

INTRODUCTION

Research Reports on Muslims' Grievances in Sri Lanka

Constitutional Reforms after the Independence, Electoral Reforms and Muslim Representation, North-East Muslim Question and Peace Process, Power Sharing, Supreme Court De-Merge Northern and Eastern Provinces, Eastern Provincial Council Election 10 May 2008 and Chief Minister Drama, Eastern Province Muslim Politics Ethnic Conflict and Discriminations, The Plight of Colombo Muslims and the National Political Parties, Muslim Minority Issues in Sri Lanka, The Road Map and Special Task Force to Resolve Muslims' Grievances in Sri Lanka. The evidence before Presidential Commission of Inquiry on Lessons Learnt and Reconciliation.

Muslims have always been loyal to the country and were in the forefront of the struggle – resisting foreign invaders, winning back the lost freedom and consolidating the freedom won. Muslims have fought together with the Sinhalese when the Portuguese invaded Sri Lanka. Every resistant moment of the Sinhalese had Muslims in their ranks. So much so that we became the target of persecution under the colonial powers. Muslims did not become traitors to receive honours or land. For a period of roughly three centuries, between the arrival of the Portuguese in 1505 and the departure of the Dutch in 1795, the Muslims in the maritime provinces underwent untold hardships at the hands of the invaders for being patriots.

In the last fifty or sixty years after the independence, you will not come across one solitary Muslim voice against the aspirations of the majority Sinhalese people. Muslim representatives did not go before Royal Commissions, nor have they gone before the International Community with accusation and sought to blacken the image of the majority community – the Sinhalese.

When the Second World War came to an end, the Board of Ministers in the State Council reminded the British Government of its promise and presented the Dominion Status Bill. British Government insisted on approval of it by a Majority of three quarters of the total members of the State council – an impossible task at that time unless the minorities gave their supports. Indeed this requirement of three quarters majority was the most potent guarantee that the wishes of the minorities would be given a great deal of consideration. All the Muslim members supported the bill.

When the Muslim members decided to take a definite stand at that time the Dominion Status Bill was introduced in the State Council, they did so for one and one reason only. The reason was that where political freedom of this country was involved, they were prepared

to go to any length, even to the point of sacrificing advantages and benefit as a result of such action.

Hon. S. W. R. D. Bandaranaike expressed his gratitude to the Muslims on behalf of his own community. Hansard of 22nd March 1945, Column 2062 Hon'ble Bandaranaike "..... May I refer to the support that the main principle of the bill has received from the Hon'ble Nominated member Mr. T. B. Jayah, The Hon'ble Nominated member Mr. Razik and the Hon'ble member for Colombo Central Dr. M. C. M. Kaleel among the minority members".

"What have the Nominated member Mr. T.B. Jayah and his colleagues the Hon. Nominated member Mr. Razik and the Hon. Member for Colombo Central Dr. Kaleel have done? There is provided in the bill a scheme of representation under which the Muslim community in this country might suffer in the form in which it appears, but they sincerely determined to work for the main idea of freedom and that they were prepared to vote for the principle embodied in the bill"

"But I can give the Hon. Nominated Member Mr. Jayah this assurance on behalf of, I think, the vast majority, at least of the community that I represent, that in the struggle for freedom whatever may or may not be the recommendation of the Soulbury Commission on our representation, they may be rest assured that we will be quite prepared to consider any reasonable point of view that they might put forward."

Many were familiar with the part played by Sir Mohamed Macan Markar, Dr. T.B. Jayah, Dr. M.C.M. Kaleel, M.A.C.M. Saleh, and Dr. Badiudin Mahmud of All Ceylon Muslim League and Siddi Lebbe, Wapiche Marikar, Sir Razik Fareed and I.L.M. Abdul Azeez of Moors Association. They enthusiastically supported the independence of Sri Lanka. The Muslims never obstructed the political progress of Sri Lanka.

Muslims throughout Sri Lanka totally rejected Tamil militants' call for the division of the country and firmly stood for territorial integrity and unity only to face death, devastation, loss of properties, livelihood and unlawful displacement.

Despite all these sacrifices and sufferings Muslims remain the most discriminated community in Sri Lanka to-day. Contrary to the common belief that the Muslims float in wealth, most of the Muslims today suffer from extreme poverty, illiteracy, unemployment and inadequate housing which have driven some Muslim youths to take to underworld activities and drug trafficking for survival.

Muslims do not have State Land, employment in state sector, adequate housing and University admissions according to our national ethnic ratio. The university entrance cut

off marks for badly neglected Muslim schools are the same for the highly developed Government patronized Sinhalese schools in Colombo City.

India, United States, United Kingdom, Japan, Australia and many more countries generously donated billions of rupees for the resettlement activities of about 280,000 Tamil IDPs whose suffering began only after May 2009. On the eve of the defeat of LTTE, top political leaders from the West – British Foreign Secretary David Miliband, French Foreign Minister Bernard Kouchner, UN Secretary General Ban Ki Moon rushed to the island to show their humanitarian concern. Few days later UN Secretary General dispatched his Deputy Lynn Pascoe on September 16, 2009 to visit the Tamil IDPs and press the government to speed up their resettlement activities. Furthermore, Head of the United Nations Refugee Agency Antonio Guterres promised further help for caring and resettling the Tamil IDPs. Indian Government has set aside Rs. 500 crores for the resettlement of Tamil IDPs.

All these Western and Indian human kindness dry up completely when it comes to the sufferings of Muslims driven out at gunpoint by the LTTE from the North in October 1990, and have been languishing in refugee camps in and around Puttalam for 20 long years.

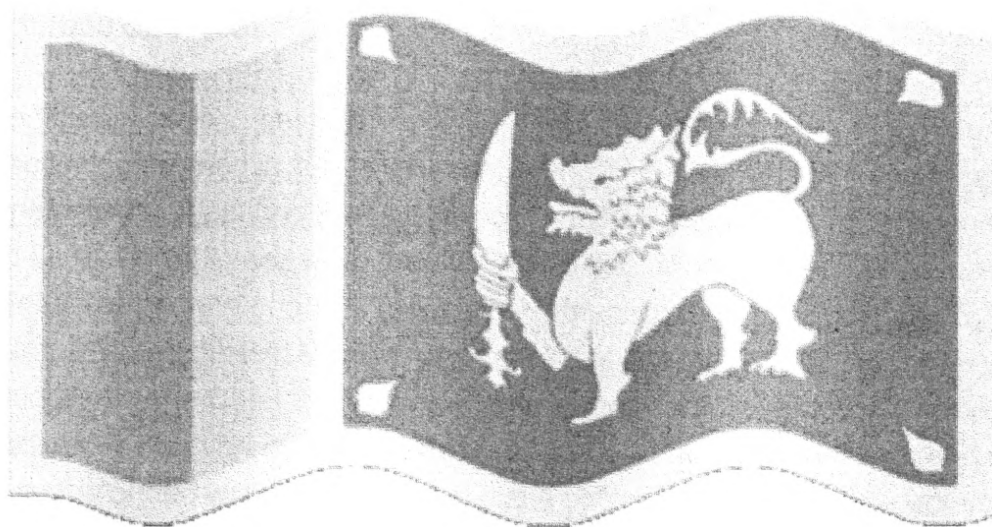
When an issue concerning the Tamils crops up there are interested groups across the world to raise their voice in support of them. When it concerns Muslims, voices are rarely heard, locally or internationally.

The ethnic conflict in Sri Lanka has had a terrible effect on the Muslims. The forcible eviction of more than one hundred thousand Muslims in the North-East, the destruction of mosques and other places of worship, the confiscation of land and attacks on innocent Muslims while praying in the Mosques have caused fear and insecurity in the hearts of the Muslims. Therefore, the Muslims have to be vigilant in the future. Our primary concern is the safety and security of our people, rights for our areas of historical habitations, resettlement of the forcibly displaced Muslims and power sharing.

In the light of lessons learned from the past an intensive research program was carried out on Muslims' Grievances with the aim of peaceful co-existence of all communities on the basis of equality in Sri Lanka.

**M.I.M. Mohideen,
Executive Director.**

08 September 2010



CONSTITUTIONAL REFORMS AFTER THE INDEPENDENCE IN SRI LANKA

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CONSTITUTIONAL REFORMS AFTER THE INDEPENDENCE IN SRI LANKA

The racial harmony and peace which existed during the British rule in Ceylon was shattered as a result of the Sinhala-Muslim riots in 1915. The principal effect of the riots was a sense and feeling of helplessness among the Muslims in Ceylon. The bitter memories and the impact of the 1915 riots, polarized the forces among the Muslims and encouraged them to form various organizations in order to safeguard their political rights as well as to better their economy, social and cultural backwardness.

The “Moors Union” established on 29th August, 1900 and “Ceylon Muslim Association” formed in 1903 immensely contributed towards the maintenance of the separate identity of the Muslim community. Sidde Lebbe, M.C. Mohamed and I.L.M. Abdul Azeez were the pioneers of the “Moors Union” Through this Union it refuted the charges made by Ramanathan about the Anthology of Muslims. When the first Muslim Advocate in Ceylon Mr. M.C. Abdul Cader was forbidden by the Chief Justice in 1905 to appear before the High Court with head and feet covered, the Muslim community immediately agitated and this campaign ended with the withdrawal of the original ruling and was a victory for the Muslim activists.

Manning Reform increased the unofficials in the Legislative council to 36 and 12 members to be elected on communal basis. In this constitution, Muslims were given three communally elected seats, H.M. Macan Markar, N.H.M. Abdul Cader and T.B. Jaya were elected to represent the Muslim community in the new legislative council inaugurated on October 15, 1924.

When Donoughmore Commissioners visited Ceylon to make changes in the constitution, the Muslim political Association led by N.H.M. Abdul Cader, T.B. Jaya and H.M. Macan Marker gave evidence before the commission. Their main representation was to increase the member of Muslim representatives in the legislature from 3 to 5 members, Communal representation and the safeguarding of their rights from the majority community. The Donoughmore Commissioners abolished communal representation, extended the franchise to all adults over 21 years and recommended the creation of electoral districts with population of 75,000 to 90,000 each, they substituted the state council and handed over its functions to the board of Ministers. The elections on the extended franchise were held in May-June 1931 and when the first State council

met in July 7, 1931, there was only one Muslim member elected from Batticaloa South.

The Muslim community was not satisfied with the position to which it had been relegated by the Donoughmore commission, Mr. T.B. Jaya led a deputation to Whitehall London in 1932 and demanded a system of representation in which the Muslim community, scattered as they were, could have adequate representation. The British Government did not make any electoral adjustment favourable to the Muslims. When the election in 1936 was held for the state council, none of the Muslim members won. However A.R.A. Razik and T.B. Jayah were nominated as Muslim representatives.

The All Ceylon Muslim political conference which united all the political divisions among the Muslims went before the Soulbury Commission on 5th February, 1945 and demanded that the communal representation to be replaced to safeguard their interests. The Soulbury Commissioners were greatly concerned about the position of the minorities under the New Constitution and expressed the hope that in the demarcation of electorates, such electoral devises as multiple member constituencies, reduced electoral strength for minority areas etc., would be utilized in order to give adequate representation to the Minority communities, especially the Muslims as they are more or less scattered throughout the country.

At the end of the first state council the Board of Ministers demanded full Responsible Government by the removal of the three officers of state and the reserve powers of the Governor. In the meantime, world war II broke out in 1939 and the Secretary of State put off all questions of constitutional reforms. He, however, appealed to the Board of Ministers for their co-operation in the war efforts and made a declaration that Ceylon would be considered for independence after the war. The Ministers and the people gave their full support for the war-efforts.

When the war came to an end, the Board of Ministers reminded the British Government of its promise and presented their Dominion Status Bill before the State council. British Government – Whitehall insisted on approval of it by a Majority of three quarters of the total members of the State council – an impossible task unless the minorities gave their supports. Indeed this requirement of three quarters majority was the most potent guarantee that the wishes of the minorities would be given a great deal of consideration. All the Muslim members supported it. Mr. T.B. Jayah and Dr. M.C.M. Kaleel spoke in

favour and A.R.A. Raziks and Dr. Kaleel voted for it. Jaya was not present at the time of the voting.

When the Muslim members of this Council decided to take a definite stand at the time the "Sri Lanka" Bill was introduced, they did so for one and one reason only. The reason was that where political freedom of this country was involved, they were prepared to go to any length, even to the point of sacrificing advantages and benefit as a result of such action.

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"But I can give the Hon. Nominated Member Mr. Jayah this assurance on behalf of, I think, the vast majority, at least of the community that I represent, that in the struggle for freedom whatever may or may not be the recommendation of the Soulbury Commission on our representation, he may be rest assured that we will be quite prepared to consider any reasonable point of view that he might put forward."

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In 1924, Manning Reforms increased the unofficials in the Legislative Council to 37 of which 6 were to be elected on communal basis. 3 Muslims were elected

by the entire Muslim Community of the Island. It was after 1924, when the communally elected members represented the Muslim interests in the legislature, Muslim education was given some thought, Muslim peasants were given lands for cultivation. Muslim law Committee was set up under the chairmanship of Justice M.T. Akbar, which produced the Muslim marriage and Divorce Ordinance and the Muslim Intestate Succession and Wakfs Ordinances.

Donoughmore Commission abolished communal representations, extended the franchise to all adults above 21 years, recommended the creation of electoral districts and substituted State Council for the Legislative Council. Only one Muslim member was elected from Batticaloa South in the election held in May-June 1931 for the State Council.

Muslim community was not satisfied with the position to which it had been relegated by the Donoughmore Commission. When the election was held in 1936 for the State Council, none of the Muslim members won. However, A.R.A. Razik and T.B. Jayah were nominated as Muslim representatives. The Governor made the nomination on the advice of the Board of Ministers which was dominated by Sinhala Buddhists. In other words Muslim representatives under this system were selected by the leaders of the Sinhala Community. The obligation of these Muslim representatives were more towards their patrons than towards the community they are supposed to represent. This system gave rise to the emergence of Muslim representatives not quite familiar with the aspirations of the Muslims Community. So the agitation for directly elected Muslim representation commenced with the removal of the communal representation by the Donoughmore Commission.

The Soulbury Constitution – (1947 – 1972)

The All Ceylon Muslim Political Conference which united all the political divisions among the Muslims went before the Soulbury Commission on 5th February 1945. They demanded that the Communal representation to be replaced to safeguard the ethnic rights of the Muslims in Ceylon.

The Soulbury Commissioners were greatly concerned about the position of the minorities under the new constitution and expressed the hope that in the demarcation of electorates, such electoral divisions as multiple members constituencies, reduced electoral strength for minorities areas etc. would be utilized in order to give adequate representation to the minority communities, specially the Muslims as they are more or less scattered throughout the country.

It also provided protection to minorities against legislations which the majority might be tempted to enact to the disadvantages of the minorities.

SLFP – Mrs. Sirimavo Bandaranaike Constitution – (1972 – 1978)

The Sri Lanka Freedom Party received a mandate at the general election held on 27th May 1970 to repeal the Soulbury Constitution and drafted a new constitution. SLFP declared the parliament to be the National State Assembly and removed some of the important safeguards provided for the minorities by the Soulbury Constitution. The provisions of Section 29 (2) and (3) of the Soulbury Constitution which were designed to give some protection to minorities did not find a place in the SLFP Republican Constitution. It did not re-enact the provisions for the appointment of members to represent interests that are not represented or adequately represented. The Senate where in the minorities found a forum to air its views and grievances was also disappeared in the new constitution.

UNP – J.R. Jayawardena Constitution – 1978

The United National Party headed by Mr. J.R. Jayawardena, won the election on 21st July 1977 and drafted a new constitution on 7th September 1978. The UNP constitution is the same with SLFP constitution of 1972 with regard to the abolition of safeguard to minorities. Both constitutions refrained from re-enacting the provisions of section 29 of the Soulbury Constitution, reinstating the principals of appointment and resurrecting the Senate. More damaging are the provisions for the Executive Presidency, the demarcation of electoral districts and the proportional Representation election system introduced in the UNP – Jayawardena Constitution which have seriously affected the rights the Muslim Community enjoyed for more than half a century in this country.

Citizenship Act.

At the time of independence it was made out that under the Soulbury Constitution, out of the 95 elected members 42 members would be returned from the minorities. Within four years of independence, the whole scheme of representation which involved weightage to the minorities, was totally distorted. Passing of the Citizenship Laws which de-citizenshiped and disfranchised about a million Muslims and Tamils and deprived them of the representation they had in Parliament, was the first blow directed against the minorities in this country. It also resulted in the majority community – Sinhalese who were only 68% of the population at that time, captured 80% of the representation in Parliament. The Citizenship Laws made the totality of the Muslims and Tamils in the country as doubtful citizens and we were undergoing several hardships

in registering of names in voters list, obtaining National Identity Cards and many other matters to which the Sinhalese were not subjected to. It is one of the most discriminatory piece of legislation. Not only it was passed and circulars sent to Departments not to employ doubtful citizens, but also the issue of Ration Books to the Muslims and Tamils depends on the proof of citizenship. As the Laws stands today, Muslims and Tamils who would be born in the future, will with the passing time, have to prove the birth in Sri Lanka of themselves and a series of ancestors, if they want to establish their citizenship.

Officials Language

With the passing of the Official Language Bill in 1956 and the introduction of Sinhala and Tamil as the medium of instructions in schools, the Muslims accepted the change and opted to learn Sinhala. Several Muslims particularly those who live in the Urban Towns in the Sinhala speaking areas, educated their children in the Sinhala medium. As a result a new generation of Muslim youths have emerged in the Sinhala speaking areas who speak very little Tamil if not none at all, and who now demand even the religious sermons in the mosques to be delivered in Sinhala, the only language they understand. This transformation has awakened the Muslims to the most complicated problem of finding instantly, sufficient Islamic religious books and literatures in Sinhala and also to find the ways and means of preventing a potential split in the community between the Sinhala Speaking and Tamil Speaking. Almost all the Muslim schools in the Sinhala Speaking areas are Tamil medium schools. More than two – third of the Muslims living in the Sinhala Speaking area where the language of administration is only Sinhala, have to educate their children in Sinhala. Unfortunately the Muslims do not have sufficient Sinhala medium Muslim schools in many parts of the country where the Muslim children could get their education in Sinhala medium up to the university entrance. As it is, the Official Language Bill has done more damages and have placed the Muslim community in a disadvantageous position than any other community in Sri Lanka.

Local Government

Pradeshiya Sabhas, Urban Councils and Municipal Councils constituted under the provisions of the Pradeshiya Sabhas Act and Local Authorities Election (Amendment) Act did not give equal opportunities for the Muslims to participate in decision making process relating to Administration and Development activities at the local level.

The UNP proposal dated 20 February, 1984 to the All party Conference, it was stated that there would be 200 – 250 Pradeshiya Sabhas and that they would be vested with necessary powers and functions. The economic viability and stability will be ensured by careful demarcation of the area of authority, taking into consideration of population, size, resources etc.

His Excellency the president in his statement dated 25 June, 1986 said that in order to allay the apprehension of any community the Government was prepared to consider the establishment of units to give the ethnic groups the control of Provincial Government such as community oriented AGA Division, Pradeshiya Sabhas and other unit of local self – government.

There were 549 Village Councils with 7,316 members, and 83 Town Councils with 528 members prior to the setting up of the Development Councils in 1981. We had 138 DRO's Divisions before the establishment of the 241 AGA Divisions for local administration directly under the Ministry of Home Affairs. The Government without appointing a delimitation commission and inviting the members of the public to make representations they desired regarding the delimitation of the area of administration of the local bodies, have established 257 Pradeshiya Sabhas to elect 3,695 members, 39 Urban Councils to elect 416 members and 12 Municipal Councils to elect 255 members in the 25 districts of the country. This important operation was carried out unilaterally by the Government without consulting the people specially when these sub-national units are meant to give an opportunity to the minorities to share power at the local level.

In the list of local bodies, we find that the interests of the Sri Lanka Muslim Community have been deliberately ignored when carving out the local bodies. Muslims do not have Pradeshiya Sabhas, Urban Councils and Municipal Councils according to our national ethnic ratio. Muslims being 8%, it is our legitimate right to elect 181 members in 21 Pradeshiya Sabhas, 32 members in 3 Urban Councils and 19 members in 01 Municipal Council in order to participate effectively like the Sinhalese and Tamils in decision making process relating to administration and development activities at the Local level.

Muslim majority local bodies could be easily created in the AGA Divisions of Colombo, Beruwela, Harispattu, Puttalam, Pottuvil, Akkaraipattu, Attalaichenai, Ninthavur, Sammanthurai, Kalmunai, Irrakkamam, Kattankudi, Eravur, Ottamawadi, Valaichenai, Muthur, Kinniya, Thoppur, Kuchchaveli, Musali,

In the 1972 Constitution of Mrs. Bandaranaike, although the Delimitation Commission was required as a general rule to carve out an electoral district for every 75,000 persons and further to create an electoral district for every 1,000 Sq. Miles (calculated according to the provisions laid down) the minority interests was given a special place. In contrast to these directions, in the present Constitution there is total absence of these provisions in the matter of division of Provinces into electoral districts. This Law seems to directed at the Muslim Community rather than at any other in Sri Lanka.

Election – Proportional Representation

When we consider the political fate of the Muslim Community under the system of Proportional Representation introduced by the Jayawardene Constitution of 1978, we have to look closely at the community's dispersion in the country visa-vis the provision of paragraph (6) of Article 99 of the Constitution:

“Every recognized political party and independent group polling less than one twentieth of the total valid votes polled at any election in any electoral district shall be disqualified from having any candidate of such party or group being elected for that electoral district”.

In other words, in order to qualify to have its candidates elected, the party or independent group should have polled not less than 5% of the total valid votes polled at the election. The proportion of Muslim voters to other communities is much less than 5% in 11 out of 22 electoral districts. In these districts even if the Muslim community forges a complete solidarity and vote unblock for a party or a group of Muslim candidate, it cannot poll the required minimum and therefore will be disqualified from having any of its candidates elected to represent it. The election laws introduced by the present constitution entitle the voters to vote for one of the parties or independent group whose list of candidates appears on the ballot paper. The party or an independent group that polls the highest number of votes in any electoral district shall be entitled to have the candidate nominated by it, who has secured the highest number of preferences, declared elected, - Article 99. The disqualified votes polled by the parties and independent groups, if any, shall be deducted from the total valid votes polled at the election in that electoral district and the number of Valid votes resulting from such deduction the “relevant number of votes” shall be divided by the number of members to be elected for that electoral district

reduced by one. Then what happens to the Muslim community in electoral districts like Batticaloa or Trincomalee to which 4 seats have been assigned. In these districts in order to have one member elected, the Muslims should collect 1/3 of the relevant number of votes. But Muslims are only 24% and 29% in Batticaloa and Trincomalee districts respectively. It is the same position in other electoral districts except in Colombo and Digamadulla. Therefore nearly 75% of the Muslim community is deprived of the opportunity of being represented by members elected independently by their own community, an opportunity which other communities – Sinhalese and Tamils, have in ample measure.

Under the present system of Proportional Representation election a voter can indicate his preference for three candidates of any one party or independent group. But the UNP and SLFP have nominated only one or two Muslim candidates in their nomination lists in most of the electoral districts Outside Northern and Eastern Provinces. In some districts none. When the Muslims are denied the opportunity to use all the three preferential votes to secure representation for themselves by their own Community members, they are forced to cast their votes for non-Muslim candidates. The present election system enables the non-Muslim community to derive an undue advantage for itself of the Muslim preferential votes.

It is said that to change the present constitution there should be two-third majority in parliament and a referendum. In 1977, the UNP had five-six majority and the former President Jayawardene introduced the new system of Proportional representations. Under this system it is almost impossible for any political party to get two-third majority. In other words the 1978 Constitution cannot be lawfully changed by the methods spelt out in the constitution. This is one of the obnoxious features of Jayawardene Constitution.

The proportional representation cannot be applied to by-elections. When vacancies occur, they are filled by party loyalists, regardless of the opinion of the voters in the electorates or of the appointees connection with them.

Glaring examples of disparity can be noticed with regard to the allocation of voters to electoral districts. No two electoral districts are equal. For instance, the number of voters in the Kandy electoral district in 1983 was 602,232 for 12 members or 50,186 voters per member where as the number of voters in the Vanni electoral district was 128,590 for 5 members or 25,718 voters per member. That is to say, one voter in the Vanni electoral district is equal to nearly two voters in the Kandy electoral district.

Delimitation of Electoral Districts

(1) **1946 (First) Delimitation** – Constitution 1946. Population 6,484,409. Twenty five electorates on territorial basis. One per 1000 sq. miles and 64 electorates in proportion to persons at the rate of one per every 75,000. Total 89 Seats – Article 76 (2). 89 electorates returning 95 members – One 3 member electorate for Colombo Central. 4-two member electorates for Kadugannawa, Ambalangoda, Balapitiya and Balangoda. With 6 appointed members to represent the unrepresented and under represented interests. Total membership of parliament was 101.

(2) **1959 (Second) Delimitation** – Constitution 1946 Amended Act No. 4 of 1959. Population 9,361,300. Citizens 8,213,800. Creation of multi member constituencies was limited to racial (interest) groups only and not for the benefit of others. 145 electorates to return 151 members. One 3 members electorate in Colombo Central and four 2 member electorates in Colombo – South, Akmeemana, Muthur, and Batticaloa. With 6 appointed members the parliament had 157 members.

This position remained same at the 4th, 5th, 6th and 7th parliament. Elections held in March, July 1960, 1965 and 1970 respectively.

(3) **1976 (Third) Delimitation:**

(a) 1976 Delimitation Commission used 1971 Census. Population 12,711,143. Citizens 11,605,903 and provided 143 territorial constituencies on the basis of 90,000 people per constituency. Total 160 territorial constituencies returning 168 members.

(b) The 1,105,240 non citizens, had no voting rights to elect the representatives provided for their number in population.

(c) This gave the 73% Sinhalese an undue advantage to elect 82% of the membership while the minorities – 12% Tamils had the opportunity to elect 11% members, 8% muslims had the opportunity to elect 5% members and the 6% Indian Tamils had the opportunity to elect only 3% members.

(d) In demarcating territorial constituencies the 1976 Delimitation Commission was required to take into account the question of minority

interests. Quite contrary to this, the Delimitation Commission had divided minority villages as in Akkaraipattu, one part in Pottuvil and the other part in Sammanthurai electorates and made the people of Akkaraipattu politically weak.

- (e) The general rule of each electorate having as possible an equal number of voters was subject to exemption with regard to the representation of minority interests only. But the Delimitation Commission had created constituencies with less than half the average number of voters in predominant Sinhala areas – Mahanuware, Teldeniya, Wiyaluwa and Colombo West.

(4) 1981 (Fourth) Delimitation:

- (a) 1981 delimitation was carried out without the General Census due in 1981. It retained the 160 territorial constituencies determined by the 1976 delimitation. 36 seats added for the 9 provinces – 4 seats each without any consideration for the population or land area. Further 29 seats added on the National PR. Total members in Parliament 225.
- (b) The provisions of 1978 constitution with regard to the demarcation of Electoral Districts and the PR election system virtually eliminated elected representatives for the Muslims outside the Northern and the Eastern Provinces from the legislature.
- (c) Out of the 22 Electoral Districts, Muslims have been denied the opportunity of electing their own representation in 18 Electoral Districts.
- (d) However good a representation chosen for it by others may be, he cannot be regarded as an adequate substitute for a representative chosen by the community itself.

Executive Presidency

The Executive President of Sri Lanka, is the head of State, head of Government and Commander in Chief of the Armed Forces. No legal proceedings can be initiated against the Executive president in any court or tribunal in respect of anything done or omitted to be done by him or her either in his or her official or private capacity. This means that the head of Government can treat the law with absolute contempt because the law cannot touch him or her. The Executive

Presidency is an all powerful institution and does not enable other institutions to function properly because all those institutions come under the shadow of the Executive Presidency.

When the Executive Presidential system was set up, it was thought that the presidential candidate will have to have the support of the minorities to win and therefore will be sensitive to minority sentiments and aspirations. But what had happened after the elections? The minorities had no chance what so ever to influence the Executive President during the six year of his or her tenure. This has been proved quite clearly by the four elected Executive Presidents we had earlier.

The office of the Executive President is limited to two terms only. The person who won the election for the second term had ignored the minority interests because he or she knew that he or she cannot become the President for the third time under the present constitution.

It is argued that the powers of the Executive Presidency are necessary for rapid economic development. But we have realized that the Executive Presidency had not worked the way it was expected. During the last twenty years rule of the Executive Presidency, thousands of men, women and children have been killed and injured. The number of people who have become refugees have exceeded million. Billions of Rupees have been spent on war.

When the Executive President's political party secures overwhelming majority as happened during the terms of President Jayawardene and President Premadasa, then the Executive President has the right to choose the Prime Minister, the right to determine the number of Ministers and appoint Ministers and assign subjects and functions to them, to determine what subject and functions shall be retained by him or her, change the assignments, alter the composition of Cabinet and the right to appoint Ministers outside the Cabinet and the absolute power to remove any one of them from office, coupled with the powers to dissolve Parliament after the expiration of one year after the general election, his or her unfettered right to appoint the highest posts in the public service, the judiciary, diplomatic representatives and the defence forces are breathtaking and make the Executive President the most powerful person in Sri Lanka.

To circumvent the requirement of Parliamentary approval for expenditure, there is a special fund known as the President's Fund and payments out of this fund

do not need to conform to the procedures for payments and is operated according to President's discretion and pleasure.

The situation would be different when the political party of which the President is the leader, ceases to be the majority in Parliament and the President is confronted by a hostile majority and he or she is vulnerable to the risk of impeachment and dismissal from the office. If the President's policies encounter opposition at the General Election or secure a slender majority, there will be substantial dissemination of the powers of the Executive President.

Parliament is the sources of law making. But there is a rival law making body as well. That is the Executive Presidency. The Executive President under emergency regulation under the Public Security Ordinance not only made laws but also made them prevail over ordinary laws if they conflict. The sole purpose of this kind of use of Emergency Regulations was to by pass Parliament and to dispose with debate, discussions and questions that would otherwise have been raised in Parliament.

There is little justification for granting the Executive President the power to dissolve Parliament which body has as much legitimacy and claim to freedom of action as being elected as representatives of the people in the same way as the Executive President. There can be no equality between the Executive President and Parliament when the life of Parliament depends upon the Presidential will.

The Executive Presidency in Sri Lanka has made a single person a dictator where by the sovereignty is removed from the Parliament where it should be vested.

Devolution

Devolution of power was first introduced into the Sri Lankan Constitution with the passage of the 13th Amendment, certified on 14th November 1987, following the Indo-Lanka Accord of July 29, 1987. Although the scheme of devolution was meant to cover all the nine Provinces, it is indisputable that the catalyst was the ethnic conflict and the need for a politically negotiated settlement by addressing the legitimate grievances of the minorities of Sri Lanka – Tamils and Muslims.

The 13th Amendment being a part of the constitution, it need not have the approval of APRC or any political party for the implementation of the provisions

of the constitution. This is a constitutional right of the people. However, His Excellency the President Mahinda Rajapaksa has instructed the APRC Committee to identify immediately a course of action to achieve maximum and effective devolution of powers to the provinces under the 13th Amendment in order to meet the aspirations of the Tamil speaking peoples – Tamils and Muslims, especially in the North and East.

Presidential Directive for the Implementation of the 13th Amendment

In formulating a political and economical frame work for the resolution of the national question, the APRC has been guided by the address made by the President on 11 July 2006.

- (a) People in their own localities must take charge of their destiny and control their political and economical environment.
- (b) Devolution also need to address issues relating to identity as well as security and socio-economic development without over reliance on the Centre.
- (c) To address the question of regional minorities.
- (d) A solution to the national question must ensure the unity of the country.

Local Bodies:

To achieve the objectives of the President as given in the guidelines, a Local Government Delimitation Commission should be appointed immediately in order to carry out the following:

- (a) Delimitation of ethnic oriented local bodies and administrative units including the state land and natural resources in proportion to the population.
- (b) Delimitation of the Grama Sabhas, Urban Council and Municipal Council areas and Wards.
- (c) In demarcating Grama Sabhas, Urban Councils and Municipal Councils areas and Wards, consideration should be given to the geography of the area, communication facilities, economic activities and community cohesiveness of the population within the area should be taken into consideration.
- (d) It should also be necessary to ensure that the boundaries of Pradeshiya Sabhas are co-terminus with the boundaries of administrative divisions under the Divisional Secretaries. However, this conditionality need not apply in Urban and Municipal areas.
- (e) The population figures for consideration should be the figures from the 2001 Census except for the Northern and Eastern Provinces wherein available

authentic figures allowing for displacements (both internal and external) since 1983 should be used. The Census figures of 1981 should also be used as a guide in these two Provinces.

Police Powers and Law and Order:

Appropriate action should be taken to ensure that police powers are devolved to the Provinces in terms of the 13th Amendment to the Constitution, the Police Commissions Act No. 1 of 1990 and the 17th Amendment to the Constitution.

The 13th Amendment devolves the subject of Law and Order on the Provinces. The composition of the National Police Commission is provided for in the 17th Amendment while the 13th Amendment provides for the establishment of Provincial Police Commission. It may be prudent to appoint a Senior DIG as head of every Provincial Police Division, as a Senior DIG will also fall into the category of DIGs referred to in the 13th Amendment.

It would therefore be necessary for the Cabinet of Ministers to take an executive decision to permit the Provinces to exercise powers on Law and Order as stipulated in the 13th Amendment.

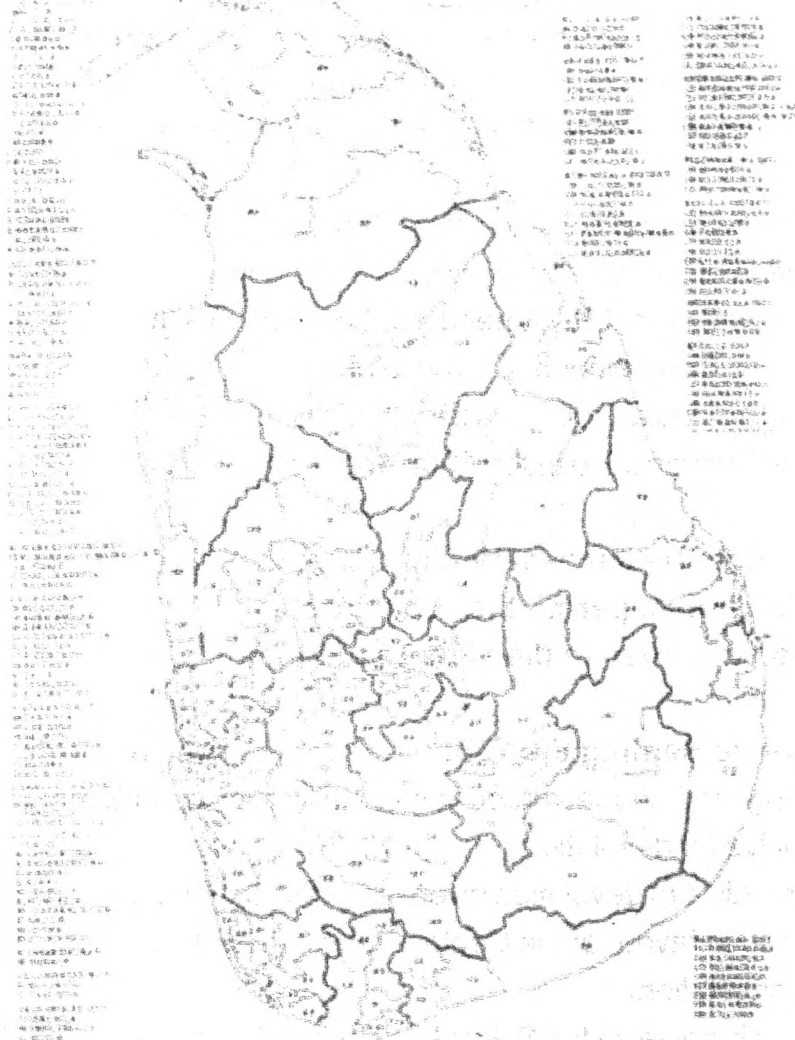
Barriers in Implementing the 13th Amendment to Constitution

1. The existing institutional structures in the Provinces and the Districts are not conducive for devolution.
2. All the three Lists of devolution given in the 9th Schedule to the Constitution are weighted in favour of the Centre, due to the unitary character of the Sri Lankan Constitution.
3. The unitary character of the Sri Lankan Constitution help the Sinhala majority Central authorities, most of whom have an anti-devolution mindset to infringe upon the powers devolved to the minorities.
4. Last twenty two years experience shows that even the minimum devolution to the minorities will not be possible until the anti-devolution mindset of the Sinhala politicians and bureaucrats are removed.

Cabinet Ministerial Sub Committee

The Cabinet Ministerial Sub Committee appointed for the full implementation of the Thirteenth Amendment has not met yet. The Minister of Constitutional Affairs is not a member of that Committee. Neither is Prof. Vitharana who is the Chairman of the APRC.

SRI LANKA ELECTORAL DIVISIONS



ELECTORAL REFORMS AND MUSLIM REPRESENTATION IN SRI LANKA

مرکز السیلان لوائائق المسلمین

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ELECTORAL REFORMS **AND MUSLIM REPRESENTATION IN SRI LANKA**

Electoral Reforms

The 1978 constitution made a drastic change in the electoral method of representation embodied in both the 1948 and the 1972 constitutions.

It is said that to change the present constitution - (Election System) there should be two-third majority in parliament and a referendum. In 1977, the UNP had five-six majority and the former President Jeyawardene introduced the new system of Proportional representations. Under the Present Election system it is almost impossible for any political party to get two-third majority. In other words the 1978 Constitution cannot be lawfully changed by the methods spelt out in the constitution. This is one of the obnoxious features of Jeyawardene Constitution.

It should be noted that while the Donoughmore and Soulbury constitutions as well as the 1972 Republican Constitution provided for election of individual members to Parliament, the 1978 constitution obliterated the importance of the individual voters and made it compulsory to elect registered political parties or independent groups to Parliament. In other words the 1978 constitution handed over the role of representation of the people in Parliament from individuals to political parties/ groups.

The Proportional representation system together with the original 12 1/2% cut-off point, and the concept of the district bonus seat went against the very spirit of the concept of "Representation according to the proportion of the votes". In view of the fact that the Sri Lanka Muslim community does not constitute more than 12 1/2% (of the total population of the electoral district) except in Ampara, Batticaloa, Trincomalee and Vanni districts; the 1978 constitution dealt an effective blow to the political representation of nearly 60% of the Muslim community who are scattered in the other 18 districts.

If not for the timely emergence of Recognised Muslim Political Parties, the Muslims in the Northern and the Eastern provinces too would have been deprived of their independent political representation and their destinies would have been left to the whims and fancies of the chauvinist major political parties.

The features of the PR system which did not enable the minority communities and the minority political parties to have their legitimate shares, resulted in unjust gain for the major political parties, as the number of seats gained by these parties were disproportionate to the number of votes they received. It is a matter for record that electoral reform such as) the reduction of the 12 1/2% cutoff point to 5% for Parliamentary elections and the total abolition of the 12 1/2% cut-off point for the Provincial Council election law was a result of the efforts made by the SLMC founder leader Mr. M.H.M. Ashraff.

The Muslim community is pleased that the United National Party in its manifesto for 1994 Parliamentary Elections committed itself to the abolition of the district bonus seat as well as the 5% cut-off point

Muslims are aware of the constraints that would be brought about by the fact that the new electoral reforms will not be preceded by the appointment of a traditional Delimitation Commission and the carving out of the electorates. This is due to the fact that the country has not been in a position to hold a complete national census after 1981, It should be noted even the National Censers carried out in 2001 is not a complete exercise because most of the Tamil areas in the North-East were not included. We are also appreciative of the fact that there is no guarantee that the country can hold another complete census in the near future on account of the fact that there is no immediate likelihood of achieving peace.

The 1976 Delimitation Commission worked on the basis of the 1971 census which reflected a total population of 12,701,143; and 11,605,903 citizens. This Delimitation Commission created 143 territorial constituencies on the basis of 90,000 people per constituency and 25 additional constituencies for the land area of every 1,000 sq. miles. This exercise resulted in the creation of a total number of 160 territorial constituencies returning 168 members – Annex I

However the fact that the minority - Tamils and Muslims population of over 1 million (1,105,240) were not citizens and therefore ineligible to vote meant that they were deprived of their due share of representation in Parliament. The loss of representation of the minority community became the gain of the majority community. The resulting position was that the 73% Sinhalese were left with

83% seats in Parliament whilst the 12% Sri Lankan Tamils had 11% of the seats and 8% Muslims and 6% Indian Tamils were left with 3% of parliamentary seats respectively.

The 1976 Delimitation commission did not pay adequate attention to create smaller electorates with a view to ensure the Parliamentary representation of “substantial concentration of persons united by a community of interest where racial, religious or otherwise, but differing in one or more of these respects from the majority of the inhabitants of that area”.

For example whilst the Delimitation Commission created constituencies with less than 1/2 the average number of voters in predominant Sinhala areas like Mahanuwa, Teldeniya, Viyaluwa and Colombo West, it is matter of regret that a substantial concentration of a minority Muslim community, living in a predominant Muslim village such as Akkraipattu in the Ampara district was irrationally and mercilessly divided into two areas so that one area became part of Sammanthurai electorate and the other area became part of Pottuvil electorate. This resulted in the permanent deprivation of a reasonable opportunity for a voter from Akkraipattu from successfully contesting either the Sammanthurai electorate or the Pottuvil electorate.

The 1981 Delimitation was carried out without the figures of the general census held in that year. As a result, the 160 territorial constituencies as in the 1976 Delimitation were retained and 36 seats were added to the 9 provinces at the rate of 4 seats per province without any consideration for the population or land area. A further number of 29 seats were added on the national PR, thus making the total membership of parliament 225.

Demarcation of Electoral Districts

The UNP - Jayawardene Constitution of 1978 is the same as its predecessor with regard to the abolition of safeguards to minorities. It also refrained from re-enacting the provisions of Section 29 of the Soulbury Constitution; reinstating the principals of appointment, and resurrecting the Senate. More damaging are its provisions with regard to demarcation of Electoral Districts - Article 96

- (1) The delimitation Commission shall divide Sri Lanka into not less than twenty and not more than twenty four electoral districts, and shall assign names thereto.

- (2) Each Province of Sri Lanka may itself constitute an electoral district or may be divided into two or more electoral districts.
- (3) Where a province is divided into a number of electoral districts, the Delimitation Commission shall have regard to the existing administrative districts, so as to ensure as far as is practicable that each electoral district shall be an administrative district or a combination of two or more administrative districts together constitute an electoral district.
- (4) The electoral district of each Province shall together be entitled to return four members independently of the number of members which they are entitled to return by reference to the number of electors whose names appear in the register of electors of such electoral districts), and the Delimitation Commission shall apportion such entitlement equitably among such electoral districts.

The Jayawardene Constitution of 1978 does not contemplate the establishment of any other future Delimitation Commission than the one which was established within three months of its coming into operation. Therefore, the demarcation of electoral districts that it has carried out is final for all times, and equally final in its distribution of the 36 members among the electoral districts of each of the nine provinces on the basis of Article 96(4) and the 160 members in terms of Article 98. These could be altered only by amending the Constitution by two third majorities, which is not practical politics under the proportional representation system which has been introduced into the machinery of elections. This is one of the most reactionary features of the Jayawardene Constitution of 1978

We notice that the provisions cited above do not contain any instructions to the Delimitation Commission to some attention to the existence of minorities in the country while demarcating electoral districts. In other words, the provisions of the Soulbury Constitution with regard to minority representation have been deliberately omitted in the Jayawardene Constitution of 1978

When a Delimitation Commission was appointed under the Soulbury Constitution there was a specific direction in Section 41 that the Commission

shall have regard to the transport facilities of the Province, its physical features and the community or diversity of interest of its inhabitants. There was a further specific direction that in so doing, that is to say, in dividing the Province into Electoral Districts, where it appears to be Commission that there was in any areas of province a substantial concentration of persons united by a community of interest, whether racial, religious or otherwise, but differing in one or more of these respects form the majority of the inhabitants of that area, the Commission may make such division of the Province into electoral districts as may be necessary to render possible the representation of that interest.

The essence of this provision is that the Commission, in demarcating an electoral district, was required to take into account the question of minority groups, whether they be found on race, religion or other common interest, in order to render possible the representation of such group in the legislature. A Delimitation Commission appointed under that Constitution would therefore have acted contrary to the terms of that provision of dividing a Province into electoral districts, it has disregarded this requirement regarding a minority with a common interest.

It was made quite clear in the direction contained in Section 41 (3) that the general rule of each electoral district having as nearly as possible an equal number of persons was subject to this exception, regarding the representation of minority interests. The creation of an electoral district to enable the representation of a minority group with a common interest was to over ride the requirement of each electoral district having an equal number of persons. It was in addition to this requirement that the Delimitation Commission under the Soulbury Constitution was empowered to create multy member constituencies in any Province returning two or more members.

Glaring examples of disparity can be noticed with regard to the allocation of voters to electoral districts. No two electoral districts are equal. For instance, the number of voters in the Kandy electoral district in 1983 was 602,232 for 12 members or 50,186 voters per member where as the number of voters in the Vanni electoral district was 128,590- for 5 members or 25,718 voters per member. That is to say, one voter in the Vanni electoral district is equal to nearly two voters in the Kandy electoral district.

In the 1972 Constitution of Mrs. Bandaranaike, although the Delimitation Commission was required as a general rule to carve out an electoral district

for every 75,000 persons and further to create an electoral district for every 1,000 Sq. Miles (calculated according to the provisions laid down) the minority interests was given a special place in contrast to these directions, in the present Constitution there is a total absence of these provisions in the matter of division of Provinces in to electoral districts. This Law seems to be directed at the Muslim Community rather than at any other in Sri Lanka.

Delimitation of Electoral Districts

(1) **1946 (First) Delimitation** - Constitution- 1946. Population 6,484,409. Twenty five electorates on territorial basis. one per 1000 sq. miles and 64 electorates in proportion to per sons at the rate of one per every 75,000. Total 89. Seats - Article 76 (2). 89 electorates re turning 95 members - One 3 member elector ate for Colombo Central. 4-two member electorates for Kadugannawa, Ambalangoda, Balapitiya and Balangoda. With 6 appointed members to represent the unrepresented and under represented interests. Total membership of parliament was 101.

(2) **1959 (Second) Delimitation** - Constitution 1946 Amended Act No. 4 of 1959. Population 9,361,300. Citizens 8,213.800. Creation of multi member constituencies was limited to racial (interest) groups only and not for the benefit of others. 145 electorates to return 151 members. One 3 members electorate in Colombo Central and four 2 member electorates in Colombo - South, Akmeemana, Muthur, and Batticaloa. With 6 appointed members the parliament had 157 members.

This position remained same at the 4th, 5th, 6th and 7th parliament. Elections held in March, July 1960. 1965 and 1970 respectively.

