

TAMILS REHABILITATION ORGANIZATION



CFA: 2002-2007

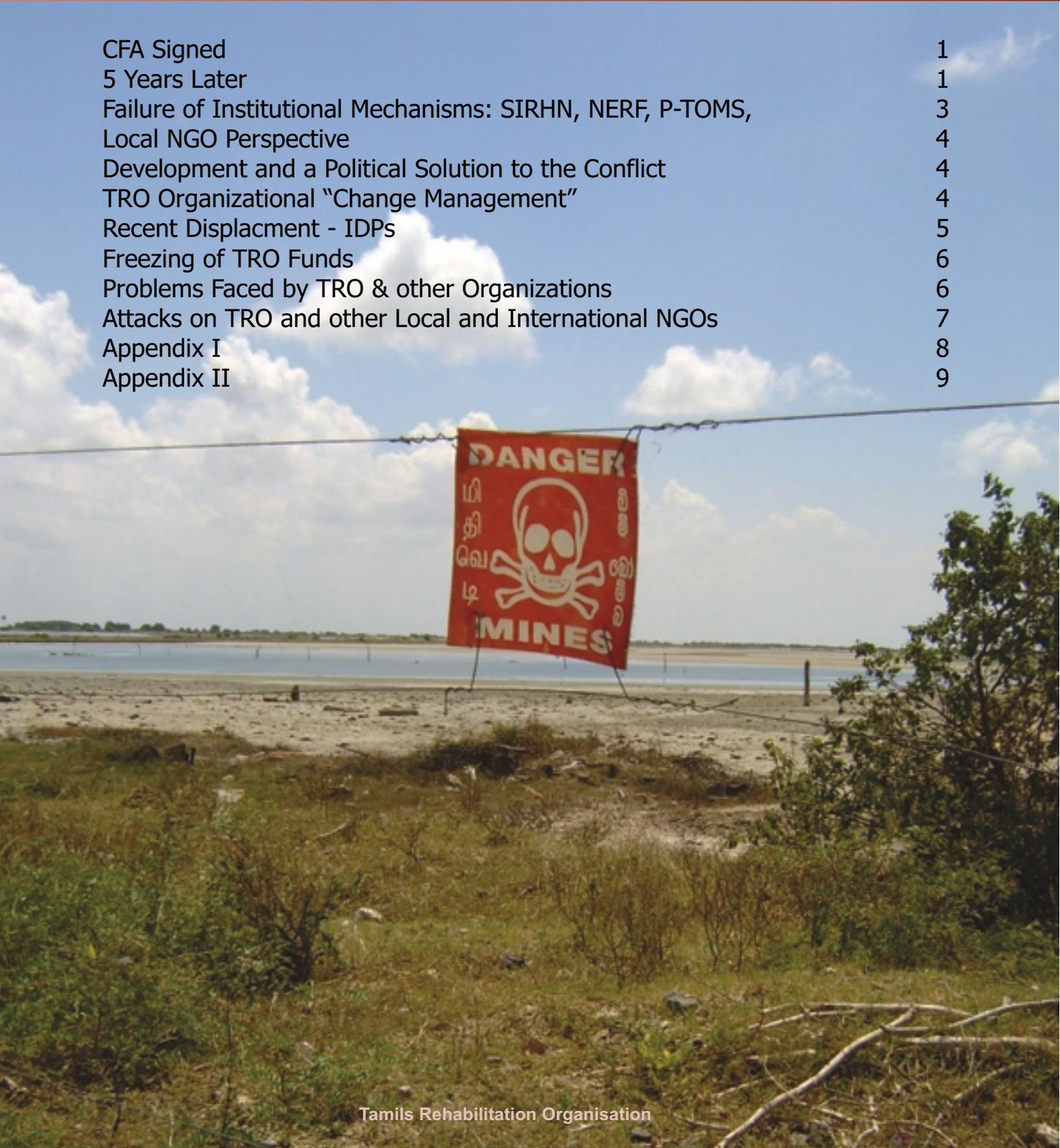
5 Years of Ceasefire - a Missed Opportunity

22 February 2007



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CFA Signed

On 22 February 2002 the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) signed a Ceasefire Agreement (CFA) that had been brokered by the Norwegian facilitators and supported by the International Community. At the time, the promise of an end to 25 years of war, embargoes, and the resulting devastation to the physical and psychological landscape was welcomed by the civilian population and expectations were high that there would be an improvement in the humanitarian situation. The fact that the International Community was involved in the peace process and seemed committed to supporting and promoting the necessary reconstruction, rehabilitation and development gave further confidence to all stakeholders at that time.

At the time of the signing of the CFA there was no institutional mechanism available to plan, coordinate and implement the necessary, and expected, rehabilitation, reconstruction and development. The sufferings of the civilian population during twenty-five years of war and economic embargo, which had been on parts of the NorthEast since 1990 by the GoSL and covered over 60 consumer goods including, food, medicines and fuel¹, had left the people in such a dire state that it was imperative that the initial focus of any "peace talks" would be the "humanitarian situation" in the NorthEast and the return of the 731,838 Internally Displaced Persons (IDPs)². The Internal Displacement Monitoring Centre website states that, "In the LTTE-controlled Vanni, an estimated 80% of the population was displaced as of January 2002, 90% in Kilinochchi District."³

It was expected that funds would be made available by the donors to alleviate the suffering of these IDPs and that the institutional mechanisms and structures would be created and implemented to bring the envisioned "peace dividends" to the affected communities in the NorthEast.

