

Field Report
Jaffna and Killinochchi Districts
Centre for Policy Alternatives (CPA)

23-25 April 2013

The Centre for Policy Alternatives (CPA) undertook a field visit to Jaffna and Killinochchi districts in April to assess the rule of law and human security situation in the areas. The CPA team spoke with a cross section of actors including Government officials, politicians, humanitarian agencies, civil society, media and community groups.¹ During the course of the visit, key themes were highlighted as needing urgent attention including security considerations, preparations for Northern Provincial Council (NPC) elections, the recent land acquisition process and its impact over land ownership and demographic change, as well as larger governance issues. These are briefly highlighted below.

Elections for the Northern Provincial Council

Considering pledges repeatedly made by the Government of Sri Lanka to the international community² there has been strong speculation that elections for the NPC will be held during the course of this year. Speculation was further augmented when President Mahinda Rajapaksa, on at least two occasions announced that elections for the NPC will be held in September.³ Although many officials in the administrative service contacted by CPA maintained that they had not been officially notified of any scheduled elections, members of political parties –including those in the UPFA- stated that elections for the NPC will take place this year. Were elections to the NPC to happen, they will be significant as the first elections for the NPC since the enactment of the Thirteenth Amendment to the Constitution.

¹ The CPA team also participated in a public demonstration held in Jaffna against the land acquisition process which had a wide representation of politicians, lawyers, civil society and affected communities.

² Report of the Working Group on the Universal Periodic Review, “Addendum - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review: Sri Lanka”, 21 February 2013, para 2.7 available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-16-Add1_en.pdf (accessed on 3 May 2013); Minister Samarasinghe, Statement at the High Level Segment of the 22nd Session of the United Nations Human Rights Council, 27 February 2013, available at http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=73616 (accessed on 3 May 2013).

³ Daily Mirror.lk, “President promises NPC elections in September”, 21 April 2013, available at <http://www.dailymirror.lk/news/28374-president-promises-npc-elections-in-september.html> (accessed on 3 May 2013); Ceylon Today online, “NPC election in September – President”, 23 April 2013, available at <http://www.ceylontoday.lk/16-30420-news-detail-npc-election-in-september-president.html> (accessed on 3 May 2013).

Although no date has been set for elections, there was a high level of interest among politicians and civil society in Jaffna regarding the holding of elections and its impact. In contrast, there was little interest among community groups as they did not see elections as having a significant long term impact on the quality of life in the area. Many local groups stated that as with previous elections held in the North since 2009, many promises are likely to be made during the campaign and not kept resulting in no real improvement in living conditions for the ordinary people. There was also a general sense that holding of NPC elections will not deliver on a political solution to the Tamils and that regardless of who wins, there will be very limited scope for the NPC to fully function as provided in the Constitution.

Legal Measures for the Holding of NPC Elections

This will be the first election held for the NPC and therefore certain steps need to be taken prior to the holding of elections. According to Section 10 of the Provincial Councils Elections Act No. 2 of 1988 the President will have to issue a directive to the Elections Commissioner "to hold an election" for the NPC.

- The Elections Commissioner (EC) should within one week of the President's "directive" issue a notice of his intention to hold an election for the NPC. The notice should specify the following:
 - The period during which nomination papers shall be received by the returning officer of each administrative district in the province (the "nomination period").
 - The normal office hours at the office of the returning officer.
 - The number of candidates required to be set out in the nomination paper.⁴
- The nomination period will start on the fourteenth day after the date of publication of the EC's notice and finish at twelve noon or the twenty-first day after the day of publication of said notice.
- After the expiration of the nomination period the Returning Officer of each District may reject any nomination paper for the reasons set out in Section 17 of the Provincial Councils Elections Act.
- After allocating approved symbols for recognised political parties and independent groups (According to Section 20) the Returning Officer of each district should publish a Gazette Notification specifying among other things:

⁴ Per S. 13 of the Provincial Council Elections Act, No 2 of 1988 each nomination paper shall have the names of candidate's equivalent to the number of members to be elected from that administrative district, increased by three.

- The administrative district in which the election is contested
 - The names of the candidates, placed in alphabetical order in Sinhala and the serial number assigned to each such candidates, the approved symbol allotted to such party or group, and in the case of an independent group the words.
 - The date of the Poll.
- The date of the Poll will be a date falling on a Saturday (which is not a Poya Day or any other specified public holiday) and a date not less than five weeks or more than eight weeks from the date of publication of the notice of the EC.

