

# Normalising the Abnormal: The Militarisation of Mullaitivu



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# Executive Summary

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Two years after the Sri Lankan government co-sponsored UN Human Rights Council (HRC) Resolution 30/I and six months after it renewed its commitments in HRC Resolution 34/I, the Sri Lankan government has continued to fail to fulfil its pledges to the Tamil people in Sri Lanka. A key commitment made in the HRC resolutions and a critical component of the conversation around transitional justice is meaningful security sector reform. Despite calls by numerous international bodies and repeated calls by Tamil politicians and communities, the Sri Lankan government has yet to undertake a comprehensive process to demilitarise areas in the North-East. As a result, the North-East remains under a military occupation that represses fundamental freedoms and contributes to on-going ethnic conflict.

In Mullaitivu District, where the last phase of the armed conflict was fought, the military's presence has become even more entrenched over the past two years. This report accompanies an interactive online map produced by the Adayaalam Centre for Policy Research (ACPR) and People for Equality and Relief in Lanka (PEARL), illustrating the extent of militarisation in Mullaitivu District by documenting military structures and installations and Buddhist viharas. This map can be viewed here: <http://www.adayaalam.org/mapping-militarisation-in-mullaitivu/>.

From a quantitative perspective, the military has an extremely inflated presence in Mullaitivu District. Based on the number of brigades and their constituent troops, this report estimates that at least 60,000 Sri Lankan Army troops are currently stationed in Mullaitivu District; 25% of the approximately 243,000 active military personnel in the whole country. To put this figure in perspective, according to the Mullaitivu District Statistical Handbook in 2014, Mullaitivu District has 130,322, or approximately 0.6 % of the Sri Lankan population. This means there is now at least 1 soldier for every 2 civilians in Mullaitivu District – in effect, a military occupation. This excludes the numbers of Sri Lankan Navy and Air Force troops in the District, which are unable to be calculated with publicly available information.

The military's occupation of land in Mullaitivu District is concomitantly significant. Comparing figures obtained officially from Divisional Secretariat offices through the *Right to Information Act*, unofficially from government sources, and from local sources it is evident that officially obtained government numbers significantly downplay the actual amount of land occupied by the military. ACPR and PEARL also found that the military's extensive use of land demarcated as state forests and forest reserves is an under reported facet of the militarisation of the Vanni that requires further study. Hence on a careful analysis of the methodology used by the different actors in making their claims with regard to land occupied by the military and information available on the scale of the military presence, ACPR and PEARL are able to conclude that the claim of 30,000 acres of land being held by the security forces in Mullaitivu is credible. A key step in the demilitarisation process should include a comprehensive and transparent survey of lands occupied by the military in the North-East.

The issues that result from this extensive militarisation are more than just quantitative, however. The militarisation of Tamil regions is concerning for a plethora of reasons explored in this report. The Sri Lankan military stands accused of atrocity crimes against the very population in which it is immersed. Tamils must live next door to—and, in some cases, work for—those who bombed, shelled and brutalised their families and communities, all with impunity. The military's presence

facilitates land grabs and displacement and keeps families in ramshackle 'temporary' shelters as it utilises—and even profits from—privately owned Tamil land. This has a clear impact on livelihoods and economic growth in the region, as military-run businesses compete with private businesses on unequal terms. In fact, the military is one of the largest employers in Mullaitivu, ensuring a disturbing dependency of Tamil communities on the military for economic survival. The entrenchment of the military and security forces in Mullaitivu creates a pervasive and constant culture of fear and surveillance. It also further marginalises Tamil women. This report addresses each of these issues in turn.

The government's security concerns allegedly motivates the military's overwhelming presence throughout the North-East including in Mullaitivu. However, its encroachment into all facets of civilian life (economic, political, and otherwise) reflects the Sri Lankan state's more insidious goal: the further breakdown of the island's Tamil communities. The military has normalised its presence across Tamil areas, making Tamils accept and internalise the military's presence in their everyday lives. For example, the military manages pre-schools, farms, hotels, and other operations, penetrating numerous aspects of Tamil community life.

The consequences of such omnipresent militarisation are widespread. Tamils must fear for themselves and their children as they encounter security forces on roads, in markets, and in schools while their community development is continuously obstructed. Trust within Tamil communities is inhibited by uncertainty over who may be reporting to the military. The military's extensive presence inhibits freedom of speech and freedom of thought, since the military's shadow hovers over all political activities, suppressing engagement in civic fora. It has become so engrained in Tamil society in the North-East that it no longer needs to be visibly seen for its presence to affect the community. The normalisation of the military's presence in various aspects of life in the North-East has led to Tamils internalising this oppression.

The disproportionate presence of the security forces in the North-East is argued as being essential to prevent another armed insurrection from within the Tamil community against the State. This is a cynical argument which is deployed to normalise militarisation while being oblivious to the shared perception of the Tamil community which regards the Sri Lankan security forces as an occupying force. The perception leads both to internalisation of oppression and fuels further resentment between the majority Sinhalese and Tamils. Only a serious and genuine effort at security sector reform and demilitarisation will lead to sustainable peace and stability. The government should undertake genuine security sector reform to transition its security forces to the post-war environment that has now existed for eight and a half years.

As close observers of Sri Lanka know, the government will not willingly engage in security sector reform. The international community must prioritise issues around demilitarisation in all of its conversations with Sri Lanka regarding its transitional justice process. This is especially true as the international community prepares to review Sri Lanka during its Universal Periodic Review (UPR) and continues to monitor Sri Lanka's implementation, or lack thereof, of HRC Resolutions 30/1 and 34/1. The continued militarisation of the North-East is having devastating impacts on Tamil society and further entrenching ethnic tensions. Thus, militarisation is a critical issue to address in the interests of sustainable peace and non-recurrence of armed conflict.

# Extent of Militarisation in Mullaitivu

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## **(I) Oversized Military presence in Mullaitivu**

The Sri Lankan armed forces are comprised of the Sri Lanka Army, the Sri Lanka Navy, and the Sri Lanka Air Force, with the president acting as Commander-in-Chief. According to the International Institute for Strategic Studies' 2017 report 'The Military Balance', the military has 243,000 active members. This is a larger active military than those in France, Israel, Saudi Arabia, and the United Kingdom.<sup>1</sup>

### **Breaking down the numbers**

#### ***Sri Lankan Army***

The Sri Lanka Army comprises seven regional commands, five of which are based in the Northern and Eastern provinces.<sup>2</sup> Bases from three of its seven regional commands are geographically located in Mullaitivu District: Security Forces Headquarters (SFHQ)–Vanni,<sup>3</sup> SFHQ–Kilinochchi and SFHQ–Mullaitivu.<sup>4</sup> While the field research data collected for this report is not exhaustive, it can be used to calculate a conservative estimate of the number of Sri Lankan Army troops currently stationed in Mullaitivu District.<sup>5</sup>

The SFHQ–Mullaitivu has three divisions: 59, 64, and 68, and each has three brigades based in the district.<sup>6</sup> According to the Office of the UN High Commissioner for Human Rights' Investigation on Sri Lanka (OISL), commands are made up of divisions of 10,000–20,000 each,<sup>7</sup> the divisions command brigades of 3,500–6,000 troops each,<sup>8</sup> and the brigades consist of battalions of around 650 soldiers each<sup>9,10</sup> (See Figure I below<sup>11</sup>). This means there are at least 30,000–60,000 troops under the Mullaitivu security forces' command alone, in addition to auxiliary units that are not directly under any brigade.

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<sup>1</sup> "The Military Balance" (February 2017), International Institute for Strategic Studies at p 329

<sup>2</sup> Sri Lanka Army website, "Establishment", accessed on Sep 24, 2017 at: <[www.army.lk/establishment](http://www.army.lk/establishment)>.

<sup>3</sup> Note that the military will often refer to Vanni as 'Wanni', which is the Sinhalaized version of the name.

<sup>4</sup> "Report of the OHCHR Investigation on Sri Lanka (OISL)" (16 September 2015), Office of the High Commissioner for Human Rights, A/HRC/30/CRP.2 at p 26 ["OISL Report"].

<sup>5</sup> This does not include camps which may have been missed during field research and battalions unaffiliated to any particular brigade.

<sup>6</sup> Security Forces Headquarters – Mullaitivu website, "Organization", accessed on Sep 24, 2017 at <[www.army.lk/sfhqmt](http://www.army.lk/sfhqmt)>.

<sup>7</sup> OISL Report *supra*.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> Sri Lanka Sinha Regiment website, "Organization", accessed on Sep 19, 2017 at <<http://www.army.lk/slsr/>>.

<sup>11</sup> Numbers in Figure I all come from the OISL Report *supra*. Icons in Figure I were obtained from Freepik at [www.flaticon.com](http://www.flaticon.com).

**Figure 1 – Mullaitivu SFHQ**



In addition to Mullaitivu SFHQ, there are also brigades in Mullaitivu District belonging to other SFHQs. The headquarters of SFHQ–Kilinochchi's 65 Division is geographically situated in Aalangkulam, Mullaitivu District.<sup>12</sup> Of the three brigades in that division, one, the 653 Brigade, is based in Mullaitivu District.<sup>13</sup> The SFHQ–Vanni also has units located in Mullaitivu District. The 61 Division has one brigade, the 612 Brigade, in the Manthai East area of Mullaitivu District.<sup>14</sup> The 62 Division also has at least two brigades, the 621 Brigade and the 622 Brigade in Mullaitivu District, in the Manal Aru (Weli Oya) area.<sup>15</sup>

This means that, in addition to the nine brigades under the command of SFHQ–Mullaitivu, at least four more brigades are based in Mullaitivu District. Based on this total of 13 brigades, there are approximately 45,500–78,000 Sri Lankan Army personnel in Mullaitivu District.

There are also other units based in Mullaitivu District. SFHQ–Kilinochchi has a large camp complex with 'affiliated units' in the Murukandy–Kokavil area. While these do not fall under a specific division, they are directly under SFHQ–Kilinochchi<sup>16</sup> and include the 6 (V) Sri Lanka Army Women's Corps, 7<sup>th</sup> Sri Lanka Artillery Battalion, and the 9<sup>th</sup> Field Engineer Regiment.

Based on the above, even at the lower end of the spectrum, a very conservative estimate of the Sri Lankan Army's presence in Mullaitivu District is 60,000 personnel – 1 soldier for every 2 civilians – making it one of the most heavily militarised regions in the world. This presence is grossly disproportionate to the country as a whole – 25% of the Sri Lankan Army is deployed in a District comprising 0.6% of the Sri Lankan population.<sup>17</sup>

### ***Sri Lankan Military Intelligence, Navy and Air Force***

<sup>12</sup> Security Forces Headquarters – Kilinochchi website, "65 Division", accessed on Sep 24, 2017 at <<http://www.army.lk/sfkilinochchi/>>.

<sup>13</sup> Field Research, Mullaitivu, June 2017.

<sup>14</sup> Field Research, Mullaitivu, June 2017.

<sup>15</sup> Field Research, Mullaitivu, June 2017.

<sup>16</sup> Field Research, Mullaitivu, June 2017, Security Forces Headquarters – Kilinochchi website, "Affiliated Units", accessed on Sep 24, 2019 at: <<http://www.army.lk/sfkilinochchi/>>.