(3) 1976 (Third) Delimitation:

(a) 1976 Delimitation Commission used 1971 Census. Population 12, 711, 143. Citizens 11,605,903 and provided 143 territorial constituencies on the basis of 90,000 people per constituency. Total 160 territorial constituencies returning 168 members.

(b) The 1,105,240 noncitizens, had no voting rights to elect the representatives provided for their number in population.

- (c) This gave the 73% Sinhalese an undue advantage to elect 82% of the membership while the minorities -12% Tamils had the opportunity to elect 11% members, 8% Muslims had the opportunity to elect 5% members and the 6% Indian Tamils had the opportunity to elect only 3% members.
- (d) In demarcating territorial constituencies the 1976 Delimitation Commission was required to take into account the question of minority interests. Quite contrary to this, the Delimitation Commission had divided minority villages as in Akkaraipattu, one part in Pottuvil and the other part in Samanthurai electorates and made the People of Akkaraipattu politically weak.
- (e) The general rule of each electorate having as possible an equal number of voters was subject to exemption with regard to the representation of minority interests only. But the Delimitation Commission had created constituencies with less than half the average number of voters in predominant Sinhala areas- Mahanuwera, Teldeniya, Wiyaluwa and Colombo West.

(4) 1981 (Fourth) delimitation:

- (a) 1981 delimitation was carried out without the General Census due in 1981. It retained the 160 territorial constituencies determined by the 1976 delimitation. 36 seats added for the 9 provinces-4 seats each without any consideration for the population or land area. Further 29 seats added on the National PR. Total members in Parliament 225.
- (b) The provisions of 1978 constitution with regard to the demarcation of Electoral Districts and the PR election system virtually eliminated elected representatives for the Muslims outside the Northern and the Eastern Provinces from the legislature.
- (c) Out of the 22 Electoral Districts, Muslims have been denied the opportunity of electing their own representation in 18 Electoral Districts.

Muslims in Non-Muslim Political Parties

A true Muslim cannot be a loyal member of such political party whose manifesto contains proposals some of which run counter to the interests of his community or religion. When some thing is done in the detriment of Muslim community, Muslim members in non-Muslim political parties dare not open their mouths in defense of their community in the appropriate forum for fear of loosing cast in the party hierarchy. However, their membership in the party, and their holding office under it, are held out to the outside world as pointing to the high esteem in which the Muslims are being held in Sri Lanka and the political generosity of the ruling party.

As for the Muslim M.Ps elected in the non-Muslim electorates, it is commonsense that these persons are elected by their voters not because they are Muslims but because there is complete accord between their political views and those of the non-Muslim voters. In fact the Muslim M.Ps in order to strengthen their rapport with their voters and to establish their bona fides with them, do their utmost to serve them. As for the Muslim community is concerned these M. Ps afford cold comfort to them, as these gentlemen know on which side their bread is buttered.

Even though a member may be from the Muslim community, if he is elected to the legislative body on a non-Muslim party list, there cannot be correspondence between his views and those of his community- His voice certainly cannot be the authentic voice of his community. Party discipline, enjoyment of power under the ruling party and perks of office would see to it that he rather toe the party line than voice the sentiments ~f his community.

During the previous regimes, the Muslim community was at the receiving ends of more than hundred communal violences at various places culminating in the Police shooting and killing six Muslims inside a mosque in Puttalm Two Muslim M.Ps, Deputy Speaker of the Parliament, and a Deputy Minister, were dispatched to the spot by the high command of the ruling party at that time, to report on the situation. On their return from the affected area, they made a white washing report and that was the end of the matter.

The Muslim representatives in the UNP & SLFP were party to the Citizenship Act of 1948.

Language Act of 1956. Finance Act of 1963. Also they were party to the removal of Section JI 29 and the Senate in the Soulbury Constitution and the removal of the Westminster System of Parliament and introducing Proportional Representation and the Executive Presidency which have made the Muslims of Sri Lanka a community of political and social slaves.

In this multiracial, multi-cast, multy-religious, multilingual country, the Muslim community finds itself quite marginalised in that it has not effective representation to make know its needs and aspiration in the decision making body, the Parliament of this country. Like the other communities, the Muslims too want to have their grievances aired in the appropriate forum and have them redressed.

Election - Proportional Representation

When we consider the political fate of the Muslim Community under the system of Proportional Representation introduced by the Jayawardene Constitution of 1978, we have to look closely at the community's dispersion in the country visa-vis the provision of paragraph (6) of Article 99 of the Constitution – Annex I

“Every recognized political party and independent group polling less than one twentieth of the total valid votes polled at any election in any electoral district shall be disqualified from having any candidate of such party or group being elected for that electoral district”.

In other words, in order to qualify to have its candidates elected, the party or independent group should have polled not less than 5% of the total valid votes polled at the election. The proportion of Muslim voters to other communities is much less than 5% in 11 out of 22 electoral districts. Annex III In these districts even if the Muslim community forges a complete solidarity and vote enblock for a party or a group of Muslim candidates, it cannot poll the required minimum and therefore will be disqualified from having any of their candidates elected to represent it. The election laws introduced by the present constitution entitle the voters to vote for one of the parties or independent group whose list of candidates appears on the ballot paper. The party or an independent group that polls the highest number of votes in any electoral district shall be entitled to have the candidate nominated by it, who has secured the highest number of

preferences, declared elected, - Article 99. The disqualified votes polled by the parties and independent groups, if any, shall be deducted from the total valid votes polled at the election in that electoral district and the number of Valid votes resulting from such deduction the “relevant number of votes” shall be divided by the number of members to be elected for that electoral district reduced by one. Then what happens to the Muslim community in electoral districts like Batticaloa or Trincomalee to which 4 seats have been assigned. In these districts in order to have one member elected, the Muslim should collect 1/3 of the relevant number of votes. But Muslims are only 24% and 29% in Batticaloa and Trincomalee districts respectively. It is the same position in other electoral districts except in Colombo and Digamadulla. Therefore nearly 75% of the Muslim community is deprived of the opportunity of being represented by members elected independently by their own community, an opportunity which other communities - Sinhalese and Tamils, have in ample measure.

In this multiracial, multi-cast, multi-religious, multilingual country, the Muslim community finds itself quite marginalised in that it has not effective representation to make known its needs and aspiration in the decision making body, the Parliament of this country. Like the other communities, the Muslims too want to have their grievances aired in the appropriate forum and have them redressed.

In a parliamentary democracy, a community takes part in the government of the country through its freely elected representatives. This is a human right and this human right had been taken away from the overwhelming majority of the Muslim community by the provisions of Jayawardena Constitution of 1978.

Under the present system of Proportional Representation election a voter can indicate his preference for three candidates of any one party or independent group. But the UNP and SLFP have nominated only one or two Muslim candidates in their nomination lists in most of the electoral districts Outside Northern and Eastern Provinces. In some districts none. When the Muslims are denied the opportunity to use all the three preferential votes to secure representation for themselves by their own Community members, they are forced to cast their votes for non-Muslim candidates. The present election system enables the non-Muslim community to derive an undue advantage for itself of the Muslim preferential votes.

The proportional representation cannot be applied to by-elections. When vacancies occur, they are filled by party loyalists, regardless of the opinion of the voters in the electorates or of the appointees connection with them.

However good a representation chosen for it by others may be, he cannot be regarded as an adequate substitute for a representative chosen by the community itself.

Proposals

- 1 (a) Electoral Reforms should provide equal opportunities for all communities and the legislature should reflect the true national ethnic composition.
- (b) In view of maximum devolution and a second chamber, the parliament need not be large. Even the present 225 members should be reduced.
- (c) The Parliament should be bicameral - House of representative with 220 members and Senate with 50 members.
- 2 (a) One half of the members of Parliament from territorial constituencies on First Past the Post - FPP and other half on National Proportional Representation - NPR
- (b) Votes on the National PR is the deciding factor for the number of seats Party/Group should have in the Parliament as in the German system.
- (c) The 50 members to the Senate should be appointed on the basis of the votes on the national PR each Party/Group received in a General Election.
- (d) Both House of Representatives and the Senate should be co-terminus.
- (e) Two ballots - first to elect the candidate for the territorial constituencies on FPP and the second to elect the Party/Group on National PR.
- (f) The Commissioner of election will determine the total entitlement of seats in Parliament of individual parties/ groups based on the composition of

the 2nd ballot at National Level. From that entitlement the Election Commissioner will deduct the total number of seats secured by the parties at individual constituencies on the basis of the first ballot.

- (g) The political party/group concerned, on the direction of the Election Commissioner will nominate names of candidates from the National PR list to fill only the remaining number of seats to which that party is entitled.
- (h) We suggest that the total number of seats be 220 of which 110 shall be elected from 90 territorial constituencies on FPP and the balance 110 on National PR.
- (i) The said 90 territorial Constituencies can be achieved by retaining the boundaries and areas of the present 160 territorial constituencies with the adjacent constituencies joined as far as possible – Annex II
- (j) The 90 territorial constituencies will consist of 75 one member constituencies, 10 two member constituencies and 5 three member constituencies – Annex I
- (k) Parliament should reflect the true voting pattern of the people. Votes on National PR should be the deciding factor each Party/Group should have in the legislature.
- (l) The 220 seats in Parliament should be allocated as follows:

<u>Ethnic Group</u>	<u>%</u>	<u>Seats/FPP</u>	<u>Seats/NPR</u>	<u>Total</u>
Sinhalese	74	82	82	164
Tamils	12	14	14	28
Muslims	8	8	8	16
Indian Tamils	6	6	6	12
Total	<u>100</u>	<u>110</u>	<u>110</u>	<u>220</u>

- (m) Preference votes, 5% cut-off point and district bonus should be abolished.
- (n) Within three months after the commencement of the amendments, a delimitation commission should be established.

- (o) The delimitation commission should have the power to create multi-member constituencies in appropriate areas in order to render possible the representation of minority communities.
- (p) In the demarcation of constituencies, reduced electoral strength should be utilized by the delimitation commission in order to give adequate representation to the minorities according to their national ethnic ratio.

M.I.M. Mohideen

29th September 2003

Annex I

ALLOCATION OF 110 MEMBERS

- (a). 25 members on territorial basis - 1,000 sq. mls. per members.
 (b). 85 members on voters basis.

Province	1993 Regd. Voters	Members on Territory	Members on Voters	Correction	Total Members
WP	3,022,966	1	23	-	24
CP	1,372,131	2	11	+3	16
SP	1,462,805	2	11	-1	12
NP	775,063	4	6	-1	9
EP	757,994	4	6	+3	13
NWP	1,256,783	3	10	-2	11
NCP	607,118	4	5	-2	7
UVA	634,651	3	5	-	8
SAB	1,055,554	2	8	-	10
Total	10,945,065	25	85	-	110

Note: Correction applied to balance short-fall in minority representations.

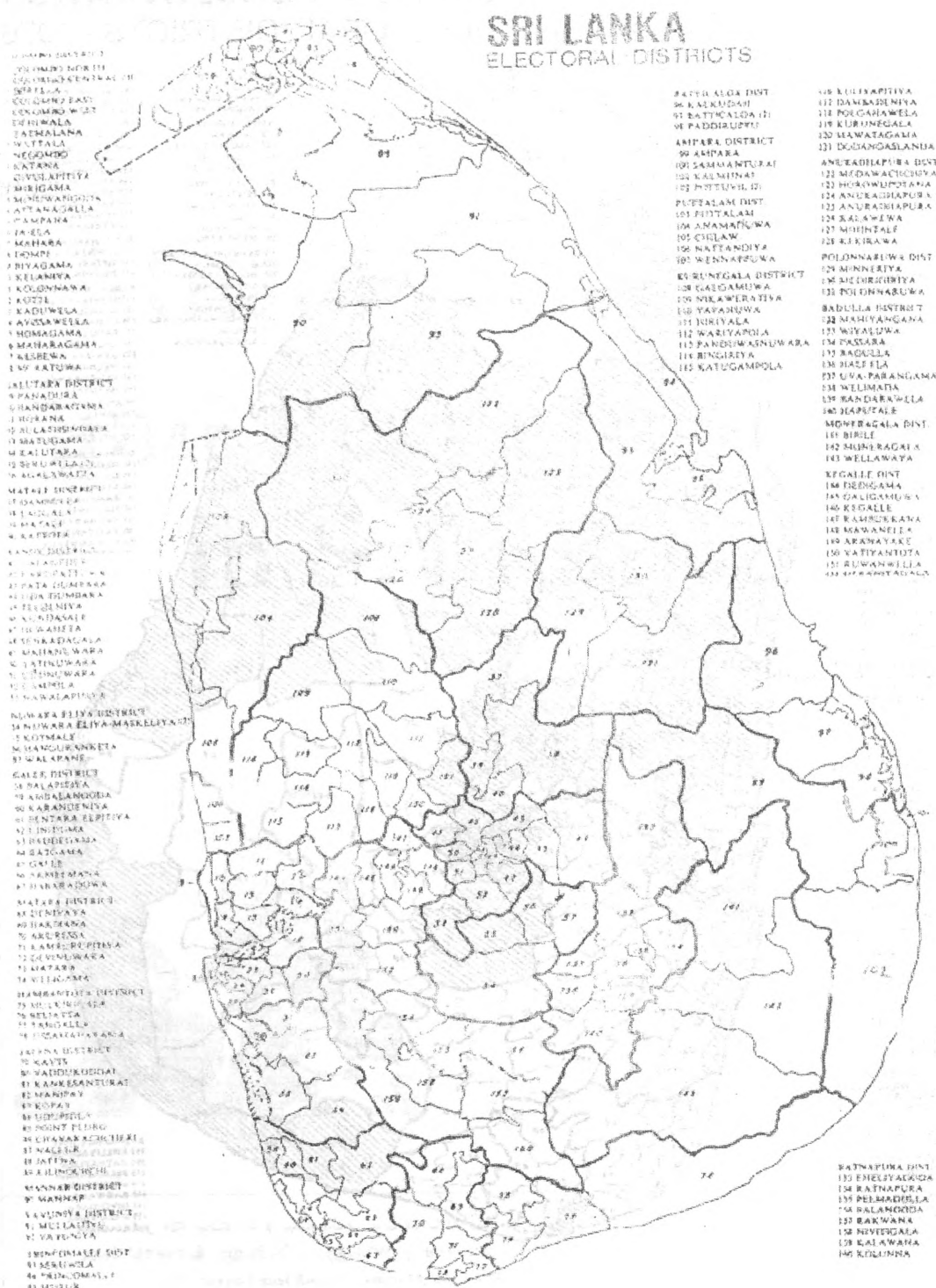
Province	EPP Seats	District	EPP Sts	1 Sts	2 Sts	3 Sts	Sinhala Sts	Tamil Sts	Muslim Sts	In Tamil Sts
WP	24	Colombo	12	9	-	1	11	-	1	-
		Gampaha	7	7	-	-	7	-	-	-
		Kalutara	5	3	1	-	5	-	-	-
CP	16	Kandy	8	6	1	-	8	-	-	-
		Matale	2	2	-	-	2	-	-	-
		N' Eliya	6	-	-	2	3	-	-	3
SP	12	Galle	5	5	-	-	5	-	-	-
		Matara	4	2	1	-	4	-	-	-
		H' tota	3	1	1	-	3	-	-	-
NP	-	Jaffna	6	4	1	-	-	6	-	-
		Mannar	1	1	-	-	-	1	-	-
		Vavuniya	1	1	-	-	-	1	-	-
		M' tivu	1	1	-	-	-	1	-	-
EP	13	Batticaloa	4	1	-	1	-	3	1	-
		Ampara	6	3	-	1	1	1	4	-
		Trinco	3	3	-	-	1	1	1	-
NWP	11	Kurunegala	7	7	-	-	7	-	-	-
		Puttalam	4	2	1	-	3	-	1	-
NCP	7	A.pura	5	5	-	-	5	-	-	-
		P' naruwa	2	2	-	-	2	-	-	-
UVA	8	Badulla	6	2	2	-	4	-	-	2
		M' gala	2	2	-	-	2	-	-	-
SAB	10	Ratnapura	4	4	-	-	4	-	-	-
		Kegalla	6	2	2	-	5	-	-	1
Total:	110		110	75	10	5	82	14	8	6

Annex III

SRI LANKA
REGISTERED VOTERS FOR THE GENERAL ELECTION 2000

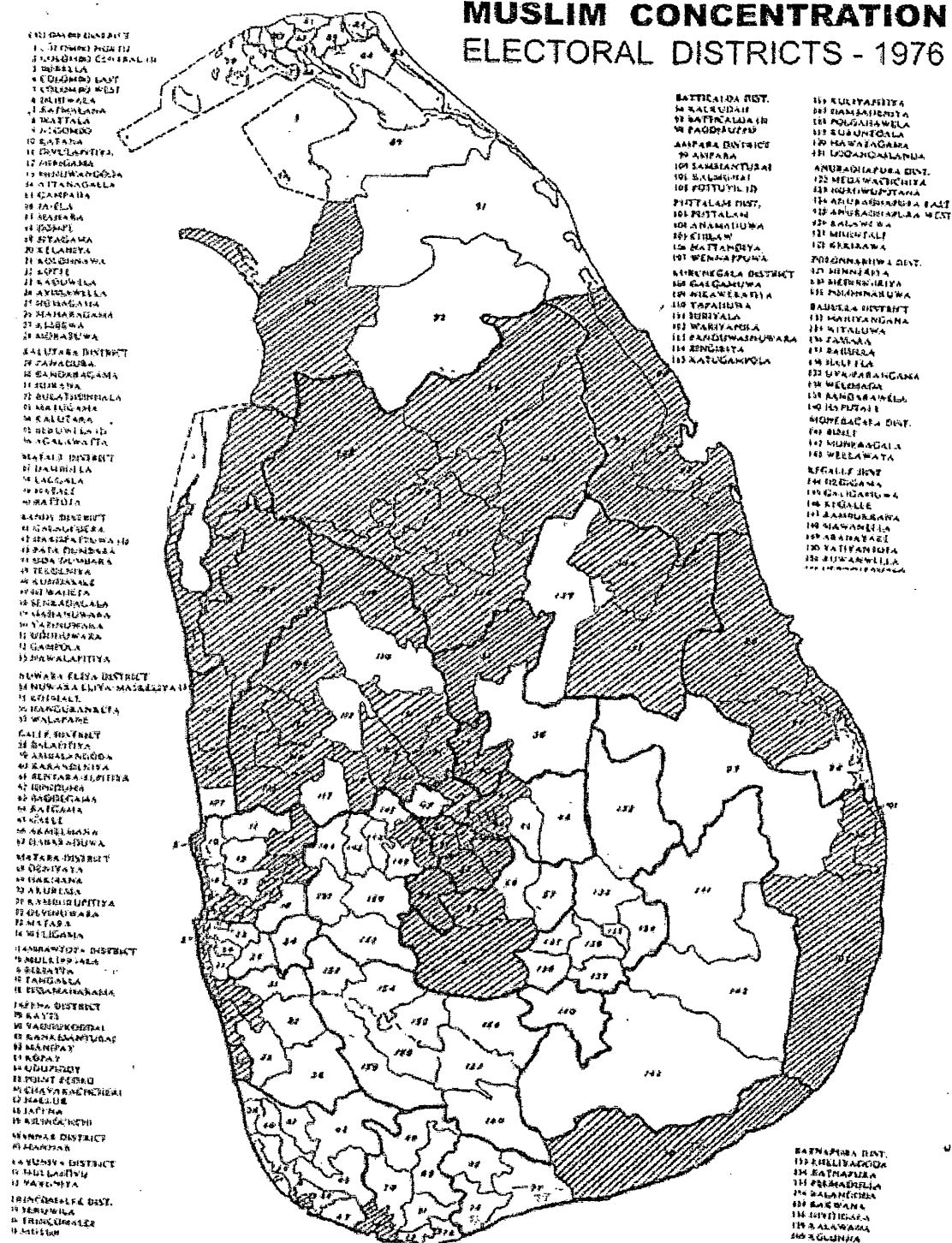
Electoral Districts	No. of Seats	Regd. Votes	Valid Votes	Muslim District %	Muslim Regd. Vts	Valid Muslim Vts	Valid Muslim Votes		
							5%	2%	1%
Digamadulla	7	352,537	272,053	40.8	143,835	110,998	13,600	5,441	2,720
Trincomalee	4	206,884	134,459	33.2	68,685	44,640	6,720	2,689	1,345
Batticaloa	5	275,485	206,614	24.6	67,769	50,827	10,330	4,132	2,066
Vanni	6	213,111	149,178	13.8	29,409	20,587	7,460	2,983	1,492
	22	1,048,017	762,304		309,698	227,052	38,110	15,245	7,623
Puttalam	8	412,474	292,485	10.6	43,722	31,003	14,620	5,850	2,925
Kandy	12	812,478	541,175	10.2	82,873	63,920	27,060	10,824	5,412
Colombo	20	1,385,547	840,951	7.6	105,302	75,959	42,040	16,819	8,409
Polonnaruwa	5	229,434	153,218	7.6	17,437	11,645	7,660	3,064	1,532
Anuradapura	8	472,661	304,737	7.1	33,559	21,630	15,240	6,095	3,047
Kalutara	10	697,656	464,798	6.9	48,138	37,496	23,240	9,296	4,648
Matale	5	292,652	192,566	6.7	19,608	14,821	9,630	3,851	1,926
	68	4,302,902	2,789,930		350,639	256,474	139,490	55,799	27,899
Nuwaraeliya	7	405,414	315,193	2.8	10,541	7,283	15,760	6,304	3,152
Gampaha	18	1,253,416	983,460	3.6	45,123	34,140	49,170	19,669	9,835
Galle	10	678,509	525,912	2.8	18,998	13,383	26,290	10,518	5,259
Matara	8	524,651	385,102	2.6	13,641	9,098	19,260	7,702	3,851
Kurunegala	15	1,007,410	794,566	4.6	46,341	34,792	39,720	15,891	7,946
Badulla	8	475,558	371,595	4.2	19,965	13,783	18,580	7,432	3,716
Moneragala	5	237,935	185,998	2.1	4,997	3,285	9,300	3,720	1,860
Ratnapura	10	609,655	491,542	1.6	9,755	6,664	24,580	9,831	4,915
Kegalle	9	545,238	417,535	4.8	26,171	17,148	20,880	8,351	4,175
Jaffna	9	622,331	113,309	2.0	12,447	7,468	5,670	2,266	1,133
Hambantota	7	360,026	260,343	2.8	10,080	7,290	13,020	5,207	2,603
	106	6,720,143	4,844,555		218,059	154,334	242,230	96,891	48,445
	196	12,071,062	8,396,789		878,396	637,860	419,830	167,935	83,967

Annex IV



Annex V

MUSLIM CONCENTRATION
ELECTORAL DISTRICTS - 1976



North-East Muslim Question and Peace Process in Sri Lanka



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**North-East
Muslim Question
and Peace Process
in Sri Lanka**

M.I.M. Mohideen

20 August 2006

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FOREWORD

It gives me great pleasure to write a foreword to the selected writings of M.I.M. Mohideen. Mohideen is a renowned and committed activist, who has been campaigning for the rights of the Muslim community for several decades. Functioning as Chairman, Muslim Rights Organization, Secretary General of the North East Muslim Peace Assembly (NEMP), Managing Director, Muslim Reconstruction and Resettlement Organization and Coordinator for the Eastern Province Tamil Muslim Peace Committee for the resolution of the ethnic conflict, Mr. Mohideen's dedication and commitment to the championing of the Muslim community's grievances is well known. He holds the distinction of having being elected as a Member of the Muslim group participating in the six rounds of peace talks initiated by the UNF government, to represent Muslim concerns.

During the last five years I have had the opportunity to collaborate with M.I.M Mohideen in a number of initiatives relating to the interests of the Muslim in the Northeast. Our cooperation started when Mohideen requested my assistance in obtaining funds to document the lands and properties appropriated by the LTTE during the course of the civil war. The Foundation for Coexistence obtained the necessary funds through US. Aid and Cord Aid, Netherland. I was impressed with the single minded dedication and commitment that he displayed throughout this work. Altogether the Muslim Rights Organisation interviewed and documented the lands lost by Muslims where he interviewed over 51,000 families. The work was a painstaking one but he succeeded in documenting with diligence. During the Tsunami devastation he approached me for assistance to record and document the loss of property and land as a result of the Tsunami. I was able to obtain the assistance of Action Aid to support this project and once again Mohideen demonstrated his diligence and commitment. As this series of essays demonstrate Mohideen has also been associated with negotiations with the LTTE through an organization which was called the North Eastern

Muslim Peace Assembly (NEMPA) where he is the current Secretary General. I remember the concerns that he expressed to me about the plight of the Muslim in the North East and the continued violations of the Ceasefire Agreement. The CFA showed no respite towards the Muslims and there were killings, harassment, intimidation, extortion and abductions of Muslims. It was during this difficult period that Mohideen approached me and I was pleased to facilitate the formation of NEMPA who then negotiated with the LTTE on the reduction of violence against Muslims. The NEMPA initiative was largely responsible for a dramatic drop in the reduction of violence once agreements were reached with the regional leaders of the LTTE in Batticaloa (Karuna) and Trincomalee. (Padhuman)

Sri Lanka has experienced the full brunt of a protracted conflict fought between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam [LTTE] for over 2 decades. A series of peace talks have been held, starting from the Thimpu talks in 1985 and culminating with the recent attempts at negotiation in Oslo, in June 2006. Until the negotiations process initiated by the UNF in 2002, Muslims were not granted independent representation at the talks as the issues concerning them were taken up under the broad category –issues of the Tamil speaking people -. Unfortunately however, the failure in acknowledging the Muslims as a separate group whose grievances are different from those of the Tamils has resulted in these issues not being addressed at all, thus causing tremendous hardships to the Muslim community in the North and the East.

Mohideen in his essays recounts in details the problems faced by the Muslim community and in particular addresses the need for a power sharing mechanism which can empower and obtain representation for the Muslims in the North and East. His essays are the work of a scholar activist and will be necessary reading for all those who seek to understand the Muslim question in Sri Lanka. Muslim – Tamil animosity has been a phenomenon, which has been simmering since independence, but it reached boiling

point with an incident in Akkaraipattu in April 1985. Since this incident, the relationship between the two communities has become extremely hostile, which has resulted in frequent attacks on the Muslims, causing serious economic destabilization, denial of fishing rights and non respect for religion and culture. At times, these events have even resulted in brutal killings. These acts of hostility culminated with the loss of property when the LTTE forcibly evicted Muslims from their lands in October 1990, thereby depriving them not only their homes but also their agriculture land etc. Records indicate that nearly 93,000 acres of agriculture land and their produce belonging to Muslims have been thus appropriated by the LTTE, causing untold economic problems to the Muslim community. Further the forcible eviction of Muslims from the North of over 100,000 Muslims have been a simmering problem in the last sixteen years.

All peaceful efforts by the Muslim leaders to voice these grievances have not borne fruit. Due to the shortcomings in the Ceasefire Agreement signed between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam in 2002, Muslim grievances were not addressed. Therefore when the negotiations process initiated by the UNF got under way, there was a demand for separate Muslim representation as there was reason to hope direct negotiations would aid the resolution of the problems faced by the Muslims. This hope was further strengthened when the LTTE leader publicly recognized at an international press briefing that the Muslims had legitimate grievances and that these should be resolved along with those of the Tamils. As a result, although a separate Muslim representation was granted at the talks and enabling them to voice the grievances, the issues were not discussed at length due to opposition by the LTTE on the grounds that Tamil grievances should be prioritized as they were the crux of the ethnic conflict. Although the establishment of the North East Muslim Peace Assembly [NEMPA] succeeded in lessening the animosity between the two communities somewhat, the present situation is such that the Muslims living in the North and the East live in fear and insecurity.

Being an organization dedicated to the cause of promoting co existence among different communities, the Foundation for Co- Existence [FCE] takes great pleasure in introducing this booklet to the general public as a thoroughly researched and well compiled document tabulating the grievances as well as the political aspirations of the Muslim community living in the Northern and Eastern Provinces of Sri Lanka.

Kumar Rupesinghe

Chairman,

Foundation for Co –Existence

INTRODUCTION

The peace negotiations will centre on the extent of devolution and the status of the Tamils, Muslims and Sinhalese in the North-East. There are considerable apprehensions with regard to what the future holds out for the North East Muslims. Fears and apprehensions refer to the LTTE assertion of hegemony over the economy in the North East, the establishment of its own army, navy, police, judiciary, bank and other provisions, suggest that the LTTE has already established a defactor independent administration in the North East.

At the LTTE leader's international media conference on 10th April, 2002, Dr. Anton Balasingham repeated his previous apology made at a public meeting on behalf of the LTTE for the ethnic cleansing of thousands of Muslims in October 1990 by the LTTE as a "political blunder that cannot be justified". Mr. Balasingham said: "Let us forget and forgive the mistakes made in the past. Tamil Elam is also the homeland of the Muslims and we have to live in harmony and amity to promote peace and prosperity in the region." In the said media conference to a question, whether the LTTE would allow Muslim participation in the peace process, Mr. Velupillai Pirabakaran replied, "certainly we will allow Muslim representation in the process. It is very important that the questions of the North East Muslim people are resolved along with the questions of the Tamil people."

However, after the ceasefire agreement, the incident at Valachchenai during June 2002 where the LTTE had abducted 13 Muslims and the dead bodies of two Muslim youths killed by the LTTE were burned in front of their parents and government security forces thus denying them the burial according to Muslims rites, which clearly demonstrate the scant respect the LTTE has for the religion and culture of the Muslims. LTTE has even put up a military camp after the cease fire agreement in our Mosque in the Government controlled area at Kurangupanchan in Kinniya which is a gross violation of the MoU signed after the cease fire.

Although patronising remarks and promises have been made by the LTTE, in actual practice every effort is being made to cripple and destroy the legitimate rights of North East Muslims. It has therefore become an absolute necessity for the Muslims in the North East to take appropriate safeguards and guarantees to protect our lives and areas of historical habitations.

Unfortunately the Muslim community in the North East are fractured within a competitive party political system. The unity of purpose and the cohesion of its goals are currently not manifested. Young Muslims are getting disillusioned with their political leaders and are very much concerned about their future.

The main reason for the present conflict between the Tamils and Muslims in the North East is the undue delay in implementing the agreements reached between the LTTE leader Pirabakaran and SLMC leader Rauff Hakeem on 13th April 2002 and the decision at the 5th Session of the peace talk held in Berlin during 7th and 8th February 2003 for the establishment of village level peace committees in the North East to mediate and resolve Tamil Muslim conflicts.

GOSL & LTTE are moving into a very complicated stage of the peace process. The new group that has been set up by the LTTE leadership had submitted their proposal for the Interim Self Government Authority (ISGA) in the North-East. The North East Muslims demand for independent representation in future peace talks and separate Interim Self Government Authority in the predominant Muslim areas in the North-East.

The resolution of the land, security, and power-sharing questions would be of enormous significance and will establish the basis for reconciliation between the Tamil and Muslim communities in the area of conflict - North East. If these issues are not resolved permanent peace will never return to the North East.

M.I.M. Mohideen

20 August 2006

1.

TAMIL-MUSLIM ETHNIC CONFLICT IN THE NORTH EAST

A peculiar phenomenon in the North East is that a Muslim Village is interspersed with Tamil Village and vice versa. Substantial share of private lands owned by the Muslims are adjacent to the Tamil Villages. Due to increase of population, Muslims and Tamils are facing acute shortage of lands for expansion. As scarcity of land become acute, tension between the two communities increased, mainly because of fears of expansion. As a result of this socio-economic factor, new rules and regulations evolved among both communities which forbade members of either ethnic group to sell land and properties to the other ethnic community. This is indicative of a desire by both ethnic communities to maintain their separate identities in a situation where they had co-existed for centuries. However, the Muslims were buying lands from the Tamils offering higher prices by virtue of their economic position, whereas the Tamils unlawfully occupying thousands of acres of private lands belonging to the Muslims with the help of armed Tamil militants, for example the lands of Rasool Estates in Komari-Pottuvil, Thirukkivil, Eravur, Thampalakamam, Trincomalle etc.

The occupation of the earlier generation of the North East Muslims were, related to cultivation, and to a lesser extent fishing and trading. However, after the introduction of free education and guaranteed price for paddy, in Sri Lanka, the educational and economic status of the Muslims in the North East had improved considerably. A large number of doctors, engineers, accountants, lawyers, technicians and university graduates have emerged among the Eastern Province Muslims. In Short, the Muslim intelligentsia has now shifted to the East.

Contrary to popular claims from various quarters of peace, amity and sense of co-existence among the Muslims and Tamils in the North East, resentment and antipathy among the Tamils have been growing towards the Muslims for the last half a century, particularly after the independence to Sri Lanka in 1948. In fact they feel that the Muslims were better placed

economically than the Tamils. Muslim youths were advancing in education and out-pacing the Tamils in higher education at the universities and technical institutions. Muslims were able to obtain more government and private sector jobs thus pushing the Tamil youths into the cadre of unemployment. Muslims were more favourably placed with the Government in power on the strength of their leaders disclaiming separatist policies, while the Tamils caught in the web of “Eelam” activities, were left in the lurch and thus alienated from the government with the onset of struggle for a separate state for the Tamils. Muslims were unsympathetic towards the division of the country and their separate state demand and therefore constituted a danger in their midst.

Owing to the geographical location and economic interdependence of the two communities Tamil and Muslims in the North East, there have been intermittent clashes over the years over comparatively trivial issues such as Muslim farmers being harassed by the Tamils when they pass through Tamil areas, waylaying of vehicles, and robbing of paddy and heads of cattle belonging to the Muslims.

However, after the 1983 ethnic violence in Sri Lanka, it was found that the Tamils in the North East, have been openly giving expressions to their feelings of resentments and antipathy towards the Muslims by verbal insinuations, deprecations and even insults regarding the position of the Muslims as “Usurpers” of their lands “Exploiters” of Technical Education and Employment. Tamils began to harass the Muslims, waylay and rob them when ever Muslim traversed the Tamil areas on their way and back home from their paddy fields.

This volatile atmosphere gave rise to suspicion and made the Muslims in the North East to realize that the prospect of sharing political and economic powers with the Tamils in the event of a separate state becoming a reality, are remote.

2. HUMAN RIGHT VIOLATIONS AGAINST NORTH EAST MUSLIMS

Before the Cease Fire Agreement of 22nd February 2002.

With the increased activities of the Tamil militants, in the early part of 1985, the animosity and resentment of the Tamils towards the North East Muslims took a more acrimonious turn. Consequent to it, numerous incidents of extortions of money, robbing jewelry, motor-cycles and other valuables at gun point, and threats for co-operations with the separatist movement took place. When such atrocities escalated, the Muslims tried to assuage the situation not by open warfare but by humane methods as prescribed by the laws of Islam.

The breaking point of the Muslims came when the Tamil separatists tried, in the course of robbing a rich Muslim trader, to take his daughter as hostage in Akkaraipattu, a predominant Muslim Town, 14 miles down South of Kalmunai, in the Amparai District. Angered by this, the Muslims registered their protest by peaceful hartal in Akkaraipattu, from 08th to 12th April 1985. All the shops reopened for business on the 13th of April 1995. The Sri Lanka National Flag was hoisted in the bazaar, declaring solidarity of the Muslims with the government and rejection of the division of the Country.

On the 14th of April 1985, at 9.00 a.m. thirteen Tamil Separatists came into Akkaraipattu by a jeep from Karaithievu, a Tamil village 10 miles North of Akkaripattu. They were fully armed and were firing, the first shot in the vicinity of the Town Mosque of Akkaraipattu. They then raced towards the junction in the main market place. Due to high speed, they were unable to negotiate the turn and the Jeep toppled. Most of them died on the spot and the rest were shot by the police.

With this unfortunate incident, the Tamil, Muslim ethnic violence started and swiftly spread to Kalmunai, Eravur, Ottamawadi, Valaichenail, Muthur and Kinniya. Hundreds of Muslims were killed by the armed Tamil separatists and many billions of Rupees worth of properties belonging to

both the Tamil and Muslims were burnt and destroyed. It is during the April 1985 riots, that the Tamil and Muslims fought each other as separate communities for the first time in the East.

During the massive anti-terrorist operation by the Sri Lanka Armed Forces, in Muthur in May 1985, Tamils suffered very badly. It was the Muslims who gave the Tamils a helping hand during those difficult days. Unfortunately, this did not in any way changed the anti Muslim attitude of the Tamils.

Tamil Separatists brutally murdered Mr. Habeeb Mohamed, the Assistant Government Agent of Muthur on the 3rd of September 1987, which led to widespread protest – demonstrations by the Muslims throughout the Eastern province. Annoyed by this the Tamil Separatists organized a counter demonstration on the 10th of September 1987 in Kalmunai, which resulted in the Tamils attacking and burning Muslims owned shops, rice mills and houses in the predominant Muslim Town of Kalmunai, in the presence of the IPKF. Properties belonging to the Muslims damaged by the Tamils were valued approximately Rupees 67 Millions.

Mr. A.L. Abdul Majeed, a former M.P., and Deputy Minister of Muthur was killed on the 13th of November 1987. Mr. Abdul Majeed was actively involved in the relief assistance of the thousands of Muslim refugees who came from Muthur, consequent to Tamil armed separatists attack on the Muslim on the 12th of October in the presence of the IPKF.

About 26 Muslims were killed and another 200 were injured when the IPKF shelled Ottamawadi, a predominant Muslim Village in the Batticaloa District on 02nd December 1987. A Number of houses and shops belonging to Muslims were burned and destroyed. Some Muslims women were also reported to have been raped by the IPKF. About 14,000 Muslims became refugees and fled to the North – Central Province, Polonnaruwa.

Kattankudi, the home of nearly 60,000 Muslims, situated 4 miles down South of Batticaloa, was attacked by the armed Tamil separatists on the 30th of December 1987. In this fierce attack, nearly 60 Muslims were killed and more than 200 were injured. Properties worth 200 Millions belonging to the Muslims were burned and destroyed by armed Tamil militant. All these happened in the presence of the Indian Peace Keeping Forces – IPKF. Although the attack lasted for two days, Kattankudi was under siege until the 8th of January 1988. During this period, all movements, in and out of the area were blocked by the armed Tamil militants while the IPKF was supposed to be in control of the area.

Because of the attacks launched by the IPKF and armed Tamil militants, nearly 65,000 innocent Muslims who have lived for generation in Mannar, Jaffna, Mullathievu and Vavunia have abandoned their homes and are now living in refugee camps outside their homes.

Muslim Refugees in Sri Lanka in December 1987.

Muslim Population and Refugees of the Northern and the Eastern Provinces According to AGA Divisions.

<u>Eastern Province</u>	<u>1981</u>	<u>1987</u>	<u>Muslim Refugees</u>
Ampara District	161,754	193,797	-
Kalmunai	45,480	54,576	-
Sammanthurai	37,996	45,592	-
Ninthavur	20,716	24,860	-
Addalachchenai	20,140	24,168	-
Akkaraipattu	22,941	27,529	-
Pottuvil	13,433	16,120	-
Batticaloa District	79,662	94,939	10,225
Batticaloa Town	3,725	4,432	-
Kattankudy	26,509	31,546	-

Eravur	21,582	25,683	-
Ottamawadi/Valachchenai	27,291	32,476	10,225
Trincomalee District	49,280	87,428	49,280
Trinco Town & Gravat	7,979	9,176	5,000
Mutur	19,184	22,062	16,000
Kinniya	28,669	32,969	18,000
Thambalakamam	8,008	9,209	6,280
Kuchchaveli	2,088	2,401	2,000
Kanthalai	4,406	5,067	2,000

Northern Province

Jaffna District	14,169	13,306	13,160
Jaffna Town	10,925	10,270	10,100
Chavakachcheri	601	565	560

Mannar District	30,079	37,933	13,650
Mannar Town	14,517	18,291	6,250
Musali	8,716	10,982	4,720
Nanattan	1,736	2,187	1,212
Manthai West	5,110	6,439	1,468

Mullaithivu District	3,816	5,304	3,040
Maritimepattu	2,852	3,964	2,560
Mullaithivu Town	690	959	480

Vavuniya District	6,764	8,876	4,845
Vavuniya Town & VST	2,973	3,895	2,233
Vengalachettikulam	3,655	4,788	2,612

Eastern & Northern Provinces

<u>371,405</u>	<u>432,310</u>	<u>94,200</u>
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The Tamil refugees voluntarily left the Northern and Eastern Provinces because of the Tamil Eelam war and went to India and other Western Countries. But the Muslims were forcibly evacuated by the Tamil Militants. The armed Tamil Militants gave only two days for the Muslims in the North to vacate their homes and leave. Muslim refugees had no place to go. None of the Muslim or Arab countries have accepted any Muslim refugees from the Northern and Eastern Provinces of Sri Lanka. They are undergoing untold hardships in the refugee camps, in the neighboring Provinces. Government security forces and the Rehabilitation Ministry were prepared to resettle the refugees but the armed Tamil militants are obstructing the Muslim refugees returning to their homes which are only 20 to 30 miles away from the refugee camps, whereas thousands of Tamil refugees are freely returning to the Northern and Eastern Provinces from India and other Western Countries and unlawfully occupying the properties of the Muslims with the help of the Tamil militants.

Ethnic Cleansing of Muslims by the LTTE

The Muslims from the Northern Province were forced to leave their homes in the third week of October 1990. The ultimatum in many places was that they should leave the region within 48 hours. Most Muslims refugees continue to live in abject conditions outside the North. Contrary to many other situations of displacement in the country, the majority of the displaced Muslims as a result of the ethnic cleansing by LTTE have not been able to go back to their places of birth in the North. At present, there are about 65,000 Muslims refugees living in the North-Western coastal region in the Puttalam district. The report on assets of Muslim refugees was submitted to the Parliament in 1992 contained a detailed estimate of the losses suffered by these people. According to the estimates, the Muslim families have lost wealth to the tune of Rs. 5,408 million. Of this, a total of Rs. 2967 million would have been considered recoverable if Muslim families have been allowed to return to their homes immediately after their expulsion. The non-recoverable loss of the Northern Muslims is Rs. 2,441 millions.

Unlawful Occupation of Lands and other Properties of Muslims In the North – East

This is related to the forced eviction of Muslims from the Northern and the Eastern provinces. To a larger extent, it applies to Muslim-owned paddy lands adjoining predominant Tamil areas. Nearly 45,000 acres of paddy lands belonging to Muslims of the Eastern province were forcibly taken over by the LTTE and agricultural produce confiscated. The lands belonged to the displaced Muslim from the Northern Province continues to remain under the control of the LTTE. Besides, agricultural implements, motor vehicles and cattle were taken away by force by the LTTE. Under the law of property in force in the country, a land owner loses his right to possession if his property is occupied by a usurper for 10 years. It is now 16 years since Muslims in the North have been forcefully displaced from their properties.

Economic Destabilisation of Muslims in the North – East

A politico-military strategy of the LTTE has been to weaken the economic strength of the Muslim community. In order to realize this objective, the LTTE, as was the case with other Tamil militants, have targeted economic ventures and business places of the Muslims. Robbing of business goods and abduction of business men for ransom remain the common specter in the North-East.

Denial of Fishing Rights

With the eviction of the Muslim community from the North, a considerable section of the Muslim fisher-folk have been rendered unemployed. In areas such as Valaichenai, Ottamavadi, Eravur and other coastal areas in the East, boats and fishing gears were routinely robbed by the LTTE. Many Muslim fishermen have also been killed while at sea by the sea tigers.

Non-respect for Religion and Culture

In many instances, in the North East, the cultural and religious symbols of the Muslim community have come under attack from the LTTE and other Tamil militant groups. The grenade attack on a mosque in Akkrapattu and

massacre of Muslims at congregational prayer at Kattankudy and Eravur, as well as cold-blooded murder of Hajj pilgrims returning in 1990 in Kaluwanchikudi, demonstrate the extent of intolerance shown by the Tamil militants towards the religion and culture of the Muslims.

Ethnic Cleansing

The armed conflict between the Sri Lanka Government and the LTTE has led to ethnic cleansing of Muslims from the North East. The Muslims in the North-East have been caught in the middle of the civil war and it has been difficult to maintain their neutrality.

Details of the forcibly displaced Muslims from the North East who are now languishing in the following districts - Year 2002

<u>Districts</u>	<u>Families</u>	<u>Peoples</u>
Puttalam	15,500	74,140
Anuradhapura	865	4,070
Kurunagala	487	2,311
Gampaha	1,050	4,725
Colombo	425	1,912
Kalutara	395	1,856
Matale	85	517
Kandy	110	517
Galle	5	23
Kegalle	32	150
Ampara	110	523
Trincomalee	2,207	10,492
Batticaloa	343	1,631
<u>Total:</u>	<u>21,614</u>	<u>102,867</u>

The value of assets robbed by the LTTE during 1990 ethnic cleansing is more than Rs. 10,256 Million or US\$ 110 Million. The donor countries should put a condition for the LTTE to pay this amount to the forcibly displaced Muslims.

<u>Description</u>	<u>Quantity</u>	<u>Value in Millions</u>
Residential properties	22,000	5,500
Commercial establishments	2,402	2,100
Religious Institutions	340	1700
Agricultural Lands	39,400 Acres	200
Gold Jewelleries	475,000 Grams	300
Cattle	211,000	150
Motor Vehicles	320	160
Motor Cycles	800	20
Carts	750	4
Bicycles	4000	25
Fishing Boats	850	40
Engines (Boats)	400	16
Fishing Nets	1200	8
Refrigerators	200	2
Television sets	2000	40
Radio Sets	600	1
<u>Total:</u>		<u>Rs.10,256</u>

Summary of identified Muslim Civilians Killed by Tamil Militants.

- à 26 Muslims were killed at Ottamawadi in December 1987
- à 41 Muslims were killed at Karaitheevu in November 1987
- à 35 Muslims were killed at Kinniya in April 1987
- à 52 Muslims were killed at Mutur in October 1987
- à 21 Muslims were killed at Sammanthurai Mosque in April 1989
- à 67 Muslims were killed at Valaichchenai from April 1985 to July 2002
- à 67 Muslims were killed at Kattankudy in December 1987
- à 168 Muslims were killed at Kattankudy in July 1990
- à 147 Muslims were killed at Kattankudy Mosque in August 1990
- à 58 Muslims were killed at Akkaraipattu in July 1990
- à 14 Muslims were killed at Kattankudy Mosque in July 1990
- à 13 Muslims were killed in November 1989

- à 19 Muslims were killed at Alimnagar in August 1990
- à 126 Muslims were killed at Eravur in August 1990
- à 53 Muslims were killed at Ambalanthurai in August 1990
- à 23 Muslims were killed at Sainthamaruthu in September 1992
- à 15 Muslims were killed at Addalachchenai in May 1990
- à 37 Muslims were killed at Pallitthidal, Akbarpuram in October 1992
- à 200 Muslims were killed at Kalmunai, Akkaraipattu and Pottuvil in June 1990
- à 33 Muslim farmers were killed at Ampara in August 1990
- à 186 Muslims were killed by Police in June 1990
- à 147 Muslims were killed at Alingippottanai in April 1992
- à 30 Muslims were killed at Pottuvil in June 1991

After the Cease Fire Agreement of 22nd February 2002.

