that was previously a cemetery for LTTE cadres. Additionally, the Sri Lankan Air Force provides helicopter tours and the Navy conducts whale-watching tours and local ferry services in the North-East.<sup>35, 36</sup>

Sign pointing to Suthanthirapuram Farm in Visvamadu, Mullaithivu, operated by the military's CSD, January 2016 (Photo: PEARL)



<sup>34</sup> Divisional Secretariat, Northern Province.

<sup>35</sup> "Visiting Sri Lanka? #TravelEthicalSL," Sri Lanka Campaign, accessible at <https://www.srilankacampaign.org/ethical-tourism/avoid/>.

<sup>36</sup> "Whale Watching," Sri Lanka Navy, accessible at <http://whalewatching.navy.lk/>.



## D. Militarization of Tamil Civilian Structures

Military involvement in school settings continues to date. Even some pre-schools have military involvement in their administration.<sup>37</sup> Military personnel continue to conduct school events and festivals,<sup>38</sup> including "social welfare projects," such as the distribution of books,<sup>39</sup> shoes,<sup>40</sup> uniforms,<sup>41</sup> bikes,<sup>42</sup> toys,<sup>43</sup> and other utensils.<sup>44, 45</sup> Senior military officers accused of war crimes are prominent attendees at events at schools, adding to fear and resentment among the Tamil community.<sup>46</sup>

Over the past year, the military has also organized several medical and dental clinics,<sup>47</sup> and distributed medical supplies, including eye glasses, to civilians,<sup>48</sup> while hospitals in the Tamil-dominated areas continue to be under-resourced.<sup>49</sup>

The military organized multiple events for the Tamil New Year in April 2015,<sup>50</sup> one month after Foreign Minister Samaraweera told the UNHRC that the military had ceased all involvement in civilian activities.<sup>51</sup>

In February 2016, the Army's 57 Division at the Security Forces Headquarters in Kilinochchi celebrated its 9th anniversary, including by distributing gifts to Tamil children.<sup>52</sup> In the same month, military officers handed out gifts at a children's home in Kilinochchi.<sup>53</sup>

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37" Resolution passed demanding Sri Lankan military leaves Kilinochchi," *Tamil Guardian*, Feb 28, 2016, accessible at <http://www.tamilguardian.com/article.asp?articleid=17368>.

38" Continuing militarisation of Tamil school children" *Tamil Guardian*, Feb 17, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=13815>.

39 Navy assists Northern children," *News.lk*, Jan 16, 2016, accessible at <http://www.news.lk/news/business/item/11789-navy-assists-northern-children>.

40" Mullaitivu students get new shoes on the eve of Christmas," *army.lk*, Dec 28, 2015, accessible at <http://army.lk/details.php?type=article&id=507>.

41" Sri Lanka Army distributes uniforms at Kilinochchi school," *Tamil Guardian*, Nov 25, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16554>.

42" Sri Lankan army gifts charity bikes to children in Kilinochchi," *Tamil Guardian*, Oct 08, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16185>.

43" Sri Lankan army distributes toys to Tamil school children," *Tamil Guardian*, Sep 28, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16060>.

44" Sri Lankan troops hand out school items to Tamil children in Kilinochchi," *Tamil Guardian*, Dec 24, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16852>.

45" Sri Lankan army hands out school accessories to Tamil children," *Tamil Guardian*, Dec 21, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16827>.

46" Suspected war criminal Jagath Dias opens school in Vanni," *Tamil Guardian*, Mar 31, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=14247>.

47 Free medical and dental campaign, Ramanathapuram, Kilinochchi," *Sri Lanka Air Force*, accessible at <http://www.airforce.lk/news.php?news=2507>.

48" Military division accused of war crimes hands out spectacles in North-East," *Tamil Guardian*, Oct 1, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16101>.

49" Shortage of permanent doctors in Northern Province," *Tamil Guardian*, Nov 2, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16395>.


50" Tamil New Year in the militarised Vanni," *Tamil Guardian*, Apr 14, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=14431>.

51 Sri Lankan Foreign Minister Mangala Samaraweera statement at the High Level Segment of the 28th session of the Human Rights Council, Mar 2, 2015, accessible at [http://www.tamilguardian.com/files/File/GOSL/Hon Mangala Samaraweera\\_Sri Lanka\\_meeting\\_02.pdf](http://www.tamilguardian.com/files/File/GOSL/Hon%20Mangala%20Samaraweera_Sri%20Lanka_meeting_02.pdf).

52" 57 Division Anniversary Celebrated," *Sri Lanka Army*, Mar 4, 2016, accessible at <http://army.lk/details.php?type=article&id=798>.

53" Commander Security Forces (KLN) visited Karunanilayam Women and Children's Home in Kilinochchi and offered meals and gift parcels to mark the 68th Independence Day," *SLFHQ Kilinochchi*, Feb 2016, accessible at [http://220.247.214.182/stkilinochchi/more\\_details.php](http://220.247.214.182/stkilinochchi/more_details.php).





Military-run websites routinely report on such events at locations across the North-East. These actions are considered attempts to normalize the military presence in the North-East, and “whitewash” the allegations the military committed mass atrocities.

The military embedding itself in the social fabric of the North-East also affects employment prospects, particularly for women. Due to the oppressive and violent nature of the military presence, women especially are unable to pursue employment that makes them even more vulnerable to military harassment.<sup>54</sup>

"As a journalist, I am unable to work in the field due to safety concerns and am restricted to editing work in the office. The lack of female journalists is a big issue but due to the dangers the job entails, especially when it comes to reporting on the government or the military, there aren't many female journalists willing to take the risk of harassment or worse."

*Vithiya,\* 26, Female, Jaffna*

The military is also involved in recruiting Tamils for employment with businesses in the South.<sup>55</sup> Several interviewees, including a number of former LTTE cadres, spoke of phone calls and visits by members of the security forces who offered them jobs in the South. Due to fears of abduction and harassment, however, none of the individuals interviewed for this report accepted these offers of employment.

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<sup>54</sup> "The Forever Victims? Tamil Women in Post-War Sri Lanka" Nimmi Gowrinathan and Kate Cronin-Furman (2015), p. 10, accessible at <http://www.deviarchy.com/wp/wp-content/uploads/2015/09/The-Forever-Victims-Tamil-Women-in-Post-War-Sri-Lanka.pdf>.

<sup>55</sup> "New jobs in apparel sector for 58 Tamil youth," *The Official Government News Portal of Sri Lanka*, Jun 8, 2015, accessible at <http://www.news.lk/news/business/item/8101-new-jobs-in-apparel-sector-for-58-tamil-youth>.



"I received a call offering me a job;  
the man spoke in Tamil.