Accordingly, the Poll will be held within 9 weeks from the date the President issues a directive to the Elections Commissioner to hold an election for the NPC.

The Number of Seats for the NPC

The total number of seats for each Provincial Council is equal to the total number of members entitled to be returned from each administrative district within the province plus two bonus seats to be awarded in terms of Section 61 A of the Provincial Councils Elections Act. According to Section 3(3) of the Provincial Councils Elections Act, the number of seats for each administrative district within the province will be determined by the Elections Commissioner on the basis of:

- One member for every 40,000 residents in that administrative district (ascertained to the nearest 40,000). Based on the data of the last General Census.

And

- One member for every 1000 square kilometres of area in that administrative district.

CPA was informed by officials that the total number of seats for the five administrative districts in the Northern Province will be divided is as follows:

District	Jaffna	Mannar	Vavuniya	Mullaitivu	Killinochchi	Bonus Seats	Total
No. of Members	16	05	06	05	04	02	38

Voters Lists and Related Issues

CPA was informed that the 2012 electoral list would be used for any election held within the course of this year (2013). The Northern Province consists of two

“Electoral Districts”. The Jaffna Electoral district includes both the Jaffna and Kilinochchi administrative districts whilst the Vanni Electoral district is comprised of the Mannar, Mullaitivu and Vavuniya administrative districts.

Year	2008	2009	2010
No. Registered voters Jaffna Electoral District	721,359	816,005	484,791
No. Registered voters Vanni Electoral District	266,975	270,707	236,449

(Source: <http://www.slections.gov.lk/ep.html>)⁵

The number of registered voters in the Jaffna electoral district has reduced drastically.⁶ This is a result of the Department of Elections carrying out the annual revision of the electoral register and thereby removing those who no longer live in those areas, the deceased and those who have been registered twice. CPA was informed that the enumeration was done annually to ensure accuracy in numbers but consideration was given to special situations such as displaced communities. CPA notes that the Department of Elections needs to take steps to address the needs of those who continue to live in displacement. Another group that requires attention are former combatants. During the Presidential Election in 2010 special arrangements were made for this category - 13 polling centres were established for them to vote. It is hoped that a similar arrangement will be made if NPC elections are held.

Identification Documents

Both the Government Agent for Jaffna and the Government Agent for Kilinochchi stated that problems relating to identification documents have been solved, with most persons who had lost identification documents during the conflict being issued same. The Commissioner for Elections had previously recognised seven forms of documentation for voting. These documents are:

1. National Identity Card issued by Department of Registration of Persons.
2. Valid Passport.
3. Valid Driving Licence.
4. Government Pensioner's Identity Card.
5. Elders' Identity Card.
6. Identity Card issued to the Clergy by the Department of Registration of Persons.
7. The temporary identity card issued through the Department of Elections for the previous Provincial Council Elections. (These cards will be-revalidated and re-issued to the holders through Grama Niladharis)

CPA requests that awareness raising is done by the Commissioner of Elections and his department among individuals in the North as to the requirements for

⁵Data for 2011 and 2012 were not publically available.

⁶ Between the year 2008 and 2010 the number of registered voters has reduced by 236,568.

voting including the need to register and the necessary documentation. CPA also notes that the need for special identification documentation be recognised, in the event conventional documentation is unavailable among registered voters in the area.