On Thursday the 20th June, 2002; a Muslim three wheeler driver called Faizal was surrounded near the 64th mile in Muthur - Thoupur road and badly beaten by LTTE Ranjan and few others on suspicion of the damages caused to the concrete crosses in the Pachchainoormalai in Muthur. Faizal pleaded innocent and said that he had nothing to do with the damages to the concrete crosses. LTTE Ranjan is well known in the area because he is the one who collect taxes for the LTTE and issue receipts. When Faizal came home bleeding, his family members were provoked. They collected few others and went looking for Ranjan to the LTTE Office where he usually stays. For Ranjan's luck he was not there at that time. The Muslims caused some damage to the LTTE Office in retaliation for what LTTE Ranjan and others have done to Fizal.

On Friday the 21st June 2002 some LTTE cadres about 50 in number gathered with knives, sticks and iron bars close to the 64th mile post on Muthur – Thoupur road and harassed the Muslims. They blocked the road and did not allow any Muslims to go to or come from Muthur. This was in retaliation of the attack on the LTTE office by the Muslims in Muthur.

On Saturday the 22nd June 2002, Mr. K. M. (Thideer) Thaufeek, an SLMC Parliamentarian from Muthur met the LTTE local leader Ruban and discussed the incident in detail and requested him to take immediate steps to prevent the escalation of violence between the Tamils and Muslims and conduct a proper inquiry to find out who was really behind the incidents. LTTE Ruban did not show any interest to maintain peace in the area or to have an inquiry. The street block and the harassment of the Muslims by LTTE continued.

On Wednesday the 26th June 2002, a hartal was organized by the LTTE in the North East to protest over some incidents in Velanai – Jaffna by Government Security Forces and the attack on the LTTE office by the Muslims in Muthur. A procession with about 500 LTTE cadres started from Pachchainoormalai and came to Muthur.

Although it was said to be a peaceful hartal procession, the Tamil youths were carrying knives, sticks and iron bars and forced the Muslims to close their shops and business places and they threatened to set fire to a petrol pumping station in the Muslim area. The Muslims co-operated and closed their shops but resisted any attack on the petrol pumping station and the clash between the Tamils and Muslims started. Five shops and seven houses belonging to the Muslims were destroyed by the LTTE who came in the peaceful procession. They also removed the barbed wire fence to the paddy fields and drove the cattle in to destroy nearly 700 acres of paddy belonged to the Muslims. Police imposed an unofficial curfew in the area. Although the violence in Muthur subsided, the area was tense as people left their homes and sought refuge in temples and mosques.

On Thursday the 27th June 2002, few Muslims Theologians “Ulemas” organized a meeting with some Catholic priests to maintain peace in the area. SLMC leader and Minister Hakeem also spoke to LTTE Pulithevan regarding Muthur crisis.

A peaceful hartal was organized by the North – East Muslim Brotherhood Movement and Muslim Students Union in the East to protest over the LTTE attack on Muthur Muslims and unlawful extortion and abduction by the LTTE in the East. What worried the Muslims most is the extortion of money from the Muslims after the ceasefire agreement (MoU) in the areas under the control of the government and when complained the government did nothing other than a formal complain by the Peace Secretariat to the Norwegian government and Sri Lanka Monitoring Mission (SLMM).

In order to defy the hartal organized by the Muslims, the Tamils drove the buses from Tamil areas through Muslim Villages. These buses were stoned at Ottamawadi a predominant Muslim area. An ambulance went through Kattankudy was also attacked. Consequent to these incidents, violence erupted in Valachchenai between the Tamils and Muslims. LTTE abducted 12 Muslims and killed them. More than 100 were injured. 238 Muslim shops were burned and destroyed. 5 houses were also burned. The values of damages estimated to be well over a Billion Rupees.

On Friday the 28th June, 2002; Valaichenai Pradeshiya Sabha Office was set on fire and destroyed. In the grenade attack on Muslims returning from Friday “Jummah” prayers, 7 were injured – 2 critically. Additional troops and Special Task Forces were Airlifted after the mortar shells were fired and grenades were hurled at the Muslims by the Tamils. The Batticaloa and Ampara District were placed under curfew.

On Sunday the 30th June 2002, two bodies were found by the police in Kalmadu Village in Valichenai. They were the two Muslim cooks who went to the house of a Tamil in Valichchnai, on Wednesday the 26th June, to prepare the wedding meals. The LTTE cadres have abducted the two Muslims killed and threw them in a paddy field. The father and few members of their family went to identify the bodies. After the post-mortem, the police loaded the dead in a tractor trailer to be taken for the burial according to Muslim rites. But the LTTE cadres with arms objected the removal of the bodies and insisted the burning of them at the site. The Army Major

Hettiarachi contacted the Head Quarters and he was given the orders from Colombo to leave the bodies and avoid any confrontation with the LTTE. Then the LTTE cadres put the bodies on a heap of tyres and burned them in front of the Army and Police and destroyed all evidence of the horrendous human rights violation of the LTTE during cease fire.



LTTE Military Camp in Kinniya, Kurangupanchan Mosque

The much talked about Kurangupanchan LTTE camp is not in Wan Ela area or Maniyarasankulam as reported in the Media. It is in the Government Controlled area Kinniya Divisional Secretary Divisions and about 14 km East of Wan Ela Tank and Police Station, 7 km South-East of Maniarsan Kulam and 12 km East of Katukuli Army Camp.

Kinniya Divisional Secretariat is about 146 sq. km in extent in the Trincomalee District and 16 km from Trincomalee Town. Nearly 59,469 Muslims 95% of the total population of 62,819 live here. Tamils are only 3,350 about 5% and no Sinhalese. According to the information available

in the Divisional Secretariat Office there are 31 Grama Niladhari Divisions. Further, all the three Muslim parliamentarians elected for the Trincomalee District are from Kinniya.

The Kurangupanchan GS Division is about 20 sq. km in extent and 15 km East of Kinniya town. After the floods in 1957 the Muslims started to settle here. Kunchiappa, Mohamed Casim, Cader and Razikeen were the first people came and started chena cultivation. Later Muslims came in large numbers and settled here. Since it was a jungle area, the new settlers had problems with monkeys - called Kurangu in Tamil, and therefore the area is called Kurangupanchan.

In 1970 the SLFP Muslim Parliament Mr. Abdul Majeed helped the renovation of the tank at Kurangupanchan and helped the local farmers to cultivate paddy in about 500 acres. Later the name of the place was also changed to Majeedpuram. However the place is continued to be known as Kurangupanchan.

The Muslim school started in 1979 in a cadjan hut got a permanent building and the school was named as Barakath Government Muslim Mixed School and Grade 1 to 6 classes were conducted. In 1980 a permanent building was constructed for the Mosque and Jumma prayers were conducted regularly.

More than 255 Muslim families lived in Kurangupanchan up to 1990. As a result of the ethnic violence in 1990 the Muslims in Kurangupanchan village were forcibly displaced by the LTTE and moved to Kinniya. Kiran (56) Majeedpuram (46) Kalladi Vedduvan (33) Vellankulam (53) Kallaruppu (13) Sungankuli (19) are some Muslim GS Divisions in the Kurangupanchan area. The displaced Muslims who lost their houses and fertile paddy lands became refugees and presently undergoing much hardships in temporary camps and in the houses of their relations. Soon after the ceasefire agreement between the GOSL and LTTE in February 2002, the Muslims went back and started paddy cultivation in their fields in Kurangupanchan and started resettling in their own lands. They renovated the Mosque as

decided at a meeting held on 11.06.2003. Soon after this meeting LTTE chased 35 Muslims families resettled here and put up a camp in the Mosque building and objected any renovation. The media is maliciously suppressing the fact that the LTTE is forcibly occupying the areas of historical habitation of the Muslims in the Government controlled area.

The Kurangupanchan area is in the heartland of Kinniya. Muslims suspect a well planed agenda by the LTTE

1. To stop Muslims resettlement and use the Cease Fire Agreement - CFA to forcibly take over the areas of historical habitation of the Muslims to settle the Tamils in Kurangupanchan.
2. To continue abduction, extortion and taxation from Kurangupanchan Muslims

The Government Agent and the representatives of the Sri Lanka Monitoring Mission jointly had a meeting on Kurangupanchan Development Project on 06.06.2003. More than 200 Muslims participated in the meeting. In order to stop any development and the resettlement of the Muslims the LTTE has set up their unlawful Military Camp and abducted a Muslim, Mohamed Haniffa Abdul Latiff.

The unlawful erection of a military camp in Kurangupanchan is the most controversial issue discussed in the National and International media. The real ground situation regarding the historical evidence and the exact location of Kurangupanchan has created much confusion which is obstructing the resettlement of the forcibly displaced Muslims by the LTTE and the reconstruction and development of the area. The parties to the ceasefire agreement – GOSL, LTTE, the Norway facilitator and the International Donor countries should realize the violation of the ceasefire agreement in Kurangupanchan is denying the Muslims the benefit of the peace process. It is very unfortunate that even after four years of the ceasefire agreement; the living condition and the security of the Muslim people in the North-East continue to deteriorate.

Battle of Muthur 01-08 August 2006 - Ethnic Cleansing and Massacre of Muslims

Soon after midnight on Wednesday the 02nd August 2006, LTTE directed artillery and mortar fire at the Muthur Jetty. Army and Navy detachments at Kaddaiparichchan, Selvanagar and Mahindapura also came under attack.

The guerrillas infiltrated Muthur from the western side of the town before the dawn. Police and security forces personnel on guard at telecommunications centre and the Bus Depot were forced to back out due to intense fire. The Naval detachment too was under fire together with the Muthur Jetty. By Thursday morning Air Force Kfir jets began bombing Sampur area whilst Mi 24 helicopter gun ships attacked Sea Tiger boats in the surrounding seas. The guerrillas initially prevented re-inforcements rushing in by blocking the Jetty and the entry points on the Kanthalai side.

By late Thursday afternoon 03rd August 2006 intense fighting continued in the Muthur area. Infantry companies moved in, one from the Pachchanoor side to fight their way through. The guerrillas began to dominate parts of Muthur throughout till Friday morning. Another infantry company inducted the previous night fought their way to seize control of the Muthur town. The guerrillas backed out but continued to remain behind civilians who had gathered at several points. Later in the day they began to take full control. The LTTE operations in Muthur were led by Muttuselvi and Kunjan.

The LTTE attempt to gain a contiguous stretch of land from Sampur southwards, a move that would have crippled the working of the Trincomalee Port, was thus thwarted. Such a move would have had very disastrous consequences. This port is the lifeline for some 40,000 security forces personnel and policemen deployed in the Jaffna peninsula. It is from this port that they embark or disembark when they go on leave from the North. Military and food supplies to the north are also moved from this port.

LTTE attacks to seize control of Muthur and adjoining areas were a failure. But the guerrillas still won in one aspect. They succeeded in creating a mass exodus of Muslim civilians from Muthur. More than 40,000 are now in temporary shelters in Kanthalai and other areas. At least 20 of them were killed in artillery and mortar fire. The Government and the LTTE traded allegations against each other over these attacks. The matter came up for discussion at a special meeting of the National Security Council on Friday 04th August 2006.



Without doubt, many a major attempt by the LTTE in the recent months has come a cropper. The latest was the attempt on the Navy's passenger ferry and the attack to take control of Muthur and surrounding areas.

With the exit of renegade Eastern leader Karuna (Vinayagamoorthy Muralitharan), it is clear the LTTE has not been able to effectively strengthen its military strike capabilities in the East. This is a contributory cause for its failure although the LTTE in an unusual move, declared its action in Muthur was a defensive one to “protect civilians” and announced it had withdrawn from the area. Indeed it has, but against all its wishes to remain on the ground. Their grand design failed. However, this does not mean the LTTE would give up.

“Inadequate precautions to protect civilians” - Amnesty International

“Amnesty International is concerned by the extent and seriousness of the violations reported, the lack of adequate protection for civilians, and restrictions on access to the war affected areas,” it stressed.

The organization called for the establishment of a strong and effective international human rights monitoring operation “to respond to the dramatic deterioration of the human rights and humanitarian situation”. Such a monitoring mission must have the full cooperation of both the government of Sri Lanka the LTTE, and the support of the United Nations and its member states.

On 6 August, the bodies of 15 aid workers with the French aid agency Action Contre la Faim were discovered lying face-down on the front lawn of ACF’s Muthur office, with bullet wounds indicating that they had been shot at close range. The bodies of two more staff members were found on 8 August in a car nearby, indicating that they may have been killed while trying to escape. The government has invited an Australian forensic expert to assist with the investigational truce monitors.

A roadside bomb reportedly hit an ambulance killing five people – a medical doctor, his wife, two nurses and the driver of the ambulance. This incident occurred in LTTE controlled territory.

SLMC Leader Rauff Hakeem debate Muthur Muslim issue in Parliament

On a motion moved by Sri Lanka Muslim Congress (SLMC) leader Rauff Hakeem, parliament had a day long debate on Muthur Issue.

The problem of displaced persons was the focus of attention during the parliamentary debate.

It was the plight of the displaced Muslim refugees from Muthur that drew the most amount of concern.



It appeared that everyone wanted peace unfortunately the methods of achieving it were at variance.

The JVP and the JHU continued to stress the need for the government to adopt a hard-line stance when dealing with the LTTE while the UNP wanted the government to work harder towards resolving the conflict by negotiations.

While the majority of those affected by the violence in Muthur being Muslims, the SLMC leader called for a cessation of hostilities on both the sides saying it was the civilians who were suffering because of the war.

“All the peace loving people in Sri Lanka have come to realize that both the government and the LTTE continue to make sanctimonious pronouncements supposedly with the objective of respecting the humanitarian needs of the people. In real terms their objective is to pursue a relentless military option totally disregarding the sanctity of life and limb of innocent civilians,” an angry Mr. Hakeem said.

Mr. Hakeem said Thamilselvan should be held responsible for the incident which took place in Kirandimur, where the LTTE forcibly detained fleeing Muslims during the clashes in Muthur.

“The rights of the Muslims have been violated in Muthur, Compromising the rights of Muslims will create a fertile ground for radicalization of Muslims,” he said. Citing history, he said the UNP government in 1990 was also not able to protect the Muslims in the North. However, he believes President Mahinda Rajapaksa will fulfill his word and will make arrangements to resettle displaced Muslims. “We believe the President’s words which said that Muthur Muslims will not be allowed to remain as displaced persons,” he added.

He called for the ceasefire agreement to be reviewed as a means of strengthening it to address the legitimate concerns of all the stakeholders. Mr. Hakeem also accused the LTTE of meeting out inhuman treatment to Muslims who were fleeing Muthur to escape the fighting there.

“The thousands of Muslims who left Muthur on an assurance by the LTTE that no harm would be caused to them if they chose to leave were subjected to such harassment and cruelty resulting in the Muslims realizing that as in earlier instances, the LTTE’s assurances could not be trusted anymore,” Mr. Hakeem added.

Muslim Security Compromised.

In terms of the CFA it is the Government of Sri Lanka that is responsible for the protection of Human security particularly in government controlled areas. The events that unfolded in the recent past reiterates the SLMC’s repeated call that the CFA must be reviewed and strengthened to address the legitimate concerns of all stakeholders and ensure security of the civilian population at all times.

SLMC Said that it is also our considered view that these incidents cannot be seen in isolation and need to be viewed together with the events of the recent past including the notices that were distributed in Muthur area calling the Muslims to vacate the areas. It is also pertinent to analyze as to whether the Government of Sri Lanka has unwittingly been turned into a trap, where it could easily be accused of triggering the exodus of the people of Muthur or have the radical elements clamoring for war as the solution to the ethnic problem skillfully achieved their objective of putting the Muslims against the Tamils.



When the LTTE closed the Mavillaru anicut the government and the Army never understood their true intention in order to capture Muthur. They strengthened the safety of the Mavillaru area neglecting the security of Muthur. The government had removed around 400 security forces personnel who were deployed in Muthur and posted them in the Mavillaru area and this had made Muthur more vulnerable to LTTE attacks.

The LTTE carefully observed the situation and entered Muthur on 02nd of August 2006 without any resistance from the security force. They disconnected the electricity. The Muslims without any protection were caught unaware. They vacated their homes and went into the mosques and Arabic College hoping that they will not be attacked in those places. However what happened was something else. The LTTE used the Muslims as human shields when the army attacked the LTTE.

The Muslims got caught in the crossfire from both the army and the LTTE. Shells fell on Arabic College too. The number of deaths increased.



Since Muthur was totally surrounded by LTTE, the town could not function normally. Business came to stop. People did not have means to acquire their daily food, children suffered without milk, patience

both from the hospital and the casualties suffered without treatment. The Muslims had to struggle for their mere existence.

If this situation continued all of them would have died either by hunger or by shells. Therefore decided to leave Muthur. Though they received repeated assurances from the army that they will be protected and asking them not to vacate Muthur, there was no protection forthcoming. Therefore the Muslims lost hope both in the government and the army and left for Kanthalai and Kinniya.

The Muslims while running for their lives suffering with hunger and thirst were also attacked by the LTTE on the way. The women and elderly were tortured and the youngsters were separated and murdered. The people remained in the local camps in Muthur too were faced with untold hardships and are still suffering without proper amenities to eat, dress or sleep.

Trincomalee is almost the core of the power structure in the North and East and whoever is in control of the area will have the upper hand since it's the transit point between the North and East. Whoever wrests control in the area will have a say in the final solution – be it military or political.

The LTTE knew the importance of this place, infiltrated into the neighbourhood of Mavilaru since mid 1985 with the long term plan of taking control of the Trincomalee Harbour area.

Before the signing of the Ceasefire Agreement in February 2002 it was the Sri Lankan security forces that were in control of the Mavilaru area.

After infiltrating into the area, the LTTE used the area to monitor the activities in the Trincomalee harbour, where troops and cargo have been transported through the ships to the North, since 1985.



Since the infiltration and consolidation of power in the Sampoor area by the LTTE during this period, the security of the Trincomalee Harbour has always been at a risk.

They also attacked the Trincomalee Naval base using 122mm and 130mm, artillery guns and mortars from Sampoor area. These heavy weapons which have the capacity of about 20 kilometers range were

captured from the military during the Mullaitivu and Elephant Pass debacles. Now for the first time in the East, the LTTE had used these weapons to attack the government military.

The attacks from these mass destructive heavy weapons remain the biggest challenge to the security forces carrying out operations in the Southern and Eastern parts of the Trincomalee district. Any mass movement of the security forces have been largely obstructed by these powerful big guns. Despite the aerial bombardment that had been going on at regular intervals for nearly two weeks, the Air Force is yet to destroy these guns.

The Tigers launched a fierce attack on three main army camps in Trincomalee – Kattaparichchan, Gandhinagar and Thoppur last week.

They also stormed into the predominantly Muslim areas in Muthur in a bid to take control of the township that had throughout been under government control. Though the security forces faced some setback initially with this unexpected attack, within 72 hours they managed to take full control of the area. The LTTE lost nearly 300 cadres including a large number of female cadres in the battle for Muthur.

More or less a similar number of Muslim civilians too got killed, caught in the crossfire, with majority of deaths reported due to LTTE firing.

If the previous governments had the common sense to realize the gravity of abandoning strategic locations, it would have saved this totally unwarranted loss of life and waste of money.

Though the government forces have managed to establish control in most of the areas, the LTTE is capable of launching such type of attacks in the future as their fighting cadres still hang around in the neighbourhood.

LTTE had it's eyes on Muthur for a long time for they considered Muthur harbour to be an important place but because of the presence of the Muslims have found it difficult to capture this area. Therefore LTTE was keen on chasing the Muslims from Muthur.



This is the reason why there were continuous attacks, strikes and murders causing much loss to the lives and properties of Muslims of Muthur. Many times leaflets were distributed by the LTTE threatening the Muthur Muslims to vacate their homes, but the Muslims of Muthur were not scared and they did not evacuate the area. They were determined to stay in the land which is rightfully their.

The Army was not serious about the security of the Muslims. There were many instances where the Muthur fishermen were badly treated by the Army.

When Muthur Muslims expressed their concerns about the threats of LTTE, Muslim political leaders, made a mockery of it. They believed Tamil leaders' assurance that there will never be a repetition of what happened to the Northern Muslims.

The CFA has become a dead letter with both parties violating it with impunity while regular ethnic cleansing of the Muslims takes place in the north east at the behest of the LTTE. The engagements between the government and the LTTE had only resulted in compromising civilian security, particularly that of the Muslim population. Both sides have shown absolute disregard for human security with the LTTE openly committing war crimes while innocent civilians were fleeing Muthur. 'Both parties while making pronouncements about being committed to peace, the CFA and human security have brought the country towards the brink of all out war.



The government in the initial stage was not prepared to deal with such a mass exodus and had difficulty in dealing with the situation.

The government had no warning. Knowing that there was an impending crisis in Muthur developing, the disaster preparedness of the government agencies leaves a lot of suspicions. In fact, their lack of preparedness was a disaster.

If Muthur happened to be a predominantly Sinhala town, the approach to flush out the LTTE would have been different. Likewise, the LTTE also would have used different tactics if Muthur was a Tamil populated area. In this sense, both the government and the LTTE did not care two hoots for the inhabitants who were largely Muslims. It was therefore easy for them to engage in absolute warfare and not think about Muslim civilians getting caught in between.

Would either party have chosen this mode of relentless artillery attack that drove people away if their own respective communities were inhabiting the area under attack? The armed forces showed no respect for human security when spraying artillery and similarly, LTTE committed atrocities of the worst order in Karandamunai when they were fleeing in mortal fear.

There is absolute ethnic cleansing by the LTTE. It has been so since the mid 80's, when several Muslim villages had been abandoned.

On the question of launching operations, the military strategists are repeatedly committing the mistake of providing insufficient security to Muslim dominated pockets. The authorities have approved that they are not committed to safeguarding the rights of the Muslim community that has always been at the receiving end.

Internally Displaced Peoples - IDPs
Muslims from Muthur, Thoppur & Palaththoppur
During Ethnic cleansing by LTTE - 01 - 08 August 2006

S.No	Names of Refugee Camps	Displaced Population	Displaced Families	Male	Female	Children	Injured	Pregnant Mothers	Feed Mothers	Widows on Iddah	Death	Missing
Kanthai												
1	Al Thariq MMV	6,333	1,702	2,490	3,843	997	78	151	363	9		
2	Aysia Ladies College	5,853	1,575	3,111	2,742	795	10	30	150		26	
3	As Saffa	902	245	429	473	54		5	12	35		
4	Peace Well MMV	5,025	940				100	493	300			
5	Ar Raffi	1,500	250	645	855	62	15	15	25	1	7	
6	Al Mujeera Thakkiya	1,490	335	752	738	194		13				
7	CSAI		110									
8	Akrobbi Palsala	1,073	376	419	654	132		9	4			
9	Gemini	86	21									
10	Thop 1	1,061	378									
11	Zaitia	1,400	324									
12	Marikam Thal Camp	1,010	252									
13	Kam Refugee Camp	326	75	155	171	164		8	36	12		
	Sub total	25,059	6,593	8,001	9,476	2,398	208	731	913	22	33	
Thampalakamam - Mullipoththana												
14	Al Hira M.V.	3,305	665	1,514	1,591	239	47	28		1		
15	T/Sala M.V.	1,883	406	946	937	633				1		
16	T/B Alari M.V.	1,227	313	624	603	184	17	10	43			
17	Bilari Mosque	879	227	393	486	234	1	15	51			
18	Hameeda M.V.	217	60	101	116	37	1	5	15			
19	Fatima M.V.	418	89	196	220	52	1	5	15			
20	Sana M.V.	372	83	191	181	124	5	7	25			7
21	Dianssalam M.V.	327	75	141	171	115	4	18	13	1		
22	95th Mile Post	571	162	287	284	73	4	15	21			
23	Al Hkma V	553	179	328	325	84	4	17	24			
	Sub total	9,852	2,259	4,823	5,014	1,775	84	120	207	3		7
Kinriya												
24	Al Mujahid Vtd	131	39	69	62	11		3	2			
25	Al Aksha M.V.	943	255	474	469	116	6	25	40			
26	Sakhiya Arabic Col.	172	37	98	74	30	14	4	6			
27	T/Viprasatha Vtd	166	47	72	93	22	5	6	5			
28	T/Kirichakey Girls Vtd	117	28	59	58	15	4	3	4			
29	T/B Alari Vtd	225	75	113	112	31	8	6	9			
30	T/Akshaya M.V.	219	79	110	109	28	9	6	8			
31	Veilnail Madaya V	243	106	121	122	31	7	9	9			
32	Friends & Relatives	467	122	237	230	115	54	12	17			
33	Friends & Relatives	630	167	270	258	55	6	16	23			
	Sub total	3,312	955	1,623	1,587	454	113	90	123			
Trincomalee												
34	Trinco Town	300	80	143	157	37	8	8	13			
Madaigama Embulla												
35	Muslim School	125	33	76	49	21		6	21			
	TOTAL	39,648	9,920	14,666	16,283	4,685	413	956	1,277	25	33	7



Meeting of the Consortium of all the Jamiyathul Ullama Sabahs in Eastern Province

A meeting arranged by the Consortium of Jamiyathul Ullama Sabahs in the Eastern Province took place in Santhankerni in Kalmunai on the 16th August 2006 to draft a resolution named "Muttur Declaration" and also to hold a Seminar on Peace. The Muttur Declaration is expected to be forwarded to all Foreign Diplomats serving in Sri Lanka to enlighten the suppression and discrimination against the Muslim community in General and specially in the Eastern Province. Special emphasis is to be made on the sufferings of the Muslim community in Muttur who had to leave their dwellings where they have been living for ages and leaving behind all what they could call their own with only the clothes they were wearing. The meeting has been widely advertised in all places where Muslims are living. Representatives from all the districts are expected to attend the meeting and participate in the seminar.

Harthal and Peace Rally in Ampara

A Harthal staged in Muslim areas of Ampara on the 16th August 2006 in response to the hand bills distributed by the Federation of all Mosques in the Eastern Province calling for a Harthal. Around 15 000 people had

participated in the peace rally held in Kalmunai. A leaflet carrying their demands had been issued at the rally. The statements are as follows;



Muthur Declaration

- We vehemently condemn the LTTE for making a historical error in their struggle for freedom by causing a forcible vacation of Muslims from their traditional residences in North and again in Muttur and Thoppur.
- We urge the government to take meaningful action to resettle the Muslim refugees in their own historical habitats before the end of the year 2006 and repeatedly request the LTTE to cooperate to the resettlement efforts by the government.
- We urge the government to immediately appoint a Commission comprising of three retired Supreme and Appeal court judges to inquire in to the affaires that led to the massacre and forcible eviction of Muslims and submit a report and to publish it in print and electronic media after submitting the report.
- We urge the NGOs and Human Rights Organization to take the issue of massacring of innocent civilians in to the international community.
- We request the LTTE and the government to recognize the just and equitable rights to eternal self determination of Muslims in the North and East.

- We request the LTTE and the government to resolve the national issue and find a lasting solution through a negotiated settlement.

Resettlement of Internally Displaced Muthur Muslims

Many internally displaced Muthur Muslims complained that the Government had failed to ensure a livelihood package for them to restart life in the crisis-ridden town, in a peaceful environment. There is hardly any sign of rebuilding of the devastated houses, religious places, hospitals and schools, despite repeated assurances by top Government Ministers, to start the resettlement process within a month.

These displaced people of Muthur are now taking shelter at 35 camps in Kanthalai, 69 kms away. They make daytime visits to their homes to see the devastation caused by the hostilities.

Buses are plying to Muthur. The supply of electricity and water has been restored. But, people go there only to see the ruined town, as the authorities concerned, have failed to instill confidence about their security. Their belongings have been stolen after they fled in haste.

According to the Kanthalai Divisional Secretariat, only 1000 people have returned to Muthur and the town remains a ghost town, despite the presence of soldiers at certain localities. The visible presence of the security forces, in the riot-hit areas, would not serve the intended purpose, as people fear to live under such circumstances. He stressed the need to station the security forces along the perimeters of the villages, without jeopardizing their lives in a possible crossfire.

The violence that ravaged the area has not even spared places of religious worship as mosques in Muthur, Thoppur and other areas have been damaged by shelling.

The Government's intervention is minimal, in the resettlement process and people still live in deplorable condition in the refugee camps, depending on assistance from volunteer organizations.

Government's pledge for resettlement, would not materialize, unless action is taken on ground reality. People were quite willing to go only if their livelihood is restored with adequate security.

The international community should intervene to address issues of this nature right now, as otherwise, the Muslim youths would become radicalized in the context of being victimized both by the Government and the LTTE.

Mr. Hakeem was seen surrounded by emotionally charged people, along with weeping mothers, who begged him to make arrangements for their immediate resettlement and restoration of their livelihood, before the holy month of Ramazan, which falls end September.

Security arrangement in Muslim area in the East

Muslims demand His Excellency the President Mahinda Rajapakse to implement immediately the most important Election pledge given to the Muslims in the Mahinda Chintanaya regarding security for Muslims in the Eastern Province.

The most effective way of achieving this objective will be by:

1. Recruiting sufficient number of Muslim Youths to the Sri Lanka Police force and deploying atleast 75% Muslim police personnel in each police station in predominantly Muslim areas in the Eastern Provinces with a Muslim D.I.G. in charge and Muslim SSP's, SP's, ASP's and OIC's so that the entire chain of command have full power to take all decisions with respect to security threats in Muslim areas. It has been amply proved in the past Muslim OIC's in charge of police stations who have ably resisted LTTE attacks and safeguarded the Muslim in their respective areas with admirable courage and bravery.
2. Instead of a separate Muslim Battalion, Muslims should be enlisted to the regular Sri Lanka Army to serve in any battalion and in any part of the country. This can only be achieved successfully if arrangements are made for their religious obligations namely:

- a) Five times prayers and Friday Jumma Prayers
- b) Providing Halal food
- c) Arrangements for fasting during Ramazan
- 3. Vigilance Committees to be established in all Muslim areas to prevent strangers infiltrating.
- 4. Warning mechanism to be installed in strategic points in vulnerable Muslim areas.

The above suggestions if implemented will not only address the all important Muslim security in the East but also help promote better understanding and harmony among the different ethnic groups in Sri Lanka.

President orders speedy relief for Muthur victims

President Mahinda Rajapaksa has implemented a speedy relief scheme for those displaced due to LTTE violence in Muthur.

Following a presidential directive, all ministries were requested to assist in the scheme to provide temporary shelter, food, health, security and other facilities to the victims.

Already the Ministries of Disaster Management, National Integration, Social Services and the North Central Provincial Council have coordinated with other agencies to provide food commodities and other relief measures to the tune of rupees 10 million, a communique from the Presidential Secretariat stated.

In addition dry rations, temporary sheds, bed-linen and hospital equipment have been despatched to the affected areas with doctors, nurses and health workers added to the existing staff.

The government has also sent surgeons and required blood to perform surgery in hospitals of those areas.

A ministerial team comprising A.H.M. Fowzie, Anwer Ismail, Rishard Baduideen, Abdul Majeed, Amir Ali, Hussain Baila and A. L. M. Athaulla visited the affected areas yesterday 05th August 2006 with officials from the North Central Province to meet the needs of the affected people. The government also appeals to NGOs to help in the humanitarian causes of these displaced persons.



While calm returned to Muthur with the Security Forces in full control of the area the Government set in motion a massive relief programme to provide immediate succour to the thousands of displaced civilians.

A massive assistance programme has been put in place by the Government to provide food, temporary habitation and other urgent requirements needed for thousands who have fled Muthur and have arrived at Kanthalai, Kinnia and other places.

The high level aid-team has been set up on President Mahinda Rajapaksa's direction. Minister A.H.M. Fowzie has been appointed to co-ordinate and supervise all relief work.

A Special Relief Centre has been set up jointly by the Disaster Management Ministry headed by Minister M. S. Ameer Ali and Re-settlement Ministry

headed by Rishad Bathiudeen at the Divisional Secretariat, Kanthalai and this centre is operating from the first day when the displaced people began to arrive in Kanthalai.

Divisional Secretary Sirimewan Dharmasena is co-ordinating relief activities from this centre, assisted by all other officials and Gramasevakas of the Division.

At a high level conference presided over by Minister Fowzie at the Kanthalai DS Office, decisions were taken to receive all food items and other donations, which will be stored at the co-operative stores and the sugar factory stores in Kanthalai.

Governor S. Alavi Mowlana, Ministers Abdul Najeer Majeed, Rishad Bathiudeen, M.S. Ameer Ali, A. Hussain Bhaila, Deputy Education Minister Nirmala Kotelawala, Presidential Advisor A. H. M. Azwer, North Central Province Chief Minister Berty Premalal Dissanayake, former MP W.D.K.S. Gunawardana, Moulavi Abdul Kareem and several other local leaders attended this conference.

It was revealed at this conference that centres have been established at several Muslim Schools - Al-Tariq - Aysha, As-Safa Al-Rauf, Al-Naja Madrasa, Peratuwali. The displaced people are also accommodated at Agrabodhi Viharaya and Seruwila Rajamaha Viharaya (Kavantissapura Vidyalaya).

Mr. Azwer told the displaced people that the President Rajapaksa has directed this special Ministerial Team to remain in the area and co-ordinate and supervise relief work to the satisfaction of all.

"The President is also very keen that speedy action should be taken to re-settle all the people in their original places of dwellings, and he has issued definite instruction to the Defence Forces in this regard", he said.



Fowzie appealed to all Muslim Organisations and other voluntary institutions to deposit at the Kanthalai Divisional Secretariat all food items and other donations so that it would be convenient for the Relief Centre to distribute them to the displaced people evenly.

Ministers Mahinda Samarasinghe and A.H.M. Fowzie flew International Organizations and several others to Kanthalai to further supervise relief work and report back to the President yesterday morning.

3. LAND AND PROPERTY RIGHTS OF NORTH EAST MUSLIMS

Muslim villages in the North East are interspersed with a Tamil village and vice versa. Substantial share of agricultural lands owned by the Muslims are adjacent to the Tamil villages.

There have been intermittent clashes over the years on comparatively trivial issues such as Muslim farmers being harassed by Tamils when they pass through Tamil areas, waylaying of vehicles, robbing of paddy and cattle belonging to the Muslims. After 1983 ethnic violence, it was found that the Tamils in the North have started to forcibly occupy the lands belonging to the Muslims in areas close to the Tamil villages. There are about 490 locations in the North East where the Tamils are forcibly occupying about 100,000 acres of agricultural lands belonging to more than 40,000 North East Muslim Families.

When questioned during the Media Conference which was described as the largest media event in Sri Lanka organised by the Tamil Tigers on 10th April 2002; about the forcible expulsion of tens of thousands of Muslim families by the LTTE in October 1990 from Tamil dominated areas in the North and the massacre of Muslims inside mosques in the East, LTTE Political Advisor Anton Balasingam said "It is I who made an apology to the Muslim people in public for what has happened in the past and that we are willing to talk to them and resolve these issues."

Responding to another question whether he has taken any concrete steps to allow the displaced Muslim people living in refugee camps for the last 16 years to come back to North, Mr Velupillai Pirabakaran said "proper objective conditions should be created for these people to come back. After these conditions are in place, I will make an appeal for the Muslims to come back."

Questioned about harassment of Muslims in the eastern province and the statement that the LTTE's eastern commander, Karikalan had reported to have made that the Muslims had no land rights in the Eastern province, Mr. Anton Balasingam replied, "we want to tell you that we have called the senior commanders of the eastern province to discuss the alleged harassment of Muslim people. We believe that there is no dispute as far as the LTTE leader is concerned on the issue of the Muslim people owning land in the North-East."

On an invitation from the LTTE Leader V. Pirapaharan, the Leader of the SLMC Minister Rauff Hackeem flew to the North with five of his party colleagues for a meeting on the 13th April, 2002.

Agreement was reached on important practical difficulties faced by the Muslims in the North-East. LTTE Leader Pirapaharan invited the displaced Muslims from Jaffna and Wanni to come and resettle in their own places. It was decided to establish joint committees of representative from the LTTE and SLMC to facilitate the resettlement. Similarly it was decided to create favorable conditions for the resettlement of the Muslims who were displaced from Muslims villages in the Eastern Province.

It was decided to help the Muslims to recultivate the uncultivated agricultural lands belonged to the Muslims in the North- East.

It was also agreed to appoint representatives from each district in the North East to discuss the problems faced by the Muslims with LTTE Senior Commanders and to strengthen Tamil Muslims relationship.

Mr. M.I.M. Mohideen, the Chairman of Muslim Rights Organization, who participated in the peace talks as an advisor to SLMC National Leader Minister Rauf Hakeem, had substantive discussions with the members of the LTTE team and came to a good understanding of the problems.



The LTTE was prepared to seriously address the issue and requested that a register of Muslim claims be prepared which would then be subject to verification. Subsequently Hon. Rauf Hakeem the leader of the Sri Lanka Muslim Congress had requested Mr. M.I.M. Mohideen to prepare a register of Muslim Lands forcibly occupied by the Tamils. Dr. Kumar Rupesinghe the Chairman of the Foundation for Co-Existence provided support and guidance and facilitated the programme. The Muslim Rights Organisation had undertaken the survey with the following objectives.

- Systematically enumerate the land claims of the Muslims in the North-East by visiting each location in the 8 districts.
- Prepare a register based on field investigations on a professional basis.

The registration exercise involved the distribution of 40,000 forms and folders by nearly 60 Village Enumerators, 8 District Coordinators and 8 Assistant District Coordinators, who were the residents in the areas

concerned. They have filled the comprehensive questionnaire with regard to individual claims, the actual date of the acquisition, the manner in which the land was taken over, the extent of the land, their deeds, permit or any other documents to the land. Details of buildings, machineries and livestock kept in the properties are some of the other informations which have been recorded. The Muslim Rights Organization had obtained the assistance of the North East Muslim Peace Assembly, the Ullemas - Muslim Theologians and the Trustees of the Mosques in predominant Muslim areas in Ampara, Batticaloa, Trincomalee, Jaffna, Kilinochi, Mannar, Vavunia and Mullaitheevu Districts of the Northern and Eastern Provinces. Forms and folders were collected, checked case by case and attested by Justices of Peace. The information collected were fed in to the computer and documented.

The project was funded by USAID – OTI and Cordaid of Netherland and covered a period of 12 months.

There is no doubt that in many instances these land claims will be the subject of mediation. However, as a first step the register of land claims lays the basis for mediation.

The resolution of the land question in the North-East would benefit more than 40,000 families – 125,000 men, women and children and will establish the basis for conflict resolution and help peaceful co-existence between the Tamils and Muslims. It would certainly go a long way to heal one of the worst wounds at the heart of the relations between the two communities.

MUSLIM LANDS FORCIBLY OCCUPIED BY THE TAMILS IN THE EASTERN PROVINCE OF SRI LANKA

AMPARA DISTRICT

	Predominate Muslim Areas	No. Cases		Extent	
			A	R	P
1	Pottuvil	730	2592	3	-
2	Akkaraipattu	660	1785	3	23
3	Addalachenai	329	1072	3	34
4	Oluvil/ Palamunai	176	559	1	30
5	Ninthavur	583	2349	-	10
6	Sammanthurai	529	2513	-	22
7	Irakkamam	428	2092	-	32
8	Kalmunai	280	1433	1	33
9	Maruthamunai	496	2365	1	30
		4211	16764	1	14

BATTICALOA DISTRICT

	Predominate Muslim Areas	No. Cases		Extent	
			A	R	P
1	Kattankudy	449	4231	1	12
2	Eravur	2263	12784	3	34
3	Oddamavady	1856	8710	1	37
4	Valaichenai	907	3086	1	30
		5475	28813	-	33

TRINCOMALEE DISTRICT

	Predominate Muslim Areas	No. Cases		Extent	
			A	R	P
1	Kinniya	2252	7209	2	6
2	Mutur	992	2577	-	36
3	Thopur	912	4617	2	17
4	Pulmoddai	566	1344	3	25
5	Morawewa	464	1343	1	22
		5186	17092	2	26

		Extent	
Total No. of Cases		R	P
14872		-	33

**MUSLIM LANDS FORCIBLY OCCUPIED BY THE LTTE AFTER
ETHNIC CLEANCING OF MUSLIMS IN OCTOBER 1990 FROM THE
NORTHERN PROVINCE**

District	DS Division	Cases	Extent		
			A	R	P
Mannar	1.Mannar	2,033	3,623	3	12
	2.Musali	2,966	11,700	3	6
	3.Manthai west	931	4,402	2	16
	4.Madu	417	2,825	1	15
	5.Nanattan	253	681	-	11
	Total	6,600	23,233	2	20
Jaffna	1.Jaffna	1,177	245	-	17
	2.Chavekachcheri	44	21	3	35
	3.Island south	28	65	1	-
	4.Vadamarachi north	2	1	-	10
	5.Valikamam south-west	3	-	3	6
	6.Valikamam north	2	14	-	20
	Total	1,256	348	1	8
Kilinochchi	1.Poonakari	114	283	3	25
	2.Karachchi	151	233	1	29
	3.Pachchilaipalli	7	8	-	10
	Total	272	525	1	24
Mullaitheevu	1.Maritimepattu	978	1,095	-	22
	2.Puthukudiyiruppu	16	53	1	12
	Total	994	1,148	1	34
Vavuniya	1.Vavuniya south	870	3,795	1	2
	2.Venkalachchettikulam	1,066	1,327	1	20
	Total	1,936	5,122	2	22
NORTHERN PROVINCE TOTAL		11,058	30,378	1	28

**MUSLIM RESIDENTIAL HOUSES DESTROYED BY THE LTTE AFTER
THE ETHNIC CLEANCING OF MUSLIMS IN OCTOBER 1990 FROM
THE NORTHERN PROVINCE**

District	DS Division	Cases	1990 Value	Rebuilding Cost 2004
Mannar	1.Mannar	2,328	415,530,090.00	746,700,875.00
	2.Musali	2,725	335,612,675.00	671,618,600.00
	3.Manthai west	863	179,271,860.00	310,948,300.00

	4. Madu	257	30,291,700.00	68,650,100.00
	5. Nanattan	252	34,637,100.00	63,155,000.00
	Total	6,425	995,343,425.00	1,861,072,875.00
Jaffna	1. Jaffna	1,313	483,374,750.00	902,285,368.00
	2. Chavekachcheri	44	10,677,000.00	18,683,000.00
	3. Island south	29	2,948,000.00	6,325,000.00
	4. Vadamarachi north	1	160,000.00	200,000.00
	5. Valikamam north	1	100,000.00	200,000.00
	6. Valikamam south-west	3	600,000.00	1,700,000.00
	Total	1,391	497,859,750.00	929,393,368.00
Kilinochchi	1. Poonakari	97	15,331,500.00	41,855,000.00
	2. Karachchi	132	36,364,000.00	84,163,000.00
	3. Pachchilaipalli	7	485,000.00	1,210,000.00
	Total	236	52,180,500.00	127,228,000.00
Mullaitheevu	1. Maritimpattu	936	148,795,850.00	282,257,850.00
	2. Puthukudiyiruppu	16	1,565,000.00	2,243,000.00
	Total	952	150,360,850.00	284,500,850.00
Vavuniya	1. Vavuniya south	881	110,984,337.00	201,725,000.00
	2. Venkalachchettikulam	1,225	112,548,955.00	107,410,050.00
	Total	2,106	223,533,292.00	309,135,050.00
NORTHERN PROVINCE TOTAL		11,110	1,919,277,817.00	3,511,330,143.00

MUSLIM PROPERTIES ROBBED BY THE LTTE DURING THE ETHNIC CLEANCING OF MUSLIMS IN OCTOBER 1990 FROM THE NORTHERN PROVINCE

District	DS Division	Cases	1990 Value	2004 Value
Mannar	1. Mannar	2,874	504,558,310.00	1,053,787,449.00
	2. Musali	3,022	623,219,525.00	1,288,520,895.00
	3. Manthai west	1,060	267,902,930.00	515,468,547.00
	4. Madu	263	33,633,210.00	73,796,700.00
	5. Nanattan	288	52,408,470.00	93,437,595.00
	Total	7,507	1,481,722,445.00	3,025,011,186.00
Jaffna	1. Jaffna	2,262	660,977,395.00	1,203,641,691.00
	2. Chavekachcheri	104	19,713,738.00	37,358,004.00
	3. Island south	41	4,103,350.00	10,122,350.00
	4. Valikamam north	3	1,545,000.00	3,725,000.00
	5. Valikamam south-west	10	2,876,000.00	6,178,500.00
	6. Valikamam east	2	2,371,000.00	5,026,000.00
	7. Vadamarachi north	5	2,268,400.00	6,065,000.00

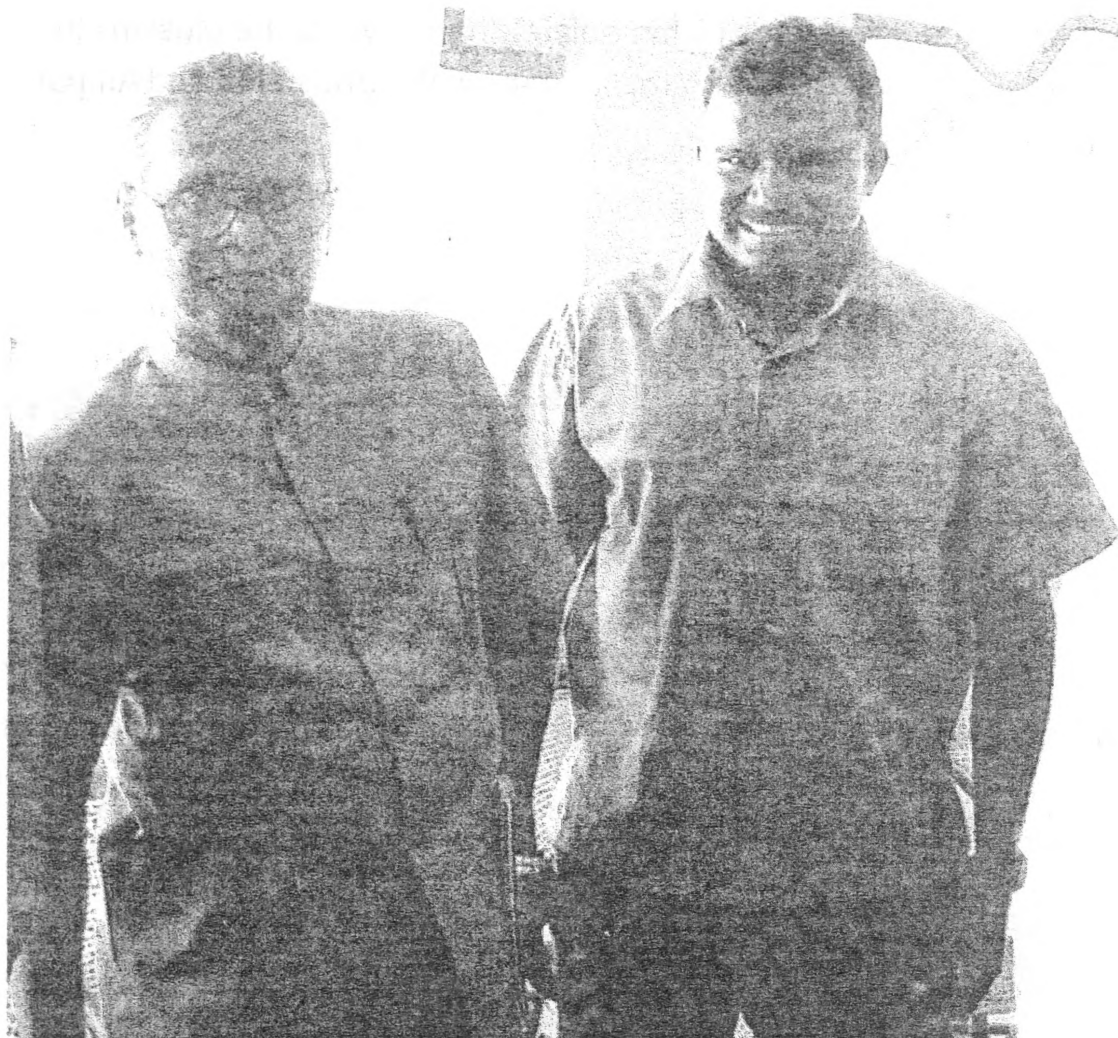
	8.Nalloor	3	752,750.00	1,759,000.00
	Total	2,430	694,607,633.00	1,273,875,545.00
Kilinochchi	1.Poonakari	122	28,700,000.00	61,246,025.00
	2.Karachchi	184	38,755,335.00	81,396,250.00
	3.Pachchilaipalli	10	716,000.00	1,534,700.00
	Total	316	68,171,335.00	144,176,975.00
Mullaitheevu	1.Maritimepattu	1,040	231,619,498.00	526,196,495.00
	2.Puthukudiyiruppu	20	2,268,650.00	4,506,950.00
	Total	1,060	233,888,148.00	530,703,445.00
Vavuniya	1.Vavuniya south	954	153,434,559.00	296,647,400.00
	2.Venkalachchettikulam	1,415	206,853,541.00	289,499,944.00
	Total	2,369	360,288,100.00	586,147,344.00
NORTHERN PROVINCE TOTAL		13,682	2,838,677,661.00	5,559,914,495.00

Mediation

On a decision at the 5th session of the peace talks in Berlin on 7th & 8th of February 2003, LTTE – Muslim District Committees were established in all the three districts in the Eastern Province by the Government Peace Secretariat under the Prime Minister, to mediate lands and properties issues between the Tamils and Muslims.

