



# General Assembly

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## Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by the Association Solidarité Internationale pour l'Afrique (SIA), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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## **Eelam Tamil Land occupation by the Sri Lankan Military forces in East of Sri Lanka**

Land is a key issue for reconciliation in Sri Lanka. Throughout the years, during the near three-decade war, post tsunami and post war period; land has played a prominent role in local and national efforts with regards to coexistence, durable solutions and reconciliation.

The prevalence of active hostilities, land mines, high security zones and other zones such as development, economic and industrial zones resulted in tens of thousands being displaced from their homes and lands, some multiple times.

Since the end of the war, many displaced from their lands have been able to return to their places of origin, although concerns remain regarding durable solutions and related issues.

One of the biggest consequences of the war was the displacement of people from their homes and the lands that they depended on for their livelihoods. Beyond the indiscriminate killings, this remains a highly contentious issue between the local Tamil population and the Sri Lankan army. Forced to vacate their homes, farmlands, and fishing zones once areas were designated as High Security or Restricted Zones or by war itself, the displaced hoped that their right to return would be granted someday. But continued military occupation has kept tens of thousands away from their homes and livelihoods.

The armed forces occupied many properties in the Northern and Eastern Provinces of the country during and after the civil war. The former government as the current government with its powerful politicians allegedly encouraged the process of illegally 'grabbing' land in the North and East during its tenure.

The issue of encroaching into public lands has still not been addressed by the relevant authorities, even after the change of government last year. One of the election pledges by the government of good governance was to release properties forcibly occupied by the forces. Some people affected by the war live in refugee camps. Occupied army are ruling Hotel Resort in occupied lands, and they destroy local peoples livelihood, in most case army also are ruling farms When the 'land owners' claimed that such a large amount of land was not required to build a navy camp in the north, a group of people is attempting to encroach into their lands while obstructing them. Officials said that the government would take over the land if it decides to but, a decision is yet to be arrived regarding the issue. They also said that the government would compensate the people with land or money if the land will be taken over by the Navy to which the land owners expressed concern claiming that they are not ready to give away their properties.

### **Eastern Province (Trincomalee, Batticaloa & Amparai districts)**

In 1911 the Eastern province was over 95% Tamil speaking, although a Sinhala minority predominated in some inner hinterland areas. The eastern littoral itself was almost entirely Tamil speaking and formed a contiguous Tamil region with the north via contact between Trincomalee and Mullaitivu districts. It is this North-East region that forms the territorial basis of the Tamil homeland.

#### **Trincomalee district**

Trincomalee district is noted for the ancient Koneswaram temple from which it derives its name, Thirukonamalai. (This exact name is first attested to in a 10th century Tamil inscription found in Nilaveli in the district. The temple is also mentioned in the hymns of Tamil Saiva saints such as Sampanthan in the 7th century. Indeed it was venerated by both Tamil and Sinhala kings alike, most notably the 11th century monarch Gajabahu II who was clearly a staunch devotee of Siva:

The census of 1827 suggests that the Tamil speaking population of Trincomalee exceeded over 18,000, whilst there was only 250 Buddhists at the time. From 1827-1921 the Sinhala population of the district did not exceed 5% of the total population.

According to the censuses of 1911 & 1921 the only division of Trincomalee district that had a Sinhala majority was Kaddukulam West. Here in this sparsely populated dry zone area of the interior were small Kandyan villages with a Sinhala population of 697. The boundary between these traditional Sinhala settlements in Kaddukulam West and the traditional Tamil & Muslim settlements of the coast in Kaddukulam East (with a Tamil speaking population of 3132).

The remaining divisions in Trincomalee District including Thambalakamam, Trincomalee Town & Kottiyar pattu were over 98% Tamil speaking in 1911 (The Tamil speaking population exceeded over 23,000 in these divisions). It is

apparent from these colonial documents that Trincomalee district, excluding Kaddukulam West, was an almost entirely Tamil-speaking region in the 19th and early 20th centuries.