Land Issues

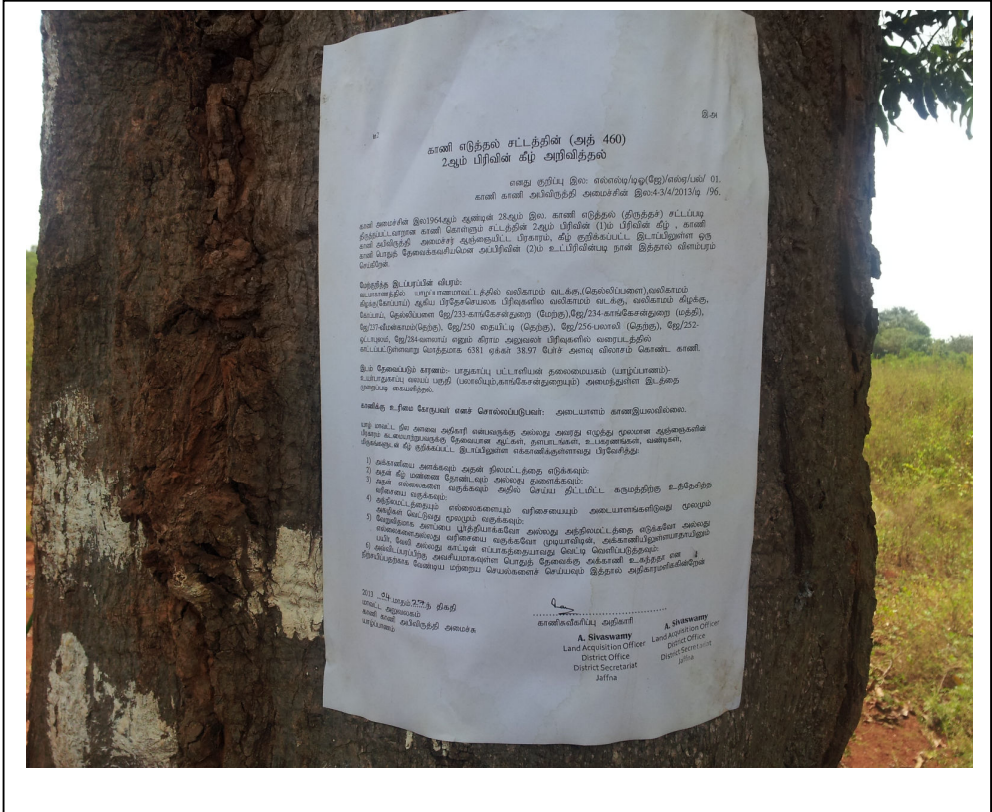
Recent Land Acquisition Processes

During the visit, CPA was informed of and saw copies of notices issued in accordance with Section 2 of the Land Acquisition Act No 9 of 1950 in areas in Jaffna and Killinochchi districts. Further inquiries indicated notices also issued for certain lands in Mullaitivu district and a similar process underway in areas in the Eastern province.

Serious concerns have been raised regarding the process, timing and reasons for such acquisitions. CPA spoke to several government officials in both Jaffna and Killinochchi districts and the information provided indicated that the decision making was at the Central Government level with no consultation with local level actors and affected communities. CPA was also informed that this new drive to acquire private land in areas in the North and East came from the Ministry of Lands and Land Development and new offices had been established in the office of the Government Agent of the respective districts.⁷ These offices were mandated to oversee the acquisition of identified private lands in the districts, details of which were unknown to community groups and affected communities.

Further inquiries indicated that the Section 2 notices were issued in April 2013. CPA was able to examine a copy dated **18 April 2013** issued to acquire 6381 acres 38.97 perches of private land in the Grama Niladari (GN) divisions of Valikamam North, Valikamam East, Kopay, Telipellai, Kankasanthurai West, Kankasanthurai Central, Wimannamum South, Theiyyaddi South, Palali South, Ottampulam and Walallai. The notice stated that the purpose for acquisition was *'to formally vesting the land where Defence Battalion Headquarters (Jaffna)- High Security area (Palali and Kankasanthurai) is located'* indicating that the land is to be acquired for military purposes. The notice further stated that claimants for the land could not be traced. CPA attempted to visit the land in the area with representatives of the Jaffna branch of the Bar Association and land owners on 24 April 2013 and were informed by the military at the checkpoint leading to the high security area that Section 2 notices were issued and directed the team to notices affixed on trees located outside of the area to be acquired (see photo below).

⁷ Gazette No 1801/27 of the Democratic Socialist Republic of Sri Lanka, 14 March 2013, available at [http://documents.gov.lk/Extgzt/2013/PDF/Mar/1801_27/1801_27%20\(E\).pdf](http://documents.gov.lk/Extgzt/2013/PDF/Mar/1801_27/1801_27%20(E).pdf) (accessed on 3 May 2013)



CPA noted that the Section 2 notices displayed on the trees were dated **27April 2013** and covered a land area of 6381 acres 38.97 perches of private land in the same areas mentioned in the Section 2 notices mentioned previously. Closer reading of the two notices indicated that they refer to the same area of land but issued on two different dates- 18 April 2013 and 27 April 2013 respectively. A question regarding the latter notice arises as it is dated 27 April but was witnessed by the CPA team and others on 24 April, **three days prior** to the date the notice was meant to have issued. This raises numerous questions including how several notices are issued for the same land with different dates and which notice is actually valid. Interviews in the area highlighted the confusion regarding the present acquisition process among affected communities. Issuing of different notices for the same land exacerbates these confusions further.