He asked me to travel to Vavuniya to meet  
with a government minister  
who would hire me.

But I had heard of someone who took a similar  
offer and when he arrived, was met by CID  
who interrogated him about members of his  
family who disappeared during the war.

So I didn't go.  
I still receive the phone calls  
from time to time."

*Luxan,\* 23, Male, Kilinochchi*



# III. Security Forces

## Violate the Civil and Political Rights of Tamils

### A. Security Forces Regularly Harass Tamil Activists

The military and police continue to harass members of civil society organisations, human rights activists, and journalists. These actions are described as systematic and intended to intimidate campaigners, stifle political dissent, and to deter potential activists from getting involved.<sup>56</sup> The photographing and filming of protestors is commonplace and intimidates many members of the public, causing them to stay away from such activities for fear of reprisals by the security forces. Historically, activists and participants in demonstrations have been frequently targeted for abduction and to be “disappeared.”

Intimidation and harassment has continued under the Sirisena government, even after high-profile visits by UN High Commissioner for Human Rights Zeid and U.S. Ambassador to the UN Samantha Power. For example, on March 8, 2016, Tamil protestors who blocked attempts by the Sri Lanka Navy to survey land for possible appropriation, were photographed and filmed by Navy personnel and police officers.<sup>57</sup>

Members of Sri Lanka's Navy and Police photograph Tamils in Jaffna who blocked military surveyors thought to be scoping out land for appropriation on March 8, 2016 (Photo: PEARL)



<sup>56</sup> PEARL interviews.

<sup>57</sup> "Tamil protestors block military surveyors," *Tamil Guardian*, Mar 8, 2016, accessible at <http://tamilguardian.com/article.asp?articleid=17411>.



Employees of an Amparai-based civil society group working on collecting data on the “disappeared” have been subjected to multiple instances of harassment throughout 2015.

The organization, which became active soon after the change in presidency, was targeted for surveillance as soon as they began work. Intelligence officers have visited the organization’s office and have monitored protests attended by members of the group, where they photographed and videotaped participants.

In July 2015, a member of the group was stopped and searched by police, who suspected him of possessing firearms. He quit working for the organization a few days after, due to the harassment by security forces.

A priest working with victim communities in the Eastern province was visited by senior police officials in November 2015 and questioned about his activities. A few weeks later he received a letter transferring him to another church, outside of the North-East.

*Father Arul,\* 32, Eastern Province*

A local coordinator for a USAID-funded NGO, who served with the LTTE for 8 years, is frequently harassed by local military and CID officers, on top of monthly visits by the local police force. In 2016 so far, she was visited by members of the security apparatus six times, with the last visit in late February. In January, an intelligence officer known as Kumare from Dambulle visited her house at night while drunk and asked for the details of the people her NGO supported. In mid- January, she was stopped by intelligence officers under the influence of alcohol while she was walking near her home. They demanded she disclose details about other former members of the LTTE, which she refused.

*Mithula,\* 37, Female, Batticaloa*



Families of the “disappeared,” victims of state land grabs, and those formerly involved with the LTTE – whether in a civilian or military capacity – are routinely subject to harassment by security forces.<sup>58</sup>

Varnalingam heads an NGO which works on issues affecting Tamil people in the North-East. He and his organization conduct social counseling, facilitate workshops, and provide training and research. A day after the publication of a report on land issues in the North-East in late 2015, the organization’s office was visited by two men claiming to be from the State Intelligence Service (SIS). Varnalingam was told by the men that they were looking into training opportunities for Tamil political prisoners upon their release.

In early December, police officers from the CID visited the office again, but this time Varnalingam was not present. They questioned staff about his whereabouts and activities and subsequently left.

*Varnalingam, \* 42, Male, Mannar*

"We know these soldiers. We remember them from 2009. Sometimes we recognize them. We know exactly what they did during those months and we will never forget that.

They come to our schools and visit our functions. These are the soldiers that killed and raped. Every time we see them, every time we see their monuments, we are reminded that we are a defeated people."

*Mugunthan, \* 29, Male, Mullaithivu*

Former members of the LTTE are specifically targeted for intimidation and harassment. Intelligence officials regularly visit former cadres at their homes or summon them to Army camps or police stations where they are repeatedly questioned about their past activities in the LTTE and sometimes abused. Other former LTTE members receive frequent threatening phone calls from security personnel.<sup>59</sup>

<sup>58</sup> PEARL interviews.

<sup>59</sup> PEARL interviews.



A former member of the LTTE, Sutharsan, is still regularly visited by security officers and summoned to an Army camp.

In early January, he was summoned to a camp in Kilinochchi. He was outside the district and was unable to make the appointment in time.

When he arrived, he was severely assaulted. At the time of the interview in mid-January, he still had injuries from the attack.

*Sutharsan,\* 33, Male, Kilinochchi*

Several relatives of the “disappeared” reported receiving frequent visits by military personnel, especially through and after October 2015, after testifying at the Presidential Commission on Missing Persons held in the Northern Province. Some of those interviewed for this report were required to report weekly to answer the same questions repeatedly.

Officials from the Criminal Investigation Department (CID) and the Terrorism Investigation Department (TID) also seek out witnesses that testified before the Commission and question them, including with regard to their testimonies. The Tamils with whom PEARL spoke said they felt intimidated by the repeated questioning and forced reliving of traumatic experiences.

After repeated questioning by security officials, some witnesses to abductions or detentions by security forces withdrew from testifying before the Commission. Others are said to have given up the search for their “disappeared” loved ones in favor of prioritizing their own and their family’s safety. Members of the security forces are also reportedly taking money from families of the disappeared, by promising them information



about their loved ones. According to members of civil society, these schemes operate with the knowledge and tacit support of the police.<sup>60</sup>

Priya's husband was detained by security forces in 2009. She had been in contact with the CID while attempting to find out information about her husband's whereabouts. After testifying at the Commission on the Missing Persons towards the end of 2015, she received frequent phone calls late at night from unidentified men who spoke Tamil with a Sinhala accent. They would ask her about the locks on her door and whether they could take the place of her husband for the night, as he was not around. She is convinced that the harassing calls are from members of the security forces.

*Priya, \* 29, Female, Mannar*

Parvathi witnessed her teenage grandson being detained by security forces while her family was held against their will in Zone 4 of the Menik Farm Camp in early 2010. The parents of the boy reported his detention to the CID in Kilinochchi, after which the CID summoned his grandmother to their branch. After six hours of intermittent questioning, which she reported as intimidating, she was allowed to leave.

