

REPORT ON FIELD VISIT TO KANTALAI AND SERUNUWARA:
(TRINCOMALEE DISTRICT, EASTERN PROVINCE, SRI LANKA)

AUGUST 25th, 2006

Introduction:

On Monday August 21, 2006, a team consisting of representatives from INFORM (Sunila Abeysekera and Udaya Kalupathirana), the Centre for Policy Alternatives (Bhavani Fonseka and Mirak Raheem) IMADR (Nimalka Fernando and Titus Fernando) visited Kantalai and Serunuwara to ascertain the situation there with regard to internally displaced persons (IDPs).

Among the centres for IDPs visited were:

- in Kantalai: Aysha College and 6 related sub-camps – Al Najah, Al Husna, ICDF, CSA (Ikram) and Gemunu (people living outside the camps);
- in Kottankatuwa, just outside the town of Kantalai: the Peace Refugee Camp;
- in Serunuwara: centres located at Kavantissa Vidyalaya and Pilgrim's Rest near Seruvila temple.

Among those met were: the Chief Clerk at Serunuwara Divisional Secretariat (DS), Samurdhi officer at Seruvila, Divisional Secretary Kantalai, Women's Development Officer, Kantalai, members of Eastern Women's Organization, Community Trust Fund, Jamiyathul Ulama, and Muslim Information Centre in Kantalai and members of Non-Violent Peace Force in Habarana;

The Historical Context:

Trincomalee District is a critical site of the ethnic conflict in Sri Lanka, partly because it links the north of the island with the east, and partly because it has a large natural harbour around which has developed the biggest Naval base in Sri Lanka. It is from Trincomalee that ships carrying people and goods travel to the north and it is in and around Trincomalee that some of the toughest sea battles in the ethnic conflict have been fought. Trincomalee was the capital chosen by the ill-fated North-East Provincial Council in 1987 and was the base from which the Indian Peace-Keeping Forces launched many operations against the LTTE.

Mutur town, which lies across the bay from Trincomalee town and is most easily accessed by ferry from Trincomalee, has a mixed population of Muslims and Tamils. It has been controlled by the security forces. However, the Mutur administrative area also includes areas controlled by the LTTE and thus the area has often been the site of clashes between the security forces and the LTTE as well as between the two communities.

Traditionally, Trincomalee was perhaps the most plural of Sri Lankan Districts, with a mixed population of Sinhala, Tamil and Muslim and a cultural heritage drawing on all mainstream religions and also on indigenous beliefs. It is perhaps because of all these factors that the District has also been the contested site of decades of demographic manipulation. State-aided settlement schemes around the Kantalai tank in the 1960s saw a major influx of Sinhala people into the District, radically altering the ethnic break-down of the District's population.

The protracted nature of the conflict has transformed Trincomalee into a heavily militarized and polarized town, and District. It has undergone waves of violence and displacement since the late 1980s. The situation in the District has grown especially tense in 2006, following the murder of five students in Trincomalee town on January 2. Since then, there have been continuing clashes between the security forces and the LTTE as well as communal clashes in which the lives and property of civilians were destroyed. The violence has also been extremely high in Mutur. Assassinations, attacks on NGOs, abductions and disappearances have all risen in the Trincomalee and Mutur areas. In late April 2006, aerial bombing on areas in Mutur by the State, especially around Sampoor and other LTTE-controlled areas, and the violence on the ground created a large displacement of all communities,

In July 2006, this year Trincomalee underwent a new wave of violence. This time, the conflict was over water. The LTTE unilaterally shut the anicut (sluice gate) at Maavil Aru, in the Serunuwara area, cutting off access to water and affecting the lives and livelihoods of approximately 15,000 people from all ethnic communities, living downstream. Thousands of acres of paddy land, waiting to be harvested, were destroyed as a result. The LTTE cited the restrictions on supplies coming into LTTE-controlled areas and water shortages as the reason for their action. The Government initiated a military offensive to open the sluice gate and the LTTE launched a counter offensive, seizing control over parts of Mutur. As the two sides fired artillery shells to maintain control of the town the civilian population fled their homes, often seeking refuge in public buildings. Some schools which offered them shelter were hit by shells and a number of displaced persons were killed. There were acute shortages of food and water, and restrictions on movement. After 2 days of heavy shelling, the civilian population of Mutur and its environs resorted to mass flight, with thousands of Muslims moving to the relative safety of Kantalai Town, at least 30 km away. Large numbers of Tamils from Mutur, Thopur and Sampur fled into the LTTE-controlled areas and to Trincomalee Town. In effect, all three ethnic communities were forced into displacement. At present there are IDPs from this wave of violence in Kantalai, Tambalagamam, Trincomalee and Kinniya in the Trincomalee District, as well as in Vakari in the Batticaloa District. A number of displaced families were also reported to have moved from Kantalai to other areas as far afield as Negombo and Kurunegala.

