

## FACT FINDING VISIT TO JAFFNA

A team from the Centre for Policy Alternatives and INFORM Human Rights Documentation Centre visited Jaffna from 18-21<sup>st</sup> February 2008 to meet with colleagues and partners in the peninsula and to obtain a first-hand impression of the situation there. The team spoke to local civil society actors, community leaders, IDPs, and members of international humanitarian agencies in Jaffna Town and outside.

### **1 GENERAL IMPRESSIONS: Growing militarization and the Increasing sense of isolation and resignation, despite some improvements**

**Turning Point:** Everyone we spoke to referred to the closure of the A9 road in August 2006 as being a turning point in the conflict of the last two years, in terms of its impact on their daily lives. It has extracted a heavy price from the people of Jaffna, destroying their social and economic lives. Since the road was closed, social and cultural contacts between the people of the north and south have lessened. The growing sense of isolation and alienation of the people of Jaffna from their fellow citizens in the rest of the country as well as from the rest of the world, was very evident. The few officials who travel to Jaffna, as one interviewee told us, often go straight to the Army Camp and maybe, visit the Government Agent. Jaffna residents felt that no one outside the peninsula is aware of what is really going on there. Wherever we went people were welcoming and hospitable, and even though they were wary of talking about the specifics of human rights violations, they spoke of the overall situation and the daily problems they faced.

**Militarization:** The impact of militarization is felt in every aspect of the daily life of people. Security considerations can close off air and sea access to the peninsula at any moment, and within the peninsula, roads are closed off on an ad hoc basis. In addition, the demands of safe passage for the daily military convoy to and from the Muhamalai FDL area to Palaly base camps, means temporary closure of roads within Jaffna for several hours each day. Access to fishing, agriculture and other livelihoods is restricted by security considerations and displaced persons are unable to return to their homes and to their lands due to security considerations. Freedom of expression and association are limited due to security considerations.

**Resignation to the situation:** There was a general acceptance of the situation and an unwillingness to question or challenge things. During our stay, we heard shelling towards the area of the Muhamalai FDL, daily; the sound of shelling seems to have become part of 'normal' daily life, and people continued to move about and attend to their work regardless of this. We were told that artillery firing from near the Jaffna Hospital increased anxiety among its patients, including those with heart conditions. Some people told us that on certain occasions artillery was fired from locations in or in close proximity to highly populated areas in the town, placing the people who lived there at high risk. IDPs too, were resigned to their lot. When we asked them whether they had protested about the delays in the delivery of rations they pointed out that all civilians in the peninsula were affected and that their situation was not a special one that called for special responses. The various restrictions imposed on the people have been accepted by them as a form of daily life. With a certain resignation, they expressed their belief that the worst is yet to come.

**An Improvement in the Situation?:** Many who experienced the difficulties after the A9 road closure and bombardment in 2006 and 2007, felt that the situation had improved since then and that things were not as bad as they were in that period. However, they were emphatic that this was a relative assessment. They stressed that they still lived in terror and that their situation had to undergo considerable and qualitative change. Many who spoke to us expressed a lack of faith in official investigations of human rights abuses on account of the culture of impunity that pervades the peninsula.

### **2 HUMAN RIGHTS SITUATION: Continuing violations and fear**

#### **2.1 Decrease in but Continuing Human Rights Violations**

The figures coming out of Jaffna, do not demonstrate that there has been a dramatic improvement in the situation there over the three months preceding our visit:

	November	December	January
Missing Person	13	13	16
Surrendeeds	18	44	21
Killings	7	10	8

However, it is clear that compared to some months prior to this three month period - August 2007 in which 26 people were killed for example - the situation has improved.

Leading figures in Jaffna town had differing theories on why the situation has ‘improved’. Some suggest that it was a result of the visit of the Chief Justice, Sarath Silva on October 24 2007, others suggest that it was the meeting of the Congress of Religions in December 2007 and one person also pointed to the September 2007 visit of Louise Arbour, the UN High Commissioner for Human Rights. What emerged was the sense that such high level visits created an impact locally and reduced the incidents of killings and abductions. Implicit in this is that many people in Jaffna feel that the presence and oversight of ‘outsiders’ - both national and foreign - is critical for their survival, giving them even a small degree of confidence that the outside world is paying attention to their plight.

