

**Migration Review Tribunal
AUSTRALIA**

MRT RESEARCH RESPONSE

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Questions

1. Please provide an update on the current situation in Batticaloa.

RESPONSE

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An October 2008 International Crisis Group (ICG) report states that LTTE territories in Batticaloa district and the rest of the Eastern Province were regained by government forces in 2007 and that the “removal of the LTTE has brought benefits to all three communities [Tamils, Muslims, and Sinhalese]...Development projects have begun and the economic benefits of relative peace have been felt by all communities”. Currently, according to Defence Secretary Gotabhaya Rajapaksa quoted in *The Sunday Observer*, the area is under the complete control of the Sri Lankan security forces. According to the United Nations High Commission for Refugees (UNHCR), the majority of internally displaced people (IDPs) have returned home. However, there are recent reports of concerns that the situation in the east is deteriorating and there have been a number of violent incidents over the past months (International Crisis Group 2008, ‘Sri Lanka’s Eastern Province: Land, Development, Conflict’, *Asia Report N°159*, 15 October, p. i – Attachment 1; ‘The secret behind military success’ 2009, *Sunday Observer*, 25 January <http://www.sundayobserver.lk/2009/01/25/sec03.asp> – Accessed 11 February 2009 – Attachment 2; ‘UNHCR says situation worsening in East Sri Lanka’ 2009, *Voice of America*, 11 January – Attachment 3).

The ICG report includes a map of Sri Lanka on page 34. This shows Batticaloa district as one of the three districts which comprise the Eastern Province. Batticaloa city is the provincial capital of the Eastern Province (International Crisis Group 2008, ‘Sri Lanka’s Eastern Province: Land, Development, Conflict’, *Asia Report N°159*, 15 October, p. 34 – Attachment 1).

This research response provides information under the subheadings of [Recent UN and NGO reports](#), [Recent media articles](#) and some brief [background information](#).

Recent UN and NGO reports

The United Nations (UN) Office for the Coordination of Humanitarian Affairs (OCHA) Inter-Agency Standing Committee (IASC) Country Team for Sri Lanka were releasing weekly situation reports in 2008 on Batticaloa and other conflict affected districts. The most recent report is dated 1 January 2009, and provides the following situation update on the Batticaloa district:

- The security situation in the District was tense with four security incidents reported.
- The mobile network coverage was suspended in Batticaloa District from 28-31 December.
- Several cordon and search operations were conducted in the Batticaloa town and in other areas in the District during the reporting period.
- The minor flooding reported last week in Kiran has receded after rains stopped (United Nations Office for the Coordination of Humanitarian Affairs, Inter-Agency Standing Committee Country Team, Sri Lanka 2009 'Situation Report # 159, Jaffna, Kilinochchi, Mullaithivu, Mannar, Vavuniya, Trincomalee And Batticaloa Districts, 25 December – 01 January 2008' 1 January http://www.humanitarianinfo.org/srilanka_hpsl/Files/Situation%20Reports/IASC%20Weekly%20Reports/LKR0159_IASC%20Sri%20Lanka%20North%20East%20Humanitarian%20SitRep%20159.pdf – Accessed 29 January 2009 – Attachment 4).

The weekly report released on 25 December 2008 includes the following situation update on Batticaloa:

- The security situation in the district was relatively calm during the reporting period. On 18 December, unidentified men launched a claymore attack on a SLA road patrol injuring two soldiers.
- On 22-23 December, the UNDP Country Director visited Batticaloa to discuss scaling up interventions for the Early Livelihood Recovery Project. The visit included site visits and discussions with beneficiaries in Thikiliwaddai in the Kiran DS division.
- On 22 December, the District Secretariat organized a meeting on disaster management with the aim of improving preparedness and response to flooding in 2008-2009. In order to complement the District Disaster Plan and to ensure better preparedness, the humanitarian community, through the cluster/sector heads, is in the process of compiling a Flood Preparedness Plan.
- Heavy rains have caused minor floods in the Batticaloa District. In Kiran, the lagoon spill over its banks, while two main bridges and some roads were under water making the area temporarily inaccessible (United Nations Office for the Coordination of Humanitarian Affairs, Inter-Agency Standing Committee Country Team, Sri Lanka 2008, 'Situation Report # 158, Jaffna, Kilinochchi, Mullaithivu, Mannar, Vavuniya, Trincomalee And Batticaloa Districts, 18 December – 25 December 2008', 25 December http://www.humanitarianinfo.org/srilanka_hpsl/Files/Situation%20Reports/IASC%20Weekly%20Reports/LKR0158_LKR0158_IASC_Sri_Lanka_North_East_Humanitarian_SitRep_158.pdf – Accessed 10 February 2009 – Attachment 5).

