

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: LKA35265
Country: Sri Lanka
Date: 5 August 2009

Keywords: – Sri Lanka –Eastern Province – Trincomalee – Security situation – Human Rights – Military and paramilitary groups – TMVP – Tamils with LTTE Links – Kiliveddy - Muthur

This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

Questions

- 1. Please provide an update of the security situation in the East of Sri Lanka, particularly Trincomalee.**
- 2. Is there a large military presence in Trincomalee? Are there reports of human rights abuses by the military in the east?**
- 3. Do paramilitary groups/pro-government militias (such as those previously headed by Karuna and/or Pilliyan) still operate in Trincomalee? Are they still a threat to Tamils who are suspected of having LTTE links?**
- 4. Is there any evidence of a town called Kiliveddy Muthur Trincomalee? Prior to the Sri Lankan government claiming victory over the LTTE, was Kiliveddy controlled by the LTTE or the government?**

RESPONSE

- 1. Please provide an update of the security situation in the East of Sri Lanka, particularly Trincomalee.**

The response to this question has been divided into two sections, the first dealing specifically with security in Trincomalee and the second relating more generally to the security situation in the Eastern Province of Sri Lanka.

Trincomalee

An International Crisis Group report from October 2008 provides some background information on violence in Trincomalee (International Crisis Group 2008, *Sri Lanka's Eastern Province: Land, Development, Conflict*, Asia Report N°159, 15 October, pp. 23-25 – Attachment 1).

In addition, a previous research response of 30 June 2009 focuses on the security situation in Trincomalee, citing a number of relevant sources, some of which are reproduced below (MRT Research & Information 2009, *Research Response LKA35133*, 30 June – Attachment 2).

A recent news article dated 31 July 2009 indicates that “harsh security measures” are still evident in Trincomalee, involving roadblocks, security checkpoints and the presence of soldiers on major roads. It is argued that the government has justified these measures based on their concerns that “Tamil Tiger fighters may remain hidden in the north and east”.

In the last weeks of the war, thousands of Tamil civilians died in a narrow strip of land where they were stuck, along with Tamil Tiger fighters. The government says it did not intentionally target civilians, but human rights organizations have called for an independent investigation. The government has vehemently opposed it.

Here in Trincomalee, hopes for a large peace dividend are high.

“The war is over,” said D.H. Podimahathaya, a 43-year-old fisherman who has seen his income plummet because of restrictions on fishing in Trincomalee harbor. “Everyone suffered a lot. Now we need money.” Mr. Podimahathaya’s family has been fishing for generations, and the restrictions hit them hard.

“Our whole family depends on fishing,” he said. “At some times, we didn’t have anything to eat. But now the situation is improving.”

...But the picture in Trincomalee is not exactly postcard perfect, said R. Rajarammohan, chairman of the city’s Chamber of Commerce. The seas may be more open, but harsh security measures remain on land, like the roadblocks leading from the city to the capital, Colombo, where much of Trincomalee’s fish is headed.

“When goods and people cannot move freely, it is premature to talk about an economic turnaround,” Mr. Rajarammohan said. “If the war is over, are all of these measures really necessary?”

Indeed, the journey from Trincomalee to Colombo, just 250 kilometers, or 160 miles, can take more than eight hours. Soldiers stop motorists more than a dozen times, and at one major checkpoint passengers are made to get out of their vehicles and have their cargo searched.

Government officials say that these precautions are necessary because Tamil Tiger fighters may remain hidden in the north and east. The Tigers have used women and children as suicide bombers in the past, so almost anyone could be a suspect, Mr. de Silva [T.T.R. de Silva, the top central government official in Trincomalee] said.

“We cannot be too careful,” he said. “The war only just ended” (Polgreen, L. 2009, ‘Sri Lanka reaches for a lifeline in the sea War-torn nation sees potential in its bounty of fish and pristine beaches’, *International Herald Tribune*, 31 July – Attachment 3).

A travel warning issued by the UK Foreign & Commonwealth Office on 3 July 2009 and still current at 4 August 2009 indicates that the security situation in eastern Sri Lanka, including Trincomalee, is volatile with reports of paramilitary activity. However, it is noted that the FCO does “not advise against travel to... Trincomalee Town”:

The conflict between the Government and the Liberation Tigers of Tamil Eelam (LTTE, or “Tamil Tigers”) ended in May 2009. All territory in Sri Lanka is now under Government control. However, politically-motivated violence, abductions and criminality persist throughout the country, particularly in the north and east. The Government maintains its State of Emergency, under which it has extensive anti-terrorism powers. Heightened security measures including checkpoints are expected to remain throughout the country.

...We advise against all travel to the north of Sri Lanka. The Government has recently concluded an intense military campaign against the LTTE in the north. Parts of this area are heavily land-mined and it is possible that pockets of LTTE cadres remain. Violence could break out in these areas with little or no warning. The High Commission is very limited in the assistance it can offer visitors to this area. For the purposes of this travel advice we consider the north to be all areas north of the A12 road (which runs from Puttalam in the west to Trincomalee in the east). This includes the Jaffna peninsula, but does not include Anuradhapura or the spit of land to Kalpitiya west of Puttalam.

We advise against all but essential travel to the eastern Sri Lankan districts of Batticaloa, Trincomalee, and Ampara. The security situation across the east is volatile. Violent incidents and paramilitary activity are frequently reported, especially at night. This includes incidents of shootings, abduction, and civil unrest.

...Travellers should note that we do not advise against travel to the following areas in the east: Trincomalee Town, including the A6 road corridor to Trincomalee; areas of Ampara District south of the A4 road, including Arugam Bay; areas of Ampara District, west of the A25 and A27 roads (UK Foreign & Commonwealth Office 2009, ‘Sri Lanka Travel Advice’, UK Foreign & Commonwealth Office website, 3 July <http://www.fco.gov.uk/en/travelling-and-living-overseas/travel-advice-by-country/asia-oceania/sri-lanka?ta=all> – Accessed 4 August 2009 – Attachment 4).

An article from the *Daily News* website dated 27 June 2009 reports evidence of arms and ammunition hidden by the LTTE in Trincomalee’s Walathottam jungle:

A special team from Trincomalee police recovered a stock of arms and ammunition on Thursday in Walathottam area, Trincomalee. Police spokesman SSP Ranjith Gunasekera said acting on information provided by LTTE suspects, police unearthed a cache of arms hidden by the LTTE in the Walathottam jungle patch (Jalaldeen, R. 2009, ‘Arms haul in Trincomalee’, *Daily News*, 27 June <http://www.dailynews.lk/2009/06/27/sec02.asp> – Accessed 30 June 2009 – Attachment 5).

In a 21 June 2009 article, it is reported that the military is “boosting its strength in the east”, including in Trincomalee, in order “to nab the remaining Tiger cadres now moving in the Eastern Province”:

Sri Lanka is pouring more troops into former rebel-held areas in the east of the island to hunt down remnants of the Tamil Tigers following their defeat in the north, a state-run weekly said Sunday.

The military was boosting its strength in the east -- around the towns of Batticaloa, Trincomalee and Ampara -- to where some guerrillas are thought to have fled, the Sunday Observer said.

“The main concern of the army is to nab the remaining Tiger cadres now moving in the Eastern Province,” the paper said. “The Sri Lanka army is now taking measures to increase the strength in the east.”

There was no immediate comment from the military, which declines to discuss troops deployments publicly.

However, official sources confirmed that security forces have begun combing jungles in the east, and have already clashed with two groups of fighters from the Liberation Tigers of Tamil Eelam (LTTE).

The Tigers have admitted that they lost their top leader Velupillai Prabhakaran in a final battle last month, but the military believes that some lower-level cadres may still be in hiding and could try to regroup ('Sri Lanka steps up hunt for rebel remnants: report' 2009, *Agence France Presse*, 21 June – Attachment 6).

Similarly, an article dated 19 June 2009 claims that Tiger leaders and cadres are still operating in Trincomalee:

Whilst search operations were going on in Colombo the military is still running after Tiger leader Nagulan and Kuilan operating in Batticaloa and Trincomalee along with a handful of Tiger cadres. Military officials believe that they have already moved into the civilian settlement in the East as intense search operations conducted by the Security Forces have made it difficult for them to operate in the jungles (Wijayapala, R. 2009, 'A month since victory', *Daily News*, 19 June <http://www.dailynews.lk/2009/06/19/sec03.asp> – Accessed 30 June 2009 – Attachment 7).

However, a number of reports also indicate that the security situation in Trincomalee may be improving.

For example, a news article dated 3 August 2009 describes a “decision of the Sri Lankan Government to...deploy SLA aircraft for passenger traffic on commercial terms to Tamil areas”, which it claims “is an acknowledgment that the security situation in the country is fast improving”:

The double-quick decision of the Sri Lankan Government to divert Air Force assets to ‘reach out’ to the forgotten Tamil people in the North and the East – and literally so -- should augur well in the coming months and years. It is the kind of mood and methods that President Mahinda Rajapaksa seems wanting to put in place for fast-tracking peace, reconciliation and development in the war-affected nation as a whole and the war-ravaged Provinces in particular.

The decision to deploy SLA [Sri Lanka Army] aircraft for passenger traffic on commercial terms to Tamil areas could only be a beginning. Similar efforts on other fronts could help in more ways than one. Success of the scheme however rests on what is in store, both at the conceptual level and the implementation processes that are employed.

From Colombo, the SLA aircraft will fly to Batticaloa, Trincomalee and Jaffna, taking the pressure off the limited civilian fleet that is now available. Either the civilian airlines, or the SLA civilian fleet, or both can subsequently consider adding the Jaffna-Katargama sector to their schedules. Apart from the logistics help that it offers, it is the kind of cultural harmony that would appeal to the visiting Tamil Diaspora in particular.

The decision to deploy SLA aircraft for commercial civilian use is an acknowledgment that the security situation in the country is fast improving. Yet, while helping to keep an eye on the once-threatened civilian skies, it offers an additional opportunity for the soldier class to make that ‘missing connect’ with the people who had suffered the most in the war. It also eases the budget pressures on the Government when it expects to erase the ‘disconnect’ and take development to the North and the East (Sathiya Moorthy, N. 2009, ‘Challenges in post war Sri Lanka’, *Daily Mirror*, 3 August http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=56710 – Accessed 4 August 2009 – Attachment 8).