## 2.2 Violence: Past and Continuing

The perpetrators of many of the violations committed on the peninsula remain publicly unidentified and “unknown.” In most our interviews the security forces were not directly blamed for carrying out the killings, abductions or extortion. Nonetheless, many of the people we spoke to believed that the security forces are well aware of who is carrying out these crimes, especially since these crimes take place during curfew hours and close to locations where there is a military presence as for example, between check points. Very few of the people we spoke to were either willing or able to identify which groups were carrying out the crimes. Most euphemistically and guardedly referred to armed groups. Those that did name alleged perpetrators mentioned military intelligence and the EPDP as perpetrators. Some army camps, such as the Post Office Camp and geographic areas especially around Chavakachcheri, were identified as notorious and associated with higher levels of disappearances and killings. Some of the civilians we spoke to indicated that they understood that certain officers were tough on the civilian population because of pressure from Colombo. The LTTE was also blamed for certain incidents, but people did also tell us that it has become increasingly difficult for its cadres to move around. The responsibility of the Government to provide protection and address the human security situation was a point that was stressed repeatedly. As one person put it, *“This is what the LTTE did – eliminating people who disagreed with them. Now the Government is doing the same thing.”*

Some of the key violations other than killings and disappearances including extortion via telephone targeting professionals, which had prompted some to leave Jaffna “quietly” and intimidation of individuals at checkpoints where ID cards were confiscated and the individual is summoned to an army camp which has intensified fears of being disappeared. The team was informed of cases of torture where individuals were threatened with the prospect of never being able to see their families again, beaten with blunt instruments and their bodies penetrated with instruments.

The culture of impunity that pervades the peninsula causes many who spoke to us to have doubts regarding any investigations conducted by the Police into human rights abuses. They pointed out that the police are even afraid to move around to carry out investigations and that there is a language barrier.

## 2.3 Surrendeeds

The issue of surrendeeds is a phenomena that is associated with the violence in Jaffna. Although individuals usually LTTE cadres have surrendered themselves in other areas of the country, in Jaffna a number of the surrendeeds do not claim to have associations with the LTTE but surrender themselves to seek protective

custody because they fear for their safety. Speaking to judicial officers, lawyers, prison authorities, civil society and civilians it was evident that for many people in the peninsula who are threatened and vulnerable, there is no option to safeguard their lives other than to report to the Police or to the local office of the National Human Rights Commission. They are then produced before a Magistrate or judge, who in turn classifies them as a 'surrende' and places him or her in the Jaffna prison.

From 1<sup>st</sup> January- 20<sup>th</sup> February 2008 (in less than 8 weeks) there were reportedly 12 new surrende'ees in the Jaffna prison. At the time of our visit, there were 376 surrende'ees in the prison. The conditions in the prison are very cramped and unhygienic. Surrende'ees are confined together with convicted criminals and those awaiting trial, crammed into several small rooms in the house that has been converted to a prison by the authorities a few years ago. We were informed that at times over 40 men are in a room meant for around 10 persons. It is not merely the individuals who surrender but also their families. After repeated petitions, in December, the 25 women and 9 children 'surrende'ees', were relocated to the premises of the Old Courts complex in Gurunagar.

The process of placing someone in protective custody is clearly defined. The person goes to the office of the National Human Rights Commission (NHRC) and says she/he fears for his/her safety. The NHRC officials hand over the person to the Police, who in turn produce the person before a Magistrate who then commits the person to custody in the prison. This process, however, cannot be reversed by any of these actors. The Gazette notification that created the category of 'surrende'ees' places them directly and completely under the control of the Commissioner General for Rehabilitation, Mr. Suhada Gamlath, Secretary to the Ministry of Justice. Any intervention on their behalf must be initiated by him.

The plight of the surrende'ees needs to be carefully scrutinized. It is also important to study as to why people have to resort to such desperate measures for safety and security, the profile of the surrende'ees and to map their places of origin. Some pointed out that those surrendering are in some way perceived to be associated with the LTTE, for having received military training, participating in a *Pongu Tamil* or even having a relative who was seen to be too close to the LTTE. However, it could also be due to the fact that a number of outspoken individuals have also been victims of violence. Some areas of the peninsula experience higher level of threats and violence so have more victims and more surrende'ees, including Chavakachcheri, Meesalai and Koddikamam in the recent months. We were also told that many of the surrende'ees come from low income families, the ones who do not have other resources and methods of providing protection for themselves. The team was informed that people who could afford to leave the peninsula have already done so. We were also told about cases where the key bread winner of the family had to surrender, leaving the family destitute since they had no other source of livelihood. This situation is made worse by restrictions imposed on livelihood activity.