<sup>17</sup> Percentage of population was calculated using Mullaitivu Population figure from: Mullaitivu District Secretariat, 'District Statistical Hand Book 2014' (2014), accessed here: <[www.mullaitivu.dist.gov.lk](http://www.mullaitivu.dist.gov.lk)>; and using Sri Lankan population figure from: World Bank, 'Sri Lanka Data' (2016), accessed here: <<https://data.worldbank.org/country/sri-lanka>>.



Battalions from the Military Intelligence Corps, Special Forces Regiment and Army Commando Regiment are also present, but the military has not disclosed details about their deployments.<sup>18</sup> Furthermore, the Sri Lanka Air Force has three stations in Mullaitivu District,<sup>19</sup> and the Sri Lanka Navy has one station and six detachments in the district.<sup>20</sup> Unlike the Sri Lankan Army, there is no publicly available information detailing the numbers of military personnel in Sri Lankan Air Force and Navy camps and as a result, it is impossible to provide an accurate estimate of the number of troops under these two branches of the military stationed in Mullaitivu.

### **Mapping the Military's Presence**

The interactive online map accompanying this report presents the most accurate picture of the militarisation of Mullaitivu District. This section serves to provide a brief overview of that mapping exercise based on field research conducted from May through August 2017.

The largest number of military structures in Mullaitivu District is found in its eastern part, near the coast where the final battles of the armed conflict were fought. In some areas, the military occupies large areas of both state and private lands with numerous installations, including military-run cafes, hotels, and farms. For example, both the 59 Division Headquarters and a large Air Force camp can be found in the Keppapilavu area located on the south-western shores of Nanthikadal Lagoon. A large section of the Vattapalai–Puthukudiyiruppu road that runs through the Air Force camp is closed off to the public, and the military's alternate public road goes through the jungle. Even this alternate route is lined with military structures, including individual battalions like the 7<sup>th</sup> Sri Lanka Ordnance Corps, a military hospital, and an army-run canteen. In the area restricted to the public, the military operates a guesthouse named Bugler's Nest on the shores of the lagoon.

Currently, the military and its activities continue to displace over 100 families from Keppapilavu. As of October 2017, their roadside protest demanding the return of their lands has been ongoing for more than 200 days.



Figure 2 – Excerpt of Interactive Map - Keppapilavu Militarisation

<sup>18</sup> "Intelligence expanded into six battalions" Daily Mirror, Oct 28, 2011, accessed here: <<http://www.dailymirror.lk/news/14406-intelligence-expanded-into-six-battalions.html>>.

<sup>19</sup> Sri Lanka Air Force website, "Establishments", accessed on Sep 24, 2017 at <<http://www.airforce.lk/bases.php>>.

<sup>20</sup> Sri Lanka Navy website, "Tactical Area of Responsibility", accessed on Sep 24, 2017 at <<http://www.navy.lk/en/taor-en.html>>; Field Research, Mullaitivu, June - July 2017.

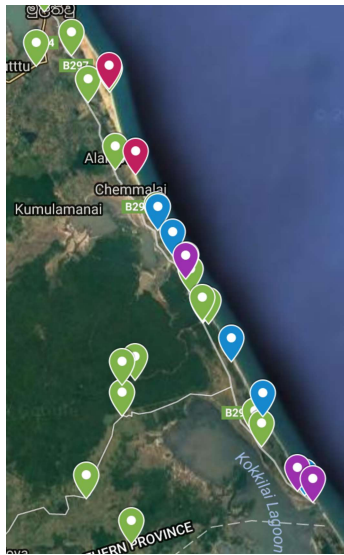


Figure 3 - Excerpt of Interactive Map – Road from Mullaitivu to Kokkilai

The last phase of the armed conflict was fought on the strip of land between Nanthikadal Lagoon and the Bay of Bengal, from Vadduvaakal Bridge to Chaalai. Here, the large military presence includes the enormous Gotabhaya Naval Station, which partially covers private land. This area also includes the headquarters of the 681 Brigade and individual camps of battalions. The brigade runs a 'war museum' on the site of its submarine dockyard near Valayanmadam, where it exhibits arms and boats captured from the Liberation Tigers of Tamil Eelam (LTTE).

Further south, a string of approximately 21 military installations line the coastal road between Mullaitivu and Kokkilai, which is a narrow but strategically important area linking the Tamil-dominated Northern and Eastern provinces. This stretch also contains reported state-sponsored Sinhala settlements.

## **(II) Extent of Land Occupied by Military in Mullaitivu**

The total area of the Mullaitivu district is 2616.9 square kilometres of which land area constitutes 2516.9 square kilometres.<sup>21</sup> This makes Mullaitivu the largest district in the Northern Province. The district is made up of 5 Divisional Secretariat (DS) divisions. More than half of Mullaitivu's land area has been declared as forest reserve or state forest land. According to official figures for 2014, total forest reserve stands at 78,856 hectares (194,857 acres) and state forest at 62,398 hectares (154,188 acres).<sup>22</sup> Hence total land in control of the forest department is 141,254 hectares (349,046 acres). This translates into approximately 1,412 square kilometres. Hence the total land area not allocated for forests is 1,116 square kilometres.

Official data received through *Right to Information Act (RTI)* applications filed by ACPR and through anonymous government sources of land occupied by the military are tabulated in Table A.

Note: The Divisional Secretariat office for the Puthukudiyiruppu Division rejected ACPR's RTI request, and ACPR is currently appealing that rejection. Similarly the response from the Thunukkai DS office also did not provide full details of army occupation. However the numbers provided herein are entirely from official sources, a combination of data obtained through anonymous contacts in Government offices or through RTI applications.

**Table A**

Divisional Secretariat	Amount of state and state-permit land occupied by military (acres)	Amount of private land occupied by military (acres)	Total amount of land occupied by military (acres)
Manthai East	10	20	30
Thunukkai	104.66	0	104.66
Puthukudiyiruppu	366.25	0	366.25
Oddusuddan	108	45	153
Maritimepattu	400	1211.5	1611.5
<b>Total</b>	<b>988.91</b>	<b>1276.50</b>	<b>2265.41</b>

However a document dated July 12, 2015, prepared by the Mullaitivu District Secretariat for a 'Resettlement Plan Meeting'<sup>23</sup> placed the extent of land occupied by the military as follows:

<sup>21</sup> Chief Secretary's Secretariat (Northern Province), 'Statistical information Handbook - Northern Province (2014)', accessed here: <<https://www.np.gov.lk/pdf/CSCluster/Statistical%20Information%20-%202014.pdf>>.

<sup>22</sup> *Ibid.*

<sup>23</sup> In file with the researchers, September 2017.

**Table B**

Divisional Secretariat	Amount of state and state-permit land occupied by military (acres)	Amount of private land occupied by military (acres)	Total amount of land occupied by military (acres)
Manthai East	594.5	0	594.5
Thunukkai	912	0	912
Puthukudiyiruppu	1152	0	1152
Oddusuddan	8377.25	55.5	8427.5
Maritimepattu	2403.75	645.88	3049.63
<b>Total</b>	<b>12,845</b>	<b>701.38</b>	<b>13,546. 38</b>

It must be emphasised that this document is from 2015 and that it was circulated at a meeting of Government officials and is not available in the public domain. The document further notes that 2,149 acres of irrigation and rain fed land has been taken over by the Mahaweli Authority affecting the land rights of 523 Tamil citizens in Kokkuthoduvaay (Maritimepattu DS division).

The discrepancy between Table A and Table B can only be explained if the Government in the past two years has released more than 10,000 acres of land occupied by the military. The Government has released some land, but not to the extent of 10,000 acres. In fact it continues to initiate legal steps to acquire more lands for the military. On August 4, 2017, the Minister of Lands gazetted notice for the acquisition of 672 acres of land for a navy camp in Vella Mullivaaykkaal/ Vattvaahal.<sup>24</sup> This leads to the question of whether the current numbers provided by Government sources (Table A) are deliberately wrong. It is also not clear whether either Table A and Table B contain details of both land occupied by the military legally (in that there has been a vesting of such property in the military under for example the State Land Ordinance) and illegally (where the military has not sought legal authority for use of State Land). Furthermore the data in Table A and Table B does not include forest land currently occupied by the military.

Mr. Thurairasa Ravikaran (a Member of the Northern Provincial Council representing Mullaitivu) has undertaken painstaking research by way of extensive field research, through interviews with affected villagers, rural development societies and other grass root organisations. Data emerging from his research is tabulated in Table C. This data was made public by Mr. Ravikaran in 2016.

**Table C**

Divisional Secretariat	Land occupied by the security forces (in acres)
Maritimepattu	17,919
Oddusuddan	12,585
Puthukudiyiruppu	1,008
Thunukkai	2,350
Manthai East	329
<b>Total</b>	<b>34,191</b>

<sup>24</sup> Government of Sri Lanka, Extra Ordinary Gazette Notification dated 04.08.2017, [http://documents.gov.lk/files/egz/2017/8/2030-44\\_E.pdf](http://documents.gov.lk/files/egz/2017/8/2030-44_E.pdf) (last accessed 04 October 2017).



Mr. Ravikaran's data of 34,191 acres in military occupation approximately translates into 138 square kilometres. 138 square kilometres constitutes 12% of the land area available for use after subtracting land allocated for forests. This seems a credible figure given the scale of military presence in Mullaitivu. Mr. Ravikaran told researchers<sup>25</sup> that even his data is a conservative estimate, particularly for reasons that he had no accurate data on land occupied by the army within areas that have been declared as forests. Mr. Ravikaran also told researchers that in a recent District Development Committee meeting in response to a question posed by him, the Department of Forests conceded that between 13,000 – 14,000 acres of land have been newly demarcated as forest land since the end of the war in 2009. Tamil activists in Vavuniya, Mannar and Mullaitivu have time and again complained that the Department of Forests has as of recently been converted into an instrument to perpetrate grab lands.<sup>26</sup> Mr. Ravikaran further told researchers that he has repeatedly raised the issue of the need for accurate information of land occupation by the security forces being available at Mullaitivu District Development Committee meetings but that Government representatives and officials have always side stepped this issue. ACPR will take up this matter with the Right to Information Commission and other forums in the near future.

Comparing figures obtained officially from Divisional Secretariat offices through the *Right to Information Act*, unofficially from government sources, and from local sources, it is evident that officially obtained government numbers significantly downplay the actual amount of land occupied by the military. Hence on the above careful analysis of the methodology used by the different actors in making their claims with regard to land occupied by the military and information available on the scale of the military presence, ACPR and PEARL are able to conclude that the claim of 30,000 acres of land being held by the security forces in Mullaitivu is credible.

One of the most important steps in moving toward comprehensive and rapid demilitarisation is a transparent and credible process of surveying land currently occupied by military forces in the Northern and Eastern provinces with a particular focus on the Vanni (Mullaitivu District, Kilinochchi District, and parts of Vavuniya and Mannar Districts).

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<sup>25</sup> Interview with Mr. Ravikaran October 2017.

<sup>26</sup> The most well known example is the Extra Ordinary Gazette notification dated 24.03.2017 taking over entire Mulism villages in Musali, Mannar. [http://documents.gov.lk/files/egz/2017/3/2011-34\\_E.pdf](http://documents.gov.lk/files/egz/2017/3/2011-34_E.pdf).