International humanitarian relief and developmental aid was to be channelled

through the GoSL and its institutions though the GoSL lacked adequate human resources, organizational structures and physical infrastructure to deliver the aid. The GoSL institutions, infrastructure, services and staffing in the NorthEast are far below par and are not funded to the level the rest of the country. In the report, "*Approaches to Equity in Post-Tsunami Assistance, Sri Lanka*", the Office of the UN Secretary General's Special Envoy for Tsunami Recovery states that, "The public service shortages in the north and east ...have significantly delayed the pace of recovery compared with other regions."⁴ The politicization of aid and development by the GoSL also limited and delayed humanitarian relief to the NorthEast.

The Tamils Rehabilitation Organization (TRO) has worked in the LTTE controlled areas of the NorthEast since 1985 providing relief, rehabilitation, reconstruction and development for the war, and later tsunami, affected populations. In February 2002, TRO, as a "local" NGO with an in-depth knowledge of the ground realities, customs, and culture of the affected peoples of the NorthEast was uniquely positioned to implement projects which would deliver the "peace dividend" that the people expected would follow the signing of the CFA.

TRO was urged by the international community and the GoSL to register as an NGO with the GoSL. This was done and TRO was approved as an NGO/Charity on 27 June 2002 by the Government of Sri Lanka. Following the Tsunami, TRO exhibited its capabilities and effectiveness to the International Community as well as to the GoSL and in recognition of this the latter presented a Certificate of Commendation to TRO for the construction of over 9,000 temporary shelters.

Five Years Later

Despite the best efforts of the LNGOs, iNGOs, the World Bank, the Asian Development Bank, the United Nations, and the international community as a whole the humanitarian needs of the people have still, five years after the CFA, not been met there has been no discernable "peace dividend" for the people of the NorthEast and

¹ Sri Lanka Poverty Assesment; Jan. 27, 2007; World Bank, (<http://siteresources.worldbank.org/SRILANKAEXTN/Resources/233046-1172006843012/srilankapoverlyassessment2007.pdf>)

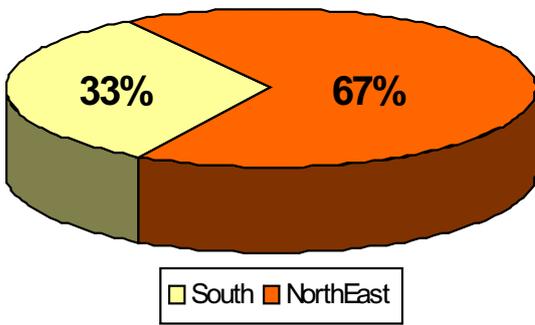
² Sri Lanka: Waiting to go home - the plight of the internally displaced, Amnesty International Report, citing UNHCR (<http://web.amnesty.org/library/Index/ENGASA370042006>)

³ Internal Displacement Monitoring Center website; accessed on 2 March 2007 ([http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/C34F25B92F728B92802570B8005AAF25?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/C34F25B92F728B92802570B8005AAF25?OpenDocument))

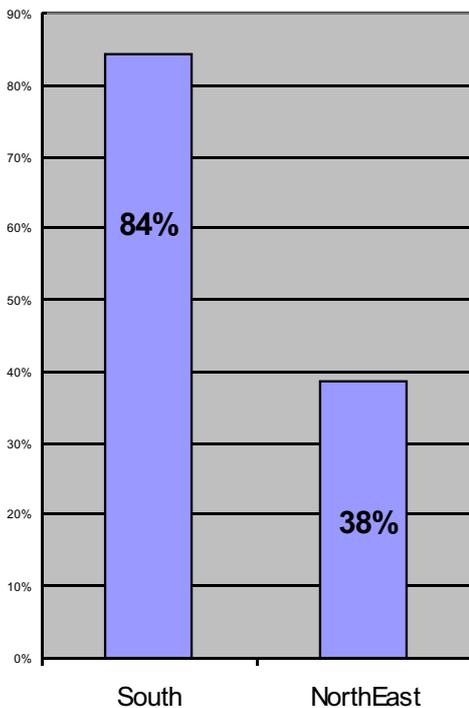
⁴ *Approaches to Equity in Post-Tsunami Assistance*, Sri Lanka: A Case Study, Office of the UN Secretary General's Special Envoy For Tsunami Recovery, Mandeep Kaur Grewal, November 2006



Impact of Tsunami: Locations of Houses Destroyed
(Source: GoSL-RADA)



% of Tsunami Destroyed Houses Rebuilt - December 2006
(Source: GoSL-RADA)



their essential needs remain unmet. The expected relief, rehabilitation, reconstruction and development failed to materialize and in fact the plight of the IDPs and the civilian population has worsened with the recent outbreak of hostilities.

