

JUSTICE DENIED:

A REALITY CHECK ON RESETTLEMENT,
DEMILITARIZATION, AND RECONCILIATION IN SRI LANKA



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The Oakland Institute

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Acronyms

CID	Criminal Investigation Department
CPA	Centre for Policy Alternatives
CTA	Counter Terrorism Act
CTF	Consultation Task Force on Reconciliation Mechanisms
IDP	Internally Displaced Person
ITJP	International Truth and Justice Project
LTTE	Liberation Tigers of Tamil Eelam
OMP	Office on Missing Persons
PTA	Prevention of Terrorism Act
UNCAT	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNHRC	United Nations Human Rights Council



Executive Summary

In January 2015, Sri Lanka elected a new President. After nine years of rule, including overseeing the horrific final offensives of the country's civil war, President Mahinda Rajapaksa was voted out.

The election of Maithripala Sirisena was historic. Running on a platform that promised, among other things, to address corruption, restore an independent and impartial judiciary, and launch an inquiry into war crimes,¹ many saw the support that Sirisena received from minority groups – including the Tamils – as vital to his victory.²

Sri Lanka's 26-year long civil war ended in 2009 with the defeat of Tamil separatists, led by the Liberation Tigers of Tamil Eelam (LTTE). The final military offensive was bloody and involved widespread destruction, killing of tens of thousands of civilians by government shelling and aerial bombing and displacing the entire population living in rebel-controlled territories. The Northern and Eastern provinces – Tamil strongholds, where the final offensives played out – were devastated, with significant losses of life, land, infrastructure, and livelihoods, as well as the massive displacement of people from their homes and land.³

Eight years after the end of the war, tens of thousands of internally displaced persons (IDPs) continue to languish in welfare camps or with relatives in these two regions. Over one hundred thousand more continue to live in communities and refugee camps in the Indian state of Tamil Nadu.⁴ Meanwhile, the military has maintained a significant presence in the North and East, including through the retention of thousands of acres of land for military camps and non-military enterprises, such as luxury resorts.⁵ In addition to the persistent displacement and militarization of the North and East, the Tamil people have experienced decades of marginalization, including 'Sinhalization' – the process of replacing Tamil culture, language, and history with that of the Sinhalese⁶ – that has intensified since 2009.⁷

In addition, war crimes – including numerous alleged cases of rape, torture, kidnapping, and the mass killing of civilians, prisoners, and relief workers – have gone unpunished and unaddressed by the justice system.⁸ According to the government, at least 65,000 people remain missing;⁹ however, the actual figure could be more than twice that many according to other sources.¹⁰

Since 2014, the Oakland Institute has closely monitored the situation in Sri Lanka, and produced several reports documenting, amongst other issues, the on-going military occupation of the North and East, the continued displacement of thousands, and the persistent human rights violations.¹¹ The Institute's most recent research has critically examined the actions of the new Sirisena administration and shared the voices and stories of IDPs.¹²

As the United Nations Human Rights Council (UNHRC) meets in March 2017 to discuss Sri Lanka as part of its 34th session, the Oakland Institute offers another status report focusing on land rights, resettlement, and the process of transitional justice in the country.

In October 2015, the Sri Lankan government co-sponsored UNHRC Resolution 30/1, which outlined its commitment to accelerate the return of land to IDPs, to demilitarize the North and East, and to ensure transitional justice in the country.¹³ However, after examining the actions taken by the government over the past 16 months, this report casts serious doubts over its actual willingness or ability to fulfill these commitments.

On the issues of displacement and land, in 2016 the Sri Lankan government adopted a National Policy on Durable Solutions for Conflict-Affected Displacement,¹⁴ released more than 1,600 acres of additional land,¹⁵ and embarked on several housing and infrastructure projects.¹⁶ However, these steps are marked by numerous problems. These include: the continued occupation of land by the military, including for tourism enterprises; the poor quality of the lands released, which has negatively impacted the ability for many to rebuild their livelihoods; a vast and unmet need for housing and infrastructure for the displaced; and growing mistrust bred by ever-changing timelines for resettlement.

Furthermore, analysis of the country's military budget raises important questions about the ability of the Sirisena government to demilitarize the North and East. The military budget has more than doubled since the end of the war,¹⁷ and under President Sirisena's rule, the past two budgets were historically the highest levels of military spending.

The larger transitional justice process has also been mired with problems.



In August 2016, the newly created “Consultation Task Force on Reconciliation Mechanisms” (CTF) expressed serious concerns about whether genuine consultations can take place in the country, noting that people continue to fear speaking out as allegations of abductions and the intimidation of victims and human rights defenders continue.¹⁸ The CTF process included fast-tracked and inadequate consultations on the creation of an Office on Missing Persons (OMP). The OMP Act, which passed in August 2016, contains provisions around immunity that may undermine future attempts to bring justice for war crimes.¹⁹ Despite the hurried consultations, six months after the OMP Act passed, the office has yet to be established.

Resolution 30/1 clearly specified the importance of including international legal experts in any judicial mechanism created to address war crimes. Yet, since the passage of the resolution, the government has backtracked on this agreement and clearly rejected any foreign involvement. In September 2016, the Minister of Justice warned that anyone alleging that the Sri Lankan forces committed war crimes could face legal action.²⁰

The composition of the National Authority for Victim and Witness Protection provides additional evidence of government’s abandonment of justice for war victims. The body has no Tamil members and includes several

problematic individuals, including at least one alleged perpetrator of torture, and an individual who allegedly played a role in preventing witnesses from testifying against the security forces in the case of the killing of 17 aid workers.²¹

Finally, according to Resolution 30/1, the government was expected to repeal the infamous Prevention of Terrorism Act (PTA). It instead drafted a replacement legislation that appears to be more problematic than the original. The proposed new legislation would, for instance, allow torture to continue and restrict detainees’ legal rights.²²

As President Sirisena enters his third year in power, the international community has a critical role to play. Over the past 16 months, Sirisena has backpedaled on key reconciliation promises²³ while former-President Mahinda Rajapaksa appears to be attempting to regain support and power.²⁴ Divisions in Sri Lanka still run deep, and strong pressure from the international community is vital to keep the process of reconciliation and transitional justice alive.

With tens of thousands still displaced, a continued military presence in the North and East, and numerous human rights issues confronting the country, this report is a reminder to the Sirisena administration and international community that significantly more needs to be done to ensure not only full resettlement, but broader country-wide reconciliation.

Introduction

Sri Lanka’s 26-year-long civil war ended in 2009 with the defeat of Tamil separatists, led by the Liberation Tigers of Tamil Eelam (LTTE). The final military offensives of the war devastated the Northern and Eastern provinces, with significant losses of life, land, infrastructure, and livelihoods, as well as the massive displacement of people from their homes and land.²⁵ Eight years after the end of the war, tens of thousands of internally displaced persons (IDPs) continue to languish in welfare camps or with relatives in Sri Lanka’s North and East.

The Oakland Institute first reported on land issues and human rights abuses in Sri Lanka in mid-2015. The initial report detailed the continued mass displacement, as well as ongoing trends of militarization and Sinhalization – the

process of replacing Tamil culture, language, and history with that of the Sinhalese – in the two provinces.²⁶ Since then, the Institute has continued to examine and track issues of land and displacement in the region.²⁷

This report begins with an overview of the new National Policy on Durable Solutions for Conflict-Affected Displacement, passed by the Sri Lankan government in August 2016, which is followed by a review of the reality on the ground regarding land and displacement. The report then turns to examine the implementation of Sri Lanka’s promises on the larger transitional justice process. Based on this examination, the report discusses the role of the international community in ensuring that resettlement and transitional justice processes are appropriately conducted.



The National Policy on Durable Solutions for Conflict-Affected Displacement

A New Way Forward?

On August 16, 2016, a new National Policy on Durable Solutions for Conflict-Affected Displacement was approved by Sri Lanka's cabinet.²⁸ The policy, which came after ten months of meetings and consultations,²⁹ "affirms the need to respond to all IDPs and displacement-affected populations in a manner that is non-discriminatory ... fair, just, and equitable."³⁰ It also offers a set of rights-based principles and standards meant to be used by all stakeholders who work with IDPs in the country.

At the state level, the policy outlines a host of government responsibilities for addressing the current IDP crisis. Highlights include: a commitment to taking all possible measures to end current displacement;³¹ an acknowledgement that providing protection and assistance to displaced persons is a duty, not an act of charity;³² a recognition that economic security must also be protected;³³ a requirement that aid not be used to further political or religious objectives;³⁴ and an obligation for the state to monitor the policy's implementation.³⁵

The policy also affirms and articulates the rights of all IDPs and "displacement-affected persons" – those who are not awaiting resettlement, but face hardships due to displacement, such as lack of infrastructure and livelihoods. These rights include, but are not limited to: the right to the assistance required to "rebuild their lives in safety and dignity;"³⁶ the right to a wide variety of reparations;³⁷ equal rights for landless persons;³⁸ the right to adequate housing;³⁹ the right of informed and voluntary choices when it comes to resettlement;⁴⁰ access to justice mechanisms; and more.⁴¹

On the issue of land, the policy provides important directives. For landless displaced persons, including people born in welfare camps who lack claims to specific land, the policy notes that "the State must ensure that lands allocated for such [people] are suitable and can support viable lives and livelihoods, with the necessary infrastructure and facilities for transport, electricity, sanitation, water supply, as well as access to health and education."⁴² Concerning livelihoods,

it states that the "access previously enjoyed to communal land and water (marine and inland) for purposes such as pasture, fishing, and foraging" must also be respected.⁴³ And for all displaced people, the policy stresses the importance of participation, consultation, and having full information when it comes to making decisions about resettlement, stating that a choice of where to resettle made "in the absence of the option to return, does not preclude the right to return should that option become feasible at a later date."⁴⁴

Most importantly, the policy enshrines "the right of IDPs and refugees to return to their former homes and land" and "commits the State to release in a timely manner all state-held land from which people were displaced or which they owned."⁴⁵ Should these statements be enacted and upheld in full, this would represent a major breakthrough for Sri Lanka's IDPs. Unfortunately, there is a catch. The policy allows the government to retain land "legitimately required for public purposes in exceptional cases."⁴⁶

What constitutes exceptional cases remains unclear. A critical aspect of displacement in Sri Lanka has been the continued military occupation of land in the North and East, including for explicitly non-military purposes such as luxury resorts, golf courses, and other enterprises.⁴⁷ While the policy states that the government must release land that it uses for non-military purposes, "including, but not limited to, agricultural production, tourist enterprises, or recreation,"⁴⁸ it also stipulates that the government can retain control of land if it is required for "public purposes" which it then clarifies could include matters of "national security or development."⁴⁹ This language, coupled with various government statements that not all land will be released,⁵⁰ suggests that complete resettlement cannot be expected.

While overall this new policy lays out many positive aspirations regarding resettlement, the devil is in the details of how the policy is enacted.



Reality Check on Land Release & Resettlement

An analysis of government and media reports suggests that between President Sirisena's election on January 8, 2015 and December 31, 2016, 4,779.8 acres of land in the North and East was released for resettlement, and an additional 1,254 acres was pledged to be released.⁵¹ For comparison, in a parliamentary speech on January 3, 2017, the Minister of Prison Reforms, Rehabilitation, Resettlement, and Hindu Religious Affairs declared that 4,464 acres had been released between 2015 and 2017.⁵²

While the release of land is positive, significant areas remain under occupation, and tens of thousands remain displaced. In March 2016, the Colombo-based Centre for Policy Alternatives (CPA) reported that approximately 12,750 acres

of state and private land continued to be occupied in the Northern Province alone.⁶⁵

This means that if all the lands released or pledged to be released in the North since March 2016 were honored, there would still be over 10,000 acres held in the region. The Ministry of Prison Reforms, Rehabilitation, Resettlement, and Hindu Religious Affairs likewise estimated that, as of August 31, 2016, 43,607 IDPs were yet to be resettled.⁶⁶ There are also over 100,000 Sri Lankan refugees living in communities and refugee camps in Tamil Nadu, India.⁶⁷

Alongside the large quantities of land that continue to be occupied, and large numbers that continue to be displaced, several vital issues remain.