*Parvathi, \* 74, Female, Kilinochchi*



Relatives of a man who disappeared  
continue their search, Batticaloa, January  
2016 (Photo: PEARL)



## B. Unlawful Arrests and Detentions of Returning Tamils

Tamils returning from abroad, particularly those returning from working in the Middle East and deported from other places, continue to be questioned and sometimes detained on arrival.<sup>61</sup> At least 19 Tamils returning from abroad were arrested in 2015. In January 2016, a Tamil journalist returning from Australia was arrested and detained.<sup>62</sup> Tamils deported from countries such as Turkey and Australia have also been arrested upon arrival.<sup>63</sup> There is at least one reported case of abduction and murder of a Tamil who returned from Saudi Arabia in 2015.<sup>64</sup>

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61 "Four Tamils arrested at Colombo airport in midst of election," JDS, Aug 20, 2015, accessible at <http://www.jdslanka.org/index.php/news-features/human-rights/545-four-tamils-arrested-at-colombo-airport-in-midst-of-election>.

62 "Tamil journalist in exile arrested on arrival in Sri Lanka," JDS, Jan 22, 2015, accessible at <http://www.jdslanka.org/index.php/news-features/media/583-tamil-journalist-in-exile-arrested-on-arrival-in-sri-lanka>.

63 "Sri Lanka deportee arrested at the airport," Ceylon Today, Mar 9, 2016, accessible at <http://www.ceylontoday.lk/16-120581-news-detail-sri-lankan-deportee-arrested-at-the-airport.html>.

64 PEARL interview.





Puvanendiran Thevarasa was arrested in June 2015, soon after his return from Saudi Arabia. He disappeared in August 2015 and his body was found on October 23, 2015. While he was missing, the local CID threatened his family to stop searching for him. Thevarasa's body was taken to Colombo for identification, where it remains to date for unknown reasons. As of January, the family was still waiting for the return of his body.

*Puvanendiran Thevarasa, Male,  
Batticaloa*

# IV. Systematic & Ongoing

## Illegal Land Grabs

Successive governments have engaged in systematic, unlawful land appropriation, primarily for use by the military. According to the Northern Provincial Council (NPC), as reported by The Maatram Foundation, over 67,000 acres of land were occupied for military purposes in the districts of Jaffna, Mullaitivu, and Mannar as of October 10, 2014.<sup>65</sup>

This land includes extensive areas that were used by the LTTE and subsequently appropriated by the military rather than returned to their original rightful owners.<sup>66</sup>

Thirugnanasambanthar Mannivannathas was arrested in June 2015 after protesting against the military building a Buddhist Vihara (temple) on his land in Kokkily. He was released after being told by police to stop protesting.<sup>67</sup>

Thirugnanasambanthar  
Mannivannathas, Kokkily,  
Mullaithivu

<sup>65</sup> "Understanding Post-War Land Issues in Northern Sri Lanka," *The Maatram Foundation*, p.6, November 2015.

<sup>66</sup> PEARL interviews.

<sup>67</sup> "Arrest at protest against army-built Vihara," *Tamil Guardian*, Jun 5, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=14956>.



Tens of thousands of Tamils whose land was seized by the military during wartime offensives continue to languish in IDP camps across the North-East and in refugee camps in India.<sup>68</sup>

According to the Internal Displacement Monitoring Centre, as of July 1, 2015, there were still over 73,000 IDPs across Sri Lanka, with nearly half (over 36,000) located in Jaffna.<sup>69</sup> The Northern Resettlement and Rehabilitation Committee recently corroborated this number in its report to High Commissioner Zeid during his February visit to Sri Lanka.<sup>70</sup> During his visit to the Chunnakam IDP camp, High Commissioner Zeid emphasized the importance of returning IDPs to their lands.

One area of Jaffna that has received significant attention is Valikamam North, where a vast majority of the occupied land comprises private lands.<sup>71</sup> Here the military had seized 6,381 acres, which it had previously designated a High Security Zone (HSZ). While the government has released some land in this region, nearly 5,000 acres still remain occupied.<sup>72</sup>

There has been significant international attention on three main areas of illegal land acquisition: Valikamam North in Jaffna; Keppapilavu in Mullaitivu; and Mullikulum in Mannar.<sup>73</sup> However, it should be noted that illegal land acquisition by the military has also occurred on a far more systemic<sup>74</sup> and historical<sup>75</sup> basis throughout the North-East.

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68<sup>o</sup> Government welcomes refugee repatriation from India," IRIN, Aug 30, 2012, accessible at <http://www.irinnews.org/report/96203/sri-lanka-government-welcomes-refugee-repatriation-india>.

69<sup>o</sup> Internal displacement in Sri Lanka," IDMC, Jul 1, 2015, accessible at <http://www.internal-displacement.org/south-and-south-east-asia/sri-lanka/2015/internal-displacement-in-sri-lanka>.

70<sup>o</sup> Over 30,000 Tamils remain internally displaced in Northern Province alone," Tamil Guardian, Feb 12, 2016, accessible at <http://tamilguardian.com/article.asp?articleid=17261>.

71<sup>o</sup> Understanding Post-War Land Issues in Northern Sri Lanka," The Maatram Foundation, pp6-7, Nov 2015; "Politics, policies and practices with land acquisition and related issues in the North and East of Sri Lanka," Bhavani Fonseka and Dharsha Jegatheeswaran, Centre for Policy Alternatives, p. 45, Nov 2013.

72<sup>o</sup> Over 30,000 Tamils remain internally displaced in Northern Province alone," Tamil Guardian, Feb 12, 2016, accessible at <http://tamilguardian.com/article.asp?articleid=17261>.

73 Ibid.

74<sup>o</sup> Understanding Post-War Land Issues in Northern Sri Lanka," The Maatram Foundation, p. 7, Nov 2015.

75<sup>o</sup> Politics, policies and practices with land acquisition and related issues in the North and East of Sri Lanka," Bhavani Fonseka and Dharsha Jegatheeswaran, Centre for Policy Alternatives, pp 55-57, Nov 2013.

"We were displaced in April 2006 and have lived in squalid camps for nearly ten years. Around 80 families displaced from Sampur remain in this particular camp.

Only 50 families were resettled from this camp last year<sup>76</sup> and we were told that we were also supposed to be among those whose land was returned. When the day came, towards the end of last year, the military removed the barbed wire and allowed us to go forward towards our land. However, they blocked us before we could go all the way.

When we questioned them, they told us if we quit protesting and hunger-striking we would be allowed to return to our land in April 2016.

The 50 families who were able to return to their land do not have adequate facilities. The local school remains under military control. But despite the lack of facilities, we would rather be there, on our own land, than stay in this camp."