CPA was informed that Section 2 notices issued in other areas in Jaffna and other districts contained similar language for the purpose of acquisition. While access to all Section 2 notices issued during this period is limited, information gathered on the ground indicate that the land to be acquired in the North alone could be over 7000 acres - with this number being cited as conservative.

Several questions regarding these Section 2 notices need to be raised at the outset. The Land Acquisition Act provides for a scheme to acquire private land for 'public purposes', which are to be identified by the Minister. None of the

individuals CPA interviewed were aware as to the 'public purpose' for such acquisition other than what is stated in the notice, which is military in nature. This begs the question of whether such a large extent of land is needed for military purposes and what these purposes entail. The inability of land owners to return to their land in the area identified in the notice is presently before the Supreme Court, with assurances given by government and military officials that land will be released to legal owners. The powerful Minister for Economic Development Basil Rajapaksa noted in May 2011 "*We do not want HSZ[sic] in the country any further as we have no enemies among ourselves. The entire country is now under a single peace zone....*"⁸. The Commander Security Forces Jaffna Major General Mahinda Hathurusinghe during the course of a meeting with the technical mission of Office of High Commissioner for Human Rights (OHCHR) which visited Sri Lanka in September 2012 stated that "*we (the Army) have no plan of acquiring civilians' lands to establish military camps in Jaffna. Army has already earmarked government lands for that purpose. However, government will acquire some lands necessitated for the expansion of the Palaly airport and the Kankesanthurai harbour after paying compensation to legitimate owners*".⁹ After more than two decades of military occupation displacing thousands of individuals and numerous promises to release land, there is no progress on this matter. The present acquisition drive paints a bleak picture of the prospects for legal owners of ever being able to return to and live on their land.

There is further concern regarding the limited information available to the legal owners as to the status of their land. The notice states that claimants could not be traced. This begs the question as to how the government came to such a conclusion when many still live in camps in Jaffna and information of land ownership is known by the government actors who work on displacement, return and resettlement issues.

In addition, there are concerns whether procedures provided by law has been followed in the issuance of the Section 2 notices. According to the Land Acquisition Act, notices need to be in Sinhala, Tamil and English languages and '*to be exhibited in some conspicuous places in that area*'. CPA was informed by military on 24 April 2013 that notices displayed outside of the high security area are to provide information regarding the acquisition process. CPA noted that one notice in Tamil was displayed on a tree outside the security area but the CPA team could not find notices in the other two languages in the vicinity. The military also indicated that regardless of information indicating that land owners will be allowed to visit their land and announcements requesting land owners to visit the check point at the entrance to the high security area, as to whether any land owner will actually be able to visit his/her land is undecided. At the time of CPA's visit, there was no likelihood of any land owner entering the military occupied area. Land owners who accompanied the team on the 24 April 2013

⁸ "Resettling civilians in HSZs begins", Daily Mirror, 12 May 2011

⁹ Defense.lk, "Army Will Not Occupy or Acquire Civilians' Property -Jaffna Commander Tells OHCHR Officials", 18 September 2012, available at http://www.defence.lk/new.asp?fname=Army_Will_Not_Occupy_or_Acquire_Civilians_Property_Jaffna_Commander_Tells_OHCHR_Officials_20120918_04 (accessed on 3 May 2013).

were flatly refused entry, regardless of the evidence of deeds, with no information provided as to next steps and whether they would be allowed entry at a later date. It was apparent to the CPA team that there was no plan to let any land owner enter the area and visit their land. The military also indicated that while thousands of land owners will be affected, the land will not be treated as separate lots but is to be acquired as one plot and therefore they did not need to go through the process of informing individual owners.