Table 1: Reports of Lands Released Under Sirisena Administration between January 8, 2015 and December 31, 2016⁵³

Date	# Acres	Location	Pledged or Released
February 13, 2015	1000	Palaly High Security Zone, Jaffna District	Released ⁵⁴
August 23, 2015	818	Sampur	Released ⁵⁵
October 6, 2015	613	Kilinochchi and Mullaitivu Districts	Released ⁵⁶
December 31, 2015	701.5	Tellippalai and Kopay	Released ⁵⁷
March 14, 2016	707	Kopay and Tellippalai	Released ⁵⁸
March 26, 2016	177	Former SLNS Vidura, Sampur, Eastern Province	Released ⁵⁹
June 27, 2016	701.3	Tellippalai Divisional Secretariat and Palaly Army Cantonment, Periya Pachchilapalli	Released ⁶⁰
July 3, 2016	62	Valikamam North	Released ⁶¹
July 9, 2016	100	Vavuniya	Pledged ⁶²
September 11, 2016	700	Valikamam North	Pledged ⁶³
September 30, 2016	454	Kankasanthurai and Thaiyiddy	Pledged ⁶⁴
Total Released Lands	4,779.8		
Total Pledged Lands	1,254		

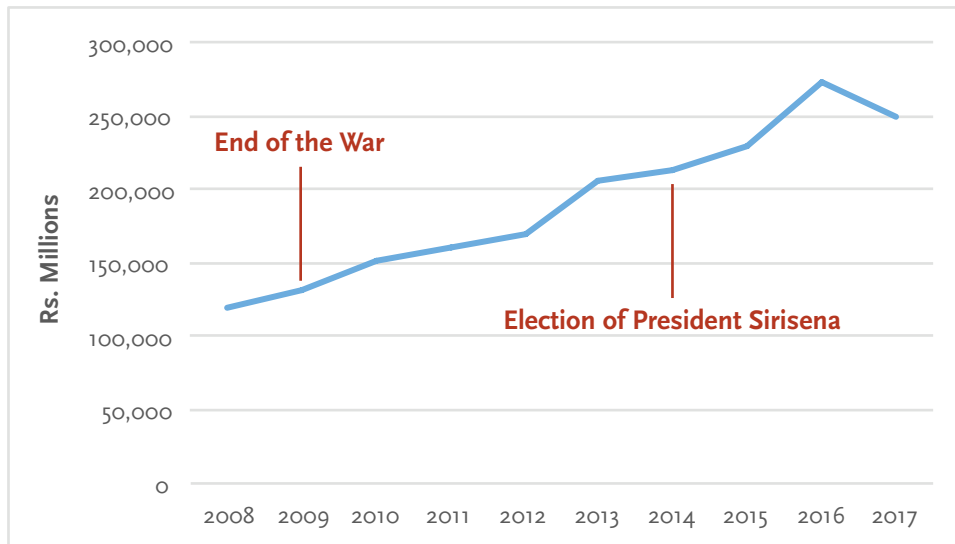
Ongoing Militarization and Use of Land by the Military

It is estimated that, in 2014, at least 160,000 soldiers were stationed in Sri Lanka's Northern Province.⁶⁸ While military check points have decreased since then,⁶⁹ quantifying the exact change in militarization in the North is challenging. The Oakland Institute reached out to the Ministry of Defence to ascertain current numbers, and did not receive a response.⁷⁰

Government budget documents, however, provide some guidance on the issue. Between 2008 and 2016, the annual appropriations budget for Sri Lanka's Army, Navy, and Air Force steadily increased from Rs. 119,432,000,000 (approximately US\$798 million)⁷¹ to Rs. 272,028,355,000 (approximately US\$1.82 billion).⁷² There was a slight decrease in 2017 to Rs. 250,055,446,000 (approximately US\$1.67 billion).⁷³



Figure 1: Budget Allocations for Army, Navy, and Air Force between 2008 and 2017⁷⁴



It is striking that the military spending has not decreased despite the end of the civil war in 2009, and instead, has reached record levels since President Sirisena came into power in 2015. It is worth noting that the entire governmental budget for Sri Lanka also increased significantly over this period of time.⁷⁵ However, whereas the share of the military budget was 12.91 percent of the overall budget in 2008 (the last full year of the war),⁷⁶ in 2016, seven years after the war and one year into President Sirisena's term, the government

still planned to spend 14.01 percent of its overall budget on the Army, Navy, and Air Force.⁷⁷

In addition to these troubling budgetary trends is the ongoing occupation of land in the North and East not only for military camps, but also for numerous military-run enterprises.⁷⁸ This includes large-scale enterprises such as luxury resorts and golf courses, as well as smaller enterprises like cafes and barber shops.⁷⁹

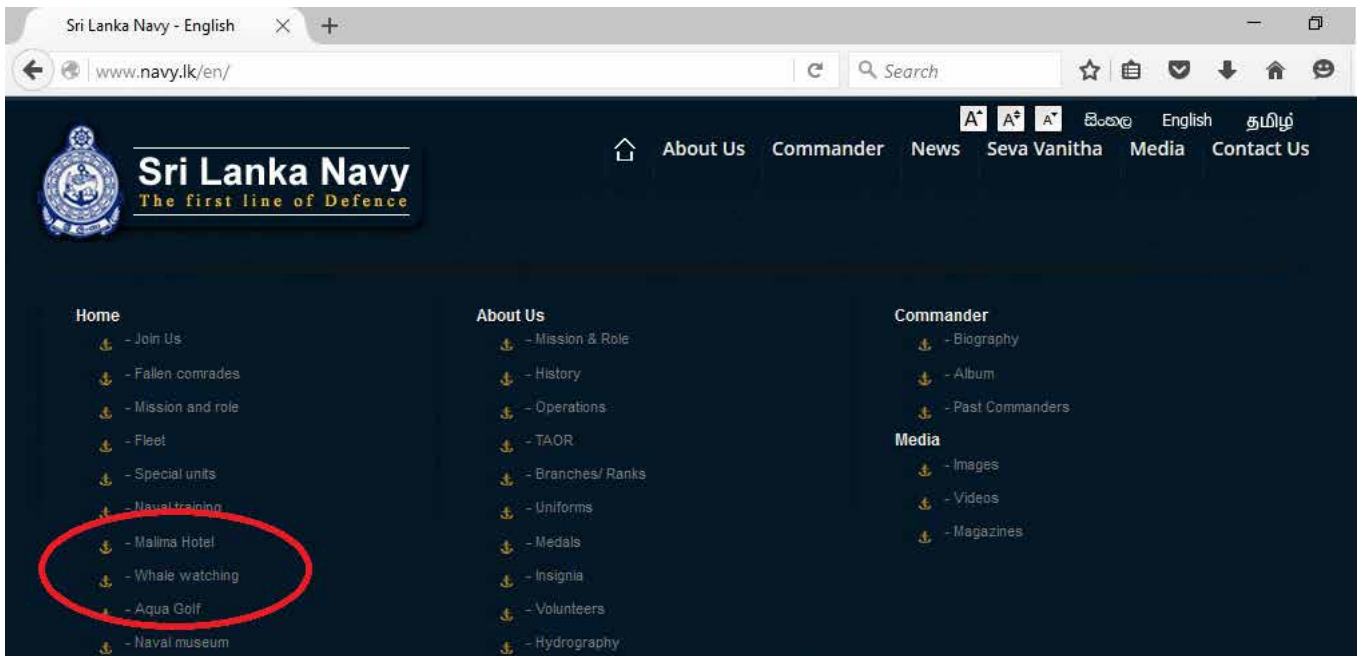
"I don't think they will close [the resorts] because all are permanent structures. [But] due to international pressure, they have closed [some] tea shops and cafes, which were operated by [the] military alongside main roads. Recently, societies of hair dressers in [the North] handed over [a] petition to Government Agents [asking them] to close all military operated hair dressing centers ... Military salons are provid[ing] service[s] to [the] public [at a] very low cost. [As a result] hair dressers [have] lost their livelihood[s]. [The] same [is happening with] vegetable and fruit production, [which] are carri[ed] out by [the] military ... Due to this situation, local farmers [have also lost] their market[s] and livelihood[s]."

—Communication from IDPs, October 31, 2016

Instead, the government continues to promote tourism as an important aspect of its economic development plan. This has raised concerns that the development of the tourism industry could create additional barriers for the resettlement process.⁸⁰

One such example comes from Panama, in Sri Lanka's Eastern province. In 2010, approximately 350 families were displaced from their land in Panama. This land was subsequently turned into military camps and ultimately also a hotel, *Panama Lagoon Cabanas*, which is run by Malima Hospitality, a hotel chain managed by the Sri Lankan Navy.⁸¹





Screen shot of the Sri Lanka Navy website, highlighting links to the Malima Hotels, whale watching and aqua golf.

After years of legal battles, in early 2015, the Sri Lankan government agreed to return 340 acres of the seized land to its original owners.⁸² However, as of September 2016, the local government had reportedly not taken the necessary action to allow resettlement to occur. All 350 families remain displaced.⁸³

A recent report by the CPA highlights additional case studies from Sri Lanka's North and East where tourist resorts – many of which are run by the military – have negatively

impacted local communities. The negative effects go beyond displacement and include various economic hardships, such as the expulsion of fishermen from beaches and coastline, the lack of meaningful employment for local residents in new resorts, competition by the Navy for boat tour customers, and more.⁸⁴ Many local communities are not opposed to tourism as a way to develop the region. Their opposition stems from the continued displacement and negative impact of these resorts on local livelihoods.⁸⁵



Uga Bay Resort, Pasikuda, Eastern Province © The Oakland Institute



Box 1: Continued Sinhalization in the North and East

The Oakland Institute's first report on Sri Lanka looked at the impact of government-led efforts of "Sinhalization." Sinhalization is a process whereby Tamil culture and history is replaced with that of the Sinhalese. Examples include: the creation of Sinhalese victory monuments, the establishment of Sinhalese signboards and street and village names, the construction of Buddhist temples and religious relics, and efforts to change the demographics, all in majority Tamil regions. In the years immediately following the war, government-led efforts of Sinhalization intensified in the North and East.⁸⁶

A full examination of ongoing trends of Sinhalization in the North and East is beyond the scope of this report. However, it is worth noting that anecdotal evidence demonstrates that these processes continue to take place. In recent months reports have surfaced of Buddhist statues being built beside Hindu monuments in the Tamil-dominated town of Mannar,⁸⁷ and mounting protests regarding Sinhala housing projects in the North.⁸⁸

In addition, there are plans backed by the Ministries of Land and Tourism to turn a region known to the Sinhalese as Lankapatuna – Illankathurai-Muhutuvaram to the Tamils – into a new tourism development zone.⁸⁹ During the civil war, when the area was held by the LTTE, it was the site of several Hindu temples. After the LTTE were pushed out in 2006, those temples were destroyed and replaced with Buddhist places of worship, marking what Sinhalese Buddhists believe to be an ancient Buddhist holy site.⁹⁰ Lankapatuna remains a source of tension between the Tamils and Sinhalese,⁹¹ raising serious concerns with the announcement of the new tourist zone, which will reportedly cover 450 acres of land and include space for 25-30 luxury hotels.⁹²

Quality & Location of Released Lands in Question

A second issue concerns the quality and location of released lands, especially as it pertains to rebuilding livelihoods. The National Policy on Durable Solutions recognizes that finding lasting solutions to displacement includes economic security⁹³ and that IDPs are entitled to different forms of assistance to "recover and rebuild their lives in safety and dignity."⁹⁴ This suggests that IDPs can expect to be resettled on lands that will allow them to rebuild their livelihoods and allow them to live free from fear and intimidation.

However, this is often not the case. The lands released are not always fit for cultivation, and in some cases, are former stone quarries or overgrown with decades of growth, making the rebuilding of farming livelihoods impossible.⁹⁵ Lands are also often located in the shadows of military and naval bases, posing serious problems and raising fear and anxiety amongst locals who faced years of harassment and abuse at the hands of the Sri Lankan army.⁹⁶ As a result, the actual rate of resettlement after lands are officially released can be very low.

"The rate of [families] returning [to released lands] is very low because:

1. Some of the released lands are stone lands and were used for stone mining before displacement.
2. Most of the released farming lands are totally overgrown like jungle and scrub bushes.
3. The landscape of most of the released lands has totally changed. Houses, milestones, and wells have been bulldozed. So, people have difficulties in identifying lands.
4. Some original roads have been closed and new roads have been built by the army, making access to the lands difficult.
5. There are still big army camps in the released areas, creating fear among people who do not want to live along such camps.
6. Infrastructures have to be rebuilt totally. Progress of rebuilding of infrastructure is very slow.
7. Resettled people are struggling to access clean water and decent shelter.
8. Electricity, health, schooling and livelihood are other major issues in the resettled area."⁹⁷



In the face of these issues, IDP communities have petitioned, advocated, and protested for their rights to return to safe and proper land. In Sampur, this advocacy led to the cancelation of the proposed Sampur coal plant – which was to be built alongside released IDP lands, raising serious

concerns about health and environmental harms.⁹⁸ In other regions, the protests continue, with groups threatening self-immolation⁹⁹ and demanding they be returned to their original lands and homes, not alternative lands.¹⁰⁰

On January 31, 2017, a group of IDPs from Keppapilavu, in Mullaitivu District, arrived at an Air Force base, having reportedly been told that their land was to be released that day. When the land was not released, the community launched a sit-in protest that, at the time of this writing, has entered its third week.¹⁰¹ The community was originally displaced in 2009, and after several years at the notorious Menik Farm, was resettled to a “Model Resettlement Village” located on alternate lands. The houses they were resettled to were reportedly of very poor quality and lacked access to proper land for cultivation and groundwater.¹⁰² On February 14, 2017, the Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs announced that, after conversation with President Sirisena and a local Army Commander, the land would be released “very soon.”¹⁰³ The villagers have vowed to continue their protest until their land is fully released.¹⁰⁴



House in the “Model Resettlement Village” © Tamil Guardian

Protests to secure livelihoods have also taken place. In the Myladdy area, groups have petitioned for the release of 12 kilometers of coastline that are vital for fishermen to resume their livelihoods.¹⁰⁵ They argue that resettling fishermen with no access to the coastline can only fail. Other groups have raised concerns with the resources taken in the Palaly High

Security Zone, as trees have been felled and sands mined for use in the army’s construction of new houses for landless IDPs.¹⁰⁶ Should this mined and felled land be returned to IDPs, they argue that restoring traditional agricultural livelihoods would be nearly impossible.¹⁰⁷



Box 2: Life after Resettlement¹⁰⁸

In the fall of 2016, most of the land belonging to a group of IDPs living in Sri Lanka's North was released. While this is a cause for celebration, a deeper exploration into their experience highlights the various challenges and barriers to resettlement that stand in the way of many.