With all what had happened in the North-East, the Muslim issues are becoming graver daily. Muslim youths are becoming more desperate and they are agitating to take up to arms to resolve their problems if there is no favorable response to their grievances.

The main reason for the present conflict between the Tamils and Muslims in the North East is the undue delay in implementing the agreements reached between the LTTE leader Pirabakaran and SLMC leader Rauff Hakeem on 13th April 2002 and the decision at the 5th Session of the peace talk held in Berlin during 7th and 8th February 2003 for the establishment of village level peace committees in the North East to mediate and resolve Tamil Muslim conflicts.



When LTTE expressed their desire to consult the North-East Muslim people about our concerns, 20 Muslim resource persons from all parts of the North-East were summoned on the initiative of Dr. Kumar Rupesinhe – Chairman of Foundation for Co-existence for consultation on 06th and 07th September 2003 in Colombo. At the end of the discussion it was decided unanimously to form a Muslim Civil Society Organisation – North-East Muslim Peace Assembly – NEMPA, to mediate with Liberation Tigers of Tamil Elam – LTTE

In a surprise move, LTTE senior leaders of the East met Muslim civil society representatives for discussions on 20th September 2003 and announced decisions very favorable to restoring normal life and communal

amity among the two communities of the tension-prone region. Significant among the decisions was to immediately hand over to the Muslims their paddy lands in the LTTE controlled areas in the Batticaloa and Ampara Districts.



LTTE's Eastern Region Commander Col. Karuna Amman, Special Commander Ramesh, Political leader Kousalyan, Economic Advisor Nizam and Ampara Political leader Bawa and NEMPA representatives Leader A.L.A. Jawath, Secretary General M.I.M. Mohideen, Y.M.A. Cader,

U.L.M.N. Mubeen, M.H.M. Hakeem, I.M. Ibrahim, Dr. A.L. Farook, M.H.M. Munas participated in the discussion.

During the three hour meeting with representatives of the North-East Muslim Peace Assembly (NEMPA) at the LTTE guest-house "Thenagam" in Karadiyanaru, LTTE waived all hitherto-prevailing restrictions on paddy cultivation, fishing and movements in all LTTE-controlled areas in the East.

It was mutually agreed at the meeting to work in co-ordination at the village level to restore normal life, resettle displaced families in their original homes, strengthen the security of the Muslims and to work for their economic prosperity.

The LTTE also assured that it would do away with taxes on traders both Tamils and Muslims in the future when its various economic ventures in fishing and agriculture begin to yield profits.



LTTE Senior leaders of Trincomalee District met Muslim Civil Society - representatives from the North East Muslim Peace Assembly - NEMPA on 30th December 2003 and discussed various issues affecting Tamil Muslim relationship and decided to establish village level zonal committees in the following areas to resolve the issues:

Kinniya, Thambalakamam, Mutur, Thoppur, Trincomalee Town, Kutchaweli and Pulmuddai.

LTTE Trincomalee Military Commander Pathuman Amman, Political leader Thilak Amman and Senior Official of the LTTE - S. Devan, T. Sivakumar, T. Sathya, S. Darman, Miss. T. Karunya, S. Udayan and NEMPA Secretary General M.I.M. Mohideen and Senior Officials - Assistant Secretary U.A. Wahab, M.M. Kareem Maulavi - Mutur, M.A.M. Anver - Kinniya, A. Jabeer - Kinniya, A.S.M. Abdeen - Mutur, M.M. Abdul Salam - Pulmoddai, M.A.G.M. Sabir - Thoppur, M.Y. Hidayathulla Maulavi - Kinniya, J.M. Yusoof - Trincomalee Town and K.A. Rahuman - Mutur, participated in the discussions together with Mr. Ali Zahir Maulana, at LTTE "Naduwappaniyakam" in Sampoor.

The Resolution of the Muslim Land Question in the North East Region

The resolution of the land question in the North East of Sri Lanka has become a dominant issue during the transition period between war to peace. The resolution of the land question will be a major contribution to the peace process in Sri Lanka, for it will create the basis for laying the foundation for co-existence between the Tamils and Muslims living in the North East.

The project intends to facilitate the transfer of agricultural lands and properties appropriated by the LTTE to Muslim owners in the Eastern region. It will help to create a framework, which can mediate and reconcile these claims through the use of alternative dispute resolution mechanisms. The Foundation for co-existence will collaborate with the Muslim Rights

Organization with regards the Land Register and also collaborate with the Consortium of Humanitarian Agencies, the Mosque Federations, the LTTE, North East Muslim Peace Assembly and other relevant organizations.

Mediation and the Promotion of Co-existence

The transfer of the land will not be easy since Tamils have cultivated the land and some of it have been handed over to the families of Martyrs who had lost their lives or being injured in the war. Committee of the legal intricacies involved in such a transfer, alternative dispute resolution mechanisms and problem solving approaches will have to take place. It is therefore suggested that a proper framework be created which can help facilitate an orderly and structured process, which can ensure sustainable mediation and reconciliation.

Communications

Clear communications between all the stakeholders is essential for the success of the exercise. The communications strategy should keep all stakeholders fully informed and ally any fears and rumors, which could incite conflicts. The best way to do this would be to get the support of the Trustees of the Mosques the LTTE, NEMPA, SLMM and Members of Parliament in the region.

Alternative Dispute Resolution

Alternative dispute resolutions need to be setup in place for mediation and arbitration. Whilst the LTTE has promised to hand over the land to the Muslim owners, this is not easy since Tamils are already occupying or working on the land. Therefore alternative dispute resolution mechanisms, mediation and arbitrations may need to be put in place. Alternative dispute resolution means that measures should be found which would avoid a long and protracted cases in Court. In Sri Lanka it has been suggested that a **Mediation Commission** be appointed to deal with land disputes. Zonal special mediation boards could be appointed in each district composed of individuals from each community who can mediate on the issues. Currently

the Ministry of Justice is framing legislative provisions to create such a Mediation Commission for the North Eastern region.

Mediation Centers

Eventually mediation centers will have to be established in each village. The Muslim Peace Secretariat should explore the best possible way in which such mediation centers could be established in each district. The establishment of mediation centers of a permanent nature is essential since the region is composed of a multi-ethnic population.

Confidence Building

Confidence building between the Tamils and the Muslims in the North East was taken up as a priority item at the Peace Talks commenced on Thursday the 31st October 2002, at the Rose Garden Holiday Resort, Samoran, Nakhorn Pathong, Thailand.

It was agreed to take the following steps immediately to implement the joint agreements reached between the L TTE Leader Pirabhakaran and the SLMC Leader Rauff Hakeem at the discussion held on 13th April 2002 at Vanni.

1. Establishment of Village level Tamil-Muslim Joint Committees to identify and resolve the problems faced by the Tamils and Muslims in the North East.
2. The Joint Committee to identify the lands belonging to the Muslims in the North-East unlawfully occupied by the Tamils to enable the take over by the Muslims.
3. The Joint Committee to identify the security problems faced by the Muslims in the North East in order to strengthen Muslim Security.
4. The Joint Committee to identify the administrative difficulties faced by the Muslims in the North Eastern Provincial Council, District Secretariats and the Divisional Secretariats in the North East to eliminate discrimination against the Muslims.

5. The Joint Committee to identify any other issues that would ensure the improvement of confidence building between the two communities.



Committees to Address Land Issues and Other Areas of Mutual Concern in the Eastern Province

At the Fifth Session of Peace Talks held in Berlin on 7-8 February 2003 the parties agreed to establish three committees, one in each district of the Eastern Province, to address land issues and other areas of mutual concern. The committees will consist of six representatives of the Muslim population and six representatives of the LTTE. The work of the committees will start immediately. Similar committees will be appointed to address such issues relating to other communities as and when required.

Summary
 Proposed
 Allocation
 Total

The value of assets owned
 more than Rs. 10,000,000
 of that but a 0.01%
 directed Muslim

5. RESETTLEMENT OF FORCIBLY DISPLACED MUSLIMS IN THE NORTH EAST

The main focus of the Government of Sri Lanka (GSL) and the Liberation Tigers of Tamil Elam (LTTE) at the peace talk held in Thailand during 6-9 January 2003, was on the urgent humanitarian needs to improve the day to day lives of the North East people. To this effect the parties have agreed on an accelerated Resettlement program of the Internally Displaced people.

Details of the internally (forcibly) Displaced Muslims from the North East who are now languishing in the following districts – Year 2002

<u>Districts</u>	<u>Families</u>	<u>Peoples</u>
Puttalam	15,500	74,140
Anuradhapura	865	4,070
Kurunagala	487	2,311
Gampaha	1,050	4,725
Colombo	425	1,912
Kalutara	395	1,856
Matale	85	517
Kandy	110	517
Galle	5	23
Kegalle	32	150
Ampara	110	523
Trincomalee	2,207	10,492
Batticaloa	343	1,631
<u>Total:</u>	<u>21,614</u>	<u>102,867</u>

The value of assets robbed by the LTTE during 1990 ethnic cleansing is more than Rs. 10,256 Million or US\$ 110 Million. The donor countries should put a condition for the LTTE to pay this amount to the forcibly displaced Muslims.



<u>Description</u>	<u>Quantity</u>	<u>Value in</u> <u>Millions</u>
Residential properties	22,000	5,500
Commercial and Industrial establishments		
	2,402	2,100
Religious and Cultural Institutions	340	1700
Agricultural Lands	39,400 Acres	200
Gold Jewelleries	475,000 Grams	300
Cattle	211,000	150
Motor Vehicles	320	160
Motor Cycles	800	20
Carts	750	4
Bicycles	4000	25
Fishing Boats	850	40
Engines (Boats)	400	16
Fishing Nets	1200	8
Refrigerators	200	2
Television sets	2000	40
Radio Sets	600	1
<u>Total:</u>		<u>Rs.10,256</u>

The parties to the ceasefire agreement dated 22nd February.2002 the Government of Sri Lanka (GSL) and the Liberation Tigers of Tamil Elam (LTTE) have accepted that the groups that are not directly party to the conflict have also suffered the consequences. This is particularly the case as regards the Muslim population in the North East.

But the LTTE Leader of the combat unit of the Eastern province Karuna speaking in a recent meeting in Switzerland had said that the MoU that was signed by the Government and the LTTE was prepared by the LTTE having only the interest of the Tamils in mind. Speaking further Karuna said the Economy of the Eastern province is in the hands of the Muslims and this should be changed. At present Muslims are taxed only 5% of their income, it is only to keep them happy for a while but soon we must levy a Tax of at least 20% from them. Karunas speech was broadcasted by IBC, a broadcasting station maintained with LTTE sponsorship

From the behavior of the LTTE, the Muslims are beginning to suspect whether the Federal State of Tamil Eelam had already been established in the Nothe-East. The opening of LTTE political offices in the cleared areas, the system of taxation and extortion, the operation of Tamil Eelam Polic Force and its own judiciary give rise to many questions. For example who is responsible for the safety and security of the Muslims in the North East during the period of Peace Talk, which is dominated by the LTTE. President Jayawardena proclaimed the temporary merger during emergency subjected to a referendum in the East at the end of the year. The referendum had not taken place for the last 18 years. Since the emergency is not in force now, is the temporary merger valid any more? Should the Muslims accept the North-East merger without a referendum in the East for the establishment of the Federal State of Tamil Eelam.

LTTE has been trying varies methods, first it was the Interim Administration in the North East, then the Special Task Force and later the Sub-committee on De-escalation and Normalization (SDN) and later the Sub-committee

on Important Humanitarian and Rehabilitation Needs (SIHRN). The primary object of all these arrangements is to transfer the powers vested with the Center to North East or rather to LTTE with international recognition. By this Process the LTTE is trying to get legitimacy and international support for its role as the sole representative of the North-East – the area of historical habitation of the Tamil-speaking peoples - Tamils and Muslims.

Following the financial support pledged by the international community in Oslo the parties decided to move from planning to implementation of humanitarian and rehabilitation programs. SIHRN has been recognized as the Implementing Agency and the World Bank has been accepted as the custodian of the North-East Reconstruction Fund (NERF).

Works that have to be carried out urgently in the Muslim areas before the commencement of the resettlement of forcibly displaced Muslims from the North

01. Demining

Mannar District

Musali DS Division

Chilavathurai, Kondachchi.

Mannar DS Division

Thalaimannar Pier.

Manthai DS Division

Vidathalthievu, Periyamadu, Minuka.

Mullaithievu District

Mullaithievu DS Division

Mullaithievu Town, Hijirapuram.

Jaffna District

Pommaveli, Mankuman, Chavakachcheri.

02. Clearing of unlawful occupants from all residential, commercial and Industrial buildings belong to Muslims

03. Clearing of unlawful occupants from all Religious and Cultural buildings.

04. Clearing of all unlawful occupants from all Muslim Agricultural land and preparation of such land for cultivation.
05. Clearing of shrub jungles covered in the residential premises.
06. Clearing of the jungles on the access road and internal lanes
07. Renovation of Tanks and Irrigation channels.
08. Reconstruction of all residential, commercial, cultural and religious buildings.
09. Reconstruction of Infrastructure – Electricity, Water, Roads etc.
10. Reconstruction of Civic centres and public buildings Schools, Hospitals, Market, Bus Stands, Post Office, Police Station and Secretariat Offices
11. Puttalam- Mannar Western Coastal Highway and bridge should be repaired and opened immediately
12. The railway tract from Mathawatchi to Thalaimannar should be repaired and the train services should commence immediately
13. The bridge connecting the Mannar Island with the main land should be reconstructed.
14. The Causeways in Mannar, Muthur and Kinniya should be reconstructed.
15. The road from Mankulam to Mullaithievu should be reconstructed.

Internally Displaced Muslims in the North East

Northern Province	Jaffna	Vanni	Total	
Internally Displaced Muslim Families	4,000	14,954	18,954	
Internally Displaced Muslim People	20,000	69,367	89,367	
Eastern Province	Amp.	Batti.	Trinco	Total
Internally Displaced Muslim Families	110	343	2,207	2,660
Internally Displaced Muslim People	500	2,000	11,000	13,500

**FUNDS REQUIRED IN MILLION RUPEES 33, 250 (MILLION US \$ 350)
FOR THE RESETTLEMENT**

		Northern Province			Eastern Province				Total
		Jaffna	Vanni	Total	Amp.	Batti.	Trinco	Total	
Demining	Rs.	4.50	11.71	16.21	3.04	6.20	6.25	15.49	31.70
	US\$	0.05	0.12	0.17	0.03	0.07	0.07	0.16	0.33
Roads	Rs.	238.39	1175.77	1414.16	59.43	29.54	140.00	228.99	1643.15
	US\$	2.51	12.38	14.89	0.63	0.31	1.47	2.41	17.30
Housing	Rs.	2163.63	9680.83	11844.46	107.20	347.79	2167.55	2622.54	14467.00
	US\$	22.78	101.90	124.68	1.13	3.66	22.82	27.61	152.28
Mosques	Rs.	41.86	108.87	150.73	3.48	10.96	70.53	84.97	235.70
	US\$	0.44	1.15	1.59	0.04	0.12	0.74	0.89	2.48
Schools	Rs.	41.86	108.87	150.73	5.53	17.40	112.04	134.97	285.70
	US\$	0.44	1.15	1.59	0.06	0.18	1.18	1.42	3.01
Hospitals	Rs.	20.93	54.44	75.37	2.76	8.73	56.04	67.53	142.90
	US\$	0.22	0.57	0.79	0.03	0.09	0.59	0.71	1.50
Electricity	Rs.	41.36	150.96	192.32	3.82	12.04	77.52	93.38	285.70
	US\$	0.44	1.59	2.02	0.04	0.13	0.82	0.98	3.01
Pub. Utility	Rs.	20.93	54.44	75.37	2.76	8.73	56.04	67.53	142.90
	US\$	0.22	0.57	0.79	0.03	0.09	0.59	0.71	1.50
Land Prep.	Rs.	53.80	190.92	244.72	60.00	66.82	60.00	1338.28	1583.00
	US\$	0.57	2.01	2.58	0.63	0.70	0.63	14.09	16.66
Irrigation	Rs.	53.80	190.92	244.72	60.00	66.82	60.00	1338.28	1583.00
	US\$	0.57	2.01	2.58	0.63	0.70	0.63	14.09	16.66
Fisheries	Rs.	11.73	142.71	154.44	8.27	24.80	158.74	191.81	346.25
	US\$	0.12	1.50	1.63	0.09	0.26	1.67	2.02	3.64
Cattle Farm	Rs.	53.80	190.92	244.72	60.00	66.82	60.00	1338.28	1583.00
	US\$	0.57	2.01	2.58	0.63	0.70	0.63	14.09	16.66
Compensation	Rs.	402.92	9956.88	10359.80	8.39	26.32	169.49	204.20	10564.00
	US\$	4.24	104.81	109.05	0.09	0.28	1.78	2.15	111.20
Consultancy	Rs.	66.80	173.74	240.54	1.83	5.73	36.90	44.46	285.00
	US\$	0.70	1.83	2.53	0.02	0.06	0.39	0.47	3.00
Audit	Rs.	16.70	43.44	60.14	0.46	1.43	9.22	11.11	71.25
	US\$	0.18	0.46	0.63	0.00	0.02	0.10	0.12	0.75
Total Rs.		3233.01	22235.42	25468.43	386.97	700.13	3240.32	7781.82	33250.25
Total US\$		34.03	234.06	268.09	4.07	7.37	34.11	81.91	350.00

The proposal submitted by the Sri Lanka Government to the Oslo Donors Conference on 25th November 2002, for immediate Humanitarian and Rehabilitation support did not mention the losses suffered by the Muslims and the funds required for the Rehabilitation and Reconstruction works in Muslim areas. The proposal gave the impression that it was only the Tamils have suffered in the North East conflict.

The Muslim Unit authorised by the Prime Minister in the Government peace secretariat to prepare the detail Plans and Estimates for the urgent works that have to be carried out and the register of Muslim lands that are

unlawfully occupied by the Tamils in the North-East have not yet been accomplished. World Bank will not release any funds without proper plans and estimates for the rehabilitation works in the Muslim areas in the North-East.

LTTE's political leader Tamilchelvan in a recent statement outlining the structure of the SIHRN has stated that it would function at district level and decide the area for development, allocation of funds, etc. The composition of the committee according to him will comprise LTTE-2 members, government-2 members and the District Secretary (GA). No mention about Muslim representation. The SIHRN's powers would definitely bypass all the functions of existing line Ministries and Rehabilitation Authorities in the North-East.

Muslims should have equal representation in these committees because the need for rehabilitation of Muslim refugees and the reconstruction of Muslim areas devastated by the war is in no way second to that of the Tamil areas.

Unless we have equal representation the Muslims will not be able to resettle the 102,867 Muslims forcibly displaced by the LTTE from the North-East and claim our agricultural lands and establish our property rights on residential and business premises. This is the opportunity for the Muslims to prove our rights to look after our own affairs in the predominant Muslims areas independent of Tamils interference.

This would also give an opportunity for the Muslims to prove the Government of Sri Lanka as well as the International Community the feasibility of administering the predominant Muslim areas in the North East independently by the Muslims, and to establish our rights for internal self-rule.

Elamparathi who lead the LTTE ethnic cleansing of Muslims in the North East in 1990 is now back as the political chief in Jaffna. The main concern

of the few Muslims who have return to Jaffna is about their security, and lack of attention to Muslim IDPs. In 1990 nearly 18,000 Muslims lived in Jaffna in 3537 houses and 194 Government quarters, sent their children to four primary schools and two secondary schools and conducted prayers in 16 Mosques. All that are changed now by the LTTE and the present ground situation in Jaffna is quit different. The few Muslims who have returned mostly do pavement hawking, tailoring, run meat stalls or engage in scrap iron business. But the LTTE middlemen have now taken control of the trade and it is extremely difficult for the Muslims to survive in Jaffna. Also the Muslim returnees have found that their houses are being occupied by the Tamils authorize by the Government agent.

Under the present situation there is serious security threat for Muslims in the North-East. However, the SLMC leader Rauff Hackeem has said that the forcibly displaced Muslims should have confidence in the assurance given in the joint statement signed by him and the LTTE leader Velupillai Pirabakaran in April last year and go back. But the Government continues to remain silent with regard to the security and the rights of the Muslims in the North-East.

6.

DEVOLUTION OF POWER
FOR THE MUSLIMS**Duplicity in the Devolution Process and North East Ethnic Conflict**

In the Bandaranaike – Chelvanayakam pact of 1957. Hon. S.W.R.D. Bandaranaike proposed Provincial Councils – one for the Northern Province, and the Eastern Province to have two or more. Two or more Councils could also amalgamate even beyond Provincial boundaries.

The Democratic people's Alliance (DPA) in its manifesto for the Presidential Election in 1988 – Part II – The Resolution of Ethnic Problem – Unit of Devolution (a) the concept of devolution is accepted for Sri Lanka. (b) There shall be a predominant Tamil unit comprising of what are the combined Northern and Eastern provinces but excluding the areas covered by the predominant Muslim unit. (c) There shall be a predominant Muslim unit comprising the predominant Muslim electorates of Kalmunai, Pottuvil and Sammanthurai in the Ampara District as the base and identified predominantly Muslim areas in the Batticaloa and Trincomalee Districts. (d) the rights of Sinhalese and all other persons in each unit shall be on the basis of absolute equality.

In the Mangala Moonesinghe Parliament Select Committee of 11th December 1992, members representing the United National Party, Sri Lanka Freedom Party, Sri Lanka Muslim Congress, the Communist Party, Lanka Sama Samaja Party as well as the independent members Mr. K. Srinivasan, Member for Jaffna District and Mr. Basheer Segudawood, Member of Batticaloa District reached agreement: (a) on the establishment of two separate units of administration for the Northern and the Eastern provinces. (b) to adopt a scheme of devolution on lines similar to those provided in

the Indian Constitution and (c) to devolve more subjects that are in List III (Concurrent List) or to dispense with the List.

Although the Government of India guaranteed and cooperated in many ways with the Government of Sri Lanka, none of the proposals of the Indo-Sri Lanka Accord of July 29, 1987, was implemented because of the unsettled situation still prevailing in the Northern and Eastern provinces. Cessation of hostilities did not come into effect. Arms and ammunitions were not surrendered by the Tamil Militants. The IPKF was unable to enforce the cessation of hostilities and ensure physical security and safety of all communities inhabiting the Eastern and Northern Provinces. The Provincial Council established for the temporarily merged North-East province had been dissolved. In short the Indo-Sri Lanka Accord is a total failure.

The geographical merger of the Northern and Eastern provinces to form a single region with adequate powers over the land have been the main demands of the LTTE. They hold the view that the Tamil Speaking area is one and indivisible and that the geographical contiguity and territorial unity of the Tamil Speaking area should be given unconditional recognition for any meaningful solution to the Tamil problem.

The expression "Tamil Speaking People" refers not to one community but to the Jaffna Tamils, Batticaloa Tamils, Sri Lanka Muslims and Indian Tamils. The expression "Tamil Speaking area" refers to the geographical area covering the Northern and Eastern provinces. Eastern province is the area of historical habitation of Batticaloa Tamils and Muslims. Traditionally the Jaffna Tamils and the Indian Tamils never lived in the Eastern province and it is not their homeland.

Mr. K.W. Devanayagam, former Minister of Home affairs and one time the Minister of Justice who had been a member of parliament from the Eastern province for a very long time had stated that the Tamils of Batticaloa regard themselves as a distinct group of people different from the Tamils of Jaffna and that they followed a different system of law. He has said that there is

proof that the Tamils of Batticaloa are a different community and hence there was no question of a homeland for the Tamils of the North in the Eastern province. This view had been supported by former members of parliament Mr. C. Rajathurai, Mr. Thangathurai, Mr. Prince Cassinathar, Mr. Thivyanathan and many others.

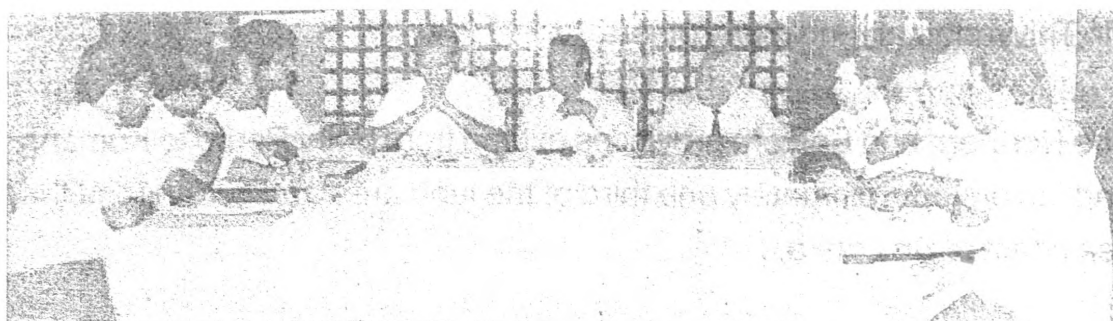
The Northern and Eastern provinces extend from Point Pedro to Kumana and covers approximately one third of the land area and two-third of the sea coast of Sri Lanka.

The Northern province comprises 3,429 sq. miles and the population according to 1981 census is 1,111,468. Tamils 92%, Muslims 5%, and Sinhalese 3%. The Jaffna peninsula is approximately 440 sq. miles and it is in this 12.8% of land area that the 67%-738,788 of the Northern Province people live. All the Tamil militant groups and political parties have their base in the Jaffna peninsula and operate from there. All other districts in the Northern province-Mannar, Vavunia, Mullaithievu, and Kilinochi has a land area of 2,989 sq. miles – 82% of the land area of the Northern province but the population is only 370,616 which is 33% of the population of the Northern province.

The Eastern province has a land area of 3,839 sq. miles and the population according to 1981 census is 993,435 – Tamils 42% Muslims 33%, and Sinhalese 24%. Tamils are the majority only in the Batticaloa district which has a land area of 1,016 sq. miles – Tamils 73%, Muslims 24% and Sinhalese 3%. Tamils are the minorities in the rest of the Eastern province – both Trincomalee and Ampara districts – land area 2,823 sq. miles, 72% of the land area of the Eastern province Tamils 26%, Muslims 37% and Sinhalese 37%. In the Eastern province the Tamil and Sinhalese villages are as noncontiguous as the Muslim villages. Today the Muslims are 41% and the first majority community in the Eastern Province.

However, it is because of our desire that the Tamils and Muslims should live in amity in the North and East as in the past, a Muslim delegation

visited Madras on two occasions, in September 1987 and April 1988 and had wide ranging discussions with the Tamil moderates as well as the militant groups for peaceful coexistence in the North East.



After the Indo-Sri Lanka Agreement in July 1987 and the 13th Amendment to the constitution, the Sri Lanka Muslim Congress took one step further by contesting the election in the Eastern province and helped the formation of the Provincial Council for the temporarily merged North-East province.

In September 1990, it was agreed between the Tamil parties and the Muslim parties that there shall be one provincial council and two ethnic councils of devolution with equal powers. It was categorically decided that the Muslim majority council should in no way be inferior to the Tamil majority council. It was also agreed that the Provincial Council should be a bicameral legislature with the second chamber having balanced representation for the minorities in the region.

But the Tamil parties have now taken up the position of not agreeing to create a separate unit of devolution for the Muslims in the Northern and Eastern provinces. They have also taken up the position that the 18% Muslims of the Northern and Eastern province should be contented with the constitutional safeguards only. If that is so, we cannot understand as to why the 10% Sri Lankan Tamils cannot be satisfied with similar constitutional safeguards only, without demanding any share of political power through the devolution process.

From the recent experience the Muslims have realized that there is a well planned conspiracy by the Tamils to chase the Muslims away and make the Northern and Eastern provinces a mono ethnic Tamil region in order to create one day the Tamil Ealam. Although patronizing remarks and promises have been made by the Tamil leaders, in actual practice every effort is being made to cripple and destroy the legitimate rights of the Muslims. It has therefore become an absolute necessity for the Muslims in the Northern and the Eastern provinces to take independent safeguards to protect our lives and properties.

Muslims have not resorted to terrorism or asked for the division of the country for the settlement of our grievances. If there is one community in Sri Lanka that could legitimately complain of being discriminated by the State in the field of education, employment, land alienation, colonization and subjected to cold blooded murder, arson, and looting by the Tamil Militants in our areas of historical habitation in the North & East, it could be the Muslim Community.

Sri Lanka Government refused to listen to the grievances of the minorities. The Tamils went to the Tamil Nadu State in India and the Western Countries with their grievances. We have many Muslims and Arab countries around us to listen to our grievances also. But Muslims have not yet gone to these countries in order to obtain military training and financial help to protect our lives and legitimate rights.

It is for the first time in the history of Sri Lanka that steps are being taken to share power with the minorities. Therefore, we the Muslims do not wish to be ignored and our legitimate rights are denied just because we do not have armed terrorist and fought for the separation of Sri Lanka.

If the unit of devolution of power is Province, a fair and just arrangement would be to establish 7 Provinces for the 74% Sinhalese, 1 Province for the 12% Sri Lanka Tamils, 1 Province for the 8 % Muslims and 1 Province for 6% Tamils of Indian Origin.

The Northern and the Eastern Provinces are the areas of historical habitation of the Sri Lanka Tamils and Sri Lanka Muslims. The expression "Tamil Speaking Peoples refers not to one ethnic group but in fact to three ethnic groups, namely the Sri Lanka Tamils, Sri Lanka Muslims, and the Indian Tamils. The expression areas of historical habitation of the Tamil Speaking Peoples refers to a geographical area covering the present Northern and Eastern provinces. Indian Tamils never lived here historically and therefore it cannot be their areas of historical habitation. Eastern and Northern provinces are as much the areas of historical habitation of the Sri Lanka Muslims as that of the Sri Lanka Tamils.

To-day Muslims are the number one majority - 41% in the Eastern Province and we are politically diluted to 20% by merging with the Northern Province. When deciding on minority representation to the House of Representatives – the Parliament, from the Eastern Province, the Delimitation Commission of 1976, had demarcated five (5) electorates for the Tamils and five (5) electorates for the Muslims. Even in the last Provincial Council Election held on 19 November 1988 Muslims and Tamils elected equal representative 17 members each from the Eastern Province. In the parliamentary election of December 2001, 8 Muslims and 5 Tamils were elected.

MUSLIMS ARE POLITICALLY STRONG, ECONOMICALLY AND EDUCATIONALLY BETTER THAN THE TAMILS IN THE EASTERN PROVINCE. THE MERGER OF EAST WITH THE NORTH IS AGAINST THE POLITICAL, ECONOMIC AND EDUCATIONAL INTEREST OF THE MUSLIMS. LIKE THE TAMILS, THE MUSLIMS ALSO WANT A SEPARATE COUNCIL COMPRISING THE AREAS OF HISTORICAL HABITATION OF THE MUSLIMS IN THE NORTHERN AND EASTERN PROVINCES TO SHARE POWER.

Provincial Council Act No.42 of 1987 prevents the Presidential Proclamation of the merger till the surrendering of arms and cessation of hostilities by

the Militants. But the former President Jayawardena, used his special powers as Executive President, proclaimed the temporary merger of the Eastern province with the Northern Province and made the Muslims of the Eastern Provinces a community of political and social slaves under the Tamils.

Mr. G.G. Ponnambalam demanded fifty-fifty and balance representation because he did not want the 18% Tamils to remain a permanent minority under the 74% Sinhalese. On the same basis, we the 20% Muslims do not wish to remain a permanent minority under the 70% Tamils in the merged North-East Province.

The Muslims in the Sinhalese areas are supposed to be living peacefully among the Sinhalese by supporting the aspirations of the Sinhalese. Similarly, the Muslims in the Tamil speaking areas can also live peacefully by supporting the aspirations of the Tamils. As we all know the aspiration of the Tamils in the Northern and Eastern Provinces is to establish the Tamil Eelam or a single council merging the two provinces. Muslims supporting the Tamils at this crucial time would work wonders to achieve what the Tamils want. The moment the Muslims in the Tamil speaking area join the Tamils, the Sinhalese and Muslims living in the Sinhalese areas would make the biggest noise complaining that we have cut their throats.

On the other hand, with the help of the Colombo based Muslim leaders, Muslim Ministers, and Muslim M.PP of the Eastern Province, if the Sinhalese succeed in dividing the Muslims from the Tamils in the Eastern province and form a coalition with Muslims and Sinhalese, the Tamils will naturally consider the Muslims speaking a common language - Tamil and living among them are a cut-throat community and a hindrance to them to share power devolved on the Eastern Province – Provincial Council, on account of the great sacrifice the Tamil community had made for the last 50 years. Tamils are not so foolish to ignore this eventualities and that is why the Tamils are opposing a single Provincial Council for the Eastern

Province and strongly insisting for the merged North-East Provincial Council.

As much as we do not wish to be a hindrance to the Tamils, we do not wish to let down the Sinhalese at the crucial time. That is why the Eastern Province Muslims do not support a single Provincial Council for the Eastern Province and have put forward the proposal for A SEPARATE MUSLIM PROVINCIAL COUNCIL COMPRISING THE PREDOMINANT MUSLIM AREAS IN THE NORTH AND EAST, SO THAT WE COULD DECIDE WHAT IS GOOD OR BAD FOR US WITHOUT HURTING THE SINHALESE OR TAMILS.

NORTHERN AND EASTERN PROVINCES ARE THE AREAS OF HISTORICAL HABITATION OF THE TAMILS AND MUSLIMS. MUSLIMS BEING AN INDEPENDENT ETHNIC COMMUNITY, SHOULD HAVE EQUAL OPPORTUNITY LIKE THE TAMILS TO SHARE POWER. A SEPARATE POWER SHARING COUNCIL IN OUR AREAS OF HISTORICAL HABITATION IS OUR LEGITIMATE RIGHT.

Devolution

What we have today in Sri Lanka is ethnic grievances and not a Tamil problem. Grievances are not confined to one community nor to the followers of one religion. The Sinhalese, Tamils and Muslims have grievances. Various political solutions have been attempted for the settlement of ethnic grievances. The Bandaranayake Chelvanayakam Pact, the Dudley Senanayake – Chelvanayakam pact and Annexure “ C “ are the well-known solutions that have been seriously proposed for implementation. The common feature in all these proposals is the substantial devolution of power. All leading personalities in Sri Lanka at one time or other, have accepted the principal of devolution of power to settle ethnic grievances.

As a compromise between the highly centralized unitary system and a separate State, powers should be properly shared by all ethnic groups- Sinhalese, Tamils and Muslims. Patchwork and halfway measures will only

make settlement difficult. There should be genuine sharing of power and the division of powers between the Center and the peripheral units should be incorporated in the Constitution which would ensure the unity, integrity and sovereignty of the country. The powers transferred should enable the ethnic minorities, Tamils and Muslims assume responsibilities and participate fully in decision-making process in those areas where they are a majority.

Muslims not Opposed to Tamil Aspirations

The Tamil moderates and the armed Eelam fighters have said that if they are not given a viable alternative for a separate state, they would continue their struggle till they finally achieve what they want. What they have in mind we believe, as a viable alternative, is a single council merging the Northern and Eastern provinces.

The Merger of Northern and the Eastern Province was refused on the ground that the Muslims in the East are opposing to it. The Muslims oppose the merger mainly because we would become an insignificant minority under the Tamils. But we are not opposed to the merger of the Tamil areas leaving the Muslim majority areas in the North-East for a separate Muslims majority Provincial Council.

Muslim Majority Provincial or Regional Council

Since Muslims are a recognized major Ethnic group in Sri Lanka, it is our legitimate right to have a separate Province or Region where the Muslims will be of sufficient majority to form a council and to share powers like the other two major Ethnic Communities – Sinhalese & Tamils.

The proposed Provincial or Regional Council for Muslims can be in the Eastern Province. The area of authority of this council would include the former DRO's Divisions of Panamapattu, Akkaraipattu, Ninthavur & Karavahupattu and Sammanthuraipattu together with Wewagampattu South. Extent approximately 1,276 Sq. Miles in the

present Amparai District as the base and the non – contiguous Muslim areas of Katankudi, Eravur, Valaichenai, Ottamavadi in the Batticaloa District, and Mutur, Kinniya, Thampalagamam and Kucheveli in the Trincomalee District, Total 2,036 Sq. Miles or 5,280 Sq. Km. In the event of a merger of the Tamil areas of the Eastern Province with the Northern Province and if the Muslims in Musali and Erikelampiti in Mannar District agree, they also can form part of the Provincial or Regional Council for Muslims. These Muslim majority areas which are non-contiguous should be first made community oriented Pradesheeya Sabhas and considered as parts of the Muslim Provincial or Regional Council. This would incorporate a little more than 85% or 525,000 Muslim of the total Muslims Population of 620,000 in the North-East. There will be about 90,000 Tamils and 45,000 Sinhalese also in the Council. Muslims will be more than 69% in the proposed Muslim Majority Council. Total population 765,000 and land area approximately 2314 Sq. Miles or 6,000 Sq. Km.

The Problem of administrating the non-contiguous areas is not as impossible as it is made out to be. For example the former French possession in India-Pondicherry, parts of it fall in three different states Kerala, Tamil Nadu and Andhra Pradesh where three different languages are spoken and administrated as a separate Union State. Where as in Sri Lanka all the Muslims in the North East speak Tamil and their grievances with regard to land, language, economy and employment are same. What we are asking here is a Provincial Council on the administrative pattern of non-contiguous Union State in India.

Pondicherry a Non Contiguous State in India

Area	: 492 Sq. Km
Population	: 807,785
Capital	: Pondicherry
Principal Languages	: Tamil, Telungu, Malayalam, English and French

GOVERNMENT - States and Union Territories.

Governor	: Dr. Rajan Rai
Chief Secretary	: T.T. Joseph
Chief Minister	: R.V. Janakiraman
Jurisdiction	: Falls under jurisdiction
Speaker	: V.M.C. Sivakumar
High Court	: Madras High Court

Areas, Population and Headquarters of Districts

S. No.	District	Area (Sq. Km)	Population	Headquarters
1	Pondicherry	293	608338	Pondicherry
2	Karaikal	160	145703	Karaikal
3	Mahe	9	33447	Mahe
4	Yanam	30	20297	Yanam

History and Geography

The territory of Pondicherry comprises the former French establishment of Pondicherry, Karaikal, Mahe and Yanam which lie scattered in South India. Pondicherry, Karaikal, Mahe and Yanam which lie scattered in South India. Pondicherry, the capital of the territory was once the original headquarters of the French in India.

It is bounded on the east by the Bay of Bengal and on the other three sides by the South Arcot district of Tamil Nadu. About 150Km south of Pondicherry on the east coast lies Karaikal. Mahe is situated on the Malabar coast on the western ghats surrounded by Kerala. It can be reached from Calicut Airport which is 70 km from Mahe. Yanam is situated adjoining the East Godavari district of Andhra Pradesh and is about 200 km from Vishakapatnam Airport.

Historical Admission of the Need for Muslims to Share Power**1. Resolution at Federal Party Convention in 1959.**

Separate Power Sharing Unit for Muslims in the Tamil Region.

2. Bandaranaike – Chelvanayam Pack.
Eastern Province to have two or more councils.
3. Tamil United Liberation Front - TULF Parliamentary Election Manifesto 1997.
Identification of the traditional Muslim homeland in the proposed Tamil Elam and the recognition of the inalienable right to self determination of the Muslims.
4. Discussions between the leaders of the Tamil United Liberation Front and the Council of Muslims of Dr. Badi-ud-din Mahmud in 1987.
Separate arrangements for sharing of powers with Tamils in the merged North-East Region.
5. Discussions between the LTTE and MULF in 1988.
Separate arrangements for sharing of powers with Tamils in the merged North-East Region.
6. Discussions between the All Ceylon Tamil Congress and Sri Lanka Muslim Congress.
Non-contiguous Power Sharing Unit for Muslims in North-East region.
7. DPA Presidential Election Manifesto 1988.
Non-contiguous Muslim majority power sharing unit in the merged North-East region.
8. PA Government's proposal for constitutional Reforms - October 1997
Establishment of South Eastern Regional Council comprising the polling Division of Kalmunai, Samanthurai and Pothuvil.

Autonomy and Self Determination

Muslims are a distinct ethnic community with a different culture and religion. About a century ago, Sri Ponnampalam Ramanathan started the Propaganda that the Sri Lanka Muslims are also Tamils, in order to prevent a separate Muslim representation in the Legislative Council for the Muslims and for him to be the sole representative of the Tamil Speaking peoples the Tamils and Muslims. Muslim objected vehemently to a Tamil representing Muslim interest and the then government nominated Mr. M.C. Abdur-rahman to represent the Muslims.

Sri Lanka Tamils and Sri Lanka Muslims are the Tamil Speaking Peoples traditionally living in the Northern and Eastern provinces.

Tamils and Muslims have separate identified areas of historical habitation in the Northern and Eastern provinces and the Muslim areas of historical habitation should be protected from further colonization by the Tamils and Sinhalese.

Muslims should not be continuously terrorized by the Tamil Militants in the areas of historical habitation of the Muslims in the Northern and Eastern provinces.

Law and Order in the Muslim areas of historical habitation should be in the hands of the Muslims to ensure safety and security for the Muslims in the Northern and Eastern provinces.

It is the legitimate right of the Muslims to have a separate power sharing unit comprising the areas of historical habitation of the Muslims to share power like the Tamils in the Northern and Eastern provinces.

In the extended franchise election held in May-June 1931 for the first State Council, only the Eastern province Muslims were able to elect a Muslim to represent the entire Muslim community in Sri Lanka.

The former president Jayawardana circumvented the laws passed by his own Government in the Provincial Council Act and effected the temporary merger under the emergency regulation and made the Muslims of the Eastern province a community of political and social slaves under the Tamils.

Muslims are conscious of the serious problems that are likely to arise when the Northern and Eastern province are merged to form a single regional council. After the formation of the Provincial Council in the temporarily merged North East, the Tamil National Army of the EPRLF, TELO and ENDLF attacked several police stations in the predominant

Muslim areas in the Eastern province and murdered hundreds of Muslims in cold blood.

LTTE shot the Muslims in the back while praying in the mosque, burned our mosques, schools, paddy fields and committed robbery of our cattles. Finally they gave just two days for the Muslims who have been living for centuries to vacate our homes and leave the Northern province, Continuous outrages by the Tamil militants against the unarmed Muslim civilian population have made thousands leave their traditional homes in the North and East.

From the recent experience the Muslims have realized that there is a well planned conspiracy by the Tamils to chase the Muslims away and make the Northern and Eastern province a mono ethnic Tamil region in order to create one day the Tamil Elam. Although patronising remarks and promises have been made by the Tamil leaders, in actual practice every effort is being made to cripple and destroy the legitimate rights of the Muslims. It is therefore become an absolute necessity for the Muslims in the Northern and Eastern provinces to take independence safeguards to protect our lives and properties.

Therefore, any meaningful solution to the North-East Conflict should be based on the following four cardinal principals:

- (i) Recognition of the Muslims of Sri Lanka as a distinct nationality.
- (ii) Recognition of the identified Muslim areas of historical habitation and the guarantee of its territorial integrity.
- (iii) Recognition of the right of the Muslims for a separate power sharing unit.
- (iv) Based on the above, recognition of the inalienable right of self determination of the Muslim Nation.