### **(III) Buddhization of Mullaitivu District**

The Sri Lankan military has been instrumental in the construction and maintenance of Buddhist temples in the North-East post-war, including in areas with no Buddhists.<sup>27</sup> The proliferation of military-built and -maintained Buddhist temples must be understood in the context of the Sri Lankan military's deeply Sinhala-Buddhist institutional character.

First, the military is almost entirely composed of Sinhala-Buddhists as a matter of policy. As Brian Blodgett's study of the Sri Lankan military from 1949 to 2004 notes, 'in 1962, a policy of recruiting only from the Sinhalese Buddhist community was instituted. This was the beginning of an ethnically pure army'.<sup>28</sup> The proportion of Tamils in both the military and the police dropped from 40% in 1956 to just 4% by 1980.<sup>29,30</sup>

Second, but just as significantly, the ethos of the Sri Lankan military became Sinhala-Buddhist: 'new [military] units were named after Sinhala kings famed in nationalist narratives for defeating Tamil opponents; Buddhist rituals were integrated into military ones; and the Buddhist clergy and military command developed a close and naturalised relationship, signifying the equivalence of protecting the State and protecting Buddhism'.<sup>31</sup>

This equivalence has been enshrined since 1972 in the Sri Lankan constitution, which states at Article 6:

The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster Buddhism while assuring to all religions the rights granted by section 18 (1)(d).

Successive governments' approaches to the armed conflict—and the post-war period—have reproduced the Sinhala-Buddhist ethos of the military. A scholar of Buddhism, Tessa Bartholomeusz, notes that the Sri Lankan government asks its military personnel to consider their campaigns against the LTTE 'as religious work' or as 'the defence of Dharma'.<sup>32</sup> Accordingly, the military's construction of Buddhist viharas in traditionally Tamil areas with no Buddhist population is a preliminary step to the Sinhala-Buddhist colonisation of these areas and a re-assertion of Sinhala-Buddhist dominance.<sup>33</sup>

In some areas, such as Vavuniya,<sup>34</sup> Kilinochchi,<sup>35</sup> and Point Pedro,<sup>36</sup> the military has built Buddha statues within or in close proximity to Hindu temples. Tensions flared in September 2017 over the

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<sup>27</sup> "Sri Lankan Army renovates Buddhist Vihara in Kilinochchi" (13 July 2017), *Tamil Guardian*, accessed here: <<http://tamilguardian.com>>.

<sup>28</sup> B. Blodgett, "Sri Lanka's Military: The Search for a Mission" (2004), *Aventine Press* at p 54.

<sup>29</sup> C. Manogaran, "Ethnic conflict and reconciliation in Sri Lanka" (1987), *University of Hawaii Press* at p129.

<sup>30</sup> D. L. Horowitz, "Coups Theories and Officers' Motives: Sri Lanka in Comparative Perspective" (2014), *Princeton University Press*.

<sup>31</sup> M. Rasaratnam, "Tamils and the Nation: India and Sri Lanka Compared" (2016), London: *Hurst & Co* at p176.

<sup>32</sup> Tessa J. Bartholomeusz, "In defense of dharma: just-war ideology in Buddhist Sri Lanka" (2002), *Routledge* at p 36.

<sup>33</sup> People for Equality and Relief in Lanka, "Withering Hopes" (20 April 2017) accessed here: <[www.pearlaction.org](http://www.pearlaction.org)>.

<sup>34</sup> "Buddhas on the A9 – Sinhalisation of Vavuniya" (5 September 2017), *Tamil Guardian*, accessed here: <<http://tamilguardian.com>>.

president's proposed attendance at an illegally constructed vihara on the premises of a Hindu temple in Mannar.<sup>37</sup> This is troubling given that, last year in Jaffna, a local Hindu priest reported that the military destroyed a Hindu temple in order to construct a Buddhist temple.<sup>38</sup> Communities in the region have forcefully opposed the construction of Buddhist structures in areas with no Buddhist civilians.<sup>39</sup>

As in the rest of the North-East, Mullaitivu District has witnessed the military's construction of Buddhist structures on both state and private Tamil lands. While Tamil landowners whose properties were occupied by the Air Force in Keppapilavu were protesting earlier this year, the military was reportedly seen constructing a Buddhist temple on their occupied land.<sup>40</sup> Despite a ban on building illegal Buddhist viharas by local authorities in 2015, another temple is being illegally constructed on land that is partially owned by a Tamil living in the Kokkilai region of Mullaitivu District.<sup>41</sup> Security forces arrested this Tamil landowner in 2015 for protesting against the military land grab.<sup>42</sup> The Buddhist temple, the Sri Sambodhi Vihara, is in an area with a heavy military presence, where the government has reportedly settled over 300 Sinhala families in recent years.<sup>43</sup>



Sri Sambodhi Vihara, Kokkilai – July 2017

Source: Authors

<sup>35</sup> "NPC condemns building of Buddhist vihara on land of Hindu temple" (17 August 2017), *Tamil Guardian*, accessed here: <<http://tamilguardian.com/content/npc-condemns-building-buddhist-vihara-land-hindu-temple>>.

<sup>36</sup> "Buddhas encroaching Kovils – Sinhalisation of Point Pedro" (12 August 2017), *Tamil Guardian*, accessed here: <<http://tamilguardian.com/content/buddhas-encroaching-kovils-sinhalisation-point-pedro>>.

<sup>37</sup> "Mannar civil society slam Sri Lankan President's plan to attend opening of illegally constructed Buddhist vihara in Thiruketheeswaram" (26 September 2017), *Tamil Guardian*, accessed here: <<http://tamilguardian.com>>.

<sup>38</sup> "Hindu temple demolished to make way for Buddhist vihara in Jaffna" (21 July 2016), *Tamil Guardian*, accessed here: <<http://tamilguardian.com>>.

<sup>39</sup> "Local authorities petition court to halt construction of Navatkuli stupa" (10 June 2017), *Tamil Guardian*, accessed here: <<http://tamilguardian.com>>.

<sup>40</sup> "Sri Lankan military building Buddhist vihara on Keppapulavu land" (15 March 2017), *Tamil Guardian*, accessed here: <<http://tamilguardian.com/content/sri-lankan-military-building-buddhist-vihara-occupied-keppapulavu-land>>.

<sup>41</sup> "Buddhist temple being constructed in Mullaitivu despite ban says NPC councillor" (20 June 2015), *Tamil Guardian*, accessed here: <<http://tamilguardian.com/content/buddhist-temple-being-constructed-mullaitivu-despite-ban-says-npc-councillor>>.

<sup>42</sup> "Arrests at protest against army-built vihara" (4 June 2015), *Tamil Guardian*, accessed here: <<http://tamilguardian.com/content/arrests-protest-against-army-built-vihara>>.

<sup>43</sup> "Colombo 'demonstrates' genocidal approach by continuing controversial Vihara at Kokku'laay" (10 October 2016), *TamilNet*, accessed here: <<https://www.tamilnet.com/art.html?catid=13&artid=38444>>.

It is important to recall that, in Mullaitivu District, most of these Buddhist viharas were constructed after the armed conflict ended. The Nayaru Rajamaha Vihara was constructed in Nayaru after 2009, across the road from the military camp of the 19<sup>th</sup> Gemunu Watch Battalion.<sup>44</sup> The 643 Brigade's headquarters in Oddusuddan has a large vihara within its premises, which is visible from the outside, that was also built after 2009.<sup>45</sup> On the south side of Vadduvaakal Bridge, the military constructed the Sri Raja Maha Vihara after capturing the area in 2009.<sup>46</sup> The military established another Buddhist temple in Mankulam, adjacent to a military camp, which former Defence Secretary Gotabhaya Rajapaksa ceremoniously opened in 2013.<sup>47</sup>

The construction of Buddhist temples, the organisation of Buddhist events by the military in majority Tamil areas, and the disregard shown to existing non-Buddhist structures, are indicative of the State's assertion of Sinhala-Buddhist dominance in the non-Buddhist regions of the island. The intersection of militarisation with this project of Buddhization is a critical reason militarisation remains a pressing issue in the North-East.

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<sup>44</sup> Field Research, Mullaitivu, July 2017.

<sup>45</sup> Field Research, Mullaitivu, June 2017.

<sup>46</sup> Field Research, Mullaitivu, July 2017.

<sup>47</sup> "Gota opens new dagoba in Kilinochchi" (18 October 2013), *Colombo Telegraph*, accessed here: <<https://www.colombotelegraph.com/index.php/gota-opens-new-dagoba-in-kilinochchi/>>.



# Impact of Militarisation on Mullaitivu

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## **(I) Land Occupation and Displacement**

As of October 2017, the most credible estimate of how much land the military occupies in Mullaitivu District is 30,000 acres.<sup>48</sup> Most of this land was taken by the Sri Lankan military post-2007, during the final stages of the armed conflict. Prior to this date, most of Mullaitivu District with the exception of Welik Oya was almost entirely under the control of the LTTE.<sup>49</sup> The military's continued occupation of large swathes of private and public lands in Mullaitivu, and in the Vanni more generally, has ensured the enduring militarisation of the region.

The military has used this occupied land to expand into the tourism and agricultural sectors, limiting local economic growth (discussed *infra*, section II). In addition, many families with occupied lands are still forced to live in substandard resettlement villages or temporary housing, as discussed in the case study below.

In the Vanni, most land is state-owned, which contrasts with an area like Jaffna, where private individuals own most of the land. State land is given for use by individuals and families through a system of permits as provided for by the Land Development Ordinance of 1935.

Following the end of the armed conflict over eight years ago, key concerns regarding the Sri Lankan military's occupation of state lands include:

- a) *Lands belonging to those who died in or were displaced by the armed conflict.* A sizeable percentage of the population was killed in the last phase of the armed conflict. Many are displaced, either outside the Vanni or even Sri Lanka. Furthermore, during the war, documentation related to state lands was destroyed and many individuals lost their personal documents related to permit lands. Problematically, in many instances the military treats as 'vacant'—and has claimed ownership of—permit lands held by people who died, were displaced, or have otherwise been unable to claim their lands.
- b) *Farms previously managed by the LTTE.* While it controlled the Vanni, the LTTE managed vast areas of land on which they *inter alia* operated farms. Since the defeat of the LTTE, these farms have been claimed by the military.
- c) *New or expanding forest reserves.* The Forestry Department has been declaring new forest reserves and expanding some existing reserves over what was previously either permit lands or private land. The military is present within these reserves in large numbers.

The underlying assumption that state lands in the Vanni are automatically available for the military's use, with no required procedures or oversight, poses grave concerns. In fact, documents accessed in research for this report demonstrate that military personnel believe state lands are available to

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<sup>48</sup> See above for explanation.