When the IDPs returned to their lands, they found their houses in varying states of disrepair. Some had been totally destroyed, others were damaged during the war and await repair, while others still had been occupied by military forces and were either destroyed or seriously damaged when the military vacated.¹⁰⁹

Local infrastructure also requires serious work. Previously existing roads have been grown over, with new roads created for military purposes. Large, gaping holes exist in the agricultural lands where sand and stone were mined for military facilities. Canals and wells, which were previously used for irrigation and drainage, have been filled with sand and garbage and need to be restored.



A well on returned land in the North filled with debris
© The Oakland Institute



Bulldozed land returned to IDPs in the North © The Oakland Institute

While some government support has been offered to help clear the lands and prepare them for resettlement, the amount offered, according to the IDPs, is insufficient. In addition, they claim that no financing has been offered to fill the holes in the land where sand and stone was mined. Without financial support for these activities, resettlement is nearly impossible.

When asked what infrastructure is needed to ensure the IDPs can rebuild their lives in safety and dignity, they responded that roads and drainage canals need to be restored; consistent supplies of electricity and water must be provided; drinking water and agricultural wells must be rebuilt; agricultural lands must be renovated; schools, hospitals, and other community facilities must be re-established; lands must be re-surveyed; and houses must be constructed or repaired.

In addition to the above, returnees also need the facilities and support to re-establish their livelihoods. This includes support in re-engaging in agriculture; reconstructing fishing infrastructure; and supporting the start-up of small businesses and community-based organizations.

While the return of land to displaced communities is vital, in reality, it is only the first step on the long road to resettlement and justice.



Unmet Infrastructure & Housing Needs

According to the Ministry of Prison Reforms, Rehabilitation, Resettlement, and Hindu Religious Affairs, as of 2016, 137,000 houses are still needed in the North and East for resettlement.¹¹⁰ In addition to this significant housing deficit, successful resettlement requires infrastructure improvements, including access to sanitation facilities, water and irrigation, roads, hospitals, schools and more.

To address these needs, in 2016, several new projects were pledged and/or started with support and funding by the Sri Lankan government. These include the construction of 65,000 houses for IDPs;¹¹¹ the allocation of Rs. 14 billion (approximately US\$93.6 million) for “high impact resettlement projects” including housing and sanitation projects;¹¹² and the approval of Rs. 971 million (approximately US\$6.49 million) to build the houses needed to resettle the 971 families currently residing in welfare camps in the North.¹¹³

This increase in funding and support towards infrastructure and housing is notable.¹¹⁴ However, critics have pointed out that much more will be required before durable solutions to

displacement can be realized. Particular criticism has been raised with the government’s plans to construct 65,000 pre-fabricated steel houses in a process that some argue will not lead to local employment, and will result in high-cost, hastily made, inferior quality housing.¹¹⁵

It is also unclear whether the government will sustain its commitment to resettlement past 2017. While Rs. 14 billion (US\$93.6 million) was allocated for accelerated resettlement activities in the Northern and Eastern provinces in 2016, only Rs. 9 billion (US\$60.16 million) was allocated in 2017, and the government’s 2017 Budget Estimate makes no provisions for accelerated resettlement activities in 2018 and 2019.¹¹⁶

The Oakland Institute reached out to the Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs to ask about its future commitments – both to financing resettlement past 2017, and with regard to the remaining 72,000 houses that need to be built to fulfill the Ministry’s own estimate that 137,000 are required to complete resettlement.¹¹⁷ No response was received.

Changing Timelines

Since January 2016, numerous deadlines have been provided for the identification of lands for resettlement, the closure of welfare camps, and the full resettlement of the North and East. These changing timelines and the lack of clarity and transparency regarding this process to date

have been distressing for those awaiting resettlement. As noted by the UN High Commissioner for Human Rights, the “lack of transparency and information is feeding new levels of frustration and disenchantment.”¹¹⁸

Table 2: Announcements on Timelines for Resettlement¹¹⁹

Date	Pledge
January 20, 2016	President Sirisena gives six-month deadline to resettle over 44,000 IDPs in Northern province. ¹²⁰
June 6, 2016	Minister of National Dialogue, Mano Ganesan, says that Sri Lanka will resettle all people in the North by the end of the year. ¹²¹
July 3, 2016	Government says the land issue in the North and East will be resolved next year, including demilitarization and the return of all civilian-owned property, except those required for security reasons. ¹²²
July 22, 2016	<i>The Hindu</i> reports on a leaked government plan to close 31 remaining welfare camps in Jaffna by August 15, including full resettlement of 971 families. ¹²³
August 19, 2016	Ministry of Prison Reforms, Rehabilitation, Resettlement, and Hindu Religious Affairs says that IDPs currently living in welfare camps in North will be resettled in permanent houses soon. ¹²⁴
September 3, 2016	President Sirisena says all remaining privately-owned lands in North will be returned to owners within three months. ¹²⁵
September 8, 2016	Jaffna security forces commander Mahesh Senanayake says all IDPs in northern Jaffna will be resettled by June 2017. ¹²⁶



In response, various IDP communities have engaged in ongoing actions, including a hunger strike, marches, and petitions, to demand clear timelines and processes for the return of their lands.¹²⁷ According to one community member:

“As a scattered community for the last 26 years, we don’t have [the] capacity to listen [to these changing timelines]. We are [on] the edge of tolerance. We trusted [the] President’s work and deadline [of June 2016]. That is [why] we expected a land release announcement from [the] President[’s] mouth when he visited Jaffna on [June] 18th... [The] President’s silence during the Jaffna visit related to [the] land release made us extreme[ly] depressed ... During the post-war context, if [the] government want[s] to build reconciliation, [gaining] affected peoples trust is important. [The] government

should maintain fair and free communication with us, related with [the] land release ... All actions need clear and transparent timeline[s].”¹²⁸

Unfortunately, poor communication appears to be a theme throughout Sirisena’s time in office, causing unease and mistrust around a variety of critical issues.¹²⁹

The issues listed above raise serious alarm bells about the speed, appropriateness, transparency, and accountability of resettlement in Sri Lanka. They also demonstrate that, while positive in content, there is a significant gap between the rights and responsibilities set out in the National Policy for Durable Solutions, and the current reality on the ground in the North and East.

Land is also but one aspect of the larger path to reconciliation in Sri Lanka. Therefore, to fully understand the issue of land and displacement, one must also examine the larger post-war context of the country, including transitional justice.

Failed Promises for the Transitional Justice Process

Eight years after the end of the conflict, war crimes, including numerous alleged cases of rape, torture, kidnapping and mass killing of civilians, prisoners, and relief workers, have gone unpunished and unaddressed by the justice system.¹³⁰ According to the government, at least 65,000 people remain missing,¹³¹ the actual figure could be more than twice that many according to other sources.¹³²

The decision by the Sri Lankan government in October 2015 to co-sponsor the UNHRC Resolution 30/1 was seen

as an important move. By agreeing to the resolution, the government committed to accelerate the return of land to IDPs, demilitarize the North and East, and repeal the notorious Prevention of Terrorism Act. Moreover, it identified four possible mechanisms for a transitional justice process: an Office on Missing Persons; an Office for Reparations; a Truth, Justice, Reconciliation, and Non-Recurrence Commission; and a special judicial mechanism for war crimes.¹³³ This section examines the implementation of some of these commitments to date.

National Consultations in a Climate of Fear and Division

A starting point for the transitional justice process was the appointment by Prime Minister Wickremesinghe of a “Consultation Task Force on Reconciliation Mechanisms” (CTF) in January 2016. The group was tasked to consult the country on transitional justice and make recommendations to the government.¹³⁴ The Task Force soon began a fast-tracked consultation process regarding the proposed Office on Missing Persons (OMP).

The CTF’s Interim Report on the OMP, released in August 2016,¹³⁵ expressed serious concerns about the possibility for genuine consultations to take place in Sri Lanka. It noted that human rights abuses continue in the country, with allegations of abductions and the intimidation of victims and human rights defenders.¹³⁶ It also highlights that fear of speaking out continues.¹³⁷



Box 3: Fear of Speaking Out

The following quotes are excerpted from the CTF's Interim Report on the creation of an Office on Missing Persons.

*"Grave concerns were expressed in the submissions about on-going human rights violations in the North and East, including allegations of abductions and incidents of intimidation of victims and human rights defenders. The continuation of these incidents is a matter of serious concern, having a detrimental impact on the credibility of the TJ [transitional justice] process."*¹³⁸

*"Fear continues to be a factor impacting consultations, including when family members are asked questions on justice options at public meetings as they believe that their missing family members are being held in custody and so are at risk if the family speaks out."*¹³⁹

*"Hurried briefings organized by the Ministry of Foreign Affairs prior to gazetting the Bill and external to the broader consultations go contrary to the spirit of the commitment given by the Government to consult victims and affected communities as a preliminary step to drafting the OMP Bill. A large number of submissions expressed disappointment and concern about the lack of transparency and consultation in the drafting of the OMP Bill and noted the resultant rise in scepticism and fear."*¹⁴⁰

*"Written and oral submissions were always prefaced by stories of past efforts and experiences of families to find their loved ones or even to obtain death certificates. It is difficult to describe the desperation and exhaustion that family members from the South, North and East conveyed in their efforts to seek redress. They speak of the failure on the part of various state agencies to respond to or even acknowledge and record complaints relating to the missing, the disappeared and surrendees."*¹⁴¹

*"Participants at the FGDs [focus group discussions] spoke of marginalization from their community, past experiences of living under scrutiny and fear, years of living in hope of their loved one's return, social and economic hardships, the failure of past Commissions of Inquiry to the disappeared, missing and surrendees and the inability to respond to bureaucratic demands for death certificates."*¹⁴²

Despite these issues, in January 2017, the CTF released its second report examining the broader need for transitional justice. Totalling over 900 pages in length, the report comprises the submissions or participation of over 7,300 individuals and covers a wide variety of issues, including: the right to grieve; sensitivity regarding monuments; reparations; impunity; amnesty; reforming national school curriculum and its treatment of the war; witness and victim protection programs; the need for robust psychosocial support for war-affected people; as well as details on the scope, function, and make-up of the three additional transitional justice mechanisms included in Resolution 30/1.¹⁴³

While a full review of the report is beyond the scope of this brief, several issues warrant highlighting.

First, the report reiterates the CTF's earlier findings that many in Sri Lanka are angry and bitter that previous consultation efforts have failed to elicit results.¹⁴⁴ It also notes instances of intimidation and the significant challenges the CTF faced in creating safe spaces for people to express themselves.¹⁴⁵

The report highlights the serious divisions that remain between the Sinhalese and Tamil populations. These divisions are particularly stark on issues such as the involvement of international judges in a war crimes court;¹⁴⁶ who should be tried in said court;¹⁴⁷ and people's feelings about existing war monuments in the North.¹⁴⁸

The authors stress that land is an over-arching theme across all mechanisms of transitional justice¹⁴⁹ and that resettlement, the return of land, and demilitarization are issues that should be resolved immediately in order to build confidence regarding the government's reconciliatory promises and actions.¹⁵⁰

Finally, arguably one of the most important and certainly most contentious issues in the report has to do with the recommendation to create a hybrid court involving international judges. This point is discussed later in the report.



The Flaws of the Office on Missing Persons

The OMP Act, which was passed in August 2016, has been criticized both in relation to the process followed and to the contents of the Act.

First, as voiced in the August 2016 Interim Report, many in the country believe that the OMP consultations were hurried and disingenuous on the part of the government.¹⁵¹ Numerous groups have argued that the process of both drafting the OMP legislation and conducting consultations on this matter lacked transparency, government leadership, and good communication.¹⁵² Some have also argued that the fast-tracked process, which took place around the same time as the 32nd session of the UNHRC, may have been done to placate the international community.¹⁵³ Then, in late August 2016, after the passing of the OMP Act, the CTF itself released a statement noting that “key recommendations of the affected families in the Interim Report ... were not included in the Bill.”¹⁵⁴

Shortly after the statement was released, a coalition of five Tamil civil society organizations circulated a public letter to then-United Nations Secretary General Ban Ki Moon, outlining their concerns with the consultations. The

organizations allege that consultations were tokenistic and did not actually impact the design of transitional justice mechanisms like the OMP. The letter also detailed the significant impact that the continued militarization of the North and East has had on the consultation process, and the perceived lack of political will for real justice in the country.¹⁵⁵

The Sri Lanka Monitoring and Accountability Panel (MAP) has pointed out several problems with the Act itself, including that it “provides for civil, criminal, and administrative immunity to persons who ‘in good faith provid[e] evidence or documentation to the OMP.’”¹⁵⁶ MAP argues that this language should have been subjected to more robust debate, as it could have serious implications with regard to future judicial mechanisms.¹⁵⁷

Lastly, six months after the OMP Act was passed and consultations fast-tracked, the OMP itself has yet to be established, and commissioners for the office have not been appointed.¹⁵⁸

Government Backpedaling on Judicial Mechanism

Resolution 30/1 clearly specified the importance of including international legal experts in any judicial mechanism created to address war crimes.¹⁵⁹ Since the passage of the resolution, however, President Sirisena has publically backtracked on this agreement several times, arguing that Sri Lanka has “more than enough specialists, experts and knowledgeable people” in the country to address these issues.¹⁶⁰ He has also stated that there are no war crimes allegations against the Sri Lankan government,¹⁶¹ contradicting the findings of an investigation by the Office of the High Commissioner on Human Rights.¹⁶²

If there was still any doubt, faith in the government’s commitment to justice for war crimes vanished in September 2016 when Justice Minister Wijeyadasa Rajapakshe warned that anyone discussing mass graves or alleging that the Sri Lankan forces committed war crimes would be considered an enemy of the nation and could face legal action.¹⁶³

Additional statements by the President in recent months continue to suggest that he will refuse international involvement.¹⁶⁴ In November 2016, Sirisena reached out to

then-US President-elect Donald Trump to get his support in overturning allegations that Sri Lankan soldiers committed war crimes.¹⁶⁵ That same month, in an interview with *The Hindu*, Sirisena commented:

“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, that they may even face execution, and that they may have to sit on the electric chair.¹⁶⁶ 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, now we don’t have to talk about electric chairs, there is no problem [of foreign judges investigating alleged violations of human rights]; 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.”¹⁶⁷



In this context, the recommendations of the CTF on this issue – reflecting the voices of Sri Lankans across the country – are particularly important.