- There are more IDPs now, 887,475, than at the beginning of the CFA. 350,000 of the pre-CFA conflict displaced remain displaced and a further 210,000 conflict IDPs were displaced in 2006 due to the recent offensives by the GoSL. Approx. 330,000 tsunami displaced remain in shelters. (See Table 2)
- More than 75% of the approx. 300,000 conflict damaged/destroyed houses are yet to be repaired or reconstructed;
- More than 80% of the damaged/destroyed basic community infrastructure (primary health, schools, water supply, roads, etc) have not been repaired or reconstructed;
- Livelihoods have not been restored;
- 60% of the families in the NorthEast continue to remain below the poverty line;
- Tsunami reconstruction and rehabilitation in the NorthEast lags far behind the "South".
 - ♦ 67% of all tsunami destroyed houses were in the NorthEast, 33% in the "South"⁵
 - ♦ 98% in the South & 56% in the West vs. 22% in the North and 43% in the East.⁶
 - ♦ Commitments and Allocation of funding. In a report the Special Envoy for Tsunami Recovery stated that, "The breakdown of regional figures suggests allocation shortfalls to the north. ...(with the) south and west collectively receiving approximately 20 percent more than required commitments compared with a similar **shortfall** of commitments for the north and east."⁷
 - ♦ The report also states that surveys show "...all regions trailing in the wake of the south's much faster progress toward completion and handover of houses... What is particularly striking is the **overprovision** of house reconstruction in the south, which clearly indicates an inequitable allocation of resources from a national perspective"⁸

	West	South	East	North	Total
Total Tsunami Damaged/Destroyed Houses	12,235	25,141	60,260	16,433	114,069
Houses Completed	6,850	24,670	25,848	3,651	61,019
Percentage	56%	98%	43%	22%	

⁵ Post-Tsunami Recovery and Reconstruction (Chapter 3), December 2006, Ministry of Finance and Planning (GoSL) and the Reconstruction & Development Agency (RADA)

⁶ Ibid.

⁷ Approaches to Equity in Post-Tsunami Assistance, Sri Lanka: A Case Study, Office of the UN Secretary General's Special Envoy For Tsunami Recovery, Mandeep Kaur Grewal, November 2006

⁸ Ibid.



Failure of the “Institutional Mechanisms”: SIHRN, NERF, P-TOMS

The International Donor Community pledged large amounts of funds for development, reconstruction and rehabilitation after the CFA and urged the parties to develop a variety of “institutional mechanisms/structures” that would distribute these funds and rebuild the affected communities. The post-Cease Fire Agreement mechanisms for the delivery and implementation of short-term reconstruction and development aid were the Sub-committee on Immediate Humanitarian Needs for the NorthEast (SIHRN) in October 2002, the North East Reconstruction Fund (NERF), and the Post-Tsunami Operational Mechanism (P-TOMS) in June 2005. The GoSL never properly vested these mechanisms with the authority to exercise their mandate. The mechanisms were established to aid coordination between the donors, the GoSL and the LTTE and to ensure transparency and accountability in the prioritization and financing of projects for the alleviation of the humanitarian situation and the reconstruction of the NorthEast. They failed due to the GoSL's reluctance to allow the LTTE and other NorthEast based organizations the responsibility, including accountability and transparency, for the formulation of programs, allocation of funds, and the implementation of projects. This prevented the funds pledged by the bi-lateral and multi-lateral donors from being disbursed.

In the report, *“Approaches to Equity in Post-Tsunami Assistance, Sri Lanka”*, the Office of the UN Secretary General's Special Envoy for Tsunami Recovery stated that, “The absence of P-TOMS implementation affected the context for recovery, especially in the north. Development partners withheld resources and activities in anticipation of the agreement, and some eventually withdrew some recovery commitments that hinged on P-TOMS.”⁹ As a result the expected peace dividend never materialized in the NorthEast, and the most pressing needs, the development of the infrastructure, continuing structural unemployment, and extensive poverty, were never adequately addressed.

Local and International NGOs and Community Based Organizations (CBOs) struggled to fill the gap between the promises made by the

international community and the GoSL and the ground realities in the NorthEast where the funds for development never materialized at the expected levels. But these LNGOs, INGOs, and CBOs faced structural and monetary problems due to constantly changing systems and institutional structures mandated by the GoSL and the International Community which were never fully funded, communicated or implemented. This resulted in severe limitations in the pace of reconstruction, rehabilitation and short and long term development.

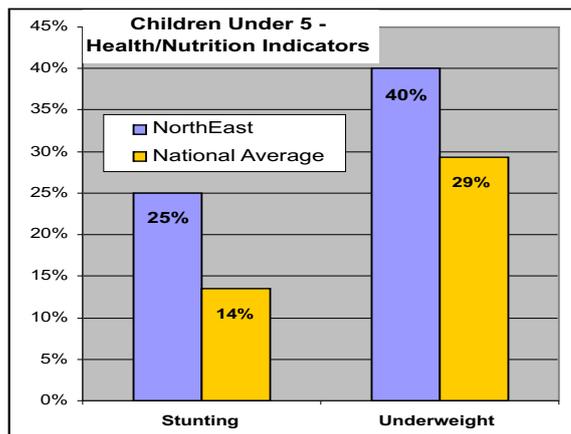
Additionally, the centralized nature of the Sri Lankan political bureaucracy meant that the majority of policy and funding decisions as well as needed inspections, approvals and permit processes had to come from the central government in Colombo. Professor S.T. Hettige of Colombo University stated that, “The top down approach adopted by the government has created a mismatch between local needs and what has been provided.”¹⁰ This led to delays, inappropriate projects, misappropriation of government funds and a variety of other problems. The UN Special Envoy's Report states, “The post-tsunami period in Sri Lanka brought more sharply into focus the serious shortcomings of over-centralized policy development and implementation, although this has long been informally recognized as undermining the prospects for development in Sri Lanka.”¹¹