A report on the humanitarian situation in the north-east of Sri Lanka in the period of 1-15 June 2009 produced by the Inter-Agency Standing Committee provides the following assessment of the security situation in Trincomalee:

- The security situation in Trincomalee District was stable. Security forces recovered ordnance in several parts of the District. Cordon and search operations and security checks at checkpoints are continuing.
- Since the liberation of the North economic activity and travel has increased considerably, especially in and around Trincomalee town, as well as traffic between Trincomalee and other districts.
- Following a visit of Senior Adviser to the President and MP Basil Rajapaksa to Trincomalee, the Government has eased fishing restrictions in the East. Fishermen are now allowed to fish during the day. Fishermen who use “Teppan” (a type of boat) are allowed to fish between 0400 – 1800 hours off the shores of Trincomalee District including Muttur. The 24 hour fishing ban off the Trincomalee harbor area has also been revised and fishermen are now allowed to fish in the area between 0400 – 1800 hours (Office of the United Nations Resident and Humanitarian Coordinator for Sri Lanka 2009, ‘Sri Lanka: North East Joint Humanitarian Update – Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya, Trincomalee and Batticaloa districts’ Report # 8, 1-15 June 2009, ReliefWeb website, 15 June [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/NSPR-7TCG4N-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/NSPR-7TCG4N-full_report.pdf/$File/full_report.pdf) – Accessed 30 June 2009 – Attachment 9).

More recent assessments from the Inter-Agency Standing Committee do not provide specific information on Trincomalee.

An article from 26 July 2009 reports that the International Committee of the Red Cross (ICRC) has closed its offices in Eastern Sri Lanka on the request of the government:

The International Committee of the Red Cross [ICRC], which had been functioning in the Eastern Province for the last 30 years, has moved out of the province after closing all its offices.

The organization operating in the East since 1990 was involved in exchanging bodies, supplying relief items, holding talks with the parties involved in the war, searching for the missing people, etc, in areas such as Batticaloa, Trincomalee, Muttur, Amparai, and Akkaraipattu.

Recently, the government requested the ICRC to terminate its services and leave the country. In response, the organization has ceased operations by closing all offices in the East (‘Red Cross moves out of east Sri Lanka after 30 years – paper’ 2009, *BBC Monitoring South Asia*, source: Sri Lankan newspaper Virakesari, 26 July – Attachment 10).

A news article from the *Daily Mirror* dated 23 July 2009 reports that “compulsory security passes for the vehicles coming out of the Eastern Province due to security reasons have been relaxed... Police Spokesman SSP Ranjith Gunasekara told Daily Mirror that the vehicles coming from the two districts of Trincomalee and Batticaloa do not need to obtain security passes to reach the South or any other part of the country in the future” (“Security passes relaxed for vehicles from East’ 2009, *Daily Mirror*, 23 July http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=55598 – Accessed 4 August 2009 – Attachment 11).

An article in the *Daily News* dated 29 June 2009 describes training centres to be implemented by the government in Trincomalee, with the aim of training Tamil youths in various skills in order to contribute to the development of the country:

Foreign Employment Promotion and Labour Welfare Minister Keheliya Rambukwella sat down with Arab News recently to talk about Government priorities following the defeat of the Tigers.

“We want to give the members of the Tamil community jobs both inside and outside Sri Lanka since they have been victims of the war and they were practically immobilized in rebel-held territories in the North and East for a considerable period of time,” he said. “The LTTE perpetrated these heinous acts of carnage spanning well over three decades against peace-loving citizens.”

He said that the Government is in the process of opening migrant training centres in the recently freed areas. “Two such centres have been already opened in Jaffna, and Trincomalee,” he said.

These centres would train Tamil youths in a wide range of skills according to their aptitudes. “They can come out as white-collar workers, skilled labourers – such as masons, painters, welders, electricians and auto technicians – according to the needs of the local and international labour markets,” he added.

Following the training, the Minister said the Sri Lanka Bureau of Foreign Employment (SLBFE) will consider them for placement in overseas stations and the local, private and the public sectors will also harness their talents for the country’s development (Rasooldeen, M. 2009, ‘New life after LTTE rout’, *Daily News*, 29 June <http://www.dailynews.lk/2009/06/29/news33.asp> – Accessed 30 June 2009 – Attachment 12).

In an article from 16 June 2009, a one-man commission of inquiry into disappearances, abductions and murders in the Eastern Province, headed by retired judge Mahanama Thilakaratna, found that the area “has reached near normalcy with a drastic drop of disappearances of people and fewer security road blocks”. In Trincomalee, it is reported that “except for two road blocks, all others had been removed leading to near normalization”.

Sri Lanka’s once troubled Eastern Province has reached near normalcy with a drastic drop of disappearances of people and fewer security road blocks, a one-man commission reported here Tuesday

The retired judge Mahanama Thilakaratna, who heads a one-man commission of Inquiry to look into disappearances, abductions and murders, told reporters that rights violations in the Eastern Province had recorded a drop of around 90 to 95 percent this year compared with Jan-May period of 2008.

”Armed groups joining democracy, closer co-operation between such groups have contributed to this situation,” Thilakaratna said.

There is general public view that law stands above all things else, Thilakaratna said.

He said in Trincomalee district except for two road blocks, all others had been removed leading to near normalization.

But in the Batticaloa district it had been difficult to remove the road blocks yet, Thilakaratna said.

He said the general situation in the east had drastically improved since the provincial election of May last year.

The militant group TMVP [Tamil Makkal Viduthalai Pulikal] (Tamil Peoples Liberation Tiger) which broke away from the former Liberation Tigers of Tamil Eelam (LTTE) gained control of Eastern Province Council.

The government troops evicted the LTTE from the east in 2007 which was the prelude to the Army gaining control of the entire Tamil Tiger held regions.

The LTTE were completely crushed by the government troops last month with all their 15,000-sq-km territory being recaptured by the troops and almost all LTTE fighters being killed (‘Sri Lanka’s east returns to normalcy: commission report’ 2009, *Xinhua News*, 16 June http://news.xinhuanet.com/english/2009-06/16/content_11552222.htm – Accessed 30 June 2009 – Attachment 13).

An article in the *Sunday Times* from 21 June 2009 similarly claims that the Presidential Commission on Disappearances, chaired by Mahanama Tilakaratne, reported a decrease in “[a]bductions, disappearances and unexplained killings”. In addition, although “[f]orty-nine such cases were reported from the Trincomalee district... civil administration was reaching a satisfactory level”:

Abductions, disappearances and unexplained killings continue to be reported from the North and the East, although there has been a drop in the number of such incidents, according to the Presidential Commission on Disappearances.

Between January 1 and May 31 this year, a total of 459 such cases were reported by the 63 police stations in the North and the East – 128 incidents in the North and 331 in the East.

Batticaloa continued to be the most badly affected, with 129 disappearances, 32 abductions, 15 unexplained killings and three unidentified bodies. The Wannai district followed with 40 abductions, 34 disappearances, two unexplained killings and an unidentified dead body.

Forty-nine such cases were reported from the Trincomalee district, 87 from Ampara, 24 from Mannar, 13 from Kantalai, and 12 from Jaffna.

T. A. Mahanama Tilakaratne, retired High Court judge and chairman of the Presidential Commission on Disappearances, recently summoned senior police officers and district and divisional secretaries to personally report on the law and order situation in the East, and the state of civil administration in areas liberated from LTTE control.

The reports suggested that life in the Ampara district had returned to normal, while civil administration was reaching a satisfactory level in Trincomalee (Kirinde, C. 2009, 'Abductions, disappearances and unexplained killings continue in North and East', *Sunday Times*, 21 June http://www.sundaytimes.lk/090621/News/sundaytimesnews_18.html – Accessed 30 June 2009 – Attachment 14).

Eastern Province

Two previous research responses dated 24 July 2009 and 17 July 2009 provide some information on the current security situation in Sri Lanka's Eastern Province (RRT Research & Information 2009, *Research Response LKA35100*, 24 July – Attachment 15; MRT Research & Information 2009, *Research Response LKA35061*, 17 July – Attachment 16).

A travel warning issued by the US Department of State on 26 June 2009 discourages travel to the Eastern Province and highlights the presence of paramilitary groups in the area:

The Department of State warns American citizens traveling to or living in Sri Lanka about the potential for continued instability, including possible terrorist attacks. This replaces the Travel Warning for Sri Lanka dated December 22, 2008, to update information on security incidents, safety concerns in specific regions of the country, and potential problems for U.S. citizen travelers.

On May 19, 2009, the Sri Lankan government announced that it had achieved victory over the Liberation Tigers of Tamil Eelam (LTTE), an armed insurgent group, after more than 25 years of civil conflict. Despite the conclusion of hostilities, remnants of the insurgency group remain. The Government of Sri Lanka's security posture remains heightened.

The Department of State urges American citizens to evaluate carefully the risks of travel to Sri Lanka and specifically warns Americans against travel to the Northern Province and most of the Eastern Province of Sri Lanka due to the presence of uncleared land mines and the possibility of renewed insurgency. Armed paramilitaries remain active in the Eastern Province. Consular assistance to American citizens detained in the north and east may be significantly delayed. Travel to all of the Northern Province remains potentially unsafe, in particular travel to the following areas: Anuradhapura District of the North Central Province; the areas north of Medawachchiya; the A14 road; and the road from Medawachchiya and Horowupatna. Non-official travel by U.S. Government personnel to the Eastern Province, other than the A6 road corridor and Trincomalee Town in Trincomalee District and areas in Ampara District south of the A4 road and west of Maha Oya, is prohibited. Travel in some parts of the country remains highly restricted by the Sri Lankan government, with particular sensitivity concerning the large number of Internally Displaced Persons (IDPs) in camps.

...Although no terrorist incidents have taken place since the government's declaration of military victory over the LTTE in May 2009, there remains the possibility that remnants of the organization may attempt to carry out attacks. In 2008 and early 2009, bomb explosions in densely populated areas killed dozens of civilians, including some areas frequented by foreign tourists. Although there is no specific indication that American citizens or institutions have been targeted, American citizens risk becoming victims of violence by being in the wrong place at the wrong time. American citizens who decide to travel to Sri Lanka should be aware of their personal surroundings and follow prudent security practices. Americans should avoid large crowds and public gatherings and should particularly avoid political rallies, military bases, government and military vehicle convoys, and high security zones, which have been frequent targets of LTTE attacks. Americans are also advised against traveling by bus within Sri Lanka, as civilian buses have often been the target of past terrorist bomb attacks. American personnel in the U.S. Mission are currently prohibited from traveling by public bus (US Department of State 2009, 'Travel Warning: Sri Lanka', US Department of

State website, 26 June http://travel.state.gov/travel/cis_pa_tw/tw/tw_3011.html# – Accessed 30 June 2009 – Attachment 17).