Further weekly situation reports can be found on the OCHA Sri Lanka Humanitarian Portal website: http://www.humanitarianinfo.org/srilanka_hpsl/Catalogues.aspx?catID=1.

On 24 November 2008 Human Rights Watch released a statement on the deteriorating human rights situation in the east. The report quotes Brad Adams, Asia director at Human Rights Watch, who states: “The Sri Lankan government says that the ‘liberated’ East is an example of democracy in action and a model for areas recaptured from the LTTE...But killings and abductions are rife, and there is total impunity for horrific abuses” (Human Rights Watch 2008, ‘Human rights situation deteriorating in the east’, 24 November – Attachment 6).

On 6 November 2008 UNHCR reports that the fighting in northern Sri Lanka had overshadowed the “good news in the east of the country: internally displaced people (IDPs) are returning home with help from the government, UNHCR and its partners”. The article states:

As the tide of people uprooted by fighting in northern Sri Lanka continues to swell, there’s overlooked good news in the east of the country: internally displaced people (IDPs) are returning home with help from the government, UNHCR and its partners.

Some 230,000 persons are said to be displaced in the Kilinochchi and Mullativu districts as a result of intensified military operations to regain the last stronghold of the Liberation Tigers of Tamil Eelam (LTTE). Humanitarian agencies have sent emergency supplies to feed the IDPs, most of whom are accommodated in the Mullativu district. More humanitarian convoys carrying food and shelter material are planned during the coming weeks.

Sri Lanka’s east experienced a similar wave of displacement two years ago when government forces regained LTTE-held territories in the region. By the end of March 2007, some 170,000 people were reportedly displaced across the Batticaloa and Trincomalee districts.

All but 11,000 IDPs in Batticaloa and more than 4,500 persons in Trincomalee have returned home since the start of the government-facilitated process last year, which has seen substantial improvements thanks to interventions by the UN refugee agency and other humanitarian agencies operating in the east.

“UNHCR continues to monitor returns, along with the conditions in the existing 17 IDP sites,” said Axel Bisschop, the agency’s senior programme officer in Colombo. “In coordination with our partners, we are also distributing relief items and carrying out regular protection monitoring in both the IDP sites and return areas.”

Earlier this month, the government organized another “go and see” visit for a dozen residents of a welfare centre outside Batticaloa town to allow them to assess conditions in the villages before deciding whether to return.

The IDPs were taken to the village in an area once controlled by the LTTE. UNHCR accompanies IDPs on these visits, which are an important element in ensuring the voluntary nature of the process. They are preceded by mine clearance and joint pre-return assessments by UN agencies.

“In the past, some returns were rushed, but the process has seen substantial improvements since its inception,” said Jens Hesemann, head of UNHCR’s field office in Batticaloa. “All these improvements contribute towards making the returns sustainable with the ultimate goal of providing a lasting solution for these people.”

However, agencies are still trying to address several concerns in the return areas, such as water and sanitation, housing and the lack of livelihoods. During the latest go-and-see visit, IDPs were given the opportunity to raise these concerns with the district’s top administrator and the local military commander in the presence of UNHCR (United Nations High Commission for Refugees (UNHCR) 2008, ‘Overshadowed by displacement in Sri Lanka’s north, people return home in the east’, 6 November – Attachment 7).

Recent media articles

The following are a selection of articles from January/February reporting on Batticaloa. They are presented in reverse chronological order.

On 8 February 2009, *The Sunday Times* reports on the resettlement of the war displaced who have returned to Batticaloa:

Although a large number of the war displaced have returned to Batticaloa district, thousands of children are not getting back to school and face setbacks to their education even when they do. Many resettled children are unable to return because local schools remain badly damaged from the fighting and still lack equipment, supplies, clean water, and sanitation facilities.

Others have no option but to work to supplement their family's income because of a lack of jobs in and around resettlement villages. "At around 12 to 14 years of age the students often begin working with their fathers in the paddy fields at harvest time or fishing to make money," Dhayawadhi Princely, English teacher at Unnichchi 8th Mile Post GTMS in Batticaloa said.

The school at 8th Mile Post was closed throughout 2007, during which time Ms. Princely taught whoever could attend the classes she held outdoors in Batticaloa town. "We couldn't teach our own children because they fled in different directions," said Ms Princely. "But what could we do? We had to work."