From Where the Indo-Sri Lanka Accord left us

1. Indo-Sri Lanka Accord failed to recognize the North East area as a heterogeneous one.

- The fundamental mistake was to treat the Northern and the Eastern provinces as areas of historical habitation of the “Tamil speaking peoples”.
 - The fact that the Muslims though they speak Tamil language have been treated politically and ethnically as a separate and distinct community was not taken into account.
 - The Northern and the Eastern provinces should have been recognized as areas of historical habitation of Tamils and the Muslims instead of the general description “Tamil speaking peoples”.
2. Although the Accord mentions that the amalgamation was only for an interim period of one year the proposed Referendum never took place although 18 years have passed.
- At the discussions between the Tamil parties and the Muslim parties – the Tamil parties have always taken up the position that although the Referendum was provided for in the Accord it was never intended to be held or implemented.
 - Muslims do not accept this position and vehemently object a Kashmir situation in the Eastern Province.
 - Any future settlement should avoid vagueness, uncertainties and contingencies.
3. Although Article 2:16 of the accord states that the Governments of India and Sri Lanka will co-operate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern provinces the Muslim Community was subjected to untold harassment, genocide and ethnic cleansing. Both Governments could not help us when we were at the receiving end at the hands of the Tamil militants.
4. Although the Indo - Sri Lanka Accord was signed subject to the acceptance of the proposals negotiated from 4-5-1986 to 19-12-1986 – the agreement between President J R Jayawardene and the Indian Prime Minister Rajiv Gandhi to the effect that the Muslim M.P.’s of the Eastern Province may be invited to visit India and to discuss matters of

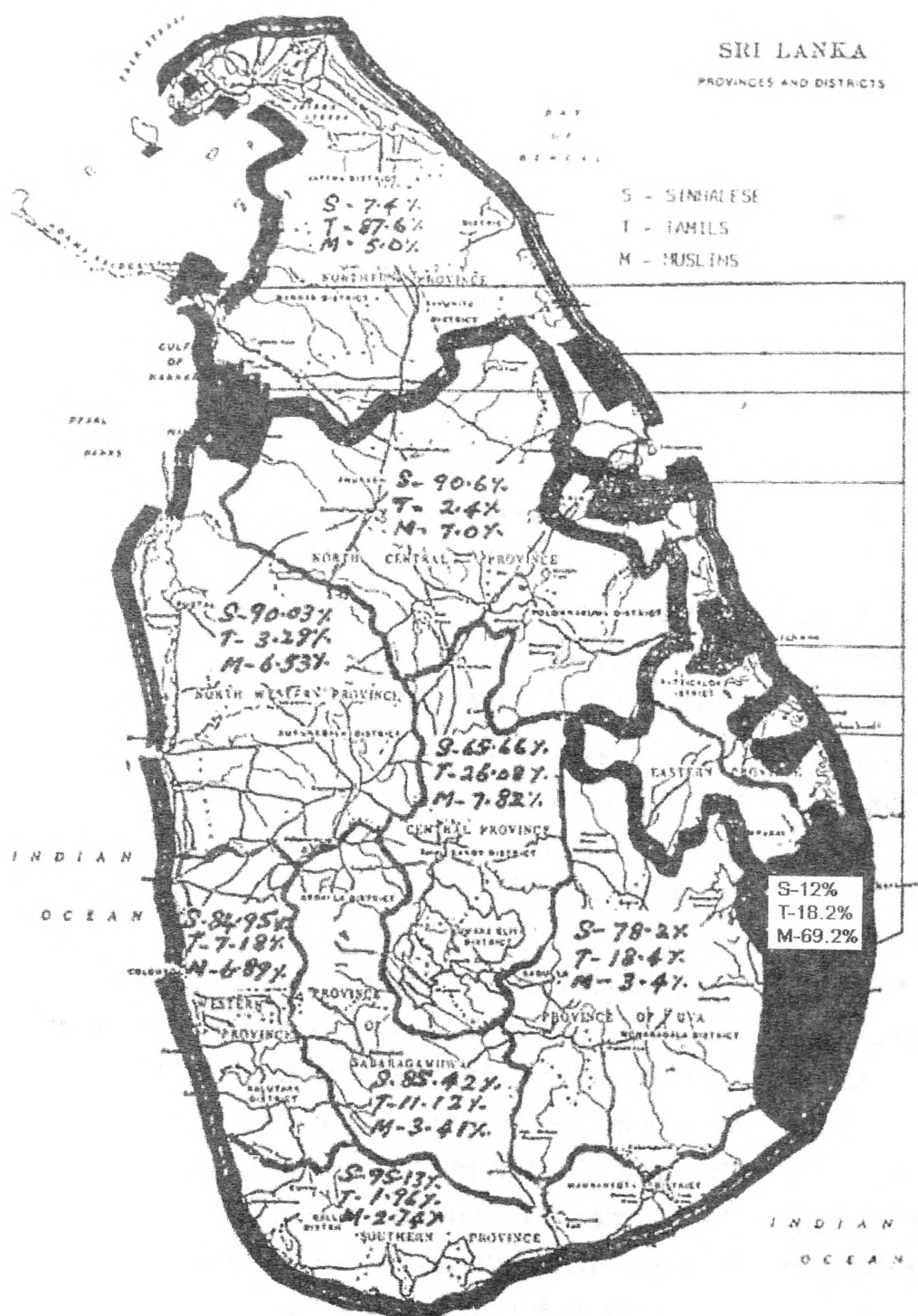
mutual concern with the Tamil side under the auspices of the Government of India was never implemented.

- The political future of the Muslims is one of the residual matters that should have been sorted out within a period of six weeks of signing the Indo-Sri Lanka Accord(Article 2:15).
 - However, we and our destinies were deserted soon after the accord was signed.
5. Indo-Lanka Accord failed to take into consideration the fact that the Muslim community became the sole victim as a result of the amalgamation of the two provinces.
- The only province where the Muslims are living in substantial numbers is the Eastern province. The amalgamation renders them insecure and politically insignificant.
6. Creation of a Muslim Majority Regional Council on the administrative pattern of the non-contiguous Union State in India - Pondicheri is the answer to the fears of the Muslims of the North-East in so far as the following areas are concerned.
- Law and order and security to our lives and properties.
 - Protection of our private lands.
 - Protection of the state lands already occupied by the Muslims.
 - Protection of our share in the future alienation of State lands.
 - Employment opportunities.
 - The future of the Muslims of North driven away during the ethnic cleansing by the LTTE.
 - The protection of the private properties forcibly occupied by the LTTE and compensations for their losses.
 - Security for our religion and culture.
 - A voice for the Muslim Community in the proposed Chief Ministers Conference and the "Land and Water use Council".

Proposal for the Muslim Majority Provincial or Regional Council in the North-East.

- 1. A separate Muslim majority administrative district should be created in the present Ampara District comprising the former four DRO's Divisions of Panamapattu, Akkaraipattu, Sammanthuraipattu, Karvahu/ Ninthavurpattu and the AGA Division of Wewegampattu South. 1,276 Sq. Miles - 3,310 Sq. km.**
- 2. Creation of ethnic oriented Pradeshiya Sabhas/AGA Divisions including the Agricultural Lands and Natural resources in proportion to the population of each community in the new Muslim majority administrative district mentioned above.**
- 3. Creation of Muslim majority Pradeshiya Sabhas in Kathankudi, Eravur, Ottamawadi/Valaichenai, comprising the Agricultural Lands and Natural Resources in proportion to the Muslim population of 24% in Batticaloa District. 346 Sq. Miles - 896 Sq. km.**
- 4. Creation of Muslim majority Pradeshiya Sabhas/AGA Divisions in Trincomalee Muthur, Kinniya, Thopur, Tampalakamam and Kuchchaveli comprising the areas of Agricultural Lands and Natural Resources in proportion to the Muslim population of 29% in the Trincomalee District. 414 Sq. Miles - 1,072 Sq. km.**
- 5. Creation of Muslim majority Pradeshiya Sabhas/AGA Division in Erikalampitti and Musali comprising the areas of the Traditional Homeland, Agricultural Lands and Natural Resources in proportion to the Muslim population of 27% in Mannar District. 278 sq Miles - 720 Sq. km.**
- 6. Municipal Council should be created in Kalmunai, Urban Councils should be created in Kattankudi and Kinniya without reducing the Muslim majority in the balance area of the Pradeshiya Sabhas.**
- 7. Separate Muslim majority administrative districts should be created linking the Muslim majority Pradeshiya Sabhas/AGA Divisions in the Batticaloa, Trincomalee and Mannar Districts.**
- 8. All Muslim administrative districts created in the North-East should be considered separate Electoral Districts.**
- 9. Land area in the proposed Muslim Majority Provincial or Regional Council would be approximately 2,314 Sq. Miles - 6,000 Sq. km and population 525,000.**

MAP SHOWING AREAS FOR MUSLIM MAJORITY POWER SHARING UNIT



NORTH EAST DEMOGRAPHY – CENSUS 1981

	<i>Total</i>	<i>Sinhalese</i>	<i>S.L.Tamils</i>	<i>Indian Tamils</i>	<i>Sri Lankan Muslims</i>	<i>Others</i>	<i>Land Area Sq. Mts</i>
Northern Province	1109,404	35,128	957,247	63,759	50,828	2,442	3,429.0
	100.0%	3.2%	86.3%	5.8%	4.6%	0.2%	
Jaffna District	738,788	5,648	715,892	4,924	11,839	485	440.0
	100.0%	0.8%	96.9%	0.7%	1.6%	0.1%	
Kilinochchi District	91,764	1,011	74,493	15,056	1,119	85	558.0
	100.0%	1.1%	81.2%	16.4%	1.2%	0.1%	
Vavuniya district	95,428	15,794	54,179	18,714	6,505	236	1467.00
	100.0%	16.6%	56.8%	19.6%	6.8%	0.2%	
Mullethivu District	77,189	3,992	58,209	11,215	3,651	122	
	100.0%	5.2%	75.4%	14.5%	4.7%	0.2%	
Manar District	106,235	8,683	54,474	13,850	27,714	1,514	964.0
	100.0%	8.2%	51.3%	13.0%	26.1%	1.4%	
Eastern Province	993,435	255,843	400,490	10,907	320,220	5,973	3,839.0
	100.0%	25.8%	40.3%	1.1%	32.2%	0.6%	
Ampara District	388,970	146,943	77,826	1,411	161,668	1,220	1,775.0
	100%	37.8%	20.0%	0.4%	41.6%	0.3%	
Batticaloa District	330,433	11,255	233,713	4,074	78,829	2,562	1016.0
	100.0%	3.4%	70.8%	1.2%	23.9%	0.7%	
Trincomalee Dis.	274,032	97,645	88,951	5,422	79,723	2,29	1048.0
	100.0%	33.6%	32.5%	2.0%	29.1%	0.8%	
Ampara + Trico Dist.	663,002	244,588	166,777	6,833	241,391	3,511	2,823
	100.0%	36.9%	25.2%	1.0%	36.4%	0.5%	
Batticaloa & Trinco Dis.	604,365	108,900	322,664	9,496	158,552	4,753	2,064.0
	100.0%	18.0%	53.4%	1.6%	26.2%	0.8%	
Northern Province, Batticaloa & Trincomalee District	1,713,769	144,082	1,279,911	73,255	209,380	7,295	5,493.0
	100.0%	8.4%	74.7%	4.4%	12.2%	0.4%	
Northern & Eastern Provinces	2,102,839	290,971	1,357,737	74,666	371,048	8,415	7,268.0
	100.0%	13.8%	64.6%	3.6%	17.6%	0.4%	

புதிதாய் கிழிந்திருக்கிற பூக்கள், புதிதாய் கிழிந்திருக்கிற பூக்கள்
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பா. சிவசுந்தரம் வாழும் முஸ்லிம் மக்களை எதிர்த்தோடுதல் முகதிய நடைமுறைப் பிரச்சினைகளைப் பற்றித் தீர்மானம் போட்டுத் தள்ளுகிற காரணப்பாடலை மறுப்பாளராகத்திலும் வன்மையிலும் சிறந்தவர் இவ் மன்றத்தில் வாழும் முஸ்லிம் மக்களை மீண்டுத் தற்கொது செய்து விடுவதற்கான குறுப்பமுடைய சந்தர்ப்பின் போது தள்ளுவார் போடாகவான் அவர்கள் வேண்டுகோள் வந்தது. இந்த மீள்குறுப்பமுடையது ஏதாவது துணைமையாக ஏற்படுவதில் வகையில் நிறுவலானது கூடவந்திருந்த தாயித் கிருதநிலைப் பக்கம் காய்ச்சுவதற்கும் முஸ்லிம் காய்ச்சுதலிலிருந்தும் ஒரு கூட்டுக் குழுவுடனானது நடந்திருக்கிறது. பின்னாலே தீவிரமாகப் பின்புற மாகாணத்திலுள்ள டக் குகையாய்களில்முந்து இடையையுந்து முஸ்லிம்களை மீண்டுத் தற்கொதுப்பதற்கில் சென்று குடியமருவதற்கு உதந்த குழுவிலுள்ளவர்களைப்பற்றித் தீவிரமாகவான் தீர்மானிக்கப்பட்டது.

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விருது மகாலாகத் தீர்மானிக்கப்பட்டிருந்தது. இவ்வாறு தீர்மானிக்கப்பட்ட பணம் பெற்று மருத்துவமனை உடனடியாக நிறுத்துவதென்றும் வந்திருந்தது. இதேபோல் பலகோடி ரூபாய்கள் நிர்மாணிக்கப்பட்டது.

விடிகழுககிய மாண்புமிகு தேயுட முள்ளிய டககா எதிரொள்ளுப் பித்தினகககன டககி
கூபுதிகககன பித்தி கீககக மேககககக கிதிரொள்ளுப் பித்தினகககன டககி
முள்ளிய கிதிரொள்ளுப் பித்தினகககன டககி

தலைப்பு: கிராமப்புற வளர்ச்சித் திட்டம்

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Annexure-II

**ENGLISH TRANSLATION OF LTTE - SLMC
JOINT STATEMENT DATED 13 APRIL 2002**

At the LTTE leader's international media conference on 10th April, 2002, Mr. Anton Balasingham repeated his previous apology made at a public meeting on behalf of the LTTE for the forcible expulsion in 1990 of thousands of Muslims by the LTTE as a "political blunder" that could not be justified. Mr. Balasingham said : "Let us forget and forgive the mistakes made in the past. Tamil Elam is also the homeland of the Muslims and we have to live in harmony and amity to promote peace and prosperity in the region." LTTE leader Pirapaharan also acknowledged that the problems of the Muslims have to be resolved along with the problems of the Tamils.

On an invitation from the LTTE Leader V. Pirapaharan, the National Leader of the SLMC and Cabinet Minister Rauff Hackeem flew to the North with five of his party colleagues for a meeting on the 13th April, 2002.

LTTE National Leader Velupillai Pirapaharan, Political Advisor Anton Balasingham, Political Chief S. P. Thamilchevan, Batt./Ampara District Col. Karuna, Trinco. District Col. Pathuman. And Mrs. Adale Balasingham participated on behalf of the LTTE.

Agreement was reached on important practical problems faced by the Muslims in the North-East. LTTE Leader Pirapaharan invited the displaced Muslims from Jaffna and Wanni to come and resettle in their own places. It was decided to established a joint committee of resprentatives from the LTTE and SLMC to facilitate the resettlement. Similarly it was decided to create favorable conditions for the resettlement of the Muslims who were displaced from the Eastern Province.

It was decided to help the Muslims to recultivate the uncultivated agricultural lands belonged to the Muslims in the North- East.

The LTTE agreed to cease immediately extortions from the Muslims in the Eastern Province.

It was decided to appoint an SLMC representative from each district in the North East to discuss the problems faced by the Muslims with LTTE Senior Commanders and to strengthen Tamil Muslims relationship.

It was decided to continue similar top level meetings.

It was decided for the SLMC representatives to participate as group on behalf of the Muslims at the negotiations to be commenced between the Government and the LTTE.

It was decided to approach the political issues of the Muslims in the North East on a policy basis and continue discussions to foster their unique political, cultural and ethnic rights.

Since the SLMC had obtained the majority support of the Muslims, it was decided to talk to SLMC on matters pertaining to the Muslims in the North East.

Sgd.

V. Pirapaharan

National Leader – LTTE

Sgd.

Rauff Hackeem

National Leader -SLMC

Annexure-III

**CEASE FIRE AGREEMENT BETWEEN THE
GOVERNMENT OF SRI LANKA - GOSL AND THE
LIBERATION TIGERS OF TAMIL ELAM - LTTE**

Preamble

The overall objective of the Government of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as the GOSL) and the Liberation Tigers of Tamil Eelam (hereinafter referred to as the LTTE) is to find a negotiated solution to the ongoing ethnic conflict in Sri Lanka.

The GOSL and the LTTE (hereinafter referred to as the Parties) recognize the importance of bringing an end to the hostilities and improving the living conditions for all inhabitants affected by the conflict. Bringing an end to the hostilities is also seen by the Parties as a means of establishing a positive atmosphere in which further steps towards negotiations on a lasting solution can be taken.

The Parties further recognize that groups that are not directly party to the conflict are also suffering the consequences of it. This is particularly the case as regards the Muslim population. Therefore, the provisions of this Agreement regarding the security of civilians and their property apply to all inhabitants.

With reference to the above, the Parties have agreed to enter into a ceasefire, refrain from conduct that could undermine the good intentions or violate the spirit of this Agreement and implement confidence-building measures as indicated in the articles below.

Article 1: Modalities of a ceasefire

The Parties have agreed to implement a ceasefire between their armed forces as follows:

1.1 A jointly agreed ceasefire between the GOSL and the LTTE shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs in accordance with Article 4.2, hereinafter referred to as D-day.

Military operations

1.2 Neither Party shall engage in any offensive military operation. This requires the total cessation of all military action and includes, but is not limited to, such acts as:

- a) The firing of direct and indirect weapons, armed raids, ambushes, assassinations, abductions, destruction of civilian or military property, sabotage, suicide missions and activities by deep penetration units;
- b) Aerial bombardment;
- c) Offensive naval operations.

1.3 The Sri Lankan armed forces shall continue to perform their legitimate task of safeguarding the sovereignty and territorial integrity of Sri Lanka without engaging in offensive operations against the LTTE.

Separation of forces

1.4 Where forward defence localities have been established, the GOSL's armed forces and the LTTE's fighting formations shall hold their ground positions, maintaining a zone of separation of a minimum of six hundred (600) metres. However, each Party reserves the right of movement within one hundred (100) metres of its own defence localities, keeping an absolute minimum distance of four hundred (400) metres between them. Where existing positions are closer than four hundred (400) metres, no such right of movement applies and the Parties agree to ensure the maximum possible distance between their personnel.

1.5 In areas where localities have not been clearly established, the status quo as regards the areas controlled by the GOSL and the LTTE, respectively, on 24 December 2001 shall continue to apply pending such demarcation as is provided in article 1.6.

1.6 The Parties shall provide information to the Sri Lanka Monitoring Mission (SLMM) regarding defence localities in all areas of contention, cf. Article 3. The monitoring mission shall assist the Parties in drawing up demarcation lines at the latest by D-day + 30.

1.7 The Parties shall not move munitions, explosives or military equipment into the area controlled by the other Party.

1.8 Tamil paramilitary groups shall be disarmed by the GOSL by D-day + 30 at the latest. The GOSL shall offer to integrate individuals in these units under the command and disciplinary structure of the GOSL armed forces for service away from the Northern and Eastern Province.

Freedom of movement

1.9 The Parties' forces shall initially stay in the areas under their respective control, as provided in Article 1.4 and Article 1.5.

1.10 Unarmed GOSL troops shall, as of D- day + 60, be permitted unlimited passage between Jaffna and Vavunyia using the Jaffna-Kandy road (A9). The modalities are to be worked out by the Parties with the assistance of the SLMM.

1.11 The Parties agree that as of D-day individual combatants shall, on the recommendation of their area commander, be permitted, unarmed and in plain clothes, to visit family and friends residing in areas under the control of the other Party. Such visits shall be limited to six days every second month, not including the time of travel by the shortest applicable route. The LTTE shall facilitate the use of the Jaffna-Kandy road for this purpose. The Parties reserve the right to deny entry to specified military areas.

1.12 The Parties agree that as of D-day individual combatants shall, notwithstanding the two-month restriction, be permitted, unarmed and in plain clothes, to visit immediate family (i.e. spouses, children, grandparents, parents and siblings) in connection with weddings or funerals. The right to deny entry to specified military areas applies.

1.13 Fifty (50) unarmed LTTE members shall as of D-day + 30, for the purpose of political work, be permitted freedom of movement in the areas of the North and the East dominated by the GOSL. Additional 100 unarmed LTTE members shall be permitted freedom of movement as of D-day + 60. As of D-day + 90, all unarmed LTTE members shall be permitted freedom of movement in the North and the East. The LTTE members shall carry identity papers. The right of the GOSL to deny entry to specified military areas applies.

Article 2: Measures to restore normalcy

The Parties shall undertake the following confidence-building measures with the aim of restoring normalcy for all inhabitants of Sri Lanka:

2.1 The Parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment.

2.2 The Parties shall refrain from engaging in activities or propagating ideas that could offend cultural or religious sensitivities. Places of worship (temples, churches, mosques and other holy sites, etc.) currently held by the forces of either of the Parties shall be vacated by D-day + 30 and made accessible to the public. Places of worship which are situated in "high security zones" shall be vacated by all armed personnel and maintained in good order by civilian workers, even when they are not made accessible to the public.

2.3 Beginning on the date on which this Agreement enters into force, school buildings occupied by either Party shall be vacated and returned to their intended use. This activity shall be completed by D-day + 160 at the latest.

2.4 A schedule indicating the return of all other public buildings to their intended use shall be drawn up by the Parties and published at the latest by D-day + 30.

2.5 The Parties shall review the security measures and the set-up of checkpoints, particularly in densely populated cities and towns, in order to introduce systems that will prevent harassment of the civilian population. Such systems shall be in place from D-day + 60.

2.6 The Parties agree to ensure the unimpeded flow of non-military goods to and from the LTTE-dominated areas with the exception of certain items as shown in Annex A. Quantities shall be determined by market demand. The GOSL shall regularly review the matter with the aim of gradually removing any remaining restrictions on non-military goods.

2.7 In order to facilitate the flow of goods and the movement of civilians, the Parties agree to establish checkpoints on their line of control at such locations as are specified in Annex B.

2.8 The Parties shall take steps to ensure that the Trincomalee-Habarana road remains open on a 24-hour basis for passenger traffic with effect from D-day + 10.

2.9 The Parties shall facilitate the extension of the rail service on the Batticaloa-line to Welikanda. Repairs and maintenance shall be carried out by the GOSL in order to extend the service up to Batticaloa.

2.10 The Parties shall open the Kandy-Jaffna road (A9) to non-military traffic of goods and passengers. Specific modalities shall be worked out by the Parties with the assistance of the Royal Norwegian Government by D-day + 30 at the latest.

2.11 A gradual easing of the fishing restrictions shall take place starting from D-day. As of D-day + 90, all restrictions on day and night fishing shall be removed, subject to the following exceptions: (i) fishing will not be permitted within an area of 1 nautical mile on either side along the coast and 2 nautical miles seawards from all security forces camps on the coast; (ii) fishing will not be permitted in harbours or approaches to harbours, bays and estuaries along the coast.

2.12 The Parties agree that search operations and arrests under the Prevention of Terrorism Act shall not take place. Arrests shall be conducted under due process of law in accordance with the Criminal Procedure Code.

2.13 The Parties agree to provide family members of detainees access to the detainees within D-day + 30.

Article 3: The Sri Lanka Monitoring Mission

The Parties have agreed to set up an international monitoring mission to enquire into any instance of violation of the terms and conditions of this Agreement. Both Parties shall fully cooperate to rectify any matter of conflict caused by their respective sides. The mission shall conduct international verification through on-site monitoring of the fulfilment of the commitments entered into in this Agreement as follows:

3.1 The name of the monitoring mission shall be the Sri Lanka Monitoring Mission (hereinafter referred to as the SLMM).

3.2 Subject to acceptance by the Parties, the Royal Norwegian Government (hereinafter referred to as the RNG) shall appoint the Head of the SLMM (hereinafter referred to as the HoM), who shall be the final authority regarding interpretation of this Agreement.

3.3 The SLMM shall liaise with the Parties and report to the RNG.

3.4 The HoM shall decide the date for the commencement of the SLMM's operations.

3.5 The SLMM shall be composed of representatives from Nordic countries.

3.6 The SLMM shall establish a headquarters in such place as the HoM finds appropriate. An office shall be established in Colombo and in Vanni in order to liaise with the GOSL and the LTTE, respectively. The SLMM will maintain a presence in the districts of Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Amparai.

3.7 A local monitoring committee shall be established in Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Amparai. Each committee shall consist of five members, two appointed by the GOSL, two by the LTTE and one international monitor appointed by the HoM. The international monitor shall chair the committee. The GOSL and the LTTE appointees may be selected from among retired judges, public servants, religious leaders or similar leading citizens.

3.8 The committees shall serve the SLMM in an advisory capacity and discuss issues relating to the implementation of this Agreement in their respective districts, with a view to establishing a common understanding of such issues. In particular, they will seek to resolve any dispute concerning the implementation of this Agreement at the lowest possible level.

3.9 The Parties shall be responsible for the appropriate protection of and security arrangements for all SLMM members.

3.10 The Parties agree to ensure the freedom of movement of the SLMM members in performing their tasks. The members of the SLMM shall be given immediate access to areas where violations of the Agreement are alleged to have taken place. The Parties also agree to facilitate the widest possible access to such areas for the local members of the six above-mentioned committees, cf. Article 3.7.

3.11 It shall be the responsibility of the SLMM to take immediate action on any complaints made by either Party to the Agreement, and to enquire into and assist the Parties in the settlement of any dispute that might arise in connection with such complaints.

3.12 With the aim of resolving disputes at the lowest possible level, communication shall be established between commanders of the GOSL armed forces and the LTTE area leaders to enable them to resolve problems in the conflict zones.

3.13 Guidelines for the operations of the SLMM shall be established in a separate document.

Article 4: Entry into force, amendments and termination of the Agreement

4.1 Each Party shall notify its consent to be bound by this Agreement through a letter to the Norwegian Minister of Foreign Affairs signed by Prime Minister Ranil Wickremesinghe on behalf of the GOSL and by leader Velupillai Pirabakaran on behalf of the LTTE, respectively. The Agreement shall be initialled by each Party and enclosed in the above-mentioned letter.

4.2 The Agreement shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs.

4.3 This Agreement may be amended and modified by mutual agreement of both Parties. Such amendments shall be notified in writing to the RNG.

4.4 This Agreement shall remain in force until notice of termination is given by either Party to the RNG. Such notice shall be given fourteen (14) days in advance of the effective date of termination.

Annexes

Annex A: List of goods

Annex B: Checkpoints

ANNEX A

The Parties agree to ensure the flow of non- military goods to and from LTTE dominated areas of the Northern and Eastern Province, as well as unimpeded flow of such goods to the civilian population in these areas. Non military goods not covered by article 2.6 in the Agreement are listed below:

- Non military arms/ammunition*
- Explosives*
- Remote control devices*
- Barbed wire*
- Binoculars/Telescopes*
- Compasses*
- Penlight batteries*

Diesel, petrol, cement and iron rods will be restricted in accordance with the following procedures and quantities:

- Diesel and petrol The Government Agents (GA) will register available vehicles; tractors and motorcycles in the LTTE controlled areas. The GA will calculate the required weekly amount of diesel and petrol based on the following estimate:

Trucks/Buses	250 litre/week
4 wheels tractor	310 litre/week
2 wheel tractor	40 litre/week
Petrol vehicle	30 litre/week
Motorcycles	7 litre/week
Fishing vessel	400 litre/week

- Cement required for rehabilitation and reconstruction of Government property; registeret co-operatives; or approved housing projects implemented by the GOSL and international NGOs and more affluent members of the society; will be brought in directly by relevant institutions under licenses issued by Government Agents. The GA shall stipulate the monthly quantities permitted for such project based upon planned and reported progress. Cement required for individual shops/constructions/house owners/rehabilitation-initiatives will be made available through the co-operations on a commercial basis. The monthly import for this purpose will be limited to 5000 bags during the first month and thereafter 10 000 bags/month. Individual sales by the co-operatives will be registered and limited to 25 bags per household.

- Iron rods Iron rods for building constructions will be brought in to the LTTE controlled areas under licenses issued by the GA.

A monthly reassessment will be made to assess the possibilities of removal of the above restrictions.

ANNEX B

Checkpoints agreed in § 2.7 are as follows:

- Mandur

- *Paddirupur*
- *Kaludaveli Ferry Point*
- *Anbalantivu Ferry Point*
- *Mamunai Ferry Point*
- *Vanvunateevu*
- *Santhiveli Boat Point*
- *Black Bridge*
- *Sitandy Boat Point*
- *Kiran bridge*
- *Kinniyadi Boat Point*
- *Valachenai*
- *Makerni*
- *Mahindapura*
- *Muttur*
- *Ugilankulam*
- *Omanthai*

Annexure-IV

**LTTE PROPOSALS FOR AN
INTERIM SELF GOVERNMENT AUTHORITY
IN THE NORTH EAST**

Consistent with the principles of the rule of law, the human rights and equality of all persons, and the right to self-determination of Peoples,

Determined to bring lasting peace to all persons of the island of Sri Lanka,

Acknowledging with appreciation the services of the Royal Norwegian Government, the Norwegian People, and the international community in attempting to bring peace to the island,

Recognizing that a peaceful resolution is a real possibility, despite the challenging history of the peace process between the Tamil people and the Sinhala people.

Determined to establish an interim self-governing authority for the North East region and to provide for the urgent needs of the people of the North East by formulating laws and policies and, effectively and expeditiously executing all resettlement, rehabilitation, reconstruction, and development in the North East, while the process for reaching a final settlement remains ongoing.

Being aware that the history of the relations between the Tamil People and the Sinhala People has been a process of broken promises and unilateral abrogation, by successive governments of Sri Lanka, of pacts and agreements solemnly entered into between the government of Sri Lanka (GOSL) and the elected representatives of the Tamil People,

Bearing in mind that successive Governments of Sri Lanka have perpetrated persecution, discrimination, State violence and State-orchestrated violence against the Tamil People,

Noting that the Tamil people mandated their elected representatives to establish an independent sovereign, secular State for the Tamil people in the elections subsequent to the Vaddukoddai Resolution of 1976,

Bearing in mind that the Tamil armed struggle as a measure of self-defense and as a means for the realisation of the Tamil right to self-determination arose only after more than four decades of non-violent and peaceful constitutional struggle proved to be futile and due to the absence of means to resolve the conflict peacefully,

Recalling that the Liberation Tigers of Tamil Eelam (LTTE) first took measures towards peace by unilaterally declaring the ceasefire in December, 2000 and again in December, 2001, opening highways, facilitating trade and the free movement of people, and entering into peace negotiations in good faith in the hope of creating an environment conducive to the return of normalcy and a just resolution of the conflict,

Taking Note of the political courage of the present GOSL in reciprocating to the 2001 cease-fire,

Realizing that the war in the island of Sri Lanka was principally confined to the North East, resulting in the destruction of the social, economic, administrative, and physical infrastructure of that area, and that the North East still remains the region in the island of Sri Lanka affected by war,

Recognising that the majority of the Tamil People in the North East, by their actions in the general elections held in the year 2000, gave their mandate acknowledging the LTTE as their authentic representative,

Knowing that the LTTE exercises effective control and jurisdiction over the majority of the North East area of the island of Sri Lanka,

Realising that reaching a final negotiated settlement and the implementation thereof is expected to be a long process,

Affirming the necessity for the safe and free return of all refugees and displaced persons and their urgent need for unimpeded access to their homes and secure livelihoods at land and sea in the North East,

Mindful that institutions and services provided by the GOSL have proved to be inadequate to meet the urgent needs of the people of the North East,

Recognising the failure of the Sub-committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN) and other Sub-Committees formed during the peace negotiations, which failure was due to the composition of such Sub-Committees, which repeatedly led to inaction,

Acknowledging the recognition by the GOSL of the necessity for an Interim Authority, as mentioned in its 2000 election manifesto,

Realising that maintenance of law and order is an essential pre-requisite for a just and free society,

Recognising the need for raising revenue to meet the urgent needs for the Resettlement, Rehabilitation, Reconstruction and Development of the North East region, which has been devastated by war, and for the carrying out of any function of Government,

Recognising the importance of control over land in resettlement, rehabilitation, reconstruction and development,

Mindful that the Tamils did not participate in the making of the 1972 and 1978 constitutions, which institutionalized discrimination and denied them an effective role in the decision-making process,

Noting the practice in international relations over the last decade of solving conflicts between Peoples through agreement between the parties to the conflict on terms of equality and through innovative and imaginative measures,

Relying on international precedents for establishing interim governing arrangements in war-torn countries having the force of law based solely on pacts or agreements between the warring parties recognized by the international community,

Noting that measures such as the Ceasefire Agreement, including the role of the Sri Lanka Monitoring Mission (SLMM), and, the establishment of the SIHRN and the North East Reconstruction Fund (NERF) constitute valid precedents for making such arrangements,

Wherefore, the Parties, namely the Liberation Tigers of Tamil Eelam and the Government of Sri Lanka, hereby agree to the following provisions:

1. Interim Self-Governing Authority

An Interim Self-Governing Authority (ISGA) shall be established comprised of the eight districts namely: Amparai, Batticaloa, Jaffna, Kilinochchi, Mannar, Mullaitivu, Trincomalee and Vavuniya in the North East, until a final negotiated settlement is reached and implemented.

Representatives of the Muslim community have the right to participate in formulation of their role in the ISGA.

2. Composition of the ISGA

2.1. The ISGA shall consist of such number of members as may be determined by the Parties to this Agreement.

2.2. The composition of the ISGA shall be:

2.2.a. Members appointed by the LTTE,

2.2.b. Members appointed by the GOSL, and

2.2.c. Members appointed by the Muslim community in the North East.

2.3. The number of members will be determined to ensure:

2.3.a. An absolute majority of the LTTE appointees in the ISGA.

2.3.b. Subject to (a) above, the Muslim and Sinhala Communities in the North East shall have representation in the ISGA.

2.4. The Chairperson shall be elected by a majority vote of the ISGA and shall serve as the Chief Executive of the ISGA.

2.5. The Chairperson shall appoint the Chief Administrator for the North East and such other officers as may be required to assist in the performance of his/her duties. The Chairperson shall have the powers to suspend or terminate any such appointment.

3. Elections

The provisions of Clauses 2.2 and 2.3 shall continue until elections for the ISGA are held. Such elections shall be held at the expiry of five years of the coming into force of this Agreement, if no final settlement has been reached and implemented by the end of the said period of five years. An independent Election Commission, appointed by the ISGA, shall conduct free and fair elections in accordance with international democratic principles and standards under international observation.

4. Human Rights

The people of the North East shall be accorded all rights as are provided under international human rights law. Every law, regulation, rule, order or decision of the ISGA shall conform to internationally accepted standards of human rights protection. There shall be an independent Human Rights Commission, appointed by the ISGA, which shall ensure the compliance with all such human rights obligations. The Commission will seek the assistance of international human rights bodies to facilitate the rapid establishment of an effective regime for protecting human rights. The Commission shall be entitled to receive petitions from any individual person, award compensation to any such affected person, and ensure that such person's rights are restored.

5. Secularism

No religion shall be given the foremost place in the North East.

6. Prohibition against Discrimination

The ISGA shall ensure that there is no discrimination on grounds of religion, race, caste, national or regional origin, age or gender in the North East.

7. Prevention of Bribery and Corruption.

The ISGA shall ensure that no bribery or corruption is permitted in or under its administration.

8. Protection of All Communities

No law, regulation, rule, order or decision that confers a privilege or imposes a disability on any community, which is not conferred or imposed on any other community, shall be made concerning culture or religion.

9. Jurisdiction of the ISGA.

9.1. The ISGA shall have plenary power for the governance of the North East including powers in relation to resettlement, rehabilitation,

reconstruction, and development, including improvement and upgrading of existing services and facilities (hereinafter referred to as RRRD), raising revenue including imposition of taxes, revenue, levies and duties, law and order, and over land.

These powers shall include all powers and functions in relation to regional administration exercised by the GOSL in and for the North East.

9.2. The detailed modalities for the exercise of such powers and the performance of such functions shall be subject to further discussion by the parties to this agreement.

10. Separation of Powers

Separate institutions for the administration of justice shall be established for the North East, and judicial powers shall be vested in such institutions. The ISGA shall take appropriate measures to ensure the independence of the judges.

Subject to Clauses 4 (Human Rights) and 22 (Settlement of Disputes), of this Agreement, the institutions created under this clause shall have sole and exclusive jurisdiction to resolve all disputes concerning the interpretation and implementation of this agreement and any other disputes arising in or under this agreement or any provision thereof.

11. Finance

The ISGA shall prepare an annual budget.

There shall be a Financial Commission consisting of members appointed by the ISGA. The members should have distinguished themselves or held high office in the fields of finance, administration or business. This Commission shall make recommendations as to the amount out of the Consolidated Fund to be allocated to the North East. The GOSL shall make its good faith efforts to implement the recommendation.

The ISGA will, giving due consideration to an equitable distribution, determine the use of funds placed at its disposal. These funds shall include the North East General Fund, the North East Reconstruction Fund (NERF) and the Special Fund.

The GOSL agrees that any and all of its expenditures in or for the North East shall be subject to the control of the ISGA.

11.1. North East General Fund

The North East General Fund shall be under the control of ISGA and shall consist of:

11.1.a. The proceeds of all grants and loans made by the GOSL to the ISGA and the proceeds of all other loans made to the ISGA.

11.1.b. All allocations by the GOSL from agreements with states, institutions and/or other organizations earmarked in any such agreements for the North East.

11.1.c. All other receipts of the ISGA, other than the funds specified below.

11.2. North East Reconstruction Fund

The NERF shall continue to exist in its present form except that control over it will be transferred to the ISGA.

All grants given for the reconstruction of the North East, will be received through the NERF. Utilization of resources from NERF will be directly determined and supervised by the ISGA.

11.3. Special Fund

All loans and any grants which cannot be channeled through the NERF for the specific purpose of RRRD will be received into the Special Fund. As in the case of other Funds, the ISGA shall control the Special Fund.

12. Powers to Borrow, Receive Aid and Trade.

The ISGA shall have powers to borrow internally and externally, provide guarantees and indemnities, receive aid directly, and engage in or regulate internal and external trade.

13. Accounting and Auditing of Funds.

13.1. *The ISGA shall appoint an Auditor General.*

13.2. *All Funds referred to in this Agreement shall be operated, maintained and audited in accordance with internationally accepted accounting and auditing standards. The accounts will be audited by the Auditor General. The auditing of all moneys received from international sources shall be subjected to approval by an internationally-reputed firm appointed by the ISGA.*

14. District Committees.

14.1. *In the effective exercise of its legislative and executive powers, the ISGA may create District Committees to carry out administration in the districts and delegate to such Committees, such powers as the ISGA may determine. The Chairpersons of such committees shall be appointed by the ISGA from amongst its members in order to serve as a liaison between the ISGA and the Committees.*

14.2. *The other members of the Committees shall also be appointed by the ISGA, which shall have the powers to suspend or terminate any such appointment. In appointing such members, due consideration shall be given to ensure representation of all communities.*

14.3. *The Committees will function directly under the ISGA.*

14.4. *The Chief Administrator of the ISGA shall appoint Principal Executive Officers in the districts, who shall also function as the Secretaries to the Committees. The Chief Administrator shall have the powers to suspend or terminate any such appointment.*

14.5. *All activities and functions of the Committees shall be coordinated through the respective Secretaries to the Committees.*

14.6. *Sub-committees may also be appointed to facilitate administration.*

15. Administration

As part of the exercise of its executive powers the ISGA shall have direction and control over any and all administrative structures and personnel in the North East pertaining to the powers set out in Clause 9 of this Agreement.

The ISGA may, at its discretion, create expert advisory committees in necessary areas. These areas will include but are not limited to Economic Affairs, Financial Affairs, Judicial Affairs, Resettlement and Rehabilitation Affairs, Development of Infrastructure, and Essential Services.

16. Administration of Land

Since land is vital to the exercise of the powers set out in Clause 9 (jurisdiction of the ISGA), the ISGA shall have the power to alienate and determine the appropriate use of all land in the North East that is not privately owned.

The ISGA shall appoint a Special Commission on Administration of Land to inquire into and report on the rights of dispossessed people over land and land subject to encroachment, notwithstanding the lapse of any time relating to prescription.

The ISGA shall determine the term of competencies of the Special Commission.

17. Resettlement of Occupied Lands

The occupation of land by the armed forces of the GOSL, and the denial to the rightful civilian owners of unfettered access to such land, is a violation of the norms of international law. Such land must be immediately vacated and restored to the possession of the previous owners. The GOSL must also compensate the owners for the past dispossession of their land.

The ISGA shall be responsible for the resettlement and rehabilitation of displaced civilians and refugees in such lands.

18. Marine and off-shore resources

The ISGA shall have control over the marine and offshore resources of the adjacent seas and the power to regulate access thereto.

19. Natural Resources

The ISGA will have control over the natural resources in the North East region. Existing agreements relating to any such natural resources will continue in force. The GOSL shall ensure that all monies due under such agreements are paid to the ISGA. Any future changes to such existing agreements should be made with the concurrence of the ISGA. Future agreements shall be entered into with the ISGA.

20. Water Use

Upper riparian users of river systems have a duty to ensure that there is a fair, equitable and reasonable use of water resources by lower riparian users. The GOSL and the ISGA shall ensure that this internationally recognized principle is followed in the use of water resources.

21. Agreements and contracts

All future agreements concerning matters under the jurisdiction of the ISGA shall be made with the ISGA. Existing agreements will continue, but the GOSL shall ensure that all proceeds under such agreements are paid to the ISGA. Any changes to such existing agreements should be made with the concurrence of the ISGA.

22. Settlement of Disputes

Where a dispute arises between the Parties to this Agreement as to its interpretation or implementation, and it cannot be resolved by any other means acceptable to the Parties including conciliation by the Royal Norwegian Government, there shall be an arbitration before a tribunal consisting of three members, two of whom shall be appointed by each

Party. The third member, who shall be the Chairperson of the tribunal, shall be appointed jointly by the Parties concerned. In the event of any disagreement over the appointment of the Chairperson, the Parties shall ask the President of the International Court of Justice to appoint the Chairperson.

In the determination of any dispute the arbitrators shall ensure the parity of status of the LTTE and the GOSL and shall resolve disputes by reference only to the provisions of this Agreement.

The decision of the arbitrators shall be final and conclusive and it shall be binding on the Parties to the dispute.

23. Operational Period

This Agreement shall continue until a new Government for the North East, pursuant to a permanent negotiated settlement, is established. The Parties will negotiate in good faith to reach such a settlement as early as possible.

Provided, however, that at the end of four years if no final agreement has been reached between the Parties to this agreement, both Parties shall engage in negotiations in good faith for the purpose of adding, clarifying, and strengthening the terms of this Agreement.

Annexure-V

**TOKYO DECLARATION ON
RECONSTRUCTION AND DEVELOPMENT OF
SRI LANKA**

10 June 2003

Outline of the Conference

1. *The Tokyo Conference on Reconstruction and Development of Sri Lanka was held on June 9 and 10 in Tokyo with the participation of Ministers and representatives from 51 countries and 22 international organizations. The list of participating countries and international organizations is attached. The Prime Minister of Japan, Mr. Junichiro Koizumi, and the Prime Minister of Sri Lanka, Mr. Ranil Wickremesinghe made opening statements. The opening session was chaired by Mr. Yasushi Akashi, Representative of the Government of Japan.*

2. *Japan, Norway, the United States and the European Union (Presidency and Commission) functioned as co-chairs of the Conference. Representatives of the co-chairs, Minister for Foreign Affairs of Japan, Ms. Yoriko Kawaguchi; State Secretary, the Ministry of Foreign Affairs of Norway, Mr. Olav Kjoerven; Deputy Secretary of State of the United States, Mr. Richard L. Armitage; Mr. Ioannis Theophanopoulos, representing the Presidency of the European Union; and Mr. Bernhard Zepter, representing the European Commission, delivered statements at the opening session. The President of the Asian Development Bank (ADB), Mr. Tadao Chino also delivered a statement at this session, followed by a video message from the President of the World Bank, Mr. James Wolfensohn.*

3. *In the operative session, the Governor of the Central Bank of Sri Lanka, Mr. A.S. Jayawardena reported on economic developments and prospects of Sri Lanka. The International Monetary Fund and the World*

Bank reported on Sri Lanka's macro-economic performance and the reconstruction and development agenda of Sri Lanka. The ADB and the United Nations (UN) system reviewed the "Needs Assessment" of the North and East prepared by the World Bank, the ADB and the UN system in full consultation with the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE). Civil society organizations were consulted during this process.

4. In the plenary session, participating countries and international organizations presented statements which identified their intention to provide economic assistance to Sri Lanka. Presentations were made on the contributions of civil society organizations and of private enterprise to the development objectives of the country.

History of the Sri Lankan Peace Process

5. The armed conflict in Sri Lanka in the last two decades has claimed more than 65,000 lives, and has resulted in more than 800,000 internally displaced persons and a large number of refugees from the North and East. The current peace process commenced in 2000, when Sri Lankan President, Ms. Chandrika Bandaranaike Kumaratunga, and LTTE leader, Mr. Vellupillai Pirapaharan, asked Norway to serve as the impartial facilitator for peace negotiations. The Government of Sri Lanka and the LTTE entered into a mutual cease-fire agreement on February 23, 2002, with the able facilitation by Norway. Since September 2002, six sessions of talks have been conducted between the two parties and significant progress has been achieved. Participating countries and international organizations, which met in Oslo on November 25, 2002, committed themselves to providing immediate humanitarian assistance in support of the peace process. In April 2003, a pre-Tokyo Seminar was held in Washington DC chaired by the US Deputy Secretary of State with a view to building political momentum for the Tokyo Conference.

Objectives of the Conference

6. *The objectives of the Conference are to provide the international community with an opportunity to demonstrate its strong and unified commitment to the reconstruction and development of Sri Lanka and to encourage the parties to redouble their efforts to make further progress in the peace process. While only one party to the peace process is present at the Conference, the international community takes the opportunity to demonstrate its commitment to support the establishment by the parties of the necessary administrative structure for the effective reconstruction and development of the North and East. A partnership between the Government of Sri Lanka and the LTTE will be necessary to rebuild these areas effectively. Adequate safeguards to secure the interests of all other communities should be included in this framework.*

7. *The Conference takes note of the economic challenges faced by the country and in this context endorsed the Government's "Regaining Sri Lanka" initiative, which is a comprehensive programme to develop Sri Lanka on a balanced and equitable basis.*

8. *Participants express their regret over the absence of the LTTE from the Tokyo Conference. The Conference provides the Government of Sri Lanka with an opportunity to reaffirm its determination to pursue the peace process, and focus on the reconstruction and development of Sri Lanka.*

Importance of the Conference in Promoting the Peace Process

9. *Participants express the view that a negotiated settlement in Sri Lanka will be a landmark achievement with regard to peaceful resolution of an armed conflict. The Conference commends both parties for their commitment to a lasting and negotiated peace based on a federal structure within a united Sri Lanka. Furthermore, the Conference stresses the*

importance of bringing tangible dividends of peace to all the people of Sri Lanka.

Balanced Humanitarian and Economic Assistance

10. The Conference notes the importance of urgent humanitarian assistance as well as medium to long-term assistance to rebuild the conflict-affected areas in the North and East, and to assist in the development of the entire country. The Conference emphasizes the importance of taking full account of the delicate ethnic and geographical balance in providing assistance. The Conference welcomes the "Needs Assessment" of the North and East, which identified needs in the conflict-affected areas. The donor community expresses its willingness to extend assistance to Sri Lanka based on the source material provided for the Conference namely, "Regaining Sri Lanka", the "Needs Assessment" of the North and East, the "Needs Assessment" for the conflict-related districts adjacent to the North and East, and the Bridging Document, which links the "Needs Assessments" and "Regaining Sri Lanka".

Support Indicated by the Donors

11. The participating donor countries and international organizations have demonstrated their willingness to extend assistance to the entire country, to a cumulative estimated amount, in excess of US \$ 4.5 billion over the four year period, 2003-2006. In addition, some countries and international organizations have offered technical support. Others have indicated that their commitments are based upon an assumption of a viable peace process.