## **2.4 An Enforced Silence**

Jaffna is experiencing an enforced silence that makes coping with the human rights crisis even more difficult. It has often been said that as a result of the terror and decimation inflicted on Tamil society by the security forces, LTTE and other Tamil militant groups, "*people open their mouths only to eat.*" This culture of fear and silence was very evident during our visit and people were hesitant in naming groups, specific incidents or even talking about security problems. There is also distrust and suspicion among people as they are afraid that what they say, however harmless, will be reported to one of the armed actors. The resulting silence is enforced by all the armed actors.

It is not surprising that there is a fear of reporting violations, as people expect the worse and have either seen or personally experienced the consequences. People who are active and vocal within their communities are marked for reprisal. Fourteen (14) members of Fisheries Cooperative Societies were killed in 2006/2007. Six (6) heads of IDP Committees were also killed in January 2006-June 2007. The killing of these community leaders who took up their communities' grievances only reinforces the culture of silence. Even the MPs of the Tamil National Alliance have left the peninsula leaving the people without most of their elected

representatives who can take up their grievances. Accordingly, the sense of isolation and helplessness of the people in the peninsula is heightened. It is clear that the space for taking up community and rights issues has rapidly shrunk. People are even afraid to help those most directly affected by the violence. When we met a particular set of Jaffna's civil society leaders they explained at length why due to their own fears of reprisals, they could do nothing to directly help the victims of human rights violations.

While the culture of silence creates many barriers to the free flow of information within the peninsula, there are specific controls placed on media personnel that impede the free flow of information to the outside. The editor and key staff members of 'Uthayan' live on the premises of the newspaper office out of fear. National newspapers from Colombo reach the peninsula in small numbers, while the printing of newspapers on the peninsula is always subject to the availability of newsprint, inks and chemicals. The closure of internet cafes and the close monitoring of public communication centres, as well as regular closure of mobile telephone links makes it extremely difficult for media persons on the peninsula to pass on their stories to the world outside Jaffna. Even the public internet service in the Public Library is not available for the use of journalists trying to file their stories.

The only people who would directly engage with the issues, even daring to name alleged perpetrators of killings or disappearances, are family members who have got so desperate that they no longer care about their own safety. We were also told of family members of the disappeared who would go to the camps and offices of the military and of the armed actors in Jaffna asking them to help locate and return their loved ones. For the families of the affected there are very few institutions which can take up their cases. Given that the majority of victims are young, working males their families are affected in multiple ways, including the loss of the principal bread winner. The violence which intensified in 2006 has created a new generation of widows who are struggling to keep their children in school and food on the table. The Government has yet to announce any measures that would provide any assistance to these families affected by the violence. In Jaffna, it is yet another layer of suffering, on a people who have already suffered so much.

### **3 MILITARIZATION**

#### **3.1 Restrictions on mobility and intimidation**

Military presence is visible everywhere in Jaffna. From control of entry and exit points to the peninsula, to control of movement within the peninsula, to control of access to sites of livelihood and all other aspects of people's lives, the military plays a crucial role. Many of the functions of the civilian administration are either taken over by the military, monitored or influenced by the military.

Having a national identity card is not enough for Tamils, especially in Jaffna. People, especially those who live in High Security Zones and other zones to which access is controlled by the military have ID cards issued by the military. The team was also informed of the issuance of a family card which included a photograph of all household members. This needed to be shown during cordon and search operations by the military to verify whether the individuals residing in the house corresponded with the photograph and with information provided to the military. The team was informed of incidents when such practices created hardship for civilians. People cannot stay over at a friend's or relative's house, for instance. Although at the end of 2007 there has been talk of a special military ID card which was supposed to ease movement in and out of the peninsula, and Jaffna residents had been subjected to a great deal of inconvenience and expense to get the documentation and photographs required, upto the time of our visit, these cards had not been issued. Curfew and security measures meant that social occasions such as weddings and funerals could not be properly observed as people had to return to their homes before the curfew, and catch the last buses which leave Jaffna town depot at 4.30pm. People in the islands off Jaffna faced added problems, as it takes several hours to commute from the islands to Jaffna town, by boats and by land transport, with several check points and registration required at all the check points.