The 8th Mile Post school reopened in April 2008, but getting students to come back has been difficult.

"The World Food Programme provides food and we get more children because of that," said Princely. "For at least half of the children, it's the reason they come. It's very useful for us." The school still lacks electricity and has been seriously damaged by wild elephants on two occasions in the past six months.

As of December 2008, over 115,000 people have been resettled in Batticaloa according to UNHCR. Only about 80 odd families have to be resettled. This successful, government-led initiative was recently described by the agency as a significant piece of "overlooked good news" that has been shadowed by the reports of over 230,000 newly displaced people due to fighting in the Wanni.

Nevertheless, the resettlement process remains rife with challenges such as providing electricity, telecommunications, clean water, food, and livelihoods to so many families. In circumstances where basic survival is still an issue, education becomes less of a priority.

"A concerted effort is needed to make sure that children do go back to school," said Ita Sheehy, Chief of Education, UNICEF Sri Lanka. "This is very difficult in many cases, as resettled families have few resources and older children in particular are often needed to work to support the family and supplement the family income."

Thirty six schools re-opened in Batticaloa in 2008 and two more since the start of the new year but many are understaffed, according to A.M.E Paul, Zonal Director of Education for Batticaloa. Only 15 English teachers have been posted to the district, and many teachers have difficulty accessing public transportation to get to work.

"People are being resettled but they are not sending the children to school," said A.M.E. Paul, Zonal Director of Education for Batticaloa. "A few schools are functioning normally." Even for those children who have returned to school, there are numerous hurdles to overcome. Many have fallen behind as a result of living in IDP camps for months, and others have had traumatic experiences but lack the support systems needed to deal with them.

Currently, UNICEF Sri Lanka is providing training to teachers in basic psychosocial skills that will help enable them to help children cope with their experiences and enable them to restart their education.

The agency has launched a back-to-school mobilization effort and has built several temporary learning shelters throughout Batticaloa for children living in areas where school buildings were destroyed or damaged.

Some of the children who have missed long periods of schooling are being enrolled in accelerated learning programmes overseen by the Zonal Director of Education and funded by UNICEF. The programmes are designed to give students the basic skills needed to rejoin their respective grade levels.

“This approach is very successful in providing a transition for children to rejoin formal school and prevents them from dropping out,” said Sheehy. Even with these coordinated efforts, however, the most important thing for children returning to Batticaloa after long periods of displacement is a sense of stability and peace, according to Ms. Princely. “If there is peace, they can learn well,” she said (O’Connor, M. 2009, ‘It’s back to Batticaloa, but not to school’, *Sunday Times*, 8 February http://www.sundaytimes.lk/090208/News/sundaytimesnews_07.html – Accessed 11 February 2009 – Attachment 8).

On 29 January 2009 *The Daily Times* reports on tourism industry development plans for Batticaloa:

Liyera Beach Hotel (Pvt) Ltd will invest Rs.100 million to build the first three star hotel in Batticaloa.

Construction work on the new BOI approved project will commence this month and will be completed by the end of the year.

The hotel will have 30 rooms, with a swimming pool, Ayurveda spa facilities, gymnasium, tennis court and many other facilities.

“With the dawn of peace there is a huge untapped potential in the Northern province for the hotel industry which was affected due to the war,” said the Managing Director, of Liyera Beach Hotel (Pvt) Ltd Kanagasurium Lakshman.

“At present there are no star category hotels in the area which includes special features such as swimming pools or gymnasiums.”

In addition, since Batticaloa is a totally remote area there is hardly any infrastructure available. “Therefore, most of the investors are reluctant to put their investments in these remote areas.

The main advantage we got to build this project is that there was less competition.

Hence we have taken the initiative. There is another hotel under Grade A, which has already started operations.

“I hope this is the right time to start business in this area,” he said.

Our strategic plans are to promote this project among local and foreign tourists. For example, I hope to introduce low budget packages for local tourists as well as for the corporate sector (Kodagoda, A. 2009, ‘First three star hotel for B’caloa soon’, *Daily News*, 29 January <http://www.dailynews.lk/2009/01/29/bus02.asp> – Accessed 11 February 2009 – Attachment 9).