The CTF is clear that there are differences of opinion on the matter. During consultations, security forces “categorically rejected international involvement,” submissions “largely from the Sinhala community” rejected international involvement, whereas the “overwhelming majority” of Tamils called for international involvement.¹⁶⁸

Taking these views into account, the CTF recommended the creation of a hybrid court involving international judges.¹⁶⁹

The Sri Lankan government’s response was swift. Shortly after the report was released, a government spokesperson reiterated that the current administration has no intention of including international judges in its special court.¹⁷⁰

At the time of writing, government backing of the CTF report is extremely weak. Neither President Sirisena nor Prime Minister Wickremesinghe were present at the official release of the report,¹⁷¹ and shortly after its release, the Sri Lankan Justice Minister commented that the CTF report was “totally unwarranted.”¹⁷²

Perpetrators of Abuses in the National Authority for Victim and Witness Protection

The composition of the National Authority for Victim and Witness Protection, which was launched in January 2016, provides additional evidence that the government lacks the political will to ensure justice for war victims.

In a February 2017 dossier, *Putting the Wolf to Guard the Sheep*,¹⁷³ the International Truth and Justice Project (ITJP) warned about the composition of the 10-member Authority, which has no Tamil members and includes at least three problematic individuals: Nandana Munasinghe, an alleged perpetrator of torture; Suhada Gamlath, an official in charge of “rehabilitation” camps where detainees were tortured; and Yasantha Kodagoda, who allegedly played a role in preventing witnesses from testifying against the security

forces in the case of the killing of 17 aid workers from the French NGO, Action Contre La Faim, in Muttur in 2006. As explained by ITJP, “Under these circumstances no witness or victim can rely on the state for protection if they testify against the security forces in Sri Lanka at a Truth Commission or court of law.”¹⁷⁴ ITJP cautions that “nobody testifying against the state or security forces should expect witness protection under the current system ... quite the reverse – they would risk their lives if they asked for protection from the state.”¹⁷⁵

These appointments cast further doubts over the government’s commitment to justice for war crimes. Will the National Authority protect the victims or the perpetrators?

Failure to Repeal Repressive Laws & Ongoing Torture Allegations

Another issue related to the transitional justice process is the commitment to repeal the country’s 1979 Prevention of Terrorism Act (PTA). The PTA was used throughout the civil war to arrest and disappear many, and the repeal of the act has been called for by many, including in Resolution 30/1.¹⁷⁶

In October 2016, a draft of a new Counter Terrorism Act (CTA) was circulated, but rather than quell fears, it raised alarm bells amongst many.¹⁷⁷ Issues of particular concern are provisions that prevent detainees from obtaining immediate legal counsel after being detained and the ability of police officers to obtain confessions.¹⁷⁸ Many believe this would allow practices of torture to continue.¹⁷⁹

These concerns are elevated by the findings of a report submitted by the Sri Lanka Human Rights Commission to the United Nations Convention against Torture (UNCAT) in October 2016.¹⁸⁰ The report confirms that torture is routinely practiced “all over the country, mainly in relation to police detentions.” It goes on to note that “the prevailing culture of impunity” regarding torture has contributed to its pervasive use during interrogations. According to the Commission, 420 cases of torture were reported in Sri Lanka in 2015, and 208 in the first eight months of 2016.¹⁸¹

The UNCAT process that this report was submitted to also included an in-person session that took place in Geneva in



According to the Sri Lanka Human Rights Commission, as of May 2016, 111 individuals remained in custody, on charges under the Prevention of Terrorism Act. Of those, 29 have not yet been indicted, and 41 are appealing sentences handed down under the Prevention of Terrorism Act. Lengthy wait times are a serious issue – the Commission reports that there have been trials and appeals that have been ongoing for 14 years, and at least one remains in detention on remand without indictment for 15 years.¹⁸²

November 2016. Incredibly, the 11-person delegation sent by the Sri Lankan government to attend these meetings included Sisira Mendis,¹⁸³ the current chief of State Intelligence Service and formerly the Deputy Inspector General of Sri Lanka's Criminal Investigation Department (CID). Under

Mendis' watch at the CID, many alleged acts of torture took place.¹⁸⁴ Mendis was grilled on his alleged knowledge of and involvement in these acts by UNCAT members, but refused to respond.¹⁸⁵ His presence at the UNCAT proceedings resulted in calls for his arrest by members of the Tamil diaspora.¹⁸⁶

What Role for the International Community?

Throughout 2016, numerous UN officials conducted visits to Sri Lanka to assess the progress made by the government towards reconciliation. These included United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein,¹⁸⁷ then-United Nations Secretary General Ban Ki Moon,¹⁸⁸ and United Nations Special Rapporteur on Minority Issues Rita Izsák-Ndiaye,¹⁸⁹ amongst others.¹⁹⁰

In all three cases, the international dignitaries raised issues of land and demilitarization with Sri Lanka's leadership. High Commissioner Zeid called out the Sri Lankan government for making "little progress" on returning land in previous months, noting that "civilian leaders and officials seem to be struggling to secure cooperation from the military."¹⁹² He also called the government out for its ongoing use of IDP land for non-military purposes and noted the importance of demilitarizing the North and East.¹⁹³ Then-Secretary General Ban Ki Moon likewise urged the government "to speed up the return of land,"¹⁹⁴ and Special Rapporteur Rita Izsák-Ndiaye highlighted that resettlement and demilitarization are two of the most significant challenges to reconciliation.¹⁹⁵

This international pressure may have had some effect. In June 2016, a few days before High Commissioner Zeid was set to give an update on Sri Lanka to the UN Human Rights Council, the government announced the release of an additional 700 acres of land.¹⁹⁶ Over the next month, a special task force to address resettlement was created¹⁹⁷

and, as previously noted, significant funds were granted for the resettlement of the families residing in welfare centers.¹⁹⁸ Similarly, in September 2016, just hours after then-UN Secretary General Ban Ki Moon gave his speech in Sri Lanka, President Sirisena declared that land issues in the North would be resolved within three months.¹⁹⁹ Since then, several additional pledges to release land have been made.²⁰⁰

Despite these actions, serious concerns remain that government actions, including the flawed consultation processes, are "just a tool for managing foreign policy goals."²⁰¹ A letter written to Ban Ki Moon by a coalition of Tamil civil society organizations states,

"What Sri Lanka needs is not praise and recognition from the International Community but constructive and critical engagement that reminds the Government of its international obligations and obligations to its own people."²⁰²

This call for greater involvement of the international community is especially important in light of recent domestic developments. In November 2016, former-President Mahinda Rajapaksa's supporters formed a new political party, Sri Lanka People's Front.²⁰³ While Rajapaksa has no formal role with the new party yet, its leaders – including his own brother – have explicitly said that its purpose is to bring the former-President back into power.²⁰⁴ Rajapaksa has



likewise told the press that he wants to “topple” the current government in 2017.²⁰⁵ The presence of a Rajapaksa-led third party could divide Sri Lanka’s current coalition government, resulting in the loss of the majority that President Sirisena needs to enact various reforms – including changes to the constitution – that are aimed at reconciliation.²⁰⁶

Rajapaksa, together with his supporters, vehemently opposes international involvement in a war crimes tribunal.

This has led analysts to suggest that Rajapaksa’s latest efforts could be contributing to Sirisena’s backpedaling on his promises to the UN.²⁰⁷ Regardless, the current situation reinforces how deeply divided the country continues to be.

This is a crucial moment to ensure long lasting peace and justice in Sri Lanka. Given the deep internal divisions, active and continual pressure by the international community and its role as an arbiter for justice is imperative.



Former Secretary-General Ban Ki Moon visits Sri Lanka, September 1, 2016 © Flickr/United Nations Photos. Used under CC BY-NC-ND 2.0.¹⁹¹



Conclusion

On January 8, 2009, Mr. Lasantha Wickrematunge – the editor of *The Sunday Leader* and a prominent human rights advocate – was assassinated on his way to work in Colombo. Days before, he penned an editorial that forecasted his death, and provided a harsh commentary on the state of political affairs in the country. He wrote: “A military occupation of the country’s North and East will require the Tamil people of those regions to live eternally as second-class citizens.”²⁰⁸

Eight years after both Lasantha Wickrematunge’s death and the official end of hostilities, these words ring true. Areas in Sri Lanka’s North and East have rates of poverty that are significantly higher than the country average;²⁰⁹ tens of thousands remain displaced, while military-run tourist resorts thrive; and those who have been resettled face the enormous challenge of restoring their lives and livelihoods without access to proper infrastructure, coastline, or fertile lands.

It is within this context that the limited progress made to-date under President Sirisena should be evaluated.

Numerous domestic and international groups have called on Sirisena’s administration to accelerate and prioritize the complete resettlement of IDPs,²¹⁰ with groups including the CTF noting that such an action could boost the dwindling confidence of minority populations.²¹¹ This prioritization is vital, and should be accompanied with strong and clear financial commitment to ensure that the directives outlined in the National Policy on Displacement can be realized. Eight years after the end of the war, nothing else is acceptable.

This report raises serious questions over the government’s willingness to fulfill its commitments under Resolution 30/1 and to lead transitional justice and reconciliation. National organizations and Tamil diaspora groups have called for strong international involvement to hold President Sirisena to the commitments outlined in Resolution 30/1.²¹² Indeed, after Sri Lanka’s Foreign Minister Mangala Samaraweera remarked in February 2017 that he intends to ask the UN for more time to realize the promises outlined in Resolution 30/1,²¹³ additional calls for strong international pressure surfaced.²¹⁴ With Rajapaska appearing to attempt a comeback, it is hard to imagine how Sri Lanka could achieve meaningful transitional justice without strong international involvement and pressure. Whether the international community is willing and able to effectively assert itself will likely become evident at the 34th session of the UNHRC in March 2017.

In a statement made in Sri Lanka in October 2016, UN Special Rapporteur Rita Izsák-Ndiaye said that “truth-seeking, reconciliation, and healing takes time and cannot be done overnight.”²¹⁵ While this is true, there are steps that the Sirisena administration must take today to build trust, improve the lives of thousands, and bring transparency to the truth and reconciliation process.

As the National Policy on Durable Solutions states, “it is time for urgent and comprehensive solutions that leave no one behind.” Indeed, urgent, comprehensive, and inclusive action needs to start now.



