



SOCIETY FOR
THREATENED
PEOPLES



"Our Land Our Life"

SHORT REPORT ON MILITARY LAND OCCUPATIONS
IN THE NORTH AND EAST OF SRI LANKA

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Index of Abbreviations

<i>ACPR</i>	Adayaalam Centre for Policy Research
<i>CTF</i>	Consultation Task Force on Reconciliation Mechanisms
<i>GoSL</i>	Government of Sri Lanka
<i>HRCSL</i>	Human Rights Commission of Sri Lanka
<i>ICRC</i>	International Committee of the Red Cross
<i>IDP</i>	Internally Displaced People
<i>LAA</i>	Land Acquisition Act
<i>LKR</i>	Sri Lankan Rupee
<i>LTTE</i>	Liberation Tigers of Tamil Eelam
<i>MoD</i>	Ministry of Defence
<i>NAFSO</i>	National Fisheries Solidarity Movement
<i>NGO</i>	Non-Governmental Organization
<i>OHCHR</i>	Office of the United Nations High Commissioner for Human Rights
<i>OISL</i>	Report of the OHCHR Investigation on Sri Lanka
<i>PARL</i>	People's Alliance for Right to Land
<i>PEARL</i>	People for Equality and Relief in Lanka
<i>RTI</i>	Right to Information
<i>SLA</i>	Sri Lankan Army
<i>SLAF</i>	Sri Lankan Air Force
<i>SLN</i>	Sri Lankan Navy
<i>STP</i>	Society for Threatened Peoples
<i>UN</i>	United Nations
<i>UNHRC</i>	United Nations Human Rights Council
<i>UNHCHR</i>	United Nations High Commissioner for Human Rights

Executive Summary

Sri Lanka has experienced a bitter 26-year-long civil war. The struggle for a separate Tamil state in the north and east of the island was brutally defeated in 2009 by Sri Lankan government forces. Tens of thousands of people died, while hundreds of thousands were displaced as a result of the war. Both sides are alleged to have committed crimes against humanity and war crimes. The torture and ill-treatment of detainees, arbitrary arrest and detention, and the surveillance and harassment of civil society and journalists are still common in Sri Lanka. Furthermore, ethnic and religious minorities in the country continue to experience discrimination.

After the end of the war, the Government of Sri Lanka (GoSL) started to resettle displaced people. Even though the war ended 10 years ago, the resettlement process is still not finished. A significant number of people continues to be unable to access their traditional land because the military continues to occupy vast stretches of land under the pretext of national security. In this report, the Society for Threatened Peoples (STP) and the National Fisheries Solidarity Movement (NAFSO) review the situation in the north and east of Sri Lanka, with a focus on nine communities (Iranaitivu, Valikamam North, Keppapulau, Mullikulam, Pilakudiyiruppu, Silawathurai, Paanama, Ashraff Nagar and Pallimunai).

Since the end of the war, the security forces have been acquiring land without following any official procedures. As a consequence, the military is not only repressing fundamental freedoms, such as the freedom of movement, as people are not allowed to enter the occupied areas, but also arbitrarily depriving or restricting people of their traditional livelihood. Before being displaced, it was their access to land and water that provided local communities with diversified and sustainable sources of income and in turn economic security. The military occupation of their traditional land has denied them access to both for several years, making them dependent on the support of relatives and work with irregular wages. As a result, many households are currently struggling to meet their basic needs. In the occupied land, meanwhile, the military not only maintains its camps, it also runs businesses, such as resorts, restaurants and farms. These economic activities considerably deviate from the military's actual ambit and pressure the local communities even further by taking away market shares and, therefore, work and livelihood opportunities.

The return of the people to their traditional land is generally viewed as a possible means to escape from poverty, as it offers the opportunity to re-establish their traditional livelihood. Yet, the visited resettled communities that saw the return of their traditional land encounter difficulties in resettling in their place of origin due to poor and inadequate basic facilities. As many houses and most of the infrastructure were either damaged or destroyed by bomb attacks during the war, or later on by the military, going back entails settling in makeshift shelters or damaged houses in overgrown villages. In some cases, however, the government supports resettling families to construct houses and toilets. Often, the allocated funds are not enough.

Four years into Sirisena's presidency, there is a significant gap between the government's rhetoric on transnational justice and current realities on the ground. The research findings of this report indicate that the rights of a significant part of the population continue to be violated due to the occupation of civilian land by the military. The STP and NAFSO recommend that the GoSL ensures land rights for all displaced people by releasing all military-occupied areas to the public and resettling all displaced families on their traditional land.

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1. General Human Rights Situation in Sri Lanka

Sri Lanka has always been a multi-ethnic and multi-religious island. The Buddhist Sinhalese represent the largest population group, while the largest ethnic minority comprises Hindu Tamils, followed by Muslims. There are also numerous, well-organized Christian communities.¹ Despite Sri Lanka's long history of ethnic and religious diversity, the post-independence political leadership failed to agree on a political system that would grant citizens of all ethnicities equal access to resources and protection from the state.² Discriminatory policies and state-sanctioned violence against minority groups eventually fuelled aspirations for an independent Tamil state.³ After a series of violent anti-Tamil riots, the liberation movement, which came to be led by the Liberation Tigers of Tamil Eelam (LTTE), escalated into a 26-year-long, full-scale secessionist war in 1983. During the civil war, the LTTE was able to gain control of some territories in the north and east of Sri Lanka.⁴ In May 2009, after nearly three decades of hostilities, the Sri Lankan civil war was finally declared over, with the Sri Lankan military recapturing all LTTE-controlled territories in a brutal military campaign.⁵

