

## **Fact-Finding Visit to Batticaloa: April 10/11 2007**

Representatives from the Centre for Policy Alternatives, INFORM Human Rights Documentation Centre, Law & Society Trust and Women and Media Collective visited Batticaloa and Vakarai from 10<sup>th</sup> – 11<sup>th</sup> April to assess the humanitarian situation in Batticaloa. We visited a number of camps in Kiran, Thiraimadu, Aryampathi housing Internally Displaced Persons (IDPs) and spoke to several who were displaced from various parts of Batticaloa and Trincomalee. The team also met with the Brigade Commander currently in charge of Vakarai, staff of the Batticaloa branch of the National Human Rights Commission, Church leaders and staff of local and international NGOs.

**Executive Summary:** Over the year Batticaloa District has been the site of multiple displacements. Against the backdrop of intensified military operations, particularly in Vakarai, Thoppigala and Vavunathivu, and daily violence, communities have been forced to flee. At the end of March, Batticaloa District had roughly 150,000 IDPs both from within the district and from Eastern Trincomalee. As a result it is estimated that approximately one third of the district's population had been displaced. By April 10 the figure had dropped to 147,073 as a result of a government-driven resettlement program in Vakarai. While reportedly 90% of the displaced from Vakarai had been resettled, renewed fighting in Vavunathivu has resulted in new waves of displacement. The Government has attempted to ensure that conditions conducive to resettlement and normalization are in place. These include assistance schemes for returnees in the form of rations and packages for fishermen, a demining operation, an electrification scheme and an improved public bus system at Vakarai. Yet, there appear to be problems with ration distribution as recent returnees around Panchienkerny claimed that they had not received rations since being resettled. The manner in which Vakarai has been resettled with allegations of forced resettlement by the Government - which was attested to by people with whom we spoke to in the area - has raised concerns among humanitarian actors and displaced communities from Kokadichchola and Vavunathivu that they too will be forced back to their homes. The displaced from these areas, a number of whom are farmers, fled during harvest time and are afraid that they may also incur additional economic losses including damages to their houses and land and looting of their property.

The humanitarian situation of the displaced continues to be an issue of concern. Conditions in welfare camps vary with some of the larger camps such as Thiraimadu and Arthiviravar being over-crowded with shortages in tents and toilets. Similarly, the ration distribution system differed from camp to camp with some having a more effective distribution system – each family receiving its allotted ration items on a regular basis, while in others food for the entire camp was being cooked communally and families not provided the amounts as laid out in Government policy. The sheer scale of displacement has placed tremendous pressures on humanitarian service providers including local NGOs, INGOs and Government servants. The World Food Programme's (WFP) announcement that they have food for 100,000 within the district only up to July has raised concerns regarding capacity in dealing with the situation and disaster preparedness. Some of the issues raised by the IDPs, such as lack of drainage, sanitation and inadequate

toilet facilities in camps, were a repeat of those voiced previously by tsunami IDPs. Some new IDPs are being settled in the shelters previously occupied by tsunami IDPs.

Local communities have also played a significant role in dealing with the waves of displacement. A significant number of IDPs are being housed with friends and relatives acting as host families. While efforts have been made to register these IDPs, they do not receive rations regularly, raising concerns regarding differential treatment of IDPs.

As the security situation in Batticaloa remains tense with ongoing military operations and daily violations including killings and abductions being reported across the district, the IDPs like the rest of the population face significant security threats. The artillery firing including multi-barrel rockets that continued on and off throughout the day and specific incidents such as the artillery attack on a camp in Kiran that killed a baby, and a spate of shooting in Valaichennai, in the days immediately prior to our visit, made clear the threats people face.

**Fluctuating Displacement Figures:** The number of displaced in Batticaloa District continues to fluctuate. When we visited on April 10 there were 147,073 IDPs in the district. The fluctuation is partly due to people continuing to trickle in from areas of violence on a daily basis, movements between camps and problems in the registration process. With the large influx of IDPs and lack of a consistent registration system, we were informed that multiple registrations had taken place, sometimes with the same IDP registering in several camps. Figures for each camp also tend to fluctuate as a result of the movement of IDPs within camps as separated family members try to unite. In addition to the 147,073, we were also informed of many more living with host families who had not registered with the authorities and therefore their numbers are unknown.