Endnotes

- 1 Aneez, S. "Sri Lanka Presidential Challenger Vows to Cancel Crown Casino License." *Reuters*, December 19, 2014. <http://www.reuters.com/article/us-sri-lanka-politics-idUSKBN0JX1LZ20141219> (accessed November 1, 2016); "Sri Lanka Elections: Sirisena Pledges War Crimes Inquiry." *The Hindu*, December 19, 2014. <http://www.thehindu.com/news/international/south-asia/sri-lanka-elections-sirisena-pledges-war-crime-inquiry/article6708104.ece> (accessed November 1, 2016).
- 2 Dominguez, G. "Sri Lankan vote for change – Sirisena wins historic election." *Deutsche Welle*, January 9, 2015. <http://www.dw.com/en/sri-lankans-vote-for-change-sirisena-wins-historic-election/a-18181122> (accessed November 1, 2016).
- 3 Mittal, A. *The Long Shadow of War: The Struggle for Justice in Postwar Sri Lanka*. The Oakland Institute, 2015. <http://www.oaklandinstitute.org/long-shadow-war> (accessed November 1, 2016).
- 4 Ramakrishnan, T. "Refugee-returnees ask for land and housing." *The Hindu*, April 11, 2016. <http://www.thehindu.com/news/international/sri-lanka-refugeereturnees-ask-for-land-and-housing/article8459117.ece> (accessed November 15, 2016).
- 5 De Sayrah, A. *Trouble in Paradise: Tourism development and human rights in Sri Lanka*. Centre for Policy Alternatives, September 26, 2016. <http://www.cpalanka.org/trouble-in-paradise-the-siege-of-tourism-development-on-human-rights-in-sri-lanka/> (accessed February 15, 2017); Luedi, J. "Under the Radar: Tourism in Sri Lanka at Risk from Military." *Global Risk Insights*, October 21, 2016. <http://globalriskinsights.com/2016/10/tourism-sri-lanka-threatened-military-declining-accountability/> (accessed November 15, 2016).
- 6 Mittal, A. *The Long Shadow of War: The Struggle for Justice in Postwar Sri Lanka*. Op. Cit.
- 7 *Ibid*.
- 8 Allegations of war crimes have been heavily documented, including by the United Nations, organizations such as International Truth and Justice Project (ITJP), and documentary films. Without a special judicial mechanism in place, these atrocities, along with mass killings, such as that of 17 relief workers from the French NGO Action Contre la Faim in 2006, have gone unpunished. For more information, please see: United Nations Human Rights Council. *Report of the OHCHR Investigation on Sri Lanka (OISL)*. Thirtieth Session, A/HRC/30/CRP.2, September 16, 2015. http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A.HRC.30.CRP.2_E.docx (accessed November 1, 2016); International Truth and Justice Project. <http://www.itjpsl.com/> (accessed February 25, 2017); MacRae, C. "No Fire Zone: The Killing Fields of Sri Lanka." 2015. [Film]. Posted May 12, 2015. <https://vimeo.com/ondemand/38327> (accessed February 25, 2017); Action Against Hunger News. "The Muttur Massacre: 10 Years On." *Action Against Hunger*, August 3, 2016. <https://www.actionagainsthunger.org.uk/blog/muttur-massacre-10-years> (accessed February 25, 2017).
- 9 "Sri Lanka admits 65,000 missing from war, insurrection." *Thomson Reuters Foundation News*, June 8, 2016. <http://news.trust.org/item/20160608165043-8a973> (accessed November 1, 2016).
- 10 "A 2012 United Nations report refers to more than 70,000 people who are unaccounted for. The bishop of Mannar has given an even higher number of 147,000 missing from the Vanni region alone. Although the Oakland Institute is unable to provide a precise estimate, our field research gathered dozens of testimonies that confirm that large numbers of individuals are still missing." Mittal, A. *The Long Shadow of War: The Struggle for Justice in Postwar Sri Lanka*. Op. Cit. p. 4.
- 11 *Ibid*.
- 12 Mittal, A, with E. Fraser. *Waiting to Return Home: Continued Plights of the IDPs in Post-War Sri Lanka*. The Oakland Institute, 2016. <https://www.oaklandinstitute.org/waiting-return-home-continued-plight-idps-post-war-sri-lanka> (accessed November 1, 2016).
- 13 United Nations Human Rights Council. "Promoting Reconciliation, Accountability and Human Rights in Sri Lanka." Thirtieth Session, A/HRC/30/L.29, September 28, 2015. http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_61_ENG.docx (accessed November 1, 2016).
- 14 Government of Sri Lanka. *National Policy on Durable Solutions for Conflict-Affected Displacement*. Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs, August 16, 2016. <http://resettlementmin.gov.lk/site/images/stories/pdf/final%20policy.pdf> (accessed on November 1, 2016).
- 15 See Table 1 and associated references for a complete list of released lands.
- 16 See, for example, Rutnam, E. "Land Issue Expected to be Resolved Next Year." *The Sunday Leader*, July 3, 2016. <http://www.thesundayleader.lk/2016/07/03/land-issue-expected-to-be-resolved-next-year/> (accessed November 1, 2016); "High Impact Resettlement Projects in North and East." *Daily News*, June 1, 2016. <http://dailynews.lk/2016/06/01/local/83428> (accessed November 1, 2016).
- 17 See Figure 1 for additional details and references.
- 18 Consultation Task Force on Reconciliation Mechanisms. *Interim Report: The Office on Missing Persons Bill and Issues Concerning and Missing, the Disappeared, and the Surrendered*. Secretariat for Coordinating Reconciliation Mechanisms, August 2016. http://media.wix.com/ugd/bd81co_1872d48845bd45afaafa7813ce2c89ao.pdf (accessed November 1, 2016).
- 19 Sri Lanka Monitoring and Accountability Panel. *Initial Statement on the Recent Passage of the Office on Missing Persons Act*. September 27, 2016. <http://war-victims-map.org/wp-content/uploads/2016/09/Initial-Statement-on-OMP-Act-.pdf> (accessed February 15, 2017).
- 20 "Government Rejects War Crimes Allegations Against Armed Forces." *TNLRN News Radio*, September 17, 2016. <https://www.newsradio.lk/government-rejects-war-crimes-allegations-armed-forces/> (accessed November 1, 2016).
- 21 International Truth and Justice Project. *Putting the Wolf to Guard the Sheep: Sri Lanka's Witness Protection Authority*. February 2017. <http://www.itjpsl.com/assets/Sri-Lanka-Witness-Protection-Report.pdf> (accessed February 15, 2017).
- 22 See, for example: Srinivasan, M. "Draft of new counter-terror law triggers old fears in Sri Lanka." *The Hindu*, October 27, 2016. <http://www.thehindu.com/news/international/draft-of-new-counterterror-law-triggers-old-fears-in-sri-lanka/article9272404.ece> (accessed November 1, 2016); Balachandran, P.K. "Tamil National Alliance to Modify Unacceptable New Anti-Terror Draft Law in Parliament." *The New Indian Express*, October 16, 2016. <http://www.newindianexpress.com/world/2016/oct/16/tamil-national-alliance-to-modify-unacceptable-new-anti-terror-draft-law-in-parliament-1528559.html> (accessed November 1, 2016).
- 23 See, for example: Ameen, A. "Sri Lanka President wants 'Internal' War Crimes Court." *BBC News*, January 21, 2016. <http://www.bbc.com/news/world-asia-35376719> (accessed November 1, 2016).
- 24 "Sri Lanka's ex-leader to lead breakaway from coalition." *France 24*, November 17, 2016. <http://www.france24.com/en/20161117-sri-lankas-ex-leader-lead-breakaway-coalition> (accessed January 9, 2017).
- 25 Mittal, A. *The Long Shadow of War: The Struggle for Justice in Postwar Sri Lanka*. Op. Cit.
- 26 *Ibid*.
- 27 Mittal, A, with E. Fraser. *Waiting to Return Home: Continued Plights of the IDPs in Post-War Sri Lanka*. Op. Cit.
- 28 The Official Government News Portal of Sri Lanka. "Decisions Taken by the Cabinet of Ministers at its Meeting held on 16-08-2016." August 17, 2016. <http://www.news.lk/cabinet-decisions/item/14183-decisions-taken-by-the-cabinet-of-ministers-at-its-meeting-held-on-16-08-2016> (accessed November 1, 2016).
- 29 According to the text of the policy, consultations took place between June 2015 and March 2016, and included meetings with: IDPs and displacement-affected peoples in the North and East; district and provincial-level officials; civil society organizations; line ministries; an advisory group made up of experts on a variety of displacement-related issues; UN agencies and representatives of donor communities; and an online forum was established to receive public comments. Government of Sri Lanka. *National Policy on Durable Solutions for Conflict-Affected Displacement*. Op. Cit.
- 30 *Ibid*, p. 3.



- 31 *Ibid*, p. 4.
- 32 *Ibid*, Section IV, 2.2.
- 33 *Ibid*, Section IV, 2.6.
- 34 *Ibid*, Section IV, 3.3.
- 35 *Ibid*, Section IX, 1.
- 36 *Ibid*, Section IV, 4.2.
- 37 "Reparation measures may include, but are not limited to, restitution in the form of land and property, compensation, medical care and psycho-social assistance, support for recovering and/or rebuilding community facilities and structures, acknowledgement of loss and suffering, memorials and other symbolic measures." *Ibid*, Section IV, 7.5.
- 38 "The State must ensure that lands allocated for such purposes are suitable and can support viable lives and livelihoods, with the necessary infrastructure and facilities for transport, electricity, sanitation, water support, as well as access to health and education." *Ibid*, Section V, 4.4.
- 39 This includes ensuring that the displaced are able to participate and are consulted with regarding the design, construction, and allocation of housing. *Ibid*, Section V, 4.5.
- 40 "Voluntary choice involves a meaningful choice between genuine alternatives, not a decision forced upon the displaced by a situation that has become untenable. As such, the consent of families to relocate without the choice of return because their land was still under military occupation needs to be re-examined and these families given the right to return, or accept compensation for their lost land and property." *Ibid*, Section IV, 5.2.
- 41 Specific rights of displaced persons who are women, children, disabled, elderly, and victims or survivors of violence are also outlined, as is the recognition that minority groups and women should be better represented in justice and security institutions, in order of avoid the abuses that these groups have committed in the past. *Ibid*, Section IV, 6.
- 42 *Ibid*, Section V, 4.4.
- 43 *Ibid*, Section V, 4.2.
- 44 *Ibid*, Section VI, 2.2.
- 45 *Ibid*, Section IV, 7.2.
- 46 *Ibid*, Section IV, 7.2.
- 47 Mittal, A. *The Long Shadow of War: The Struggle for Justice in Postwar Sri Lanka*. Op. Cit.
- 48 Government of Sri Lanka. *National Policy on Durable Solutions for Conflict-Affected Displacement*. Op. Cit. Section VII, 1.
- 49 *Ibid*.
- 50 Gamage, I. "Sri Lanka Refuses Complete Return of Military Occupied Land." *Journalists for Democracy in Sri Lanka*, June 27, 2016. <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/614-sri-lanka-refuses-complete-return-of-military-occupied-land> (accessed November 1, 2016); "No Release of Land for LTTE Supporters' Proclaims Sri Lankan Minister." *Tamil Guardian*, October 10, 2016. <http://www.tamilguardian.com/content/%E2%80%99no-release-land-ltte-supporters%E2%80%99-proclaims-sri-lankan-minister> (accessed November 1, 2016).
- 51 See Table 1 and associated references for a complete list of released lands.
- 52 Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs. "Parliament Speech by the Minister of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs." January 3, 2017. http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=19&Itemid=29&lang=en (accessed February 15, 2017).
- 53 The numbers provided in this table are based on tracking of media reports and government statements between January 8, 2015 and December 31, 2016. These have not been verified on the ground, and as a result may not be fully accurate. To date, the Oakland Institute has not been able to find up-to-date and verified reports on land releases in Sri Lanka, pointing to a lack of transparency issue in the matter. This issue requires urgent, thorough investigation to provide an accurate account of the lands that continue to be occupied, and those that have been released. It should be noted that in a Parliamentary speech given by the Minister of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs on January 3, 2017 (*Ibid*.), the Minister cited a similar, but lower, number.
- 54 The government pledged the release of these lands in February 2015. They were confirmed as released in April 2015. "Govt. to release 1000 acres of land within the High Security Zone in Palali." *Asian Tribune*, February 13, 2015. <http://www.asiantribune.com/node/86400> (accessed November 15, 2016); Srinivasan, M. "Sri Lanka: Army-controlled land in the North to be released." *The Hindu*, February 13, 2015. <http://www.thehindu.com/news/international/south-asia/sri-lanka-armycontrolled-land-in-the-north-to-be-released/article6888316.ece> (accessed November 1, 2016); Ministry of Defence. "Government to release 1,000 acres of lands in North." *President Media Unit*, February 13, 2015. http://www.defence.lk/new.asp?fname=Government_to_release_1000_acres_of_lands_in_North_20150213_03 (accessed November 15, 2016); "Sri Lanka Army releases 1000 acres of land from high security zones in Jaffna." *Colombo Page*, April 11, 2015. http://www.colombopage.com/archive_15A/Apr11_1428691768CH.php (accessed November 15, 2016).
- 55 The Official Government News Portal of Sri Lanka. "Return of lands in Sampur to war displaced families." August 23, 2015. <http://www.news.lk/fetures/item/9355-return-of-lands-in-sampur-to-war-displaced-families> (accessed November 15, 2016); "Land Deeds Handed over to 234 War-Displaced Families in Sampur." *Asian Tribune*, August 23, 2015. <http://www.asiantribune.com/node/87713> (accessed November 15, 2016).
- 56 "1,318 families or 4,737 people still live in IDP camps in the Jaffna district alone, says minister." *The Sunday Times*, October 11, 2015. <http://www.sundaytimes.lk/151011/news/1318-families-or-4737-people-still-live-in-idp-camps-in-the-jaffna-district-alone-says-minister-167591.html> (accessed November 15, 2016); The Official Government News Portal of Sri Lanka. "613 More Acres Held by Armed Forces in Kilinochchi & Mullaitivu Released." October 6, 2015. <http://www.news.lk/news/politics/item/10148-613-more-acres-held-by-armed-forces-in-kilinochchi-mullaitivu-released> (accessed November 15, 2016).
- 57 "More land released for resettlement in Jaffna." *Daily News*, December 31, 2015. <http://www.dailynews.lk/?q=2015/12/31/local/more-land-released-resettlement-jaffna> (accessed November 1, 2016).
- 58 "Sri Lankan President hands over deeds of over 700 acres of security forces occupied lands to original land-owners in Jaffna." *Colombo Page*, March 14, 2016. http://www.colombopage.com/archive_16A/Mar14_1457971955CH.php (accessed November 15, 2016).
- 59 The Official Government News Portal of Sri Lanka. "Lawful owners to receive their land in Sampoor." March 26, 2016. <http://www.news.lk/news/business/item/12741-lawful-owners-to-receive-their-land-in-sampoor> (accessed November 15, 2016).
- 60 Ministry of Defence. "Secretary attends land handing over ceremony in Jaffna." June 27, 2016. http://www.defence.lk/new.asp?fname=Secretary_attends_land_handing_over_ceremony_in_Jaffna_20160627_01 (accessed November 15, 2016); Ramakrishnan, T. "Sri Lankan forces release 700 acres more in North." *The Hindu*, June 29, 2016. <http://www.thehindu.com/todays-paper/tp-international/sri-lankan-forces-release-700-acres-more-in-north/article8785363.ece> (accessed November 15, 2016).
- 61 Rutnam, E. "Land Issue Expected to be Resolved Next Year." *Op. Cit*.
- 62 Ramakrishnan, T. "Land found for landless IDPs in Vavuniya: Sri Lanka government." *The Hindu*, July 9, 2016. <http://www.thehindu.com/news/international/land-found-for-landless-idps-in-vavuniya-sri-lanka-government/article8828998.ece> (accessed November 15, 2016).
- 63 "Army to release another 700 acres." *The Sunday Times*, September 11, 2016. <http://www.sundaytimes.lk/160911/news/army-to-release-another-700-acres-208404.html> (accessed November 15, 2016); "Sri Lanka Army to release another 700 acres of land in North to rightful owners." *Colombo Page*, September 11, 2016. http://www.colombopage.com/archive_16B/Sep11_1473578039CH.php (accessed November 15, 2016).
- 64 The Official Government News Portal of Sri Lanka. "Release of 454 acres of private lands by Sri Lanka Army in Jaffna." September 30, 2016. <http://www.news.lk/news/business/item/14576-release-of-454-acres-of-private-lands-by-sri-lanka-army-in-jaffna> (accessed November 15, 2016); "Release of 454 Acres of Private Lands by Sri Lanka Army in Tellipalai, Jaffna." *Asian Tribune*, September 30, 2016. <http://www.asiantribune.com/node/89526> (accessed November 15, 2016).
- 65 Fonseka, B. *Land Occupation in the Northern Province: A Commentary on Ground Realities and Recommendations for Reform*. Centre for Policy Alternatives, March 2016. <https://www.cpalanka.org/wp-content/uploads/2016/03/Land-Occupation-in-the-Northern-Province.pdf> (accessed November 1, 2016).