Devastating Legacy of War

The human suffering caused by the conflict has been enormous. Although the violence ostensibly played out between government troops and the LTTE, the majority of those killed or injured were civilians caught between the frontlines. According to United Nations (UN) estimates, there were around 40-70,000 civilian casualties during the last stages of hostilities alone.⁶ According to a report by the Office of the UN High Commissioner for Human Rights (OHCHR) from 2015, both sides committed acts on a systemic basis, which could, if established by a court of law, constitute war crimes and crimes against humanity.⁷ After nine years of rule, in January 2015, the incumbent president, Mahinda Rajapaksa, was unexpectedly defeated in the presidential election by his former ally, Maithripala Sirisena.⁸ The government started to engage with UN bodies and even co-sponsored, in September 2015, Resolution 30/1 at the UN Human Rights Council (UNHRC). The resolution for promoting reconciliation, accountability and human rights in Sri Lanka calls, among other outcomes, for the country's demilitarization, the return of land to internally displaced persons (IDPs) and a credible accountability process.⁹ However, progress on all aspects of the resolution has been painfully slow.¹⁰

¹ According to the latest official census of 2012, the population comprised more than 20 million people, of whom 74.9% were Sinhalese, 11.2% were Sri Lankan Tamils, 4.3% were Indian Tamils, and 9.2% were Moors or Muslims. In 2012, religious affiliation was as follows: 70.2% Buddhist, 12.6% Hindu, 9.7% Muslim and 7.4% Christian; cf.

<http://www.statistics.gov.lk/PopHouSat/CPH2011/index.php?fileName=pop42&gp=Activities&tpl=3> (accessed on 07.12.2017) and <http://www.statistics.gov.lk/PopHouSat/CPH2011/index.php?fileName=pop43&gp=Activities&tpl=3&ties&tpl=3> (07.12.2017).

² Cf. Keenan, Alan 2010: Building the Conflict Back Better. In: Dennis B. McGilvray and Michele R. Gamburd (eds.): *Tsunami Recovery in Sri Lanka. Ethnic and Regional Dimensions*. New York: Routledge.

³ Cf. Thurnheer, Katharina 2014: *Life Beyond Survival: Social Forms of Coping After the Tsunami in War*. Bielefeld: Transcript.

⁴ Cf. Oakland Institute (OI) 2015: *The Long Shadow of War. The Struggle for Justice in Postwar Sri Lanka*.

⁵ Cf. <http://www.nytimes.com/2009/05/18/world/asia/18lanka.html> (10.01.2018).

⁶ Cf. United Nations (UN) 2014: Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka.

⁷ Cf. Human Rights Council (HRC) 2015: Report of the OHCHR Investigation on Sri Lanka (OISL).

⁸ Cf. <http://www.atimes.com/article/silenced-stones-mark-hard-path-sri-lankan-reconciliation/> (11.12.2017).

⁹ HRC 2015: Resolution Adopted by the Human Rights Council on 1 October 2015. 30/1. Promoting Reconciliation, Accountability and Human Rights in Sri Lanka.

¹⁰ Cf. <https://www.icj.org/sri-lanka-icj-written-statement-to-human-rights-council/> (27.02.2019).

Ongoing Human Rights Violations

Reports released by the UN and NGOs point to persistent grave violations and human right abuses.¹¹ The documents include cases of torture and the ill-treatment of detainees, arbitrary arrest and detention, the failure to investigate and prosecute atrocities by the security forces, and the surveillance and harassment of civil society, journalists, regime critics and suspected LTTE sympathizers. Furthermore, minority groups also continue to experience discrimination, while religious minorities are subjected to violations of religious freedom.¹²

2. Objectives and Methods of the Report

Objectives of the Report

The realities on the ground in the north and east of Sri Lanka are continuously changing and local media reports often fail to depict the situation accurately. Against this backdrop, the present report is intended to contribute towards filling this gap prior to the 40th session of the Human Rights Council. By tracking issues related to land and displacement in different villages throughout this region, this analysis aspires to offer a local perspective on the social costs of the ongoing displacement and militarization.

Methodology

The present report follows a qualitative research approach. While making no claim for completeness, it focuses on specific examples and places, prioritizing the experiences of local people. The included statements are based on both desk research and fieldwork in the north and east of Sri Lanka.

The following indicators were investigated:

- Land occupation by the security forces and the current process of land releases
- Living conditions of displaced or resettled families

The field study and desk research were coordinated and carried out together with our Sri Lankan partner organization, the NAFSO. The research team conducted interviews using open-ended questions with displaced and resettled people, fishers and farmers, representatives of local authorities, government officials, community leaders and clergy. The research team visited nine communities (Iranaitivu, Valikamam North, Keppapulau, Mullikulam, Pilakudiyiruppu, Silawathurai, Paanama, Ashraff Nagar and Pallimunai). For fear of reprisals, many of the interviewees preferred to remain anonymous, but gave permission for their statements to be used. The STP has, therefore, withheld names and any other identifying information in order to protect informants' privacy and security.

¹¹ Cf. *ibid.*/HRC 2017: Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on His Mission to Sri Lanka/HRC 2017: Report of the Special Rapporteur on the Independence of Judges and Lawyers, on Her Mission to Sri Lanka/The International Truth & Justice Project Sri Lanka (ITJPSL) 2017: Unstopped: 2016/17 Torture in Sri Lanka/Freedom from Torture (FFT) 2019: Too Little Change. Ongoing Torture in Security Operations in Sri Lanka.

¹² Cf. HRC 2017: Report of the Special Rapporteur on Minority Issues, on Her Mission to Sri Lanka/<http://minorityrights.org/2017/06/22/intimidation-lakshan-dias-serious-threat-freedom-expression-sri-lanka-raises-severe-concerns-treatment-countrys-religious-minorities-mrg/> (12.12.2017).