We were also reminded of the obstacles placed in the way of ordinary civilians meeting with visiting dignitaries. People spoke of restrictions imposed during the visit by Sir John Holmes, United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, in August 2007 when military actors attended the meeting intimidating local leaders from voicing their grievances. In addition, the military and Ministry of Defense (MOD) have effective control over determining which agencies can operate in Jaffna and which members of expatriate staff are allowed to work in the peninsula. These new developments are a further example of the militarization in the area and gradual take over of civilian functions by the military.

### **3.2 High Security Zones and other security areas**

With the creation of HSZ especially from the mid1990s onwards, many people in Jaffna have lost access to their homes and lands. There are apparently 18 HSZs covering roughly 190 sq kms of land in Jaffna. This is an area where 30,388 families were living. Further, an 81.5 sq km sea area is out of bounds for fishermen and 12,259 acres of land cannot be used for agriculture due to the security situation. While most of the HSZs are located in and around army camps and key locations such as the harbours and airstrips in the peninsula, even houses acquired and occupied by the security forces and by other armed actor in the heart of towns and along the roadways, are closed to civilians. This has resulted in many of these families living for the last seventeen years as IDPs, without access to their homes or livelihoods. The IDPs whom we spoke to camps in Kopai all wanted to return.

The necessity and legality of the HSZs has been contested. There has been no gazette notification or law passed establishing the HSZs in Jaffna (unlike the newly created HSZs in Sampur, Kandy and Katunayake), thereby raising questions regarding the legal basis for the continued displacement of civilians due to security considerations. Two fundamental rights applications were filed in the Supreme Court (SC) by Mr. Mavai Senathirajah, Jaffna area Parliamentarian and a farmer of the Tellipalai division who claimed that the Government had violated their fundamental rights by preventing them from entering their own lands and houses, which are located within the HSZ. The SC had asked the GA Jaffna to look for alternate land for the IDPs who own land within the HSZ area. The Consortium of Welfare Centres for Internally Displaced Persons in the Jaffna area have stated that alternate land is not acceptable because the IDPs wish to return to their own land to cultivate and to reside. The case is continuing before the SC.

## **4 HUMANITARIAN SITUATION:**

### **4.1 Restrictions on Livelihoods**

While the violence has had a significant impact on restricting livelihood opportunities, it is the security restrictions that have had a far-reaching impact. The construction industry has ground to a virtual standstill due to restrictions on access to building materials such as cement and sand, coupled with the price hikes. Cement is currently Rs1,500 compared to Rs 800 in Colombo. In addition, as a result of the violence, outsiders and residents are less willing to embark on new projects and construction. This has a direct and debilitating impact on the employment and livelihood opportunities available for women and men who work as daily paid labourers. Random restrictions on mobility also place obstacles on those who work as daily-paid workers obtaining work. Unemployment and under-employment, in turn, have consequences on people's ability to purchase essential daily goods and services.

The security forces impose arbitrary and ad hoc controls on people's access to fishing and on agricultural land. This has a serious impact on the lives of the people of Jaffna peninsula as roughly 70% of Jaffna's residents work in fishing, agriculture or related livelihoods.

The fisheries sector has been particularly affected. Night fishing is prohibited, and in some areas even the number of daylight fishing hours is restricted. The use of mechanized boats is also prohibited. One person

sarcastically told us that “*The fish here are trained. They only come out at night.*” Even during the day time, fishermen cannot go out into the deep sea; they are restricted to 2km in most areas, sometimes even to 500 meters. These limits are imposed by the SLN authorities in charge of different areas along the Jaffna coastline, and there is no uniformity.. Some parts of the coastline are off limits altogether – Maathavel to Thondamaru, on the Northern coast due to the Pallali High Security Zone. We were also told about the various problems faced by fishermen while at sea, when they accidentally strayed over the limits set by the Navy. We were told of one incident where a fisherman had been beaten so severely by a naval officer that his hand had been broken.

The impact on the catch is significant; As one fisherman put it “*we go to plough the sea and come back.*” Representatives from the fisheries sector claim that the average daily earnings of a fisherman in Jaffna in February 2008 was approximately Rs. 176 per day, and that too only if they are allowed to fish. In many locations, fishermen do not get to fish every day, since their right to go to sea is on a rotational basis. According to estimates, there are 10,000 active fishermen and their families in the Jaffna peninsula, and a further 7,900 families whose primary livelihood is in trades associated to fishing including repair work on boats, nets and engines for the men fish drying and preservation for women and fish trading for both men and women..The Government has taken some measures by providing compensation for the loss of livelihoods through issue of dry rations to fisher families. Faced with such severe restrictions and a loss of income, fishermen with less resources have started to sell their boats and nets.