*Rathi,\* 42, Female, Sampur IDP Camp,  
Kiliveddy, Trincomalee*

<sup>76</sup> "Sirisena begins Tamil resettlement in Sampoor," *The Hindu*, Aug 23, 2015, accessible at <http://www.thehindu.com/news/international/sirisena-begins-tamil-resettlement-in-sampoor/article7570341.ece>.



Shacks at the Killiveddy IDP camp for refugees from Sampur, January 2016 (Photo: PEARL)



# V. Lack of Economic Development

## And Societal Rebuilding

Another serious crisis facing Tamils in the North-East is the lack of economic development and societal rebuilding, despite international donor assistance to the state. The initiatives thus far undertaken have not proceeded with the input and acceptance of local communities and political representatives. The Sri Lankan government has directed billions of rupees towards repairing and developing infrastructure, mainly for new roads, railroads, and utilities. In stark contrast, a negligible amount of funds from the central government has gone toward improving education and economic opportunities in the North-East.

### A. Lack of Professional Opportunities and Brain Drain

A recent World Bank report found that Tamils and Muslims in the North-East have relatively high levels of poverty, largely related to the lack of opportunity, as compared to the rest of the country.<sup>77</sup> Young Tamils in the region suffer from a significant lack of employment opportunities for which they are qualified. Simultaneously, the North-East is experiencing a serious brain drain of qualified professionals needed to fill key roles in the community, such as doctors and teachers, as people with that expertise are leaving the region.

The World Bank report further points out that Tamils and Muslims outside the North-East have higher employment rates relative to the Sinhala population. The report also suggests that the poverty in the North-East is due to a lack of employment opportunities.

In November 2015, the NPC Health Minister P. Sathiyalingam noted that 32 hospitals in the Northern Province had no permanent doctors.<sup>78</sup> Employment opportunities for university graduates remain in short supply; graduates have organized several protests across the North-East on this issue in 2015<sup>79</sup> and 2016.<sup>80</sup> Tamils complain of discrimination in the appointment process for government jobs, which is a historical problem in post-independence Sri Lanka.<sup>81</sup>

77" Sri Lanka: Ending Poverty and Promoting Shared Prosperity," The World Bank, Oct 2015, accessible at [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2016/02/11/090224b084171fec/1\\_0/Rendered/PDF/Sri0Lanka00En0ng0shared0prosperity.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2016/02/11/090224b084171fec/1_0/Rendered/PDF/Sri0Lanka00En0ng0shared0prosperity.pdf).

78" Shortage of permanent doctors in Northern Province," Tamil Guardian, Nov 2, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16395>.

79" Amparai Tamil graduates protest against discrimination," Tamil Guardian, May 13, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=14730>.

80" Unemployed graduates protest in Batticaloa," Tamil Guardian, Jan 26, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=13575>.



In August 2015, Tamil farmers and agricultural workers rebuked the Department of Agrarian Development when over 90% of newly appointed agricultural research assistants to the North were Sinhalese, despite being mostly unable to speak the local language and thus unable to fulfill the role of advising Tamil-speaking farmers.<sup>82</sup>

Arvinth is a graduate who has been applying for government jobs for the past two years. Despite his qualifications and his high marks on the exam during the job application, he has been overlooked twice, while Sinhala and Muslim applicants with lower marks have been given jobs. Arvinth reported increasing tensions between the Muslim and the Tamil communities in and around Kalmunai, based on ethnic grievances, including job opportunities.

*Arvinth, \* 28, Male, Amparai*

## B. Alcoholism and Community Breakdown

Several of the individuals interviewed complained of a rising levels of alcoholism<sup>83</sup> and drug use amongst young Tamil men in the North-East. Many blame the lack of employment opportunities and the ease of access to alcohol, which is alleged to be actively encouraged by the military authorities.

“Cultural degradation” is a term commonly used by Tamils in the North-East to describe the effects of the military presence, such as the increase in alcohol and drug consumption. In addition to traditionally being a socially conservative region, large areas of the North-East whilst under the control of the LTTE experienced strict enforcement of anti-drug and anti-alcohol abuse policies.<sup>84</sup>

82" Tamils only 10% of agricultural research appointments in North," *Tamil Guardian*, Aug 26, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=15690>.

83 " Jaffna booze paradise," *Ceylon Today*, Jun 14, 2015, accessible at <http://ceylontoday.lk/51-95572-news-detail-jaffna-booze-paradise.html>.

84" Former war zone drinking its troubles away," *IPS News*, Aug 3, 2014, accessible at <http://www.ipsnews.net/2014/08/former-war-zone-drinking-its-troubles-away/>.

The recent increase in alcohol consumption is regarded as a major issue affecting the social fabric of communities. The increase in drug and alcohol use is also considered a factor in the rise of domestic violence. Some suspect a strategic and deliberate attempt by the government to incapacitate Tamils in the North-East with drugs and alcohol by facilitating the influx of these substances into the region.<sup>85,86</sup>

"Alcohol is a major problem affecting our community. Now our own people are drunk on the street, harassing women in broad daylight.

We didn't have these problems before 2009.

Even if we didn't have electricity, we were safe. Now we have developed roads and street lights – and we feel unsafe. Not only because of the military but also because of our own boys, intoxicated and causing trouble."

*Jeyavany, \* Social Worker, 35,  
Female, Mullaithivu*

85" "Well planned strategy to make children drug addicts" - Jaffna District Child Development Committee," Tamil Guardian, May 28, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=14893>.

86" "Prevalence of drug use raises questions says Wigneswaran," Tamil Guardian, May 17, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=14784>.



# VI. Government Steps Towards Reconciliation

## And Tamil Views of the Government

In the January 2015 presidential elections, Tamils voted overwhelmingly for Maithripala Sirisena.<sup>87</sup> A confluence of factors set the context. First was widespread revulsion and hostility towards the incumbent, Mahinda Rajapaksa. Hailed as a hero amongst Sinhalese for destroying the LTTE, Rajapaksa is reviled amongst Tamils after a decade of mass atrocities and rights abuses, both during and after the war by his government. Both sets of sentiments are reinforced by openly Sinhala chauvinist rhetoric and policies.

Thus, although Sirisena had been a senior member of Rajapaksa's government and a supporter of its policies, his presidential challenge, and the associated split in the ruling SLFP nonetheless offered a sudden and unique opportunity to topple Rajapaksa's regime, which Tamils seized with enthusiasm. In this they were encouraged by the TNA.<sup>88</sup>

The second factor was the international context. Over preceding years, tensions between the Rajapaksa government and the international community had reached a new intensity over a number of central policy issues, notably accountability for wartime abuses and rights abuses, undisguised repression of political opponents, media and civil society, and post-war 'reconciliation', including refusal to negotiate a political solution to Sri Lanka's long-running ethnic crisis.