3. Land Rights in Sri Lanka

Sri Lanka enacted a complex legal and policy framework for the ownership, control and use of land, covering both state and private land.¹³ The STP also addresses current land issues within the national legal and policy framework by questioning current practices of land allocation in the name of national security.

3.1. State and Private Land

Most land in Sri Lanka is owned by the state and continues to be in the possession of the central government.¹⁴ However, state land is given for use by individuals and families through a system of permits and grants, as provided for by the Land Development Ordinance of 1935 and the State Lands Ordinance of 1947.¹⁵ A permit holder has the right to use a particular piece of land for agricultural and residential purposes and may later apply to convert the permit into a grant, which gives legal ownership of the land. In contrast to state land, private land is solely owned by individuals or private entities, with the ownership of such land generally transferred through deeds.¹⁶

Acquisition of Private Land

The continuing occupation of land by the military ultimately demonstrates contempt for the existing legal framework and the rights of citizens.¹⁷ The scale and nature of acquisitions and the expropriation of state and private land by the security forces beg the question as to whether these may, in some few cases, be couched within the legal framework or, in most other cases, in complete violation of it, thus representing a direct violation of people's socio-economic rights.¹⁸ The main piece of legislation governing the acquisition of private land is the Land Acquisition Act (LAA) of 1950. The LAA allows the government to take on land for a "public purpose".¹⁹ While it is stated that land appropriation should benefit the community as a whole, the definition does not explain what public purpose entails.²⁰ Thus, the relevant legal gazettes in practice refer to acquisitions for a range of purposes, including military, tourism and development, in turn raising questions as to whom will profit from them, if the former owners continue to be excluded from their traditional land rights.²¹

¹³ Cf. Centre for Policy Alternatives (CPA) 2014: Legal and Policy Implications of Recent Land Acquisitions, Evictions and Related Issues in Sri Lanka.

¹⁴ Cf. Lindberg, Jonas and Dhammika Herath 2016: Land and Grievances in Post-Conflict Sri Lanka: Exploring the Role of Corruption Complaints. In: Jonas Lindberg and Camilla Orjuela (eds.): *Corruption in the Aftermath of War*. New York: Routledge.

¹⁵ Cf. <http://www.landmin.gov.lk/web/?p=landacts> (11.01.2018).

¹⁶ Cf. CPA 2014: Legal and Policy Implications of Recent Land Acquisitions, Evictions and Related Issues in Sri Lanka.

¹⁷ Cf. Fonseka, Bhavani 2017: Land Rights and Reparations in Sri Lanka: Influencing the Reform Agenda. In: *Law and Society Trust (LST) Review* 27(342). The Law and Politics of Land.

¹⁸ Cf. CPA 2014: Legal and Policy Implications of Recent Land Acquisitions, Evictions and Related Issues in Sri Lanka.

¹⁹ Cf. <http://srilankalaw.lk/Volume-V/land-acquisition-act.html> (10.01.2018).

²⁰ Cf. Fonseka, Bhavani 2017: Land Rights and Reparations in Sri Lanka: Influencing the Reform Agenda. In: *LST Review* 27(342). The Law and Politics of Land.

²¹ Cf. CPA 2014: Legal and Policy Implications of Recent Land Acquisitions, Evictions and Related Issues in Sri Lanka.

Acquisition of State Land

Similarly, state-owned land is not vacant, unused land, which is automatically available for the military to take.²² A blatant disregard of the permit and grant rights when taking over land is as illegal as taking over private land without resorting to legal acquisition.²³ It is noteworthy that the Supreme Court of Sri Lanka has, with regard to state-owned land, also invoked the notion of “public trust”.²⁴ The resources owned by the state must be managed in the overall public interest, yet again prompting questions about how public purpose or public interest is defined.²⁵

3.2. Durable Solutions Policy

On the issues of displacement and land, the new GoSL adopted a national policy on durable solutions for conflict-affected displacement in August 2016.²⁶ The policy outlines a commitment by the government to take all possible measures to end conflict-affected displacement, while acknowledging that this intent includes providing adequate assistance and consultation in the resettlement process and creating sustainable livelihood and income generating opportunities. The policy draws attention to a number of issues, such as releasing land occupied by the military to their original owners or former occupants, securing access to former communal land and water for purposes such as for pastures and fishing areas, and considering the vulnerability of persons with disabilities, female-headed households and the elderly.²⁷ If correctly implemented, this durable solutions policy should protect people’s socio-economic rights and help them to engage in their traditional livelihood.

²² Cf. *ibid.*/OI 2015: The Long Shadow of War. The Struggle for Justice in Postwar Sri Lanka.

²³ Cf. OI 2015: The Long Shadow of War. The Struggle for Justice in Postwar Sri Lanka.

²⁴ Cf. Government of Sri Lanka (GoSL) 2003: Land Ownership Bill. S.D. Nos. 26-36.

²⁵ Cf. ACPR and PEARL 2017: Normalising the Abnormal: The Militarisation of Mullaitivu District/CPA 2014: Legal and Policy Implications of Recent Land Acquisitions, Evictions and Related Issues in Sri Lanka.

²⁶ Cf. <http://www.internal-displacement.org/library/expert-opinion/2016/new-policy-on-durable-solutions-in-sri-lanka-the-challenge-of-implementation/> (16.12.2017).

²⁷ Cf. Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs 2016: National Policy on Durable Solutions for Conflict-affected Displacement.