- 66 Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs. "Resettlement Figures" http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=5&Itemid=21&lang=en (accessed February 15, 2017). This closely resembled the Internal Displacement Monitoring Centre's report that, as of December 31, 2015, 44,000 conflict-affected IDPs remained in Sri Lanka. Internal Displacement Monitoring Centre. "Sri Lanka." *Country Information 2015*. <http://www.internal-displacement.org/database/country/?iso3=LKA> (accessed February 1, 2017).
- 67 Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs. "Voluntary Repatriation of Refugees of Sri Lankan Origin." http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=4&Itemid=19&lang=en (accessed February 15, 2017); Ramakrishnan, T. "Refugee-returnees ask for land and housing." *Op. Cit.*
- 68 Mittal, A. *The Long Shadow of War: The Struggle for Justice in Postwar Sri Lanka*. *Op. Cit.*
- 69 People for Equality and Relief in Lanka (PEARL). *Withering Hopes: Historic window of opportunity for reconciliation will close if Sri Lanka fails to act on accountability and militarization*. April 2016. <http://pearlaction.org/wp-content/uploads/2016/04/Withering-Hopes-PEARL.pdf> (accessed February 15, 2017); Society for Threatened Peoples, Switzerland. *Under the Military's Shadow: Local Communities and Militarization on the Jaffna Peninsula*. October 2016. https://assets.gfbv.ch/downloads/bericht_jaffnafinal_low.pdf (accessed February 15, 2017).
- 70 The Oakland Institute sent questions to the Ministry of Defence on February 9, 2017 with a follow-up on February 21, 2017 and did not receive a response.
- 71 The Gazette of the Democratic Socialist Republic of Sri Lanka. *Appropriation Act, 2007 (for Fiscal Year 2008)*. September 28, 2007. https://www.parliament.lk/files/pdf/budget/appropriation_bill_2008.pdf (accessed February 15, 2017).
Please note: throughout the report, we have used the exchange rate listed by the US Treasury on December 31, 2016 as the standard conversion from Sri Lankan rupees to US dollars. This conversion rate is US\$1 = Rs. 149.6000, as shown at: <https://www.fiscal.treasury.gov/fsreports/rpt/treasRptRateExch/currentRates.htm>
- 72 The Gazette of the Democratic Socialist Republic of Sri Lanka. *Appropriation Act, No. of 2015 (for Fiscal Year 2016)*. October 9, 2015. <https://www.parliament.lk/files/pdf/budget/2016/appropriation-2016-gazette.pdf> (accessed February 15, 2017).
- 73 The Gazette of the Democratic Socialist Republic of Sri Lanka. *Appropriation Act No. of 2016 (for Fiscal Year 2017)*. September 30, 2016. <https://www.parliament.lk/files/pdf/budget/2017/appropriation-2017-gazette.pdf> (accessed February 15, 2017).
- 74 This chart tracks the approved budgetary sums for Sri Lanka's Army, Navy, and Air Force, as found in annual Appropriations Acts from 2008-2017. A list of Appropriations Bills from 2008-2017 can be found at: <https://www.parliament.lk/en/budget-2017/presentation-of-the-appropriation-bill-2017>
- 75 *Ibid.*
- 76 The total amount approved for the Army, Military, and Navy in the 2008 Appropriations Bill was Rs. 119,422,000,000 (approximately US\$798 million), and the total approved budget for that year was Rs. 925,057,284,000 (approximately US\$6.2 billion). The Gazette of the Democratic Socialist Republic of Sri Lanka. *Appropriation Act, 2007 (for Fiscal Year 2008)*. *Op. Cit.*
- 77 The total amount approved for the Army, Military, and Navy in the 2016 Appropriations Bill was Rs. 272,028,355,000 (approximately US\$1.82 billion), and the total approved budget for that year was Rs. 1,941,450,438,000 (approximately US\$12.98 billion). The Gazette of the Democratic Socialist Republic of Sri Lanka. *Appropriation Act, No. of 2015 (for Fiscal Year 2016)*. *Op. Cit.*
- 78 Personal Communication, IDPs in the North, October 31, 2016; Direct Communication from the field, November 22, 2016.
- 79 Luedi, J. "Under the Radar: Tourism in Sri Lanka at Risk from Military." *Op. Cit.*
- 80 See, for example: De Sayrah, A. *Trouble in Paradise: Tourism development and human rights in Sri Lanka*. *Op. Cit.*; Nafeel, N. "Land acquisition in the name of tourism and dubious public purpose." *Daily News*, October 11, 2016. <http://dailynews.lk/2016/10/11/features/95502> (accessed November 1, 2016).
- 81 De Sayrah, A. *Trouble in Paradise: Tourism development and human rights in Sri Lanka*. *Op. Cit.*; Piyadasa, T. *Development by Dispossession? Forced Evictions and Land Seizures in Paanama, Sri Lanka*. Oxfam International and People's Alliance for Rights to Land. Briefing Note, September 26, 2016. https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bn-development-dispossession-land-sri-lanka-260916-en.pdf (accessed November 15, 2016).
- 82 De Sayrah, A. *Trouble in Paradise: Tourism development and human rights in Sri Lanka*. *Op. Cit.*; Piyadasa, T. *Development by Dispossession? Forced Evictions and Land Seizures in Paanama, Sri Lanka*. *Op. Cit.*
- 83 Piyadasa, T. *Development by Dispossession? Forced Evictions and Land Seizures in Paanama, Sri Lanka*. *Op. Cit.*
- 84 De Sayrah, A. *Trouble in Paradise: Tourism development and human rights in Sri Lanka*. *Op. Cit.*
- 85 *Ibid.*
- 86 Mittal, A. *The Long Shadow of War: The Struggle for Justice in Postwar Sri Lanka*. *Op. Cit.*
- 87 "Sri Lankan military erects Buddha statue in Mannar." *Tamil Guardian*, June 29, 2016. <http://www.tamilguardian.com/content/sri-lankan-military-erects-buddha-statue-mannar> (accessed February 15, 2017).
- 88 "Large-scale Sinhala housing project underway in Naavatkuli." *Tamil Guardian*, January 23, 2017. <http://tamilguardian.com/content/large-scale-sinhala-housing-project-underway-naavatkuli> (accessed February 15, 2017); "Jaffna citizens demand end to illegal Sinhala settlements." *Tamil Guardian*, January 21, 2017. <http://tamilguardian.com/content/jaffna-citizens-demand-end-illegal-sinhala-settlements> (accessed February 15, 2017); "Tamils warned not to protest Sinhalaisation." *Tamil Guardian*, February 3, 2017. <http://tamilguardian.com/content/tamils-warned-not-protest-sinhalaisation> (accessed February 15, 2017).
- 89 "Sri Lanka to have themed tourism development zones." *Colombo Gazette*, November 1, 2016. <http://colombogazette.com/2016/11/01/sri-lanka-to-have-themed-tourism-development-zones/> (accessed November 1, 2016).
- 90 International Crisis Group. *Sri Lanka's Eastern Province: Land, Development, Conflict*. Asia Report No. 159, October 15, 2008. http://old.crisisgroup.org/_/media/Files/asia/south-asia/sri-lanka/159_sri_lanka_s_eastern_province_land_development_conflict.pdf (accessed November 15, 2016); Arulthas, M. "From Ilankaiththurai to Lanka Patuna." *Tamil Guardian*, August 16, 2016. <http://www.tamilguardian.com/content/ilankaiththurai-lanka-patuna-o> (accessed November 15, 2016).
- 91 Arulthas, M. "From Ilankaiththurai to Lanka Patuna." *Op. Cit.*
- 92 "Sri Lanka to have themed tourism development zones." *Op. Cit.*
- 93 Government of Sri Lanka. *National Policy on Durable Solutions for Conflict-Affected Displacement*. *Op. Cit.* Section IV, 2.6.
- 94 *Ibid*, Section IV, 4.2.
- 95 Mittal, A, with E. Fraser. *Waiting to Return Home: Continued Plights of the IDPs in Post-War Sri Lanka*. *Op. Cit.*
- 96 *Ibid.*
- 97 Personal communication with IDPs, February 8, 2016.
- 98 "Sri Lanka drops Indian coal power plant project in Sampur." *Ceylon News*, September 13, 2016. <http://www.ceylonnews.com/2016/09/sri-lanka-drops-indian-coal-plant-project-in-sampur/> (accessed November 1, 2016).
- 99 Gamage, I. "Women in week long sit down to regain occupied land threaten self-immolation." *Journal for Democracy in Sri Lanka*, February 7, 2017. <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/664-women-in-week-long-sit-down-to-regain-occupied-land-threaten-self-immolation> (accessed February 15, 2017).
- 100 "Keppapilavu villagers protest, despite military threats." *Tamil Guardian*, January 25, 2017. <http://tamilguardian.com/content/keppapilavu-villagers-protest-despite-military-threats> (accessed February 15, 2017); "Pilavu protestors continue for fourth day." *Tamil Guardian*, February 3, 2017. <http://tamilguardian.com/content/pilavu-protestors-continue-fourth-day> (accessed February 15, 2017).
- 101 Jegatheeswaran, D. and M. Arulthas. "'We will not move from here until we get our land back': from inside the Pilavu protest." *Tamil Guardian*, February



- 13, 2017. <http://www.tamilguardian.com/content/%E2%80%99Cwe-will-not-move-here-until-we-get-our-land-back%E2%80%99D-inside-pilavu-protest> (accessed February 15, 2017).
- 102 *Ibid.*
- 103 Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs. "Keppapulavu Land in Mullativu." February 14, 2017. http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=19&Itemid=29&lang=en (accessed February 15, 2017).
- 104 "Pilavu protestors stay put despite presidential pledge." *Tamil Guardian*, February 15, 2017. <http://www.tamilguardian.com/content/pilavu-protestors-stay-put-despite-presidential-pledge> (accessed February 16, 2017).
- 105 Ramakrishnan, T. "Sri Lanka may shut 31 IDP camps in Jaffna." *The Hindu*, July 22, 2016. <http://www.thehindu.com/todays-paper/tp-international/sri-lanka-may-shut-31-idp-camps-in-jaffna/article8883514.ece> (accessed November 1, 2016).
- 106 Personal Communication with IDP in Sri Lanka's North, September 3, 2016.
- 107 *Ibid.*
- 108 The information contained in this section is based on ongoing communication between Oakland Institute researchers and a community of IDPs in Northern Sri Lanka, 2016.
- 109 The IDPs reported that some houses were occupied by armed forces, and when they vacated, some houses were completely destroyed, while others had their windows, doors, and/or roofs removed. Personal communication with IDPs, November 2016.
- 110 Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs. "65,000 Permanent Housing Programme for Conflict Affected Families in Northern and Eastern Provinces." April 6, 2016. http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=218%3A65new&catid=21%3Acurrent-projects-2016&lang=en (accessed February 15, 2017).
- 111 Rutnam, E. "Land Issue Expected to be Resolved Next Year." *Op. Cit.*
- 112 According to news reports, this will include: 9,000 housing units for IDP families, 630 for refugee returnees, 400 and for "formerly threatened villages." Monies are also being provided to repair 2,400 damaged houses and construct 7,600 sanitation units. "High Impact Resettlement Projects in North and East." *Op. Cit.*