In short, the people of the NorthEast have not received any discernable “peace dividend” since the signing of the CFA on 22 February 2002. TRO stepped in to fill the gap left by the lack of support from the GoSL and the international community. In the absence of institutional mechanisms, such as the scrapped SIHRN and P-TOMS, to channel funds to the NorthEast, TRO has made use of the resources of the Tamil Diaspora, international NGOs, foreign governments and thousands of concerned individuals to address the vast need for relief, rehabilitation and reconstruction. The NorthEast trails far behind the rest of the country in all indicators of health, poverty, development and education and has done so for decades. The Annual Report 2004 by the NorthEast Province Ministry of Health reports that the morbidity and mortality rates among the most vulnerable groups of the population have increased compared to national figures as a result of the war (see stats below).¹² These have been

⁹ Approaches to Equity in Post-Tsunami Assistance, Sri Lanka: A Case Study, Office of the UN Secretary General's Special Envoy For Tsunami Recovery, Mandeep Kaur Grewal, November 2006

¹⁰ “N-E most affected by tsunami, but South over supplied with houses”; The Island, 2 March 2007, Professor S.T. Hettige of the Social Policy Analysis and Research Centre of the Colombo University

¹¹ Approaches to Equity in Post-Tsunami Assistance, Sri Lanka: A Case Study, Office of the UN Secretary General's Special Envoy For Tsunami Recovery, Mandeep Kaur Grewal, November 2006



further exacerbated by the tsunami.

- 1 in 5 newborns has a low birth weight (below 2.5 kg)
- 25% of children under 5 exhibit stunting (low height for age) vs. Sri Lanka National Average = 13.5%
- 40% of children under 5 are underweight (low weight for age) vs. Sri Lanka National Average = 29.4%

Local NGO Perspective

TRO strove to deliver the “peace dividend” and has accomplished much in the past five years despite being hampered by a lack of funding and limited resources. Additionally, the GoSL’s politicization of development in general and the specific marginalization and demonization of TRO, has had a tremendous negative impact on the scope of the humanitarian work that could be accomplished.

From the perspective of TRO and CBOs in the NorthEast the initial rush of interest in development in the post-CFA and post-Tsunami periods led to an influx of numerous multi-lateral and bi-lateral donors, INGOs, UN Agencies, and other international organizations. Many of these actors attempted to institute their own “systems”, “delivery mechanism”, visions or organizational cultures; in essence they sought to dictate to the LNGOs and CBOs who had served the affected populations during the years of war when funds were scarce and international attention even scarcer. This led to a degree of tension when the local organizations attempted to assert their right to choose development that was in line with their guiding principles and the wishes of the beneficiaries. Organizations such as TRO, other LNGOs and CBOs continued to function with the

systems and structures that they had used prior to the CFA, which were based on their knowledge of the ground realities, local customs and culture, while attempting to absorb and adapt to the new partners' modus operandi.

Development and a Political Solution to the Conflict

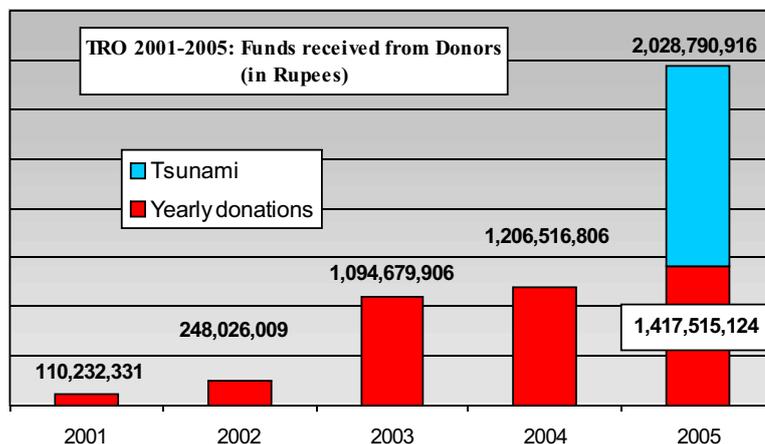
The International Community, international humanitarian agencies and the donors have used reconstruction, rehabilitation and development funds as a bargaining chip to draw the warring parties to the negotiating table with the aim of achieving a political solution to the conflict despite the fact that a political solution will take years to achieve. In contrast to the international community's approach, local NGOs, such as TRO, sought to alleviate the suffering of the civilian population and provide immediate relief, rehabilitation, reconstruction and development.

