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Contact: Joel Charny

## Sri Lanka: Forced Return Threatens Safety of Mutur Displaced

For the largely Muslim population of the eastern Sri Lankan town of Mutur the past six weeks have been a nightmare of forced displacement and vulnerability.

Over 45,000 people originally fled fighting in early August between the Sri Lankan army and the Liberation Tigers of Tamil Eelam (LTTE). They were then forced back to Mutur on September 6th and 7th in a government-organized return that in effect removed them from temporary shelters, however inadequate, in safe locations with basic services to temporary shelters with virtually no services in what remains a tense zone of potential conflict. With the return a fait accompli, there is an urgent need for material assistance and protective action by the government and international agencies for the displaced people of Mutur.

Muslims, who make up approximately eight percent of Sri Lanka's population of twenty million, are especially vulnerable in the context of the struggle between the government and LTTE. Although Tamil is the native language of the Muslims, they have never identified themselves with the separatist aspirations of the LTTE and their adherents. In the east, where all three ethnic and religious groups are present in significant numbers, inter-communal tension is acute and the Muslims find themselves caught in between, suspected by both parties.

The immediate cause of the fighting in Mutur, which is located just south of Trincomalee, the district capital and a major port, was the Sri Lankan army's response to the LTTE act of cutting off water from irrigation works in an area under its control to fields in neighboring government-controlled land. The LTTE apparently took this step in response to increasing restrictions on the flow of commercial traffic and humanitarian supplies into their zones in the east. In late July the Sri Lankan army began shelling LTTE positions to force the opening of the waterway, and the LTTE responded on August 2 by conducting an operation in Mutur town. After two days of fighting, in which shelling by both sides damaged many homes, schools, the maternity hospital, mosques, and other public buildings, the

population concluded that they had no choice but to abandon Mutur and seek safety in nearby towns, including Kantale, Kinniya, Thampalagamuwa, and Trincomalee.

In Kantale in late August, the head of the independent Muslim council for Mutur outlined for Refugees International the unfolding of the conflict and its consequences. He described the desperate efforts of the community leaders to appeal to both sides to stand down and stop shelling civilian targets; these efforts included phone calls to the LTTE headquarters in Kilinochchi and appeals to Colombo-based Muslim politicians to make a direct intervention with the President. These efforts were to no avail. He and his colleagues pleaded with the local LTTE cadres to leave civilian locations and with the Sri Lankan army commanders on the scene to cease their shelling, again without effect.

According to the community leader and displaced persons interviewed independently, neither side provided protection to the people of Mutur as they evacuated the town. They had to make their way on their own with no transportation or escort of any kind. The main escape route along the A15 road bordered LTTE-controlled territory; at one point, despite having provided guarantees of safety, the LTTE intercepted the group, diverted it from the main road and took it to Kinanthimunai, where armed cadre separated the men from the women and children, tied the hands of the men, and started to march them away. Just at that moment the Sri Lanka army began shelling, the LTTE scattered, and the men were able to escape and proceed to Kantale.

The Mutur displaced found shelter in schools, warehouses, and other public buildings, with the largest concentration, nearly 25,000, in Kantale. The displaced told RI that they were generally satisfied with the level of food and medical care they were receiving, but they were frustrated with the crowded conditions

(up to eight families in a small open air classroom, for example, or four families in a small tent left over from the tsunami relief effort) and poor sanitation.

It was obvious that the overall situation in the temporary shelters was not sustainable. The majority of the displaced was in schools, which needed to re-open. The tents were on bare ground in school compounds and even in paddy fields; with the seasonal rains about to start any day, thousands of people would immediately face impossible living conditions. And with Ramadan starting on September 23, residents of the camps expressed a strong desire to have their situation normalized prior to this important holiday.

But the displaced stopped short of insisting that they return to Mutur. While a few families had spontaneously gone home, RI spoke to several people who had assessed the situation themselves and decided to return to Kantale or who knew of neighbors who had done so. The returnees were dismayed to see the extent of the destruction in Mutur and to hear that shelling continued in the area. Several of the displaced insisted to RI that their children were still traumatized by the shelling and they would not return under any circumstances until it stopped.

The council leader stressed to RI the people's complete lack of trust in the belligerents after the painful experience of early August. "We cannot rely on any party," he told RI. He insisted on the following conditions for return: a government guarantee of compensation for damage sustained to personal property and assurances of respect for civilian safety by both the Sri Lankan army and the LTTE. There should be an international presence in the negotiations leading to any such guarantee, preferably by either the international Sri Lanka Monitoring Mission or by the Norwegian mediators of the moribund negotiations between the government and the Tigers.

In the context of the expressed reluctance of the displaced themselves to return, and the conditions placed on return by the independent Muslim community leadership of Mutur, which have not been met, the decision by the government of Sri Lanka to empty the shelters and return the displaced to Mutur violates the principle of voluntary return and the government's obligation to protect displaced people embodied in the Guiding Principles on Internal Displacement.

There are at least four problematic aspects of return at this time: the threat of a resurgence of conflict, as the LTTE has promised to respond militarily to the government's takeover of LTTE territory in nearby Sampur; the likelihood that unexploded ordinance is prevalent so soon after the battles in Mutur; the destruction of homes and the lack of appropriate temporary shelter in the town; the lack of government and international

emergency assistance for the displaced compared to the situation prevailing in the temporary shelters in Kantale and other towns.

According to Sri Lankan human rights activists who have been in direct contact with the national Ministry of Defense over the issue of forced return, the government rationale is that the area is now considered safe and it wanted to avoid the possibility of creating a long-term displacement problem in Kantale. According to the government, it would be a disgrace for it to maintain the displaced in limbo outside their homes if the real possibility existed for them to return in safety. In this sense, the Ministry argues, they are living up to their obligations to treat the displaced with dignity. The need to re-open the schools and the desire of many people to return to their home communities in time for Ramadan were likely additional factors.

With the temporary shelters virtually empty and the displaced forced to return, there is no going back to a protection strategy based on shelter outside of Mutur, unless the fighting resumes. The situation for the returnees, however, is precarious. Having forced them back, the Sri Lankan government bears the responsibility to see that this community is cared for and is able to rebuild. International support for and monitoring of Sri Lankan compliance with this obligation are essential.

#### **REFUGEES INTERNATIONAL RECOMMENDS:**

- ❑ The Sri Lankan government ensure adequate supplies of food and medicine and provide water and sanitation to displaced persons in Mutur.
- ❑ The Sri Lankan government provide cash compensation to families and individuals that can document losses directly resulting from the conflict in Mutur and support the reconstruction of damaged and destroyed homes as quickly as possible.
- ❑ International agencies, including the Office of the UN High Commissioner for Refugees, the World Food Program, and the International Committee of the Red Cross, establish a presence in Mutur using international staff to provide protection by presence and support and monitor the government's response to the situation. International NGOs should also seek to respond to the needs of the Mutur returnees.
- ❑ Donor governments provide special support to agencies seeking to respond to the needs to the Mutur returnees.
- ❑ The Sri Lanka Monitoring Mission return to Trincomalee and resume traveling widely in the district.

*Refugees International Vice President for Policy Joel Charny returned from Sri Lanka in late August.*