<sup>49</sup> Interviews with villagers from Keppapilavu, February 2017 and July 2017.

them as a right and dividend of the war. In one such document from 2010, a Major General wrote to a senior government official:

Therefore as the location being provided to be under LTTE, the Security Forces wish to propose the property to be given to the interest ... regiment who immensely sacrificed for the success of the army war effort to capture these areas. Hence it is kindly recommended to grant permission for ... regiment to possess this property to manage to benefit the national income.<sup>50</sup>

In another document, the Secretary to a Ministry of the Central Government, a senior official, says of an agricultural project to be undertaken by the military:

The main objective of the programme is to ensure the participation of war heroes in the national food production process mainly the domestic food crop development through cultivation of *abandoned lands* [emphasis added]. Under this programme, arrangements have been made to cultivate around 1350 acres in the army camp premises and necessary inputs and technical knowledge are to be provided by the ... authority of Sri Lanka.<sup>51</sup>

Contrary to these characterisations, state land is not synonymous with 'government land' or land belonging to the military. The Supreme Court of Sri Lanka has invoked the notion of 'public trust'<sup>52</sup> when government institutions have control over the use of natural resources. The public trust doctrine stipulates that the government's management of resources must be done with a 'public purpose'—that is, that these resources owned collectively by the people must be managed by the State in the overall public interest.

In this vein, under Sri Lanka's own domestic laws, state land must be used for public purposes. In the North-East, however, the State repeatedly relies on the false assumption that 'national security' or allocating land to the military constitutes a public purpose. This is primarily driven by the notion that state lands in the Vanni and the economic exploitation of such lands by the military is owed by the State and the public to 'war heroes'. The fact that most political actors in the Sinhalese-dominated South share this perception of land use in the Vanni exacerbates and entrenches the military's faulty logic. As a result, no government—or change in regime—has reversed the intense militarisation of the Vanni.

The 'Good Governance' regime that took power in January 2015 has promulgated the 'National Policy on Durable Solutions for Conflict Affected Displacement'. This policy specifies that state lands may only be used for a 'public purpose' and that this requirement should ensure that this land cannot be used for 'agricultural production, tourist enterprises, or recreation'.<sup>53</sup> To date, however, the military has failed to explain how its occupation of over 30,000 acres of land in Mullaitivu is for

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<sup>50</sup> Document dated August 2010 in file with the researchers.

<sup>51</sup> Document dated May 2011 in file with the researchers.

<sup>52</sup> Vasudeva Nanannayakkara Vs K.N. Chocksy SCFR 158/2007, SCM 04.06.2009, Sugathapala Mendis Vs Kumaratunge 352/2007, SCM 08.10.2008.

<sup>53</sup> Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs, "National Policy on Durable Solutions for Conflict-Affected Displacement", approved by Sri Lankan Cabinet August 16, 2016, accessed here: < <http://resettlementmin.gov.lk/>>.

the 'common good', particularly where such land is being used for military-run commercial purposes.

Under the Sri Lankan parliament's 'National Policy on Durable Solutions for Conflict-Affected Displacement', the government must both ensure that displaced persons can return to their homes as soon as possible and provide adequate housing.<sup>54</sup> Yet there is little evidence that the government has meaningfully attempted to fulfill these promises. Instead, the military's activities continue to leave hundreds of families displaced and, where land has been released, it has been done in an ad hoc fashion with inadequate resettlement assistance.

There have been multiple reports of the military destroying wells and cutting down trees on occupied lands just days before they are returned to residents.<sup>55</sup> One resident from Pilakudiyiruppu told journalists that there was '[o]il and petrol [...] spilt over the floor when we returned home. We had to wash and clean the house, but the stench is still there'.<sup>56</sup> Another said, 'the [army had] taken our doors, windows & electrical fittings, and bulldozed our houses to the ground'.<sup>57</sup>

The situation of Tamils receiving returned lands in poor condition is exacerbated by the inadequate levels of provided resettlement assistance. For example, villages often lack basic infrastructure, such as plumbing and electricity, forcing residents to start from scratch in rebuilding and affording necessary services.<sup>58</sup>

In Mullaitivu in particular, an ongoing military presence around areas that are released also inhibits residents returning because they are afraid of living among the military. 'How can we move back when I would have to send my daughter to walk between military camps in order to get to school?' one mother in Keppapilavu said.<sup>59</sup>

### **Case Study: Keppapilavu**

Keppapilavu is a Grama Niladhari (GN) division within the Maritimpattu Divisional Secretariat located in Mullaitivu District. It is comprised of four GN villages: Seeniyamottai, Sooripuram, Pilakudiyiruppu, and Keppapilavu village.<sup>60</sup>

Keppapilavu's population comprises many families that were repeatedly displaced throughout the armed conflict. Many of the residents of Sooripuram were Up-Country Tamils who fled anti-Tamil pogroms and Janatha Vimukthi Peramuna (JVP) insurrections and were resettled by the LTTE after the 1996 Battle of Mullaitivu. Within Keppapilavu, there are also families who were displaced from the Kent and Dollar Farms in the early 1980s.<sup>61</sup>

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<sup>54</sup> *Ibid.*

<sup>55</sup> Interviews with Keppapilavu protestors, February 2017.

<sup>56</sup> Ruki Fernando and Marisa De Silva, "Military Occupation: documenting civilian protests and the struggle of the newly resettled" (16 March 2017), *Groundviews*, accessed here: <<http://www.groundviews.org>>.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*; Interviews with Keppapilavu villagers, July 2017.

<sup>59</sup> Interviews with Keppapilavu villagers, July 2017.

<sup>60</sup> Shiran Illanperuma, "Long Road Home: The Lives of Mullaitivu's Displaced" (15 February 2017), *Roar*, accessed at: <<https://roar.media>>.

<sup>61</sup> *Ibid.*; Interviews with villagers from Keppapilavu, February 2017.

At the end of the armed conflict in 2009, residents from Keppapilavu were forcibly displaced when the Sri Lankan military took control of the area, sending residents to resettlement villages and displacement camps. The majority were sent to the Menik Farm camp in Vavuniya. In 2012, the UN expressed concern about the 346 people (110 families) that were scheduled to return to Keppapilavu from Menik Farm, as their land was still being occupied by the military.<sup>62</sup> These families were among the last to leave Menik Farm and, when the camp was eventually closed, many had to seek shelter in local schools and churches.<sup>63</sup>

Though the government promised to return families to their own lands, residents were instead brought to a 'Model Resettlement Village', which was originally just jungle area in Seeniyamottai, Keppapilavu. After work by the villagers and only minimal assistance from the military, a 'village' was built in this area.<sup>64</sup> The resettlement village only provided families with small plots on land that lack easy access to groundwater and is difficult to cultivate, in contrast to the extremely fertile lands from which they had been displaced.<sup>65</sup> For a community that has historically relied on subsistence farming, living in this resettlement village has proven extremely challenging.<sup>66</sup> The houses in the resettlement village were also poorly constructed, with residents complaining about 'cracks in the walls of their houses, crumbling doors, leaking roofs, and poorly made window-shutters'.<sup>67</sup> While the government claimed to have spent 550,000 LKR (~3,600USD) per house, residents feel the quality of the homes suggests otherwise.<sup>68</sup>



House in 'Model Resettlement Village' in Seeniyamottai – February 2017

Source: Authors

On January 31, 2017, 84 families from Keppapilavu began protesting outside the Air Force Camp occupying Pilakudiyiruppu, demanding the return of their lands. This followed yet another

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<sup>62</sup> United Nations News Centre, "UN hails closing of Sri Lanka displaced persons camp" (25 September 2012), accessed here: <<http://www.un.org>>.

<sup>63</sup> *Ibid.*

<sup>64</sup> Shiran Illanperuma, "Long Road Home: The Lives of Mullaitivu's Displaced" (15 February 2017), *Roar*, accessed here: <<https://roar.media>>.

<sup>65</sup> Interviews with Keppapilavu villagers, February 2017.

<sup>66</sup> *Ibid.*

<sup>67</sup> Dharsha Jegatheeswaran and Mario Arulthas, " "We will not move from here until we get our land back": from inside the Pilavu protest" (13 February 2017), *Tamil Guardian*, accessed here: <<http://www.tamilguardian.com>>.

<sup>68</sup> *Ibid.*



government official breaking a promise to release their lands that day. After 30 days of protest, 54 acres of land in Pilakudiyirrupu were finally released.

Following the release of the land in Pilakudiyirrupu, protests for the return of 482 acres of military-occupied land across all four GN divisions in Keppapilavu began outside the 54 Division, which has been occupying Keppapilavu.<sup>69</sup> At the time of the writing, however, protestors from Keppapilavu have been protesting for over 200 days, demanding the release of their lands. The 482 acres belongs to 138 families, most of who are still living in the resettlement village.<sup>70</sup> Despite multiple promises, including those by opposition leader R. Sampanthan in May 2017, only 189 acres of this land has been reportedly released as of July 2017 (though local Keppapilavu residents claim that full amount has not yet been released).<sup>71</sup> In the meantime, villagers report seeing the military use their fertile lands to harvest coconuts and sell them in local markets.<sup>72</sup> Villagers are also further deprived since they cannot access the fields they once used to raise cattle, cultivate peanuts, and grow rice paddies.<sup>73</sup>



Keppapilavu Protest – July 2017  
Source: Authors

Where land has been released, villagers have returned to find their houses and wells completely destroyed, and many of their coconut trees razed.<sup>74</sup> Over six months later, villagers still have not received any resettlement assistance from the government and are continuing to live under tarp shelters on their lands.<sup>75</sup> Some villagers have not moved back yet because of the continuing presence of large military camps in the area.<sup>76</sup>

<sup>69</sup> Interviews with Keppapilavu villagers, July 2017.

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*; 'Release of Keppapilavu lands today Owners to get back 189 acres' (19 July 2017), *Ceylon Today*, accessed here: <[www.ceylontoday.lk](http://www.ceylontoday.lk)>.

<sup>72</sup> Interviews with Keppapilavu villagers, July 2017.

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

The placement of military camps within Keppapilavu requires schoolchildren to walk by them to get to school and necessitates that residents take a four-kilometre detour in order to reach farming land.<sup>77</sup> This has deterred some villagers, particularly women-headed households, from returning to their lands where they may become even more vulnerable to harassment from the military.<sup>78</sup>

In late July 2017, the Minister for Prison Reforms, Rehabilitation, and Resettlement, D.M. Swaminathan told the press that the government would pay the military 140 million LKR (~915,000 USD) to return 100 acres of land in Keppapilavu to its rightful owners.<sup>79</sup> This announcement was met with severe backlash from Keppapilavu residents, who felt it was unjust to pay the military to return lands which they had been illegally occupying and from which they had been profiting for years.<sup>80</sup> This also raises serious concerns about corruption and the nature of the military's relationship with the central government, since the central government must financially incentivise the military to follow orders. Nonetheless, almost two months after this announcement, additional lands in Keppapilavu have yet to be released.

The ad hoc process of land return in Keppapilavu only seems to move forward when there is continuous international pressure, serving as one example of the Sri Lankan government's slow pace of progress with respect to ending its illegal military occupation. It also exemplifies the government's failure to implement the 'National Policy' and ensure fair resettlement assistance. Additionally, the situation in Keppapilavu demonstrates the importance of linking demilitarisation with land release, as it is not sufficient for the military to release private lands only to move onto adjacent state land.