The GoSL was unable to implement the agreements that it entered into, SIHRN and P-TOMS, which were designed to alleviate the humanitarian situation and ensure development, goals that all reasonable persons agree are imperative to the peace process and the building of trust between the two parties.

TRO Organizational “Change Management”

During the five years of the post-CFA period, TRO has grown exponentially, as can be seen from the funding received from donors for projects and administration from 2001 to 2006. In the immediate post-CFA period TRO management recognized that the organization would need to grow from a medium sized local NGO into a national NGO with the capacity to address the humanitarian and development needs of the NorthEast.

TRO's commitments to responsible corporate governance, accountability and transparency have been the main drivers of the “change management” that has taken place over the past 5 years. TRO undertook this “change management” by instituting changes to its management structure and operational processes as well as providing extensive staff development and capacity building programs and training courses. A three year program of change management within TRO was designed, with the



¹²NorthEast Province, Sri Lanka, Ministry of Health Annual Report 2004 & Poverty Statistics/ Indicators for Sri Lanka, Department of Census and Statistics, 2004 (Data from 2000)



help of the Berghof Foundation and other partners, and introduced in mid 2003.

The need for further structured capacity building was explored by the international donor community at a conference held by TRO in Colombo in June 2004. It was agreed that a well planned change management process be undertaken to streamline the activities and capacities of the TRO in the NorthEast of Sri Lanka and in the independently registered and managed overseas TRO offices in order to make the implementation of programs and projects more efficient and effective.

At a conference held in Lucerne Switzerland in October 2004, the heads of overseas TRO offices agreed to carryout the change management process with immediate effect (the Lucerne Declaration). In addition, it was resolved that an International TRO (iTRO) office be established to initiate and assist with this process.

This resulted in the expanded "TRO Sri Lanka Change Management Strategy" which in addition to developing the capacity of the organization and its staff was also designed to focus on the enhancement of TRO's transparency and accountability and ensuring that TRO projects, programs, and policies continued to be "people focussed" and "bottom up" rather than "top down".

TRO was, and still is, recognized by donors and beneficiaries as the most experienced, effective and efficient NGO in the NorthEast. This was exhibited and praised by the international humanitarian community during the 2004 Tsunami and its aftermath. TRO's tsunami response was a clear demonstration of its core competencies: emergency relief, rehabilitation, reconstruction, and development.

As a result of the change management strategy that TRO has thus far implemented, the organization has successfully become mainstreamed and internationally recognised for its work with tsunami and war affected populations. This is despite the attempts by elements within the GoSL and local Sri Lankan media to demonize the organization and hinder its work in the NorthEast. This continuing politicisation of humanitarian services at a time when the conflict has once again escalated is denying TRO its legitimate space to perform necessary humanitarian services. The attacks, both physical and political, on the humanitarian

community and aid workers, abduction of 7 TRO workers and the execution of 17 ACF workers blamed on GoSL forces or paramilitaries, have further exacerbated the humanitarian situation in the NorthEast. The GoSL has ignored international humanitarian and human rights law and continues to deny and restrict access to the most severely affected persons and areas of the NorthEast.

TRO's focus is on humanitarian and development work and, as such; the organization takes no position on political matters and refuses to be drawn into the politicization of aid. TRO is focused on the delivery of humanitarian aid, relief, reconstruction, rehabilitation and facilitating access to allow others to participate in these sectors throughout the NorthEast. TRO will continue to provide this service as long as there is a need.

Recent Displacement - IDPs

Due to the security situation no "development work" can be performed in most areas of the NorthEast. TRO is currently focusing on providing emergency humanitarian relief to some of the 210,000 persons who have been displaced due to the outbreak of open warfare in the NorthEast over the past year. These IDPs join the 330,000 IDPs still in Temporary Shelters over two years after the tsunami.¹³ When these tsunami and "recent" conflict affected IDPs are added to the 347,475¹⁴ "long term" conflict affected IDPs the total number of IDPs in Sri Lanka is: 887,475. The GoSL has severely restricted, and in some cases enforced a complete embargo, on humanitarian aid to IDPs who are fleeing the shelling and bombing by the GoSL forces.

Table 2: IDPs – long term war, tsunami & recent war related displacements¹

Date of survey	IDPs
Jan 2002	731,838
Jan 2003	410,000
March 2004	369,438
April 2005 (war - long term)	347,475
June 2005 (tsunami)	457,576
Dec 2006 (war - long term)	347,475
Dec 2006 (tsunami)	330,000
Dec 2006 (war - recent)	210,000
Dec 2006 - Total IDPs Currently Displaced	887,475

¹³ Oxfam International Tsunami Fund Second year report, December 2006 (<http://www.oxfam.ca/news-and-publications/publications-and-reports/oxfam-international-tsunami-fund-second-year-report/file>)

¹⁴ Internal Displacement Monitoring Center (IDMC); Accessed on 2 March 2007. ([http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/C34F25B92F728B92802570B8005AAF25?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/C34F25B92F728B92802570B8005AAF25?OpenDocument))



Freezing of TRO Bank Accounts

All TRO Tsunami related and development projects are currently on hold due to the current "security situation" and the fact that the Central Bank of Sri Lanka (CBSL) froze the TRO Sri Lanka bank accounts on 4 September 2006. Approximately, Rs. 80,000,000 (US\$ 800,000) was in the bank accounts at the time of freezing. These funds, 80% of which come from iNGOs, the UN, the GoSL, ADB, World Bank, and various other multi-lateral and bi-lateral donors, are all in "project specific accounts" destined for specific Tsunami Projects chosen by TRO's donor/partners. As a result all work on these projects has ceased for lack of funds and work will not recommence until the security situation improves.