4. Militarization

The militarization of the north and east of Sri Lanka, which came into effect during the presidency of Mahinda Rajapaksa, has continued largely unabated since the change in government and remains a key obstacle in the return to everyday life.²⁸ This is despite demilitarization being the principle demand of the Tamil people and the international community.²⁹ The continued militarization stands in significant contrast to the government's commitment to democratization and openness towards Tamil concerns. The challenges for local communities are enormous, as the military controls the former conflict zones by partly exercising forms of power that are not within its traditional ambit.³⁰

4.1. Military Presence

Even though the war ended nine years ago, the military presence in the Northern Province is still exceptionally high.³¹ As of February 2017, the number of Sri Lanka's military personnel was calculated at 243,000 active members, which would make the Sri Lankan active force larger than that of France, Israel, Saudi Arabia and the UK.³² Until now, there has been no clear indication concerning the removal of forces. The level of military expenditure suggests that there is no process underway to decrease the military presence. In 2019, the biggest budgetary allocation is, once again, the annual appropriation budget for the Ministry of Defence.³³ Furthermore, the military expenditure in Sri Lanka has increased gradually since 2008 and reached a record level in 2016.³⁴

4.2. Military Involvement in Commercial Activities

Although military checkpoints have been reduced in recent years, the armed forces still remain heavily involved in public life. The level of militarization is particularly visible in relation to its economic dimension, as the military has established itself as a major player in the local economy.³⁵ Military forces are involved in a range of commercial activities all over Sri Lanka, such as in the agriculture, catering and tourism industries.³⁶

²⁸ Cf. HRC 2017: Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka/ACPR 2017: Civil Security Department: The Deep Militarisation of the Vanni/ACPR and PEARL 2017: Normalising the Abnormal: The Militarisation of Mullaitivu District/ICG 2017: Sri Lanka's Conflict-affected Women: Dealing with the Legacy of War/STP 2016: Under the Military's Shadow.

²⁹ Cf. <https://www.nzz.ch/international/asien-und-pazifik/die-wunden-des-krieges-1.18482069> (22.12.2017).

³⁰ Cf. ICG 2012: Lanka's North II: Rebuilding under the Military.

³¹ Cf. <https://www.srilankacampaign.org/militarisation-sri-lankas-north-not-going-away/> (21.12.2017).

³² Cf. ACPR 2017: Civil Security Department: The Deep Militarisation of the Vanni.

³³ Cf. <http://www.ft.lk/front-page/Appropriation-Bill-2019-presented/44-672347> (25.02.2019).

³⁴ Cf. STP 2018: The Vanni – Civilian Land under Military Occupation.

³⁵ Cf. ACPR 2017: Civil Security Department: The Deep Militarisation of the Vanni/ACPR and PEARL 2017: Normalising the Abnormal: The Militarisation of Mullaitivu District.

³⁶ STP 2016: Under the Military's Shadow. Local Communities and Militarization on the Jaffna Peninsula.

4.3. Surveillance and Intimidation of the Population

Another problem is the continued surveillance of the population by the security forces, which still harass and intimidate human rights activists, civil society groups and journalists.³⁷ Former members of the LTTE, relatives of the disappeared and victims of state land grabs are of a particular interest to the security forces and regularly subjected to harassment and intimidation.³⁸ In Mannar, the wife of a forcibly disappeared Tamil appealed for protection in February 2019 after she was harassed in her home by purported Sri Lankan intelligence personnel. She filed a complaint with the Human Rights Commission stating that threats had been made to her and her three children's lives.³⁹ In Keppapulau in the Mullaitivu District, there was, according to the People's Alliance for the Right to Land (PARL), constant surveillance of civilians by military personnel, who were seen photographing and filming protestors, observers and their vehicles from inside the camp on 24 and 25 January 2019.⁴⁰ In Silawathurai in the Mannar District, people who are protesting against the occupation of their land filed a complaint at the HRCSL against the Sri Lankan Navy, due to threats from Navy personnel and other unidentified persons. Navy personnel were also involved in photographing and videoing protestors.⁴¹

³⁷ Cf. <http://www.transconflict.com/2017/06/remembering-dead-not-crime-086/> (21.12.2017)/ACPR 2017: Civil Security Department: The Deep Militarisation of the Vanni/ACPR and PEARL 2017: Normalising the Abnormal: The Militarisation of Mullaitivu District.

³⁸ Cf. <http://www.tamilguardian.com/content/tamil-woman-forefront-mullaitivu-disappearances-protest-assaulted-and-threatened-death> (21.12.2017)/<http://groundviews.org/2017/03/16/military-occupation-documenting-civilian-protests-and-the-struggle-of-the-newly-resettled/> (21.12.2017)/HRC 2017: Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on His Mission to Sri Lanka/Sri Lanka Campaign for Peace and Justice 2018: "I live in fear and go to work". Ongoing Surveillance, Harassment and Intimidation in Sri Lanka's North.

³⁹ Cf. <https://www.tamilguardian.com/content/wife-disappeared-appeals-protection-after-threats> (27.02.2019).

⁴⁰ Cf. PARL 2019: Statement on the ongoing struggle by the villagers of Keppapulavu to reclaim their lands.

⁴¹ Cf. <http://tamildiplomat.com/threats-sl-navy-people-silavathurai-request-protection-human-rights-commission/> (25.02.2019).

5. Military Occupation of Civilian Land in the North and East of Sri Lanka

One of the biggest issues since the end of the war has been the continued displacement of people from their lands and homes.⁴² Even though many displaced people have been able to return to their places of origin in recent years, a significant number of them continues to be displaced, as vast stretches of land are still occupied by the military.⁴³ Several affected communities have protested and campaigned against the military occupation, since promises by the GoSL have been repeatedly unkept. STP and their partner NAFSO visited nine affected communities whose land is still occupied by the military or was recently released to the public.