The overall objective of the army is to make those lands uninhabitable. As previously noted, these measures include the wanton destruction of houses and wells after the end of the armed conflict as well as the presence of military on lands adjacent to Tamil homes. By rendering these lands uninhabitable and then releasing them, the government is creating an environment where there is access to land but no proper conditions for resettlement. This is particularly true when there are no schemes to support resettlement while, in stark contrast, the government has allocated a generous budget for army relocation expenses.

Many civil society actors in the North-East share a fear that there will be no proper resettlement, leading to: (1) the military's reoccupation of lands, this time with the purported justification that there is no interest in resettlement since owners can access their land, and (2) a sense of fatigue and defeat following the thwarting of the overall drive for the release of lands.

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<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> "Mullaitivu land to be handed over to its rightful owners" (26 July 2017), *Daily Mirror*, accessed here: <<http://www.dailymirror.lk>>; "Army urged to release land with Rs148m incentive for new complex in Mullaitivu" (28 July 2017), *Tamil Guardian*, accessed here: <<http://www.tamilguardian.com>>.

<sup>80</sup> Interviews with Keppapilavu activist over the phone, August 2017.

## **(II) Impact on Livelihood Opportunities and Economic Growth in Mullaitivu**

The militarisation of Mullaitivu is accomplished through the military's numerically, disproportionately large presence and its intrusions into the civilian economy. According to the last survey conducted by the Sri Lankan government's Department of Census and Statistics in 2012/2013, Mullaitivu is the poorest district in the country, with 24.8% of households considered below the poverty line. This figure is six percentage points higher than the next poorest district.<sup>81</sup> Accordingly, Mullaitivu has the lowest average household income in the country, at 23,687 LKR (~150 USD) per month.<sup>82</sup>

Despite this context, the government has permitted the military to fill this economic vacuum. Meanwhile, the overwhelming need to develop local industries, capacity, and civilian infrastructure to enable greater economic growth goes unheeded. Instead, the post-2009 era has seen the military strengthen its grip on the economy while doing little to alleviate the poverty of the district most affected by the war.

The military intervenes in the Mullaitivu economy through three primary vehicles: (1) the establishment and operation of its own businesses, (2) the employment of civilians in the military-run Civil Security Department (CSD), and (3) its interference in private sector investment.

### **I. Military-operated businesses**

Since the armed conflict ended in 2009, the military has increasingly undertaken commercial activities, particularly in the Vanni region. Its activities range from agricultural and animal husbandry projects to tourism and commerce. The military's intrusion into these commercial activities not only inhibits local economic growth but also serves as another avenue to increase military control over the Vanni region.

According to one local District Secretariat Divisional office, there are at least 18,000 unemployed youth in Mullaitivu District.<sup>83</sup> The high rate of unemployment has compounded due to the military appropriation of civilian industries that could have otherwise employed civilians.

With respect to agricultural and animal husbandry projects, local communities report difficulties in competing with military-run shops and produce stalls in markets because the military's prices are below-market.<sup>84</sup> In Mullaitivu, the Army's Directorate for Agriculture and Livestock operates the Udayarkattukulam farm. An Army-run farm exists in Nachchikuda, right on the border with Kilinochchi District, while another still is in Vellankulam, on the border with Mannar District.<sup>85</sup> Of thirteen farms officially operated by the army, six are based in the North-East. According to the army's website:

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<sup>81</sup> Sri Lankan Department of Census and Statistics, "Household Income and Expenditure Survey 2012/2013" (31 March 2015), at p 42, accessed at <<http://www.statistics.gov.lk/>>.

<sup>82</sup> *Ibid* at p 16.

<sup>83</sup> Interview with Maritimé pattue DS, June 2017.

<sup>84</sup> Interviews with Tamil communities, Mullaitivu, June – July 2017.

<sup>85</sup> Sri Lankan Army Website, "Army Establishes Its New Directorate for Agriculture and Livestock" accessed at: <<http://www.army.lk/>>.

Those farms grow paddy, corn, vegetables, fruits, coconuts, sugarcane, peanuts, oranges, areca nut, cinnamon, banana, jak, seasonal crops and produce dairy products. In addition, some of those farms conduct animal husbandry, poultry and dairy cattle.<sup>86</sup>

While the army states that it 'sells the harvest to the public at reasonable price', it has been widely reported that produce from army farms is sold at below-market prices, making it difficult for local farmers to compete.<sup>87</sup>

In addition to agricultural and animal husbandry projects, the military has also engaged in other commercial activities, such as brick-making,<sup>88</sup> yogurt production,<sup>89</sup> and tourism.

### **Case Study: Tourism**

In Mullaitivu alone, the military runs at least five different hotels and resorts: Lagoon's Edge Resort, Nanthikadal Guest House, Green Jackets Resort, Bugler's Nest, and the Ocean View Holiday Bungalow. The first two resorts are in areas where the last days of the armed conflict were fought and thousands of Tamils were killed.<sup>90</sup> Both opened in 2012, a mere three years after the war ended, in a region where many Tamils are still searching for their loved ones.

Reporting on the opening of Lagoon's Edge Resort, former BBC correspondent Frances Harrison said, '[the hotel] caters for Sinhala war tourists who want to see the last bastion of the defeated Tamil Tiger rebels.' The hotel was opened by then President Mahinda Rajapaksa and his brother, then Secretary of Defence Gotabhaya Rajapaksa.<sup>91</sup>



Former President Mahinda Rajapaksa at Opening of Lagoon's Edge Resort, Mullaitivu – November 2012  
Source: Lagoon's Edge Resort Facebook Page

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<sup>86</sup> Sri Lankan Army Website, "Army Establishes Its New Directorate for Agriculture and Livestock" accessed at: <<http://www.army.lk/>>.

<sup>87</sup> Interviews with Tamil communities, Mullaitivu, June – July 2017; Law and Society Trust, "Biting the Bullet: Demilitarising Economic Relations in Post-War Sri Lanka" (May 2017), at p 3-4, accessed at <[www.lawandsocietytrust.org](http://www.lawandsocietytrust.org/)>.

<sup>88</sup> Civil Security Department, "Performance Report 2016" at p 97 and 99, accessed here: <[http://www.csd.lk](http://www.csd.lk/)>.

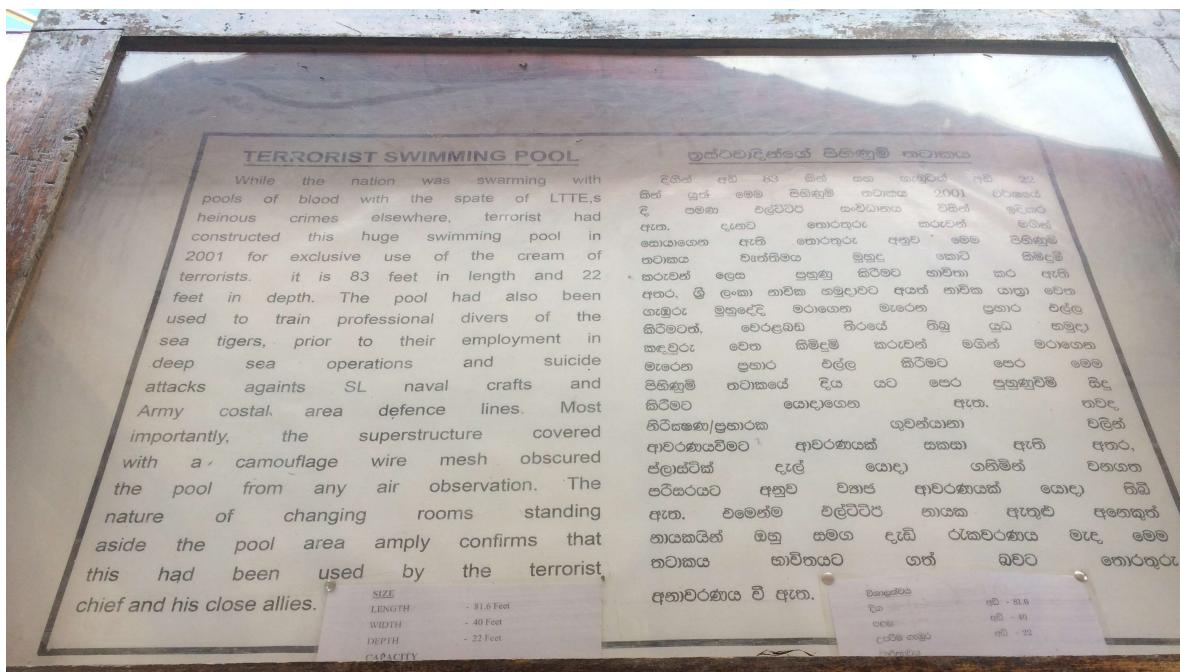
<sup>89</sup> Sri Lankan Army, "New 'Yoghurt' Unit Inside the Camp to Buy More Milk from Civilians" (16 January 2017), accessed here: <[www.army.lk](http://www.army.lk/)>.

<sup>90</sup> Sri Lanka Campaign, "Visiting Sri Lanka? #TravelEthicalSL" accessed at: <[www.srilankacampaign.org](http://www.srilankacampaign.org/)>.

<sup>91</sup> "Army builds hotel on shores of Nanthikadal Lagoon" (25 December 2012), *Tamil Guardian*, accessed here: <[www.tamilguardian.com](http://www.tamilguardian.com/)>.

The military's foray into tourism in Mullaitivu cannot be disconnected from its larger project of promoting and maintaining a victors' narrative about the war. The two resorts located directly on Nanthikadal Lagoon provide visitors with a war tourism experience, directed by the military and from its perspective.<sup>92</sup> Additionally, as seen from the online map accompanying this report, the military has built various war monuments throughout Mullaitivu to celebrate its victory over the LTTE.

The military also operates three separate war museums in the Mullaitivu area, one in the location of a former LTTE training facility, one next to a war monument, and another that comprises a collection of the LTTE's naval equipment.<sup>93</sup> All of the monuments and museums carry signs stating that the armed conflict was a 'humanitarian rescue operation' by the Sri Lankan military to save Tamil civilians from the LTTE.<sup>94</sup> There is no mention of the tens of thousands of Tamil civilian casualties or allegations of atrocity crimes. This leads to larger concerns about memorialisation and the government's obstacles to Tamil remembrance activities (discussed *infra*, section III).



Sign at LTTE Training Facility Museum in Mullaitivu (Only in English and Sinhala) – July 2017  
Source: Authors

While local government officials agree that tourism could be a useful industry to develop in Mullaitivu, they believe it must be led by civilians and be sensitive to the atrocity crimes that occurred in the region.<sup>95</sup> Local communities also see some hope in developing a tourism industry, but they insist that it cannot be used to promote the victors' narrative being spread by the military.<sup>96</sup>

<sup>92</sup> *Ibid.*

<sup>93</sup> Field Research, Mullaitivu, June 2017.

<sup>94</sup> *Ibid.*

<sup>95</sup> Interview with District Secretariats, Mullaitivu, June 2017.

<sup>96</sup> Interviews with local Tamil communities, Mullaitivu, June – July 2017.



Currently, the military continues to dominate the tourism economy in Mullaitivu. In addition to profiting from these enterprises, the military benefits from its continued promotion of a distorted narrative about the armed conflict and the military's role.