Agriculture has also been heavily affected by restrictions on access to land by the designation of certain areas as High Security Zones (HSZs). Some HSZs have been declared as such by Gazette notifications; other areas are declared out of bounds by the military command within the peninsula. The lack of access to markets outside the peninsula coupled with the rising cost of inputs such as pesticides and fertilizers have resulted in a significant drop in market prices of locally produced goods such as onions, and bananas. This means that farmers find it more difficult to sustain their livelihoods.

#### **4.2 Shortages of Goods and Cost of Living**

A point repeatedly made in our interviews is that the economic situation has markedly improved, when compared to late 2006 and much of 2007. A number of people pointed out that now most items are available in the market and that prices have dramatically dropped. Many people we spoke to stated that times were dire in late 2006 when there was a temporary halt to air and sea transport which led to the skyrocketing of prices of existing goods and when certain goods such as tomatoes and bread were not available. People we met told us that during December 2007 an egg cost as much as Rs.80. During our visit in mid-February, the price of an egg was Rs. 18 to 22. The majority of the people in the peninsula had lived on rice, dhal and a few vegetables for several months. However, people who experienced the hardships of the earlier period, feel that the situation has improved. More goods are coming in to the peninsula now, even though prices are still high. For example, a coconut was about Rs. 70 and a kilo of rice was Rs. 100. Locally produced items such as onions and chilies were easily available and cheap. Local bananas were Rs. 10 per kilo. It needs to be noted that while prices have significantly reduced, the purchasing power of Jaffna residents is still low due to the problems of sustaining livelihoods.

While the closure of the A-9 is the principal reason for the difficulty in transporting goods to Jaffna, it is clear that there are other factors that contribute to the shortages and high prices. Items such as rice and other agricultural products from LTTE-controlled areas can no longer reach the peninsula due to the closure of the Muhamalai entry/exit point. Air transport is prohibitively expensive. Sea transport is vulnerable to attack and insurance premiums are therefore very high. The LTTE refused to provide protection to vessels bearing the ICRC flag which could have been used to transport goods and civilians. Both sea and air transport can be called to a halt by the security forces at any given moment. The shipping costs coupled with the handling charges are usually passed on straight to the consumer. People demanded that the Commissioner General of Essential Services should fix the prices of essential goods, rather than shipping lines. There was also a disconnect between officially listed prices and real market prices, which enabled the authorities to play down the complaints of high prices in the peninsula.

At the height of the humanitarian crisis in Jaffna there were reports that one person died due to complications arising from starvation. The situation has changed since then with food shipments coming in at fairly regular intervals. However there are reports of malnutrition and wasting, including among children, forcing humanitarian agencies to address these very specific needs. Malnutrition has also resulted in several reported cases of children fainting in school. Internally displaced persons (IDPs) said that some of them were forced to pawn or sell their jewelry and were currently in debt in order to buy food. A study commissioned by UNHCR and Danish Refugee Council on “Jaffna Welfare Centre” 2006 claimed that in the 69 welfare centres covered by the study, IDP families were using multiple coping mechanisms including skipping meals, borrowing money and pawning or selling their jewelry and other possessions (page 17 and 19).

### **4.3 Restrictions and Obstacles in Movement**

There are several forms of restrictions imposed on the movement of civilians, which vary from area to area and which require different approval letters and permits. All movement is controlled by the security forces; the only rationale given is security. Although the legality of many of these restrictions was not clear, due to the fear of reprisals no one questioned such restrictions, even though they created severe hardships on a daily basis.