12. Several countries and international organizations have specified significant part of their assistance to the North and East. A number of them have indicated that disbursement of such assistance will keep pace with satisfactory progress in the peace process; and others have

indicated that, given such progress, they would be willing to consider making additional commitments.

Channels of Assistance to the North and East

13. The international community remains committed to supporting humanitarian relief and human rights protection, and takes the opportunity to encourage the parties to reach agreement on an innovative administrative structure for the reconstruction and development of the North and East. The international community also reiterates its commitment to cooperate with the parties for this purpose. This structure will itself contribute to the process of reconciliation in Sri Lanka. The Conference recognizes with satisfaction that implementation of some humanitarian assistance projects is already taking place in the North and East through bilateral and multilateral channels in cooperation with local and international NGOs. The Conference also welcomes the establishment of the "North-East Reconstruction Fund (NERF)", which is to be administered by the World Bank, as an important channel for assistance to the North and East. The Conference also emphasizes the need for flexibility by the Government of Sri Lanka and the LTTE in accepting various forms of assistance from the donor community. The donor community also expresses its willingness to assist capacity building to enhance good governance so as to ensure accountable, transparent, speedy and efficient implementation of projects supported with its assistance.

Importance of Strong and Growth Oriented Macro-Economic Policy

14. The Conference notes that it is imperative for the Government of Sri Lanka to implement the sound macro-economic policy delineated in "Regaining Sri Lanka". The Conference stresses the need to adopt economic policies aimed at reducing poverty. Sustainable development also depends upon economic growth and job creation as well as encouragement of private enterprise.

Progress of the Peace Process

15. The Conference notes that during the past sessions of the peace talks, significant progress was achieved. Donors remind the Government of Sri Lanka and the LTTE of the importance for both parties to make their utmost efforts to further promote the peace process founded upon the principles reflected in the Oslo Declaration. Donors recognize the urgent need to support the people in the conflict-affected areas of the North and East, and make allocations towards this purpose. With regard to the North and East, priority-setting and project-implementation will take place with the Government working in partnership with the LTTE, and with adequate safeguards for the interests of all communities. The Conference expects that the Government will ensure that the assistance pledged by the donor community to the reconstruction and development of the North and East is utilized specifically for that purpose.

16. The Conference also urges the parties to move expeditiously to a lasting and equitable political settlement. Such a settlement should be based upon respect for human rights, democracy and the rule of law. In this regard, the Conference looks forward to the parties reaching early agreement on a human rights declaration, as discussed at the sixth session of peace negotiations at Hakone.

17. The Conference welcomes the LTTE's commitment to the negotiated peace process, and urges the LTTE to return to the peace talks as soon as possible. The people in the conflict-affected areas of the North and East must be able to enjoy the dividends of peace immediately. Manifest commitment by both the Government of Sri Lanka and the LTTE to further the peace process will be necessary for the provision of international assistance to the reconstruction and development of the conflict-affected areas of the North and East.

Linkage between Donor Support and Progress in the Peace Process

18. Assistance by the donor community must be closely linked to substantial and parallel progress in the peace process towards fulfilment of the objectives agreed upon by the parties in Oslo. The Conference encourages the Government of Sri Lanka and the LTTE to enter into discussions as early as possible on a provisional administrative structure to manage the reconstruction and development aspects of the transition process. The process would need the expeditious development of a roadmap with clear milestones indicating the path towards a mutually acceptable final political solution. With this in view, the international community intends to review and monitor the progress of the peace process closely, with particular reference to objectives and milestones including:

- a. Full compliance with the cease-fire agreement by both parties.
- b. Effective delivery mechanisms relating to development activity in the North and East.
- c. Participation of a Muslim delegation as agreed in the declaration of the fourth session of peace talks in Thailand
- d. Parallel progress towards a final political settlement based on the principles of the Oslo Declaration.
- e. Solutions for those displaced due to the armed conflict.
- f. Effective promotion and protection of the human rights of all people.
- g. Effective inclusion of gender equity and equality in the peace building, the conflict transformation and the reconstruction process, emphasizing an equitable representation of women in political fora and at other decision-making levels.
- h. Implementation of effective measures in accordance with the UNICEF-supported Action Plan to stop underage recruitment and to facilitate the release of underage recruits and their rehabilitation and reintegration into society.

- i. Rehabilitation of former combatants and civilians in the North and East, who have been disabled physically or psychologically due to the armed conflict.*
- j. Agreement by the Government of Sri Lanka and the LTTE on a phased, balanced, and verifiable de-escalation, de-militarization and normalization process at an appropriate time in the context of arriving at a political settlement.*

Inputs from Civil Society Organizations and Private Enterprise

19. The Conference welcomes the inputs from the civil society meetings held in Colombo on 26-27 April 2003 and in Tokyo on 8 June 2003. The Conference is of the view that the intensity and continuity of involvement on the part of civil society organizations are essential to achieve success in the challenging task undertaken by the parties. The Conference is encouraged by the dynamic role played by private enterprise. The Conference also recognizes the contribution of academic communities, trade unions, professional groups, religious organizations and others.

Monitoring and Review

20. In view of the linkage between donor support and progress in the peace process, the international community will monitor and review the progress in the peace process. In implementing its own assistance programmes, the donor community intends to take into careful consideration the results of these periodic reviews. With full regard to the position of Norway as the facilitator, Japan, in cooperation with the United States and the European Union, will undertake necessary consultations to establish the modalities for this purpose as early as possible.

Follow-up Action

21. The Conference requests the Government of Japan, as the host country, to convey the outcome of the Conference to the LTTE.

List of Participating Countries and International Organizations of Tokyo Conference on Reconstruction and Development of Sri Lanka 09 and 10 June 2003, Tokyo

Commonwealth of Australia
Republic of Austria
People's Republic of Bangladesh
Kingdom of Belgium
Federative Republic of Brazil
Brunei Darussalam
Kingdom of Cambodia
Canada
People's Republic of China
Kingdom of Denmark
Arab Republic of Egypt
Republic of Finland
French Republic
Federal Republic of Germany
Hellenic Greece
State of the City of Vatican
Republic of Iceland
India
Republic of Indonesia
Islamic Republic of Iran
Ireland
State of Israel
Republic of Italy
Japan
Republic of Korea
State of Kuwait
Lao People's Democratic Republic
Grand Duchy of Luxembourg

Malaysia
Kingdom of Nepal
Kingdom of the Netherlands
New Zealand
Kingdom of Norway
Sultanate of Oman
Islamic Republic of Pakistan
Republic of the Philippines
Portuguese Republic
Russian Federation
Kingdom of Saudi Arabia
Republic of Singapore
Republic of South Africa
Spain
Democratic Socialist Republic of Sri Lanka
Kingdom of Sweden
Swiss Confederation
Kingdom of Thailand
Ukraine
United Arab Emirates
United Kingdom of Great Britain and Northern Ireland
United States of America
Socialist Republic of Viet Nam
European Commission
Asian Development Bank
Asian Productivity Organization
Food and Agriculture Organization of the United Nations
International Committee of the Red Cross
International Federation of Red Cross and Red Crescent Societies
International Fund for Agricultural Development
International Labor Organization

International Monetary Fund
International Organization for Migration
Multilateral Investment Guarantee Agency
United Nations Secretariat
United Nations Human Settlement Programme
United Nations Development Programme
United Nations Population Fund
United Nations High Commissioner for Refugees
United Nations Children's Fund
United Nations Educational, Scientific and Cultural Organization
United Nations Office on Drugs and Crime
United Nations World Food Programme
World Health Organization
World Bank

Annexure-VI

**OSLO CONSENSUS TO EXPLORE
A POLITICAL SOLUTION
BASED ON FEDERAL STRUCTURE
WITHIN A UNITED SRI LANKA.**

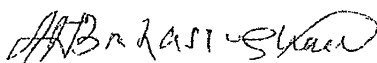
Record of Decisions on 05.12.2002.

Third session of peace talks held at the Radisson SAS Plaza Hotel in Oslo from 2 to 5 December 2002.

Working Outline for the Discussion of Political Matters.

This includes the following statement:

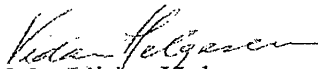
"Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka. The parties acknowledged that the solution has to be acceptable to all communities."



Mr. Anton Balasingham
Head of the Delegation
of the LTTE



Mr. G/L. Peiris
Head of the Delegation
of the Sri Lankan Government



Mr. Vidar Helgesen
Deputy Minister of Foreign Affairs,
Head of the Norwegian Facilitation Team

Annexure-VII

**BERLIN RESOLUTION TO APPOINT COMMITTEES TO
ADDRESS MUSLIM LAND ISSUES IN THE
EASTERN PROVINCE.**



අග්ரාමාත්‍ය කාර්යාලය

பிரதமர் அமைச்சரின் அலுவலகம்

Prime Minister's Office

- කාමී මිත්‍රත්වයේ සමීක්ෂකයා ලෙස කාර්යාලය

- சமாதான நடைமுறையைக் கூட்டிணைப்பதற்கான செயலகம்

- Secretariat for Co-ordinating the Peace Process

SCOPP/45

3rd March, 2003

Hon. A. Rauf Hakeem,
Minister of Port Development & Shipping,
Eastern Development & Muslim Religious Affairs,
45, Layden Bastian Road,
Colombo 01

Dear Sir,

Committees to Address Land Issues in the Eastern Province

At the fifth Session of Peace Talks held in Berlin (7 – 8 February, 2003) the following decision was reached.

6. *The parties agreed to establish three committees, one in each district of the Eastern Province, to address land issues and other areas of mutual concern. The committees will consist of six representatives of the Muslim population and six representatives of the LTTE. The work of the Committee will start immediately. Similar committees will be appointed to address such issues relating to other communities as and when required.*

I shall be grateful if you could let us know the steps that have been taken towards appointing these committees for the three districts of the Eastern Province, and any other steps towards implementing this decision.

An early reply is appreciated since progress on the implementation of this decision would need to be placed at the next session of talks in Japan.

Yours sincerely,

for Director General

PK/-

10 වන ශාඛ, බටහිර කුළුණ, ලෝක වෙළඳ මධ්‍යස්ථානය, කොළඹ 01.

10th floor, West Tower, World Trade Centre, Colombo 01.

Level 10, West Tower, World Trade Centre, Colombo 01.

දුරකථන:

தொலைபேசி:

Tel. Nos.:

386709/386710

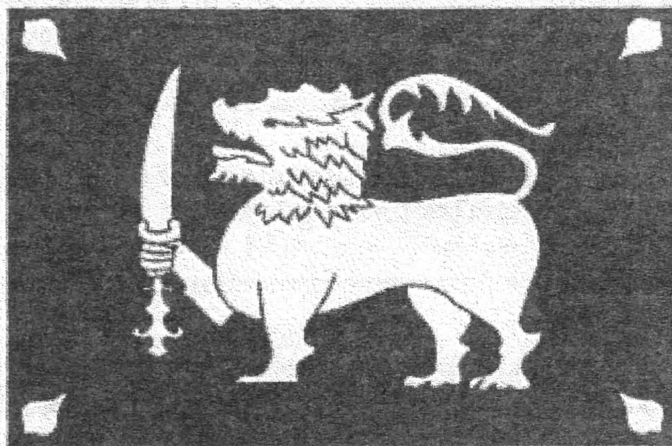
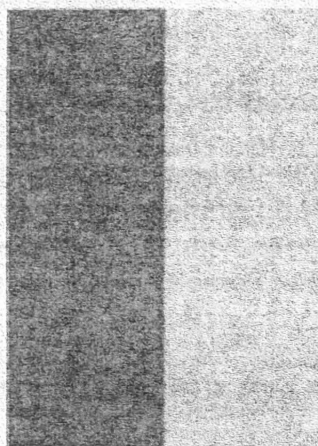
ෆැක්ස්:

பக்ஸ்:

Fax:

075 556389

POWER SHARING IN SRI LANKA



Muslims Tamils
One (01) Two (02)
Provincial Provincial
Council Councils

Sinhalese
Seven (07)
Provincial
Council

මහලක් ඉස්ලාමික ලේඛනාලය
අබ්-සෙකාස් මුහම්මඩ් ඥානා ත්වය්‍යාස්

مرکز السيلان لوثائق المسلمين
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POWER SHARING IN SRI LANKA

I. Introduction:

Sri Lanka has experienced three decades of civil war between the minority Tamils, who have been fighting to carve out a separate Tamil Elam state in Sri Lanka and the government of Sri Lanka. In the process of the civil war between these two parties another minority ethnic group, Muslims of the North-East also have been brought into the scene due to some political and economic factors in the region that created a conflict between the Tamils and the Muslims. The war has claimed more than 65,000 human lives and the destruction of hundreds of millions of dollars worth moveable and immoveable properties. Since the war escalated in the North and East of the country nearly hundred thousands of people from all three ethnic groups became internally displaced and expatriates. The number of mental and physical handicaps in the war zones has increased in unprecedented level. The economy of the whole country has been affected very badly and it has resulted in the increase of cost of living, high rate of unemployment and poverty among the people.

In this regard, this is an attempt to identify some of the vital aspects of this civil war and related issues on the Muslim perspectives of this country.

A. Brief history of failed attempts of ethnic conflict in Sri Lanka

In the post-independent period of Sri Lanka many attempts were made in finding solution to the ethnic conflict. However, almost all such efforts were ended in failure due to the dissatisfaction of either Tamils or Sinhalese. The following description highlights how some important efforts were made and ultimately failed in finding an everlasting solution

1. 1957 Banda-Chelva Pact

Banda-Chelva pact of 1957 was the first official agreement signed by the leader of the government of Sri Lanka and the political leaders of Tamils to diminish the tension between the two ethnic groups through a power sharing process. Although, they could agree for a solution on the basis of setting up Regional Councils, due to the mounting communal tensions, which culminated in the riots of May 1958, the government was forced to withdraw the bill.

2. Dudley-Chelva pact of 1965-8

A second attempt was made in 1965-8 when the then Prime Minister Mr. Dudley Senanaike and the leader of the federal party Mr. S.J.V. Chelvanayagam signed another agreement. Both leaders agreed to solve the ethnic tension through establishing the District Councils. However, unfortunately, this attempt also failed due to the dissatisfaction and the pressure of the majority Sinhalese people in the country.

3. 1980-1 JR'S DDC

When the Tamil politicians entered the Parliament with the intension of establishing a separate nation in the so-called Tamil homeland and to get the international

recognition for such separate state, the government attempted to minimize the demand of Tamils by offering District Development Councils. It could be considered as the third major attempt in the process of devolution of powers for the purpose of resolving the issue. However, the DDC also failed when the Tamils felt of insufficient powers they were entitled to receive.

4. Indo-Lanka agreement of 1987 and the Provincial Councils

Indo-Lanka Agreement of 1987 was the first attempt made with the third party mediation to solve the ethnic conflict. The two leaders of India and Sri Lanka signed an agreement on 29th July 1987 and this agreement led to the introduction of Provincial Councils that was legalized through the 13th amendments of the constitution. The powers and functions of the Provincial Councils did not satisfy the majority Tamils, especially the LTTE. Therefore, the system was totally failed in the North - East, where it was necessary but remains in other provinces. However, one should admit that the establishment of Provincial Councils is unique in one aspect as it is the first such instance where Councils were established in Provinces for the purpose of devolving power.

5. Devolution process during 1994 - 2001

During this period, the PA government, under the leadership of President Chandirika Bandaranike Kumaratunga, took some efforts to solve the conflict through power sharing. However, those efforts neither reached the level of agreements nor implementations.

B. The peace process and thoughts on Federal System

After three decades of war a situation has emerged where people anticipate a permanent peace in this country. Internal and external factors have forced both the government and the LTTE to immediately engage in the peace talks. Although the peace process has created a temporary healthy condition in the North-East, the entire success of the peace process depends on the mutual understanding and the constructive contribution that also includes the give and take policy of parties concerned. According to the latest statements of the stakeholders it is understandable that they work for a solution on the basis of setting up a system of federal government in Sri Lanka. They have agreed to share the powers within a united Sri Lanka and the LTTE has expressed its willingness to give up its demand for a separate Elam state and to accept the federal system. Thus, the peace talks in Thailand mainly focused on the possible federal system in Sri Lanka and the method of power sharing between the central government and federal units.

II. Unitary and Federal System

1. What is Unitary System?

Under the unitary system of government, the legislature of the whole country is the supreme lawmaking body in the country. It may permit other legislatures to exist and to exercise their powers, but it has the right in law (constitution), to overrule them. A unitary government is a place where the habitual exercise of supreme legislative authority is carried out by one central power. If we look at this unitary system briefly, the following assumptions can be agreed. A unitary state is organized under a single Central Government; that is to say, whatever powers are possessed by the various provinces within the area administered as a whole by the Central Government, are held at the discretion of the Central government, and the Central power is supreme over the whole country without any restrictions imposed by any law granting special powers to its provinces.

2. Examples and main features of Unitary System.

Many countries have adopted the unitary system today. Sri Lanka, United Kingdom, Japan, South Korea, Italy, Cameroon, France, Kenya, Morocco, Sweden and Uruguay are some examples. When discussing constitutions with unitary features, United Kingdom stands apart as an example of a Unitary State. Although, there are local authorities in the United Kingdom, which carry out Central functions, they function under the central authority and the local government institutions are not lawmaking bodies. They are empowered only to enact by-laws. By-laws made by local authorities in England may be defined in simple terms; as a law which operates over the area of the authority having been made by the authority under a power conferred by state and confirmed by the secretary of state for home affairs or other appropriate minister. Sri Lanka is also a very good example for a Unitary State. Chapter I, article 2 of the constitution of the Democratic Socialist Republic of Sri Lanka clearly states that the Republic of Sri Lanka is a Unitary State. Although, there are many local administrative bodies existing in provincial and district levels, the Parliament of Sri Lanka remains as the supreme lawmaking body in the country. All the powers that have been devolved to such local bodies are subjected to be changed or overruled by the Central government. Thus, two essential features of a Unitary State or a Constitution could be identified:

- (a) The supremacy of the Central Parliament and
- (b) The Absence of subsidiary sovereign bodies.

3. What is Federal System?

Identifying a universal definition to the federal state is difficult, as federal systems are relatively uncommon around the world. However, by pointing out some of the most important methods of such system, one could be able to understand to a certain extent that what is federal system. Under a federal constitution the powers of the Government are divided between the Government for the whole country and governments for the provinces or federal units. This is carried out in such a way that each government, including the Government for the whole country, is dependent in its own sphere. There is no control over the provincial governments by the

Government for the whole country and in turn there is no supervision over the latter by the Central Government.

This emphasizes the fact that the legislature of the whole country has limited power. The provincial governments, too, are with limited legislative powers, which make two sets of government's co-ordination instead of being subordinate. Accordingly, the legislative authority of a federal State is divided between a central government and the provincial governments. A local government under a federal constitution would thus derive its power from a provincial constitution, which is not subject to change by the Central Government by any means including the constitutional amendments without the consensus of the federal units.

(A) Examples

Since the eighteen-century many countries have identified this federal system suiting to their different internal political, social, economic and cultural diversities. In 1789, the federal system was introduced in the USA and gradually many countries adopted this system. At present, in countries like the USA, Canada, Australia, German, Brazil, South Africa, Malaysia, Belgium, Mexico, Nigeria, Yugoslavia and India we can observe this system with some differences especially in the structure and the power sharing in each countries.

4. What is Confederation?

A confederation is similar to a federal system but gives less power to the central government. The loose alliances of countries or other political entities that make up a confederation seek to cooperate with one another while retaining ultimate control of their own internal policies. Unlike federal system, confederations usually give each member nation absolute control over its citizens and territory. The central government decides only issues that affect all members of the confederation. The United States began as a confederation. A weak central government ruled the country from 1783 to 1789 under the Articles of Confederation. More recently, the Soviet Union dissolved in 1991, and many of the former republics formed and called the Commonwealth of Independent States (CIS) to coordinate domestic and foreign policy. Confederations tend to be weak and unstable because member nations often resist relinquishing final authority on any matters and insist on their withdrawal from the confederation at any time. Confederations are uncommon; most are international bodies with limited and specific responsibilities, such as the European Community (EC) and the British Commonwealth.

(A) Examples

Switzerland is the best model for the confederation in the contemporary world. Although, there are many countries, which have adopted the confederation for their government systems, usually the system in Switzerland has been praised as the best model because of its uniqueness. However, Switzerland experienced a civil war for nearly 700 years before it come to the confederation. When they introduced the confederation in the later half of the 13th century, Switzerland had been confronted many internal civil wars between the ethnic groups of Italy, German, France and Romans. Based on their languages and religions these ethnic groups were fighting for the powers in the country. In the Swiss system every canton administrates its

own affairs independently. However, the matters of foreign affairs, trade, and security in which differences are less handled by cantons.

(B) Basic requirements for the Federal System

1. A written and rigid constitution: For a creation of a federal system in a country a new constitution must be drafted and it should be inflexible or rigid that protects constitution from amendments not like amendments in ordinary bill.
2. The concept of two sovereignties must be accepted. The sovereignty of the country must be divided between the center and the provincial governments.
3. The powers for the center and the provinces must clearly be mentioned in the constitution. For this purpose, it can have lists of powers as follows. (a). Center list, (b). State list and (c). Concurrent list and or (d). Residuary list.
4. There shall be no any system of interference of center or state in other's powers and functions.
5. An independent judicial system. The central government should not try to influence the judiciary. Supreme Courts must function as the courts of the constitution and the judgment of this court must be recognized as the final solution on any issues of the constitution.

(C) Power sharing in Federal System

Power sharing also differs from federal to federal units that depends on its own needs. There are no universal proposed lists of power sharing. However, the following list can be adopted to ease the process.

1. Powers of Center Government
2. Powers of Provincial Governments
3. Concurrent or common powers -those shared by both national and the provincial governments.
4. Residuary powers-those powers that are not included in the power sharing list that usually vested to the central government.

D. Existing models of Federal System

1. USA.

In 1789, the federal system was introduced in the USA. This can be considered as the oldest system in the world. The constitution divides powers between the nation and the states. Both the nation and the states have legal authority over their citizens; they can pass their own laws, levy their own taxes, and maintain their own courts. The states cannot alter or abolish the national government without amending the constitution, and the national government cannot alter or abolish the states. The constitution also divides power within the national government by establishing three major branches, together with a system of checks and balances designed to prevent

the concentration of power in any one branch. Under the federal system the Americans possess dual citizenship.

2. India

Indian federal system is considered as a quasi-federal system. This means a system in-between a federal and the unitary model. The Indian constitution calls itself the union of states but not a federal state. According to the constitution of 1950 there are 22 states and 9 union territories under this quasi federal. These states are based on language. The distribution of power between the center and the states follow the accepted principle that the subjects for convenience and efficiency might be administered on and all India basis, are vested in the central government, while others, which can be conveniently administered on a local basis, are vested in the state governments. Three detailed lists of subjects, as originally provided in the constitution, are drawn up: The union list (97), the state list (65), and concurrent list (47). The residuary powers rest with the union.

3. Swiss

Swiss federal model is called as confederation. It is divided into 26 units those are called cantons. There are 20 full and 6 half-cantons. Half-cantons are formed from 2 full cantons when they were subdivided. In the Swiss confederation sub national units are given wide powers. The sovereign power rests with people who elect representatives and also legislate directly by means of referendums.

Under Swiss' system of federalism the cantons and half-cantons exercise all powers of government except those delegated exclusively to the federal government.

Executive is vested in a council called federal council. Federal council consists of 7 members and elected by a joint sessions of parliament for a term of 4 years. The elected parliamentarians are in charge of this council and each of the seven council members leads one of the federal ministries.

The Swiss parliament is called Federal Assembly. It consists of 2 houses, upper and lower. The upper house is named as the council of states, and the lower house is named as national council.

The council of states accommodates elected 46 members 2 from each full cantons and 1 from each half cantons. The national council accommodates elected 200 members and seats are allocated in proportion to population size. Each canton receives minimum 1 seat.

Federal Tribunal that is the highest court in the land. There are cantonal courts also.

4. Canada

Canadian federal system is completely a different one from others. It is monarchy by tradition that has adopted federal system in power sharing especially in legislative set up. There are two bodies of legislation such as federal and the provincial government. Under the Canadian federal system there are 10 provincial governments.

The federal legislature consists of 3 bodies named the Queen and the 2 houses of parliament. The parliament has the House of Commons and the senate.

The House of Commons accommodates 301 seats. Senators appointed by the government of the day and selected from across Canada and currently it accommodates 105 seats. The representation of the provincial governments in senate is as follows:

Ontario 24, Quebec 24, British Columbia 6, Alberta 6, Saskatchewan 6, Manitoba 6, Newfoundland 6, Now Scotia 10, New Brunswick 10, Prince Edward Island 4, and for 3 territories 3 (total 105). And these senators will be affiliated to political parties. Senate involves mostly on revising, investigating legislation and other issues of public policies.

III. Brief history of federal thoughts in Sri Lankan conflict

A. Pre-Independent period

A federal thought for power sharing in Sri Lanka is not a new subject in the political history of Sri Lanka. S.W.R.D. Bandaranaike the then leader of the Progressive Nationalist Party advocated a federal structure government in July 1926. When he delivered a lecture to a student congress, he stated as follows, "... There would be trouble if a centralized form of government was introduced into countries with large communal differences. In a federal Government, each federal unit had complete power itself. Yet they unite and have one or two assemblies to discuss matters affecting the whole country". However, interestingly this suggestion received no support either from minority Tamils or majority Sinhalese. The Jaffna Youth Congress engaged in propaganda against this federal system proposed by Bandaranaike. In 1930s when the Kandyan Sinhalese witnessed to the Donomore commission, which was supposed to introduce a new constitutional reforms demanded federal system to protect their interests from costal Sinhalese.

B. Post-independent period

In the post-independent period when Chelvanayagam formed the federal party he was demanding for a federal system to secure minority Tamils interests. Therefore, only in the late 1940s, Tamils realized the need of a federal system for an equal power sharing in Sri Lanka.

IV. Power Sharing arrangement to resolve SL's ethnic conflict

As it is being exercised in other countries Sri Lanka also should have a unique system according to the existing ground situation. All federal governments are based on their socio, political, cultural, and historical nature and the nature of the purposes they had to adopt a federal system. Therefore, it would be difficult to apply a federal system of a particular country in Sri Lanka as its case differs much from other countries. Therefore, in this proposal, attempts are made to introduce a unique model, which derives suitable articles from the other models of federal system in the world. Especially Indian, US, Canadian and Swiss models are considered. However, it should be noted that the political setup for a power sharing alone would not create a meaningful and long-lasting peace in the country. Social integration within a community as well as between the ethnic groups must be recognized as the basic requirement for this purpose and the communities and political leaders

must agree to work on the programs of social integration from further before to post implementation of the set up in the country. The responsibility of forming suitable programs for social integration shall go to a team of capable intellectuals of the subject.

V. Proposals for Power Sharing in Sri Lanka

A. Structure of Proposed Power Sharing Province

1. Defining the Provinces

Ethnicity, and ethnic concentration are taken as the justification for defining the borders of the power sharing province. For example, the borders of the existing Provincial Councils shall be considered as the borders of the proposed power sharing provinces. The size of the **population land areas does not** matter in defining the proposed power sharing province. Most important thing is the interest of the people involved in the conflict must be taken into consideration seriously.

2. Number of power sharing provinces

- (a) There shall be Ten (10) power sharing provinces in the proposed system. Eight Units shall be in the eight provinces except the Eastern province.
- (b) There shall be a Tamil majority province in the present Eastern province but excluding the areas covered by the Muslim majority province. – This will be the ninth province called the Northeastern province.
- (c) There shall be a Muslim majority province comprising the predominantly Muslim electorates in the Ampara District as the base and identified predominant Muslim Areas in the Batticaloa and Trincomalee Districts. This will be the Tenth (10) province called the Southeastern Province.

3. Constitutions

A new constitution shall be made or revise totally according to the requirements. This constitution must be rigid in nature and should satisfy the interests of the ethnic groups that involve in the conflict today. Thus, there will be provincial constitutions also that rules the proposed power sharing province. These constitutions may differ from one province to the other in the contents of power sharing according to their internal nature.

In case of amendments in the new constitution there must be two third majority of votes of the both houses (Upper and Lower) proposed below and consent of two-thirds of power sharing provinces including the provinces of Northeast and Southeast.

4. Legislature

There shall be two houses in the central government/Center. One is upper house, which shall have equal representation of States regardless to sizes or any other factor.

The existing Parliament shall remain as the lower house of central government/Center.

In the power sharing provincial level each province shall have two legislature bodies – (upper and lower). The upper house of state shall have appointed representation on the basis of ethnic ratio. This is to protect the power sharing province level minority interests. The lower house representation shall be based on the democratic election.

5. Executive

Central government/Center

A-President for whole country

Prime Minister- Head of lower house

Upper house- Head will be elected by members of upper house/ It is Vice president

B - Chief minister-elected

C - Governor appointed

6. Judiciary

A - One Supreme Court

B - State level- top is the high court

C - Power sharing (2 types of powers)

(1) Lists for Central Government/Center

Security

Finance

Foreign affairs and other agreed powers.

(2) Lists for State Government

Education & employment

Public health

Police: Federal & State

Forest, land distribution

Electricity

Transport and other agreed powers.

Residuary /other powers goes to central government/Center.

Power sharing in the local units must be according to ethnic ratio of each federal unit. Especially powers in the local political and administrative bodies should be considered on the ethnic basis. (Education, employment, land distribution, and police etc.) .

VI. How will this proposals protect the Muslim interest in the Power Sharing System

Although, the land and population sizes of the Muslim majority province is smaller than the other nine (09) provinces, it will have the same power as for others will have and equal representation in the upper house of the center. Muslim majority provincial council will provide the Muslims with complete political, economic and social freedoms and protection.

Bringing the Batticaloa and Trincomalee Muslims under the Northeast state also will help to increase the Muslim percentage in this Muslim majority power sharing province. Consequently this will help the new Northeast Muslim community to have more representation in local politics in the power sharing province level.

Under the system of ethnic ratio based power sharing in the local levels, the Muslims of North will be able to enjoy their rights and privileges. Since the upper house of the Northeast power sharing province consists a considerable number of appointed/ nominated Muslim representatives it would satisfy their political aspirations in the province. Furthermore, the constitutional arrangements for the safeguards of the Muslims also will protect them from any discrimination of Tamil majority. The power sharing province constitution of the Northeast shall speak on the expulsion of the Muslims from their native places in the past (1990) and shall include an article on no repetition of such violence in the future, the right to resist if such violation takes place again, and the interference of the center in such event.

Like the rights and the privileges of the Sinhala and Muslim minorities in the Northeast and Southeast power sharing provinces are protected by the constitutional arrangements, the rights and privileges of the Muslim minority in the Sinhala majority power sharing province will also be protected in the same manner.

Thanks to Dr. M.S Anees Ph. D. And Mr. M.S.A Niyas B.A. Special

M.I.M Mohideen

2nd January 2003

Annex 1

DEMOCRATIC PEOPLE'S ALLIANCE
The Resolution of the Ethnic Problem

I. UNIT OF DEVOLUTION

- (a) The concept of devolution is accepted for Sri Lanka.
- (b) There shall be a predominantly Tamil unit comprising of what is the combined Northern and Eastern Provinces but excluding the area covered by the predominantly Muslim Unit.
- (c) There shall be a predominantly Muslim Unit comprising the predominantly Muslim areas in the Amparai District as the base and identified predominantly Muslim areas in the Batticaloa and Trincomalee Districts.
- (d) The rights of Sinhalese and all other persons in each-unit shall be on the basis of absolute equality.

II. DEVOLUTION OF POWER

- (a) All state powers, legislative, executive and judicial except those reserved to the centre, shall be devolved to democratically elected bodies called Regions. Parliament shall, however, be able to override legislation of the Regions by a 2/3 majority of its whole membership.
- (b) The subjects reserved to the centre shall be those subjects that are essential to ensure the sovereignty, the territorial integrity and the unity of Sri Lanka. They are:
 - (i) Defence - Army, Navy, Air Force and Police.
 - (ii) Foreign-Foreign Policy, Foreign Exchange and Foreign Trade.
 - (iii) Transport-airways and airports, shipping and harbours, railways, waterways, highways.
 - (iv) Money – monetary policy, fiscal policy, consolidated fund, currency, and customs.
 - (v) Communications-posts and telecommunications, radio, television.
 - (vi) Electricity
 - (vii) The Supreme Court to be seized with
 - (a) Constitutional matters.
 - (b) Centre-region relations.
 - (c) Where one of the parties is a Government Department or Corporation.

THE DEVOLUTION OF POWER TO REGIONS
 (Draft Constitution - October 1997)
Establishment of Regional Council

127. (1) A Regional Council shall be established for every Region specified in Part B of the First Schedule with effect from such date as the President shall appoint by order published in the Gazette.
- (2) (a) The President shall, by Order published in the Gazette, require a Referendum to be held in the Administrative Districts of Trincomalee and Batticaloa, and fix a date, therefore, to enable the electors of such Districts to decide on the question whether or not such Districts and the Administrative Districts of Jaffna, Kilinochchi, Vavuniya, Mannar and Mullaitivu should form one Region to be designated the North Eastern Region.
- (b) Where at such Referendum the Question -
- (i) is answered in the affirmative by a majority of the valid votes cast, a Regional Council shall be established for the North –Eastern Region specified in Part C of the First Schedule with effect from such date as the President shall appoint by order published in the Gazette.
 - (ii) is not answered in the affirmative, two separate Regional Councils shall be for the Northern Region and the Eastern Region as specified respectively in part D of the First Schedule with effect from such date as the President shall appoint by order published in the Gazette.
- (3) Where a Regional Council is to be established for the North-Eastern Region in terms of sub-paragraph (b) (i) of paragraph (2), a Regional council shall be established for the South Eastern Region specified in Part C of the First Schedule from such date as the President shall appoint by Order published in the Gazette.
- (4) (a) Where a Regional council for the North Eastern Region is to be established in terms of sub-paragraph (b) (i) of paragraph (2), the President shall, by Order published in the Gazette, require a Referendum to be held in the polling division of Ampara and fix a date therefore to enable the electors of such division to decide on the question whether or not such division should form a separate Region to be designated the Region of Ampara.
- (b) Where at such Referendum the question.
- (i) is answered in the affirmative by a majority of the valid votes cast, such polling division shall form the Region of Ampara as specified in Part E of the First Schedule and for which a Regional council shall be established with effect from such date as the President shall appoint by Order published in the Gazette.
 - (ii) is not answered in the affirmative, the polling division of Ampara shall form part of the Uva Region specified in Part B of the First Schedule and for which a Regional council shall be established with effect from such date as the President shall appoint by Order published in the Gazette and, until such Order is made, the polling division of Ampara shall be administered by the Central Government and the provisions of the Constitution relating to the Capital Territory shall, mutatis mutandis, apply.

- (5) The legislative and executive power of the Central Government shall extend to all subjects and functions set out in List II of the Second Schedule in respect of the Capital Territory specified in Part A of the First Schedule which shall not form part of any Region for which a Regional Council is established under this Article.
- (6) For the purposes of Article 2 and this Article, the boundaries and areas of the Administrative Districts, Polling Divisions and Municipalities referred to in this Article and in the First Schedule shall be those established by or under any written law and in force at the commencement of the Constitution.
- (7) (a) The holding of the referenda provided for in this Article shall be deemed to be valid notwithstanding any inconsistency with the provisions of Chapter XII.
- (b) Parliament shall by law provide for all matters relating to such referenda and until Parliament so provides, the provisions of the Referendum Act, No. 7 of 1981 shall, mutatis, mutandis, apply.

First Schedule

Column I	Column II	Column III
Region	Area	Number of Ministers in the Regional Board of Ministers (excluding the Chief Minister)
PART A Capital Territory	Municipalities of Colombo and Sri Jayawardenapura	
PART B Western	Administrative District of Colombo excluding the Capital Territory. Administrative Districts of Gampaha and Kalutara	six
Central	Administrative Districts of Kandy Matale	six
Southern	Administrative Districts of Galle, Matra and Hambantota	six
North Central	Administrative Districts of Anuradhapura and Polonnaruwa	four
North Western	Administrative Districts of Puttlam and Kurunegala	six
Sabaragamuwa	Administrative Districts of Ratnapura and Kegalle	four
Uva	Administrative Districts of Badulla and Moneragala	four

		and where the Polling Division of Ampara is included as provided for by paragraph (4) (b) (ii) of Article 127	five
PART C	North Eastern	Administrative District of Jaffna, Kilinochchi, Mannar, Vavuniya and Mullaitivu and Administrative Districts of Trincomalee and Batticaloa as provided for by paragraph (2) (b) (i) of Article 127	six
	South Eastern	Polling Divisions of Kalmunai, Samanthurai and Pottuvil as provided for by paragraph (3) of Article 127	two
PART D	Northern	Administrative Districts of Jaffna, Kilinochchi, Mannar, Vavuniya and Mullaitivu as provided for by paragraph (2) (b) (i) of Article 127	five
	Eastern	Administrative Districts of Trincomalee and Batticaloa, the Polling Divisions of Kalmunai, Samanthurai and Pottuvil and the Polling Division of Ampara (constituting the Administrative District of Ampara) are provided for by paragraph (2) (b) (ii) of Article 127.	five
PART E	Ampara	The Polling Division of Ampara as provided for by paragraph (4) (b) (i) of Article 127.	two

RESPONSE OF THE SRI LANKA MUSLIM CONGRESS

The Sri Lanka Muslim Congress is of the view that,

- (a) The ground situation does not permit nor is it conducive to hold a free and fair Referendum in East Sri Lanka and any undue delay in holding the Referendum as presently proposed would delay the early functioning of the proposed Councils and the restoration of the democratic process.
- (b) In the circumstances of the ongoing war, the proposed Councils must, of necessity be constitutionally created and made to function as Institutions of the democratic process without delaying pending Referendum.
- (c) The proposed Referendum must be made mandatory and must be held within a year of the return to normalcy.
- (d) The Referendum must be held in the Batticaloa and Trincomalee Districts should enable the people of the two Districts to decide whether they wish to be with the North as proposed by the Government or to form a separate Council as provided for in the Referendum in the Polling Division of Ampara, which has been given the option of joining Uva or functioning as separate council.
- (e) The people within the proposed South-East Regional Council should also be given a similar option of deciding whether they want to function as a separate council or not.
- (f) The minorities within every Regional Council, whether it be Sinhala, Tamil or Muslim should be provided with sufficient safeguards and protections such as:
 - (i) Weighted sharing of state Resources,
 - (ii) Weighted representation in the council and
 - (iii) Provision for the requirement of a double majority in legislating on matters affecting minority interest, and
- (g) The size of the Board of Ministers of every Council should be equal, irrespective of the land area and populations as to be just and fair as well as to enable the effective functioning of the proposed executive committee system.

The S.L.M.C. wishes to make further observations if and when necessary on the other aspects of the Government's proposals for constitutional reforms.

Hon. Rafull Hakeem, M. P
General Secretary – S L M C

Hon. M M Zuhair M. P. - S L M C

RESPONSE OF THE TAMIL UNITED LIBERATION FRONT

The T. U. L. F. proposed the creation of a North-East council and a South-East Council which, it strongly believed, addressed fully the concerns of all people without the need for Referendum. We are also strongly of the view that in any event ground realities and the displacement of large number of persons would militate against a fair and democratic outcome if a Referendum was to be held in the manner envisaged in the proposals.

Dr. Neelan Tiruchelvam, M.P.
(TULF)

Annex 3**Bandaranayake - Chelvenayam Pact**

Joint Statement by the Prime Minister and Representatives of the Federal Party on Regional Councils.

- (a) Regional areas to be defined in the Bill itself by embodying them in a schedule thereto.
- (b) That the Northern Province is to form one regional area whilst the Eastern Province is to be divided into two or more regional areas.
- (c) Provision is to be made in the Bill to enable two or more regions to amalgamate even beyond provincial limits; and for one region to divide itself subject to ratification by Parliament. Further provision is to be made in the Bill for two or more regions to collaborate for specific purposes of common interest.

Annex 4**EAST SRI LANKA MUSLIM FRONT****MUSLIM MAJORITY PROVINCIAL COUNCIL**

9th AUGUST 1986

Since Muslims are a recognised a Major Ethnic group in Sri Lanka, it is our legitimate right to have separate Provincial Council where the Muslims will be of sufficient majority to form a council and to share powers like the other two Major Ethnic Groups - Sinhalese and Tamils.

The proposed Provincial council for Muslims can be in the Eastern Province. The area of authority of this council would include the three predominant Muslim Electorates Kalmunai, Samanthruai, and Pottuvil including the balance part of Wewagmapattu South. Extent approximately 900 sq. miles in the present Amparal District as the base, and the non-contiguous Muslim areas of Kattankudy, Eravur, Valaichenai, Ottamavadi, Mutur, Kinniya, Thampalagama and Kuchchaveli.

In the event of a merger of the Tamil areas of the Eastern province with the Northern Province, Musali and Erikalampiti in Manar District should also be joined with the Provincial Council for Muslims.

These Muslim areas which are non-contiguous should be first made community oriented Pradesheeya Sabhas as parts of the Muslim Provincial Council. This would incorporate a little more than 85% or 315,000 Muslim of the Total Muslim population of 372,005 in the Tamil speaking area. There will be about 80,000 Tamils and 40,000 Sinhalese also in the Council for Muslims. Muslims will be more than 72% in the proposed Muslim Majority Council.

The problem of administrating non-contiguous areas is not as impossible as it is made out to be. For example, the former French possession in India-Pondicheri, part of it falls in three different states, Kerala, Tamil Nadu and Andhra Pradesh where three different languages are spoken and administrated as a separate Union State. Whereas in Sri Lanka all the Muslims in the Tamil Speaking area speak Tamil and their grievances with regard to land, language, economy and employment are same. What we are asking here is Provincial Council on the administrative pattern of non-contiguous Union State in India.

M I M MOHIDEEN
PRESIDENT

M H CEGU ISADEEN
HONY GEN SECRETARY

Annex 5

SRI LANKA MUSLIM CONGRESS

MUSLIM MAJORITY PROVINCIAL COUNCIL

26th MAY 1995

The unit of devolution in the Tamil speaking area should be appropriate to the situation and protect the separate ethnic rights and traditional areas of historical habitation of the Tamils and Muslims.

There should be a predominant Tamil Province comprising the districts of Jaffna, Kilinochchi, Vavuniya, Mannar and Mullaitivu in the Northern province as the base and the identified non-contiguous Tarnils areas in the Trincomalee and Batticaloa districts in the Eastern Province.

There should be a predominant Muslim province comprising the constituencies of Kalmunai, Sammanthurai and Pottuvil in the Ampara district as the base and the identified non-contiguous Muslim areas in Batticaba and Trincomalee districts in the Eastern Province.

The unit of devolution should also ensure that no injustice is caused to the Sinhalese who have taken the Eastern province and other areas of the Northern province as their permanent home.

While solving the Tamil problem, the Governnment should not create a community of political and social slaves out of the Muslims in the Northern and Eastern provinces. It is hoped that the PA Government would not desire such a betrayal of the Muslims at a crucial time of our history.

Hon. M H M Ashraff M. P.
National Leader
Sri Lanka Muslim Congress

Hon. Rauff Hakeem M. P.
General Secretary
Sri Lanka Muslim Congress

Mr. M I M Mohideen
National Co-ordinating Secretary
Sri Lanka Muslim Congress

Annex 6

SRI LANKA

PROVINCES AND DISTRICTS





SUPREME COURT DE-MERGE NORTHERN AND EASTERN PROVINCES

16 October 2006

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De-merger of Northern and Eastern Provinces

The Supreme Court on Monday the 16th October 2006, in a landmark judgment ruled that the merger of the Northern and the Eastern Provinces by a gazette notification on a Presidential directive was null and void.

Since 1988 successive Presidents have extended the unlawful merger through special gazette notifications as they were unable to carry out the referendum on the merger which was to decide the merger of the two provinces by the vote of the people in the Eastern province.

According to a condition in the Indo-Lanka Accord President J.R. Jayewardene merged the two provinces creating a single unit on September 7, 1988 by special gazette notification under the Public Security Act. According to Section 37 of the Provincial Councils Act No. 42, the President has to make the proclamation on the merger of the two provinces only after the armed groups operating in those areas have surrendered their weapons and all hostilities have ceased.

Although the two provinces were merged by a special Presidential declaration, the other conditions needed for the confirmation of the merger were not carried out as the hostilities broke out between the Indian Peace Keeping Force that was in the Country at that time and the LTTE which refused to completely surrender its weapons and join the democratic mainstream. Unable to hold the referendum in the Eastern province, the poll was postponed by a special gazette notifications on Presidential directives, first to July 1989 and then to January 1990 and June 1990. Thereafter the referendum had been postponed annually.

With hostilities continuing between the government security forces and the LTTE after the IPKF had left the country, the three Presidents who succeeded President Jayewardene continued with the practice as it was a basis on which the Tamil political parties and groups continued to negotiate with the government.

The merger of the North and the East flared up opposition as it was paving the way to the creation of a single administrative entity that encompassed one third of the land area and two-third of the country's coast. Also the ethnic balance of the Eastern Province was another matter of contention. Whereas the Eastern Province as a single entity had an ethnic balance that did not give a majority to one ethnic group, the merger of the two provinces created a Tamil majority. This was strongly resisted by the Muslim and Sinhala communities in the Eastern province.

Even with strong opposition by the Sinhala and Muslim communities, successive Presidents namely Ranasinghe Premadasa, D.B. Wijetunga and Chandrika Kumaratunga continued the extension of the merger with the hope of arriving at a negotiated settlement to the national question and then deciding on the fate of the two provinces at a final solution.

With the split of Karuna from the LTTE, Tamil regionalism based on the Eastern province came to the fore adding a new dimension to the entire issue of the North-East merger.

However, this practice was brought to a halt by Supreme Court judgment on three fundamental rights violation petitions filed by JVP MP Jayantha Wijesekera of Kantale, A.S. Mohamed Buhari of Sammanthura and L.P. Wasantha Piyatissa of Uhana. The petitioners claimed that their fundamental rights were violated by the merger and the continued postponement of the Provincial Council election of the Eastern Province. The petitioners supported by three eminent lawyers Messrs. H.L. de Silva, S.L. Gunasekera and Gomin Dayasiri submitted that due to non observance of the mandatory conditions the merger should be declared null and void.

The five bench judges comprising Chief Justice Sarath N. Silva, Nihal Jayasinghe, Rajah Fernando, Nimal Gamini Amaratunga and N.K. Udalgama granted the relief prayed by the petitioners thus declaring the merger null and void.