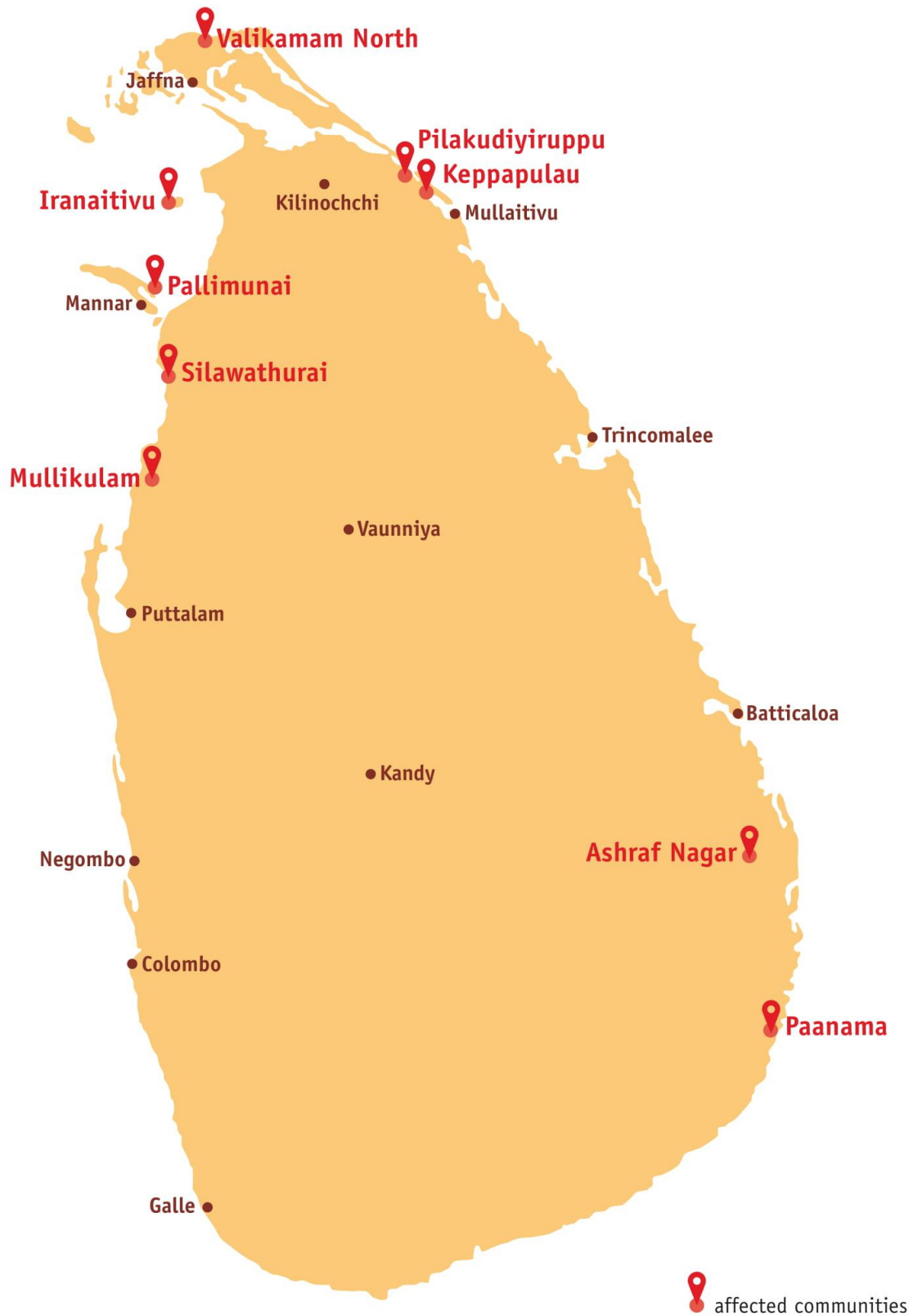


Entrance to Military Camp in Keppapulau

⁴² HRC 2017: Report of the Special Rapporteur on Minority Issues on Her Mission to Sri Lanka/HRC 2017: Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka/STP 2016: Under the Military's Shadow.

⁴³ Cf. Consultation Task Force on Reconciliation Mechanisms (CTF) 2016: Final Report/<http://groundviews.org/2017/05/05/imbalance-of-power-examining-the-struggle-for-land-in-mullikulam-and-keppapulavu/> (06.12.2017).

Affected Communities Visited



Mullikulam

Occupied area: 1,550 acres

Released land since March 2018: 77 acres

Number of displaced families: 350 (in 2009; now around 500 families)

Number of resettled families: 3

In 1990, the entire community of Mullikulam was displaced due to fighting between government troops and the LTTE. While many of them returned when a ceasefire was signed in 2002, they were evacuated again by the military in 2007. The 350 families were promised that they could return within three days. However, they were not allowed to return since the Navy had established the North Western Naval Command Headquarters on their land. The Navy occupied their entire village with 150 houses (approximately 100 houses in good condition and 50 mud and thatched houses), nine irrigation tanks, a church, a cooperative building, a preschool, a library, a post office and six public wells. In July 2012, the people tried to enter their village forcefully, but were blocked by the Navy. The villagers then stayed next to Mullikulam in a jungle area under some trees for several weeks before they built temporary huts. The children eventually gained access to the school and the villager's access to the church, while 600 acres of cultivation land and one irrigation tank were released in 2013 to develop their livelihood. Since they were still unable to return to their traditional homes, on 23 March 2017, people started a continuous protest, demanding the release of the remaining occupied cultivation and housing land in this area. Due to their protest, the villagers gained unrestricted access to the church on 29 April 2017. The Navy Commander, Vice Admiral Ravindra Wijegunaratne, announced that the Navy would release 100 acres of land and support the immediate resettlement of the villagers. This promise, yet again, was broken, and the people were still not able to return to their traditional land. The Navy later announced it would release the land by 29 December 2017, which also did not take place. In September 2018, the Navy released 77 acres of land in Mullikulam to the public. However, only three families are currently constructing houses with the support of the government. The others are still not able to return. Furthermore, two Beach Seine operation sites continue to be occupied by the Navy, meaning that fishers cannot resume their traditional livelihood. The Navy is also still occupying the access road to Mullikulam and to the sea. Subsequently, women cannot support their husbands in post-harvest fisheries activities since the beach is 3.5 km away. From their traditional land, it was only 500 m. This has led to a significant income decrease in fishing families. On the occupied land, the Navy is running a hotel, which is most likely to accommodate the relatives of Navy personnel, and engaged in farming. Furthermore, the Navy is constructing a large building that could probably be used for tourist purposes.