Similar travel advice was provided by the Department of Foreign Affairs and Trade in Australia on 22 June 2009, which indicates that “[r]esidual activity by Sri Lankan security forces is ongoing in part of the north and east of the county... There have been incidents of violence against aid workers, including in Jaffna, Vavuniya and the Eastern Province. Journalists have been victims of violent assault and intimidation in Colombo, Jaffna and the Eastern Province... Marked and unmarked landmines are widespread in the north and east, especially in the Vanni, Jaffna, Trincomalee and Batticaloa regions... The security situation in the Eastern Province remains tense and unpredictable. Tight controls continue to be implemented by the Sri Lankan security forces and paramilitary activity is widespread. Communal and inter-ethnic tensions in these regions are high and violence may erupt as a result. There is evidence of some continued LTTE activity in the east” (Department of Foreign Affairs and Trade 2009, ‘Travel Advice: Sri Lanka’, Department of Foreign Affairs and Trade website, 22 June http://www.smarttraveller.gov.au/zw-cgi/view/Advice/Sri_Lanka – Accessed 30 June 2009 – Attachment 18).

However, in a *BBC News* article dated 30 June 2009, Keheliya Rambukwella, a defence spokesman for Sri Lanka, described the US travel warning as “totally baseless”:

The government said that some Tamil Tiger rebels were still at large but that they posed no threat.

In May Sri Lanka’s army defeated Tamil Tiger rebels fighting for a separate homeland for the ethnic Tamil minority.

The warning from Washington said that despite the government’s announcement of victory in its war, the island remained vulnerable to attacks from Liberation Tigers of Tamil Eelam (LTTE) remnants and even a renewed insurgency.

It said that there were landmines and armed paramilitaries in the east and the north and that the Sri Lankan government was encouraging people to report foreigners if they found their activity suspect.

Mr Rambukwella said that the foreign secretary had written a very strong letter in response to the travel warning.

When asked about continuing reports of LTTE operatives being arrested and sometimes killed, Mr Rambukwella said that there were still quite a few at large but not in any numbers to cause alarm.

He said that hard core of LTTE who had surrendered or been captured would be treated strictly.

But a greater number of former rebels he said would be rehabilitated, as they might have been associated with the group against their will.

He said that some could be viewed as innocent victims.

The government is still detaining about 300,000 people displaced by the war in camps and screening them for possible LTTE links (Haviland, C. 2009, ‘US travel advice upsets Sri Lanka’, *BBC News*, 30 June http://news.bbc.co.uk/2/hi/south_asia/8126749.stm – Accessed 9 July 2009 – Attachment 19).

Although published in April 2009, prior to the official end of the conflict in Sri Lanka, a United Nations High Commissioner for Refugees (UNHCR) report which describes the security situation in the east may be of some relevance:

A deterioration in the security and human rights situation throughout the East was observed in the last months of 2008. In early 2009, UNHCR expressed its concern regarding the security situation, calling upon the Government of Sri Lanka to investigate reported human rights abuses and urging the relevant authorities to provide adequate security to civilians in the region. The regular incidents of violence in the East, including in areas of returns, have increased the atmosphere of fear and distrust that already existed between the different ethnic and political groups in the East and between the returnee community and the security forces.

The majority of the reported incidents of human rights violations in the East have involved young Tamil males. However, Tamil civilians, men and women of all ages, have been among those subjected to serious human rights abuses. Many of the reported incidents have been related to the anti-insurgency measures implemented by the SLA [Sri Lanka Army] and the STF [Special Task Force], which have been associated with significant restrictions on freedom of movement and access to land and livelihoods, arbitrary arrests, mistreatment in detention, sexual assaults, extrajudicial killing and disappearances of Tamils. Cordon and search operations are carried out regularly throughout the East, and are very frequently associated with arrests, primarily of Tamils.

Following the recent rise in LTTE attacks in the East and throughout the country, and on the basis of intelligence information reportedly received regarding planned LTTE attacks, the Government has announced plans to step up security measures in areas outside of the immediate conflict area and Colombo. Increasing the number of military intelligence operatives, deploying Special Forces and Commandos as well as establishing new Army, Navy and Air Force units in the North and East are reportedly part of the special security plan that has been implemented to stop a resurgence of LTTE activities. Given the LTTE methods of operation, which include heavy reliance upon Tamil civilians, together with the indiscriminate manner in which Government security measures have been implemented against Tamils to date, the proposed measures may prolong, and potentially exacerbate, the vulnerability of Tamil civilians to human rights violations.

...Incidents of targeted violence are also believed to be related to the power struggle between the LTTE and pro-Government TMVP [Tamil Makkal Viduthalai Pulikal] in the East, and the split within the TMVP into different armed factions. Clashes between the TMVP and the chief political rival in the East, the EPDP, have involved shootings, killings and abductions on both sides.

While the immediate impact of the LTTE on the lives of civilians in the East has been greatly reduced, the TMVP, which now effectively controls Batticaloa and other parts of the East, is reported to engage in terror and crime. Incidents of TMVP involvement in abductions, child recruitment, robberies and repression of dissent are widely documented. It is also reported that TMVP forces are responsible for extrajudicial killings, deaths in custody and abductions, which have apparently been carried out with the knowledge and tacit agreement of Government actors and local authorities. Abductions and forced recruitment by the TMVP group are also reported to have occurred in IDP camps in Batticaloa and Trincomalee districts.

...Insecurity resulting from the activities of criminal groups, many of whom received training from the TMVP and fought against the LTTE alongside TMVP and the SLA and are also often reported to act with impunity, has also affected both Tamils and Muslims in the East.

All ethnic groups in the East who have been displaced by the conflict have experienced difficulties in accessing former land and livelihoods. Several areas in the East remain uninhabitable due to the presence of landmines and/or other unexploded ordinances. Returnees in some areas of the East have been unable to access their former places of residence because they are being occupied by security forces. Several hundred returnees in Batticaloa and Trincomalee have been unable to return to their homes because they were inside SLA camps or in buffer zones around them. The designation of the High Security Zones in the East has also cut off access by many Muslims and Tamils to locations used by for agriculture, fishing and cattle grazing and other livelihood activities (United Nations High Commissioner for Refugees (UNHCR) 2009, 'UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka', April, pp. 8-12 – Attachment 20).

2. Is there a large military presence in Trincomalee? Are there reports of human rights abuses by the military in the east?

3. Do paramilitary groups/pro-government militias (such as those previously headed by Karuna and/or Pilliyan) still operate in Trincomalee? Are they still a threat to Tamils who are suspected of having LTTE links?

The response to these questions has been divided into three sections, which in turn deal with the military presence and the operations of paramilitary groups in Trincomalee and the wider Eastern Province; the human rights abuses committed by the military and paramilitary groups in the east; and the threat of these groups to ethnic Tamils who are perceived to have links to the LTTE.

Military presence and paramilitary groups in Trincomalee

As outlined earlier, the US Department of State travel warning specifically states that “[a]rmed paramilitaries remain active in the Eastern Province” (US Department of State 2009, ‘Travel Warning: Sri Lanka’, US Department of State website, 26 June http://travel.state.gov/travel/cis_pa_tw/tw/tw_3011.html# – Accessed 30 June 2009 – Attachment 17).

The DFAT travel warning cited above similarly states that “[t]he security situation in the Eastern Province remains tense and unpredictable. Tight controls continue to be implemented by the Sri Lankan security forces and paramilitary activity is widespread” (Department of Foreign Affairs and Trade 2009, ‘Travel Advice: Sri Lanka’, Department of Foreign Affairs and Trade website, 22 June http://www.smartraveller.gov.au/zw-cgi/view/Advice/Sri_Lanka – Accessed 30 June 2009 – Attachment 18).

The most recent US Department of State human rights report claims that in 2008, “[t]he government used paramilitary groups to assist its military forces in fighting the LTTE. The Tamil Makkal Viduthalai Pulikal (TMVP), led by breakaway- LTTE eastern commanders Vinayagamurthi Muralitharan, alias “Karuna,” and Sivanesathurai Chandrakanthan, alias “Pillaiyan,” operated mostly in the east... During the year, there were numerous killings and assaults of civilians by unknown actors suspected of association with the TMVP”. In addition, it is reported that “[t]here was also no outcome of the CoI [Commission of Inquiry] investigation into the case of five Tamil students killed in Trincomalee in 2006 despite testimony that implicated individual members of the security forces by name” (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Sri Lanka*, February, Section 1a – Attachment 21).

The UNHCR report cited above also describes “a heavy military and paramilitary presence” in the east, including “the pro-Government Tamil Makkal Viduthalai Pulikal (TMVP)” and its founder, “V. Muralitharan, otherwise known as Karuna” who in October 2008, “was sworn into Parliament as a member of the Government’s coalition UPFA [United People’s Freedom Alliance]”:

Local elections and provincial elections took place in the East in March and May 2008 respectively, with the participation of national parties in several localities for the first time in 14 years. President Rajapaksa’s coalition United People’s Freedom Alliance (UPFA), which includes the pro-Government Tamil Makkal Viduthalai Pulikal (TMVP), won the elections. President Rajapaksa hailed this election victory in the East as a mandate to push ahead with the fight against the LTTE in the North. The second-in-command of the TMVP, S. Chandrakanthan was appointed Chief Minister of the Eastern Provincial Council following the elections. Reported incidents of violence, intimidation of opposition candidates and voters, and vote rigging, many allegedly involving armed members of the TMVP, are considered to have undermined the confidence of many in the East in the elections and the legitimacy of the Provincial Council which came into place as a result.

On 8 October 2008, V. Muralitharan, otherwise known as Karuna, the founder of the TMVP, was sworn into Parliament as a member of the Government’s coalition UPFA. Karuna’s membership in Parliament has been heavily criticized by local and international observers because of his alleged activities in his former role as a commander of the military wing of the TPMV, and, before that, the LTTE. The Government has, however, pointed to the increased prominence of TMVP in the political sphere as an indicator of greater representation of Tamils in Government. Some observers have expressed the view that TMVP does not enjoy wide support within the Tamil community. The credibility of the TMVP as a political actor has been undermined by the party’s refusal to disarm and its continued engagement in paramilitary activities.

...While small groups of LTTE fighters continue to target Government security forces in the East, the conflict-related hostilities in this region have been significantly curtailed. Notwithstanding the end of the open armed conflict in the East, a heavy military and paramilitary presence remains on the territory. The SLA and the Sri Lankan counter-insurgency Special Task Force (STF) assert security, military and counter-terrorism imperatives for their heavy operations in the region. The overall security situation in the East continues to be tense and serious violations of human rights by Government and non-State actors are still regularly reported (United Nations High Commissioner for Refugees (UNHCR) 2009, ‘UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka’, April, pp. 4, 8 – Attachment 20).