In the interest of transparency and accountability, TRO is not adverse to the investigations by the GoSL. As TRO is continuously answerable to the beneficiaries, the donors, governments, and the public, we are confident that there has been no wrong doing by TRO and that this "freezing" of the bank accounts is unwarranted. TRO has requested that the CBSL and the High Court of Colombo allow TRO to function "under supervision" of the court or a trustee so that the IDPs and others that TRO assists will continue to be served while the investigation continues. There has thus far not been any response to this request.

Problems Faced by TRO & other Organizations

The most pressing issue currently is that of "access" to those most in need of humanitarian assistance. This issue arose months before the start of the Government of Sri Lanka (GoSL) offensives in August 2006. Prior to that time TRO and iNGOs had faced extreme difficulties in the implementation of their Tsunami Projects and their projects with pre-CFA war affected IDPs. Many of the problems faced by TRO were, and are, unique but iNGOs, the UN and the International Committee of the Red Cross (ICRC) also face some of the same constraints due to the actions of the GoSL.

Restrictions of access by aid workers to IDPs and restrictions on the transportation of aid materials to the NorthEast:

1. The Office of the UN Secretary General's Special Envoy for Tsunami Recovery stated that "Increasingly onerous checkpoint procedures have also delayed progress. One NGO reported that it took 12 weeks to transport building

materials into LTTE-controlled areas; others reported that imports such as VHF radios and fibre glass boats also took a long time to import and in some cases were not released by state authorities, even though such items are not officially restricted. According to agencies, some contractors had reported being unwilling to work in the east as a result of these problems. In the meantime, local authorities were also dealing with the temporary IDP groups fleeing to escape the recent increases in violence."¹⁵

2. CARE International, supported by other UK based agencies, states that, "Only 10% of post-tsunami house reconstruction has been completed in the conflict-hit north of the island compared to nearly 90% in the relatively stable south..."¹⁶ The press release continues, "Controlled and restricted access for aid agencies has caused serious delays to building projects with materials and workers unable to enter some areas. There is a growing disparity between the extent and progress of reconstruction in the north and south of the island."¹⁷

3. Restriction of "access" to the NorthEast Tsunami and War affected IDPs by the GoSL achieved through a variety of unnecessarily restrictive and excessive rules and regulations, "unpublicized restrictions", and an outright refusal by the government to allow humanitarian access and the flow of humanitarian relief, especially food and medicine, to the worst affected areas.

Access is restricted in a variety of ways:

- A. Work permit:** The institution of the "work permit" requirement for all "international staff" of NGOs (other than the UN & ICRC). This work permit was an additional procedure that was instituted by the Ministry of Defence despite the fact that all these persons already had "work visas" issued by the GoSL. Thus far no work permits have been approved for the LTTE controlled areas and as a result iNGOs are not able to access some of the most severely affected IDPs. Most organizations withdrew their international staff from the NorthEast until they received their work permits, while some work permits have been granted to some organizations to work in GoSL controlled areas, most iNGOs have

¹⁵ Approaches to Equity in Post-Tsunami Assistance, Sri Lanka: A Case Study, Office of the UN Secretary General's Special Envoy For Tsunami Recovery, Mandeep Kaur Grewal, November 2006

¹⁶ CARE International Press Release: "Sri Lanka's ignored conflict threatens tsunami reconstruction" 12 December 2006 (<http://www.careinternational.org.uk/Sri+Lanka%E2%80%99s+ignored+conflict+threatens+tsunami+reconstruction++8203.twl>)

¹⁷ Ibid.



not received their permits or their permits have been restricted to specific districts.

b. Unpublicized Restrictions: Refusal by GoSL checkpoint personnel to allow access or transportation of building materials. The GoSL security force personnel at the checkpoint would state that a "permit" was required from "Colombo", but when queries were made with the authorities in Colombo they would deny that such permits were required or even existed.

C. Closure of "borders" / roads / checkpoints: The GoSL has closed the A9 and A15 highways denying access to over one million civilians in desperate need of humanitarian relief. Convoys were only allowed to proceed under special circumstances and even when allowed in did not carry adequate quantities of supplies to meet the needs of the population. An example of this is the convoy that was allowed to travel to Vaharai in Batticaloa District on 29 November, 2006 where 45,000 IDPs were stranded. The GoSL allowed the UN/ICRC convoy to cross the border with food and NFRI, but 30 truck loads of food were not allowed to proceed by the GoSL thus the expected "one week supply" was 40% short of the requirement.¹⁸

4. "(Sri Lanka) Army restrictions on the movement of building materials have had a severe impact on construction projects, which had already been delayed by changes in government regulations and a lack of suitable land. Employees of international agencies have been targeted and in one instance, 17 Sri Lankans (16 Tamils and 1 Muslim) working for the French NGO Action Against Hunger were shot dead."¹⁹

(Please see Appendix II for a full list of some of the other problems TRO and other INGOs faced in the post-tsunami period.)