Makeshift shelter in Mullikulam

Silawathurai

Occupied area: 42 acres

Released land since March 2018: none

Number of displaced families: 220 (in 1990; now 657 families)

Number of resettled families: none

The community of Silawathurai was, in 1990, evicted from their land by the LTTE. In 2002 (during the ceasefire period), they were able to return; but, due to wartime offensive activity, the community fled again in 2005 to the Puttalam area. When they tried to return after the end of the war in 2009, the Sri Lankan Navy (SLN) had occupied their land including 68 shops, 6 acres of coconut land, one anchoring point for fishers, 160 houses, two mosques, one Hindu temple, a building belonging to the Rural Development Society, a cooperative building, an ice factory and a petrol shed.

At present, the Navy also occupies a 500-m-long stretch at the beach and the police occupies the maternity ward of a local clinic centre. On 27 May 2010, 15 people protested against the military occupation of their land during a visit to Silawathurai by former minister Basil Rajapaksa. All protesters were detained by the police and released on the same day. On the occupied land, the Navy runs a restaurant and is also engaged in farming. On 20 February 2019, the community of Silawathurai started a continuous protest in front of the Navy camp, calling for their land to be returned.

Pallimunai

Occupied area: 2.2 acres

Released land since March 2018: none

Number of displaced families: 24

Number of resettled families: none

Residents from the village community of Pallimunai fled their homes in 1990 because of aerial bombing. When they came back three months later, the houses and land of 25 families were found to be occupied by the Police. This was despite the fact that 19 families collectively had deeds for 2.2 acres of land. As people demanded the return of their village, the Police was instructed to pay nominal rent of LKR 200-600 (EUR 1-3) per month to each household for occupying their houses. In 2012, the Police finally left, promising the villagers that they could resettle. 'Yet, this was not possible since the Navy had taken over occupation of their houses from the Police'. Consequently, 19 families with land deeds pressed charges against the Navy in 2013. Since then, 34 court hearings have been held, without reaching a decision.



Occupied Land in Pallimunai

Iranaitivu

Occupied area: unknown

Released land since March 2018: 500 acres

Number of displaced families: none

Number of resettled families: 336

In 1992, 225 families (650 individuals) on the island of Iranaitivu fled their homes due to nearby wartime offensive. These people then settled in Iranaimatha Nagar on the mainland. On Iranaitivu, there are 500 acres of land, meaning that each family had either one or half an acre. Meanwhile, 143 of the displaced families continue to either possess deeds (40 families) or state-granted permits for their land. Prior to 2008, fishers were staying for longer periods on Iranaitivu to gain access to their traditional fishing grounds. People also had the opportunity to visit their houses and churches on the island. In the last phase of the war, people fled as far as Mullivaikkal before being sent to Menik Farm. When they were able to leave Menik Farm in December 2009, the Navy did not grant access to the island. On 2 May 2017, the community of Iranaitivu, which had increased to 336 families in the interim, started a continuous protest, demanding their immediate resettlement on Iranaitivu. During his visit on 31 August 2017, the Deputy Minister of Defence, Ruwan Wijewardene, promised the protesters that their land would be released. Since this promise had not materialized the people sailed back to their island in a daring protest on 23 April 2018. This resulted, in May 2018, in the release of the land in Iranaitivu to the public. However, the Navy continues to occupy a small plot of land (including a sports ground and the access road to the village) to maintain their camp. Furthermore, there is no public boat transport to Iranaitivu and the school and hospital have not reopened. The resettled families did not get any support to reconstruct houses and there are only three communal toilets on the island. The Navy is providing water to the households on Iranaitivu.



Dry-Fish Production in Iranaitivu

Valikamam North

Occupied area: around 3,200 acres

Released land since March 2018: unknown

Number of displaced families: around 5000

Number of resettled families: unknown

In Valikamam North on the Jaffna Peninsula, the resettlement process is currently ongoing. In 1990, the military occupied large areas of land in Valikamam North to establish a “High Security Zone” (HSZ). Consequently, the former inhabitants lost their access to the land and sea, which has destroyed their livelihood. Even though the war ended 10 years ago, around 5,000 families are still internally displaced on the Jaffna Peninsula. There are 495 families continuing to live in Welfare Centres,⁴⁴ where the precarious living conditions are not adequate for their needs. Insufficient sanitary facilities, bad waste management and flooding after rainfall increase the risk of disease spreading and accidents occurring. Inhabitants of Welfare Centres are discriminated against by Tamil society. Due to the lack of privacy, women do not feel safe in the camps and female-headed households are struggling to meet their families’ basic needs, which can result in hunger and malnutrition. The STP and NAFSO visited 16 Welfare Centres on the Jaffna Peninsula (see chart below). Several families who continue to live in camps received land and housing with the support of the government. However, some still cannot return, since they have no access to water nor public transport in some of the resettlement areas or the military is still on the released land. Others are waiting until the construction of their houses is finished. Interestingly, families who had no land prior to 1990 have also received land and housing with the support of the government. In some cases, landless families have received or were promised to receive LKR 400,000 to buy land and LKR 800,000 to construct a house. Even though this is a positive development in the resettlement process on the Jaffna Peninsula, around 5,000 families are still waiting to resettle. Further, allocated funds for housing are not always sufficient.