An International Crisis Group report from April 2009 provides an assessment of the security situation in the Eastern Province of Sri Lanka, particularly identifying “continuing large-scale military presence and security restrictions”, along with a “deteriorating security situation and lack of political reform”. The report also highlights “violent conflicts between different factions of the pro-government TMVP, and impunity for killings and disappearances, many of them apparently committed by government security forces and/or their allies in the TMVP”. In addition, it is noted that “TMVP cadres from both the Pillayan and Karuna factions are also widely accused of criminal activities, including extortion, abductions and killings...[M]any of those killed are targeted by the TMVP and government security forces as LTTE members or supporters...[and] the large majority of the civilian victims have been Tamils”:

[T]here are still important challenges in the so-called “liberated” area of the Eastern Province. Even now, the Eastern Province is still not the “postconflict” situation that development agencies had hoped it would be when they started work there in late 2007 and early 2008. Despite the presence of tens of thousands of soldiers and police in the east, the Liberation Tigers of Tamil Eelam (LTTE) have proven able to launch attacks on government forces and on their rivals in the Tamil Makkal Viduthalai Puligal (TMVP). **There have also been violent conflicts between different factions of the pro-government TMVP, and impunity for killings and disappearances, many of them apparently committed by government security forces and/or their allies in the TMVP.** Extortion and criminality linked to the TMVP also remain problems. Insecurity and fear are undermining the ability of agencies and contractors to implement projects.

...1. Increasing violence and impunity

There has been a marked deterioration in the security situation since mid-2008, particularly in Batticaloa district. Political killings, enforced disappearances, attacks on police and army outposts, robberies, extortion and other criminal violence have become daily occurrences. In a single 24-hour period in November 2008 eighteen people were murdered in Batticaloa district by different groups. Fear among civilians, business people and those involved in development work is extremely high.

While it is difficult to determine responsibility for individual attacks, a general picture of the sources of violence can be drawn. **Much of the violence is a product of increasingly bitter conflict between members of the Tamil Makkal Viduthalai Puligal (TMVP), now led by Eastern Province Chief Minister S. Chandrakanthan, better known as Pillayan, and supporters of TMVP founder and now government minister V. Muralitharan, alias Karuna.** The 18 October 2008 murder of Pillayan’s most important adviser, Kumaraswamy Nandagopan, was a major blow; while the government blamed the attack on the LTTE, Pillayan himself hinted at other sources. Karuna’s decision in March 2009 to leave the TMVP and join President Mahinda Rajapaksa’s Sri Lanka Freedom Party (SLFP) has transformed but not ended the conflict. **TMVP cadres from both the Pillayan and Karuna factions are also widely accused of criminal activities, including extortion, abductions and killings.** The second half of 2008 and early 2009 have also seen a growing number of LTTE attacks in the east, both against the TMVP, including some apparently successful attempts to infiltrate TMVP offices, and against the police, army and civil defence personnel. Finally, there is credible evidence to suggest that many of those killed are targeted by the TMVP and government security forces as LTTE members or supporters, either as part of the government’s general counter-insurgency strategy or in response to specific LTTE attacks on, or infiltration of, the TMVP.

...The near-complete impunity for killings and disappearances adds to the widespread fear. Many survivors choose not to report cases of disappearances, robbery, extortion, sexual violence and other criminal attacks given the unwillingness of the police to seriously investigate; in many cases, police even refuse to accept complaints. “Everyone is too scared to complain about anything”, explains a human rights lawyer. “No one wants to file legal actions or police complaints about any issue at all because the person they are angry with may be linked to an armed group and seek retribution”. There is still no evidence of any serious investigations into political killings and disappearances over the past few years.

... 3. Muslim and Tamil alienation

Many Muslims continue to feel vulnerable to attacks and extortion from the TMVP and, to a lesser extent, from government security forces. **Tensions between Tamils and Muslims, aggravated by the actions of the Pillayan and Karuna factions, remain high.** Many remain bitter over the nomination of Pillayan, rather than the Muslim candidate Hisbullah, as provincial chief minister and complain that Tamils continue to control the provincial administration and council.

Few Tamils, on the other hand, express satisfaction with the limited benefits they receive from having a provincial council controlled by the TMVP. **Most continue to see the TMVP as a dangerous and parasitic force on the community.** Many also believe Muslims continue to have more political influence and better access to resources. And virtually all Tamils complain of repressive government security policies and fear expanded government-sponsored Sinhalisation. **The continued displacement of more than 5,000 Tamils from their homes in the government's Sampur High Security Zone in Trincomalee is a major source of alienation** and has fed fears that more such high-security zones linked to economic development could be in the pipeline. There is some evidence that the LTTE is able to operate more effectively in the east due in part to the growing alienation of Tamils from the government and their designated government-sanctioned representatives, the TMVP (Researcher's emphases) (International Crisis Group 2009, *Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province*, Asia Report N° 165, 16 April, pp. i, 3-7 – Attachment 22).

Additionally, an article dated 24 July 2009 indicates that the TMVP is active in Trincomalee, reporting that “the body of a six-year-old schoolgirl named Varsha Jude Reggie was found dumped in a drain in the eastern town of Trincomalee on March 13th... The chief suspect in the murder was a Trincomalee TMVP organiser who was later shot dead in custody”. The article also reports that “the military is planning to boost its numerical strength to almost 300,000” across the country:

Last May provincial council elections resulted in a former child soldier named Sivanesathurai Chandrakanthan, more commonly known as Pillayan, being elected chief minister. Pillayan ran as the candidate of Sri Lanka's ruling coalition, the United Peoples' Freedom Alliance.

He also leads the Tamil Makkal Viduthalai Puligal (TMVP), the Tamil Peoples' Liberation Tigers, a pro-government Tamil faction, many of whose members are former Tiger militants, having defected after a split in the organisation in April 2004.

...But although the TMVP won 70 per cent of the vote in the local and provincial council elections last year, human rights monitors accused them of engaging in widespread voter intimidation. Sri Lanka's main opposition party boycotted the local elections.

In recent months its reputation suffered badly after the body of a six-year-old schoolgirl named Varsha Jude Reggie was found dumped in a drain in the eastern town of Trincomalee on March 13th. She had been kidnapped two days earlier, held to ransom and then strangled.

The chief suspect in the murder was a Trincomalee TMVP organiser who was later shot dead in custody. Another suspect committed suicide by swallowing cyanide, an old Tigers tactic for avoiding interrogation.

For its part, the TMVP is blaming its main rival in the east: the so-called 'Karuna faction', led by the organisation's former leader. Born Vinayagamoorthy Muralitharan, the 43-year colonel Karuna Amman ran the Tigers' eastern operations until March 2004. With the conflict stalled by a Norwegian-mediated ceasefire, Karuna accused the Tigers' northern leadership of neglecting its eastern territories.

Following a brief internal war, Karuna broke away from the Tigers with about 6,000 fighters, many of whom have now regrouped as the TMVP. But violent clashes between supporters of Karuna and his deputy Pillayan rent the district throughout 2007.

Last year, Karuna and 2,000 of his supporters joined the Sri Lanka Freedom Party (SLFP), the largest party in the ruling coalition.

...There are members of the Batticaloa community who regard these ex-Tiger groups as little more than supplicants of the security forces.

"The TMVP, Karuna and others are seen as opportunists," says a Tamil Catholic priest who requested not to be identified. "Batticaloa's mayor was with the TMVP, now she has joined the government. Maybe there will soon be just a rump TMVP left. Karuna has joined because he knows otherwise, someone will just shoot him."

...Meanwhile, the military is planning to boost its numerical strength to almost 300,000.

"We had no control over the north for years so we will recruit an extra 150,000 troops," said ministry of defence spokesman Keheliya Rambukwella at a recent press conference in the capital, Colombo.

There are those who fear that expanding the armed forces will perhaps give them a similar level of influence to the military in Pakistan.

"The reason they're building up the military is to prevent a recurrence of what happened in the past, that they're not going to allow the Tamil people in the north to be able to mobilise and resist as they did in the past," says Jehan Perera, director of a Sri Lankan think tank, the National Peace Council.

"But if anything grows in strength and is given the power of impunity, then you will find the military playing a bigger role" (Farrell, T. 2009, 'Wary peace as war-torn island recovers from 26-year conflict', *Irish Times*, 24 July – Attachment 23).

Similarly, an article in *The Australian* dated 1 June 2009 claims that "[t]he Sri Lankan army announced plans this week to bolster its 200,000-strong force with an additional 100,000 troops to crush the remaining Tiger rebellion". In addition, the article explains that many of the 97 people reported missing in Trincomalee in 2008 were suspected victims of Tamil paramilitary groups:

In Trincomalee district last year, one of three that make up the eastern province, 97 people were reported missing. Many are suspected victims of rival Tamil paramilitary groups.

...The Government says it is committed to demining and rebuilding the north, and releasing the bulk of people from camps within 180 days.

The Sri Lankan army announced plans this week to bolster its 200,000-strong force with an additional 100,000 troops to crush the remaining Tiger rebellion and oversee the redevelopment process, prompting accusations the Government was planning an "army of occupation" in the north.

...Observers fear the Government will see the mass displacement of Tamils as an opportunity to change the demographics of the north by offering incentives to Sinhalese people.

...Sri Lankan Foreign Secretary Palitha Kohona, a former envoy to Australia, dismisses such talk as the “accusations of interested parties who just want to continue churning the pot”.

“Fifty-four per cent of Tamil people in this country made a decision to leave their homelands (in the north and east),” he said.

Reprisals and disappearances did occur in the east after liberation, he concedes, but such violence was a thing of the past (Hodge, A. 2009, ‘Tamils fear bout of ethnic cleansing’, *The Australian*, 1 June – Attachment 24).

Human rights abuses

The UNHCR report dated April 2009 cited earlier claims that “[s]erious human rights violations continue to be committed by multiple actors in Sri Lanka [including] the military, police and security forces, the LTTE, the TMVP and armed factions of other political parties”:

Throughout Sri Lanka, the acts of violence and human rights abuses highlighted in the 2006 position paper, including abductions, disappearances, assaults, extortion, forced recruitment and extra-judicial killings continue to be committed with impunity by multiple actors... **The Government’s counter-insurgency operations and heightened security measures to curtail LTTE activities have themselves been associated with serious violations of human rights, in particular against Tamils from the North and East**, and have not been effective in containing the incidents of political and ethnic violence which continue to undermine the security of civilians in many communities in the country.