A 25 January 2009 interview with Defence Secretary Gotabhaya Rajapaksa published in *The Sunday Observer* states that “[t]he entire eastern province, viz, Ampara and Batticaloa districts, is under the complete control of the Security Forces” (‘The secret behind military success’ 2009, *Sunday Observer*, 25 January <http://www.sundayobserver.lk/2009/01/25/sec03.asp> – Accessed 11 February 2009 – Attachment 2).

On 23 January 2009 *Zee News* reported that “[f]ive Sri Lankan soldiers were injured in eastern Batticaloa when LTTE attacked an army foot patrol last night, the Media Centre for National Security (MCNS) said. The injured have been admitted to the Polonnaruwa hospital in the region” (‘SL Army captures LTTE camp, kills six rebels’ 2009, *Zee News*, 23 January <http://www.zeenews.com/southasia/2009-01-23/501184news.html> – Accessed 11 February 2009 – Attachment 10).

On 21 January 2009 a *BBC News* article reports that “[c]orrespondents say the rebels are also trying to move the war to the east... Officials on Wednesday said that at least two people, including a policeman, were killed in a bomb attack in Batticaloa” (‘Safe zone in Sri Lanka conflict’ 2009, *BBC News*, 21 January – Attachment 11).

On 20 January 2009 *Colombo Page* reported on the murder of civilians in Batticaloa:

An unidentified gang shot another two civilians who went into the jungle area at Unnachchiya in Batticaloa this evening killing one of them.

Batticaloa police said that one civilian was killed due to the gun shots to his head and other was critically injured.

According to the sources the two victims have entered the jungle in the area to collect fire woods.

Suspected Tamil Tigers hacked to death three civilians tending to cattle in a village near the Eastern Province border two days ago.

Police believe Tamil Tigers hiding from the security forces are killing the innocent civilians who venture into the jungles for their daily work.

Batticaloa police are conducting further investigations (‘Two civilians shot in Eastern Sri Lanka’ 2009, *Colombo Page*, 20 January http://www.colombopage.com/archive_09/January20191113RA.html – Accessed 11 February 2009 – Attachment 12).

On 20 January 2009 *The Daily Mirror* reported that police believe that the killings in Batticaloa were being carried out by a small group of armed men:

Killings in the Batticaloa district is believed to have been carried out by an armed gang, police investigating the crimes said yesterday.

A high ranking police officer said the gang would be arrested soon.

“Inquiries have revealed that a small group of armed men operating in the area is committing the crimes,” the officer said. Two special police teams have been deployed to investigate unresolved murders committed in the Batticaloa district during the past few months (‘Gang responsible for Batti violence- Police’ 2009, *Daily Mirror*, 20 January http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=38214 – Accessed 11 February 2009 – Attachment 13).

On 18 January 2009 *Colombo Page* reported that the secretary to the Eastern Chief Minister had been shot by suspected LTTE cadres in Batticaloa:

Suspected LTTE cadres have shot a secretary to the Eastern Chief Minister Sivanesathurai Chandrakanthan at Sinnathurei in Batticaloa last night, police said.

Batticaloa police said the gunmen shot the victim when he was on the way to his home. The victim has been admitted to the Batticaloa Hospital.

Details of the victim are not known, but he has been identified as a private secretary of Eastern Chief Minister, police confirmed (‘Sri Lankan Eastern Chief Minister’s secretary shot’ 2009, *Colombo Page*, 18 January http://www.colombopage.com/archive_09/January18150657RA.html – Accessed 11 February 2009 – Attachment 14).

A 15 January 2009 *Daily News* editorial reports that there are plans to construct an International Cricket stadium in Batticaloa. The article states:

It is gratifying to note that steps in this direction are already in progress as seen in the liberated East where the youth are gradually being exposed to avenues and opportunities hitherto shut out to them due to the climate of war.

A recent plan mooted to construct an International Cricket stadium in Batticaloa too is a move in the right direction. This is one step to bring the North on par with the rest as hoped for by Minister Yapa (‘A Herculean Task’ 2009, *Daily News*, 15 January http://www.dailynews.lk/2009/01/15/main_Editorial.asp – Accessed 11 February 2009 – Attachment 15).

On 11 January 2009 *Voice of America* reported UNHCR’s concerns “about the worsening situation in the eastern part of Sri Lanka”. The article quotes UNHCR Spokesman Ron Redmond, who “says aid agencies have been working to provide the returnees with shelter, jobs and non-food relief items. He says the recent series of killings, abductions and injuries in eastern Sri Lanka is very worrying and is putting the return process at risk”. The article follows at length:

The U.N. refugee agency says it is concerned about the worsening situation in the eastern part of Sri Lanka. It says there has been a significant increase in recent months in the numbers of killings, abductions and injuries in places where Tamil internally displaced people and refugees have returned.