<i>Welfare Centre</i>	<i>No. of families</i>	<i>No. of families who received land</i>	<i>Female-headed households</i>
Puliyadi	20	15	1
Krishnan Kovilady	30	15	None
Yogapuram	27	None	1
Sabapaththi	100	None	22
Kannaki	104	None	20
Ikkiranai	6	None	None
Pillayar	14	7	3
Neethavan	63	2	17
Konatpulam	21	None	7
Theniyamman Kovil	25	14	5
KKS	11	None	None
Anaskutti	4	None	2
Sinnawalai	26	4	5
Palavi	32	5	9
Sindhu	10	None	1
Mattakachchi	2	None	None

⁴⁴ Welfare Centres are IDP camps.



Sabapaththi Welfare Centre on the Jaffna Peninsula

Pilakudiyirippu

Occupied area: 4 acres

Released land since March 2018: none (42 acres were released in 2017)

Number of displaced families: 8

Number of resettled families: none (42 families were resettled in 2017)

Pilakudiyirippu is a rural village in the Mullaitivu District, all of whose residents were displaced in 2009 during the last phase of the war. Before displacement, 70 families were living in Pilakudiyirippu. In 2013, the villagers left Menik Farm and were resettled in the “Keppapulavu Model Village”. Together with other inhabitants of the model village, some villagers from Pilakudiyirippu started a continuous roadside protest on 31 January 2017, demanding the return of their traditional land and homes. While the land in Pilakudiyirippu was state land, 54 families held land permits. However, under LTTE control, the land had been newly distributed among the villagers. After the end of the war, the Army initially occupied the land, before the Air Force took it over. On 1 March 2017, after a month of continuous protest, 42 acres of land were given back to 41 households. Another 4 acres remain occupied, keeping eight families away from their land. For 39 families, the government provided LKR 500,000 to construct a house and LKR 54,000 to build a toilet. Some villagers claim that the allocated funds are not enough to build a house and toilet. However, the resettled families have no access to electricity, primary education and public transport, which makes it very difficult for them to live there.



House construction in Pilakudiyirippu

Keppapulau

Occupied area: 174 acres

Released land since March 2018: none (133.34 acres were released in January 2018)

Number of displaced families: 104

Number of resettled families: none (85 families were resettled in January 2018)

Keppapulau is a rural village in the Mullaitivu District. When the military took control of the area in 2009, all families were forcibly displaced. In 2013, the village communities were relocated against their will from Menik Farm to “Keppapulavu Model Village”, where 150 families were resettled. The military was no longer granting access to their housing and highly fertile cultivation land, for which the families mostly possess deeds or permits. On 25 January 2017, people started a continuous protest for the release of the land. Shortly after, the Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs announced that the land of Keppapulavu would be returned very soon. Subsequently, 42 acres of land were released on 1 March 2017. In April 2017, the release of another 279 acres was scheduled for 15 May 2017. After this failed to take place, the same ministry announced in August that it would give the Army LKR 178 million (EUR 968,955) if it returned the land in Keppapulavu to its rightful owners. On 29 December 2017, the Army returned 133.34 acres of the occupied land to 85 families in Keppapulavu. The resettled families have not received any support from the government for housing, sanitary facilities and the resumption of their livelihood. The military also destroyed 27 wells and bulldozed gravel into the soil, meaning that crops cannot grow. Furthermore, 174 acres of land belonging to 104 families are still occupied by the military. Villagers claim that they will continue the protest until all the occupied land is released. On 1 January 2018, the military opened up the public road between Puthukkudiyiruppu and Vattappalai, enabling villagers to reduce the time and distance of travelling. However, public infrastructure, such as the school, cemetery, church, community hall, a playground and a preschool, is still occupied by the military. The military is also running shops and a hotel (mostly for military personnel) on the occupied land, as well as engaged in poultry farming and obtaining milk from cattle which belonging to the people and selling it to private milk companies. The military is also collecting coconut from trees which were planted by the people (around 5,000 coconut trees are on the occupied land) and transporting them to an unknown place.

Ashraf Nagar

Occupied area: 150 acres

Released land since March 2018: none

Number of displaced families: 65

Number of resettled families: none

Ashraf Nagar is a rural village in the Ampara District in the Eastern Province of Sri Lanka. On 11 May 2011, the Army occupied 150 acres of housing and agriculture land in Ashraf Nagar. The local community subsequently lost their traditional livelihood as farmers and were forced to engage in daily labour work. Many villagers face severe debt issues, since they need to take out loans for everyday living. Furthermore, 34 houses were completely destroyed and, due to gravel mining by the Army, the land is no more arable. The GoSL claimed to release 39 acres in January 2019. However, according to the local authorities, in 20 out of these 39 acres, the Sri Lankan Army (SLA) will continue to maintain a camp. Furthermore, 111 acres will be handed over to the Department of Wildlife Conservation. The people are still waiting to return to their own land.



Occupied land in Ashraf Nagar

Paanama

Occupied area: 1,220 acres

Released land since March 2018: none

Number of displaced families: 350

Number of resettled families: none

On 17 August 2010, a group of armed men came to Paanama on the east coast of Sri Lanka. They forced the villagers to leave their homes, burnt their houses and belongings, and occupied their land. Several villagers were injured. Altogether, 350 families were evicted from their homes and 1,220 acres came under military control. They were informed that the land had been taken for security reasons. The evicted people were made homeless and deprived of their traditional livelihood as farmers and fishers. They had to find shelter in relatives' homes.