...Serious human rights violations continue to be committed by multiple actors in Sri Lanka. **In addition to the military, police and security forces, the LTTE, the TMVP and armed factions of other political parties such as the EPDP [Eelam People’s Democratic Party] and the PLOTE [People’s Liberation Organization of Tamil Eelam] as well as criminal groups have all been implicated in the high number of abductions, disappearances, killings, extortions and forced recruitments in Sri Lanka.**

...While fundamental human rights are enshrined in the Constitution of Sri Lanka, **the Emergency Regulations currently in force in the country accord broad powers and discretion to police and military forces in times of emergency. The Government’s intensified counter-insurgency and anti-terrorism operations, including the repeated expansion of the Emergency Regulations, are considered to have contributed to the overall deterioration in the human rights situation in Sri Lanka.** Concerns have also been expressed that the broadly defined crimes in the Emergency Regulations permit their use to unduly curtail dissent and opposition to the Government or its policies.

i) Abductions and Disappearances

Acts of abduction and kidnapping continue to be a serious problem in Sri Lanka, particularly in the North and East of the country and in Colombo. **Many of the abductions involve civilians who are suspected to be LTTE members or sympathizers.** Reported abductions have also been linked to practices of forced recruitment, particularly by the LTTE in the North and the TMVP in the East. Kidnappings for ransom have also been reported. **The vast majority of reported abductions have involved Tamils**, but Muslims and Sinhalese have also been targeted.

... **While responsibility for the abductions and disappearances are not claimed by any one group, in many of the cases documented by human rights groups there are indications of involvement by Government actors, including security forces, the army, navy, or police.** The incidents reported have frequently followed security searches, interviews or other contact with police or security forces and involve perpetrators who are deliberately hiding their identity.

ii) Arbitrary Arrest and Detention

Law enforcement authorities in Sri Lanka have been widely criticized for engaging in arbitrary arrest, which may be followed by periods of incommunicado detention. Most of those arrested are Tamils who are suspected of affiliation with the LTTE.

In response to petitions on behalf of security detainees in Sri Lanka, in July 2008 the Supreme Court affirmed that “arrest without reasonable ground or suspicion was contrary to Article 13 (1) of the Constitution and that the search in houses without reasonable ground or suspicion was also a violation of rights.” The Court called on the Attorney General to implement measures to prevent and end arbitrary detention under security measures and to release without delay persons against whom there was no evidence to file indictments. Notwithstanding this clear acknowledgement of the widespread practice of arbitrary detention and call for reform by the Supreme Court, **the broad powers of arrest and detention accorded to the police and military under the Emergency Regulations continue to effectively supersede relevant constitutional human rights guarantees and are widely used to arrest and detain individuals on limited evidence and without charge for prolonged periods of security detention.**

As noted above, the SLA has also held Tamils who are fleeing the fighting in the North in highly militarized camps under quasi-detention conditions. Since March 2008, displaced people from LTTE controlled areas, including many family groups with children and elderly people have been held camps in Mannar and Vavuniya districts, where severe restrictions on movement are imposed.

...iii) Freedom of Movement

Tamils and Muslims in Sri Lanka from the North and East of Sri Lanka have been subjected to forcible displacement, return, and relocation, thereby interfering with their right to choose their place of residence. In addition to the restrictions on the movement of IDPs from formerly LTTE-controlled areas referred to above, **restrictions on travel caused by road closures, security checks and curfews imposed by the military, security and police forces, as well as the LTTE, have seriously interfered with the right of civilians to flee the areas of fighting or other forms of targeted human rights violations,** and to seek protection in other parts of the country or asylum abroad and to pursue livelihood activities. As noted above, individuals who do not have the required Government-issued documentation, which would include many returnees and IDPs, are likely to experience even greater interference with their right to freedom of movement within the country.

The use by the Government of its emergency powers to establish High Security Zones (HSZ) in the North and the East has effectively displaced tens of thousands civilians and prevented access to homes and livelihoods. Tamils and Muslims have been most adversely affected by the declaration of High Security Zones. While the Government has promised some resettlement and the allocation of alternative land, those affected and their advocates have argued that the land which has so far been designated for relocation is prone to flooding and is much smaller in area than that from which they have been displaced and does not represent fair compensation.

...vi) *Impunity*

While the number of reported political crimes and human rights violations in Sri Lanka has increased since hostilities intensified in 2006, police investigations and convictions have not increased proportionally. **The Government of Sri Lanka has been widely criticized for failing to acknowledge the extent of the problem and for lacking the commitment to effectively punish perpetrators of human rights violations, in particular those among members of the police, security and military forces.** In a recent statement, a group of 10 UN independent experts expressed their “deep concern at the deteriorating human rights situation in Sri Lanka, particularly the decreasing space for critical voices and the fear of reprisals against victims and witnesses which – together with a lack of effective investigations – has led to unabated impunity for human rights violations” (Researcher’s emphases) (United Nations High Commissioner for Refugees (UNHCR) 2009, ‘UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka’, April, pp. 2-3, 15-21 – Attachment 20).

The US Department of State human rights report for 2008 cites a Human Rights Watch report, which argues that a significant reason for the increase in disappearances throughout the year was “the systemic impunity enjoyed by members of the security forces and progovernment armed groups for abuses they commit”:

Allegedly because of government pressure, the Sri Lanka Human Rights Commission (SLHRC) ceased providing statistics on forced disappearances by state security forces, progovernment paramilitary groups, or the LTTE. According to internationally respected monitoring organizations, after declining in mid- 2007, the number of disappearances increased over the year to more than 500. On November 8, the chairman of the Presidential Commission on Disappearances, retired High Court Judge Mahanama Tilakaratne, stated that 1,100 persons missing or abducted in the past two years were still unaccounted for. In March Human Rights Watch (HRW) provided documentation on several hundred cases compiled by local human rights groups since mid-2006. The greatest concentration of disappearances during the year occurred in Vavuniya and the Eastern Province. The HRW report concluded that a crucial factor was “the systemic impunity enjoyed by members of the security forces and progovernment armed groups for abuses they commit” (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Sri Lanka*, February, Section 1b – Attachment 21).

In addition, the Human Rights Watch world report released in January 2009 argues that since January 2008, when “the Sri Lankan government formally pulled out of its ceasefire agreement with the secessionist Liberation Tigers of Tamil Eelam...the human rights situation in the north and east of the country has deteriorated markedly, with numerous reports of killings, abductions, and enforced disappearances by government forces, the LTTE, and paramilitary groups”:

All parties are responsible for harmful and unnecessary restrictions on humanitarian access to populations at risk.

...Concerns remain about security, sustainability, and freedom of choice for displaced persons returning to or resettling in areas in the east, particularly in the High Security Zone in Sampur, Trincomalee District.

...As many as 22 people were killed and 26 abducted in May 2008 before and after council elections in Eastern Province. The elections resulted in the appointment of Pillayan, a former LTTE member and current Tamil Makkal Viduthalai Pulikal (TMVP) leader, as chief minister. The TMVP, originally a breakaway faction of the LTTE called the Karuna Group, continues to be responsible for abductions and child recruitment with the complicity of the security forces.

Tamil civilians, including many who relocated to Colombo from Jaffna and other locations in the north and east, continue to face arbitrary arrests and detentions, round-ups, orders of eviction, and new forms of registration (Human Rights Watch 2009, *World Report – Sri Lanka*, January – Attachment 25).

Threat to Tamils with perceived LTTE links

The UNHCR report outlined above argues that “[t]he significant majority of reported cases of human rights violations in Sri Lanka involve persons of Tamil ethnicity who originate from the North and East. These individuals are at risk within these regions, and in other parts of Sri Lanka, by Government actors, the TMVP and other pro-Government paramilitary groups as well as the LTTE, because of their race (ethnicity) and/or (imputed) political opinion”:

In Government-controlled areas, Tamils who originate from the North and the East, which are, or have been under LTTE control, are frequently suspected as being associated with the LTTE. For this reason, Tamils from the North and the East are at heightened risk of human rights violations related to the implementation of anti-terrorism and anti-insurgency measures. While this risk exists in all parts of Sri Lanka, it is greatest in areas in which the LTTE remains active, and where security measures are heaviest, in particular the North and parts of the East, and in and around Colombo.

Because of the heavy reliance of the LTTE on support and assistance of Tamils in areas which they have administered or controlled, which has included mandatory military training and recruitment of men and women and children, the use of civilians, including women in suicide attacks, and the requirement that civilians provide financial and other support for LTTE activities, **few Tamils from these regions are without ties to the LTTE. Those who are vulnerable to suspicion of having LTTE ties are, therefore, not limited to individuals who are presently actively engaged in LTTE activities and/or carrying out acts related to the armed conflict.** Categories of Tamils from the North and East who are most likely to be suspected of LTTE affiliations, and are, therefore, at significant risk of suffering serious human rights violations, include, but are not limited to:

- Young Tamil males, in particular those who are not able to establish their affiliation with the TMVP, or one of the other pro-Government Tamil groups
- Tamils, male or female, who were trained by the LTTE, in particular those who have served with LTTE fighting forces
- Tamils who are not in possession of proper civil documentation, such as National Identity Cards
- Tamils who have had contacts with the political offices that the LTTE opened in several areas of the North and the East after the signing of the Cease Fire Agreement of 2002/07
- Tamils who were born in the North or the East who and are outside of the region, in particular those who reside in or seek to enter Colombo.

... Tamils from the North and East of Sri Lanka who flee either indiscriminate violence or targeted human rights violations are not considered to have a realistic internal flight alternative in any other part of the country. As noted above, **Tamils from the North and East are at risk of human rights violations in all other parts of Sri Lanka, by Government actors or other pro-Government groups, because of real or imputed LTTE affiliations.**

... Tamils from the North are not considered to have an IFA/IRA in the East because of the volatile security situation, in particular for individuals likely to be suspected of being associated with the LTTE, as well as the heightened risk of human rights violations to which a Tamil from the North in an internal displacement situation in the East would be exposed.

... The asylum seekers who are fleeing persecution by Government actors or other pro-Government groups, including armed factions of the TMVP, EPDP and PLOTE are not considered to have an IFA in any part of the country due to the ability of these agents of persecution to seek and find the individuals concerned in all parts of the country (Researcher's emphases) (United Nations High Commissioner for Refugees (UNHCR) 2009, 'UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka', April, pp. 21-23, 33-34 – Attachment 20).

The article in *The Australian* on 1 June 2009 mentioned above cites International Crisis Group Sri Lanka analyst Alan Keenan as stating that “[t]here’s going to be a lot of people vulnerable to denunciations as Tamil Tigers, and it’s almost certain that process is already under way”. In Trincomalee, reports of attacks on Tamils and of Tamils being forced to contribute funds for celebrations of the government’s declared victory over the LTTE are also described. In addition, it is highlighted that many people suspect their family members have “been forcibly interned in the camps while the Government weeds out rebel soldiers”:

The Government is seeking to purge separatist “sleeper cells” and sympathisers.

In the wake of President Mahinda Rajapakse’s declaration of victory over the Liberation Tigers of Tamil Eelam last month, Sinhalese Sri Lankans danced and waved the national flag, which bears the Sinhalese lion.