The limited information regarding this process and the centralized decision making was evident in the course of the conversation with the military and government officials in the North. Inquiries to get information regarding the actual process of acquisition that is to be implemented as opposed to what has been announced indicated that the decision making is in Colombo and made by senior government and military officials. Interviews conducted during the field visit also indicated that officials who spoke to CPA had no knowledge as to exact reasons for the acquisition of such a large area of private land other than it being used for military purposes. Civil society and communities in the area were more cynical indicating that private lands belonging to Tamils are to be acquired for military cantonments to house Sinhala soldiers and families, therefore change demographics in the area. There was further criticism aimed at the speed with which the acquisition is taking place, many claiming that the Central Government wanted the process completed before possible NPC elections tipped for later in 2013. It was a widely held opinion that an elected NPC will stall any plans by the Central Government to alienate land as this would require the involvement of the NPC as provided in the Thirteenth Amendment to the Constitution.

The large scale land acquisition is not merely limited to Jaffna district. The CPA team was informed of similar processes in Killinochchi and Mullaitivu districts in the North and areas in the East. There were also reports of pockets of land in other parts of Jaffna district being acquired but the extent was unknown at the time of writing. These cases were shrouded in secrecy with communities owning land in the areas unaware of the exact status of their land, whether land was to be acquired and reasons for such acquisition, and implications of such a process.

The above data is based on information shared during the field visit and the limited information available in the public realm. Due to the secrecy and inability to get credible information, the area of land that is to be acquired maybe much more. While the present acquisition process is cited as adhering to the framework provided in the Land Acquisition Act, available information indicates gaps with the process. The lack of information and secrecy heightened fears among communities who were attempting to rebuild life after decades of war and violence. There was tangible apprehension among many that such processes amounted to 'land grabs' and 'sinhalisation'. While there was limited information available in the public realm at the time of writing to demonstrate the acquisition process under way would lead to such situations, the silence of key actors, the contradictory statements made so far and the nature of the process has raised alarm bells among communities. It is important that the government take note and urgently addresses these concerns.

Land Circular

The most recent land acquisition initiative is not the only area of concern when it comes to land issues in the North. An earlier central government initiative, was highlighted by CPA in March 2013. This was introduced via the new land circular titled “*Accelerated Programme on Solving Post Conflict State Land Issues in the Northern and Eastern Provinces*”(2013/1), introduced in early 2013. CPA welcomed this new land circular as an improvement of the earlier circular (2011/4) but critiqued some of the provisions in the circular and its impact on land ownership in the North and East.¹⁰ During the field trip, CPA was informed that the process set out in the recent circular was being implemented in some areas in the North but that many individuals were unaware of exact details. There was further confusion among the communities as to the linkages, if any, with the land circular and the Section 2 notices described above. While CPA acknowledges that the land acquisition process targets private land and the land circular indicates applicability only to state land, greater clarity is required as to how these processes work, linkages if any and its impact over land ownership and occupation patterns in the areas concerned.

Occupation of Private Lands & Returns: the Different Dimensions

As a result of the occupation of land by the military, police and others, around 26,000 persons still continue to live in displacement. Many others will face hardships in relation to their livelihoods and security, including more than 3,000 people who have been relocated, in many cases involuntarily.¹¹ The largest occupation of private land by the military is in the Jaffna peninsula (discussed above). It has been a topic of discussion and is presently before the Supreme Court. Although numerous promises have been made to return all lands occupied by the military to its owners, the release of land has been slow with very limited information on the process of release. The recent issuance of Section 2 notices confirm the emptiness of the promises to release land. The reason given publicly for the military occupation of such large tracts of lands has been security considerations, but information in the public realm indicate that the land is being used for commercial and economic purposes including for hotels. The Thalsevana Holiday Resort in Kankasanthurai which is run by the Sri Lanka army is a prime example of land occupied by the military being used for commercial purposes.¹² It is also reported that large tracts of land in the area are now used by the military for cultivation and other purposes. In other areas in the North

¹⁰ Centre for Policy Alternatives, “Commentary on Accelerated Programme on Solving Post Conflict State Lands Issues in the Northern and Eastern Provinces”, March 2013, available at <http://www.cpalanka.org/commentary-on-accelerated-programme-on-solving-post-conflict-state-lands-issues-in-the-northern-and-eastern-provinces/> (accessed on 3 May 2013)

¹¹ Internal Displacement Monitoring Centre (IDMC), “Global Overview 2012: People internally displaced by conflict and violence - Sri Lanka”, April 2013, p.72, available at: [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DB8A259305B071A8C1257B5C00268DDC/\\$file/global-overview-2012.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DB8A259305B071A8C1257B5C00268DDC/$file/global-overview-2012.pdf) (accessed 3 May 2013).