The majority of these IDPs were from within the district, including Vakarai to the North and Kokkadicholai and Vavunathivu to the West, which meant that roughly one third of the population of the district was displaced. Further, a significant proportion of the IDPs are from Eastern Trincomalee. The total figure of registered IDPs in the district has reduced as a result of the resettlement program in Vakarai. In Valaichchenai for instance the number of IDPs has reduced as many of them have been resettled in their homes in Vakarai. Some welfare camps such as the Pentecostal Mission have been closed down entirely. However, as a result of continuing military operations in the Vavunathivu, Kokkadicholai and Thoppigala area there was a continuous flow of new IDPs arriving on a regular basis. From Kiran onwards right through Batticaloa to Arayampathy which is beyond Kattankudy on the Kalmunai road, there are IDP settlement sites set up for people fleeing the on-going shelling of Vavunathivu and Kokkadicholai. In one camp we visited in Arayampathy, the displaced and the GS told us that about 45 persons, mostly the elderly, who had been left behind in Kokkadicholai when people evacuated in early March, had come in to the camp on the previous day because the STF had asked them to leave the village.

**Registration and Ration Distribution:** As noted previously, the numbers of IDPs in Batticaloa fluctuated due to a number of reasons, with several cases of multiple registration of the same IDP. While this demonstrates the need to have a comprehensive registration system which should be spearheaded by the authorities, it also demonstrates the fluid nature of displacement with civilians constantly on the move due to security reasons and seeking to reunite with separated family members. As reported to us, many IDPs were constantly on the move since being displaced from their homes, some having moved from one camp to the other. Such movement makes it much more difficult to keep updated figures on IDP numbers. There were also reports of camp officers turning away IDPs from particular camps due to over-crowding, with resources and capacity being stretched to their limits. This illustrates the lack of preparedness in managing displacement. For example, we were informed of 45 families being turned away from Arthiviravar Camp in Arayampathy on April 9 due to overcrowding and lack of space in the camp. Similar stories were reported from camps in Batticaloa town area.

Large numbers of displacement within Batticaloa, frequent arrivals of new IDPs, constant movement of IDPs due to lack of space, in search of family members and security and the inability of the relevant actors to keep on top of the multi dimensional nature of displacement, has all added up to discrepancies in registration of IDPs. This in turn has impacted the delivery of dry rations, NFRI and the provision of health and educational services. Registration or the lack of it, will also have implications for resettlement policies and processes as many would not be recognized and registered as an IDP with the system and therefore not be eligible to receive assistance on return to their homes.

The capacity and resources to deal with the large influx in Batticaloa is a clear problem. WFP has warned that it has food for 100,000 only up to June - a critical macro problem that has to be urgently addressed. In addition, there are reports of problems in food distribution. Several IDPs informed us of delays and discrepancies in receiving cooked meals or dry rations. The ration distribution system varied from camp to camp. The general Government policy regarding rations is for cooked food to be distributed in the first two weeks and a ration card to be issued for registered IDPs through which each family receives eight food items on a regular basis. In all the camps we visited there appeared to be a registration system with daily updates and each family has received a ration card. In some camps, families seem to be receiving rations on a weekly basis and an installment of non-food relief items, while in others the rations are distributed more sporadically.

In some camps food is cooked communally so the rations are not distributed to each family but used for the entire group. Communal cooking has resulted in increasing IDPs' dissatisfaction with arrangements made by the authorities. In a camp we visited in Arayampathy, it was reported that the GS had set up a roster for cooking, ensuring that all were involved in the process. Due to the poor living conditions and frustrations experienced by the IDPs, several had refused to abide by the roster, resulting in delays in cooking meals.

In addition to IDPs living in welfare camps, we were also told of the challenges faced by IDPs living with host families. IDPs living with host families are wholly reliant on their friends and relatives for support as there does not seem to be a comprehensive and sustained scheme to ensure that they receive rations and thereby reduce the burden on the host families. It should also be noted that assistance should not only be targeted towards IDPs but also towards host families and host communities, many of who face hardships providing for IDPs with their meager income. This raises questions as to whether all IDPs have an equal right to assistance, especially state assistance and the issue of the responsibility for looking after the welfare of IDPs on the part of humanitarian actors, especially the state.

**Welfare Camp facilities and maintenance:** The steady influx of IDPs has made the provision of basic shelter to house the IDPs a critical challenge. There have been significant efforts to ensure that the displaced have some basic shelters. In some of the newer camps such as in Arayampathy, tents are the main form of shelter while in the older camps, which have been functioning since at least December, there are transitional shelters, generally made of wood and metal roofing material. Over-crowding is a critical problem with certain camps such as Arthiviravar and Thiraimadu, thereby imposing restrictions on new IDPs moving into the camp. In some camps such as Thiraimadu one tent houses two-three families.