The region around Paanama has enormous potential for tourism development. Beautiful beaches, surfing spots and close-by national parks offer tourists many different activities. However, tourism has not been established in Paanama so far. Nevertheless, Arugam Bay, which is situated only a few kilometres north of Paanama, is a popular tourism spot. Three years after the eviction, the villagers found that, on the occupied land, a tourist hotel was being built. Pictures taken by a local NGO showed the ongoing construction work of the hotel. Currently, the SLN is running the Lagoon Cabanas Panama, which is offering rooms to visitors. Furthermore, the SLAF is constructing another hotel on the occupied land. Some of the villagers, however, want to offer rooms and activities to tourists themselves. The villagers filed several court cases, a fundamental rights case at the Supreme Court, and several complaints with the HRCSL. The people also protested with the help of local NGOs against the land grab in Paanama. The protests took place in Paanama itself, in the capital Colombo and in other tourist destinations in Sri Lanka. Given the pressure on the newly elected government, the cabinet of ministers decided in February 2015 to release 340 acres back to the people. However, this decision was never implemented. The security forces continued to occupy the people's land. Therefore, in June 2017, a petition with 20,000 signatures demanding the immediate implementation of the cabinet decision was handed over to the Presidential Secretariat. In March 2016, the villagers took matters into their own hands. On 27 March, with the help of the NAFSO, the people forcibly entered their own land. The Police, Navy and Air Force later prevented the people from entering their land. However, a Pothuvil Magistrate Court order issued on 30 March that the armed forces could not prevent the villagers from entering their own land. On 7 April, the villagers again occupied their own land and started to settle there. In May, they started to build temporary huts and cultivate their land. Fishing in the sea, however, is still prohibited for the villagers. Therefore, since April 2016, the villagers have occupied their own land, but the land has still not been officially handed over four years after the cabinet decision to do so.

6. Conclusion

Based on the results of the research in the north and east of Sri Lanka, the STP and NAFSO conclude the following:

The military did not follow official procedures for acquiring lands in the visited communities. People were unaware that land acquisition notices had been filed or that notices were not issued at all. Rather, the security forces simply held onto the lands after the war ended, contrary to what is provided within the legal framework. In light of this, the land occupations are illegal.

Freedom of movement is denied for displaced people. They are not allowed to enter the occupied areas and their access to land and water has been lost or is restricted. Consequently, displaced people have lost their traditional livelihood or their household income has decreased significantly.

Displaced people were arbitrarily deprived of their property, while their houses and infrastructure were mostly destroyed by the military. The affected families have not received any compensation for the destruction of their property.

The military is using the occupied land for commercial purposes. Its economic activities put further pressure on local communities, taking away market shares and in turn depriving them of work and livelihood opportunities (particularly in farming, which is the main sources of income among the local population).

A key obstacle to the achievement of sustainable solutions to war-related displacement is the lack of adequate assistance and infrastructure. Despite the success of some communities in winning back their traditional lands following protests, resettlement in their place of origin is difficult. As many houses and most of the infrastructure were either damaged or destroyed, going back entails rebuilding one's life from scratch. Additionally, access to essential health services and education can be restricted in the resettled communities found in rural areas.

The adapted policy for durable solutions from 2016 recognizes that resettlement is not merely about access to land, but also about adequate assistance to create sustainable livelihoods. However, when considering the slow pace of the release of lands, as well as the inadequate resettlement assistance to re-establish homes, traditional livelihoods and vital infrastructure, the government has failed to implement the policy.

There is a significant gap between the government's rhetoric on reconciliation and the current realities on the ground. So far, the government has failed to demilitarize the north and east of Sri Lanka. Promises to release occupied land given by various government officials to displaced communities are repeatedly broken.

7. Recommendations

Due to the human rights violations and the prevailing deplorable conditions indicated above, the STP and NAFSO believe and insist that urgent action is required. Our recommendations are addressed to the GoSL and the international community.

To the Government of Sri Lanka

Comply with the human rights framework, which the GoSL has ratified, and implement the recommendations of UNHRC Resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka.

Demilitarize the north and east of Sri Lanka by reducing the military presence and ordering the cessation of all commercial activities by dismantling military-run hotels, farms and other businesses.

Order the military to cease the surveillance, intimidation and harassment of the local population, civil society, NGO staff and journalists.

Ensure land rights for all displaced people by releasing all occupied areas to the public and resettle all displaced families on their traditional land.

Compensate displaced families for the period of occupation and the destruction of houses and other properties.

Provide displaced and resettling families with sufficient basic facilities, such as drinking water, electricity and sanitary facilities. In addition, access to essential health services and education needs to be ensured.

Provide resettling families with adequate housing facilities by supporting them to rebuild their houses.

Ensure unrestricted access to land and water for local communities.

To the International Community

Demand that the GoSL complies with the human rights framework, which it has ratified, and implements the recommendations of UNHRC Resolution 30/1.

Ask the GoSL to reduce the military presence and cease surveillance by the military and military-run businesses.

Support resettling families, in coordination with the GoSL, in developing their traditional livelihoods.

Support the GoSL in ensuring an adequate standard of living for displaced and resettling families, particularly female-headed households.

Do not provide trade concessions to Sri Lanka until the occupied land has been released and the human rights situation has significantly improved.

WITH THE SOCIETY OF THREATENED PEOPLES FOR HUMAN RIGHTS

The **STP** is an international human rights organization, which supports minorities and indigenous peoples. It documents human rights abuses, informs and sensitizes the public, and represents the interests of victims against authorities and decision makers. It supports local efforts to improve the human rights situation for minorities and indigenous peoples, and works together, both nationally and internationally, with organizations and individuals pursuing similar goals. The STP has advisory status on both the Economic and Social Council of the UN and the Council of Europe.