### **Batticaloa district**

Prior to 1961 the Batticaloa district also included what is now known as Amparai district. The Tamil speaking coastal zones of both these districts are referred to as Mattakkalappu (மட்டக்களப்பு):

It surmises that the “various ethno historical traditions and early reports” from the region positively identify the Tamils “as having shared the Batticaloa region from pre-colonial times.”

Indeed, the modern day Batticaloa district has been almost entirely Tamil speaking since the early 19th century.

According to the censuses of 1911 & 1921, the entire district was over 98% Tamil speaking. This demographic pattern has continued to the present era:

In contrast the Amparai district has had significant Sinhala settlements in the interior forested areas at the foot of the Bintenne hills (although very sparsely populated). In 1911 the Sinhala population in these hinterland areas was just under 4000, whereas the total population of Amparai district was 7% Sinhala. However, the densely populated coastal areas of the district were inhabited almost entirely by Tamil speaking people (over 58,000 in 1911).

Amparai district 1911: This region at the time was over 99% Tamil speaking (population >58,000). The unshaded areas of the district are predominantly Sinhala speaking (population <4000).

The above evidence demonstrates that for centuries there has existed a contiguous Tamil region in the North-East of the island, which in the modern era is regarded by Tamil speakers as their traditional homeland.

Despite the end of the war in 2009, the integrity of former conflict areas has not been restored as lands forcibly acquired by the State during the war for high security zones are being turned into Special Economic Zones. For example, in Sampur near the eastern province town of Trincomalee 1,262 households consisting of over 4,000 people have been displaced for several years and are living in temporary shelters. Instead of returning their land, the area is presently being prepared for the construction of a coal power station in collaboration with an Indian State corporation. The traditional livelihoods of the affected families in agriculture, livestock-rearing and fisheries have been destroyed and those who are displaced are now destitute. Meanwhile, the 350 families who lived in the Mullikulam area of conflict-affected Mannar district in northern Sri Lanka, and who were displaced on multiple occasions due to the war, are yet to be allowed to return to their homes even after the end of war.

Reliable information says that more than 7000 acres of fertile agricultural land in Eastern Sri Lanka has been encroached by the State, after the conclusion of the war.

These fertile lands, an economical asset from nature, have been acquired for various development efforts, such as Tourism, Development, Saltern, Road Development, Bio Diversity Project, Pineapple plantations, Re Settlement, Mahaveli Development, Prawn Farming, and Tourist Hotels.

#### Trincomalee District

Irakkakandy Area 1500 acres

Kuchchaveli Area 1400 acres

Kanthalai Area 1500 acres

TOTAL 4400 acres

#### Batticaloa District

Eravurpattu Area 3 acres

Punanai Area 1500 acres

Kayankerni Area 300 acres

Sungarn kerni Area 50 acres

Sethukkuda Area 50 acres

TOTAL 2903 acres

And in the Ampara district 1900 acres of land has been acquired from the year 1956.

Details of Hindu temples desecrated and occupied in some cases are given below.

- 1) The statue of Surandhiamman found in the Verukampal hillock in the Vakara area has been removed by the police.
- 2) Balamurugan temple at Kujithapadhamalai in the Verugal divisional secretary area has been removed and a Buddhist vihara has been built at the site.

- 3) Kalladi Neeliamman temple at Verugal delta grame Sevaka division in the Verugal divisional secretary area has been desecrated and a Buddhist vihara has come up at that site.
- 4) The Sivalinga at Muthur Agasthiyar Centre, Which is said to be planted by Agasthiyar, thousands of years ago, has been smashed.
- 5) Sivan Temple in Kanniya has been damaged and it is unable to build up this temple.
- 6) The historic Thandhamalai Murugan temple in the Batticaloa district is under the strict guard of the army and people feel uneasy to freely worship at this temple
- 7) With the Kudumbimalai peak in Koralaipattu South, being under the strict surveillance of the army, people find it difficult to worship freely, a Buddhist Vihara has also being built there.

Collectif La Paix au Sri Lanka and Tamil Civil Society Forum, NGOs without consultative status, also share the views expressed in this statement.

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