The present context: Kantalai and Serunuwara

Kantalai is a predominantly Sinhala settlement town, that grew up around the large Kantalai tank that provides water for thousands of acres of paddy. Serunuwara is a smaller town with a mixed population. It is a place of Buddhist pilgrimage due to the location of the temple at Seruvila.

Figures made available to us by the Divisional Secretary, Kantalai, indicated that on the evening of Monday August 21 there were 24,173 displaced persons living in Centres in and around the town of Kantalai. The majority of them are Muslims, from Mutur. Of the Sinhala IDPs who had reached Kantalai and first took up residence in the Buddhist temple in the town, there were only 70 families left. They had moved to the area near the Railway Station, and many of them were ready to return to their homes. Since there is no shelling of Kantalai town and its immediate vicinity, there had been no displacement of the people of Kantalai.

In Serunuwara, there were 71 families in the Pilgrim's Rest of the temple and 176 families in the Kavantissa school. They were all Muslims, fleeing from Selvanagar, Allanagar and Thoppur. In addition, officials told us that almost everyone in the town had spent several nights gathering in public buildings for fear of the shelling which was very close to the town on some occasions.

Waves of IDPs arrived in Kantalai from the 3rd and 4th of August. At a peak, there were around 27,000 persons. By the time of our visit, August 21, the numbers had begun to reduce. Over 3000 persons had returned to Mutur and surrounding areas. We were informed that the state had provided transport to take those who wished to return to their homes, with one bus having taken 8 families on the day of our visit. While many that we spoke to indicated their desire to return home, the prevailing situation did not give them the confidence to do so. One man who had gone back to Mutur said that the shelling had continued upto the 20th and that they could not spend their nights at home. Such stories only reaffirm the fears of those presently living in the schools and centres in Kantalai and contemplating return. Although the government continued to assert that there were initiatives underway to restart the ferry service between Trincomalee town and Mutur, to rebuild the damaged infrastructure and homes and to restore the electricity and communication services, yet much more has to be done to restore normalcy and provide security guarantees. This too was a factor that prevented people from returning to Mutur.

As we drove up to Serunuwara we saw sections of the paddy field where the crops had withered due to the water shortages resulting from the closure of the Mavil Aru sluice gate. We were told that the Government was going to compensate the affected farmers. People are currently using the waterway but we were told that some are still wary of using it for drinking water as they think that due to the fighting there may be dead bodies that may have fallen into the waterway.

Coordination of Relief and Humanitarian Assistance

There were records of the IDP population being maintained by the officials attached to the Divisional Secretaries of Kantalai and Serunuwara. In Kantalai, these records related to 10 Centres, and were updated on a daily basis. In Serunuwara, the data was for the two Centres there. In addition, the Muslim Information Centre (MIC) has IDP figures collected according to their sources from 32 Centres on a daily basis. The discrepancy in the number of Centres – 10 and 32 – was probably because the MIC counted every location in which IDPs were present as a “Centre” whereas the DS had a system in which the 10 public buildings were recorded as IDP Centres and the IDP settlements that had sprung up around these buildings were identified as mini-Centres affiliated to the closest main Centre. Although this was somewhat confusing, the overall figures of displacement were more or less similar.

The figures fluctuated day by day as people left the Centres, some to return to their homes and others to relocate elsewhere. The figures available were disaggregated on the basis of sex and age; there were figures of pregnant women, lactating mothers and infants, as well as of those with disabilities. There were records of deaths that had taken place in the Centres. However, there was no record of births. At Aysha College in Kantalai, for example, we were told that five babies had been born since the people moved into the Centre; however, this figure was not recorded in the tables made available to us.