In all of the camps we visited we observed that there were water tanks that had been constructed so as to ensure a regular supply of water. Temporary latrines have also been erected. However it is clear that there are disproportionately few toilets. In Arthiviravar camp where there were over 1,400 people, there were only 8 toilets available. This camp also has a high incidence of diarrhea. In one of the camps we visited, camp officers complained that the toilets are over-flowing.

Batticaloa has been subject to constant and heavy rain recently. This has made life in the over-crowded tent settlements almost intolerable. Many of the camps are sited on sandy and porous earth that has become water logged so that there is a high level of surface water with little drainage. Inside the tents and shelters the sand is wet and the damp seeps in through the mats that most people sleep on. This problem is by no means new and was also seen with the tsunami welfare camps and transitional shelter sites. Despite some of the camps being constructed on the same sites, no special provisions have been made to deal with the situation. For example, poor living conditions were reported in Thiraimadu in relation to tsunami IDPs - with the arrival of new IDPs, as many as 1951 persons are now housed in Thiraimadu, which is in addition to the existing tsunami IDPs. Though a large number of new IDPs have been added to the camp, no special effort has been made to address to existing problems in the camp. New IDPs in Thiraimadu flagged the same problems that had been identified by previous sets of IDPs including the tsunami affected, such as lack of drainage and poor sanitation resulting in unhygienic conditions. Such issues raise the question of whether any lessons on disaster management and response have been learnt by the authorities and humanitarian aid providers.

While some problems may be difficult to overcome in the short-term, other measures to address problems arising or worsened as a result of the rain and flooding are urgently required. As previously mentioned, in Arthiviravar camp where there is communal cooking, there is no structure where the cooking can be done. Instead, there are two tarpaulin sheets which are not effective against the rain or water. On the day of our visit, the residents were only receiving lunch of rice and pumpkin curry at 5pm, with authorities indicating that there would be no other meal for the rest of the day. Further, the inability to locate dry firewood had also added to the delay. Equally important is to address the quality of tents provided to IDPs. Every effort must be made to provide them with transitional shelters which are sturdy and suited for the rains and heat. In addition, sufficient toilets are needed in all camps as well as a proper working drainage system in place.

**Camp Organisation:** The government officials mandated to respond to this emergency from the Grama Sevaka at the village level up to the GA are all stretched to the limit. The Grama Sevakas in particular do not have additional support to help them cope with the new challenges they faced due to the sudden influx of such a large number of IDPs, and therefore rely on volunteers to assist them. There were also allegations that certain government officials, including particular Divisional Secretaries, were not co-operative in providing assistance to the new IDPs, resulting in tension and frustration among the new IDPs and the GS. The existence and the involvement of camp committees, and by extension the participation of the camp residents varied. For instance in Arthiviravar camp, the Grama Sevakas have created a roster of IDPs to cook collectively and to clean the camp, but this has not been much of a success - one segment of the camp being more passive and uncooperative and another segment refusing to take up the former's work load. Differences between the camp residents such as class, are making day-to-day operations in the camp all the more problematic. For example, in Arthiviravar the more educated were not willing to pick up the tasks that their more rural counterparts were increasingly unwilling to perform. In situations such as these it is also possible that socio-cultural considerations such as caste prejudice and practices are compounded and make a difficult situation worse. These are also factors that need to be taken into contention when widespread and massive displacement is inevitable.

**Tensions regarding sites:** About 200 IDP families from Vakaneri are located in tents on individual plots in a site at Alankulam, on the main road to Batticaloa from Welikanda. According to reports we received, this land belongs to Muslims and the settlement had been done with the protection of the Karuna faction. There is tension between the local Muslims and the Karuna faction over this issue with the local Muslims reportedly distributing leaflets asking the IDPs to shift, concerned that the temporary shelters will become permanent and the Karuna Group insisting that the IDPs stay put. The IDPs are caught in between the groups. The sheer scale of the displacement phenomena and the urgency of the situation have meant that issues of land ownership are likely to crop up. However, it is important that local Government officials and other actors involved in the establishment of camps and community leaders take an active role in ensuring that local communities are made aware of the proposed site and efforts at taken to reduce tensions. It is also important to ensure that both the location of temporary settlement sites as well

as the process of re-settlement is consultative between displaced populations, relevant government authorities and local host communities and has no other political or military involvement that will inhibit independent decision making.