During the past two years, most of the more than 200,000 people displaced by fighting in the eastern districts of Trincomalee and Batticaloa have returned home.

The U.N. refugee agency and other humanitarian agencies have been supporting the Sri Lankan government as it reintegrates them to their communities.

UNHCR Spokesman Ron Redmond says aid agencies have been working to provide the returnees with shelter, jobs and non-food relief items. He says the recent series of killings, abductions and injuries in eastern Sri Lanka is very worrying and is putting the return process at risk.

“In November, the U.N. recorded 24 civilian deaths, just in the Batticaloa district of the East. And, UNHCR is asking that the Sri Lankan government and the authorities in the area investigate these developments seriously,” he said. “And, that they effectively investigate it and we urge the authorities provide adequate security to all the civilians living in these areas.”

Redmond says there are many armed groups running around in this area, making it a difficult to ensure security. Nevertheless, he says something must be done to ensure the safety of the people.

He says returnees in the Batticaloa area report they increasingly feel intimidated and face restrictions on their movement. He says this limits their ability to support themselves and their families.

He says more than 50 families have already left their villages due to fear and insecurity. Others, he says are no longer sleeping in their own homes. Instead, several families gather in one house at night for security.

The Tamil Tigers have been fighting for an independent state for the past 25 years. The Sri Lankan government recently has made important gains in this long-running civil war and appears to be gaining the upper hand.

Redmond says the UNHCR is closely monitoring the rapidly developing situation in the north of the country. He notes about one-quarter of a million people remain displaced there due to the ongoing conflict (‘UNHCR says situation worsening in East Sri Lanka’ 2009, *Voice of America*, 11 January – Attachment 3).

Background

In October 2008 ICG released an in-depth report on Sri Lanka’s Eastern Province. The report states:

The government relaunched military action against the LTTE in July 2006. After a year-long campaign that saw large-scale destruction and the displacement of almost 200,000, mostly Tamil, civilians, the military forced the LTTE from their last stronghold in the east in July 2007. The government immediately promised restoration of democracy, devolution of powers to local and provincial politicians and development for the province.

The removal of the LTTE has brought benefits to all three communities. Development projects have begun and the economic benefits of relative peace have been felt by all communities. Recent violent clashes between Tamils and Muslims, however, are a sign of underlying insecurity aggravated by the flawed and ethnically divisive provincial council elections of 10 May 2008 (International Crisis Group 2008, ‘Sri Lanka’s Eastern Province: Land, Development, Conflict’, *Asia Report N°159*, 15 October, p. i – Attachment 1).

The full ICG report further discusses the background and situation in the Eastern Province if more detailed information is required.

BBC News gives a brief background and rundown on the current state of the conflict generally ('Q&A: Sri Lanka crisis' 2009, *BBC News*, updated 3 February http://news.bbc.co.uk/2/hi/south_asia/2405347.stm – Accessed 11 February 2009 – Attachment 16).

List of Sources Consulted

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Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. International Crisis Group 2008, 'Sri Lanka's Eastern Province: Land, Development, Conflict', *Asia Report N°159*, 15 October.
2. 'The secret behind military success' 2009, *Sunday Observer*, 25 January <http://www.sundayobserver.lk/2009/01/25/sec03.asp> – Accessed 11 February 2009.
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4. United Nations Office for the Coordination of Humanitarian Affairs, Inter-Agency Standing Committee Country Team, Sri Lanka 2009 'Situation Report # 159, Jaffna, Kilinochchi, Mullaithivu, Mannar, Vavuniya, Trincomalee And Batticaloa Districts, 25 December – 01 January 2008' 1 January http://www.humanitarianinfo.org/srilanka_hpsl/Files/Situation%20Reports/IASC%20Weekly%20Reports/LKR0159_IASC%20Sri%20Lanka%20North%20East%20Humanitarian%20SitRep%20159.pdf – Accessed 29 January 2009.
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7. United Nations High Commission for Refugees (UNHCR) 2008, 'Overshadowed by displacement in Sri Lanka's north, people return home in the east', 6 November. (CISNET Sri Lanka CX213766)
8. O'Connor, M. 2009, 'It's back to Batticaloa, but not to school', *Sunday Times*, 8 February http://www.sundaytimes.lk/090208/News/sundaytimesnews_07.html – Accessed 11 February 2009.
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