The Divisional Secretary of Kantalai had appointed a team of officials from the Divisional Secretariat to each Centre. Reportedly at least one of them per Centre was Tamil-speaking. Different NGOs had taken over the supervision of different Centres. This was clearly acknowledged by the officials and there seemed to be a reasonably dynamic working relationship between the NGOs and the government officials, even though there continues to be problems and tensions between them. The Jamiyathul Ulama seemed to be responsible for the overall coordination and each NGO working in each camp was a part of the broader Coordinating Committee coordinated by the JU. In Serunuwara, both Centres by the temple were coordinated by the Red Star organization, the emergency relief wing of the JVP.

Living conditions in the Centres:

In Kantalai, a large number of IDPs are residing in the premises of six large Muslim schools in the town area. Many others are living in tents, erected on the school premises as well as in abandoned paddy fields and in large gardens belonging to residents of Kantalai. They are all in close proximity to each other. Each of the welfare centres is extremely overcrowded; in some cases, several families were occupying one tent. Oxfam, UNICEF and other agencies were providing drinking water bowsers for each of the camps. However, there were problems with regard to water for washing and bathing. There was also a shortage of toilets. There is continuing concern that the toilet and sanitation facilities in Kantalai are inadequate and that there is a danger of contamination of waterways.

In Serunuwara, people were living in buildings, but there were insufficient toilets. In the Pilgrim's Rest, for example, there were two toilets for 185 persons. As a result many people were using the scrub jungle outside the building as a toilet, raising fears regarding a deteriorating situation with regard to sanitation.

In both Kantalai and Serunuwara we observed a large number of children below 12. In Aysha School Centre in Kantalai, there were 382 children below 5, of a total population of about six thousand. There seemed to be no attempts to organize any educational or recreational activities for the children and many parents voiced their concerns regarding the long-term educational prospects for their children in the event that the displacement was for a long period.

In Kantalai we observed a Public Health Worker in one Centre, at Aysha College. The DS assured us that there were mobile medical teams doing the rounds of the Centres and that there were no outbreaks of infections of any kind. On the day that we visited the MS of Trincomalee had also inaugurated a Field Hospital located in tents that had been erected on a public ground close to the town which could accommodate over 100 people.

Food: Rations and entitlements:

Almost everyone we spoke to, officials, NGO workers and IDPs, commented that food delivery had been problematic particularly in the first three days. Since then, it is quite clear that the situation has improved. However, key issues remain in terms of the entitlements of IDPs and the role of the state in fulfilling its obligations to provide basic needs to IDPs.

There were some complaints about delays in the response of the Divisional Secretariat to the arrival of the IDPs. For example, the distribution of cooked food that was supposed to be given to the people in the first three days after displacement was clearly not satisfactory. At the same time, even by the third week, it was clear that the office is understaffed and under-equipped and has been working over-time to deal with the crisis on their hands.

The IDPs in Kantalai had been receiving cooked food on almost all days from groups of Muslims who had come in from outside the area to provide this service to their displaced families and colleagues. This process had, in a way, enabled the IDPs to avoid taking decisions as to their own processes for provision of food, whether it involved collective or individual cooking. It had also created an avenue for the state to step back in terms of its responsibilities to provide food assistance to the IDPs. In Serunuwara, IDP families were cooking individually.

According to the information we received, the government has not instituted a system for issuing dry rations to the IDPs, which would require individual registration. Instead, officials were issuing food items such as rice, dhal and flour, in bulk to the Centres. This led to the belief that the government was not issuing rations to the IDPs. We were also told that food supplies had already been sent to Kantalai by World Food Program, which relies on the Government to handle distribution, but that there were delays in delivery to the displaced populations.

In the present situation, it would seem that the interventions on behalf of the IDPs by voluntary organizations and humanitarian agencies is being viewed as 'sufficient' by the state and therefore provides an 'excuse' for the state not to fulfill its own obligations with regard to these people. There was some dissatisfaction expressed by the IDP community and by NGOs working with them in this regard. There was not enough discussion between the NGOs and the IDPs on the one hand and government officials regarding this. In Kantalai we were informed that NGOs who had so far engaged in the provision of cooked food and dry rations to the IDPs would bring this assistance to a halt on Friday August 25 in an attempt to pressure the state to commence its own process of food distribution among the IDPs.