## **2. Civil Security Department**

The Civil Security Department (CSD) is a branch of the military that was created in 2006 from the former National Home Guard.<sup>97</sup> Prior to 2009, the CSD largely confined itself to border villages and the Eastern Province and was regarded as a counter-insurgency initiative.<sup>98</sup>

In 2012, the CSD began introducing programs in the Vanni, primarily recruiting former LTTE cadres and war-affected women to work on farms and as pre-school teachers, among other jobs.<sup>99</sup> While these jobs provided much-needed livelihood opportunities, they have also caused serious social and economic problems in the North-East.<sup>100</sup> Through the CSD, these already vulnerable communities have become economically dependent on the military, which has led to the suppression of civic and political activism, the manipulation of these communities for military objectives, the destruction of community identity and cohesiveness, and the further marginalisation of Tamil women.<sup>101</sup>

Similar to the effects caused by military-run businesses, the CSD has repressed local economic growth. Produce from CSD-run farms is usually sold at below-market rates, and the CSD also pays salaries that are far above market-rate, making it difficult for civilian businesses to recruit employees.<sup>102</sup> In addition, the CSD has facilitated the work of leasing companies that aggressively pursued war-affected populations in the Vanni, contributing to the cycle of debt and loans that has plagued the Mullaitivu region since the war ended.<sup>103</sup> More insidiously, the CSD runs pre-schools that actively compete with locally run pre-schools that have tried to prevent the CSD's intrusion into early childhood education.<sup>104</sup>



Military issues stationeries to nursery kids in a military run pre-school in Aandapuram, Kilinochchi - May 28 2017

Source: [army.lk](http://army.lk)

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<sup>97</sup> Dharsha Jegatheeswaran, "Civil Security Department: The Deep Militarisation of the Vanni" (September 2017) *Adayaalam Centre for Policy Research*, at p 3-4 accessed here: <[www.adayaalam.org](http://www.adayaalam.org)>.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Ibid* at p 6.

<sup>100</sup> *Ibid* – full report.

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid* at p 13-17.

<sup>103</sup> *Ibid* at p 16-17.

<sup>104</sup> *Ibid* at p 14-15.



The CSD must be acknowledged as part of the larger project of militarisation of the Vanni, which continues the military's control over and subjugation of the war-affected Tamil communities living there. Earlier this year, the CSD introduced mandatory military training for all CSD farm employees, requiring them to wear military uniforms at public events and in public spaces.<sup>105</sup> The CSD has also enabled an increasing military presence in pre-schools in Mullaitivu, as military personnel often frequent awards and sports ceremonies, and pre-school children at CSD schools are given CSD uniforms.<sup>106</sup>

Interestingly, despite the increased salaries provided by the CSD, most CSD employees report being no better off financially than before they started working for the CSD. This is particularly the case given their increasing debts and the lack of other livelihood opportunities. Therefore, many CSD employees feel they must keep their military employment in order to at least maintain their financial situation.<sup>107</sup>

### **3. Military interference in private sector investment**

In addition to running its own businesses and operating the CSD, the military has become a major player with respect to private investment in the Vanni region, including in Mullaitivu. The military appears to play a significant role both as a solicitor of private capital investment to the area and as a 'human resources' manager, often coordinating hiring and recruitment processes.

For example, on May 19, 2017, the Sri Lanka Army website announced:

A new training centre for potential 35 ladies and youths expecting to join the garment industry in future came into operation on Thursday (18) after the Security Force Headquarters – Mullaitivu (SFHQ–MLT) took initiatives to establish a new garment factory in collaboration with the District Secretary for Mullaitivu and garment industrialists.<sup>108</sup>

The initiative is a two-phase project by multi-national corporation Global Design Tex Ltd (GDT), which sought to open a training centre followed by a garment factory that is expected to employ 300 individuals. The Sri Lanka Army was key in helping GDT set up the operation and secure permits. Then, perhaps most problematically, the army coordinated recruitment and hiring.<sup>109</sup>

Last year, another large garment factory established in Mullaitivu followed a similar process. The Hirdaramani group opened a 450 million-rupee garment factory in Mullaitivu on January 24, 2016, with major assistance from the Sri Lankan army. Speaking to *The Daily Mirror*, Hirdaramani Group Director Janak Hirdaramani said, '[t]he biggest challenge being the lack of jobs, with the support of

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<sup>105</sup> *Ibid* at p 11-12.

<sup>106</sup> *Ibid* at p 10-11.

<sup>107</sup> *Ibid* at p 16.

<sup>108</sup> Sri Lankan Army, "Garment Industry Training Centre Goes to Mullaitivu with SFHQ-MLT Initiatives" (19 May 2017), accessed at: <[www.army.lk](http://www.army.lk)>.

<sup>109</sup> "Global Design Tex launches 1<sup>st</sup> TDC in Mullaitivu" (26 May 2017), *Sri Lanka Mirror*, accessed here: <<http://srilankamirror.com/>>.

the army, we were able to set up a training facility in Mullaitivu'.<sup>110</sup> When plans began for the factory two years prior, in 2014, it was clear that the army viewed the Hirdaramani investment as one of its successes, characterising it as such on their website: 'SFHQ-MLT Initiatives Get Hirdaramani Factory Branch for Mullaitivu'. During this initial process, the army was extensively involved in the recruitment and hiring process:

SFHQ-MLT on 2 June 2014 took an initiative calling for potential applicants willing to join the industry and interviews thereafter were attended by about 160 woman applicants, but only 35 females were qualified to take up such openings, as per their qualifications.

Afterwards the SFHQ-MLT, making one of its buildings available to the industry, facilitated the conduct of training sessions for those selected woman applicants for two months before they are to be absorbed as permanent employees. Hirdaramani provided training resources.<sup>111</sup>

The person credited with bringing the Hirdaramani group project to Mullaitivu was none other than Major General Jagath Dias, then Commander of the Mullaitivu Security Force Headquarters,<sup>112</sup> who has been accused of committing atrocity crimes during the armed conflict.<sup>113</sup>

Giving the military control over attracting private capital investment to Mullaitivu, managing such investment, and recruiting and hiring decisions, adds to the existing power imbalance between the military and the war-affected Vanni population. It also discourages private capital investment from socially responsible corporations, segments of the Tamil diaspora, and others who do not want to engage in business with a military accused of atrocity crimes.

Strengthening the military's control over the economy does not address or alleviate the poverty issues in Mullaitivu. Instead, it makes the population economically dependent on the military and, thereby, more vulnerable. As numerous scholars have written since 2009, the answer to the North's development issues cannot be the military.<sup>114</sup>

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<sup>110</sup> "Hirdaramani opens Rs450mn Apparel Factory in Mullaitivu" (25 January 2016), *Daily Mirror*, accessed here: <<http://www.dailymirror.lk/>>.

<sup>111</sup> Sri Lankan Army, "SFHQ-MLT Initiatives Get Hirdaramani Factory Branch for Mullaitivu", accessed here: <http://www.army.lk/>.

<sup>112</sup> *Ibid.*

<sup>113</sup> International Truth and Justice Project, "Jagath Dias" (26 May 2017), accessed here: <[www.itjpsl.com](http://www.itjpsl.com)>.

<sup>114</sup> Ambika Satkunanathan, "Militarisation as panacea: development and reconciliation in post-war Sri Lanka" (19 March 2013), accessed here: <[www.opendemocracy.net](http://www.opendemocracy.net)>; Law and Society Trust, "Biting the Bullet: Demilitarising Economic Relations in Post-War Sri Lanka" (May 2017), accessed at <[www.lawandsocietytrust.org](http://www.lawandsocietytrust.org)>.

### **(III) Surveillance and Suppression of Civic Activism**

The military's almost ubiquitous presence throughout Mullaitivu illustrates how surveillance has become an important feature of the region since the end of the armed conflict eight years ago. Even with the regime change, Mullaitivu has seen little improvement in the culture of surveillance perpetuated by the military and police, which furthers local communities' distrust of the State.<sup>115</sup>

The Sri Lankan government and its security forces allege that surveillance is necessary to protect the security of the nation and, specifically, that these activities prevent the re-grouping of the LTTE.<sup>116</sup> To reassure the Buddhist clergy, the government has emphasised that it is 'firmly in control'.<sup>117</sup> Yet the levels of surveillance of former LTTE cadres in Mullaitivu District borders harassment and has led to these cadres' isolation and greater stigmatisation in their communities.<sup>118</sup>

Surveillance also targets civil society groups, families of disappeared, activists, journalists, and the general community. For example, in the small space that has opened up since the regime change in 2015, many communities have turned to roadside protests to demand justice, including for land displacement and disappearances. Yet plainclothes intelligence officers consistently monitor these protests by taking photographs and videos and even questioning participants.<sup>119</sup> Women protestors, in particular, have been subjected to 'intimidating surveillance'.<sup>120</sup> Officials ask for information about their activities and question neighbours and relatives of activists.<sup>121</sup> As recently as August 2017, unidentified men attacked a woman actively involved in protests by families of disappeared in Mullaitivu, demanding that she stay away from the protests. The woman's husband was taken by the Sri Lanka Navy at the end of the armed conflict.<sup>122</sup>

The surveillance of those engaged in civic or political activism has contributed to a chilling effect. With the exception of the few involved in protests, communities in Mullaitivu told researchers that they were often too afraid to engage in civic or political activism for fear of being interrogated by security forces about their participation.<sup>123</sup>

Surveillance also extends to those who attempt to report on issues, conduct research, or provide trainings in the region. After providing workshops to local communities, civil society actors are often

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<sup>115</sup> International Crisis Group, "Sri Lanka's Transition to Nowhere" (16 May 2017) accessed here:

<<https://www.crisisgroup.org/asia/south-asia/sri-lanka/286-sri-lanka-s-transition-nowhere>>.

<sup>116</sup> Interviews with Tamil civil society activists, Jaffna, July 2017.

<sup>117</sup> "Sri Lanka's military to facilitate Buddhist monk delegation visit to Jaffna" (26 August 2017), *Tamil Guardian*, accessed here: <<http://tamilguardian.com/content/sri-lankas-military-facilitate-buddhist-monk-delegation-visit-jaffna>>; "Army insists No Chance of LTTE Regrouping" (12 September 2016), *Sunday Leader*, accessed here: <<http://www.thesundayleader.lk/2016/09/12/army-insists-no-chance-of-ltte-resurgence/>>.

<sup>118</sup> Interviews with former LTTE cadres, Mullaitivu, June – July 2017.

<sup>119</sup> Interviews with protestors, Keppapilavu, February 2017, May 2017; Interview with protestors, Mullaitivu, June 2017.

<sup>120</sup> International Crisis Group, "Sri Lanka's Conflict-Affected Women: Dealing with the Legacy of War" (28 July 2017) accessed here: <<https://www.crisisgroup.org/asia/south-asia/sri-lanka/289-sri-lankas-conflict-affected-women-dealing-legacy-war>>.

<sup>121</sup> Interviews with Families of Disappeared, Mullaitivu and Kilinochchi, August 2017.

<sup>122</sup> "Tamil woman at forefront of Mullaitivu disappearances protest assaulted and threatened with death" (15 August 2017), *Tamil Guardian* accessed here: <<http://tamilguardian.com/content/tamil-woman-forefront-mullaitivu-disappearances-protest-assaulted-and-threatened-death>>.