Most Tamils stayed behind closed doors. In the town of Trincomalee -- part of the eastern province liberated from the Tigers in 2007 -- reports emerged of bashings and of Tamil families and businesses being obliged to donate money for a celebration feast.

“There’s going to be a lot of people vulnerable to denunciations as Tamil Tigers, and it’s almost certain that process is already under way, which is one reason why it’s essential -- but unlikely -- that the Government will make the (refugee) camps open to independent eyes,” International Crisis Group Sri Lanka analyst Alan Keenan said.

... The problem for hundreds of thousands of Tamils from the north is they all fall under suspicion simply for having lived in LTTE-held territory.

Rights campaigners and aid workers have reported large numbers of people, including at least 80 former LTTE child soldiers, have gone missing from internment camps in the northeast, which now house more than 280,000 displaced people. “The problem in this country is terror and impunity,” an exhausted aid worker said. “There are never investigations.”

An eastern-based health official told *The Australian* he was fielding 20 inquiries a day from people looking for family members they believed had been forcibly interned in the camps while the Government weeds out rebel soldiers (Hodge, A. 2009, ‘Tamils fear bout of ethnic cleansing’, *The Australian*, 1 June – Attachment 24).

A Human Rights Watch article dated 28 July 2009 outlines similar concerns regarding Tamil civilians being detained in camps, including in Trincomalee, in order to screen them for potential security threats. It is claimed that “[t]he military has reportedly removed several thousand camp residents for alleged membership or support of the LTTE, and transferred them to rehabilitation centers for LTTE fighters or to Colombo, the capital, for further interrogation”:

The Sri Lankan government should immediately release the more than 280,000 internally displaced Tamil civilians held in detention camps in northern Sri Lanka, Human Rights Watch said today.

The government, in violation of international law, has since March 2008 confined virtually all civilians displaced by the fighting between government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) in detention camps, euphemistically called “welfare centers” by the government. Only a small number of camp residents, mainly the elderly, have been released to host families and institutions for the elderly.

“Keeping several hundred thousand civilians who had been caught in the middle of a war penned in these camps is outrageous,” said Brad Adams, Asia director at Human Rights Watch. “Haven’t they been through enough? They deserve their freedom, like all other Sri Lankans.”

The United Nations reported that as of July 17, 2009, the government was detaining 281,621 people in 30 military-guarded camps in the four northern districts of Vavuniya, Mannar, Jaffna, and Trincomalee. Camp residents are allowed to leave only for emergency medical care, and then frequently only with military escort. Inside the camps, humanitarian workers are prohibited, on threat of being barred from the camps, from discussing with residents the fighting in the final months of the conflict or possible human rights abuses.

Premkumar, 44 years old, told Human Rights Watch that he, his wife, and their 3-year-old daughter have been confined to a camp since they escaped the war zone in mid-May. He has been allowed out only once, when he managed to obtain a referral to a hospital.

“The way I see it, we are not internally displaced persons, we are internally displaced prisoners,” Premkumar said. “We used to be in a prison controlled by [LTTE leader] Prabhakaran. Now we are in a prison controlled by the government.”

In Kalimodдай and Sirukandal camps in Mannar district, established more than a year ago, some residents have been granted permission to leave the camp for short periods during the day. In these camps, they have to register with the military twice a day. Human Rights Watch has received reports that if a person fails or is late to register, the military may apply punitive measures, such as forcing the person to stand still under the sun for a period of time or to perform manual labor.

Sri Lanka’s policy of confining the displaced to detention camps has been widely condemned. On May 15, for example, Walter Kälin, the UN secretary-general’s representative on internally displaced persons, said: “Prolonged internment of such persons would not only amount to arbitrary detention but it also aggravates the humanitarian situation needlessly.”

In response to domestic and international criticism, President Mahinda Rajapaksa has tried to justify the detention policy by claiming that anyone in the camps could be a security threat. The government has sought to play down the situation, insisting that the displaced civilians will be quickly resettled. In May, the government said it would resettle 80 percent of them by the end of this year. Now the Minister of Foreign Affairs says the goal is 60 percent. The

government has not provided any concrete resettlement plans, however, and displaced persons have not received any information about when they might be allowed to return home.

The military has reportedly removed several thousand camp residents for alleged membership or support of the LTTE, and transferred them to rehabilitation centers for LTTE fighters or to Colombo, the capital, for further interrogation. In many cases, the authorities have failed to inform relatives remaining in the camps about the fate and whereabouts of those removed, raising concerns of possible ill-treatment or enforced disappearance. The order to humanitarian workers not to talk to camp residents limits their ability to protect people from abuse.

While the Sri Lankan authorities are entitled to screen persons leaving the war zone to identify Tamil Tiger combatants, international law prohibits arbitrary detention and unnecessary restrictions on the right to freedom of movement. This means that anyone taken into custody must be promptly brought before a judge and charged with a criminal offense or released. Although human rights law permits restrictions on movement for security reasons, the restrictions must have a clear legal basis, be limited to what is necessary, and be proportionate to the threat.

“Vague promises about the future release of the people illegally locked up in detention camps are no justification for keeping them there,” said Adams. “Every day in the camp is another day that the government is violating their rights” (Human Rights Watch 2009, ‘Sri Lanka: Free Civilians From Detention Camps’, Human Rights Watch website, 28 July <http://www.hrw.org/en/news/2009/07/28/sri-lanka-free-civilians-detention-camps> – Accessed 31 July 2009 – Attachment 26).

In a related article, Human Rights Watch’s Asia director Brad Adams states that “[t]reating all these men, women, and children as if they were Tamil Tiger fighters is a national disgrace” (Human Rights Watch 2009, ‘Sri Lanka: End Illegal Detention of Displaced Population’, Human Rights Watch website, 11 June <http://www.hrw.org/en/news/2009/06/11/sri-lanka-end-illegal-detention-displaced-population> – Accessed 31 July 2009 – Attachment 27).

Although not specifically referring to the Eastern Province, an assessment of the security situation in Sri Lanka by International Crisis Group dated 16 June 2009 provides similar information:

The final months of fighting have left in their wake a humanitarian crisis. Almost 300,000 civilians managed to escape the fighting and enter government-controlled territory. They face difficult conditions in overcrowded military-run internment camps, from which they are not allowed to leave or live with relatives or host families. UN agencies and humanitarian NGOs trying to provide aid face significant restrictions, designed in part to prevent the release of information on the camps’ conditions and on the experiences of the displaced while they were trapped in the fighting.

Many suspected of involvement with the LTTE have been separated from their families and detained for further questioning, some in undisclosed locations. There are credible reasons to fear for their safety. At least 2,000 people – possibly many more – have been forcibly “disappeared” in Sri Lanka since early 2006. With the government not releasing lists of those in the camps or those who have been detained on suspicion of involvement with the LTTE, it is impossible to know when or if people are going missing. Many of the displaced remain uncertain about the whereabouts or fate of their family members from whom they have been separated (International Crisis Group 2009, ‘Sri Lanka: After the War’, International Crisis

Group website, 16 June <http://www.crisisgroup.org/home/index.cfm?id=6070&l=1> – Accessed 4 August 2009 – Attachment 28).

An article written by International Crisis Group's Asia program director, Robert Templer, on 21 July 2009 describes the case of Tamil government doctors who are being held in government custody on suspicion of cooperating with the Tamil Tigers:

Many of the displaced remain uncertain about the whereabouts or fate of family members from whom they have been separated. Many suspected of involvement with the Tigers have been separated from their families and detained for further questioning, some in undisclosed locations. Some end up in detention and rehabilitation centers that the Red Cross and Unicef have access to.

One case deserves special mention. Three Tamil government doctors and one senior health official are known to be in government custody and are now threatened with prosecution for cooperating with the Tamil Tigers. As just about the only remaining officials inside the war zone in the final weeks, they worked heroically to save lives and alert the world to the humanitarian disaster endured by civilians trapped in the fighting. On July 8, their captors forced them to recant their stories. This farce should end: They should be freed (Templer, R. 2009, 'War Without End', International Crisis Group website, source: International Herald Tribune, 21 July <http://www.crisisgroup.org/home/index.cfm?id=6234&l=1> – Accessed 4 August 2009 – Attachment 29).

In addition, the US Department of State human rights report cited above claims that “[i]n the east and conflict-affected north, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections”:

The detentions reportedly were followed by interrogations that frequently included torture. When the interrogations failed to produce evidence, detainees were often released with a warning not to reveal information about their arrests and threatened with rearrest or death if they divulged information about their detention. Human rights groups estimated that more than 2,000 LTTE suspects were in regular detention centers, such as prisons, with approximately 1,200 more in police stations, the Criminal Investigation Division, the Terrorism Investigation Division, army or paramilitary camps, or other informal detention facilities. The military denied holding detainees at its facilities and did not grant access to national or international monitors to investigate claims of torture by military forces.

...On October 3, Kandasamy Kugathas and A. Gunaseelan were killed after being part of a group of 14 Tamils detained by the police in Batticaloa on suspicion of having links to the LTTE. The following morning, nine of the remaining 12 were released. Relatives of the detained refuted police claims that Kugathas and Gunaseelan were released the morning of October 4, reporting that they had seen both at the prison that evening. According to eyewitness accounts, the two were taken from their cells late at night on October 4 by men in civilian clothing, who asked for the victims by name. Six days later Kugathas' and Gunaseelan's mutilated bodies were found. The remaining three detainees were subsequently released.

...Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers and did not turn them over to the police, blurring the line between arrests and abductions. Credible reports alleged that security forces and paramilitaries often tortured and killed those arrested rather than follow legal safeguards.

...In Jaffna the progovernment paramilitary EPDP used a network of informants and worked with military intelligence and other government security forces to identify, abduct, and kill alleged LTTE sympathizers or operatives. The TMVP used a similar network of informants in the east to discover and eliminate possible LTTE operatives or sympathizers.

The TMVP, the EPDP, and other paramilitary organization ran extortion rings. These groups allegedly killed civilians, in many cases following abductions. According to credible reports, the government provided protection, intelligence, and military training to TMVP and EPDP cadres who committed extrajudicial killings, abductions, extortion, and torture.

...In the east the TMVP often operated without hindrance in internally displaced persons (IDP) camps under government control and restricted humanitarian access. Abductions and forced recruitment by the TMVP took place in IDP camps in Batticaloa and Trincomalee districts.

...The law grants every citizen “freedom of movement and of choosing his residence” and “freedom to return to the country.” However, in practice the government severely restricted this right on multiple occasions. The war with the LTTE prompted the government to impose additional checks on travelers from the north and the east and on movement to Colombo. In Colombo police refused to register Tamils from the north and the east, as required by Emergency Regulation 23, sometimes forcing them to return to their homes in areas affected by the conflict. Tamils were subject to onerous restrictions on fishing in Jaffna and Trincomalee.