Security Issues:

There were some security concerns raised by the displaced communities. In Kantalai, two young Muslim men had been abducted from Al Tariq College and killed on August 7. Following this there had been Police officers and Home Guards allocated to guard the main Centres.

Human Rights Concerns:

Among the key human rights violations that have been experienced by the people of Mutur in this particular wave of displacement are:

- The deaths of IDPs seeking shelter in public buildings due to shelling; for example, a 8 year old boy was killed by shelling while sheltering at St. Anthony's Church on August 2, a group of 10 persons were reported to have been killed in Mutur Arabic College on August 2 when a shell fell on the school, a further group of Muslim IDPs

were reported to have died at Al Noor College in Thopuur, again when a shell fell on the school on August 3;

- Abductions, disappearances, assassinations: en route from Mutur to Kantalai, a group of Muslims were stopped by the LTTE between the 3rd milepost and Pachchanoor and asked to travel by a side road. When the Muslims did as they were ordered, they found that some men were separated from the main group and detained by the LTTE. It is reported that a masked person identified the individuals who were led away. People reported that a shell fell on the spot at that moment and everyone fled. It is not yet clear how many people are still missing and the figures are as high as 180. When the ICRC accompanied members of the community on a visit to the site, for which only one hour was allowed by the LTTE, only three bodies were found.
- Killing of 17 workers of Action Contra l’Faim in their office in Mutur town;
- Abduction and killing of M. Hassaly (28) and Abdul Nasar (32) taken from Al Tariq College IDP Centre on August 7;
- Closure of Mutur hospital on August 3, the attack on an ambulance and killing of three persons who were in the vehicle at the time all constitute not only a violation of human rights but of humanitarian norms.

The future:

Prospects for the Displaced

The IDP Centres in Kantalai are overcrowded and life in them will become intolerable over the next few days. In addition, the rains are due and living in tents would then become impossible. The DS has stated that in such an eventuality all schools would be opened to the displaced. At present, only the Muslim schools in Kantalai have been made available to the IDPs. However, this could only be an extremely short-term measure since schools are due to re-open for the third term on August 29.

Another critical need is the improvement of existing toilet facilities in the present Centres.

Temporary Relocation :

In the present context of uncertainty regarding the future, the impending rains and the re-opening of schools, there is a need for a substantive medium-term plan for alternative transitional accommodation for this large IDP population. The UNHCR, it is reported, will spearhead the construction of transitional shelters and the formulation of shelter guidelines. However, speedy action by both the Government and by humanitarian agencies is needed to ensure that IDPs continue to be provided with adequate shelter until such time as they decide to return to Mutur.

There are several proposals being floated regarding transitional accommodation that were relayed to us. One of them was to create a large transitional camp on land belonging to the State Sugar Corporation in Kantalai. Some of the people we spoke to felt that this was not a viable option due to the potential for creating tensions between the long-time Sinhala residents of the town and the Muslim IDPs. People with experience of the situation of Muslim IDPs in Puttlam cited that experience as an example.

There was another proposal to create a 'Safe Zone' close to Thoppur which would enable the displaced people to be within reach of their fields, homes and farms and yet be a space in which they felt secure. The concept of the 'Safe Zone' would of course have to be negotiated with the government and the LTTE as well as with other Tamil and Muslim actors in the region.

Resettlement and Return:

In our conversations almost everyone told us that many of the displaced are determined to return but are held back by the lack of security that prevails in Mutur at the present moment. The experience of regular shelling, especially shells falling on to places where they had sought refuge, and the abduction of men on their way to Kantalai are key contributing factors to the high level of insecurity among the displaced.

About 4,000 families live in Mutur now, including almost 3,000 persons who returned from Kantalai. A returnee who had come to Kantalai for some business told us that the sound of artillery firing had continued up to the night of the 19th. He said that the children are especially terrified by this. Most of the returnee families do not spend nights in their homes and continue to seek shelter in public buildings. Some of the displaced currently in Kantalai have visited Mutur in order to collect valuables and to check on their homes but are reluctant to move back right away.