In particular, the OISL investigation was due to report to the UNHRC in March 2015 and, for Tamil voters, the associated critical international attention on Sri Lanka offered the possibility of progress in these areas were a government more amenable to international and Tamil demands.

Consequently, Sirisena's victory represented for both Tamils and the international community the possibility of major progress in Sri Lanka. However, although there were dramatic improvements in the South of the country, it was less so in the North-East. Yet, amid relief at Rajapaksa's removal from office, optimism remained.

In great part this was because lack of solid control of the Parliament, which had passed to an interim government, was considered an impediment to Sirisena's substantive progress. In the August 2015 parliamentary elections, Tamils voted – as in previous elections since 2000 – overwhelmingly for the TNA.<sup>89</sup>

<sup>87</sup> "Tamils avenge Rajapaksa with big vote for Rajapaksa," *The New Indian Express*, Jan 10, 2015, accessible at <http://www.newindianexpress.com/world/Tamils-Avenge-Rajapaksa-with-Big-Vote-for-Sirisena/2015/01/10/article2612328.ece>.

<sup>88</sup> "TNA pledges support to opposition's Maithripala Sirisena," *The Hindu*, Jan 3, 2015, accessible at <http://www.thehindu.com/news/international/south-asia/tamil-national-alliance-backs-opposition-candidate-in-sri-lanka-presidential-polls/article6738507.ece>.

<sup>89</sup> "TNA becomes third biggest party in Sri Lanka with 16 parliamentary seats," *Tamil Guardian*, Aug 18, 2015, accessible at <http://tamilguardian.com/article.asp?articleid=15589>.



Central in the TNA's platform was working with a Sirisena-led government to achieve a political solution that recognised the Tamils' right to self-determination, and for pursuing via the UNHRC accountability for atrocities and rights abuses.<sup>90</sup> The August elections handed control of Parliament to a UNP-led coalition that included Sirisena loyalists in the SLFP and some smaller parties that had defected from Rajapaksa's coalition. The TNA was appointed the formal parliamentary Opposition.

Tamils' optimism for progress in post-war reconciliation was encouraged by the October session of the UNHRC, where in addition to the launch of the damning OISL report, the new Sri Lankan government co-sponsored Resolution 30/1. In doing so, the government thereby committed to launching an accountability mechanism which had, in the interests of transparency and credulity, international involvement.

Yet in subsequent months, this optimism has been discernibly fading. While the previous sections discussed several aspects of everyday conditions in the North-East – including ongoing militarization, rights abuses, land issues and economic marginalization – this section discusses the government's steps towards reconciliation and resulting patterns of public sentiments in early 2016 in relation to themes of accountability and political reconciliation.

## A. Government Steps Towards Accountability and Reconciliation

Over the past year, the Sirisena government initiated several moves towards accountability and reconciliation. However, these have been more symbolic than substantive. Quite apart from the weaknesses elaborated briefly below, even these moves, often launched with much fanfare directed at international audiences – and less so domestically – have been consistently criticized for failing to adequately consult or meaningfully include Tamil victim groups and communities.

Early in 2015, the Government set up the Office for National Unity and Reconciliation (ONUR), chaired by former president Chandrika Bandaranaike Kumaratunga. The choice of Kumaratunga was itself controversial among Tamils, as her Presidency (1995-2005)<sup>91</sup> was also marked by atrocities which remain unaddressed, including large numbers of disappearances in the late 1990s. Some abuses committed during her presidency were also part of the catalogue of abuses documented by OISL, whose mandate covered the period 2002 to 2011.<sup>92</sup>

<sup>90</sup> "TNA manifesto," *Colombo Telegraph*, Jul 26, 2015, accessible at <https://www.colombotelegraph.com/index.php/tna-manifesto-full-text/>.

<sup>91</sup> "30 October 1995: Jaffna exodus as Tamils flee for Vanni ahead of SL military advance," *Tamil Guardian*, Oct 30, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=12721>.

<sup>92</sup> "The Bindanuwewa massacre in Sri Lanka: A cry for justice," *Asian Centre for Human Rights*, Oct 26, 2005, accessible at <http://www.achrweb.org/Review/2005/96-05.htm>.



ONUR's mandate, as set out on its website, is as follows:

"ONUR is responsible for formulation and coordinating the implementation of the policies and programmes to build national unity and reconciliation. Our Principle role is to ensure a durable peace through building bridges between all our peoples."<sup>93</sup>

Yet it remains unclear exactly what role ONUR will play in relation to accountability efforts. In a recent speech, Foreign Minister Mangala Samaraweera stated that ONUR in coordination with the UN Peacebuilding Fund was carrying out reconciliation related projects including programmes aimed at creating understanding among communities, psychosocial and livelihood support.<sup>94</sup>

Following the UNHRC resolution in October 2015, Foreign Minister Samaraweera stated that the government intended to follow what he termed the Resolution's "four-pillared strategy" by setting up: (1) a Commission for Truth, Reconciliation, Justice and Non-Recurrence; (2) an Office on Missing Persons; (3) a Judicial Mechanism; and (4) an Office for Reparations which will be set up by statute. As of yet, these structures have not materialized, and indeed the existing and heavily-criticized Commission on Missing Persons is continuing its sittings.<sup>95</sup>

In February 2016, the government finally launched an 11-member Consultation Task Force that will gauge public opinion about accountability and reconciliation processes.<sup>96</sup> The Task Force, comprising members of civil society, is mandated to produce a report with recommendations on establishing transitional justice processes.

The government has pledged to take the report into consideration,<sup>97</sup> but given Sri Lanka's long history of a record number of commissions and inquiries that yielded very little to no follow-through on the implementation of recommendations, the ultimate role and significance of the Task Force remains unclear.

In addition to the above accountability processes, in January 2016 Prime Minister Ranil Wickremasinghe appointed a 24-member Public Representations Committee on Constitutional Reforms (PRCR).<sup>98</sup> The PRCR has held public sittings and invited written submissions from the public. The PRCR will produce a report to Parliament on how best to reform the constitution.<sup>99</sup>

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<sup>93</sup> "Office for National Unity and Reconciliation," accessible at: <http://onur.gov.lk/index.php/en/>.

<sup>94</sup> "Address of Foreign Minister Mangala Samaraweera at the US Institute of Peace," Sri Lanka High Commissioner to Australia, Feb 27 2016, accessible at: <http://www.sihcaust.org/address-of-foreign-minister-mangala-samaraweera-at-the-us-institute-of-peace/>.

<sup>95</sup> "Concerns on the Proceedings of the Presidential Commission to Investigate into Complaints Regarding Missing Persons," CPA, Oct 2 2014, accessible at <http://www.cpalanka.org/concerns-on-the-proceedings-of-the-presidential-commission-to-investigate-into-complaints-regarding-missing-persons/>.

