

# The Long Shadow of War: The Struggle for Justice in Post War Sri Lanka

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I am honoured to have this opportunity to present Oakland Institute's work on continued militarization and land grabs in Sri Lanka. My remarks are based on research, including field research in the Northern and the Eastern provinces, and regular communication with the local communities, especially the internally displaced in the country.

The intent of our research has been to understand, analyse, and expose the social, economic, and political reality in the Northern and Eastern Provinces since the conclusion of the civil war in 2009. This resulted in the first independent in-depth report, *The Long Shadow of War: The Struggle for Justice in Postwar Sri Lanka* and an accompanying report, *I Speak without Fear: Where Are Our Loved Ones Who Have Been Abducted, Arrested, and Disappeared?*, published in 2015. Our continued research following the release of the report, establishes these findings:

- One of the biggest consequences of the war was the displacement of people from their homes and the lands they depended on for their livelihoods. Even today the land remains a highly contentious issue between the local Tamil population and the Sri Lankan army. Forced to vacate their homes, farmlands, and fishing zones, once areas were designated as High Security or Restricted Zones or by war itself, the displaced hoped that their right to return would be granted someday. But continued military occupation has kept tens of thousands away from their homes and livelihoods with over 100,000 living in refugee camps in Tamil Nadu. Between 2015 election of President Sirisena and the end of 2016, 4780 acres of land were released with pledges for more.

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However, estimates are hard to come by about how much land is still occupied.

- Quality of lands that people have been resettled to, is low. There are reports of people being resettled in former stone quarries or having to deal with decades of overgrowth, homes destroyed, need for clearing of irrigational canals, and hindered access to electricity and clean water. Former IDPs allege very little support from the government to take on these projects and rebuild homes and livelihoods.

When asked what infrastructure was needed to ensure that IDPs can rebuild their lives in safety and dignity, community members have asked for road and drainage canals to be restored; provision of consistent supplies of electricity and water; rebuilding of drinking water and agricultural wells; renovation of agricultural lands; and reestablishment of schools, hospitals and other community facilities; re-survey of lands; and construction and repair of houses.

For those who have been "resettled" through government schemes, the process has often taken place without voluntary or fully informed settlement choice and without adequate infrastructure. Our 2016 report, *Waiting to Return Home*, reported on those displaced from Sampur being sent back to live in the shadow of the new navy camp, built close to the old camp, and on paddy land previously owned by the people. Having a navy camp so close to the village is a major security concern for the locals who have faced harassment and abuse at the hands of the Sri Lankan Army over the years. The new naval camp has also restricted villagers' access to the sea as well as to three ponds, thus impacting their ability to continue fishing, their traditional livelihood. The Navy has also converted a Hindu Temple into a Buddhist one in the same area. At the time people were being asked to resettle, there was no infrastructure available, including toilet facilities.

- Almost 10 years since the end of the war, the North and the East are still under very heavy military occupation. Since the end of the war, military budget

has continually increased – including after Sirisena was elected. In 2008 – the percentage of Sri Lanka’s overall budget that was spent on the military was 12.91%. In 2016 – seven years after the war and a year after Sirisena was elected, it was 14.01%.

In 2015, we reported an estimated one army personnel for every 6 civilians. Figures from 2017 show that in Mullaitivu alone, at least 60,000 army personnel are stationed—when there are approximately 243,000 active military personnel in the whole country. This means 1 soldier for every 2 civilians in Mullaitivu. This does not even include navy and air force troops.

The army has expanded non-military activities and is engaged in large-scale property development, construction projects, and other business ventures such as travel agencies, farming, holiday resorts, and restaurants in the Northern and Eastern Provinces. The army officially runs luxury resorts and golf courses that have been erected on land seized from now-internally displaced peoples. Tourists can book holidays in luxury beach resorts, such as the Thalsevna Resort, functioning under the Security Forces Headquarters, by directly calling reservation numbers at the Ministry of Defence. These resorts and businesses are located on lands that were previously home to the local Tamil population.

- These land grabs perpetuate and build upon a decades-long history of marginalization of the Tamil population, which has involved violence, pogroms, repressive laws, and a government-orchestrated colonization of the Northern and Eastern parts of the island nation. In the decade following independence in 1948, the takeover of land and displacement started via so called “development” projects and irrigation schemes, which colonized the Tamil lands through the settlement of hundreds of thousands of Sinhalese brought from the southern part of the country.