There is a lot of pressure from within the Kantalai Muslim community as well as from the Eastern Muslim community at large for the Mutur Muslims to return. The experience of Northern Muslims who were expelled in 1990 and who continue to live in a state of semi-permanent displacement serves as a warning of the dangers of long-term displacement. The experience of coming under siege, the artillery bombardments of Mutur and the forcible abductions and killings near Panchanoor have intensified the community's insecurity and fear particularly vis-à-vis the LTTE.

Specific Observations:

The situation on Kantalai during the past three weeks raises the issue of the level of disaster preparedness that prevails in a District such as Trincomalee, in spite of its many prior experiences with displacement related to the conflict and to the tsunami. Although a coordinating committee chaired by the Government Agent of Trincomalee was established within three days of the influx of displaced persons to Kantalai, there were many reports of delays in delivery of basic needs and at present, there are lacunae in key facilities and services that need to be addressed.

A number of steps are required in order to facilitate return including guarantees of security, provision of essential services, reconstruction and compensation for damages.

1. In this context, the creation of an environment in which the IDPs can return to Mutur is absolutely essential. At the same time it should be ensured that **the return and resettlement of IDPs is entirely voluntary and that it is carried out under supervision of a body of state and non-state agencies with full respect for all international and national**

standards for such return and resettlement including for processes of consultation with the affected people.

2. It is also critical for the state to **implement the already established procedures for issuing dry rations to IDPs IMMEDIATELY**; delays will only further deprive these displaced citizens of their basic entitlements.

3. When considering the issue of dry rations to IDPs, we must raise our concerns regarding the formulation under which the allocations have been made. The information is as follows:

Family of 5 members or more	Rs 1260 per month
Family of 4 members	Rs 1008 per month
Family of 3 members	Rs 840 per month
Family of 2 members	Rs 616 per month
Family of 1 member	Rs 336 per month

This allocation based on a Circular from 1995 is obviously inadequate given the rising cost of living and the hardships caused by the conflict, and does not take in to consideration large families with more than 5 members. It is imperative that the relevant authorities revise these Regulations.

4. It is also critically important to **begin a process of assessing the damages inflicted on the IDPs – including death and disappearance of family member, destruction and loss of property through shelling or looting, loss of livelihood – in a transparent and participatory manner** so that the concerns of the state and of the various international and national agencies involved in the process of resettlement as well as the concerns of the IDPs themselves are clearly understood by all.

5. As we have stated in earlier reports, we feel that **a critical step in improving disaster preparedness would be the construction of more toilets and water supply systems in schools in the North, East and North-Central Provinces**, since they are the public buildings that most often serve as shelters during man-made and natural disasters. This would ensure a vast improvement in the quality of life of school children in these Districts as well as ensure that in the likelihood of a displaced population seeking shelter in the school, adequate facilities are already in place to meet their needs.

General Observations:

Ethnicisation of Humanitarian Assistance

The ethnicisation of humanitarian assistance is perhaps the most obvious feature of this present round of displacement.

The Sinhala families who were displaced were relatively few in number and their capacity to return and resettle is more than that of the Tamils and Muslims who have also been displaced in large numbers. This is due to a variety of factors including the locations of these various communities.

The process of ‘counting’ the Muslims from Muttur who have been displaced to Kantalai, Serunuwara, Kinniya and Tambalgamam in particular has been conducted by both state and non-state agencies. The delivery of relief and assistance to these IDPs seems to be coordinated by both state and non-state agencies. The presence of religious and political organizations in Kantalai and Serunuwara signal the potential for humanitarian assistance to become more politicized making it difficult for other humanitarian actors to access these displaced communities.

The situation in Kantalai and the surrounding areas highlight how the provision of humanitarian assistance has been on ethnic lines, as well as used to propagate political agendas and to prevent other actors getting involved. During the visit to the two camps in Serunuwara, the strong presence of Red Star, the JVP relief organization, was evident. Muslim IDPs in these camps were dependent on Red Star and felt isolated and let down by local politicians and by Muslim leaders. Several IDPs mentioned to us that in the event that Muslim leaders allied with the Government visited them, they would be assaulted, as the IDPs felt betrayed by these leaders. In the camps in Kantalai, humanitarian agencies with a specifically Muslim or Islamic orientation, as stated in their names, were predominant, mostly functioning under the umbrella of the Jamiyathul Ulama.