The Jaffna peninsula has a heightened military presence with many ad hoc check points throughout the peninsula. The closure of roads for the movement of convoys from Muhamalai to Palaly, along the A9 route, twice a day, creates a complex web of difficulties for the civilian residents of Jaffna. Other minor roads are also shut during this time, citing security considerations. People we spoke to estimated the time spent waiting for the convoy to pass ranged from two to four hours daily. Nothing could be done during this time, and the rules were not relaxed even in case of emergencies. It was evident that due to the restrictions in movement official duties and responsibilities and daily life were severely hampered. On one occasion we spent 1 ½ hours in one location which we were told was quite normal. Jaffna currently has a curfew from 9pm-4.30am. Due to transport difficulties - buses for instance stop plying by 4.30 p.m. – and the prevailing sense of insecurity - roads are deserted by 7pm, with people only leaving their homes after this time in case of an emergency. The team was informed of an incident when security forces had stopped a vehicle proceeding to the hospital with a patient at 7pm and questioned the driver on the necessity of movement at that time. It is in this context that the killings and abductions that occur during curfew hours and sometimes in close proximity to check points, need to be questioned.

Several areas of the Jaffna peninsula are restricted zones to civilians. Parts of the islands – such as Mandaitivu and Allaipiddy – and many parts of Vadamarachchi are out of bounds to visitors and even residents have to go through stringent checking before and after they leave their villages. Restrictions are imposed on non-Sri Lankans including NGO workers and UN staff in terms of their access to almost anywhere outside the town of Jaffna; getting permission to travel to these parts could be a time-consuming and complicated procedure. The ICRC, the local Red Cross and religious persons are the only ones who have access to all parts of the peninsula and islands.

Our own experiences in Jaffna were a reflection of this situation. We went through a number of checks first in Rathmalana and then at Palaly. On arrival in the peninsula, we were photographed and questioned like everyone else and given a pass to stay in Jaffna. We were photographed once more when we left the peninsula. All Tamil civilians coming in on the flight from Colombo had to provide extra information such as their Police registration or a letter from the Grama Sevaka (GS). At one point several people who had the necessary documents were nevertheless questioned as to the authenticity of the documents or the powers of the issuing authority. All the questions were in Sinhala to a largely Tamil speaking people, and in many cases there were difficulties in communication. There was also complete disregard and/or ignorance of the fact that the people who were traveling had no powers in the issuing of the documents and that such powers were either with the Police or the government officials. In many cases, they had photocopies of the Police

registration which was not authenticated. Our own experience in Colombo bears out that in most Police stations such authentication is not a service on offer.

The manner in which the security forces thus effectively control who arrives in and departs from Jaffna raises questions as to the legality of such powers exercised by the security forces and the basis for such powers. The high cost of travel imposes further limits on movement. At present the cost of a return ticket to Jaffna from Colombo is Rs.19,500. This is more expensive than traveling to parts of India. There is a second option of traveling by sea which is cheaper but takes a longer time, and is irregular.

Our return flight to Colombo was delayed by eight hours. This meant that passengers who had boarded a bus in Jaffna town at 7.30 a.m. got on the flight at 4 p.m. The airline staff did not inform the passengers about the delay, and did nothing to provide any relief for the passengers, even the elderly, invalids or those traveling with infants and small children. For those with cash in hand there was food and drink to be purchased at the small shop run by the security forces, but even that ran out of stocks. It was not until the final checking point that the ground staff were able to provide a wheel chair for an old woman with a medical condition. Up to that point she was being carried by her female relatives and helpful passengers. This situation highlighted the pressing need for guidelines to be imposed on private air travel operators to Jaffna to ensure the minimum services to those who have paid exorbitant amounts to travel on their airline. While the residents of Jaffna are grateful that they have air and sea transport services, the users of this services should be treated with more courtesy and dignity.

#### **4.4 Problems faced by IDPs and Humanitarian Actors**

In Jaffna, to talk to people displaced by the conflict would involve talking to almost everyone in the peninsula. Jaffna's residents have faced multiple displacements over the past twenty years, as a result of various military operations – involving the security forces of the government, the LTTE, the Indian Peace-Keeping Forces and various armed groups. In addition, the forcible expulsion of Muslims from Jaffna and the rest of the North in 1990 and the exodus from Jaffna in 1995 both ordered by the LTTE, and the establishment of High Security Zones in the Peninsula by the Security Forces have directly contributed to the high figures of displacement. The current IDP population in Jaffna is staggering. In December 2007 the figure stood at 107,136 out of a total population of 502,242 which roughly amounts to 21% of the total population. Of the IDP population 83,480 are 'old' displaced (i.e before January 2006) and 23,656 are 'new' displaced. (UNHCR figures based statistics collated by Jaffna District Secretary).