<sup>123</sup> Interviews with Tamil communities, Mullaitivu and Kilinochchi, June – July 2017.

questioned about the purpose of these workshops and the names of participants.<sup>124</sup> Even government-mandated processes, such as the consultations conducted by the Zonal Task Force of the National Consultation Task Force in the region, have been subjected to surveillance.<sup>125</sup> Following consultations, plainclothes officers visited some actors involved in the Zonal Task Force at home to ask about their work.<sup>126</sup> Other reports have also emerged that intelligence personnel were visibly present in and around consultation sites.<sup>127</sup>

Multiple arms of the security sector are engaged in intelligence work, making it difficult to hold intelligence personnel accountable, as an officer's exact affiliation is often unknown.<sup>128</sup> In addition to conducting direct surveillance, the military has co-opted some of the most vulnerable segments of the population in Mullaitivu to covertly conduct surveillance.<sup>129</sup> This use of civilians for surveillance has further sown the seeds of suspicion and distrust among communities while contributing to a breakdown in community cohesion.<sup>130</sup>

The result of this constant presence and surveillance is a persistent climate of fear and intimidation in Mullaitivu.<sup>131</sup> The consequences of these dynamics on Tamil communities are significant. The extent of militarisation in Mullaitivu restricts civil society and re-traumatizes communities, including through the ubiquity of the State's victory monuments. Surveillance has become the norm at protests, remembrance events, and other spaces in which Tamils come together politically.<sup>132</sup> While physical interference and attacks by the military do not occur at Tamil remembrance events as they did only a few years ago,<sup>133</sup> this gathering of information is likely to result in targeted violence by the military.

Surveillance also adds to the widely held perception that the current sense of relative openness is only a temporary respite, not a permanent change.<sup>134</sup> During the ceasefire, a period of relative freedom, individuals who had publicly spoken on political issues, despite surveillance, were arrested or killed once active conflict increased again.<sup>135</sup> Concerns about history repeating itself have contributed to a collective reluctance to participate in civic activism.

While surveillance issues in Mullaitivu exist across the North-East, they are exacerbated by the military's extensive presence in this region in particular.

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<sup>124</sup> Interviews with civil society actors, Jaffna, May – July 2017.

<sup>125</sup> Interviews with civil society actors from Vanni, Jaffna, May 2017.

<sup>126</sup> *Ibid.*

<sup>127</sup> *Ibid.*

<sup>128</sup> Interview with Tamil journalist, Jaffna, May 2017.

<sup>129</sup> Interviews with Tamil communities, Mullaitivu and Kilinochchi, June – July 2017.

<sup>130</sup> *Ibid.*; Dharsha Jegatheeswaran "Civil Security Department: The Deep Militarisation of the Vanni" (September 2017), *Adayaalam Centre for Policy Research*, accessed here: < <http://www.adayaalam.org/wp-content/uploads/2017/09/ACPR-Report-Civil-Security-Department-The-Deep-Militarisation-of-the-Vanni.pdf>>.

<sup>131</sup> "SL military deploys sophisticated surveillance against peaceful protesters" (26 April 2017), *TamilNet*, accessed here: <<https://www.tamilnet.com/art.html?catid=13&artid=38659>>.

<sup>132</sup> "Tamil families march across the North-East to mark International Day of Victims of Enforced Disappearance" (Aug 30, 2017), *Tamil Guardian*, accessed here: < <http://www.tamilguardian.com/content/tamil-families-march-across-north-east-mark-international-day-victims-enforced-disappearance>>.

<sup>133</sup> "Sri Lanka's Jaffna sees clashes over Tamil rebel remembrance" (Nov 28, 2012), *BBC*, accessed here: <<http://www.bbc.com/news/world-asia-20531233>>.

<sup>134</sup> Interviews July 2017; Interview with Tamil journalist, Jaffna, May 2017.

<sup>135</sup> Interviews with civil society actors, Jaffna, May – June 2017; Interview with Tamil journalist, Jaffna, May 2017.

## **Case Study: Memorialisation**

The suppression of memorialisation in Mullaitivu demonstrates the operation and impact of the security sector's surveillance and suppression of civic activism. Despite the opening up of space after the 2015 regime change, memorialisation by Tamil communities in the North-East is one area that remains restricted. Communities and activists in the North-East continue to routinely experience harassment and surveillance when they attempt to honour their dead.<sup>136</sup> As a result, fear of repercussions prevents many from participating in memorialisation activities.

Mullaitivu District was the final site of the armed conflict and where the military committed a large number of atrocity crimes, killing thousands of Tamils at Mullivaikkaal. Therefore, the district holds an important place in Tamil society and memory. The last day of the armed conflict, May 18, is marked universally as the day to commemorate those Tamils who were killed at Mullivaikkaal.<sup>137</sup> However, in Mullaitivu District, the security forces strongly resist and suppress any memorialisation of Tamil civilians or combatants who died during the armed conflict.<sup>138</sup> While there are a number of monuments around Mullaitivu celebrating the military's victory over the LTTE, local communities have been unable to build monuments for the thousands of Tamils killed.<sup>139</sup>

Survivors' pursuit of acknowledgment of their suffering and information about the whereabouts and fates of their loved ones continues to be met with obstruction and harassment.<sup>140</sup> Nevertheless, many persevere out of the belief that it is 'their duty' to commemorate those who were lost.<sup>141</sup>

This year, in the weeks leading up to May 18, security forces harassed members of civil society who were attempting to build a memorial for those who died at Mullivaikkaal. In planning the memorial, the community had submitted names of their loved ones who had been killed in Mullivaikkaal to be carved on stones.<sup>142</sup> The police claimed that some of these names belonged to former LTTE combatants and that, as a result, the memorial was illegal. Ultimately, police obtained an injunctive order that prohibited the community from going forward with the memorial event.<sup>143</sup> Civil society challenged the order in the Magistrate Court and are now pursuing a revision petition in the

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<sup>136</sup> "Tamils remember massacred civilians at Mullivaikkaal beach" (18 May 2017), *Tamil Guardian*, accessed here: <<http://www.tamilguardian.com/content/tamils-remember-massacred-civilians-mullivaikkaal-beach>>.

<sup>137</sup> People for Equality and Relief in Lanka "Erasing the Past: Repression of Memorialisation in North-East Sri Lanka" (1 November 2017), accessed here: <<http://pearlaction.org/wp-content/uploads/2016/11/PEARL-Erasing-the-Past-Nov-1-2016-Report-B-I.pdf>>.

<sup>138</sup> Adayaalam Centre for Policy Research, "ACPR condemns repression of May 18 memorialisation efforts" (17 May 2017), accessed here: <<http://www.adayaalam.org/2017/05/17/statement-acpr-condemns-repression-of-may-18-memorialisation-efforts/>>.

<sup>139</sup> *Ibid.*

<sup>140</sup> "Tamil woman at forefront of Mullaitivu disappearances protest assaulted and threatened with death" (15 August 2017), *Tamil Guardian*, accessed here: <<http://tamilguardian.com/content/tamil-woman-forefront-mullaitivu-disappearances-protest-assaulted-and-threatened-death>>.

<sup>141</sup> People for Equality and Relief in Lanka "Erasing the Past: Repression of Memorialisation in North-East Sri Lanka" (1 November 2017), accessed here: <<http://pearlaction.org/wp-content/uploads/2016/11/PEARL-Erasing-the-Past-Nov-1-2016-Report-B-I.pdf>>.

<sup>142</sup> *Ibid.*

<sup>143</sup> Adayaalam Centre for Policy Research, "ACPR condemns repression of May 18 memorialisation efforts" (17 May 2017), accessed here: <<http://www.adayaalam.org/2017/05/17/statement-acpr-condemns-repression-of-may-18-memorialisation-efforts/>>.

Vavuniya High Court on multiple grounds, including that: (1) it is legal to commemorate former combatants as individuals, and (2) the police should not determine what is considered an appropriate commemoration activity.<sup>144</sup>



Site of Mullivaikkaal Memorial by Civil Society – May 2017  
*Source: Authors*

Only weeks prior to this aggressive repression of memorialisation, the government's Office of National Unity and Reconciliation passed a policy that emphasised the importance of memorialisation.<sup>145</sup> The Human Rights Commission of Sri Lanka even wrote a letter to the president clearly stating that none of the planned memorial activities violated the law.<sup>146</sup> But the security forces have paid these documents no heed. As this incident demonstrates, regardless of government policies, the security forces' extensive, entrenched presence in the region continues to heavily repress memorialisation in Mullaitivu, as well as the Vanni more broadly.

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<sup>144</sup> Interview with Mr. Kumaravadivel Guruparan, lawyer for the case, September 2017.

<sup>145</sup> Office of National Unity and Reconciliation, "National Policy on Reconciliation" (6 May 2017).

<sup>146</sup> Human Rights Commission of Sri Lanka, "Letter to President Sirisena" (07 June 2017), accessed here: <http://hrcls.lk/english/wp-content/uploads/2017/06/Letter-to-H.E.-President-Memorialisation-and-Reconciliation-E.pdf>.



## **(IV) Marginalisation of Women**

The heavy militarisation of the Mullaitivu region further marginalises and increases the vulnerability of women living in the area, particularly former LTTE cadres and those who singularly head households.

The issues of displacement, lack of livelihood, and surveillance pose even larger challenges for Tamil women than Tamil men in Mullaitivu. Compared to men, they face greater restrictions in trying to access government services and remedies. They are also more vulnerable due to heightened fears of sexual violence and harassment, a large reason for which is militarisation.<sup>147</sup> Even women journalists and those in civil society are targeted by security forces before their men counterparts.<sup>148</sup> In addition, some segments of Tamil women are also subjected to stigmatisation in their local communities, particularly former LTTE cadres and war widows.<sup>149</sup>

Members of the military are not only perpetrators of sexual violence against women but also de facto decision-makers in certain areas. This leaves little recourse for women who have been victims of sexual violence by either military or civilians. All the Tamil women in Mullaitivu who were interviewed for this report said they felt safer when the LTTE governed the area.<sup>150</sup> During that time, women reported that they had felt able to walk or cycle home at any time of night without feeling afraid. They attributed this to the LTTE's severe measures against anyone—including their own—who committed sexual harassment or violence.<sup>151</sup>

In the post-war context, the military and police have taken charge of these areas and are responsible for security and, to some extent, governance. Women report that the police rarely take seriously their complaints of sexual violence or harassment. Furthermore, many feel they have no one to whom to report any crimes perpetrated by security forces.<sup>152</sup>

In the rare instances in which complaints are filed against military personnel, Tamil women report feeling scared of reprisals. In one instance, an older soldier attempted to ask an underage Tamil girl in Mullaitivu to get married and her family filed a complaint with the local police.<sup>153</sup> The police arrested the soldier but released him shortly thereafter. Now, the young girl and her family live in fear of reprisals from the soldier and others in the military.<sup>154</sup>

Recently, the Women's Action Network reported a number of cases of sexual bribery occurring in the North-East, including in Mullaitivu. Cases involved government officers and politicians who tried

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<sup>147</sup> Interviews with Women's Rights Activists, Mullaitivu, June - July 2017; Interviews with Tamil communities, Mullaitivu, June - July 2017; International Crisis Group, "Sri Lanka's Conflict-Affected Women: Dealing with the Legacy of War" (28 July 2017), at p 8 -10 accessed here: [www.crisisgroup.org](http://www.crisisgroup.org) ["Crisis Group Report"].