¹² See Official Website of Thalsevana Resort, <http://www.thalsevanaresort.com/index.php>

private buildings are being occupied by the military and police, raising the question as to whether rent is being paid to the legal owners or whether this is an illegal occupation. The Section 2 notices in effect legalises such occupation, acquiring land in the name of a 'public purpose' with no indicator as to whether the purpose will actually benefit the public. Perceptions among the people confirm this.

A recurring issue during the field visit was the numerous policy and practical aspects that impact an individual's right to own and control land. Both processes discussed above have the potential to change land ownership and occupation in the North and East of Sri Lanka. Occupation of land by the military, police and others have also impacted an individual's right to enjoy his/her land. Many fear that the new processes are aimed at changing ownership patterns, thereby significantly impacting demographics and electoral politics in Sri Lanka. "Return drives" which are supported by politicians, administrators and the military, raise questions as to whether incentives are being given to influence 'new people' to arrive in the area or whether those who return are those who originally resided in the area and fled during the war. The complexity attaching to such issues cannot be dealt here. It is important that there be awareness of the nuances of such initiatives and that the role, played by specific actors is questioned. The ethnicisation and politicization of return, resettlement and land issues cannot be underestimated. They must be addressed if coexistence and durable solutions are to be fostered.

In light of the Government's statements on holding NPC elections in 2013, it is vital that a devolved subject such as land is given its due place. There should be adherence to the provisions in the Thirteenth Amendment to the Constitution, which provide a role for the NPC in relation to private lands. It is also timely that the Government immediately establishes the National Land Commission as provided in the Thirteenth Amendment, which is mandated to formulate policy for the use of state land. Such a move will ensure that the provincial councils have a say in policies affecting lands in the provinces.

CPA also reiterates the need for dissemination of information among the public regarding the different processes concerning land and its impact over an individual's right to own and control land. It is paramount that individuals living in and those with legal claim to land in the North are provided information regarding the status of their land, paid adequate compensation when required and land returned to their legal owners. Acquisition of land should be done only for a public purpose beneficial to the people and not done for other purposes including commercial enterprise and demographic change.

Security Issues

Although civil administration has been largely restored in Jaffna and Kilinochchi and the Police have taken on a greater role in law enforcement activities¹³ there is still a large presence of military personnel in the two districts. No official statistics are available as to the exact number of military personnel in the Northern Province, but some sources have estimated that the ratio of military personnel to civilians is 1:5 in Mullaitivu and 1:10 in Kilinochchi.¹⁴

A majority of persons interviewed by CPA stated that the military monitored most public gatherings and would often question persons who participate or organize such events. Many also indicated that such a large concentration of military personnel is maintained to send out a clear message to the people in the North that they are being monitored.

In some instances military intelligence officers have been accused of orchestrating attacks on meetings organized by opposition political parties. The most recent incidents being the attack by a mob on the Kilinochchi office of the Tamil National Alliance (TNA) on 30 March 2013¹⁵ and the disruption caused at a *satyagraha* on 15 February 2013, organized by opposition political parties in protest against the military occupation of land¹⁶. In both instances, perpetrators were apprehended and handed over to the police but were released almost immediately. This is a clear violation of the recommendation by the Lessons Learnt and Reconciliation Commission (LLRC) that the right to freely engage in religious practices and other freedoms such as the freedom of association and movement should not be abridged by security forces.¹⁷ It is also striking to note that the said recommendation is not included in Action Plan to Implement the Recommendations of the LLRC.¹⁸

Threats against media organizations such as the Uthayan newspaper continued in 2013. There have been over 35 alleged attacks against the newspaper and /or

¹³ Report of the Commission of Inquiry on Lessons Learnt and Reconciliation (LLRC Report), November 2011, para 9.134

¹⁴IDMC, "Sri Lanka: A hidden displacement crisis", p.7, available at [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/0F7746546306FCB3C1257AA8005845A6/\\$file/srilanka-overview-oct2012.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/0F7746546306FCB3C1257AA8005845A6/$file/srilanka-overview-oct2012.pdf) (accessed on 3 May 2013)

¹⁵ See Ananth Palakidnar, "Gang attacks TNA Kilinochchi office", Ceylon Today, 31 March 2013, available at <http://www.ceylontoday.lk/51-28598-news-detail-gang-attacks-tna-kilinochchi-office.html> (accessed on 3 May 2013)