Judgment on North, East merger



In the Supreme Court of the Democratic Socialist Republic of Sri Lanka

S.C (FR) Application No. 243/06

N.W.M. Jayantha Wijesekera, Kantale – Petitioner

S.C (FR) Application No. 244/06

A.S. Mohamed Buhari Sammanthurai – Petitioner

S.C (FR) Application No. 245/06

L.P. Wasantha Piyatissa Uhana – Petitioner

Vs

1. Hon. Attorney General
2. Governor of the North-East Provincial Council
3. Commissioner of Elections

Respondents

K. Thambialayah, Trincomalee

Vettivel Jayanathan, Ampara

Siritunga Jayasuriya

N. Thillayampalam, Ampara

Intervient Petitioners

BEFORE:	Sarath N. Silva	Chief Justice
	Nihal Jayasinghe	Judge of the Supreme Court
	N.K. Udalagama	Judge of the Supreme Court
	A.R.N. Fernando	Judge of the Supreme Court
	R.A.N.G. Amaratunga	Judge of the Supreme Court

COUNSEL: H.L. de Silva, P.C., with S.L. Gunasekera, Gomin Dayasiri and Monali Jinadasa instructed by Paul Ratnayake Associates for the Petitioner in S.C. (FR) 243/2006, Gomini Dayasiri with Manoli Jinadasa for the Petitioner instructed by Paul Ratnayake Associates in SC (FR) 244/2006

S.L. Gunasekera instructed by Paul Ratnayake Associates for the Petitioner in SC (FR) 245/2006

P.A. Ratnayake, P.C., Addl. Solicitor General, Anil Gunaratne, D.S.G., A. Gnanathanan, D.S.G., Indika Demuni de Silva, S.S.C., Janak de Silva, S.S.C., Milinda Gunatilake, S.S.C and Nerin Pulle, S.S.C for the Respondents.

K. Kanag-Iswaran, P.C, with M.A. Sumanthiran and L. Jeyakumar for Intervenant Petitioners and

Batty Weerakoon with Percy Wickramasekera and Lal Wijenaik for Intervenant Petitioners

ARGUED ON: 15th September 2006

DECIDED ON: 16th October 2006

The three Petitioners being residents of the Trincomalee and the Digamadulla Districts, within the Eastern Province, have been granted leave to proceed on the alleged infringement of their fundamental rights to the equal protection of the law, guaranteed by Article 12(I) of the Constitution.

The executive action impugned as denying to the Petitioners equal protection of the law relates to the Proclamation declaring that the provisions of Section 37(I) of the Provincial Councils Act No. 42 of 1987 shall apply to the Northern and Eastern Provinces, which resulted in these two Provinces forming one administrative unit, a process commonly described as the merger of the two Provinces. The case for the Petitioners articulated by Mr. H.L. de Silva, is that the Proclamation (P2) resulting in the merger is "fatally flawed" due to the non-observance of the mandatory conditions as contained in Section 37(I)(b). That, the amendment of the condition as laid down in Section 37(I)(b), purportedly done by an Emergency Regulation(PI), rendering the conditions ineffective, is ultra vires Section 5 of the Public Security Ordinance which empowers the President to make Emergency Regulations and is therefore null and void. And, although there was no valid merger the poll required to be held in terms of Section 37(2)(a), not later than 31.12.1988, to enable the electors of each Province to decide whether or not the respective Provinces should remain linked as one administrative unit, has been purportedly postponed from time to time by successive Presidents, the last being Order P5 made by the former President by which the poll in the Eastern Province is postponed to 17.11.2006 and in the Northern Province to 1.12.2006. Thereby, the Petitioners and similarly circumstanced voters of the Eastern Province have been continuously denied their rights to have a lawfully elected Provincial Council constituted for the Eastern Province as required by Article 154 A(2) of the 13th Amendment to the Constitution.

The Petitioners submitted that the election for the purportedly merged North-East Provincial Council held in terms of notice dated 19.9.1988 (3R2) published under Section 10 of the Provincial Councils Election Act No. 2 of 1988 was a sham, since candidates of only one

political party, the E.P.R.L.F, submitted nomination papers for the 3 Districts (Jaffna, Mannar and Vavuniya), in the Northern Province resulting in these candidates being returned uncontested and, in the, Eastern Province, in Ampara, being the only predominantly Sinhala Polling Division out of 94,068 only 5617 voted (less than 6%) – vide 'R'. The Petitioners rely on P3 a contemporary publication which states that the dates that the Chief Minister appointed for the North-East Provincial Council being the leader of the E.P.R.L.F made several demands on the Government of Sri Lanka, proclaimed a "unilateral declaration of independence" and finally surreptitiously left the country with about 250 of his supporters in March 1990. According to paragraph 17 of affidavit 2R3, thereupon the Governor of the North-East Provincial Council made a communication in terms of Section 5A of the Provincial Councils (Amendment) Act No. 27 of 1990, that "more than one half of the membership of the Council expressly repudiated or manifestly disavowed obedience to the Constitution." In terms of Section 5A introduced by the Amendment certified on 6.7.1990, a few months after the events referred to above, which appears to have been made especially to provide for the situation that had arisen, upon such communication by the Governor the Council stands dissolved. Section 4 of the Amendment provides that where a Council stands dissolved in terms of Section 5A referred to above, the Commissioner of Elections is deemed to have complied with Section 10 of the Provincial Councils Elections Act No. 2 of 1998 (being the notice calling for nominations for an election to the Council) if he publishes a notice referred to in that Section within a period of one week.

The Legislative and Executive action referred above, which worked in combination, seemingly set the stage for a new election to the merged North-East Provincial Council. I used the word seemingly because although it appeared to be thus, it was never intended to be so, as revealed by the immediately succeeding events. The Commissioner of Elections by notice dated 11.7.1990 (P4) under Section 10 of the Provincial Councils Election Act specified the nomination period for the election as being from 25.7.1990 to 1.8.1990. Thereupon the then President on 12.7.1990 (the very next day) made an Emergency Regulation under Section 5 of the Public Security Ordinance (Document "D" annexed to affidavit 2R3) which stated that the notice published by the Commissioner of Elections fixed the date and time of nominations "shall be deemed for all purposes to be of no effect." The electoral process stopped there and has remained ever since as it were frozen, upto date. There has been no election for either the North-East Provincial Council or separately for the Northern Provincial Council or the Eastern Provincial Council. Whereas in respect of the Councils for the other seven Provinces in the country elections have been held on the due dates in 1988, 1993, 1998 and 2004.

Reverting to the merger referred to above, it is to be noted that the poll required to be held under Section 37(2)(a) of the Provincial Council Act not later than 31.12.1988 to enable the electors of the Northern and Eastern Provinces to decide whether or not such Provinces should remain linked as one administrative unit, has been postponed from time to time under Section 37(2)(b), the last being the Order P5 referred to above. The Respondents produced the relevant orders of postponement marked 3R7A to 3R7Z the particulars of which are set out below in sequence.

Thus the electoral and consultative processes being the vital concomitants of Democracy ingrained in the name of the Republic in Article I of the Constitution, have been effectively stymied.

The infringement pleaded is the failure to constitute a Provincial Council for the Eastern Province as required by Article 154A(2) of the 13th Amendment to the Constitution and the continued denial to the electors of the Eastern Province including the Petitioners the right to vote at an election for the members of such Council which stems from the invalid merger effected by P1 and P2 made in derogation of the mandatory conditions in Section 37(1)b of the Provincial Councils Act.

Document	Gazette No. and Date	Postponed Date of Poll for Northern Province	Postponed Date of Poll for Eastern Province
3R7A	538/8 dated 28.12.1988	31 st December 1988	31 st December 1988
3R7B	538/9 dated 29.12.1988	5 th July 1989	5 th July 1989
3R7C	564/3 dated 28.6.1989	29 th January 1990	29 th January 1990
3R7D	593/19 dated 19.1.1990	14 th June 1990	14 th June 1990
3R7E	614/5 dated 11.6.1990	19 th January 1991	19 th January 1991
3R7Z	Gazette not produced	22 nd August 1991	22 nd August 1991
3R7F	674/7 dated 7.8.1991	24 th February 1992	24 th February 1992
3R7G	698/6 dated 22.1.1992	28 th August 1992	28 th August 1992
3R7H	725/15 dated 28.7.1992	5 th March 1993	5 th March 1993
3R7I	18.2.1993	23 rd August 1993	23 rd August 1993
3R7J	780/20 dated 20.8.1993	28 th April 1994	18 th February 1994
3R7K	805/10 dated 9.2.1994	19 th May 1994	31 st March 1994
3R7L	812/09 dated 29.3.1994	14 th July 1994	26 th May 1994
3R7M	818/12 dated 11.5.1994	25 th May 1996	23 rd February 1995
3R7N	856/19 dated 3.2.1995	15 th February 1996	16 th November 1995
3R7O	893/13 dated 19.10.1995	1 st December 1996	16 th November 1996
3R7P	3.10.1996	1 st December 1997	14 th November 1997
3R7Q	996/12 dated 9.10.1997	1 st December 1998	16 th November 1998
3R7R	1050/15 dated 22.10.1998	1 st December 1999	16 th November 1999
3R7S	1102/31 dated 21.10.1999	1 st December 2000	16 th November 2000
3R7T	1156/18 dated 31.10.2000	1 st December 2001	16 th November 2001
3R7U	1209/13 dated 7.11.2001	1 st December 2002	16 th November 2002
3R7V	1254/7 dated 18.9.2002	1 st December 2003	17 th November 2003
3R7W	1314/1 dated 10.11.2003	1 st December 2004	17 th November 2004
3R7X	1365/17 dated 3.11.2004	1 st December 2005	17 th November 2005
3R7Y	1420/27 dated 23.11.2005	1 st December 2006	16 th November 2006

Additional Solicitor General appearing for the Respondents submitted that the condition as contained in Section 37(I)(b) have been validly amended by the Emergency Regulation P1 and in any event the Petitioners cannot seek a declaration of nullity in respect of P1 and P2 due to time bar and/or the immunity enjoyed by the President in terms of Article 35(1) of the Constitution. He submitted that the poll required to be held of Section 37(2)(a) to enable the electors to decide whether or not the two Provinces should remain linked as one administrative unit has been validly postponed from time to time by orders under Section 37(2)(b) produced marked 2R7(a) to (z) and as such the Petitioners do not have a right to secure an order from Court that a Provincial Council be constituted by election as required by Article 154A(2) of the Constitution for the Eastern Province.

Mr. Kanag-Iswaran for the intervenients, who according to his submission are three Tamil persons from the Trincomalee District and Ampara District, claimed that the merger is based on the Indo-Sri Lanka Accord of 29.7.1987 (P6) which in clause 1.4 recognised that "the Northern and Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil speaking people who have hitherto lived together in this territory with other ethnic groups." He supported the submission of the Additional Solicitor General that the condition in Section 37(I)(b) has been validly amended by P1 and that Petitioners are not entitled to relief sought. Mr. Batty Weerakoon submitted that the Court should be slow to declare P2 invalid since the merger was effected pursuant to the Indo-Sri Lanka Accord.

The material adduced by the intervenients, represented by Mr. Kanag-Iswaran as to areas of "historical habitation" resulted in the Petitioners producing volumes of material to establish the divisions that existed in historic times and that the Eastern Province was a part of the Kandyan Kingdom at the time of British conquest. Mr. Gomin Dayasiri representing the Muslim Petitioner adduced material in support of 'ethnic cleansing' resorted to by Tamil militants in the Jaffna District resulting in over 90,000 Muslims being driven away from the District in 1990. It was submitted that the process of ethnic cleansing is yet being perpetrated by the Tamil militants against the Muslims in the Eastern Province. It was submitted by Mr. H.L. de Silva, that the 'forced merger' would result in a destabilization of the ethnic-balance in the Eastern Province. Both Mr. de Silva and Dayasiri relying on the material produced submitted that according to the 1981 census the demographic composition of the Eastern Province was:

Tamil	-	40%
Muslim	-	32%
Sinhala	-	26%

Whereas in a merged North-East Province the demographic composition would be

Tamil	-	65%
Muslim	-	18%
Sinhala	-	13%

It was submitted that the merger would result in the Muslim and Sinhala communities in the Eastern Province being permanently subjugated to a minority which situation would be exacerbated by the process of "ethnic cleansing" carried out by the Tamil militants as referred to above. On the other hand Mr. Kanag-Iswaran submitted that the 'merger' sets right the imbalance brought about by the high increase of the Sinhala population in the Eastern Province in the period 1947 to 1981. He submitted that whereas the national increase of the Sinhala population in country was during the period was 238%, the increase in the Eastern Province 883%.

Taking note of the volatile and ethnically incendiary material produced and trend of submissions based thereon, reminiscent of the ethnic mistrust that led to terrorism, violence, death and devastating destruction that has characterized our body-politic, the Court indicated to Counsel that the case would be considered only from the perspective of securing to every person the equal protection of the law Guaranteed by Article 12(1) of the Constitution. The essential corollary of the equal protection of the law is the freedom from discrimination, based "on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds" guaranteed by Article 12(2). The elements of race, religion and language characterize ethnicity that tend to divide people. Caste, sex, political opinion and place of birth are sub-elements of further divisions between people. In contrast the equal protection of the law unifies people on the basis of the Rule of Law and the peaceful resolution of disputes that characterizes the exercise of judicial power in terms of Article 4(c) read with Article 105(I) of the Constitution. From this perspective the physical identification of a unit of devolution of legislative and executive power, being the bone of contention, diminishes in significance. Whilst ethnic criteria would be relevant to define the territory of a unit of devolution since a homogeneous unit could be better managed and served, the overriding consideration would be current criteria (not historic material or speculative assumptions for the future) that contribute to the functional effectiveness and efficiency of a unit from the perspective of service to the people, being the sole objective of representative Government.

The 13th Amendment to the Constitution was certified on 14.11.1987, being the date on which the Provincial Councils Act No. 42 of 1987 was also certified. The Amendment introduced a new chapter XVII A to the Constitution providing for extensive devolution of legislative and executive power to Provincial Councils in respect of the subjects and functions as contained

in List I of the 9th schedule. The legislative competence of Parliament was restricted to the subjects and functions in List II (Reserved List). There could be "joint action" in respect of the subjects and functions in list III (Concurrent List) exercised in the manner specifically provided in the Amendment. These Lists are based on the context of from Article 246 and the seventh schedule of the Constitution of India.

Article 154A(I) of the 13th Amendment to the Constitution empowers the President to establish a Provincial Council for each of the Provinces in the Eighth Schedule. Accordingly, by Order 3R1 the then President established Provincial Councils for each of the nine Provinces, including the North and East, separately, with effect from 3.2.1988. Steps were taken to constitute a Provincial Council by election for each of the 7 Provinces in terms of Article 154A(2), excluding the Northern and Eastern Provinces. In respect of the Northern and Eastern Provinces action was taken as provided in Article 154A(3) by the process impugned in these cases. Sub Article 3 reads as follows:

"Notwithstanding anything in the preceding provisions of this Article, Parliament may by, or under, any law provide for two or three adjoining Provinces to form one administrative unit with one elected Provincial Council, one Governor, one Chief Minister and one Board of Ministers and for the manner of determining whether such Provinces should continue to be administered as one administrative unit or whether each such Province should constitute a separate administrative unit with its own Provincial Council, and a separate Governor, Chief Minister and Board of Ministers."

An analysis of the provision reveals that the law to be enacted by Parliament there under should have two components providing for –

i) the formation of one administrative unit consisting of two or three adjoining Provinces; and when the Provinces are so brought together as one administrative unit, the manner of determining whether such Provinces should continue to be administered as one unit.

As noted above, the law enacted by Parliament in terms of sub-Article 3 for the merger of two or three Provincial Councils as one administrative unit and for the manner of determining the continuance of such merger is contained in Section 37 of the Provincial Councils Act. The material provisions of which read as follows

"37(1) (a) The President may by Proclamation declare that the provisions of this subsection shall apply to any two or three adjoining Provinces specified in such Proclamation (hereinafter referred to as "the specified Provinces"), and thereupon such Provinces shall form one administrative unit, having one elected Provincial Council, one Governor, one Chief Minister and one Board of Ministers, for the period commencing from the date of the first election to such Provincial council and ending on the date of the poll referred to in subsection (2) of this section, or if there is more that one date fixed for such poll, the last of such dates.

(b) The President shall not make a Proclamation declaring that the provisions of subsection 1 (a) shall apply to the Northern and Eastern Provinces unless he is satisfied that arms, ammunition, weapons, explosives and other military equipment, which on 29th July, 1987, were held or under the control of terrorist militant or other groups having as their objective the establishment of a separate State, have been surrendered to the Government of Sri Lanka or to authorities designated by it, and that there has been a cessation of hostilities and other acts of violence by such groups in the said Provinces.

(2)(b) Where a Proclamation is made under the provisions of subsection (1)(a), the President shall by Order published in the Gazette, require a poll, to be held in each of the specified Provinces, and fix a date or dates, not later than 31st day of December 1988, for such poll, to enable to the electors of each such specified Province to decide whether –

(i) such Province should remain linked with the other specified Province or Provinces as one administrative unit, and continue to be administered together with such Province or Provinces; or

(ii) such Province should constitute a separate administrative unit, having its own distinct Provincial Council, with a separate Governor, Chief Minister and Board of Ministers.

The arguments of Counsel narrow down to the exercise of power reposed in the President under Section 37(1). Whilst subparagraph (a) empowers the President to make a Proclamation declaring that two or three adjoining Provinces would form one administrative unit, subparagraph (b) contains an exception in respect of the Northern and Eastern Provinces where special conditions have to be satisfied as to surrender of weapons and cessation of hostilities before an order or merger is made. The provisions of Section 37(2) as to a poll being held prior to 31.12.1988 to enable electors of each Province merged to decide on the continuance of the merger is common to a Proclamation for the merger of any two or more Provinces.

The first matter to be considered in the light of the submissions made is whether the President in making a Proclamation under Section 37(1) (a) exercises executive power or delegated legislative power. This aspect has to be considered by examining the provisions of Article 154A(3) of the Constitution cited above which provides for the merger of two or three adjoining Provinces to form one administrative unit as an exception to the general rule in Article 154A(1) and (2) that there should be a separate Council for each of the nine Provinces. A plain reading of sub-Article (3) shows that there is not even a reference to the President contained therein. Thus the Constitution reserves the power of effecting a merger strictly within the legislative power of Parliament, to be done "by or under, any law."

Article 76(1) of the Constitution states as follows:

"Parliament shall not abdicate or in any manner alienate its legislative power, and shall not set up any authority with, any legislative power."

An exception to the bar on abdication of legislative power is the empowerment of a person or body to make subordinate legislation for prescribed purposes as contained in Article 76(3) which states as follows:

"It shall not be a contravention of the provisions of paragraph (1) of this Article for Parliament to make any law containing any provision empowering any person or body to make subordinate legislation for prescribed purposes, including the power ...

a) to appoint a date on which any law or any part thereof shall come into effect or cease to have effect;

b) to make by order any law or any part thereof applicable to any locally or to any class of persons; and

c) to create a legal person, by an order or an act"

It is plain to see that the power reposed in the President to specify the Provinces in respect of which Section 37(1) will apply comes fairly and squarely within subparagraph (b) of Article 76(3). Hence the power reposed in the President is in the nature of a delegated legislative power and the Proclamation issued has to be characterized as subordinate legislation.

Section 37(1)(b) contains a specific condition to be satisfied prior to the making of a Proclamation declaring that the provisions of sub-section (1) (a) shall apply to the Northern and Eastern Provinces, which would have the effect of the two Provinces being merged as

one administrative unit until a poll is held on the question of merger in each of the Provinces not later than 31.12.1988. They are

- i) that arms, ammunition, weapons explosives and other military equipment which on 29.7.1987 were held or under the control of terrorist, militants or other groups having as their objective the establishment of a separate State, have been surrendered to the Government of Sri Lanka or to authorities designated by it, and;*
- ii) that there has been a cessation of hostilities and other acts of violence by such groups in the said Province*

It is common ground that, the date specified in (i) above, 29.7.1987 is the date of the Indo-Sri Lanka Accord (P6) which in clause 2.1 to 2.6 contains provisions for the interim merger of the Northern and Eastern Provinces as a single administrative unit.

The conditions contained in Section 37(1)(b), as to the surrender of weapons and the cessation of hostilities are contained in clause 2.9 of the Accord which states as follows

"The emergency will be lifted in the Eastern and Northern Provinces by August 15, 1987. A cessation of hostilities will come into effect all over the island within 48 hours of the signing of the agreement. All arms presently held by militants groups will be surrendered in accordance with an agreed procedure to authorities to be designated by the Government of Sri Lanka. Consequent to the cessation of hostilities and the surrender of arms by militant groups, the Army and other security personnel will be confined to barracks in camps as on May 25, 1987. The process of surrendering of arms and the confining of security personnel moving back to barracks shall be completed within 72 hours of the cessation of hostilities coming into effect."

A copy of the Accord was tabled in Parliament by the then President when he addressed the House on 25.2.1988 (Document "A" annexed to 2R3). In the address in reference to the surrender of weapons and the cessation of hostilities the President stated as follows

"Peace prevailed in the North and the East for a few weeks after the agreement was signed. A formal handing over of arms took place in Palaly, Jaffna, on 5th August 1987, and the process continued in the two provinces with the terrorist groups handing over arms. This process was not completed as one group, the LTTE, violated the Agreement and publicly said they were doing so in early October. Since then violence has continued in these areas and the Indian Peace Keeping Force was compelled to take firm action to recover arms and explosives and had therefore to increase their number in the North and the East. This has gone on for almost six months and I hope that very soon the Indian Forces with such help as the Sri Lanka forces can give, both on land and sea, will be able to ensure that the LTTE gives up arms and violence and accepts the Agreement. They will then be entitled to the amnesty mentioned in the agreement and could enter the main stream of democratic politics and seek election to the Provincial Councils."

Thus in the words of the President himself there had been only a "formal handing over of arms" as submitted by Counsel for the Petitioners. The LTTE had violated the Agreement and publicly said so in October 1987 within 3 months of the Accord and violence had continued in these areas for the past 6 months, that is upto the date the address was made in Parliament. There could be no better evidence to establish that the conditions contained in Section 37(1)(b) had not been satisfied as at 25.2.1988 (being the date of the address), although in terms of the Accord there should have been a cessation of hostilities within 48 hours and a surrender of weapons within further 72 hours of the Agreement being signed on 29.7.1987. Nevertheless in the very same address the President stated as follows

"I will be holding elections to these Councils in April and I hope to constitute the elected Councils for the Provinces, including the temporary North-East Province in May 1988."

On the basis of this address Mr. de Silva submitted that the President very clearly intended to make an order of merger in respect of the Northern and Eastern Provinces whether or not the conditions as to the surrender of weapons and cessation of hostilities was satisfied.

The Address to Parliament by the President was on 25.2.1988 and the impugned order of merger (P2) was made on 8.9.1988. Hence it is necessary to ascertain from the material before Court whether the situation described by the President continued upto 28.9.1988. Throughout this period the President issued monthly Proclamations under Public Security Ordinance to extend the State of Emergency. Every month these Proclamations were presented to Parliament for approval and a statement was made by a Minister on behalf of the Government specifying the terrorist activities in the North and the East with reference to the number of murders committed, attacks on Police stations and so on and a summary of incidents in the other parts of the country. In the year 1988 Proclamation had been made by the President every month, the first being on 17.1.1988 and the last for the year was on 13.12.1988. The Hansards containing the statements made by the respective Ministers seeking approval of Parliament for the Proclamations have been produced marked B1 to B12 annexed to the affidavit 2R3. The statements establish that far from the LTTE surrendering weapons and there being a cessation of hostilities, there were intensified attacks now on the Indian Peace Keeping Force (IPKF). As regards the specific period in which the order P2 was made that is from 16.8.1988 to 15.9.1988, the situation that existed could be gathered from the following extract of the speech made by the Minister (B9).

"The terrorists have concentrated their campaign of violence in Jaffna, Vavuniya, Batticaloa, Ampara and Trincomalee during the period 16th August 1988 to 15th September 1988, 62 civilians and 19 security personnel were killed during this period. In every instance when the terrorists carried out mass attacks, security forces repulsed the attacks. Considerable amounts of arms and explosives have been captured by security forces."

Thus it is beyond any doubt that the two conditions for the merger as stated in Section 37(1)(b) referred above as to weapons being surrendered by 'terrorist militants' and a cessation of hostilities had not been met.

Neither the Additional S.G. nor Mr. Kanag-Iswaran sought to justify the order P2 on the basis that the factual conditions as stated in Section 37(1)(b) were met at the time the President made such order. They sought to support the order on the basis that the provisions of Section 37(1)(b) had at that time been amended by the President by an Emergency Regulation (P1) made under the Public Security Ordinance 6 days prior to Order P2 effecting the merger. The Petitioners have sought a declaration of nullity in respect of P1 as well on the basis that the Regulation is ultra vires since it cannot be rationally related to any of the purposes for which Emergency Regulations could be validly made in terms of Section 5 of the Public Security Ordinance.

It is necessary at this stage to advert to the contents of P1. It has been made under Section 5 of the Public Security Ordinance and states that Section 37(1)(b) referred to above shall have effect as if the words,

"Or that operation have been commenced to secure complete surrender of arms, ammunition, weapons, explosives or other military equipment by such groups are included at the end of the provision.

The purpose of P2 appears to be to include an alternative to the two conditions contained in Section 37(1)(b) as to the surrender of weapons and a cessation of hostilities. In terms of

Article 154A(3) only Parliament could "by or under any law Provide for two or three adjoining Provinces to form one administrative unit The Parliament exercising the power reposed in sub-Article (3) provided by law (i.e. Section 37(1)(b)) that two special conditions shall apply in respect of the merger of the Northern and Eastern Provinces. Hence a further alternative condition could, if at all, be provided only by law.

Article 170 of the Constitution defines the term "law" as follows: "law" 11 means any, Act of Parliament, and any law enacted by any legislature at any time prior to the commencement of the Constitution and includes an Order in Council;

The term "written law" has a wider meaning and is defined as follows "written law" means any law and subordinate legislation and includes Orders, Proclamations, Rules, By-laws and Regulations made or issued by any body or person having power or authority under any law to make or issue the same.

An Emergency Regulation made by the President would be written law. The term 'law' in Article 154A(3) should in my view be restricted to the meaning in Article 170, considering the context in which it occurs in relation to Parliament. Therefore any provision for the merger of two or three Provinces could be made in terms of Article 154A(3), which is in itself an exception to the general rule in Article 154(1) and (2) that a separate Provincial Council be established and constituted for each Province, only by a law enacted by Parliament. The provision purportedly made by the President by Emergency Regulation P1 which is not law within the meaning of Article 170, setting out an alternative condition to what was already stated in the law (i.e. Section 37(1)(b)) is inconsistent with Article 154A(3) of the Constitution and is invalid as correctly submitted by Counsel for Petitioners.

Additional Solicitor General and Mr. Kanag-Iswaran relied on Section 5(2)(d) of the Public Security Ordinance which empowers the President to make an Emergency Regulation amending any law.

In terms of Article 155(1) of the Constitution the Public Security Ordinance, being existing legislation, is deemed to be a law enacted by Parliament.

Article 155(2) reads as follows.

"The power to make emergency regulations under the Public Security Ordinance or the law for the time being in force relating to public security shall include the power to make regulations having the legal effect of over-riding, amending or suspending the operation of the provisions of any law except the provisions of the Constitution.

Hence the power reposed in the President by Section 5 of Public Security Ordinance to make an Emergency Regulation amending any law has to be read subject to the provisions of Article 155(2) of the Constitution and an Emergency Regulation cannot have the effect of amending or over-riding a provision of the Constitution. The purported amendment of Section 37(1)(b) effected by regulation PI in effect over-rides the provisions of Article 154A(3) which only empowers the Parliament to provide by law for the merger of two or three Provinces.

Mr. de Silva assailed the validity of PI on the ground that it cannot reasonably come within any of the purposes provided in Section 5(1) of the Ordinance. This section empowers the President to make emergency regulations for

- 1) public security and the preservation of public order;
- 2) the suppression, mutiny, riot or civil commotion;
- 3) for the maintenance of supplies and service essential to the life of the community;

The impugned regulation cannot be reasonably related to any of the aforesaid purposes. Manifestly, it has been made for the collateral purpose of amending another and unrelated law by means of which the President purported to empower himself to act in contravention of specific conditions laid down in the law.

The preclusive clause contained in Article 80(3) of the Constitution which bars judicial review of a Bill that has become law upon certification does not extend to Emergency Regulations, being in the nature of delegated legislation. In England judicial review of "administrative legislation" (a broad label for delegated legislation) is governed by the same principles that govern judicial review of administrative action. (Administrative Law by Wade and Forsyth 9th ed. P. 858).

This Court has in the cases of *Wickremabandu vs Herath* (1990) 2 SLR page 348, *Joseph Perera vs Attorney General* (1992) 1 SLR 199 and *Karunatilake vs Dissanayake* (1999) 1 SLR page 157, entertained and decided questions regarding the validity of Emergency Regulations and of executive action taken thereunder, which was held to be not precluded by the immunity from suit enjoyed by an incumbent President in terms of Article 35(1) of the Constitution. Such review pertains to two levels. They are

- 1) whether the impugned regulation is per se ultra vires in excess of the power reposed in the President;
- 2) if the regulation per se is valid whether the impugned act done under the Regulation is a proper exercise of power;

I hold that both grounds urged by Mr. de Silva, as to the inconsistency with Article 154A(3) of the Constitution and being in any event outside the scope of Section 5 of the Public Security Ordinance establish that Regulation P1 is ultra vires and made in excess of the power reposed in the President. Accordingly, the purported amendment of the provisions of Section 37(1)(b) of the Provincial Councils Act by the President is invalid and of no effect or avail in law.

The next question to be decided is in relation to the validity of Order P2 effecting a merger of the Northern and Eastern Provinces. Section 37(1)(b) contains two mandatory conditions that have to be satisfied before a Proclamation effecting a merger is issued. The address made by the President to Parliament and the statements made as to the security situation seeking an approval of the Proclamations of the state of Emergency in the year 1988 referred to in the preceding analysis clearly establish that the President could not have been possibly satisfied as to either of these mandatory conditions. The endeavour to amend the mandatory conditions by recourse to the Emergency Regulations demonstrates that the President in his own mind knew that the two mandatory conditions have not been satisfied. An axiomatic principle of Administrative Law is thus formulated by Wade and Forsyth early in the treatise as follows:

"Even where Parliament enacts that a minister may make such order as he thinks fit for a certain purpose, the court may still invalidate the order if it infringes one of the many judge-made rules. And the court will invalidate it, a fortiori, if it infringes the limits which Parliament itself has ordained.

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The Proclamation P2 made by the then President declaring that the Northern and Eastern Provinces shall form one administrative unit has been made when neither of the conditions specified in Section 37(1)(b) of the Provincial Council Act No. 42 of 1987 as to the surrender of weapons and the cessation of hostilities, were satisfied. Therefore the order must necessarily be declared invalid since it infringes the limits which Parliament itself has ordained.

Finally, I have to address the objection of time bar raised by the Additional Solicitor General. The impugned orders P1 and P2 were made in September 1988 and the poll to be held in terms of Section 37(2)(a) has been postponed over the past 17 years by the documents 3R7A to 3R7Z. The last postponement was made on 23.11.2005 fixing the date of poll on 16.11.2006 and 5.12.2006 for the Eastern and Northern Provinces respectively. The Petitioners have failed to invoke the jurisdiction of this Court within one month of any of the impugned orders as required by Article 126(2). It is therefore submitted that the Petitioners are precluded from obtaining relief.

The counter submission of Mr. de Silva is that the rights of the Petitioners and those similarly circumstanced in the Eastern Province to have a Provincial Council constituted in terms of Article by election of members is a continuing right and its denial by the ultra vires orders P1 and P2 is a continuing denial to the Petitioner and those similarly circumstanced the equal protection of the law guaranteed by Article 12(1) of the Constitution. He further submitted that the purported postponement of the poll by 3R7A to 3R7Z are of no force or effect in law since they seek to derive validity from P1 and P2.

As noted above the 13th Amendment which introduced a new chapter XVIIIA to the Constitution provides for extensive devolution of legislative and executive devolution of legislative and executive power to Provincial Councils. Although the Amendment was certified on 14.11.1987 and a Provincial Council was established for the Eastern Province and each of the other 8 Provinces by Order dated 3.2.1988 (3RI) made in terms of Article 154A(1) of the Constitution a Provincial Council has not been constituted for the Eastern Province by an election of members as required by Article 154A(2) due to the impugned order of merger P2. The right to have a Provincial Council constituted by an election of the members of such Council pertains to the franchise being part of the sovereignty of the People and its denial is a continuing infringement of the right to the equal protection of law guaranteed by law Article 12(1) of the Constitution, as correctly submitted by Mr. de Silva. Therefore the objection of time bar raised by the Additional Solicitor General is rejected.

For the reasons stated above I allow the application and grant to the Petitioners the relief prayed for in prayers (c) and (e) of the respective petitions. No costs.

Chief Justice

Jayasinghe J.,	I agree
Udalagama J.,	I agree
Fernando J.,	I agree
Amaratunga K.	I agree

Future of Eastern population should be decided by referendum - President



President Mahinda Rajapaksa said that the future of the Eastern population should be decided by means of a referendum.

In a comment made earlier President Rajapaksa has said: "The Executive, Judiciary, Legislature or any other power cannot change the future of the people in the East. Their destiny can only be decided by themselves. According to the Indo-Lanka Agreement, the future of the Eastern population has to be decided by a referendum."

The Northern and the Eastern province were merged by the 13th Amendment to the Constitution and the Provincial Councils Act of 1987 which set up the provincial councils.

In terms of the provisions in the Amendment and the Act, it is mandatory for a poll to be held in each province to enable the voters in each province to decide whether the two provinces should remain linked.

LTTE rejects Supreme Court judgment



In its first reaction to the Supreme Court order for the de-merger of the North-East province, the LTTE said that the Supreme Court had no right to decide on the fate of the Tamil homeland as the Tamil people had not accepted the Constitution of Sri Lanka.

"As far as we are concerned Tamil land cannot be divided. The Sri Lankan government has no right to decide whether to de-merge or merge Tamil land because the Tamil people have not accepted the Constitution of the Sri Lanka government nor have we," LTTE political wing leader Mr. Thamilselvan said after a meeting with the visiting Norwegian peace envoy Jon Hanssen Bauer.

He said the Tamil people wanted to live in freedom on their own soil to safeguard their rights and as such the Sri Lankan government has no right to refuse those rights.

Govt. Group criticizes NE judgment as ill-timed

May aggravate ethnic crisis and peace process warns Jeyaraj



President Mahinda Rajapaksa and Government Parliamentary Group members yesterday criticized the land mark judgment that the merger of the Northern and Eastern Provinces was illegal, saying that this was not best time for such a decision.

Consumer Affairs Minister Jeyaraj Fernandopulle warned that the judgment would aggravate the ethnic crisis though it may be legally correct.

The Minister told the Group meeting held at the Parliament complex yesterday that the country would internationally be placed in a bad position and that it would give rise to dissatisfaction among the Tamil community, especially at a time when the whole peace process was at stake.

Foreign Minister Mangala Samaraweera, Constitutional Affairs Minister D.E.W. Gunasekara, Health Minister Nimal Siripala de Silva and Public Administration Minister Sarath Amunugama too joined in saying the judgment was ill-timed.

President Rajapaksa however stopped short of openly criticizing the judgment but insisted that whether the North and the East should be merged or de-merged should be a matter left to the people in the area to decide through a referendum.

Tamil MPs force suspension of Parliament sittings

The pro and anti-LTTE Tamil parties subscribed to the same view with the TNA describing the new development as something running counter to the aspiration of the Tamil community.

TNA Jaffna district MP M.K. Sivajilingam said that the situation would now compel them to secede and form a separate state in the greater interest of their community.

"We see the situation as a declaration of war against Tamils," he said.

The TULF declined to comment on the court order delivered by a five member bench.

Party leader V. Anandasangari said the country's situation now is helping to strengthen the hands of Tigers to score over Government in the face of the international community.

The Government's ally, the EPDP said the judgment was in line with the present constitution, and therefore they had no comment on it.

Party spokesman S. Thavarajah said they, however, stood for the merger of the two provinces under the constitutional reforms in the future to resolve the Tamil national question.

A vociferous protest by the TNA in parliament yesterday over the de-merger of the North and East, forced sittings to be limited to just 45 minutes, with the Tamil MPs warning that the SC ruling would force the creation of Eelam which would have its own Supreme Court.

Speaker W.J.M. Lokubandara was forced to adjourn sittings at 10.15 am due to the TNA protest over Monday's Supreme court ruling nullifying the 18-year-old merger of the North and East.

The protesting MPs who surrounded the Speaker's chair chanted slogans, saying the ruling would pave the way for the establishment of Tamil Eelam.

The MPs called on India to accept Tamil Eelam saying a separate Supreme Court would be established in that Eelam.

"Do not divide the North and East. Do not divide our homeland," the MPs shouted, forcing the Speaker to suspend sittings for ten minutes at 9.45 am. TNA leader Rajavarothiam Sampanthan, Party General Secretary Mavai Senadhiraja and Suresh Premachandran were not present in the House during the protest.

Before parliament convened, the TNA MPs sat in the Well of the House, in a bid to prevent the Speaker from proceeding towards his chair and the Mace from being placed on its stand.

But Parliament staff outwitted the protestors by first opening the main door and then 'smuggling' in the Speaker and Mace to the rostrum through a side entrance from the government side.

Seeing this, the TNA MPs advanced aggressively towards the Speaker's chair, prompting Sergeant-at-Arms Anil Samarasekera and parliament security to surround the Chair and protect the Mace from being removed by the protesting MPs.

TNA parliamentarian M.K. Sivajilingam was seen lunging towards the Speaker, only to be held back by government members Mervyn Silva and Jagath Pushpakumara. Amid the din, the Speaker summoned a party leaders meeting to hear Opposition recommendations to the Banking (Amendment) Bill which was scheduled to be passed yesterday after being approved at the Committee stage.

Accordingly, at 9.45 am the House was suspended for 10 minutes to allow the party leaders to exchange views on the banking legislation. When the House reconvened at 10 am, the TNA MPs began their vocal protest again preventing the Banking (Amendment) Bill from passing beyond the Committee stage.

The Opposition members were unable to present their views on the matter over the din created by the protesting MPs.

Certain clauses in the Bill, which essentially sought to provide for defaulting banks to be vested in an acquiring bank, were opposed by the UNP and JVP when the Bill was presented on July 18.

UNP to support NE merger Bill

The main opposition UNP yesterday pledged its support if the government presented a Bill in parliament for the merger of the North and East.

"We are prepared to back such a Bill for the sake of peace. However we will consider such support after a thorough study of the legislation," UNP parliamentarian Lakshman Kiriella told a news conference.

He said it was upto the government to decide whether the Bill was necessary or not.

"If the Supreme Court order has negative effects on the government's peace effort, the government can present a Bill in Parliament to merge the two provinces. We will be there to help," Mr. Kiriella said.

The Supreme Court on Monday ruled that the proclamation issued by the then President J.R. Jayewardene enabling the Northern and Eastern Provinces to function as a single administrative unit and to be administered by one elected council were null and void and had no legal effect.

The UNP yesterday called on the government to work towards the re-merger of the north and east through a bill in parliament if it wanted the peace process to move forward smoothly.

"It is President Mahinda Rajapakse's responsibility to present a bill before parliament to re-merge the north and east if he wants to restore the status quo," said Senior UNP MP Lakshman Kiriella. He added that its implementation depended on the will of the government.

Kiriella's comments came in the wake of the Supreme Court ruling that led to the de-merger of the north and east on Monday.

Asked if the UNP would support a bill to merge the two provinces, particularly given the certainty the JVP would oppose it in parliament, Kiriella said the party would do so subsequent to studying the clauses of the bill.

"In such an event, we will examine the bill and if it is satisfactory, will give our support to the government for the necessary two-thirds majority," he said.

He further urged the government to get the peace process back on track, citing the large number of lives lost during its 11 month tenure.

"Over 2000 young lives have been lost so far and the government is yet to present at least the framework of a solution to the ethnic crisis," Kiriella said.

SLMC leader Rauff Hakeem - Muslims not so overjoyed on NE de-merger



The SLMC said that it would be too naive to assume that Muslims would be overjoyed regarding the de-merger of the Northern and Eastern Provinces, knowing fully well the timing and the implications of the judgment.

Making a special statement to the House, party leader Rauff Hakeem said they could not be so naive as to ignore the sentiments of their Tamil brethren.

Mr. Hakeem said that the SLMC had come a long way since 1987 and could not be oblivious to certain flaws in the arrangement sought to be introduced by the leaders of the two countries in the Accord.

"Of particular significance is a need to address the Muslim dimension in a permanently merged Northern and Eastern Province," he said.

De-merger gives East a chance to decide its future says Karuna



The Tamil Makkal Viduthalaip Palamkai (TMVP), the political arm of the Karuna faction, says the de-merging of the North East gives the chance for the people of the East to decide their own future and not be "political orphans" anymore.

The TMVP said the rights and aspirations of the Eastern people were rejected under the guise of war and now that they have been given the chance to decide the fate of their own future, the de-merger should be welcomed.

Because of the war a certain section was at an advantage in areas of political, security, education, employment and residence, creating unfairness to the eastern people. But now a full stop has been placed to that and the eastern people can elect their own representatives to address their problems. This is a victory they have got.

The TMVP says the country should respect the wishes of the Eastern people by accepting the decision which will in turn help the future of the country.

Prof. Jayadeva Uyangoda – Head, Political Science Department, Colombo University



It is a legal decision with far reaching political consequences. Tamils will see it as a failure on the part of the judiciary to recognize Tamil demands or rights.

On the other hand, judiciary in the past has not been adequately mindful of the political consequences of legal decisions, particularly in the arena of minority rights.

Tissa Attanayaka – United National Party



This type of decision can have an effect on the peace process as well as the up coming discussions in Geneva.

The merger was a result of the Indo-Lanka Pact that was signed by the leaders of both countries. This merger was only temporary until a referendum was to be held to seek if it is needed. Until now this referendum was not held, and was postponed under the provisions of emergency law. Now with this decision, the president as well as the government will have to face grave difficulties in achieving peace.

This decision will have a negative impact on the international community and they will form an impression that the Sri Lankan government is against devolution of power. In these circumstances the government should be more careful when making decisions.

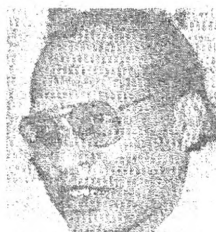
Athureliye Rathana Thera –Jathika Hela Urumaya



This is a victory for the country as well as for our party. We were the first to bring this issue up in parliament when JHU member Kotapola Marakeerthi thera proposed this to the parliament and it was placed in the order paper. We should see the positive side of this and make sure that democracy and order is sustained in the eastern area in the country the thera said.

It was remarkable that the Supreme Court recognized the initial decision to have the North and Eastern provinces under one provincial council as illegal and declared it null and void.

Minister D.E.W. Gunasekera – Communist Party of Sri Lanka



I cannot comment on Supreme Court ruling. This is a political question that should be solved politically. I am waiting for the response of the Tamil and the Muslim communities. As the Constitutional Affairs Minister I cannot say anything more than that.

Wimal Weerawansa – JVP



This is one of the biggest defeats for Tamil separatist and racist politics. According to the law the Elections Commissioner should now take immediate steps to hold the Provincial Council election in the Eastern Province. The government should secure the Eastern Province for the Elections Commissioner to go ahead with the election. By doing so the democratic rights of the Sinhala, Tamil and Muslim communities in the East should be safeguarded. We don not think that anyone has the right to re-merge these two provinces again on the threats by the representatives of the Tamil separatist racist terrorists.

This historic judgment has also dispelled the false notion of the North and East provinces being the 'historical habitation of the Sri Lankan Tamil speaking peoples,' created by the Indo-Lanka accord of 1987.

Minister A.L.M. Athaula – Leader, Sri Lanka National Congress



The voting rights of the people in the Eastern province were violated because of the North-East merger. The court verdict on the de-merger shows that the law and justice in this country is still alive. The Muslim people in the East welcome this judgment and believe that a correct environment has been created to resume the peace negotiations. This paves way for proper devolution of power.

Vasudeva Nanayakkara – Democratic New Left Front



I think that the judiciary has no jurisdiction to adjudicate over matters of the executive or legislation. That is against our constitution as well as the international law.

The judiciary cannot interfere into issues that are relevant to the executive and the judiciary, including decisions of the cabinet or the parliament, and international agreements that the government has adhered to so far.

V. Anandasangaree – Tamil United Liberation Front



This is a matter that was taken in front of a court of law. However, the decision was taken in a hurry and whoever filed the action had not considered the consequences of such an action.

For the last 19 years they have tolerated the merger, I have to ask why they have decided to take this action at a time when peace talks are at a crucial point. The government is committed to talks but a decision like this can help a ruthless organization like the LTTE to engage in violent tactics. This gives them room to engage in more violence.

On the other hand, the radical faction in the south may try to take advantage from this situation. This is especially damaging to the soon to be formed alliance between the UNP and the SLFP. They have finally been able to reach a common consensus and this ruling could upset the whole thing.

Selvam Adaikalanathan – Tamil Eelam Liberation Organisation



We do not agree with the judgment given by the Supreme Court on the de-merger. It is not fair to the Tamil people. For the past 19 years J.R. Jayewardene and other political leaders were continuing the merger of the two provinces. Given the changes in the political arena at present we were expecting something like this to happen. There was always a probability that this merger might become invalid.

Now that the government and the UNP are together they might get two thirds of the parliament for the de-merger.

We definitely want peace but it does not seem that the current situation is poised towards that direction. The country is heading towards war. India as party to the Indo-Lanka accord has a duty and a responsibility towards ensuring the peace in Sri Lanka. They should intervene and support us more.

If possible they should pressurize the government to do the right thing and push the country toward peace.

Nadarajah Raviraj – TULF



We understand the judgment was given based on the technicalities of the merger so the government needs to take action to merge these two provinces again legally for the betterment of the country and to achieve a political settlement to the ethnic issue.

This decision has made a big impact of the peace process and also had attacked the foundation of a negotiated settlement.

Minister Dinesh Gunawardena – Leader MEP



The Mahajana Eksath Peramuna (MEP) hailed the Supreme Court judgment on the North-East de-merger

The MEP said it was a pioneer participant in the patriotic peoples' struggle, unbroken since the fusion of the Northern and Eastern Provinces in 1987, to separate them and restore the status quo.

The MEP addressed the people and Parliament, on various platforms, opposing the amalgamation of the Northern and Eastern Provinces.

MEP leader Dinesh Gunawardena strongly recommended the de-merger of the two Provinces and their continuation as two separate entities in the alternative to the Mangala Moonasinghe Committee report.

The MEP appreciates the Supreme Court, the Chief Justice and other Justices, the Janatha Vimukthi Peramuna, the three petitioners – including the two Members of Parliament – and the lawyers who brought this matter before the Supreme Court.