- Post war take over of lands has continued for tourism and industry, allegedly for development activities to create livelihoods for the local populations, but with complete disregard for legitimate residential and livelihood concerns of those inhabiting the areas. Passikudah Hotel Project in Batticaloa is only one such example where the land initially taken over by the government during the war, was subsequently included in the Passikudah Tourist Zone by the Tourism Development Authority in 2012.

Another emblem of the Sinhalization of the North and the East are numerous victory memorials, often with plaques in Sinhala and English only. In Pudumathalan, Mullaitivu, war hero memorial in Kokavil, Victory War Memorial in Kilinochchi, Kilinochchi water tower, the terrorist bulldozer at the Elephant Pass, and the War Hero Memorial close to the Jaffna lagoon, all these monuments at iconic locations send a strong message of the complete Sinhalese takeover of the Tamil land. The Sri Lankan army maintains the monuments visited by Sinhalese tourists and runs the kiosks that sell snacks and soft drinks.

Construction of Buddhist Temples, the erection of Buddha statues in places where there are no Buddhists, and designation as archaeological sites has become another source of landgrabbing. Security Force Headquarters–Kilinochchi (SFHQ–KLN) supported the construction of the pagoda, Mankulam Sri Sugatha Viharaya, in the former rebel stronghold of Kilinochchi in the Vanni region, claiming it to be a place of Buddhist worship with a long history.

The seven hot springs of Kanniya, the site of an ancient Hindu Shiva temple, today is home to a new Buddha statue, maintained by a Buddhist monk. The army is deployed for security purposes. Renovation of the Hindu temple by the local community has been prohibited, citing Kanniya as an archaeological site.

In Kaladi, which borders Batticaloa, 78 acres were seized by a Buddhist monk who built a Vihara (Buddhist temple) on the site of a former preschool. There are numerous similar reports of land seizures elsewhere, as documented by the Oakland Institute.

In early 2016, the Oakland Institute was petitioned by a group of IDPs, requesting assistance in their struggle to return home. They wrote, “Having exhausted all the domestic political and legal avenues available to us to regain our lands and houses acquired by force by the Sri Lankan armed forces during the war, we the people of Valikamam North in the Jaffna District of Sri Lanka have decided to seek your help to find redress to our problem.”

After over 25 years of displacement, having exhausted all possible political and legal channels in an attempt to get their land back, the internally displaced, living in “welfare camps” were forced to petition an international civil society group to seek assistance. They urged us to not publish the names of the signatories because they feared retaliation for

contacting an international organization and reported, "...we get calls from unidentified telephone numbers from people who threaten us to stop the IDPs and resettlement related work ."

International experts and organizations have called for the demilitarization of the North and the East and the swift return of land to its rightful owners to ensure peace and stability. Despite the rhetoric of truth, justice, and reconciliation, the current government does not plan to scale down security arrangements. Amid United Nations resolutions, various task forces, and numerous government promises, tens of thousands continue to live in despair.

Despite promises made by President Sirisena, the need for full resettlement and a true reconciliation process is unchanged. In 2017, the UN gave a two-year extension to Sri Lanka to report on transitional justice mechanisms despite little-to-no progress to date. The government has completely backpedaled on promise for international involvement in a judicial mechanism. In November 2016, Sirisena said in an interview with *The Hindu*: "Before I came to power there was a fear that those who had given commands during the war could be taken to international courts of justice ... The international community is so

satisfied with my performance that they have completely changed their impression of the country. Now there is no threat of international courts ... I have told the international community that I cannot accept any proposal that allows foreign judges to probe our domestic matters. This is another great victory I was able to achieve in this time."

In September 2016, the Minister of Justice warned that anyone alleging that Sri Lankan forces committed war crimes could face legal action.

Torture is routinely practiced all over the country, mainly in relation to police detentions – along with the prevailing culture of impunity

The government has acknowledged 65,000 people remain missing, though sources from the community suggest the real number could be more than twice as many. Families continue to protest and demand answers and yet have no closure.

Given this dire situation, it is vital that the international community must make it clear that an independent and international process must be struck, and that returning land to its rightful owners, to allow the displaced to rebuild their lives and livelihoods is imperative for sustainable peace and justice. After almost three decades of displacement, it is time for the people in the North and East to return home!