Compared to the attention received by IDPs in other areas, especially in the East, IDPs in Jaffna have received much less attention. Focus is largely on those who were displaced after April 2006. Long term displacement, and tsunami-related displacement are low priority. A key issue that was raised by IDPs and by humanitarian agencies was the delays in ration distribution. Rations had not been provided in February since December 2007, due to the supplies not arriving in Jaffna. The two sets of IDPs – the "old" and the "new" – get different rations. The "old" IDPs get Government rations which are decided on a cash amount set in 1995. IDPs from 2006 onwards get World Food Programme (WFP) rations distributed by the Government, which are based on calorific content. As the cost of essential food items has risen, the amount of food that could be purchased from the allocation of government funds for dry rations has shrunk considerably and it is insufficient to meet needs. Although some assistance is provided by agencies and cash for work programmes are in place in some areas, these are ad hoc and not consistent, doing little to alter the structural problems of dependency and poverty.

Humanitarian actors are playing a critical role in Jaffna by assisting the Government in providing food and other assistance to the IDPs, and ensuring that the rights of IDPs are protected. It should be noted, however that they are working under severe restrictions. Some of these restrictions, such as the Government's unwillingness to grant visas, impact all humanitarian agencies throughout Sri Lanka,. Foreign nationals in the Jaffna peninsula, however, face more restrictions and paper work than in other parts of the country. Humanitarian agency personnel are also the victims of the violence. Between 2006 and 2007, 18 humanitarian

workers have been killed, many of them de-miners. It is difficult to assess as to whether these humanitarian workers were killed because of their humanitarian identity or whether this is part of a more general trend of targeting young Tamil men. It is difficult, if not impossible to figure out motives, let alone perpetrators, as in other killings. Clearly, being a humanitarian worker is not a guarantee of security. It also needs to be noted that having international staff is an advantage, especially to negotiate the release or movement of local staff. It was reported to us that only 4 of the 22 agencies that are operational in Jaffna have foreign staff. Due to security restrictions, they have all withdrawn to offices in Jaffna town, shutting down most of their project offices in the field and in some cases withdrawn from the peninsula altogether.

## **5 WAYS FORWARD:**

1. While there is no question that the security situation demands restrictions on movement of the people of Jaffna, the present situation creates an environment of alienation and fear which is counter-productive to the government's stated intentions of working for the freedom of the Tamil people of the north and east. There should be greater consideration paid by the military and civilian administration to create an environment in which people's ability to earn a living takes priority.
2. Addressing the human rights issues is a highly complex process, but there are small steps which would relieve some of the tension, fear and suffering. Providing lists of people who have been arrested and ensuring that those called for questioning into military camps be accompanied by family members are first steps towards improving the human security situation. Continuing and increasing language training to the police and the military (which has been previously carried out with some personnel) would also improve communication between them and the local people and help strengthen confidence in state agencies.
3. Providing compensation and support to families of the disappeared and killed is another critical measure.
4. The Jaffna 'prison' needs to be upgraded, facilities need to be improved and the separation of 'surrendees' from other prisoners and remandees with separate rehabilitation centres, should be a priority for all those concerned about the administration of justice.
5. Clarification of geographic locations of HSZs and establishment of consistent guidelines for access should be done so that at least a part of the IDP population can resume their livelihoods.
6. The Commissioner General of Essential Services should engage in a discussion with private shipping companies and the trading community in Jaffna regarding a structure for bringing down costs of goods in Jaffna. This would also involve the Government taking responsibility for ensuring lower shipping costs.
7. The civil aviation authorities should set out guidelines for airline operators that take into consideration not only security issues but also issues regarding the safety and comfort of paying passengers.
8. The Government should review the impact of high prices, security restrictions and lack of livelihoods on vulnerable sections of the Jaffna population. Rations and other assistance schemes to IDPs, Samurdhi Beneficiaries and fisher families should also be accordingly reviewed.
9. The Government should ensure the freedom of expression by guaranteeing protection to media workers and facilitating journalist's access to communication and printing paper.
10. The Government to assist humanitarian agencies in their work. Ensuring access for humanitarian agencies and providing visas for staff members in a speedy manner are critical steps expected of the Government.
11. Humanitarian Agencies need to take up protection issues relating to the Jaffna populous and their own local staff members. Agencies should devise means of highlighting and addressing critical protection

issues including malnutrition and the needs of victims and families of victims. Having more foreign staff members in Jaffna would better ensure the security of staff members.