The government required Tamils, especially those living in Jaffna, to obtain special passes issued by security forces to move around the country. Unlike other citizens, ethnic Tamil’s identification cards were printed in both Sinhalese and Tamil, allowing security forces immediately to determine who was an ethnic Tamil. Citizens of Jaffna were required to obtain permission from the army’s Civil Affairs unit, or in some cases from the EPDP, to leave Jaffna. According to several sources, the waiting list was more than five months long. Curfews imposed by the army also restricted the movement of Jaffna’s citizens.

Security forces at army checkpoints in Colombo frequently harassed Tamils. After the government assumed effective control of the east, both the government and the TMVP operated checkpoints that impeded the free movement of residents, especially Tamils.

...Of the 170,000 persons reportedly displaced across the Eastern Batticaloa and Trincomalee districts between 2006 and 2007, all but 8,300 IDPs in Batticaloa and 4,200 IDPs in Trincomalee returned under the government- and UNHCR-facilitated returns process began during the year.

...On May 10, the government held elections for a newly created Eastern Provincial Council (EPC). On June 4, TMVP leader Pillaiyan took office as chief minister of the EPC. Opposition parties and observer groups criticized the vote for alleged irregularities, accusing the TMVP of violence and intimidation.

...Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle-aged Tamil men by security forces and paramilitary groups (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Sri Lanka*, February, Sections 1c, 1d, 1g, 2d, 3, 5 – Attachment 21).

4. Is there any evidence of a town called Kiliveddy Muthur Trincomalee? Prior to the Sri Lankan government claiming victory over the LTTE, was Kiliveddy controlled by the LTTE or the government?

From the sources consulted, it appears that ‘Muthur’ division is also referred to as ‘Muttur’ or ‘Muttur’, and is located in the district of Trincomalee.

A map produced by the United Nations shows the town of Kiliveddy as being located in the southern part of Muttur (United Nations Office for the Coordination of Humanitarian Affairs (OCHA) 2009, ‘Sri Lanka: Trincomalee District – IDPs & Returnees in Muttur (as of 07 July 2009)’, ReliefWeb website, 20 July

[http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/DCA89C952C9291AA852575FA0069B2CE/\\$File/map.pdf?OpenElement](http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/DCA89C952C9291AA852575FA0069B2CE/$File/map.pdf?OpenElement) – Accessed 31 July 2009 – Attachment 30).

A news article from the TamilNet website claims that an “[u]nidentified gunmen shot dead a man at Kiliveddy in Muthur in Trincomalee district Sunday night, sources in Trincomalee said” (‘Man shot dead in Muthur’ 2007, TamilNet website, 19 March

<http://www.tamilnet.com/art.html?catid=13&artid=21610> – Accessed 30 July 2009 – Attachment 31).

In addition, another article from the TamilNet website dated 5 August 2006 reports that “[a] Tamil businessman in Kiliveddy village in Muttur division was shot and killed by the Sri Lanka Army...when he closed his business and approached the main road”:

SLA soldiers shot the businessman around 6:30 p.m.. The victim, Kaththamuthu Perinaparasa, 65, had been a leading businessmen in the village, civil sources said.

Mr. Kaththamuthu Perinaparasa’s business establishment is located close to Kiliveddy Maha Vidiyalyam where around ten thousand displaced Tamil civilians following indiscriminate artillery fire aerial attack by the Sri Lanka Army (‘Sri Lanka Army kills Tamil businessman in Kiliveddy’ 2006, TamilNet website, 5 August

<http://www.tamilnet.com/art.html?catid=13&artid=19082> – Accessed 31 July 2009 – Attachment 32).

A number of articles indicate that a transit camp for internally displaced persons (IDPs) is located in Kiliveddy.

For example, an article from *IRIN News* dated 18 April 2007 describes the Kiliveddy transit centre, indicating that concerns have been raised over the involuntary placement in this centre of IDPs from other areas:

Some of an estimated 40,000 Trincomalee residents displaced south – principally to Batticaloa District – by Sri Lanka’s conflict as it intensified in 2006 are in the process of returning to their home areas.

The Kiliveddy transit centre in southern Trincomalee district was set up in early March 2007 to meet their needs and already it has the feel of a crowded bus station, with small numbers of internally displaced persons (IDPs) coming and going.

Some transit through Kiliveddy before returning to their original homes. Others are requested to stay in Kiliveddy because the government says security is too precarious in their home areas.

In a number of cases, however, IDPs say they have been urged by authorities to leave Kiliveddy for their former homes only to quickly return when they discover their homes have been looted or destroyed, or the climate of insecurity and intimidation is unbearable.

Kiliveddy transit camp, muddy and recovering from recent flooding, was built over several months with the support of UN agencies, and international and local NGOs. Services include health, water and sanitation, food assistance and child-friendly play areas.

On 7 April, senior USAID official Michael Hess, Assistant Administrator for the Bureau for Democracy, Conflict and Humanitarian Assistance, used a visit to the Kiliveddy transit centre to praise the UN agencies and NGOs, saying he “was encouraged that the international humanitarian community was delivering a coordinated response to the basic needs of displaced people in eastern Sri Lanka.”

Eight of the 10 Kiliveddy transit structures – mostly tin or plastic sheeted facilities – are now complete and sufficient to hold more than 5,000 displaced people. The camp currently holds 2,130 people.

Other IDPs stay in improvised smaller sites – the largest being the Kiliveddy school which currently houses 143 families (about 485 individuals). So that children can get back to their classes full-time, these IDP families are soon to be moved from the school either into available transit centre space or to new shelters that are currently being constructed by the International Committee of the Red Cross (ICRC).

...The Kiliveddy transit centre was established at the insistence of government authorities – ostensibly to provide temporary shelter for those displaced people returning from the south.

At any time, humanitarian agencies have to be prepared for the possibility of mass returns of IDPs. Several hundred returnees are expected to arrive in Kiliveddy in the coming days, mostly bussed by authorities. There are also frequent arrivals of “spontaneous” returns – small groups of IDP families who take commercial transport to Kiliveddy.

Concerns over involuntary return

While the humanitarian community has been given assurances by the Sri Lanka government that relocation of IDPs would be completely voluntary, some concerns have been raised, chiefly by camp residents themselves.

In an IRIN interview following heavy flooding at the transit camp, Punniyawathy, a 40-year-old woman from the village of Valathottam, Eachchilampattai division, said she and her family fled for Batticaloa in August 2006.

She claimed her group was forcibly put onto buses in Batticaloa and brought to Kiliveddy on 13 March.

“We thought we were being returned to our homes but ended up here,” she said. “We have been questioning the authorities about why we must remain here. To me, it’s just the same feeling as if we were to die.”

...The flow of IDPs is putting a heavy burden on the small Kiliveddy hospital. It is run by the government health ministry, with UNICEF providing support with an immunisation programme, high protein biscuit distribution, and the provision of several ambulances. The hospital currently has only one physician, Dr. Swantharajah, who says with the arrival of the IDPs, the number of outpatients seen daily has soared to an average of 140.

“The principal ailments we’re finding,” said the doctor, “are diarrhoea, chicken pox and viral fever... we can expect more cases of fever with the heavy rain.”

The doctor also said he had seen a number of cases of hepatitis – most likely transmitted from IDPs who have returned from Batticaloa. They are not yet sure what type it is, given that no local capacity exists to diagnose it, however blood samples are currently being evaluated by regional authorities.

Fortunately, Trincomalee remains relatively quiet, compared to Batticaloa and areas in the north where the conflict continues. But the situation in Kiliveddy is a microcosm of complex and rapidly evolving emergencies, challenging the coordination and response capabilities of the humanitarian community on a daily basis. Should thousands of IDPs start returning from Batticaloa, combined, perhaps, with new IDPs flowing from the north if fighting significantly intensifies, Trincomalee’s relief workers will truly be put to the test (‘SRI LANKA: IDPs in transit centre face uncertain future’ 2007, *IRIN News*, 18 April <http://www.irinnews.org/Report.aspx?ReportId=71682> – Accessed 30 July 2009 – Attachment 33).

In addition, an article dated 15 March 2007 describes the forced relocation of displaced persons held in camps in Batticaloa, to a transit camp in Kiliveddy. The IDPs were originally from various villages in Trincomalee, including Kiliveddy:

Displaced persons staying at five refugee camps in Batticaloa district were forcibly removed to Trincomalee district in a sudden “operation” masterminded by an Assistant Superintendent of Police around noon on Thursday March 15th. Though exact figures are not known NGO sources said that nearly a thousand people were taken against their will in thirty buses to Trincomalee district.

... All people [sic] forcibly removed were from nine Grama Sevakha or Village Services divisions in Muthur and Eechilampatru in Trinco dist. The nine GS divisions were Mallikaitheevu, Periyaveli, Pattithidal, Kiliveddy, Bharathypuram, Menkaamam, Kanguveli, Iruthayapuram and Paalathadicenai.

The people are being taken to a transit camp in Kiliveddy first. They will be re-settled in their own villages in due course (Jeyaraj, D.B.S. 2007, ‘IDP’s from Five Camps in B’Caloa Forcibly Removed to Muthur in Thirty Buses’, *Transcurrents* website, 15 March <http://transcurrents.com/tamiliana/archives/category/transcurrents/news/> – Accessed 30 July 2009 – Attachment 34).

An article from the TamilNet website dated 5 August 2006 indicates that at this time, Kiliveddy was under government control:

About fifteen thousand Tamil people gathered in Killiveddy village along Muttur-Batticaloa road in government controlled area in the Muttur division Friday to seek safer places to escape from aerial strike and artillery fire now being conducted by the Sri Lankan armed forces. The civilians have fled from their villages, Manalsenai, Mallikaitivu, Menkamam, Bharathipuram, Thanganagar, Kanguveli, Palathadichchenai, and Iruthayapuram, civil sources said.

The civilians have been staying in school buildings, temples and public buildings expecting transport facility to safer places with the facilitation of the International Committee of Red cross (ICRC).

ICRC sources said that their officials were unable to reach Killiveddy to provide any assistance due to blockades in some places along the Kantalai-Allai road on Friday ('15 000 Tamil people stranded in Killiveddy' 2006, TamilNet website, 5 August <http://www.tamilnet.com/art.html?catid=13&artid=19073> – Accessed 31 July 2009 – Attachment 35).