<sup>96</sup> "Sri Lanka Government launches consultations process on reconciliation," Tamil Guardian, Feb 13, 2016, accessible at: [http://tamilguardian.com/files/File/GOSL/Launch on Consultations on Design of Reconciliation Mechanisms.pdf](http://tamilguardian.com/files/File/GOSL/Launch%20on%20Consultations%20on%20Design%20of%20Reconciliation%20Mechanisms.pdf).

<sup>97</sup> "Task Force sets Ground Work as Consultation Process Begins," The Sunday Leader, Mar 6, 2016, accessible at: <http://www.thesundayleader.lk/2016/03/06/task-force-sets-ground-work-as-consultation-process-begins/>.

<sup>98</sup> "Task Force sets Ground Work as Consultation Process Begins," The Sunday Leader, Mar 6, 2016, accessible at: <http://www.thesundayleader.lk/2016/03/06/task-force-sets-ground-work-as-consultation-process-begins/>.

<sup>99</sup> "Constitutional Reforms Committee calls for Public Opinions," Colombo Telegraph, Jan 7, 2016, accessible at: <https://www.colombotelegraph.com/index.php/constitutional-reforms-committee-calls-for-public-opinion/>.



Similar to the Consultations Task Force, it is unclear what, if any, weight this report will carry, given that the government has already declared several restrictions on the constitutional reform efforts. For example, Premier Wickremesinghe has ruled out a key demand of the TNA, the implementation of a federal system.<sup>100</sup> These statements directly contradict the aspirations of the Tamil people as expressed in the manifestos on which the TNA has repeatedly won elections in the North-East.<sup>101</sup>

Meanwhile, progress on creating a credible accountability mechanism has been reversed in recent months with multiple statements by President Sirisena, Premier Wickremesinghe and other government officials that explicitly renege on the October 2015 HRC Resolution's commitment to a credible transitional justice mechanism, specifically with regards to the strong international participation that would ensure its credibility. At the same time, Sirisena's government has promoted to prominent positions former Army commanders alleged to have command responsibility for war crimes and crimes against humanity, such as former Generals Jagath Jayasuriya, Jagath Dias,<sup>102</sup> and Sarath Fonseka.<sup>103</sup>

## B. Increasing Skepticism and Disillusionment Among Tamils

The government's inaction and obfuscation on key issues such as accountability and reform has begun to seriously erode confidence among Tamils as to the government's commitment to ensuring justice and accountability for the mass atrocities and rights abuses committed during and after the war.<sup>104</sup> Relatedly, many of those interviewed for this report raised the suspicion, which is reportedly widely shared in the North-East, that the much-vaunted constitutional reform process announced earlier this year is less about securing a lasting political solution to the country's ethnic crisis than a way to marginalize the matter of accountability.

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<sup>100</sup> "Sri Lankan PM Ranil Wickremesinghe dismisses allegations of being soft on LTTE," *The Economic Times*, Aug 13, 2015, accessible at [http://articles.economictimes.indiatimes.com/2015-08-13/news/65524215\\_1\\_the-tna-president-maithripala-sirisena-upfa](http://articles.economictimes.indiatimes.com/2015-08-13/news/65524215_1_the-tna-president-maithripala-sirisena-upfa).

<sup>101</sup> "New constitution will not change the unitary nature of Sri Lanka, PM assures," *Colombo Page*, Jan 17, 2016, accessible at [http://www.colombopage.com/archive\\_16A/Jan17\\_1453041860CH.php](http://www.colombopage.com/archive_16A/Jan17_1453041860CH.php); " 'Devolution within a unitary state is unacceptable' - Tamil civil society," *Tamil Guardian*, Feb 16, 2016, accessible at <http://tamilguardian.com/article.asp?articleid=17288>.

<sup>102</sup> "Opinion: US stand on Sri Lanka perverts international justice," *Asian Correspondent*, Sep 8, 2015, accessible at <https://asiancorrespondent.com/2015/09/opinion-us-stand-on-sri-lanka-perverts-international-justice/>.

<sup>103</sup> "Ex-Lanka army chief Fonseka becomes Cabinet minister," *Business Standard*, Feb 25, 2016, accessible at [http://www.business-standard.com/article/pti-stories/ex-lanka-army-chief-fonseka-becomes-cabinet-minister-116022500996\\_1.html](http://www.business-standard.com/article/pti-stories/ex-lanka-army-chief-fonseka-becomes-cabinet-minister-116022500996_1.html).

<sup>104</sup> PEARL interviews.



"When we voted for [President Sirisena], we had our doubts about his sincerity for historic reasons. But he won us over and made some changes which have affected our lives positively. However, since then, he has not done much to inspire our confidence. Of course, change takes time, but we can't believe him anymore, not if he makes statements contrary to his initial pledges. Our initial instinct was right. What moves has he made to address the root problem, Sinhala supremacy? You tell me."

*Sivakumaran,\* 43, Vavuniya,  
brother of a "disappeared" person*

Underpinning this growing suspicion and scepticism about accountability, a political solution and 'reconciliation' more generally, are a set of dynamics in the North-East with regards to memorializing the war: Tamils are prevented, by both official directives and actions by the military, from commemorating the victims of the war.

Further, Tamils' traumatic experiences are compounded by the persistent glorification of the Sri Lankan military through multiple victory monuments in the North-East. It is notable that the military has been erecting such monuments predominantly in Tamil areas of the country – which, as noted above, is also where most of the military forces and the majority of their major bases are maintained. This includes new military bases established on the sites of cemeteries and other sites of remembrance established by the LTTE and which were systematically razed by the military first. Victory monuments and military bases dominate the landscape of the Tamil areas and serve as celebratory reminders of the annihilatory violence in which tens of thousands of Tamils lost their lives.

Further, the monuments celebrate actions which involve what are now recognized, including by the OISL report, as potential war crimes and crimes against humanity. In short, for many in the North-East, the victory monuments are – and are intended as – a mockery of reconciliation.

The extensive Sri Lankan Army's 51st Division HQ in Kopay, Jaffna, built on the site of an LTTE cemetery, destroyed by the military in June 2010. Januarv 2016 (Photo: PEARL).



These inter-related issues – militarization of the North-East, backpedalling on accountability for atrocities against Tamils, erecting of victory monuments and hotels on deeply significant emotional sites – are seen by the Tamils as stemming directly from the central problem in Sri Lanka's post-independence ethnic crisis: the majoritarian refusal to recognize the Tamil collective identity as equally valuable to the Sinhala one.

