

## **STATEMENT FROM SRI LANKAN GROUPS REGARDING THE SITUATION OF MUSLIMS**

The human rights and humanitarian situation in Sri Lanka requires immediate international attention. As such, we the undersigned Muslim civil society groups welcome the visit of High Commissioner Lousie Arbour to Sri Lanka. The Muslim dimension in the Sri Lanka conflict has often been ignored and marginalized both during the periods of war and peace. We therefore call upon you, Ms Arbour to address Muslim concerns as a part of the other critical issues that you will examine and highlight during your visit and in your report.

### **Background**

An often forgotten factor about the situation in Sri Lanka is the position and role of the Muslim community, the second largest minority community in the island and a critical section of the population of the conflict-affected areas of the north and east. The Muslims form a separate ethnic community in Sri Lanka representing 8% of the national population of 20 million but account for more than 33% in the East and 18% in a merged North and East.

Over the years, as the conflict has escalated, tensions between the different civilian populations have deteriorated as a result of the armed actors' conflicting interests. The Muslim community has been caught in-between different manifestations of the conflict at different moments in history at the hands of the state and the Tamil militant movements. Massacres of 110 Muslim men at prayer in mosques and 130 men, women and children in separate incidents in the eastern towns of Kattankudy and Eravur in August 1990 by the LTTE and the LTTE's forcible expulsion of the entire Muslim population of the five districts of the Northern Province, numbering 75,000 in October 1990 heightened the victimization and alienation of the Muslim communities of the North and East. Seventeen years after the expulsion many of these evicted Muslims currently live in temporary shelters in Puttalam. The killings, abductions and intimidation of Muslim civilians, the seizure of their land and property and economic restrictions including 'taxation' by the Tamil militant movements over the years of conflict and in the last 4 years of the peace process have intensified the Muslim community's insecurity. In addition, violence since the signing of the Cease Fire Agreement between the Government and the LTTE in February 2002, including communal riots and the killings of Muslims has demonstrated the problem of law and order in the north and east. The exclusion of Muslim representatives from the formal peace negotiations by both the government and the LTTE has contributed to the sense of marginalization and alienation of Muslims from mainstream politics.

### **Recent Developments**

Following the upsurge of violence from December 2005 the insecurity of the Muslim Community has become increasingly clear. A critical crisis which impacted the Muslims was the battle for the north eastern town of Muttur in August 2006, which is largely seen as the starting point of full-blown warfare between the government and the LTTE. Both sides showed scant regard for civilian protection, international humanitarian standards or the laws governing armed conflict. Four schools and a hospital were damaged as a result of artillery bombardment killing at least 54 Muslim civilians. As the situation in Muttur became intolerable, the civilian population fled, the Muslims primarily moving to Kantale, a predominantly Sinhala town about 60 kilometers away. Despite the security assurances of safe passage from the LTTE, the LTTE cadres attempted to detain fleeing young men. A sudden firing of shelling which fell in the area resulted in the immediate dispersion of people and it remains unclear to this day how many Muslims were killed or abducted by the LTTE in that moment of mayhem.

The humanitarian response towards the more than 30,000 Muslim IDPs was slow and demonstrated an ethnic bias by the State. Government registration of IDPs also did not take place over a month. On September 7, the government announced that the IDPs would return to Muttur. Despite a range of questions regarding security and infrastructure and given the onset of the monsoon making living conditions in Kantale intolerable, Muslims were given no viable option but (forced) to return to Muttur. In the case of Camp 98 there is clear testimony about Police forcibly evicting IDPs from the premises of Al Hikma school on September 8. Tamils from Eastern

Trincomalee, Vakarai and Western Batticaloa had to undergo similar and harsher experiences of 'forced return' in the months that followed.

Other Muslim communities have also been displaced or re-displaced. Muslims from Mannar and Jaffna in the North who had returned to their old homes following the Cease Fire of 2002 are facing displacement for the second time. Acts of intimidation by the LTTE has also partially contributed to this increasing displacement, as have the prior experiences of expulsion by the LTTE and the State mishandling of displacement.

### **The Challenges to Normalisation and Development in the East**

Since return and assurances of 'normalisation' by the Government the Muslims of Mutur continue to face numerous hardships. The houses that were completely damaged in the shelling of August 2006 are still not re-built and the Government is expecting international organizations to take up the task. The fishermen of Mutur face numerous security restrictions and are not allowed to fish at night and are permitted access to a 2km zone from the coast. The tsunami reconstruction process is still not complete roughly 301 of the 1426 affected houses have been re-built. Like the Tamils of Trincomalee the Muslims are increasingly apprehensive of a Sinhalization of the area as there are plans to resettle some 30 Sinhala families in Mutur town on land that was allocated to build houses for tsunami victims. The Sampur High Security Zone which prevents the return of more than 4,200 mainly Tamil families also affects Muslims. The 67 families of Arafa Nagar who had attempted to cultivate their field and rebuild their homes were initially asked to leave by the military within an hour on 10<sup>th</sup> August 2007 but have subsequently been told that they can do cultivation but cannot reside in their village due to the security threat they pose to the nearby military base.