There also seemed to be some imbalance in the distribution of relief between Kantalai and Serunuwara, creating a perception of discrimination. While acknowledging that the security situation had limited access to Serunuwara till recently, it was evident that many international and national actors were present in Kantalai while few had made the trip to Serunuwara. In addition, several IDPs at Kavantissa Vidyalaya mentioned that while residents from Selvanagar, Allanagar and Thoppur were presently living in the school, IDPs from Selvanagar were getting better assistance compared to others. We were also told of differential treatment of the Sinhala and Muslim IDPs by the local government agencies. Thus there were potential points of tension between the Sinhala and Muslim communities as well as within the Muslim community.

In addition, some international agencies reported hostility directed against them by the Sinhala community living on the road between Kantalai and Muttur, and on the road from Kantalai to Trincomalee. ICRC and NVPF were among the INGOs whose vehicles had been attacked by angry bystander. The Sinhala people we spoke to explained it as anger that no NGO had intervened to resolve the closure of the anicut in any way and thus led to military action or to address the humanitarian consequences of the water shortages. This situation has increased the fears of international humanitarian agencies who are already constrained by the violence and security precautions.

In contrast to assistance being provided to Muslim and Sinhala IDPs, assistance to the Tamils who have been displaced by the heightened violence since August 4 and who have fled to LTTE-controlled areas is almost invisible. Restrictions on humanitarian actors including the difficulties faced in accessing LTTE controlled areas has caused problems collecting numbers and therefore there could be variances in figures. UNHCR figures dated August 22 show that there are around 37,000 in and around Batticaloa District. In addition, there are estimated to be around 47,000 IDPs in Jaffna, 35,000 in Mullativu and 10,000 in Killinochchi.

1. There needs to be a clear and public commitment on the part of the government that relief and assistance will be distributed without discrimination and prejudice.
2. Groups working in the Kantalai and Mutur areas need to work together to develop community-based initiatives that could bridge the polarization that has taken place among communities as a consequence of the violence and conflict experienced by all over the past months.
3. Provision of humanitarian assistance to IDPs in LTTE controlled areas, through agencies such as the ICRC or the UNHCR needs to be given top priority at every level.
4. Measures must be taken to assess the situation of the civilian population in both government and LTTE controlled areas of Mutur and Kantalai Divisions and appropriate mechanisms put in place to facilitate the delivery of basic supplies to IDPs of all communities.

Restrictions imposed on humanitarian assistance

As the outbreak of offensive and counter-offensive has intensified over the last several weeks, various restrictions have been imposed on access to certain areas by humanitarian agencies, on grounds of security. This has affected their programmes and the transport of essential relief items to the conflict-affected areas of the north and east of Sri Lanka. This has hampered the activities of both national and international NGOs to a great extent. Not only has the capacity of these agencies to provide relief and humanitarian assistance to conflict affected communities been curtailed, they have also been at the receiving end of much verbal abuse and even physical attack. The murders of 17 Sri Lankans working with ACF (France) in Mutur during the recent conflict is the most glaring example.

In addition, and quite separately from the security concerns that led to restrictions of access to INGOs in particular, have been the new regulations on obtaining work permits and permits from the Ministry of Defense for INGO workers. The new regulations on visas and work permits for non-Sri Lankans working in the NGO sector have come into effect at a time when the services of these groups and agencies is required more than ever.

The denial of access by the security forces to INGOs seeking to enter LTTE-controlled areas for the provision of food and other emergency assistance has been raised with the government consistently by international and national humanitarian agencies over the past two weeks, with little success. This has undoubtedly had a terrible impact on the well-being of IDPs in those areas and also results in a loss of confidence in the government by the civilian population who has been displaced by the fighting. The LTTE too has denied or restricted access to areas under its control, for example, in the case where they only allowed one hour to civilians to try and locate and recover their dead in Pachchanoor.