¹⁶Saman Indrajith, "Sampanthan tells govt. to halt violence against Tamils in North", The Island, 10 April 2013, available at http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=76708 (accessed on 3 May 2013)

¹⁷ LLRC Report, para 9.116

¹⁸ National Plan Of Action To Implement The Recommendations Of The LLRC, available at http://www.priu.gov.lk/news_update/Current_Affairs/ca201207/20120726national_plan_action.htm (accessed on 3 May 2013)

intimidation of staff since 2006, with 5 incidents taking place in 2013.¹⁹The most serious attack on the newspaper was on 13 April 2013 when an un-identified group of persons entered the Jaffna office, threatened workers and set fire to the printing press. CPA was informed of continuous threats and harassment against the Uthayan staff and distributors across the North with incidents increasing in 2013 resulting in a reduction of 70% staff in the delivery section within a space of a few months. The spate of attacks, threats and harassment in 2013 alone has had a significant blow to the existing staff. Many who experienced practical difficulties and security issues during the war claimed that the new drive to target them has been the worst so far, crippling their work in different ways. The irony of having survived the war only to face post-war intimidation and uncertainty was captured by a Uthayan staff member in the following statement- “We don’t want to give up but how long can we manage like this”.

Many who spoke to CPA questioned as to how such incidents could occur in the highly militarized environment of Jaffna and the Vanni without the complicity of the security forces. Suspicions of security force involvement are further augmented by the fact that there have been no arrests made in connection with these incidents. Those who were apprehended were released lending credence to the suspicions of security force involvement. Several actors who spoke to CPA spoke of the high presence of intelligence personnel in the North in different roles to monitor activities and individuals. Many indicated that the numbers have grown with the lead up to the NPC elections. While CPA was unable to verify this, perceptions among the communities cannot be ignored.

CPA was also informed of an increase in domestic violence and cases of child abuse in the Jaffna district. Whilst those who CPA spoke to, were reluctant to share specific case details in light of possible security threats, the information shared indicates growing social problems within families and communities. The service providers in the areas attributed this to a range of factors, including the increase in alcohol consumption, the availability of narcotics and the low levels of employment. Some interlocutors acknowledged that Jaffna society was not ready for the changes that the end of the war brought with it, including the relaxing of restrictions and the seeping in of external influences. One service provider informed CPA that she believed women had greater protection during the war due to the strict policies of the LTTE, including the accountability of perpetrators. She maintained that women now had a hard time even making a police complaint because of the indifference of officers. The culture of impunity and indifference, in general, seems to have increased in the post war period and CPA calls on all stakeholders to take steps to address this situation, including the alarming number of incidents involving the security of women and children.

¹⁹ The Puppeteer, “Not a Single Arrest Made Over Thirty Five Attacks in Seven years Concerning “Uthayan” Newspaper in Jaffna”, DBSJeyaraj.com, 15 April 2013, available at <http://dbsjeyaraj.com/dbsj/archives/20109> (accessed on 3 May 2013)

Conclusion

Nearly four years after the end of the war, complex and challenging issues abound in the North. This report of a brief visit by CPA highlights some aspects of life in the North. It is by no means a comprehensive or definitive overview of issues on the ground. CPA notes the range of issues that were encountered during the short trip - from the day to day to the larger issues of politics and governance. Many of these issues are not new and have been highlighted by CPA in the past. Accordingly, CPA reiterates the recommendations made in previous years.

In light of possible NPC elections, there is now an opportunity to address shortcomings of previous years. It is paramount that the Government upholds basic constitutional guarantees and fully implements the Constitution including the devolution of power to the Provincial Councils. This visit demonstrated yet again the persistence of land problems, recently compounded by policy directives that may lead to the dispossession of land of thousands. CPA calls upon the Government to take urgent steps to address this situation and to institute processes that are transparent, participatory and just. CPA also calls upon Government and military officials to adhere to promises and pledges made including the release of private lands and to ensure people's fundamental freedoms are respected. It is important that the Government takes immediate steps to build confidence among the people in the North by addressing the security situation, upholding law and order, providing a conducive environment for free and fair elections and ensuring that basic guarantees provided in the Constitutional and legal framework are adhered to. These steps are fundamental if reconciliation and unity are to be meaningful in Sri Lanka.