ATTACKS ON TRO and other Local and International NGOs

The space for the humanitarian community and civil society to operate in Sri Lanka has been severely limited due to the attacks, both physical and political on humanitarian organizations by GoSL security forces, the media and politicians. The two major incidents that occurred were: 1) January 2006 seven (7) TRO aid workers were abducted by armed paramilitary gunmen; 2) August 2006 17 local aid workers from French NGO Action Against Hunger were executed.

Mr. Ganeshalingam, who was abducted in January

2007, was a member of TRO's Board of Governors, while the others were TRO Pre School administrative staff and the TRO Batticaloa Chief Accountant, Ms. Premini, and her team of accountants. The 7 TRO aid workers remain "disappeared" with media reports stating that they have been executed. No real, in-depth investigation has taken place by the responsible authorities.

There have been 19 major attacks, and numerous minor attacks, on TRO aid workers, offices or projects over the past two years. ***(Please see Appendix 1 for a list of attacks on TRO staff offices and projects)*** These attacks have forced TRO to take extra security measures to ensure staff and beneficiary safety. TRO aid workers in some areas have been intimidated, threatened, harassed, assaulted, and "disappeared" by the GoSL security forces and paramilitary forces. TRO projects and IDP camps have been bombed and shelled by the GoSL and hand grenades have been thrown into the Batticaloa and Jaffna offices with the latter also being burnt to the ground. These attacks and the attackers have sought to intimidate TRO staff and restrict the delivery of humanitarian relief and development to the war and tsunami affected communities of the NorthEast.

The most recent atrocities were the shelling by GoSL forces of clearly designated TRO IDP camps in the Vaharai area. On 8 November 2006 in Karhiraveli, Vaharai 47 IDPs were killed and 136 injured by GoSL shelling. The TRO Children's Home was damaged and 12 children were injured. On 10 December 2006 a similar incident occurred when the GoSL shelled 3 TRO IDP camps in Palchchenai, Kandalady, and Vammivadduvan. 40 IDPs were killed and 100 injured in this incident.

The TRO Batticaloa office has been attacked 3 times on: 7 August 2003, 13 June 2005, and 27 September 2005 by paramilitaries with grenades and machine guns. A TRO Security Guard was killed during the 27 September attack and 2 Staffers injured & 5 vehicles destroyed during 13 June attack. TRO closed the Batticaloa Office soon after the September attack due to the inability of the GoSL security forces to stop attacks and ensure the safety of humanitarian workers.

In August 2006, the Vadamarachchi East TRO Boatyard and the Eachchilampattu TRO Boatyard, 2 of the 6 Boat building facilities that TRO constructed as part of tsunami livelihood projects, were destroyed by the Sri Lanka Air Force.

¹⁸ UN Press Release 30 Nov. 2006: <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-6W2N95?OpenDocument>

¹⁹ Oxfam International Tsunami Fund Second year report, December 2006 (<http://www.oxfam.ca/news-and-publications/publications-and-reports/oxfam-international-tsunami-fund-second-year-report/file>)

**APPENDIX I:****Attacks on TRO aid workers, projects and offices****2002 - 2007****I. 10 December 2006**

- a) 40 people killed and 100 injured when GoSL forces shelled 3 TRO IDP camps in Palchchenai, Kandalady and Vammivadduvan

II. 8 November 2006

- a) Kathiraveli 47 people killed and 136 injured when GoSL forces shelled a TRO IDP camp and TRO Sonobo Children's Home was damaged with 12 children injured.

III. August 2006

- a) TRO boat making yard in Eachchilampattu shelled by the Sri Lanka Air Force

- i) Details not known due to lack of access. Eachchilampattu is currently a no man's land.

IV. 23 August 2006

- a) TRO Jaffna office destroyed

- i) The TRO Jaffna office is on a main road and is surrounded by international NGOs and UN agencies.
ii) There are also GoSL army checkpoints at both ends of the road.
iii) At the time of the attack Jaffna was under a strict curfew with absolutely no travel allowed by anyone other than GoSL security forces.
iv) Heavily armed men in military fatigues arrived at the TRO office at 23:00h and destroyed the computers and the furniture and then burnt the building and the storeroom

V. 19 August 2006

- a) A boat making yard built by TRO to repair and re-supply tsunami affected fishermen with boats was bombed by the Sri Lanka Air Force.

- b) All boats under construction (or finished) were destroyed as was the store room and the main building.

VI. 15 August 2006

- a) Amparai TRO/NECORD office attacked - shooting & grenade thrown

VII. 31 July 2006

- a) Punochochimunai, Muslim Village, "Rebuild a Village Project" funded by EMERGENCY (Italy). The storeroom at the work site was broken into and over 200 bags of cement were stolen.

- b) The staff and security guard working on the project had resigned or "stayed home" from work due to intimidation by alleged Karuna Group representatives who threaten the workers with death if they continued working for TRO.