The Ministry of Prison Reforms, Rehabilitation, Resettlement, and Hindu Religious Affairs' own reports, updated September 2016, include slightly different figures in their overview of current development projects including: building 9,025 houses of IDP families; repairing 2,160 damaged houses; and, constructing 7,600 sanitation facilities. Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs. "Development Projects – 2016." September 1, 2016. http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=236&Itemid=92&lang=en (accessed February 15, 2017).
- 113 "Sri Lanka cabinet approves Rs. 971 million to immediately resettle IDP families." *Colombo Page*, July 21, 2016. http://www.colombopage.com/archive_16B/Jul21_1469121579CH.php (accessed November 1, 2016).
- 114 For comparison, the entire Ministry of Resettlement's budget in 2014 was Rs. 375,905,000 (approximately US\$2,512,733) under former-President Rajapaksa. Parliament of the Democratic Socialist Republic of Sri Lanka. *Appropriation Act, No. of 2014 (for Fiscal Year 2015)*. September 19, 2014. https://www.parliament.lk/files/pdf/budget/2015/appropriation_2015_bill.pdf (accessed February 15, 2017).
- 115 In spring 2016, government awarded the contract for this project to the steel company ArcelorMittal at an estimated per unit cost of Rs. 2.1 million (approximately US\$14,000). According to the Sri Lankan government, the high price was because each pre-fabricated house would include furniture, a laptop and wifi, a solar panel, and a tube well and water tank. Critics, including the Tamil National Alliance, argued that previous housing projects were constructed at half of this estimate, and given the need for 137,000 houses to complete resettlement, alternative options should be considered. They also lashed out at the government regarding the suitability of steel houses. To address the latter issue, technical studies of the pre-fabricated steel houses were conducted. A study by engineers at the University of Moratuwa highlighted that the houses had inadequate foundations, insufficient roof support, risked corrosion, were poorly ventilated, were unsuitable for flood conditions, had a shorter lifespan, would be more difficult to repair, were unlikely to generate local employment, and would be constructed at double the cost of block wall houses. On the positive side, the report noted that these houses could be constructed faster, and with fewer required natural resources (e.g. sand and timber). Similar results were found in a second study, completed by engineers at the University of Peradeniya and held up by the Ministry of Prison Reforms, Rehabilitation, Resettlement, and Hindu Religious Affairs, however this second study concluded that the government should move forward with the steel houses based in part on the speed of construction. Despite these critiques, in December 2016 the government granted Arcelor Mittal conditional approval for the construction of the first 10,000 houses, reportedly at the reduced cost of Rs. 1.6 million per unit (approx. US\$10,695). In January 2017, applications for obtaining one of these first 10,000 homes appeared on the Ministry website. For more information, please see: Ramakrishnan, T. "Sri Lankan Resettlement Ministry Rebuts Criticism on New Housing Project." *The Hindu*, April 23, 2016. <http://www.thehindu.com/news/international/sri-lankan-resettlement-ministry-rebuts-criticism-on-new-housing-project/article8513786.ece> (accessed November 1, 2016); Ramakrishnan, T. "Sampanthan Seeks Review of Housing Project in North, East." *The Hindu*, April 18, 2016. <http://www.thehindu.com/news/international/sampanthan-seeks-review-of-housing-project-in-north-east/article8490292.ece> (accessed November 1, 2016); Dias, P., Halwatura, R., and A Varuna de Silva. *A Comparison of the Proposed 'Steel House' with Constructed Block Wall Houses in the Jaffna Peninsula: Preliminary Findings*. April 2016. http://groundviews.org/wp-content/uploads/2016/04/65K-houses_Preliminary-Report_final.pdf?bbb67a&bbb67a (accessed February 15, 2017); Dissanayake, P.B.R. et al. *Resettlement Programme for Reinstating Internally Displaced Communities in the North and East of Sri Lanka: Technical Implications of Pre-fabricated Insulated Metal Panel Houses, Final Report*. May 2, 2016. <http://resettlementmin.gov.lk/site/images/stories/pdf/rep.pdf> (accessed February 15, 2017); Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs. "Application to obtain pre fabricate houses under the 10,000 prefabricate housing project." January 5, 2017. http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=19&Itemid=29&lang=en (accessed February 15, 2017).
- 116 Democratic Socialist Republic of Sri Lanka. *Budget Estimates 2017, Volume II, Fiscal Year 2017*. <http://www.treasury.gov.lk/documents/10181/336544/volume2.pdf/a92d3511-9316-41de-9e23-a4af68fc521f> (accessed February 15, 2017), pp. 356-357.
- 117 The Oakland Institute sent questions to the Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs on February 9, 2017 and followed-up on February 21, 2017. No response was received.
- 118 United Nations Human Rights Council. "Promoting reconciliation, accountability, and human rights in Sri Lanka." 32nd session, A/HRC/32/CRP.4, June 28, 2016. http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Documents/A_HRC_32-CRP_4_AV.docx (accessed November 1, 2016).
- 119 The articles cited in this section were obtained by researchers tracking English-language news articles on issues of resettlement, welfare camps, and internal displacement in Sri Lanka throughout 2016.
- 120 "Sri Lankan President Sirisena sets deadline on resettlement of war-displaced people." *DNA India*, January 20, 2016. <http://www.dnaindia.com/world/report-sri-lankan-president-sirisena-sets-deadline-on-resettlement-of-war-displaced-people-2168267> (accessed November 15, 2016).
- 121 "Sri Lanka will resettle all war-displaced by year-end: minister." *Deccan Chronicle*, June 6, 2016. <http://www.deccanchronicle.com/world/asia/060616/sri-lanka-will-resettle-all-war-displaced-by-year-end-minister.html> (accessed November 15, 2016).
- 122 Rutnam, E. "Land Issue Expected to be Resolved Next Year." *Op. Cit.*
- 123 Ramakrishnan, T. "Sri Lanka may shut 31 IDP camps in Jaffna." *Op. Cit.*
- 124 "Sri Lanka to resettle IDP families remaining in the welfare camps soon – Ministry." *Colombo Page*, August 19, 2016. http://www.colombopage.com/archive_16B/Aug19_1471588943CH.php (accessed November 15, 2016); The Official Government News Portal of Sri Lanka. "Resettlement of IDP Families in the Welfare Camps." August 19, 2016. <http://www.news.lk/news/sri-lanka/item/14205-resettlement-of-idp-families-in-the-welfare-camps> (accessed February 15, 2017).



- 125 "Land Issues in the North would be Resolved in Three Months – President Maithripala Sirisena." *Asian Tribune*, September 3, 2016. <http://www.asiantribune.com/node/89431> (accessed November 15, 2016); Rutnam, E. "President Makes Promises Following Ban's Visit." *The Sunday Leader*, September 5, 2016. <http://www.thesundayleader.lk/2016/09/05/president-makes-promises-following-bans-visit/> (accessed February 15, 2017).
- 126 "Sri Lanka northern resettlement to finish by mid next year." *The Indian Express*, September 8, 2016. <http://indianexpress.com/article/world/world-news/sri-lanka-northern-resettlement-to-finish-by-mid-next-year-3020195/> (accessed November 15, 2016).
- 127 Personal Communication, IDPs in Sri Lanka's North, June – August 2016.
- 128 Personal Communication, IDPs in Sri Lanka's North, June 22, 2016.
- 129 This includes the economy, job creation, and the content of the 19th amendment, amongst others. Fonseka, B., Ganeshathasan, L., & S. Daniel. *Two Years in Government: A Review of the Pledges Made in 2015 through the Lens of Constitutional Reform, Governance, and Transitional Justice*. Centre for Policy Alternatives, February 2017. <http://www.cpalanka.org/two-years-in-government-a-review-of-the-pledges-made-in-2015-through-the-lens-of-constitutional-reform-governance-and-transitional-justice/> (accessed February 15, 2017).
- 130 Allegations of war crimes that took place during the war have been heavily documented, including by the United Nations, through reports and submissions by organizations including the International Truth and Justice Project (ITJP), and through documentary film. Without a special judicial mechanism in place, these atrocities, along with mass killings, such as that of 17 relief workers from the French NGO Action Contre la Faim in 2006, have gone unpunished. For more information, please see: United Nations Human Rights Council. *Report of the OHCHR Investigation on Sri Lanka (OISL)*. Op. Cit.; International Truth and Justice Project. <http://www.itjpsl.com/> (accessed February 25, 2017); MacRae, C. "No Fire Zone: The Killing Fields of Sri Lanka." Op. Cit. Action Against Hunger News. "The Mutter Massacre: 10 Years On." Op. Cit.
- 131 "Sri Lanka admits 65,000 missing from war, insurrection." Op. Cit.
- 132 "A 2012 United Nations report refers to more than 70,000 people who are unaccounted for. The bishop of Mannar has given an even higher number of 147,000 missing from the Vanni region alone. Although the Oakland Institute is unable to provide a precise estimate, our researchers gathered dozens of testimonies during their fieldwork that confirm that large numbers of individuals are still missing." Mittal, A. *The Long Shadow of War: The Struggle for Justice in Postwar Sri Lanka*. Op. Cit. p. 4.
- 133 United Nations Human Rights Council. "Promoting Reconciliation, Accountability and Human Rights in Sri Lanka." Thirtieth Session, Op. Cit.
- 134 Consultation Task Force on Reconciliation Mechanisms. *Interim Report: The Office on Missing Persons Bill and Issues Concerning and Missing, the Disappeared, and the Surrendered*. Op. Cit.
- 135 The report was based on based on nearly 300 written submissions, 11 focus group discussion, and numerous consultations with organizations and groups representing the families of the disappeared. *Ibid*.
- 136 *Ibid*, pp. viii-ix.
- 137 *Ibid*, p. ix.
- 138 *Ibid*, pp. viii-ix.
- 139 *Ibid*, p. ix.
- 140 *Ibid*.
- 141 *Ibid*, p. x.
- 142 *Ibid*.
- 143 Consultation Task Force on Reconciliation Mechanisms. *Final Report of the Consultation Task for on Reconciliation Mechanisms: Executive Summary and Recommendations*. Secretariat for Coordinating Reconciliation Mechanisms. <http://www.scrmm.gov.lk/documents-reports> (accessed January 7, 2017).
- 144 *Ibid*, p. 85.
- 145 *Ibid*, p. 86.
- 146 *Ibid*, pp. 93-94.
- 147 *Ibid*, pp. 94-95.
- 148 *Ibid*, p. 90.
- 149 *Ibid*, p. 88.
- 150 *Ibid*, p. 87.
- 151 Consultation Task Force on Reconciliation Mechanisms. *Interim Report: The Office on Missing Persons Bill and Issues Concerning and Missing, the Disappeared, and the Surrendered*. Op. Cit.
- 152 For example: Sri Lanka Monitoring and Accountability Panel. *Initial Statement on the Recent Passage of the Office on Missing Persons Act*. Op. Cit.; Centre for Human Rights and Development, et al. "Visit to Sri Lanka: Concerns of the Tamil Community in relation to the Transitional Justice Process." September 2, 2016. <https://www.scribd.com/document/322813014/Letter-handed-over-to-UNSG-Ban-Ki-Moon-on-02-September-2016> (accessed February 15, 2017).
- 153 Fonseka, B., Ganeshathasan, L., & S. Daniel. *Two Years in Government: A Review of the Pledges Made in 2015 through the Lens of Constitutional Reform, Governance, and Transitional Justice*. Op. Cit.
- 154 Consultation Task Force on Reconciliation Mechanisms. "Consultation Task Force Statement of the Passage of the OMP Act." August 21, 2016.
- 155 Centre for Human Rights and Development, et al. "Visit to Sri Lanka: Concerns of the Tamil Community in relation to the Transitional Justice Process." Op. Cit.
- 156 Sri Lanka Monitoring and Accountability Panel. *Initial Statement on the Recent Passage of the Office on Missing Persons Act*. Op. Cit.
- 157 *Ibid*.
- 158 Fonseka, B., Ganeshathasan, L., & S. Daniel. *Two Years in Government: A Review of the Pledges Made in 2015 through the Lens of Constitutional Reform, Governance, and Transitional Justice*. Op. Cit.
- 159 United Nations Human Rights Council. "Promoting Reconciliation, Accountability and Human Rights in Sri Lanka." Thirtieth Session, Op. Cit.
- 160 Ameen, A. "Sri Lanka President wants 'Internal' War Crimes Court." Op. Cit.
- 161 "Sri Lankan President: No Allegations of War Crimes." *Talk to Al Jazeera*, January 29, 2016 [interview]. <http://www.aljazeera.com/programmes/talktojazeera/2016/01/sri-lankan-president-allegations-war-crimes-160128150748006.html> (accessed November 1, 2016).
- 162 The principal findings section of the OHCHR's Investigation on Sri Lanka notes: "While it has not always been possible to establish the identity of those responsible for these serious alleged violations, these findings demonstrate that there are reasonable grounds to believe that gross violations of international human rights law, serious violations of international humanitarian law and international crimes were committed by all parties during the period under investigation. Indeed, if established before a court of law, many of these allegations would amount, depending on the circumstances, to war crimes and/or crimes against humanity." United Nations Human Rights Council. *Report of the OHCHR Investigation on Sri Lanka (OISL)*. Op. Cit.
- 163 "Government Rejects War Crimes Allegations Against Armed Forces." Op. Cit.
- 164 See, for example: President of Sri Lanka. "Will not allow any interference of foreign judges & courts – President." July 8, 2016. <http://www.president.gov.lk/will-not-allow-any-interference-of-foreign-judges-courts-president/> (accessed February 15, 2017).
- 165 Mallawarachi, B. "Sri Lanka leader asks Trump's help to drop war crimes charges." *The Washington Post*, November 29, 2016. https://www.washingtonpost.com/world/asia_pacific/sri-lanka-leader-asks-trumps-help-to-drop-war-crime-charges/2016/11/29/1ee707f6-b5fe-11e6-939c-91749443c5e5_story.html (accessed November 30, 2016).
According to President Sirisena's news portal, US Vice President Mike Pence spoke to President Sirisena on December 1, 2016. President of Sri Lanka. "American Vice President telephones President Sirisena." December 2, 2016. <http://www.president.gov.lk/american-vice-president-telephones-president-sirisena/> (accessed February 15, 2017).
- 166 The International Criminal Court cannot sentence someone to death. Rome Statute of the International Criminal Court. *Some Questions and Answers*. <http://legal.un.org/icc/statute/iccqa.htm> (accessed November 15, 2016).
- 167 "Solving problems of Tamils is my obligation: Sirisena." *The Hindu*, November 11, 2016. <http://m.thehindu.com/opinion/interview/interview-with-maithripala-sirisena/article9330482.ece> (accessed November 15, 2016).
- 168 Consultation Task Force on Reconciliation Mechanisms. *Final Report of the*