Many INGOs have confirmed that the sometimes contradictory demands made by security personnel at various checkpoints in the North and East is seriously affecting their capacity to travel within the country. Many reported being stopped at military check points where a MoD permit is requested – even though the MoD insists that no procedure for obtaining such a permit exists - and there have been incidents where agency staff have been threatened with arrest if such a permit is not produced. Several agencies have temporarily moved out of Trincomalee town either to Habarana or to Colombo due to these restrictions and to security concerns.

While it is clear that the state had started the process of instituting these new regulations long before the present humanitarian crisis emerged in its present form, and while the on-going conflict makes certain security measures necessary, as groups committed to the protection of civilians in the context of the conflict we strongly urge the government and the LTTE to take all steps within their power to facilitate access to IDPs of all ethnic and religious communities in all parts of the north and east and thereby prevent a massive humanitarian crisis which will only hinder return to the peace process.

1. On the part of the state, clear instructions need to be issued to the Police, the security forces and auxiliary services regarding the various permits and documentation that INGOs and their workers are required to carry with them in order to facilitate security checking and clearance. A unified and harmonized procedure would greatly ease the burden on all concerned.
2. Pressure should also be brought to bear on the LTTE to grant access to areas under its control to humanitarian agencies.

Human Rights Concerns:

State institutions such as the Ministry of Human Rights and Disaster Management, local and national NGOs and the communities themselves need to be involved in processes that will investigate and document violations, pressure for prosecution of perpetrators where possible and also advocate justice and redress for all those who have suffered as a consequence of the violence and of the displacement.

1. The process of documentation being undertaken with the IDP communities needs to look at the human rights violations suffered by the IDPs, individually and collectively, as well as their claims for compensation and justice.

In terms of the ‘disappearances’ that have allegedly taken place during flight from Muttur to Kantalai, it is critical to carry out a process of comprehensive documentation to ascertain who is missing. There is a great deal of confusion regarding the Muslim men and boys reported to have been detained and killed at Pachchanoor by the LTTE. A record of those males who are missing has yet to be publicly released, even though the female family members are resident in the IDP Centres in Kantalai. Groups that are interested in carrying out a registration claimed that it was very difficult to collect such information because the displaced are too frightened of the repercussions for themselves and their families if they were to identify individuals who had been killed or abducted. This is because there is a sense that the LTTE was targeting some specific individuals and groups who had been working against the LTTE in Muttur in the past months. Especially as the community is intent on returning to Muttur, they feel they should not antagonize or alienate any of the groups who wield power in that area.

Media reported that S.P. Thamilchelvam, leader of LTTE's political wing, had denied that the LTTE had apprehended Muslim youth in Panchanoor but says that the LTTE had created a safe passage for Muslims to flee the area. In the same article he states that the LTTE apprehended paramilitaries who were attempting to infiltrate the safe passage and goes on to add that there were no survivors from the incident due to a shell which hit the area. The LTTE needs to ensure that humanitarian actors and local leaders are provided access to the site without imposing time limitations to search and retrieve bodies as well as to collect

evidence. It also needs to take responsibility for putting civilians' lives at risk through laying siege to Mutur, for shelling targets in the town and for the forcible abductions.

2. The state needs to make a serious commitment to investigate violations, such as abductions and murders that have taken place in the context of the conflict and the displacement. In particular the state should take responsibility for the deaths that occurred due to shell explosions initiated by the SL security forces and pay compensation to the families of those who died as a result of shelling.

3. Extra-judicial killings that have taken place in Mutur prior to and during the displacement, such as the killing of 17 ACF workers, as well as those that have taken place after the displacement, in Kantalai, must be investigated.

In view of reports regarding an exhumation of the bodies of the ACF workers and a new forensic examination conducted by an Australian forensic scientist, it is important that these processes are monitored by independent bodies including lawyers, who will guard the interests of the family members.

4. Reports that the state will pay compensation for those farmers who lost their harvest as a result of the closure of the Mavil Aru sluice gate should also be closely monitored in order to ensure that the compensation is calculated and disbursed in a way that respects principles of equality and non-discrimination. There also should be some balancing between these payments and the payments made to those who have lost property and livelihood in Mutur and other areas due to shelling.