Although seemingly referring to Mutur Town specifically, a Human Rights Watch article claims that “[o]n August 4, 2006, 17 Sri Lankan aid workers with the Paris-based international humanitarian agency Action Contre La Faim (ACF) were summarily executed in their office in Mutur, Trincomalee district, following fighting between government security forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) for control of the town” (Human Rights Watch 2009, ‘Sri Lanka: Adopt International Inquiry for Aid Worker Killings’, Human Rights Watch website, 3 August <http://www.hrw.org/en/news/2009/08/03/sri-lanka-adopt-international-inquiry-aid-worker-killings> - Accessed 4 August 2009 – Attachment 36).

An article from the Tamilnation.org website dated 26 April 2006 describes the Muthur jetty and “areas extending up to three kilometres from the Muthur Jetty” as being government controlled and populated in large part “by Tamil speaking Muslims”:

Sri Lankan air force planes resuming aerial bombardment of the Muthur region in Trincomalee district on April 26th have in a colossal blunder dropped bombs on Muslim populated areas coming under Government control. At least three people were killed and eight injured in the incident where all victims were Muslims.

Consequent to the suicide bomber attack on Army Commander Lt. Gen Sarath Fonseka the Defence ministry suspended transport to and from tiger controlled areas in the Wanni and also commenced a three – pronged undeclared war in Trincomalee district.

The air force along with the Navy and Army had conducted a three – pronged, coordinated attack on areas coming under Liberation Tigers of Tamil Eelam control in the Muthur region on April 25th.

...Both the Sampur jetty in LTTE controlled area and Muthur jetty in GOSL controlled area suffered hits.

...Bombs also fell on areas extending up to three kilometres from the Muthur Jetty. These are clearly demarcated Government controlled areas and are largely populated by Tamil speaking Muslims. After protests were lodged by Muslims in Muthur to the security authorities the bombing ceased.

...While the Navy transported the injured Muslim people from GOSL controlled Muthur to Trinco in their gun boats assistance to injured Tamil civilians from LTTE controlled areas in the Muthur division was denied. Though the Red Cross was reportedly engaged in negotiations to get Navy assistance in transporting three seriously injured Tamil civilians to Trinco the defence ministry authorities in Colombo have adamantly refused to help (Jeyaraj, D.B.S. 2006, ‘Sri Lankan Air force bombs Muthur’, Tamilnation.org website, 26 April http://www.tamilnation.org/indictment/shadow_war/060426dbs_retribution.htm – Accessed 31 July 2009 – Attachment 37).

List of Sources Consulted

Internet Sources:

Government Information & Reports

US Department of State <http://www.state.gov/>

UK Foreign & Commonwealth Office <http://www.fco.gov.uk/>

Department of Foreign Affairs and Trade <http://www.dfat.gov.au/>

United Nations

United Nations High Commissioner for Refugees <http://www.unhcr.org/>

ReliefWeb <http://www.reliefweb.int/>

Non-Government Organizations

International Crisis Group <http://www.crisisgroup.org/>

Amnesty International <http://www.amnesty.org/>

Human Rights Watch <http://www.hrw.org/>

International News & Politics

The Economist <http://www.economist.com/>

BBC News <http://news.bbc.co.uk/>

The Guardian <http://www.guardian.co.uk/>

IRIN News <http://www.irinnews.org/>

Xinhua News <http://news.xinhuanet.com/>

Region Specific Links

Daily News <http://www.dailynews.lk/>

Daily Mirror <http://www.dailymirror.lk/>

Sunday Times <http://www.sundaytimes.lk/>

TamilNet <http://www.tamilnet.com/>

Tamilnation.org <http://www.tamilnation.org/>

Transcurrents <http://transcurrents.com/>

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)

MRT-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. MRT Research & Information 2009, *Research Response LKA35133*, 30 June.
3. Polgreen, L. 2009, 'Sri Lanka reaches for a lifeline in the sea War-torn nation sees potential in its bounty of fish and pristine beaches', *International Herald Tribune*, 31 July. (FACTIVA)

4. UK Foreign & Commonwealth Office 2009, 'Sri Lanka Travel Advice', UK Foreign & Commonwealth Office website, 3 July <http://www.fco.gov.uk/en/travelling-and-living-overseas/travel-advice-by-country/asia-oceania/sri-lanka?ta=all> – Accessed 4 August 2009.
5. Jalaldeen, R. 2009, 'Arms haul in Trincomalee', *Daily News*, 27 June <http://www.dailynews.lk/2009/06/27/sec02.asp> – Accessed 30 June 2009.
6. 'Sri Lanka steps up hunt for rebel remnants: report' 2009, *Agence France Presse*, 21 June. (FACTIVA)
7. Wijayapala, R. 2009, 'A month since victory', *Daily News*, 19 June <http://www.dailynews.lk/2009/06/19/sec03.asp> – Accessed 30 June 2009.
8. Sathiya Moorthy, N. 2009, 'Challenges in post war Sri Lanka', *Daily Mirror*, 3 August http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=56710 – Accessed 4 August 2009.
9. Office of the United Nations Resident and Humanitarian Coordinator for Sri Lanka 2009, 'Sri Lanka: North East Joint Humanitarian Update – Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya, Trincomalee and Batticaloa districts' Report # 8, 1-15 June 2009, ReliefWeb website, 15 June [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/NSPR-7TCG4N-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/NSPR-7TCG4N-full_report.pdf/$File/full_report.pdf) – Accessed 30 June 2009.
10. 'Red Cross moves out of east Sri Lanka after 30 years – paper' 2009, *BBC Monitoring South Asia*, source: Sri Lankan newspaper Virakesari, 26 July. (FACTIVA)
11. 'Security passes relaxed for vehicles from East' 2009, *Daily Mirror*, 23 July http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=55598 – Accessed 4 August 2009.
12. Rasooldeen, M. 2009, 'New life after LTTE rout', *Daily News*, 29 June <http://www.dailynews.lk/2009/06/29/news33.asp> – Accessed 30 June 2009.
13. 'Sri Lanka's east returns to normalcy: commission report' 2009, *Xinhua News*, 16 June http://news.xinhuanet.com/english/2009-06/16/content_11552222.htm – Accessed 30 June 2009.
14. Kirinde, C. 2009, 'Abductions, disappearances and unexplained killings continue in North and East', *Sunday Times*, 21 June http://www.sundaytimes.lk/090621/News/sundaytimesnews_18.html – Accessed 30 June 2009.
15. RRT Research & Information 2009, *Research Response LKA35100*, 24 July.
16. MRT Research & Information 2009, *Research Response LKA35061*, 17 July.
17. US Department of State 2009, 'Travel Warning: Sri Lanka', US Department of State website, 26 June http://travel.state.gov/travel/cis_pa_tw/tw/tw_3011.html# – Accessed 30 June 2009.

18. Department of Foreign Affairs and Trade 2009, 'Travel Advice: Sri Lanka', Department of Foreign Affairs and Trade website, 22 June http://www.smartraveller.gov.au/zw-cgi/view/Advice/Sri_Lanka – Accessed 30 June 2009.
19. Haviland, C. 2009, 'US travel advice upsets Sri Lanka', *BBC News*, 30 June http://news.bbc.co.uk/2/hi/south_asia/8126749.stm – Accessed 9 July 2009.
20. United Nations High Commissioner for Refugees (UNHCR) 2009, 'UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka', April.
21. US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Sri Lanka*, February.
22. International Crisis Group 2009, *Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province*, Asia Report N° 165, 16 April.
23. Farrell, T. 2009, 'Wary peace as war-torn island recovers from 26-year conflict', *Irish Times*, 24 July. (FACTIVA)
24. Hodge, A. 2009, 'Tamils fear bout of ethnic cleansing', *The Australian*, 1 June. (FACTIVA)
25. Human Rights Watch 2009, *World Report – Sri Lanka*, January.
26. Human Rights Watch 2009, 'Sri Lanka: Free Civilians From Detention Camps', Human Rights Watch website, 28 July <http://www.hrw.org/en/news/2009/07/28/sri-lanka-free-civilians-detention-camps> – Accessed 31 July 2009.
27. Human Rights Watch 2009, 'Sri Lanka: End Illegal Detention of Displaced Population', Human Rights Watch website, 11 June <http://www.hrw.org/en/news/2009/06/11/sri-lanka-end-illegal-detention-displaced-population> – Accessed 31 July 2009.
28. International Crisis Group 2009, 'Sri Lanka: After the War', International Crisis Group website, 16 June <http://www.crisisgroup.org/home/index.cfm?id=6070&l=1> – Accessed 4 August 2009.
29. Templer, R. 2009, 'War Without End', International Crisis Group website, source: International Herald Tribune, 21 July <http://www.crisisgroup.org/home/index.cfm?id=6234&l=1> – Accessed 4 August 2009.
30. United Nations Office for the Coordination of Humanitarian Affairs (OCHA) 2009, 'Sri Lanka: Trincomalee District – IDPs & Returnees in Muttur (as of 07 July 2009)', ReliefWeb website, 20 July [http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/DCA89C952C9291AA852575FA0069B2CE/\\$File/map.pdf?OpenElement](http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/DCA89C952C9291AA852575FA0069B2CE/$File/map.pdf?OpenElement) – Accessed 31 July 2009.
31. 'Man shot dead in Muthur' 2007, TamilNet website, 19 March <http://www.tamilnet.com/art.html?catid=13&artid=21610> – Accessed 30 July 2009.

32. 'Sri Lanka Army kills Tamil businessman in Kiliveddy' 2006, TamilNet website, 5 August <http://www.tamilnet.com/art.html?catid=13&artid=19082> – Accessed 31 July 2009.
33. 'SRI LANKA: IDPs in transit centre face uncertain future' 2007, *IRIN News*, 18 April <http://www.irinnews.org/Report.aspx?ReportId=71682> – Accessed 30 July 2009.
34. Jeyaraj, D.B.S. 2007, 'IDP's from Five Camps in B'Caloa Forcibly Removed to Muthur in Thirty Buses', Transcurrents website, 15 March <http://transcurrents.com/tamiliana/archives/category/transcurrents/news/> – Accessed 30 July 2009.
35. '15 000 Tamil people stranded in Killiveddy' 2006, TamilNet website, 5 August <http://www.tamilnet.com/art.html?catid=13&artid=19073> – Accessed 31 July 2009.
36. Human Rights Watch 2009, 'Sri Lanka: Adopt International Inquiry for Aid Worker Killings', Human Rights Watch website, 3 August <http://www.hrw.org/en/news/2009/08/03/sri-lanka-adopt-international-inquiry-aid-worker-killings> - Accessed 4 August 2009.
37. Jeyaraj, D.B.S. 2006, 'Sri Lankan Air force bombs Muthur', Tamilnation.org website, 26 April http://www.tamilnation.org/indictment/shadow_war/060426dbs_retaliation.htm – Accessed 31 July 2009.