**Resettlement:** Many of the IDPs and the humanitarian actors we spoke to stated that the displaced want to return to their homes. Resettlement is an urgent priority but the rights of the displaced, particularly their consent and of being informed of the choices they have, need to be given due recognition. While many of the IDPs expressed their desire to resettle, they also voiced their fears of returning immediately as they had security concerns. They were also worried that the Government would force them to resettle. There were allegations that on March 15 state actors forced IDPs onto buses and moved them to Vakarai and Trincomalee. These were substantiated by subsequent statements made by UNHCR and the Minister for Resettlement, Rishard Baduardeen. We spoke to some of the individuals who had been resettled in Vakarai. Some spoke of their experience of forced resettlement, of how they were in the middle of cooking their morning meal when they were rounded up by the military. There were also reports of families being separated in the rush to force people into buses, with reports of mothers being separated from their children who were attending temporary schools near the camps. Following these moves, there were information leaflets distributed by the IASC, informing IDPs of their rights. In all the camps that we visited we saw these leaflets, usually with copies in all three languages.

Since the forced resettlement in March, the Government has stated that it will ensure that resettlement will be informed and voluntary and is working with humanitarian agencies such as UNHCR on 'go and see' visits. During our visit there were rumours of further movement of IDPs- largely back to Trincomalee - following the April new year period. Concern is being raised by humanitarian actors regarding the voluntary nature of such returns. Though, there are temporary shelters created in Kiliveddy for the displaced from Muttur, Sampur and Eechilampattu, there are questions raised as to how long IDPs would have to remain in Kiliveddy due to security concerns and lack of preparedness in their original places of residence. Some of the IDPs we spoke to expressed a preference for remaining in Batticaloa if they are unable to return to their homes, rather than be transported yet again to another transitional shelter.

Almost 90% of the population of approximately 15,000 persons has returned to their original homes. The main road to Vakarai has been repaired, and electricity has been restored up to Vakarai town. There are seven buses plying back and forth between Valaichchenai/Ottamavady daily. This is an improvement on the two buses that had been used by the people of Vakarai previously. De-mining is progressing, on the road especially around Panichankerny where one of the biggest battles with the LTTE took place in March 2007. The de-mining is being done by the army. The main bridge on the road to Vakarai town has not yet been fully repaired. The damaged Vakarai hospital is functioning. A doctor from Batticaloa visits daily and there is a qualified nurse on site. Seven of twelve schools have re-opened with 3700 students and 104 teachers. Those who had been displaced from Vakarai and returned there, have been issued with a special

photo IDP that gives their status as a resident of Vakarai. Permission had to be sought from the Brigade Commander in Welikanda.

There appeared to be problems with the assistance schemes to the resettled. Further, several families who were recently resettled in Panchenkerny, just outside of Vaharai, mentioned that though IDPs from Vaharai were provided with dry rations on arrival in Vaharai, they were not provided with any assistance by either the authorities or humanitarian actors. This raises questions as to why certain groups were provided with assistance on return, while others were forgotten and left behind to fend for themselves. Our visit to Vaharai was short and limited to the main road. Further visits need to be done to areas inland and which are of limited access to external actors to assess what assistance has and is being provided to the people who are being resettled. As discussed below, many of the people we spoke to live in tents or cajan huts in their compounds as their houses have been damaged in the recent fighting. In Panchankerny which reportedly saw some of the heaviest fighting, it was clear that a significant number of houses had been damaged including a large complex of new houses built by EHED as a part of their tsunami rehousing programme. The residents of the houses were living in parts of the house where the roof was still intact, waiting for an assessment team so that they could claim compensation. Though the government states that 99% of the Vakarai residents having returned back to their homes, a proper assessment needs to be conducted on the damages to houses and properties, public buildings and infrastructure in the Vakarai Area as a whole. This assessment is now under way. There are reportedly no Grama Sevakas currently working from Vakarai, thereby limiting the capacity of the civil administration. In the government's undue haste to reduce displacement and portray to the international community that return and normalization is taking place, it seems that key factors such as the nature of infrastructure and security guarantees are being disregarded.