- 169 *Ibid.*, p. 94.
- 170 "SL's panel recommends foreign judges in judicial mechanisms." *Business Standard*, January 4, 2017. http://www.business-standard.com/article/pti-stories/sl-s-panel-recommends-foreign-judges-in-judicial-mechanisms-117010400909_1.html (accessed January 9, 2017).
- 171 Weerasingham, R. "Sri Lanka state leaders snub event to receive reconciliation report." *Journal for Democracy in Sri Lanka*, January 4, 2017. <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/655-sri-lanka-state-leaders-snub-event-to-receive-reconciliation-report> (accessed January 9, 2017).
- 172 Pothmulla, L. "I have no confidence in the CTF: Wijeyadasa." *Daily Mirror*, January 6, 2017. <http://www.dailymirror.lk/article/i-have-no-confidence-in-the-CTF-Wijeyadasa-121817.html> (accessed January 9, 2017).
- 173 International Truth and Justice Project. *Putting the Wolf to Guard the Sheep: Sri Lanka's Witness Protection Authority*. *Op. Cit.*
- 174 *Ibid.*
- 175 International Truth and Justice Project. *Press Release: Putting the Wolf to Guard the Sheep – Perpetrator Protection in Sri Lanka*. February 13, 2017. <http://www.itjpsl.com/assets/press/Putting-the-wolf-to-guard-the-sheep-press-release-english.pdf> (accessed February 25, 2017).
- 176 United Nations Human Rights Council. "Promoting Reconciliation, Accountability and Human Rights in Sri Lanka." Thirtieth Session, *Op. Cit.*
- 177 Srinivasan, M. "Draft of new counter-terror law triggers old fears in Sri Lanka." *Op. Cit.*
- 178 Balachandran, P.K. "Tamil National Alliance to Modify Unacceptable New Anti-Terror Draft Law in Parliament." *Op. Cit.*
- 179 *Ibid.*; Srinivasan, M. "Draft of new counter-terror law triggers old fears in Sri Lanka." *Op. Cit.*
- 180 Human Rights Commission of Sri Lanka. *Report of the Human Rights Commission to the Committee Against Torture: Review of the 5th Periodic Report of Sri Lanka*. October 2016. <http://hrcls.lk/english/wp-content/uploads/2016/11/Report-to-CAT-Committee-.pdf> (accessed February 15, 2017).
- 181 *Ibid.*
- 182 *Ibid.*
- 183 For a full list of representatives sent by the Government of Sri Lanka, please see: http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/LKA/INT_CAT_LOP_LKA_25850_E.pdf
- 184 International Truth and Justice Project. *The Case Against Sisira Mendis*. November 15, 2016. <http://itjpsl.com/assets/press/The-case-against-Sisira-Mendis-final.pdf> (accessed February 15, 2017).
- 185 The full final session of the UNCAT hearing during which Sisira Mendis was questioned is available at the link below. Questioning by UNCAT Vice-Chairperson Ms. Felice Gaer begins at 1:59:24. Chairperson Jens Modvig then announces that the Sri Lankan delegation, and in particular Sisira Mendis, have been asked to respond at 2:17:55. The response from Sri Lanka runs from 2:30:16 – 2:56:41. Despite the time being offered to specifically hear from Sisira Mendis, Mr. Mendis does not speak during this time, a fact that is noted in Chairperson Modvig's final comments (2:56:42 – 2:57:14). UN Web TV. "Replies of Sri Lanka – 1475th Meeting 59th Session Committee Against Torture." [video], November 16, 2016. <http://webtv.un.org/meetings-events/human-rights-treaty-bodies/watch/replies-of-sri-lanka-1475th-meeting-59th-session-committee-against-torture-/5212730222001#full-text> (accessed February 1, 2017).
- 186 US Tamil Political Action Council. "USTPAC and BTF call on the Swiss authorities to detain Sisira Mendis." *PR Newswire*, November 16, 2016. <http://www.prnewswire.com/news-releases/ustpac-and-btf-call-on-the-swiss-authorities-to-detain-sisira-mendis-300364161.html> (accessed January 9, 2017).
- 187 United Nations Human Rights Council. "Promoting reconciliation, accountability, and human rights in Sri Lanka." 32nd session, A/HRC/32/CRP.4, June 28, 2016. *Op. Cit.*
- 188 Moon, B. K. "Remarks at event in Sri Lanka on SDG16: Sustaining Peace – Achieving the Sustainable Development Goals." United Nations, September 2, 2016. <https://www.un.org/sg/en/content/sg/speeches/2016-09-02/remarks-event-sri-lanka-sdg16-sustaining-peace-%E2%80%93-achieving> (accessed November 1, 2016).
- 189 Office of the High Commissioner. "Statement of the United Nations Special Rapporteur on minority issues, Rita Izsák-Ndiaye, on the conclusion of her official visit to Sri Lanka, 10-20, October 2016." *United Nations Human Rights*, October 20, 2016. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20709&LangID=E> (accessed November 1, 2016).
- 190 The UN Special Rapporteur on the Independence of Judges and Lawyers, and the UN Special Rapporteur on Torture, Inhuman or Degrading Treatment or Punishment also conducted country visits in May 2016. United Office of the High Commissioner on Human Rights. "UN experts urge Sri Lanka to adopt urgent measures to fight torture and strengthen justice system's independence." May 10, 2016. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19946&LangID=E> (accessed February 15, 2017).
- 191 United Nations Photos, *Secretary-General Visits Galle, Sri Lanka*, image, <https://flic.kr/p/Ln3PL9>. Creative Commons License (CC BY-NC-ND 2.0), <https://creativecommons.org/licenses/by-nc-nd/2.0/>
- 192 United Nations Human Rights Council. "Promoting reconciliation, accountability, and human rights in Sri Lanka." 32nd session, A/HRC/32/CRP.4, June 28, 2016. *Op. Cit.*
- 193 *Ibid.*
- 194 Moon, B. K. "Remarks at event in Sri Lanka on SDG16: Sustaining Peace – Achieving the Sustainable Development Goals." *Op. Cit.*
- 195 Office of the High Commissioner. "Statement of the United Nations Special Rapporteur on minority issues, Rita Izsák-Ndiaye, on the conclusion of her official visit to Sri Lanka, 10-20, October 2016." *Op. Cit.*
- 196 Ramakrishnan, T. "Sri Lankan Forces Release 700 acres more in North." *Op. Cit.*
- 197 "Task Force to be set up for Sri Lanka's Internally Displaced: Cabinet." *Lanka Business Online*, July 8, 2016. <http://www.lankabusinessonline.com/task-force-to-be-set-up-for-sri-lankas-internally-displaced-cabinet/> (accessed November 1, 2016).
- 198 "Sri Lanka cabinet approves Rs. 971 million to immediately resettle IDP families." *Op. Cit.*
- 199 "Land Issues in the North would be Resolved in Three Months – President Maithripala Sirisena." *Op. Cit.*
- 200 "Army to release another 700 acres." *The Sunday Times*, *Op. Cit.*; The Official Government News Portal of Sri Lanka. "Release of 454 acres of Private lands by Sri Lanka Army in Jaffna." *Op. Cit.*; "Release of 454 acres of Private Lands by Sri Lanka Army in Tellipalai, Jaffna." *Op. Cit.*
- 201 Centre for Human Rights and Development, et al. "Visit to Sri Lanka: Concerns of the Tamil Community in relation to the Transitional Justice Process." *Op. Cit.*
- 202 *Ibid.*
- 203 "Sri Lanka's ex-leader to lead breakaway from coalition." *Op. Cit.*
- 204 "Sri Lanka's former strongman sets stage for comeback attempt." *Washington Post*, December 6, 2016. https://www.washingtonpost.com/world/asia_pacific/sri-lankas-former-strongman-sets-stage-for-comeback-attempt/2016/12/06/a87a25f2-bb94-11e6-ae79-bec72d34f8c9_story.html?utm_term=.a790ca019e3a (accessed December 8, 2016). Note: This Associated Press article was originally found on the Washington Post website, but at the time of print, had been removed. It can now be found on Fox News at: <http://www.foxnews.com/world/2016/12/06/sri-lanka-former-strongman-sets-stage-for-comeback-attempt.html> (accessed January 9, 2017); "Sri Lanka's ex-leader to lead breakaway from coalition." *Op. Cit.*
- 205 Srinivasan, M. "I want to topple the govt. in 2017, says Rajapaksa." *The Hindu*, December 30, 2016. <http://www.thehindu.com/todays-paper/tp-international/i-want-to-topple-the-govt.-in-2017-says-Rajapaksa/article16961344.ece> (accessed January 9, 2017)



- 206 “Sri Lanka’s former strongman sets stage for comeback attempt.” *Op. Cit.*
- 207 *Ibid.*
- 208 Wickrematunge, L. “I hope my murder will be seen not as a defeat of freedom but an inspiration.” *The Guardian*, January 13, 2009. <https://www.theguardian.com/commentisfree/2009/jan/13/wickrematunga-final-editorial-final-editorial> (accessed November 1, 2016).
- 209 For instance, according to a recent World Bank study, in 2012-2013, the following regions in the North and East had very high poverty rates: Mullaitivu (28.8 percent), Mannar (20.1 percent), and Batticaloa (19.4 percent). For comparison, the overall poverty rate for Sri Lanka, excluding the North and East, at that time was 6.1 percent.
- “Sri Lanka Poverty and Welfare: Recent Progress and Remaining Challenges.” *World Bank*, January 31, 2017. <http://www.worldbank.org/en/news/feature/2017/01/31/srilanka-poverty-welfare-recent-progress-remaining-challenges> (accessed February 15, 2017); Newhouse, D., Suarez-Becerra, P., & D. Doan. *Sri Lanka Poverty and Welfare: Recent Progress and Remaining Challenges*. World Bank. <http://documents.worldbank.org/curated/en/996911467995898452/pdf/103281-WP-P132922-Box394864B-PUBLIC-poverty-and-welfare-021216-final.pdf> (accessed February 15, 2017).
- 210 For example: Consultation Task Force on Reconciliation Mechanisms. *Final Report of the Consultation Task for on Reconciliation Mechanisms: Executive Summary and Recommendations*. *Op. Cit.*; Moon, B. K. “Remarks at event in Sri Lanka on SDG16: Sustaining Peace – Achieving the Sustainable Development Goals.” *Op. Cit.*; Office of the High Commissioner. “Statement of the United Nations Special Rapporteur on minority issues, Rita Izsák-Ndiaye, on the conclusion of her official visit to Sri Lanka, 10-20, October 2016.” *Op. Cit.*
- 211 Consultation Task Force on Reconciliation Mechanisms. *Final Report of the Consultation Task for on Reconciliation Mechanisms: Executive Summary and Recommendations*. *Op. Cit.*; Fonseka, B., Ganeshathasan, L., & S. Daniel. *Two Years in Government: A Review of the Pledges Made in 2015 through the Lens of Constitutional Reform, Governance, and Transitional Justice*. *Op. Cit.*
- 212 For example: “Tamil Diaspora Organizations call upon the international community to get involved in the new constitutional process of Sri Lanka.” *The Tamil Diplomat*, January 3, 2017. <http://tamildiplomat.com/tamil-diaspora-organisations-call-upon-the-international-community-to-get-involved-in-the-new-constitutional-process-of-sri-lanka/> (accessed February 1, 2017); Fonseka, B., Ganeshathasan, L., & S. Daniel. *Two Years in Government: A Review of the Pledges Made in 2015 through the Lens of Constitutional Reform, Governance, and Transitional Justice*. *Op. Cit.*
- 213 Mallawarachi, B. “Sri Lanka to ask UN for more time to probe war crimes.” *Star Tribune*, February 8, 2017. <http://www.startribune.com/sri-lanka-to-ask-un-for-more-time-to-probe-war-crimes/413130783/> (accessed February 15, 2017).
- 214 See, for example: Tamil Lawyers Forum. “Sri Lanka: Tamil Lawyers Oppose any Extension of Time Given to Sri Lankan Government for UN War Crimes Probe.” *EIN Presswire*, February 10, 2017. http://world.einnews.com/pr_news/365872754/sri-lanka-tamil-lawyers-oppose-any-extension-of-time-given-to-sri-lankan-government-for-un-war-crimes-probe (accessed February 15, 2017).
- 215 Office of the High Commissioner. “Statement of the United Nations Special Rapporteur on minority issues, Rita Izsák-Ndiaye, on the conclusion of her official visit to Sri Lanka, 10-20, October 2016.” *Op. Cit.*