VIII. 15 July 2006

- a) Grenade attack on TRO Jaffna office

- i) One grenade thrown into compound during daylight hours within 100 meters of a GoSL army checkpoint.

IX. 13 July 2006

- a) Cement being transported to a tsunami "Rebuild a Village Project" being implemented in Vaharai, Batticaloa District with funding from TRO Switzerland was hijacked in Valaichennai by paramilitary forces. The truck & cement have yet to be recovered.

X. 29 June 2006

- a) TRO is reconstructing a tsunami affected Muslim Village in the Batticaloa District Punochochimunai. This is funded by EMERGENCY (an Italian NGO).

- b) Boat engines for boats that TRO was providing to the fishermen of the village were being transported from Trincomalee to Punochochimunai in a truck when they were stopped by Police in Polonaruwa. The driver and truck were held for 3 days. They were only released after TRO petitioned the police and provided proof that the recipients were tsunami affected fishermen.

XI. 26 April 2006

- a) GoSL forces shelled and bombed civilian areas of the Trincomalee District

- i) TRO Santhosam Children's Home (40 orphans live in the home) damaged by a Kfir bomb
ii) TRO's office at Kadakarachenai damaged by bombing/shelling
iii) TRO Muttur / Eachchilampattu office attacked/bombed food store damaged

XII. 29 & 30 January 2006

- a) Abduction of 7 staffers in Welikanda area still missing/disappeared

- i) 10 persons were abducted: 2 persons were held for one day, 1 for 3 days and the remaining 7 have not been heard from or seen since then
ii) these events were reported and official requests for investigation were made to the Government of Sri Lanka (GoSL), the Sri Lankan Police, the Sri Lanka Human Rights Commission (HRC), the ICRC, the SLMM, Human Rights Watch, Amnesty International, and the UN Working Group on Enforced or Involuntary Disappearances
iii) TRO did not receive any reports (either written or verbal) of investigations (if any) conducted by ANY of the organizations above.
iv) TRO took their case to the media in an effort to have the employees released, to no avail and the 7 remain "disappeared". This impunity has contributed to the current situation that humanitarian agencies find themselves in the horrible tragedy of the recent execution of the 17 Action Contre La Faim staff members is a case in point.
v) The vehicles that the disappeared were travelling in were later discovered in a "Karuna Camp"

XIII. 7 August 2003, 13 June 2005, 27 September 2005

- a) Three grenade & machine gun attacks on TRO Batticaloa Office

- i) Security Guard killed in 27 September attack, TRO closed the Batticaloa Office soon after this attack due to the inability of the GoSL security forces stop attacks.
ii) 2 Staffers injured & 5 vehicles destroyed during 13 June attack



APPENDIX II:

Difficulties faced by TRO when implementing Tsunami Relief

These difficulties existed prior to the resurgence in fighting in August 2006 and continue to this day.

Most tsunami related projects have been on hold since the outbreak of fighting in August 2006.

I. TRO has faced great difficulties clearing humanitarian relief items through the Sri Lanka Ports and Airport Customs and transferring these items to the affected areas.

- a) In the months after the tsunami TRO received over 150 40' foot containers
- b) TRO had great difficulty in clearing much of this humanitarian aid through customs and was forced by the GoSL to pay a variety of "taxes" on the humanitarian aid
- c) Some items were NEVER released to TRO by the GoSL Customs Department:
 - i) Boat making equipment
 - ii) Fishing equipment
 - iii) Fire fighting equipment
 - iv) Snake anti-venom

II. There also exist publicized and un-publicized security related controls, restrictions, embargoes and a total denial of access to some areas of the NorthEast.

- a) This has deprived the tsunami and war affected IDPs of desperately needed humanitarian relief, building materials and staff.
- b) The GoSL has denied access to the iNGOs and UN agencies also

III. Lack of an institutional mechanism for dispersal of available tsunami related donor funds PTOMS was never implemented

IV. Inequity

- a) between the NorthEast & the South
- b) between the tsunami affected & the war affected
- c) between tsunami affected communities in the NorthEast

V. 25 years of war have resulted in the infrastructure and capacity of the NorthEast lagging far behind the rest of the country

- a) The lack of infrastructure and capacity made immediate post-tsunami relief more difficult and continues to hinder development. This inequity will have to be addressed if there is to be any real development that will bring the NorthEast's socioeconomic indicators up to the level of the rest of the country.

VI. Decision-making and power with regard to the overall design and structure of humanitarian aid is overly "Colombo based" and as a result is not always in line with the needs of the beneficiaries "in the field". As a result many decisions are made in Colombo without much consultation with the local authorities or the beneficiaries.

VII. Centralized controls of the flow of tsunami funds and GoSL assistance has ensured the perpetuation of some of the problems that existed prior to the tsunami.

VIII. The lack of competency, excessive control, corruption and politicization of the government bureaucracy are significant detractors to progress of the tsunami affected areas of the NorthEast.

IX. The NorthEast has historically had some of the worst socioeconomic indicators in the country and this has hindered the tsunami recovery of the area. There continues to be a shortage of teachers, doctors and other skilled personnel in all sectors.

TAMILS REHABILITATION ORGANIZATION