In this way, the victory monuments, military bases and the associated building of numerous Buddhist temples in Tamil areas discredit the government's claims of commitment to 'reconciliation' and a lasting political solution. The ongoing insensitivity to Tamil sentiments underlines the Sinhala-Buddhist majoritarian exclusion and persecution of the Tamils, and its incumbent efforts to erase Tamils' collective identity and that of their North-East homeland.



"They want to wipe out our identity and our homeland. The government will not demilitarize our homeland because they need them [the military] to be in place to forcibly assimilate us into their idea of a Sri Lankan identity. I'm not principally opposed against a common Sri Lankan identity, however this must not be based on Sinhala Buddhism and subsume my Eelam Tamil identity."

*Kamala, 45, Female, Batticaloa*

The unitary nature of the state and increasingly-entrenched Sinhala Buddhist nationalism in its policies and practices, including at the highest levels of governance, has been explicitly rationalized by government officials as a necessary defense against the existential threat posed by the Tamil people's collective identity as a nation within Sri Lanka.<sup>105</sup>

This is a sharp contrast to, for example, Great Britain, which is also a unitary state encompassing four nations. Tamil political demands since Sri Lanka's independence have sought to secure recognition of Tamils' collective identity (i.e., as a distinct nation in the country).

According to one TNA MP,<sup>106</sup> the lack of popular enthusiasm to celebrate Independence Day, sing the national anthem, even in Tamil, or fly the Sri Lankan ('Lion') flag is due to a deep-seated refusal to identify with these symbols of the Sinhala Buddhist state, perceived as integral to majoritarian persecution and effacing of Tamil identity.<sup>107</sup>

Despite the end of the armed conflict, and the continuing repression since, the Tamil national identity remains central to Tamil political demands today. In the past year, public affirmations of the Tamil nation have increased dramatically.

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<sup>105</sup> "Land in the North needed for security will not be returned", Colombo Gazette, Mar 23, 2016, accessible at <http://colombogazette.com/2016/03/23/land-in-the-north-needed-for-security-will-not-be-returned/>.

<sup>106</sup> Pearl interviews.

<sup>107</sup> "My take on being 'allowed' to sing the 'National Anthem' in Tamil", RK Guruparan, Mar 19, 2015, accessible at <https://rkguruparan.wordpress.com/2015/03/19/my-take-on-being-allowed-to-sing-the-national-anthem-in-tamil/>.



For example, events such as Maaveerar Naal, the commemoration of fallen LTTE cadres on November 27, were held in secret in the North-East in the years after 2009, but 2015 saw the largest public commemoration of Maaveerar Naal since the end of the armed conflict. This outpouring of public support occurred despite the new government's prohibition of such events, as organizers and participants were harassed by the military and sometimes arrested.<sup>108,109,110,111</sup>

At the same time, the Sirisena government has enthusiastically reproduced significant aspects of popular Sinhala nationalism that were the hallmark of the Rajapaksa government. When questioned about its lack of progress in advancing the various aspects of the 'reconciliation' agenda, the government often points to the risk of a possible resurgence of Sinhala nationalist support for Rajapaksa.

But the government itself courts Sinhala nationalist populism, for example by awarding senior posts to representatives of Sinhala-nationalist parties in the UNP-led coalition, denouncing Tamil demands and the TNA as extremist and supportive of terrorism, and repeatedly espousing commitment to Buddhist primacy and deference to the Buddhist clergy's views.<sup>112</sup>

Thus, rather than undertaking the essential task of challenging the Sinhala majoritarian nationalism that is the key obstacle to accountability, a negotiated political settlement and reconciliation, the government's actions and rhetoric have repeatedly fed into the Sinhala nationalist project.

President Sirisena continues to consult the Buddhist clergy publicly and regularly on government policies, and has made it clear that he will "take every action for the betterment" of the people and Buddhism. This<sup>113</sup> is embodied by the military continuing to build Buddhist statues and temples in traditionally Tamil areas, in which the only Buddhist practitioners are generally security forces.

This is also seen in Prime Minister Wickremesinghe's announcement that a "Compassionate Council", composed of Buddhist monks and other religious dignitaries, will decide whether those accused of human rights violations can be granted amnesties.<sup>114</sup>

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108 "Maaveerar Naal 2015," *Tamil Guardian*, Nov 27, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16563>.

109 "Tamils remember May 2009 massacre amid surveillance by Sri Lankan intelligence officers," May 18, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=14776>.

110 "Maaveerar Naal commemorated in Mannar despite forced cancellation and threats of arrest," Nov 27, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16593>.

111 "27 Tamils arrested overnight in Jaffna," *Tamil Guardian*, Nov 27, 2015, accessible at <http://www.tamilguardian.com/article.asp?articleid=16578>.

112 "LTTE could regroup, warns Sri Lankan minister," *The Hindu*, Mar 30, 2015, accessible at <http://www.thehindu.com/news/international/lte-could-regroup-warns-sri-lankan-minister/article7049367.ece>.

113 "Sri Lankan President pledges to develop country with national and religious reconciliation," *Colombo Page*, Jan 18, 2015, accessible at [http://www.colombopage.com/archive\\_15A/Jan18\\_1421522664CH.php](http://www.colombopage.com/archive_15A/Jan18_1421522664CH.php).

114 "Sri Lanka to allow Chinese submarines to visit, says PM Wickremesinghe," *The Straits Times*, Oct 18, 2015, accessible at <http://www.straitstimes.com/asia/south-asia/sri-lanka-to-allow-chinese-submarines-to-visit-says-pm-wickremesinghe>.



Remains of an LTTE commander memorial, destroyed by the military. Local residents continue to frequent the sites of former memorials clandestinely, January 2016 (Photo: PEARL).



Signboard at the entrance of the "War Museum", in Puthukudiyiruppu, Mullaithivu, in Sinhala and English only. The museum contains weapons, boats and other things taken from the LTTE. Local residents see this as deliberate gloating over the deaths of tens of thousands of Tamils, and emblematic of the state's triumphalist attitude (Photo: PEARL).





# VII. Conclusion

Given the ongoing human rights concerns, as well as the obfuscation on accountability and reconciliation processes, some local and international actors have perceived the current government as having failed to seize the opportunities presented by the defeat of the Rajapaksa regime.

Over one year later, the current government is yet to take meaningful steps towards accountability and political reform to address the Tamil question. Serious human rights violations, including torture and sexual violence against detainees continue to be reported. Action has not yet been taken against state forces perpetrating violence against Tamils; many of whom still live among their victims in the North-East. The government has neither demonstrated an interest in building confidence among the Tamil people nor begun raising awareness among the Sinhala population about the necessity of credible accountability and a viable political solution.