There was no clarity regarding the resettlement package that people had been offered and had received on their relocation of Vakarai. The people in Panichankerny that we spoke to felt that they were not receiving adequate rations. They told us that they had received only two 'family packs' – consisting of seven items including 10 kg. of rice, dhal, sugar, oil and tinned fish. We were informed by the military that steps are being taken to provide dry rations to these residents from April 13<sup>th</sup> which will continue for three months. People have been given permission to fish at sea and in the lagoon during the daytime and, since recently, at night. On our visit we saw fish traders from Ottamavady waiting for the catch of lagoon and river fish to be brought to a shed near the main bridge. We also saw a large refrigerated van transporting a load of prawns from Vakarai. Since the majority of Vakarai residents are fisherfolk, being able to resume their livelihood has been a huge boost to the resettlement process. However, those residents of Kandalady, Vakarai who are farmers complained that they had received no support to resume farming since their return. A key area of income generation seemed to be the sale of old iron objects scavenged from damaged and destroyed homes. All along the way we saw men taking old iron on bicycles and in handcarts to Ottamavady town.

A critical concern that displaced persons raised was the safety of their houses, farming equipment and other belongings. Displaced families from Kokadichcholai and Vavunathivu for instance, were worried that their houses had been looted in their absence along with other items like electric motors and motor bikes, as they had fled leaving behind most of their belongings. Older members of some of these families had in fact stayed behind despite the firing but had been compelled to leave by the security forces. Some IDPs claimed that there was looting by the government forces, which was a reason for the security forces to force the older members to leave the area. This has not been confirmed. In one camp in Arayampathy, we received a report of the arrest of a young male IDP by the STF on suspicion of him being a LTTE cadre, when he had returned to his village in Kokkadichcholai in order to check on the safety of his belongings. Other IDPs spoke of how they had attempted to cross the ferry at Kokadichcholai but had been prevented by the forces. Many of these families were forced to flee a few weeks or even days before they began the harvest. They realize that they have lost their harvests and thereby their investment, and fear that they may face bankruptcy as a result of the looting. While some of the families have suffered displacement prior to this, they stated that they have not been displaced outside their AGA division.

**Security:** The security situation in Batticaloa is tense. IDPs face numerous security threats including targeted killings, artillery fire and abductions. Many of the IDP camps have no security protection let alone perimeter fencing, leaving them vulnerable to encroachment by persons who may pose a threat to women or children. There is no provision of security by the Police, for example, for any of the settlements. In Thirayamadu, a post-tsunami temporary housing site which has absorbed some recent IDPs, there were several reports of abduction of children by armed groups. The presence of members of the TMVP was very obvious in Alankulam and they seemed to be involved in the day-to-day running of the camp. During the period of our visits artillery, including multi-barrel rockets, was being fired in the vicinity. In the camps in close proximity to military camps, the loud barrage has intensified fear especially among the children. The firing also makes the camps vulnerable to attack. We were informed by IDPs that an artillery shell, during recent firing had fallen into the premises of a camp in Kiran which killed a four month old baby.

Arrests and involuntary disappearances of civilians and IDPs, including those done during cordon and search operations, continue to be reported to NGOs and other agencies such as the Human Rights Commission (HRC), OCHA, UNICEF, ICRC, SLMM. We heard from the Human Rights Commission that 16 cases of disappearances had been reported to them in April alone and were also told that they continue to visit detention centers. It appeared though that the HRC was under staffed to deal with the large number of complaints and the prevailing sense of insecurity in the area. There also appeared to be a separate programme dealing with displacement and humanitarian concerns that was not directly linked to the programme dealing with human rights violations and security issues. It remains important for the HRC to put in place a mechanism that can deal with both humanitarian concerns as well as document information relating to arrests, detentions or abductions, if and when they occur in IDP camps or during flight and return. For instance, the wife and family members, at the Arayampathy IDP camp, who

informed us of the IDP who was arrested during a visit to his home in Kokkadichcholai had no resources to visit the HRC office in town, did not know where and how to lodge a complaint and had no means to secure his release. Such situations make it imperative that the HRC works with camp management to ensure that human rights assistance is available and accessible to the persons concerned.

There was a sense of helplessness as none of these agencies seem to be able to do anything more than record the complaints. We were told of a case of a deaf and dumb Tamil boy who was taken in by security forces in April 2006 from a church compound, was forced sign a confession in Sinhalese, a language he doesn't understand and still remains in detention despite attempts by NGOs and Church leaders.

Mobile phones and CDMA phones still do not operate. This affects the human rights protection work as its not easy to communicate with NGOs and government authorities at the best of times let alone in emergencies. These were the main communication tool for many community based organisations, NGOs and those living in IDP camps.