Muslim communities across the East are highly apprehensive of security, political and administrative developments in the recently captured East. In Batticaloa the militant Karuna Group that operates in government-controlled areas, allegedly with state backing has been active in particular Muslim areas such as Karbala, Pallai Nagar and Aalankulam where they are attempting to resettle Tamil villagers on land which is of contested ownership. The Karuna Group's efforts to establish a parallel political administration system to that of the State that is biased towards the Muslims has intensified tensions between the Tamil and Muslim Communities. In Pottuvil the Muslim community is feeling besieged as a result of State efforts to claim control of the land through such measures as demarcating areas as protected for archeological, religious and ecological purposes and changing administrative boundaries. Pottuvil is also where 10 Muslim labourers were hacked to death on September 18 2006. The Muslims of Pottuvil and Ulla claimed that the elite commando unit - the Special Task Force (STF) was either involved or complicit in the crime. There are increasing fears that following the capture of land from the LTTE the state is embarking on a massive development program which will seriously alter the demographics in the East and increase ethnic tensions between communities.

### **Insecurity and Powerless ness**

Security of the Muslims continues to be an issue. On June 28, 4 Muslims were killed in Palliyagodelle, Polonnaruwa reportedly by the army. Initially the army claimed that they had killed eleven LTTE cadres and presented four bodies with cyanide capsules. Subsequently the army claimed that four Muslims had been killed by the LTTE.

Insecurity is not restricted to the North and East. Muslim businessmen found themselves targeted by an unknown group/s who were abducting and extorting from large scale Muslim businessmen. It is still unclear how many businessmen were abducted and how much was paid, let alone who was responsible. There are also fears amongst Colombo based Muslims that the State is engaged in a campaign to hit at the heart of their economic interests. Muslims are largely seen as dominant in business and trade in Sri Lanka. In the recent past Muslim business groups have had to face increased intimidation including constant customs checks on their activities. The insecurity as highlighted in these incidents is highlighted by the lack of political leadership in taking up these human rights issues. The Muslim community has twenty four members of parliament, the majority

of whom are a part of the governing alliance with some eighteen ministers and deputies but they are unable to raise critical issues and most often defend the Government positions. In responding to the issue of abductions some of the Muslim ministers went so far as to deny and ridicule the allegations

### **Recommendation for Ending Muslim Marginalization**

The fate of the Muslim community over the last few months demonstrate the political and the security dilemma of the Muslims of the North and East and how they are caught between the competing interests of the state and the LTTE. On the one hand, they have been subject to killing, ethnic cleansing and intimidation by the LTTE. On the other hand, they experience the limited interest of the state in the welfare and protection of the Muslim population, and also have on occasion been the victims of state violence. There are rising fears of Muslim youth taking up arms in the East to protect their communities due to the increasing insecurity and political alienation.

We feel that it is important to address the issue of human rights violations of the Muslim community of Sri Lanka, in the context of the conflict, in a two-fold manner that of civilian protection as a common problem for all communities; and also as a distinct Muslim issue – that of a principal stakeholder largely marginalized in the peace process.

At this present juncture, in a context where basic humanitarian norms and human rights are being violated by both warring parties we request you, Ms Arbour to recommend how best humanitarian standards and human rights can be monitored and improved. We the undersigned groups support the creation of a field based human rights international monitoring mechanism, which we hope will take into consideration the Muslim dimension as well.

We also urge you to recognize these incidents as brought about by the unique conditions that Muslims face in this conflict and to support Muslim participation in the peace process. Muslims must be represented as a separate delegation at all levels of negotiations to end the violence, and to reach a political settlement.

**We urge that you meet with Muslim civil society representatives both in Colombo and during your visit to the East to hear first hand the situation of the Muslim community in Sri Lanka**

Dated September 14 2007

### **SIGNATORIES**

**Association of War Affected Women**  
**Centre for Policy Alternatives**  
**Citizen Committee for Forcibly Evicted Northern Muslims**  
**Citizens' Committee for Victimized Mutur Muslims**  
**Community Trust Fund - Puttalam**  
**Majlis-Us-Soora Mutur**  
**Majlis-Us-Soora Pottuvil**  
**Mannar Women for Human Rights and Democracy**  
**Muslim Council of Sri Lanka**  
**Muslim Information Centre**  
**Muslim Women's Research and Action Forum**  
**Mutur People's Forum**  
**Rural Development Foundation- Puttalam and Vavunyia**