In discussions with the international community, the government is quick to excuse its lack of credible progress by holding up the specter of a Rajapaksa comeback, bemoaning Sirisena's shaky coalition and blaming its slow pace on a lack of capacity and bureaucratic hurdles. However, the government has failed to embark on any measures to alleviate the threat of a Rajapaksa comeback, such as by educating the Southern electorate on the suffering Tamils endured in 2009, and the importance of holding war criminals to account.

By identifying Mahinda Rajapaksa as the main threat to reform efforts, the government fails to address – or even acknowledge – the deep-running Sinhala Buddhist nationalism in the South. The government continues to repeat the failures of past regimes by furthering the idea of a common Sri Lankan identity as defined by Sinhala Buddhist nationalism and chauvinism. Sinhala nationalism frames Sri Lanka as an inherently Sinhala Buddhist island, with the majority community accorded the foremost place.

The Sinhala nationalist project necessarily involves the subjugation of Tamil rights and self-determination. This is the root cause behind the rise of political and militant Tamil nationalism, and the ensuing decades of ethnic conflict. As long as the toxic nature of Sinhala nationalism remains unaddressed, a sustainable peace will elude the island.



# VIII. Recommendations

## For the International Community

- Evaluate the Sri Lankan government's progress on its pledges towards accountability and justice, demilitarization and reconciliation against the range of available independent evidence, particularly victim groups and communities in the North-East;
- Place at the center of engagement with the Sri Lankan government immediate cessation of human rights violations, release of military-occupied public lands, resettlement of IDPs, proportionate redistribution of military forces throughout the island's regions and the release of Tamil political detainees;
- Ensure the Sri Lankan government fully abides by the terms of UNHRC Resolution 30/1, including by repealing the Prevention of Terrorism (PTA), identifying and punishing perpetrators of ongoing torture and sexual and gender-based violence;
- Urge and support the Sri Lankan government in raising awareness amongst the Sinhala public of the wartime and post-war right abuses and abuses reported in the OISL report so as to build cross-ethnic support for prosecution of perpetrators, including members of the security forces with command responsibility;
- Increase assistance for and direct cooperation with civil society groups based in the North-East, particularly in relation to capacity-building around transitional justice, including training in preserving evidence, collecting witness statements, and documenting human rights violations;
- Restrict military-to-military relations to human rights training and restrict participation by Sri Lankan forces in peacekeeping efforts until demonstrable and significant progress is made on accountability; upon which such interactions remain limited to thoroughly-vetted personnel;
- Pressure the Sri Lankan government to allow Tamils to remember those who lost their lives during the war, including on Mullivaikkal Remembrance Day (May 18) and Maaveerar Naal (November 27), and to desist from triumphalist celebration of the war;
- Urge the Sri Lankan government to allow direct links to develop between the North-East with South India, including the establishment of ferry, ship and air services, and to accept India's proposed project, with Asian Development Bank funding, to build a road bridge between Mannar and Rameswaram;
- Encourage and facilitate economic, political, and other relations between Tamil communities in the North-East and the Tamil diaspora to accelerate community-led development in those parts of the island where it is most needed; and establish diplomatic representations in the North-East, as India has, to support such connectivity.



# VIII. Recommendations

## For the Government of Sri Lanka:

- Immediately cease military involvement in all civilian activities, including by dismantling military-run stores, hotels, farms and other businesses; ending military involvement in school administration and functions; and transfer provision of medical services entirely to the civil provincial administration;
- Order the military to immediately cease intimidation, harassment, torture and sexual violence of Tamils, including in relation to civil society groups, human rights activists, families of the 'disappeared,' and former members of the LTTE; and take immediate action to investigate reports of such violations and punish perpetrators;
- Dismantle victory monuments and military war memorials in the North-East as a potent public signal of the government's commitment to reconciliation between communities;
- Publicly reaffirm the government's acceptance of the need to investigate and prosecute alleged war crimes and crimes against humanity, as documented by OISL, and reaffirm the government's commitment to implement UNHRC Resolution 30/1 in full;
- Specifically re-affirm Operative Paragraph 6 of Resolution 30/1 to establish a judicial mechanism involving foreign judges, lawyers, and investigators and to allow the trial and punishment of those most responsible for violations of international humanitarian and human rights law;
- Repeal the Prevention of Terrorism Act in accordance with Resolution 30/1;
- Reform the security sector in accordance with Resolution 30/1;
- Publicly rebuke government members and officials who take actions or make statements denying Tamils their civil and political rights and denying the government's responsibility for wartime abuses;
- Conduct, in collaboration with civil society in the South, a program of awareness-raising within the Sinhala public about the findings of the OISL report so as to build support for accountability and reconciliation;
- Commit to respecting and protecting the Tamil identity in the country as determined by the Tamil people themselves;
- Lift religiously motivated restrictions, e.g. the ban on the purchase of meat on Buddhist Poya days; and
- Allow the Tamil people to remember their war dead, including on Mullivaikkal Remembrance Day (May 18) and Maaveerar Naal (November 27).



# VIII. Recommendations

## **For Tamil Political Leaders and Civil Society Organizations:**

- Engage with the Sri Lankan government on implementing the right to justice and advancing investigations and prosecutions of those responsible for war crimes, crimes against humanity and other human rights abuses;
- Ensure traditionally-marginalized groups, including women and disadvantaged castes, are integral to all discussions and are able to take positions of responsibility in advocating Tamils' collective rights, and recognize this has long been denied due to discriminatory practices;
- Undertake dialogue and engagement with the Sri Lankan government that is transparent to the Tamil public, and remain accountable to the Tamil people;
- Foster dialogue within the Tamil community regarding the allegations of abuses committed by Tamil armed groups, including the LTTE, during the armed conflict;
- Support Sinhala civil society groups in conducting collaborative awareness-raising programs among the Sinhala public of historic and ongoing state violence against Tamils;
- Expand partnerships with Tamil diaspora groups, including to facilitate transfer of resources, knowledge, and skills to accelerate development in the North-East; and
- Collaborate across political lines on issues of accountability and a sustainable political settlement to ensure the protection of Tamil people's political and cultural identity.

## **For Sinhala Civil Society Organizations:**

- Press the government to abide by UNHRC Resolution 30/1 and credibly implement in full all commitments therein, as pledged;
- Engage the Southern public in raising understanding of the necessity of a credible accountability mechanism, including by raising awareness in the South about war crimes and crimes against humanity committed by Sri Lankan forces during the armed conflict, by translating the OISL report in Sinhala and by organizing screenings of the No Fire Zone documentary; and
- Engage the Southern public on the importance of a meaningful political solution for lasting peace in the country, including by challenging accepted norms of national identity in Sri Lanka.











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