<sup>148</sup> Interviews with Tamil journalists, Jaffna, May 2017; Interviews with Tamil civil society, Jaffna, May 2017.

<sup>149</sup> *Ibid.*

<sup>150</sup> Interviews with Tamil communities, Mullaitivu, June - July 2017. This finding was also made by International Crisis Group in the above cited 'Crisis Group Report'.

<sup>151</sup> *Ibid.*

<sup>152</sup> *Ibid.*; Interviews with Women's Rights Activists, Mullaitivu, June - July 2017.

<sup>153</sup> Interview with Tamil community, Mullaitivu, July 2017.

<sup>154</sup> *Ibid.*

to sexually bribe Tamil women who were seeking access to social services.<sup>155</sup> Some of these cases involved women relatives of disappeared persons, who often have to interact with numerous military personnel and government officers in their on-going search for their children and family members.<sup>156</sup>

While both women and men are stigmatised by their communities if they attract attention from the military, women face greater marginalisation. For example, in many communities where Tamil individuals work for the CSD, Tamil women employees are stigmatised more than men because communities believe women employees are voluntarily engaging in sexual relations with soldiers. This assumption is compounded by gender stereotypes and misogyny.<sup>157</sup>

Despite all of the above, Tamil women continue to be at the forefront of resisting militarisation as well as leading protests and community activism in Mullaitivu.<sup>158</sup> At great risk to the safety of their families and themselves, Tamil women have been creating spaces for activism, pushing the boundaries of challenging the military occupation of lands, and fighting for truth and accountability in Mullaitivu in the post-war context.<sup>159</sup>

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<sup>155</sup> Women's Action Network, "Women's Access to Justice in the North and East of Sri Lanka" (August 2016), *CEDAW Shadow Report submitted by WAN*, at p 10 – 15 accessed here: <[tbinternet.ohchr.org](http://tbinternet.ohchr.org)>.

<sup>156</sup> *Ibid.*

<sup>157</sup> Dharsha Jegatheeswaran, "Civil Security Department: The Deep Militarisation of the Vanni" (September 2017) *Adayaalam Centre for Policy Research*, at p 21 accessed here: <[www.adayaalam.org](http://www.adayaalam.org)>.

<sup>158</sup> Interviews with protesting communities in Mullaitivu, February – August 2017.

<sup>159</sup> *Ibid.*

## Conclusion and Recommendations

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In co-sponsoring HRC Resolution 30/I, the Sri Lankan government agreed to undertake efforts toward 'the ending of military involvement in civilian activities, [and] ... the restoration of normality to civilian life'.<sup>160</sup> The government also agreed to 'accelerate the return of land to its rightful civilian owners'.<sup>161</sup> However, in Mullaitivu, this commitment has had little effect and instead, the military is further entrenching itself in civilian life and normalising the abnormal.

The military illegally occupies over 30,000 acres of private and state lands and uses them to make a profit while the rightful owners watch from their run-down temporary shelters. It obstructs free trade by selling its products at below-market rates, stifling livelihood opportunities for an already impoverished population.

Simultaneously, the military acts as one of the largest employers in Mullaitivu and inserts itself into private capital enterprises, further buttressing the community's dependence on it. The military's presence and the accompanying threat of violence can be felt across all facets of life, which also has a chilling effect on civic activism. Protests are carefully monitored by the security forces, and organisers are often harassed before and after protests to discourage them from continuing these efforts in the future. This is especially true for women activists, who are already marginalised because of their gender. Women face intimidation, harassment, and sexual violence both from security forces and within their own communities, with nowhere to turn for justice.

For all of these reasons, the military occupation of the North-East must immediately cease. The suppression of the democratic freedoms of Tamils, as individuals and a people, is wholly against the spirit and substance of the HRC resolution that Sri Lanka pledged to uphold.

### Recommendations to the Government of Sri Lanka:

1. Immediately undertake a genuine security sector reform process to demilitarise the North-East, including the removal of members implicated in atrocity crimes or ongoing human rights violations.
2. Reallocate the military throughout the island in proportion to provinces' population, rather than continue the overwhelmingly disproportionate militarisation of the North-East.
3. Transfer all military-run businesses to civilian owners.
4. Return all private lands held by the military to their rightful owners, and ensure lands are in comparable condition to when the military initially acquired the land.
5. Transfer control of all state lands occupied by the military that were previously given to individuals via permits to the respective Divisional Secretariats. Formulate guidelines and policies in collaboration with the Northern Provincial Council and by way of land kachcheris for

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<sup>160</sup> HRC Resolution 30/I *supra*.

<sup>161</sup> *Ibid*.

redistribution of such land to cooperative societies and private individuals who permanently reside in the respective districts.

6. End the surveillance and harassment of Tamils for exercising their democratic freedoms.
7. Remove Buddhist statues and viharas that were established by the State and security sector. Issue directives to the military that, despite Article 9 of the constitution, the security sector must be divorced from all matters of religion. Any future construction of religious sites in the North-East must follow proper legal procedures governing the construction of religious buildings.
8. End the entrenchment of victors' narratives and the practice of war tourism, including by removing and ceasing to construct 'victory monuments' and other visible references to the military's 'humanitarian operation'.
9. Respect Tamils' right to memorialise their dead in accordance with the victims and families' wishes and cultural practices, and allow them to commemorate significant dates and events in the Tamil national consciousness without government obstruction or harassment.
10. Adopt and enforce a no-tolerance policy for harassment and gender-based violence by security personnel who violate this policy, with prompt investigations and prosecutions by an independent, civilian entity.
11. Educate the Southern polity about the allegations of atrocity crimes against Tamil civilians by security forces and about the need for justice and accountability for all atrocity crimes.

#### **Recommendations to the Tamil polity:**

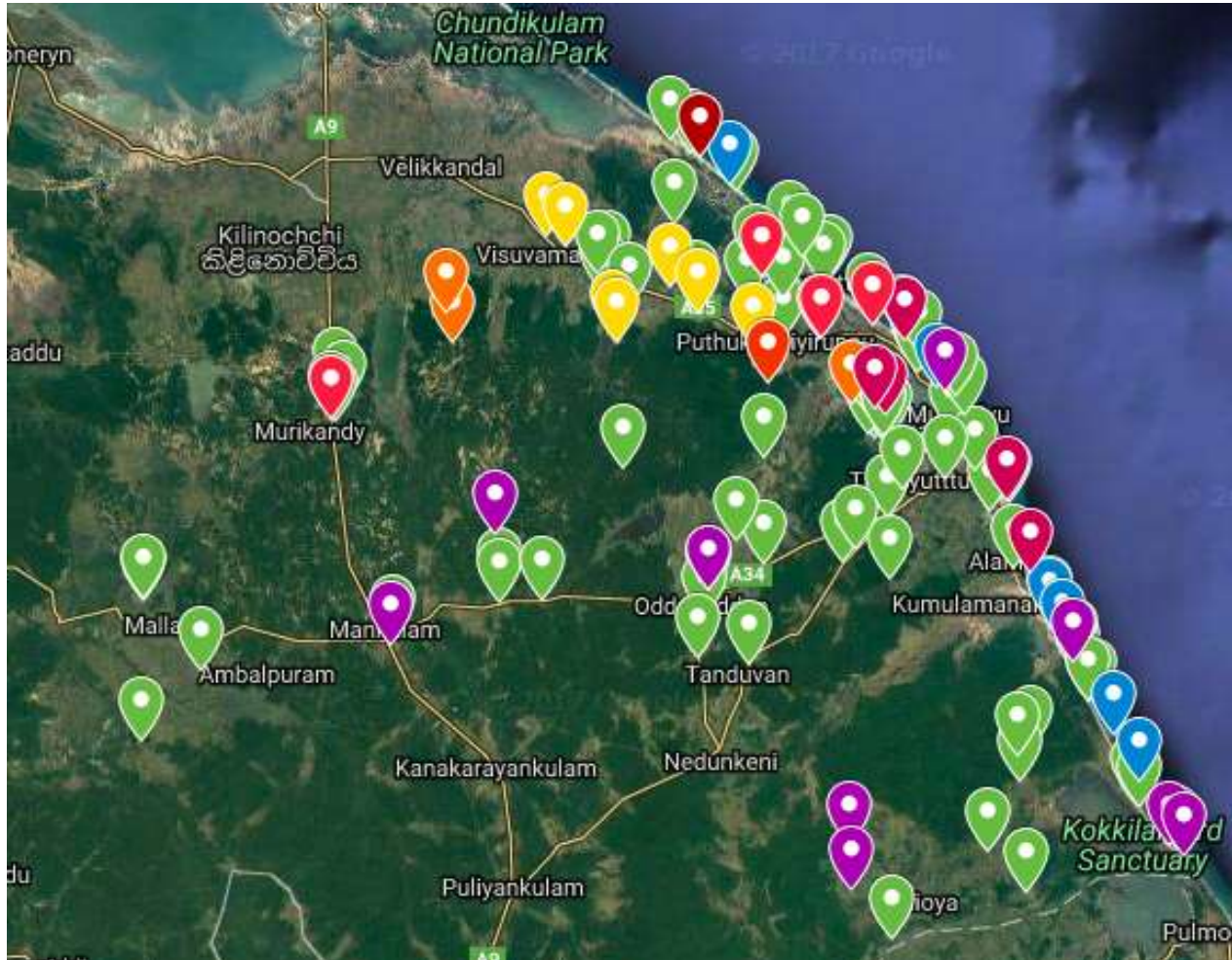
1. Undertake a comprehensive analysis of the militarisation of all other districts in the North-East by documenting military structures and installations, Buddhist viharas, and land grabs.
2. (To the Northern Provincial Council) Enact a statute that provides guidelines to local authorities for processing applications to set up religious structures and buildings. Encourage and support local authorities to mount legal challenges against any illegal constructions of religious structures and buildings.
3. Ensure that women of various socioeconomic backgrounds and castes are meaningfully included in all levels of political discussions and debates.

#### **Recommendations to the International Community:**

1. Place continued pressure on Sri Lanka to abide by its commitments in HRC 30/1 and fulfil the above recommendations.
2. Ensure demilitarisation is a top agenda item for bilateral/multilateral discussions with Sri Lanka.
3. Ensure that any and all military-to-military engagements do not further entrench the military in civilian life in the North-East.

## Appendix I: Map of Militarisation in Mullaitivu

Below is a screenshot of the interactive map prepared by ACPR and PEARL documenting military installations and Buddhist viharas in Mullaitivu District. To access the full interactive map please see here: <http://www.adayaalam.org/mapping-militarisation-in-mullaitivu/>



### Legend:

Green Pin:	Army Installation
Blue Pin:	Navy Installation
Light Orange Pin:	Air Force Installation
Yellow Pin:	Civil Security Department Farm
Purple Pin:	Buddhist Vihara
Dark Pink Pin:	Military-run Hotel/Resort
Light Pink Pin:	Military-run monuments/war tourism attraction



**அடையாளம்**  
கொள்கை ஆய்வுக்கான நிலையம்

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for Policy Research**