Indo-Sri Lanka Agreement

Resolve that:

1. Since the Government of Sri Lanka proposes to permit adjoining Provinces to join to form one administrative unit and also by a Referendum to separate as may be permitted to the Northern and Eastern Provinces as outlined below:
2. During the period, which shall be considered an interim period, (i.e. from the date of the elections to the Provincial Council, as specified in para 2.8 to the date of the referendum as specified in para 2.3, the Northern and Eastern Provinces as now constituted, will form one administrative unit, having one elected Provincial Council., Such a unit will have one Governor, one Chief Minister and one Board of Ministers.
3. There will be a referendum on or before 31st December, 1988 to enable the people of the Eastern Province to decide whether:
 - (a) The Eastern Province should remain linked with the Northern Province as one administrative unit, and continue to be governed together with the Northern Province as specified in para 2.2,
 - (b) The Eastern Province should constitute a separate administrative unit having its own distinct Provincial Council with a separate Governor, Chief Minister and Board of Ministers.

The President may, at his discretion, decide to postpone such a referendum.

- 2.9 The Emergency will be lifted in the Eastern and Northern Provinces by August 15, 1987. A cessation of hostilities will come into effect all over the island within 48 hours of the signing of this Agreement. All arms presently held by militant groups will be surrendered in accordance with an agreed procedure to authorities to be designated by the Government of Sri Lanka.

Consequent to the cessation of hostilities and the surrender of arms by militant groups, the Army and other security personnel will be confined to barracks in camps as on 25 May 1987. The process of surrendering of arms and the confining of security personnel moving back to barracks shall be completed within 72 hours of the cessation of hostilities coming into effect.

Section 37 of the Provincial Councils Act. No. 42

(b) The President shall not make a Proclamation declaring that the Provisions of subsection 1 (a) shall apply to the Northern and Eastern Provinces unless he is satisfied that arms, ammunition, weapons, explosives and other military equipment, which on 19th July, 1987, were held or under the control of terrorist militant or other groups having as their objective the establishment of a separate State, have been surrendered to the Government of Sri Lanka or to authorities designated by it, and that there has been a cessation of hostilities and other acts of violence by such groups in the said Provinces.

(2) (a) Where a Proclamation is made under the provision of subsection (1) (a), the President shall by Order published in the Gazette, require a poll, to be held in each of the specified Provinces, and fix a date or dates, not later than 31st day of December 1988, for such poll, to enable to the electors of each such specified Province to decide whether;

(i) such Province should remain linked with the other specified Province or Provinces as one administrative unit, and continue to be administered together with such Province or Provinces;
or

(ii) such Province should constitute a separate administrative unit, having its own distinct Provincial Council, with a separate Governor, Chief Minister and Board of Ministers.

27 July 1987 –

Indo-Lanka peace accord signed

30 July 1987 –

Arrival of the Indian Peace Keeping Force (IPKF)

14 November 1987 –

The 13th amendment to the constitution debated and passed in Parliament. This amendment among other things made provisions for the establishment of the Provincial Councils.

28 April 1988 –

The first ever Provincial Council election for areas other than the North and the East.

7 September 1988 –

President J.R. Jayewardene officially merges the Northern and Eastern provinces within a single North Eastern Province by special Gazette notification under the Public Security Act.

19 November 1988 –

Elections were held for seats in the North East Provincial Council.

1 March 1990 –

EPRLF declares an "Independent Eelam" and renamed the provincial council as a Tamil National Assembly.

March 1990 –

President R. Premadasa imposes direct control on Northeast Provincial Councils.

March 1990 –

North-East Chief Minister Vartharajah Perumal leaves the country surreptitiously with 250 of his supporters.

16 October 2006 –

A five judge bench of the Supreme Court including Chief Justice Sarath N. Silva rules the North-East merger null and void.

Politics of Merged North-East

Majority of the citizens of the Eastern province, comprising Muslims and Sinhalese who have no desire to live within a Jaffna Tamil dominated merged North-Eastern province approved the verdict. Political leaders of the Eastern Tamils, who are culturally separate from the Jaffna Tamils have expressed their rejection of the Jaffna Tamil dominated outfit of Prabakaran.

The Muslims who have faced the brunt of ethnic cleansing from Jaffna and more recently in Mutur have absolutely no desire to subject themselves to further tyranny at the Tamil nationalist forces' hands, who have consistently tried to trap the Muslims in the politics of 'Tamil speaking peoples' and simultaneously subscribe to the concept of mono ethnic 'Tamil homelands'?

The Muslims unequivocally reject being lumped together as 'Tamil speaking people' as they consider themselves a separate ethnic identity distinct from the Tamils and recognize the politics of duplicity of the forces of Tamil nationalism and forcing the North East merger down the throats of the Muslims without their consent.

In the early days of the Tamil struggle, human rights was used as a political tool to support the claim for territorial claims, and with Western human rights organizations highlighting only human rights abuses of states, (because states could be held accountable,) the Tamil nationalists were easily able to muster international support in India as well as the Western democracies pointing exclusively to the human rights abuses of the Sri Lankan State.

This was corrected in the mid 1980's with groups such as Amnesty International highlighting human rights atrocities, irrespective of the identity of the perpetrator and it became obvious that the forces of Tamil nationalism were the gravest human rights violator in Sri Lanka. This resulted in 'human rights' losing its effectiveness in the arsenal of Tamil nationalism to advance their territorial claims.

In Sri Lanka with a 20 million population the forces of Tamil nationalism represent less than 633,000 votes. (at the last general election) and that's after massive electoral fraud as the report of the European Union monitors indicate.

Once this electoral fraud was addressed, the LTTE prevented the Tamils from voting at the Presidential election fearing that their true numbers will knock the bottom out of their territorial and other claims. The LTTE and the forces of Tamil nationalism fears democracy, because democracy will expose their fraud to themselves and the world.

Tamil nationalism is a potent and a fascist force that sincerely believes in their perceived 'Jaffna Tamil superiority' and by default 'Sinhaleses/Eastern Tamil/Muslim/Indian Tamil/inferiority'.

The TNA, proxies of the proscribed terrorist organization the LTTE, are at present protesting in Parliament. It would be more appropriate for them to protest in Kilinochchi, as it is the LTTE, which has facilitated the present predicament.

Not only has Prabakaran's terror outfit rejected the Indo-Sri Lankan accord by waging war on the Indian Peace Keeping Force (IPKF) and then gone on to assassinate Rajiv Gandhi, Prabakaran and his Jaffna Tamil dominated outfit has failed to address the aspirations of the eastern Tamils and accommodate groups such as the TMVP, popularly known as the Karuna faction.

The Indo-Sri Lanka peace accord stipulated the disarmament of the militant groups as a condition of the accord, and the refusal of the LTTE to abide by the agreement and later waging war on the Indian Peace Keeping Force in effect was the unraveling

of the North-East merger. In this regard the LTTE's refusal to abide by the provisions of the Indo-Sri Lanka peace accord should be viewed as the main reason for the present anguish of the forces of Tamil nationalism with regard to the North-East merger.

The position of the Rajapaksa administration is astute in this regard by maintaining that the North East issue should only be resolved by a popular vote of the citizens of the Eastern Province. This is a position that will have the support of the international community and is unassailable by the forces of Tamil nationalism. It will also have the support of an overwhelming majority of the Sri Lankans.

The Supreme Court ruling on the de-merger of the North and East provinces has caused political tension among various communities in the country. There are many divergent views on the matter and the timeliness or the un-timeliness of the ruling is debated on various forums among political leadership and civil society organizations.

From Where the Indo-Sri Lanka Accord left the North East Muslims

1. Indo-Sri Lanka Accord failed to recognize the North East area as a heterogeneous one.
 - The fundamental mistake was to treat the Northern and the Eastern provinces as areas of historical habitation of the "Tamil speaking peoples".
 - The fact that the Muslims though they speak Tamil language have been treated politically and ethnically as a separate and distinct community was not taken into account.
 - The Northern and the Eastern provinces should have been recognized as areas of historical habitation of Tamils and the Muslims instead of the general description "Tamil speaking peoples".
2. Although the Accord mentions that the amalgamation was only for an interim period of one year the proposed Referendum never took place although 18 years have passed.
 - At the discussions between the Tamil parties and the Muslim parties – the Tamil parties have always taken up the position that although the Referendum was provided for in the Accord it was never intended to be held or implemented.
 - Muslims do not accept this position and vehemently object a Kashmir situation in the Eastern Province.
 - Any future settlement should avoid vagueness, uncertainties and contingencies.
3. Although Article 2:16 of the accord states that the Governments of India and Sri Lanka will co-operate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern provinces the Muslim Community was subjected to untold harassment, genocide and ethnic cleansing. Both Governments could not help us when we were at the receiving end at the hands of the Tamil militants and IPKF.
4. Although the Indo - Sri Lanka Accord was signed subject to the acceptance of the proposals negotiated from 4-5-1986 to 19-12-1986 – the agreement between President J R Jayawardene and the Indian Prime Minister Rajiv Gandhi to the effect that the Muslim M.P.'s of the Eastern Province may be invited to visit India and to discuss matters of mutual concern with the Tamil side under the auspices of the Government of India was never implemented.
 - The political future of the Muslims is one of the residual matters that should have been sorted out within a period of six weeks of signing the Indo-Sri Lanka Accord(Article 2:15).
 - However, we and our destinies were deserted soon after the accord was signed.

5. Indo-Lanka Accord failed to take into consideration the fact that the Muslim community became the sole victim as a result of the amalgamation of the two provinces.
 The only province where the Muslims are living in substantial numbers is the Eastern province. The amalgamation renders them insecure and politically insignificant.

Human Right Violations against Muslims during North East merger

Tamil Separatists brutally murdered Mr. Habeeb Mohamed, the Assistant Government Agent of Muthur on the 3rd of September 1987, which led to widespread protest – demonstrations by the Muslims throughout the Eastern province. Annoyed by this the Tamil Separatists organized a counter demonstration on the 10th of September 1987 in Kalmunai, which resulted in the Tamils attacking and burning Muslims owned shops, rice mills and houses in the predominant Muslim Town of Kalmunai, in the presence of the IPKF. Properties belonging to the Muslims damaged by the Tamils were valued approximately Rupees 67 Millions.

Mr. A.L. Abdul Majeed, a former M.P., and Deputy Minister of Muthur was killed on the 13th of November 1987. Mr. Abdul Majeed was actively involved in the relief assistance of the thousands of Muslim refugees who came from Muthur, consequent to Tamil armed separatists attack on the Muslim on the 12th of October in the presence of the IPKF.

About 26 Muslims were killed and another 200 were injured when the IPKF shelled Ottamawadi, a predominant Muslim Village in the Batticaloa District on 02nd December 1987. A Number of houses and shops belonging to Muslims were burned and destroyed. Some Muslims women were also reported to have been raped by the IPKF. About 14,000 Muslims became refugees and fled to the North – Central Province, Polonnaruwa.

Kattankudi, the home of nearly 60,000 Muslims, situated 4 miles down South of Batticaloa, was attacked by the armed Tamil separatists on the 30th of December 1987. In this fierce attack, nearly 60 Muslims were killed and more than 200 were injured. Properties worth 200 Millions belonging to the Muslims were burned and destroyed by armed Tamil militant. All these happened in the presence of the Indian Peace Keeping Forces – IPKF. Although the attack lasted for two days, Kattankudi was under siege until the 8th of January 1988. During this period, all movements, in and out of the area were blocked by the armed Tamil militants while the IPKF was supposed to be in control of the area.

Because of the attacks launched by the IPKF and armed Tamil militants, nearly 65,000 innocent Muslims who have lived for generation in Mannar, Jaffna, Mullathievu and Vavunia have abandoned their homes and are now living in refugee camps outside their homes.

Muslim Refugees in Sri Lanka in December 1987.

Muslim Population and Refugees of the Northern and the Eastern Provinces According to AGA Divisions.

<u>Eastern Province</u>	<u>1981</u>	<u>1987</u>	<u>Muslim Refugees</u>
Ampara District	161,754	193,797	-
Kalmunai	45,480	54,576	-
Sammanthurai	37,996	45,592	-
Ninthavur	20,716	24,860	-
Addalachchenai	20,140	24,168	-
Akkaraipattu	22,941	27,529	-
Pottuvil	13,433	16,120	-

Batticaloa District	79,662	94,939	10,225
Batticaloa Town	3,725	4,432	-
Kattankudy	26,509	31,546	-
Eravur	21,582	25,683	-
Ottamawadi/Valachchenai	27,291	32,476	10,225
Trincomalee District	49,280	87,428	49,280
Trinco Town & Gravat	7,979	9,176	5,000
Mutur	19,184	22,062	16,000
Kinniya	28,669	32,969	18,000
Thambalakamam	8,008	9,209	6,280
Kuchchaveli	2,088	2,401	2,000
Kanthalai	4,406	5,067	2,000

Northern Province

Jaffna District	14,169	13,306	13,160
Jaffna Town	10,925	10,270	10,100
Chavakachcheri	601	565	560
Mannar District	30,079	37,933	13,650
Mannar Town	14,517	18,291	6,250
Musali	8,716	10,982	4,720
Nanattan	1,736	2,187	1,212
Manthai West	5,110	6,439	1,468
Mullaithivu District	3,816	5,304	3,040
Maritimepattu	2,852	3,964	2,560
Mullaithivu Town	690	959	480
Vavuniya District	6,764	8,876	4,845
Vavuniya Town & VST	2,973	3,895	2,233
Vengalachettikulam	3,655	4,788	2,612

Eastern & Northern Provinces

<u>371,405</u>	<u>432,310</u>	<u>94,200</u>
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The Tamil refugees voluntarily left the Northern and Eastern Provinces because of the Tamil Eelam war and went to India and other Western Countries. But the Muslims were forcibly evacuated by the Tamil Militants. The armed Tamil Militants gave only two days for the Muslims in the North to vacate their homes and leave. Muslim refugees had no place to go. None of the Muslim or Arab countries have accepted any Muslim refugees from the Northern and Eastern Provinces of Sri Lanka. They are undergoing untold hardships in the refugee camps, in the neighboring Provinces. Government security forces and the Rehabilitation Ministry were prepared to resettle the refugees but the armed Tamil militants are obstructing the Muslim refugees returning to their homes which are only 20 to 30 miles away from the refugee camps, whereas thousands of Tamil refugees are freely returning to the Northern and Eastern Provinces from India and other Western Countries and unlawfully occupying the properties of the Muslims with the help of the Tamil militants.

Ethnic Cleansing of Northern Muslims by the LTTE

The Muslims from the Northern Province were forced to leave their homes in the third week of October 1990. The ultimatum in many places was that they should leave the region within 48 hours. Most Muslims refugees continue to live in abject conditions outside the North. Contrary to many other situations of displacement in the country, the majority of the displaced Muslims as a result of the ethnic cleansing by LTTE have not been able to go back to their places of birth in the North. At present, there are about 65,000 Muslims refugees living in the North-Western coastal region in the Puttalam district. The report on assets of Muslim refugees was submitted to the Parliament in 1992 contained a detailed estimate of the losses suffered by these people. According to the estimates, the Muslim families have lost wealth to the tune of Rs. 5,408 million. Of this, a total of Rs. 2,967 million would have been considered recoverable if Muslim families have been allowed to return to their homes immediately after their expulsion. The non-recoverable loss of the Northern Muslims is Rs. 2,441 millions.

Unlawful Occupation of Lands and other Properties of Muslims in the North – East

This is related to the forced eviction of Muslims from the Northern and the Eastern provinces. To a larger extent, it applies to Muslim-owned paddy lands adjoining predominant Tamil areas. Nearly 45,000 acres of paddy lands belonging to Muslims of the Eastern province were forcibly taken over by the LTTE and agricultural produce confiscated. The lands belonged to the displaced Muslim from the Northern Province continues to remain under the control of the LTTE. Besides, agricultural implements, motor vehicles and cattle were taken away by force by the LTTE. Under the law of property in force in the country, a land owner loses his right to possession if his property is occupied by a usurper for 10 years. It is now 16 years since Muslims in the North have been forcefully displaced from their properties.

Economic Destabilization of Muslims in the North – East

A politico-military strategy of the LTTE has been to weaken the economic strength of the Muslim community. In order to realize this objective, the LTTE, as was the case with other Tamil militants, have targeted economic ventures and business places of the Muslims. Robbing of business goods and abduction of business men for ransom remain the common specter in the North-East.

Denial of Fishing Rights

With the eviction of the Muslim community from the North, a considerable section of the Muslim fisher-folk have been rendered unemployed. In areas such as Valaichenai, Ottamavadi, Eravur and other coastal areas in the East, boats and fishing gears were routinely robbed by the LTTE. Many Muslim fishermen have also been killed while at sea by the sea tigers.

Non-respect for Religion and Culture

In many instances, in the North East, the cultural and religious symbols of the Muslim community have come under attack from the LTTE and other Tamil militant groups. The grenade attack on a mosque in Akkrapattu and massacre of Muslims at congregational prayer at Kattankudy and Eravur, as well as cold-blooded murder of Hajj pilgrims returning in 1990 in Kaluwanchikudi, demonstrate the extent of intolerance shown by the Tamil militants towards the religion and culture of the Muslims.

Ethnic Cleansing

The armed conflict between the Sri Lanka Government and the LTTE has led to ethnic cleansing of Muslims from the North East. The Muslims in the North-East have been caught in the middle of the civil war and it has been difficult to maintain their neutrality.

Details of the forcibly displaced Muslims from the North East who are now languishing in the following districts - Year 2002

<u>Districts</u>	<u>Families</u>	<u>Peoples</u>
Puttalam	15,500	74,140
Anuradhapura	865	4,070
Kurunagala	487	2,311
Gampaha	1,050	4,725
Colombo	425	1,912
Kalutara	395	1,856
Matale	85	517
Kandy	110	517
Galle	5	23
Kegalle	32	150
Ampara	110	523
Trincomalee	2,207	10,492
Batticaloa	343	1,631
<u>Total:</u>	<u>21,614</u>	<u>102,867</u>

The value of assets robbed by the LTTE during 1990 ethnic cleansing is more than Rs. 10,256 Million or US\$ 110 Million. The donor countries should put a condition for the LTTE to pay this amount to the forcibly displaced Muslims.

<u>Description</u>	<u>Quantity</u>	<u>Value in Millions</u>
Residential properties	22,000	5,500
Commercial establishments	2,402	2,100
Religious Institutions	340	1700
Agricultural Lands	39,400 Acres	200
Gold Jewelleries	475,000 Grams	300
Cattle	211,000	150
Motor Vehicles	320	160
Motor Cycles	800	20
Carts	750	4
Bicycles	4000	25
Fishing Boats	850	40
Engines (Boats)	400	16
Fishing Nets	1200	8
Refrigerators	200	2
Television sets	2000	40
Radio Sets	600	1
<u>Total:</u>		<u>Rs.10,256</u>

Summary of identified Muslim Civilians Killed by Tamil Militants after the unlawful Merger.

- à 26 Muslims were killed at Ottamawadi in December 1987
- à 41 Muslims were killed at Karaitheevu in November 1987
- à 35 Muslims were killed at Kinniya in April 1987
- à 52 Muslims were killed at Mutur in October 1987
- à 21 Muslims were killed at Sammanthurai Mosque in April 1989
- à 67 Muslims were killed at Valaichchenai from April 1985 to July 2002
- à 67 Muslims were killed at Kattankudy in December 1987
- à 168 Muslims were killed at Kattankudy in July 1990
- à 147 Muslims were killed at Kattankudy Mosque in August 1990
- à 58 Muslims were killed at Akkaraipattu in July 1990
- à 14 Muslims were killed at Kattankudy Mosque in July 1990
- à 13 Muslims were killed in November 1989

- à 19 Muslims were killed at Alimnagar in August 1990
- à 126 Muslims were killed at Eravur in August 1990
- à 53 Muslims were killed at Ambalanthurai in August 1990
- à 23 Muslims were killed at Sainthamaruthu in September 1992
- à 15 Muslims were killed at Addalachchenai in May 1990
- à 37 Muslims were killed at Pallitthidal, Akbarapuram in October 1992
- à 200 Muslims were killed at Kalmunai, Akkaraipattu and Pottuvil in June 1990
- à 33 Muslim farmers were killed at Ampara in August 1990
- à 147 Muslims were killed at Alingippottanai in April 1992
- à 30 Muslims were killed at Pottuvil in June 1991

Duplicity in the Peace Process

There are a number of events which are occurring in the East which directly affect the Muslim people. Muslim Villages are being threatened, the Muslims have a very clear sense of insecurity and this is leading to unrest among the Muslim youths in those areas who simply cannot understand why the Government is not taking their concerns seriously. They have the feeling that they are being left to the grace and favour of the mercy of the LTTE which as we all know is a heavily armed organisation with a record of atrocities against the Muslim community.

LTTE forcibly occupying 63,000 Acres of Agricultural land belonging to 14,872 Muslim Families in the East. During the ethnic cleansing in 1990, LTTE has chased 14,400 Muslim Families from the North, unlawfully occupying 11,100 Muslim Houses a 11,058 Acres of Agricultural Land robbed properties worth Rs. 5.0 billion from 13,682 Muslim Families and destroyed 148 Mosques – Muslim places of worship.

After the cease fire, the Muslims have been denied access to mosques during mass agitation promoted by the LTTE. Further, the incidents at Muttur, Kinniya, Valachenai, Eravur, Addalachchenai and Akkaraipattu where the LTTE and other Tamil militants have destroyed properties worth many Millions and abducted and killed hundreds of Muslims. Muslims in the Eastern Province are the victims of the current cease-fire.

The ethnic conflict in Sri Lanka has had a terrible effect on the Muslims in the North-East. The forcible eviction of more than one hundred thousand Muslims, the attacks on the mosques and other places of worship, the confiscation of land and attacks on innocent civilians have caused fear and insecurity in the hearts of the Muslims. Our primary concern is the safety and security of our people, rights for our areas of historical habitation, resettlement of the displaced Muslims and power sharing on the basis of our right to internal self-determination.

A politico military strategy of the LTTE has been to weaken the economic strength of the Muslim community. In order to realize this object, the LTTE, as is the case of other Tamil militants, have targeted economic ventures and business places of the Muslims.

The pattern of attacks that have been unleashed on the Eastern Muslims clearly demonstrates that there is a deliberate plan by the Tamils to weaken the economic and political strength of the Muslims and chase us away like what they did in the North and make the North-East a mono - ethnic Tamil region in order to create the "Tamil Elam" one day.

Muslims should consider more seriously the present trend and take immediate steps to safeguard our legitimate rights in an appropriate manner. If proper safeguards are not secured now it would amount to be the biggest betrayal of not only the present generation but also those yet to be born in the Eastern provinces as Muslims in the future.

If this state of affairs is allowed to continue unchecked we will have another looming problem of immense magnitude - that is, the possibility of Muslim youths taking to arms and seeking support from neighboring Muslim countries who will surely not allow their brothers and sisters here to be continuously left disregarded and even undefended. We will then have to face a situation where another dimension of our political problem will become internationalized.

Although the Government of India guaranteed and cooperated in many ways with the Government of Sri Lanka, none of the proposals of the Indo-Sri Lanka Accord of July 29, 1987, was implemented because of the unsettled situation still prevailing in the Northern and Eastern provinces. Cessation of hostilities did not come into effect. Arms and ammunitions were not surrendered by the Tamil Militants. The IPKF was unable to enforce the cessation of hostilities and ensure physical security and safety of all communities inhabiting the Eastern and Northern Provinces. The Provincial Council established for the temporarily merged North-East province had been dissolved. In short the Indo-Sri Lanka Accord is a total failure.

The geographical merger of the Northern and Eastern provinces to form a single region with adequate powers over the land have been the main demands of the LTTE. They hold the view that the Tamil Speaking area is one and indivisible and that the geographical contiguity and territorial unity of the Tamil Speaking area should be given unconditional recognition for any meaningful solution to the Tamil problem.

The expression "Tamil Speaking People" refers not to one community but to the Jaffna Tamils, Batticaloa Tamils, Sri Lanka Muslims and Indian Tamils. The expression "Tamil Speaking area" refers to the geographical area covering the Northern and Eastern provinces. Eastern province is the area of historical habitation of Batticaloa Tamils and Muslims. Traditionally the Jaffna Tamils and the Indian Tamils never lived in the Eastern province and it is not their homeland.

Mr. K.W. Devanayagam, former Minister of Home affairs and one time the Minister of Justice who had been a member of parliament from the Eastern province for a very long time had stated that the Tamils of Batticaloa regard themselves as a distinct group of people different from the Tamils of Jaffna and that they followed a different system of law. He has said that there is proof that the Tamils of Batticaloa are a different community and hence there was no question of a homeland for the Tamils of the North in the Eastern province. This view had been supported by former members of parliament Mr. C. Rajathurai, Mr. Thangathurai, Mr. Prince Cassinathar, Mr. Thivyanathan and many others.

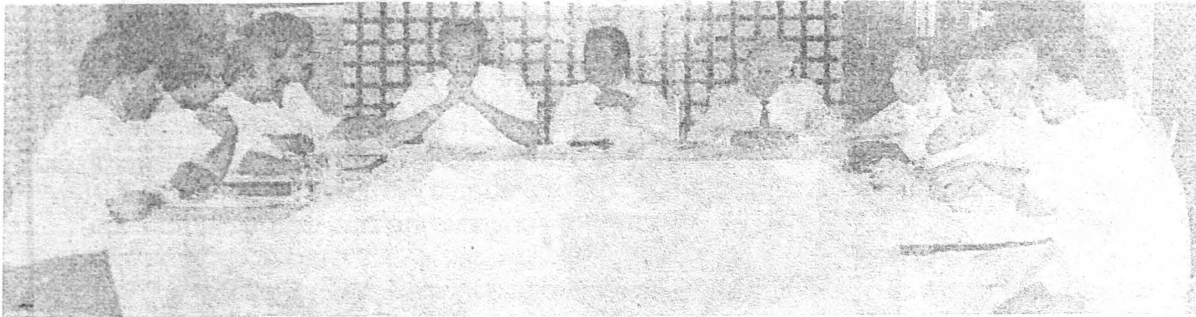
The Northern and Eastern provinces extend from Point Pedro to Kumana and covers approximately one third of the land area and two-third of the sea coast of Sri Lanka.

The Northern province comprises 3,429 sq. miles and the population according to 1981 census is 1,111,468. Tamils 92%, Muslims 5%, and Sinhalese 3%. The Jaffna peninsula is approximately 440 sq. miles and it is in this 12.8% of land area that the 67%-738,788 of the Northern Province people live. All the Tamil militant groups and political parties have their base in the Jaffna peninsula and operate from there. All other districts in the Northern province- Mannar, Vavunia, Mullaithievu, and Kilinochi has a land area of 2,989 sq. miles – 82% of the land area of the Northern province but the population is only 370,616 which is 33% of the population of the Northern province.

The Eastern province has a land area of 3,839 sq. miles and the population according to 1981 census is 993,435 – Tamils 42% Muslims 33%, and Sinhalese 24%. Tamils are the majority only in the Batticaloa district which has a land area of 1,016 sq. miles – Tamils 73%, Muslims 24% and Sinhalese 3%. Tamils are the minorities in the rest of the Eastern province – both Trincomalee and Ampara districts – land area 2,823 sq. miles, 72% of the land area of the Eastern province Tamils 26%, Muslims 37% and Sinhalese 37%. In the

Eastern province the Tamil and Sinhalese village are as noncontiguous as the Muslim villages. Today the Muslims are 41% and the first majority community in the Eastern Province.

However, it is because of our desire that the Tamils and Muslims should live in amity in the North and East as in the past, a Muslim delegation visited Madras on two occasions, in September 1987 and April 1988 and had wide ranging discussions with the Tamil moderates as well as the militant groups for peaceful coexistence in the North East.



After the Indo-Sri Lanka Agreement in July 1987 and the 13th Amendment to the constitution, the Sri Lanka Muslim Congress took one step further by contesting the election in the Eastern province and helped the formation of the Provincial Council for the temporarily merged North-East province.

In September 1990, it was agreed between the Tamil parties and the Muslim parties that there shall be one provincial council and two ethnic councils of devolution with equal powers. It was categorically decided that the Muslim ethnic council should in no way be inferior to the Tamil ethnic council. It was also agreed that the Provincial Council should be a bicameral legislature with the second chamber having balanced representation for the minorities in the region.

But the Tamil parties have now taken up the position of not agreeing to create a separate unit of devolution for the Muslims in the Northern and Eastern provinces. They have also taken up the position that the 18% Muslims of the Northern and Eastern province should be contented with the constitutional safeguards only. If that is so, we cannot understand as to why the 10% Sri Lankan Tamils cannot be satisfied with similar constitutional safeguards only, without demanding any share of political power through the devolution process.

From the recent experience the Muslims have realized that there is a well planned conspiracy by the Tamils to chase the Muslims away and make the Northern and Eastern provinces a mono ethnic Tamil region in order to create one day the Tamil Ealam. Although patronizing remarks and promises have been made by the Tamil leaders, in actual practice every effort is being made to cripple and destroy the legitimate rights of the Muslims. It has therefore become an absolute necessity for the Muslims in the Northern and the Eastern provinces to take independent safeguards to protect our lives and properties.

Indo-Sri Lanka Agreement



The following is the text of the Indo-Sri Lanka Agreement to establish peace and normalcy in Sri Lanka signed by President Jayewardene and Prime Minister Rajiv Gandhi in Colombo yesterday.

The Prime Minister of the Republic of India, His Excellency Mr. Rajiv Gandhi and the President of the Democratic Socialist Republic of Sri Lanka, His Excellency Mr. J.R. Jayewardene, having met at Colombo on July 29, 1987.

Attaching utmost importance to nurturing, intensifying and strengthening the traditional friendship of India and Sri Lanka, and acknowledging the imperative need of resolving the ethnic problem of Sri Lanka, and the consequent violence, and for the safety, well-being and prosperity of people belonging to all communities in Sri Lanka.

Have this day entered into the following Agreement to fulfill this objective.

- 1.1 desiring to preserve the unity, sovereignty and territorial integrity of Sri Lanka;
- 1.2 acknowledging that Sri Lanka is a multi-ethnic and a multi-lingual plural society consisting, inter alia, of Sinhalese, Tamils, Muslims (Moors), and Burghers;
- 1.3 recognising that each ethnic group has a distinct cultural and linguistic identity which has to be carefully nurtured;
- 1.4 also recognizing that the Northern and the Eastern Provinces have been areas of historical habitation of Sri Lanka Tamil speaking peoples, who have at all times hitherto lived together in this territory with other ethnic groups;
- 1.5 conscious of the necessity of strengthening the forces contributing to the unity, sovereignty and territorial integrity of Sri Lanka, and preserving its character as a multi-ethnic, multi-lingual and multi-religious plural society, in which all citizens can live in equality, safety and harmony, and prosper and fulfill their aspirations;

Resolve that:

1. Since the Government of Sri Lanka proposes to permit adjoining Provinces to join to form one administrative unit and also by a Referendum to separate as may be permitted to the Northern and Eastern Provinces as outlined below:
2. During the period, which shall be considered an interim period, (i.e. from the date of the elections to the Provincial Council, as specified in para 2.8 to the date of the referendum as specified in para 2.3, the Northern and Eastern Provinces as now constituted, will form one administrative unit, having one elected Provincial Council., Such a unit will have one Governor, one Chief Minister and one Board of Ministers.
3. There will be a referendum on or before 31st December, 1988 to enable the people of the Eastern Province to decide whether:
 - (a) The Eastern Province should remain linked with the Northern Province as one administrative unit, and continue to be governed together with the Northern Province as specified in para 2.2,
 - (b) The Eastern Province should constitute a separate administrative unit having its own distinct Provincial Council with a separate Governor, Chief Minister and Board of Ministers.

The President may, at his discretion, decide to postpone such a referendum.

- 2.4 All persons who have been displaced due to ethnic violence, or other reasons, will have the right to vote in such a referendum. Necessary conditions to enable them to return to areas from where they were displaced will be created.
- 2.5 The referendum, when held, will be monitored by a committee headed by the Chief Justice, a member appointed by the President, nominated by the Government of Sri Lanka; and a member appointed by the President, nominated by the representatives of the Tamil speaking people of the Eastern Province.
- 2.6 A simple majority will be sufficient to determine the result of the referendum.
- 2.7 Meetings and other forms of propaganda, permissible within the laws of the country, will be allowed before the referendum.
- 2.8 Elections to Provincial Councils will be held within the next three months, in any event before 31st December 1987. Indian observers will be invited for elections to the Provincial Council of the North and East.
- 2.9 The Emergency will be lifted in the Eastern and Northern Provinces by August 15, 1987. A cessation of hostilities will come into effect all over the island within 48 hours of the signing of this Agreement. All arms presently held by militant groups will be surrendered in accordance with an agreed procedure to authorities to be designated by the Government of Sri Lanka.

Consequent to the cessation of hostilities and the surrender of arms by militant groups, the Army and other security personnel will be confined to barracks in camps as on 25 May 1987. The process of surrendering of arms and the confining of security personnel moving back to barracks shall be completed within 72 hours of the cessation of hostilities coming into effect.

- 2.10 The Government of Sri Lanka will utilize for the purpose of law enforcement and maintenance of security in the Northern and Eastern Provinces the same organizations and mechanisms of Government as are used in the rest of the country.
- 2.11 The President of Sri Lanka will grant a general amnesty to political and other prisoners now held in custody under the Prevention of Terrorism Act and other Emergency laws, and to combatants, as well as to those persons accused, charged and/or convicted under these laws. The Government of Sri Lanka will make special efforts to rehabilitate

- militant youth with a view to bringing them back into the mainstream of national life. India will co-operate in the process.
- 2.12 The Government of Sri Lanka will accept and abide by the above provisions and expect all other to do likewise.
 - 2.13 If the framework for the resolutions is accepted, the Government of Sri Lanka will implement the relevant proposals forthwith.
 - 2.14 The Government of India will underwrite and guarantee the resolutions, and co-operate in the implementation of these proposals.
 - 2.15 These proposals are conditional to an acceptance of the proposals negotiated from 4.5.1986 to 19.12.1986. Residual matters not finalized during the above negotiations shall be resolved between India and Sri Lanka within a period of six weeks of signing this Agreement. These proposals are also conditional to the Government of India cooperating directly with the Government of Sri Lanka in their implementation.
 - 2.16 These proposals are also conditional to the Government of India taking the following actions if any militant groups operating in Sri Lanka do not accept this framework of proposals for a settlement, namely,
 - (a) India will take all necessary steps to ensure that Indian territory is not used for activities prejudicial to the unity, integrity and security of Sri Lanka.
 - (b) The Indian Navy/Coast Guard will cooperate with the Sri Lanka Navy in preventing Tamil militant activities from affecting Sri Lanka.
 - (c) In the event that the Government of Sri Lanka requests the Government of India to afford military assistance to implement these proposals the Government of India will co-operate by giving to the Government of Sri Lanka such military assistance as and when requested.
 - (d) The Government of India will expedite repatriation from Sri Lanka of Indian citizens to India who are resident there, concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu.
 - (e) The Government of India and Sri Lanka will co-operate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern Provinces.
 - 2.17 The Government of Sri Lanka shall ensure free, full and fair participation of voters from all communities in the Northern and Eastern Provinces in electoral processes envisaged in this Agreement. The Government of India will extend full co-operation to the Government of Sri Lanka in this regard.
 - 2.18 The official language of Sri Lanka shall be Sinhala, Tamil and English will also be official languages.

This agreement and the Annexure thereto shall come into force upon signature.

IN WITNESS WHEREOF we have set our hands and seals hereunto.

DONE IN COLOMBO, SRI LANKA, on this the Twenty Ninth day of July of the year One Thousand Nine Hundred and Eighty Seven, in duplicate, both texts being equally authentic.

Rajiv Gandhi
Prime Minister of the Republic of India

Junius Richard Jayewardene
President of the Democratic Socialist Republic of Sri Lanka

Annexure to the agreement

- 1) His Excellency the Prime Minister of India and His Excellency the President of Sri Lanka agree that the referendum mentioned in paragraph 2 and its sub-paragraphs of

- the Agreement will be observed by a representative of the Election Commission of India to be invited by His Excellency the President of Sri Lanka.
- 2) Similarly, both Heads of Government agree that the elections to the Provincial Council mentioned in paragraph 2.8 of the Agreement will be observed by a representative of the Government of India to be invited by the President of Sri Lanka.
 - 3) His Excellency the President of Sri Lanka agrees that the Home Guards would be disbanded and all para-military personnel will be withdrawn from the Eastern and Northern Provinces with a view to creating conditions to fair elections to the Council. The President, in his discretion, shall absorb such para-military forces, which came into being due to ethnic violence, into the regular security forces of Sri Lanka.
 - 4) The Prime Minister of India and the President of Sri Lanka agree that the Tamil militants shall surrender their arms to authorities agreed upon to be designated by the President of Sri Lanka. The surrender shall take place in the presence of one senior representative each of the Sri Lanka Red Cross and the Indian Red Cross.
 - 5) The Prime Minister of India and the President of Sri Lanka agree that a joint Indo-Sri Lanka ob-Excellency,
 - 6) Please refer to your letter dated the 29th July which reads as follows:-

Excellency,

Conscious of the friendship between our two countries stretching over two millennia and more, and **recognizing** the importance of nurturing this traditional friendship, it is imperative that both Sri Lanka and India reaffirm the decision not to allow our respective territories to be used for activities prejudicial to each other's unity, territorial integrity and security.

- 2) In this spirit, you had, during the course of our discussions, agreed to meet some of India's concerns as follows:-
 - i) Your Excellency and myself will reach an early understanding about the relevance and employment of foreign military and intelligence personnel with a view to ensuring that such presences will not prejudice Indo-Sri Lankan relations.
 - ii) Trincomalee or any other ports in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interests.
 - iii) The work of restoring and operating the Trincomalee oil tank farm will be undertaken as a joint venture between India and Sri Lanka.
 - iv) Sri Lanka's agreement with foreign broadcasting organizations will be reviewed to ensure that any facilities set up by them in Sri Lanka are used solely as public broadcasting facilities and not for any military or intelligence purposes.
- 3) In the same spirit, India will:
 - i) deport all Sri Lankan citizens who are found to be engaging in terrorist activities or advocating separatism or secessionism.
 - ii) provide training facilities and military supplies for Sri Lankan security forces.
- 4) India and Sri Lanka have agreed to set up a joint consultative mechanism to continuously review matters of common concern in the light of the objectives stated in para 1 and specifically to monitor the implementation of other matters contained in this letter.
- 5) Kindly confirm, Excellency, that the above correctly sets out the agreement reached between us.

Please accept,

Excellency the assurances of my highest consideration.

Yours sincerely,
Sgd.
(Rajiv Gandhi)

**His Excellency,
Mr. J.R. Jayewardene,
President of the Democratic Socialist Republic of Sri Lanka,
Colombo**

This is to confirm that the above correctly sets out the understanding reached between us.

Please accept,

Excellency, the assurances of my highest consideration.

(J.R. Jayewardene)

**His Excellency,
Mr. Rajiv Gandhi,
Prime Minister of the Republic of India,
New Delhi**

End of a useless war and a new beginning

(President J.R. Jayewardene's speech at the reception given in honour of the Indian Prime Minister Rajiv Gandhi at the Janadhipathi Mandiraya on July 29)

Your Excellency, Madam Gandhi, Your Excellencies, Honourable Ministers, Ladies and Gentlemen

"Your visit, Mr. Prime Minister to our country is the most controversial visit of an Indian leader to Sri Lanka, since Prince Vijaya's arrival.

Prince Vijaya came here 2500 years ago. He created the Sinhala race. I hope your visit will help the Sinhala race to re-create itself and refurbish itself.

We had several years of almost a civil war.

We end it today, if this agreement is carried out by all those who are parties to it.

My government and people, your government and people, Tamil Nadu and those who have been fighting a useless war, when peace begins from today and the unity, independence and integrity of Sri Lanka is protected by Sri Lanka itself and by the help of India, that's a great achievement.

We all make mistakes. I have made many and may do so in the future. You have made mistakes and will do so in the future. But we cannot keep wrangling about our wounds the whole time, nursing them and being worried about them.

In my political life, which is fairly long, I have always forgiven those who have acted against me. But I have never forgotten what they did. Therefore, I wish that Sri Lanka and India should work together as they have done for so many centuries.

I said before, and I say now, that I am a lover of India, I am a friend of its people, I am a follower of its Greatest Son. I can say no more. Let us therefore remember that to "error is human, to forgive divine." If your country and your people have committed harm on us, I forgive them, but I will not forget.

May I on your behalf wish Prime Minister Rajiv Gandhi, Mrs. Gandhi, her children and the people of India, to whom we are so closely connected, all the best that we can wish and let them work hand in hand with Sri Lanka and its people for the betterment, prosperity and welfare of the people of this region and of the World. Thank you."

Time for renewal and re-building

Text of India's Prime Minister Rajiv Gandhi's speech at the reception hosted by President Jayewardene in Colombo.

President Jayewardene Distinguished Ministers Ladies and Gentlemen,

Four years ago, in the dark days of July 1983 the Government of Sri Lanka sought our good offices to resolve the crisis which had been precipitated in the island.

These four years have been years of trial and tribulation for all of us. There has been much destruction.

Communities which had lived together in harmony for hundreds of years were estranged. The economy of Sri Lanka was disrupted by civil disorder.

Refugees flowed across the Palk Straits into India. Through this period of strain, however, we kept our dialogue going.

We have reached an Agreement. It is a momentous event in the history of our two countries. It heralds peace.

It is a compact in the cause of brotherhood. It promises national reconciliation in Sri Lanka.

It has created conditions for the return of the refugees. It had dispelled the clouds that had hovered over our relationship.

The Agreement is a tribute to the wisdom and understanding of the Government and people of Sri Lanka.

I would like to pay a personal tribute to the courage and statesmanship of President Jayewardene.

The Agreement embodies his faith in the great values of Maitri, Karuna and Samanwaya.

The Agreement consolidates the historic relationship between India and Sri Lanka. It is not mere geographical proximity which binds us.

Ours is a relationship of heart and mind, finding expression in history and philosophy, literature and art, and in our contemporary concerns and daily lives.

Our trust in each other lay at the heart of the arduous process of negotiations. That trust has been vindicated by the happy conclusion we have reached.

The Agreement betokens India's continued commitment to the unity and well being of Sri Lanka.

Every agreement is an act of faith. Faith, to triumph, needs unremitting toil and unflinching determination.

In democracies, critics are often more vocal than supporters. It is upto us to defend this Agreement and bring round its detractors.

As we move into the next and vital phase of implementing the Agreement, we shall have to draw deep on the vast reserves of goodwill and understanding which our peoples have for each other.

This is not the time for recrimination or reprisal. It is a time to heal the wounds, to comfort the afflicted. It is a time for renewal and rebuilding.

Let our guiding light be Subramania bharati:

**Living together is the true life,
Falling apart spells ruin;
Well must this lesson be learned,
No other wisdom do we need.**

Through this Accord, we resume the journey on which both our countries embarked when Emperor Asoka who renounced war and violence, sent his son, Arahata Mahinda, to Sri Lanka with the Buddha's message of nonviolence, compassion and justice.

Long live Indo-Sri Lankan friendship.

No cause for protest, says President

(The special speech made by His Excellency the President on the 6th August 1987 addressing the nation)

My dear friends,

Yesterday those who have been carrying on a bloody battle against the democratic elected government of Sri Lanka for almost 12 years have handed over their arms at a symbolic gesture in Jaffna. The arms were handed over to my delegations led by Sepala Attygalle, Secretary of Defence, and General Cyril Ranatunge. I think we have come to the end of a very bitter conflict. This has been possible because of the Accord for Peace and Normalcy which I signed with the Prime Minister of India, Rajiv Gandhi, on Wednesday. This accord has three aspects, one aspect has to be administered by the Government of India, the other aspect by the Government of Sri Lanka, and the third aspect by the terrorist.

The Government of Sri Lanka has to see that our forces are only used in times of emergency. That we maintain law and order through the police and that we give a pardon, an amnesty to all those who committed offences in the North and the East. We have also to declare that the provinces of Sri Lanka including the North and the East to be governed by the Provincial Councils under the Central Government of Sri Lanka, and they should elect their Chief Minister and Board of Ministers from the Council and have a Governor appointed by me.

We have also had a new proposal namely that the North and the East should form one unit, with one Provincial Council, one Governor and one Chief Minister elected by the people. But this is temporarily, not for ever. Temporarily unit the Eastern Province by a Referendum which I will have to order within one year of the election of Provincial Councils, by a single majority vote decide that they should continue the joinder or they should separate.

I have no fear about the result to the Referendum because all of us can work against the joinder, and I intend to ask all those who are against the joinder to come with me and work in the Eastern Province to convince the people that the joinder should not be made permanent.

Therefore, what are we quarreling about, why do we create trouble in the South and why are we destroying our properties. When within one year the people of the East persuaded by all of us can decide against the joinder. The Government of India has agreed to send away from India all those who campaign for a separate state in Sri Lanka; who campaign for the terrorists; who create and practice terrorism. They also agreed to join with us and our Navy in the Surveillance zone to prevent people coming from India with arms, ammunition and men to fight in Sri Lanka. They have also agreed to help with me with their forces to maintain law and order in the Northern and the Eastern provinces and to see that the terrorists do not carry arms and follow peace.

That is why I have invited the Indian forces to come to Jaffna and the Eastern Province. They act under the directions that I give as the Commanding Chief of the Forces of Sri Lanka. And when I say please go back home, thank you for all that you have done, they will go away. Till then they act on my directions.

The terrorists have decided today to lay down their arms they have agreed to the future to act democratically and they will come under the laws of Sri Lanka and under the Central Government of Sri Lanka.

Therefore, this accord has, I think, for the first time after so many years established peace in our country of that peace is beginning today. I am one who spoke against violence. The human race has been able to distinguish itself from animals because they believe in non-violence, they believe in democracy and they believe in a society that is governed by laws and rules, where as animals do not have laws and rules. It reminds me of a great King, Asoka. At the end of the war against Kalinga, he was resting in his tent, a mother came bringing her child who had died in the war, she laid her child at his feet and said, "Lord, you have killed so many people, killed thousands of people, cannot you give life to my child, cannot you give life to one person". The king was unable to do that. The king had remorse, the king gave up the war, he gave up war and became a Buddhist. He created the greatest and the noblest empire in the world. He is the one who sent his son Mahinda to Sri Lanka; he sent his daughter Sangamitta to Sri Lanka with a Bo-tree. I think friends we should adopt the principles of the Buddha, of non-violence. Why should we, when we have stopped violence in the North and the East, when we have stopped terrorism in the North and the East why should we have terrorism in the South, killing each other just as they did in the North and the East a few days ago. I do appeal to all those Buddhist, Christian and Muslim who love peace, who love non-violence, help the Government to stamp out terrorism in the South that is occurring now.

I therefore, like to tell you all that this course of action has brought us out of the darkness to light; from war to peace, from death to life may this peace prevail in our country for many more years to come, that is my earnest wish.

Hearts united is nation united

(Text of Mr. Rajiv Gandhi's TV address in Colombo on July 29 1987)

Dear Sri Lankan Friends

This is my first visit to your beautiful country. No Indian is ever a stranger in Sri Lanka.

We, in India, have always thought of the people of Sri Lanka as friends – friends who cherish the same great ideals, values and experiences.

We have seen you as colleagues in our struggle for a new kind of world – a world not of dominance but equality, a world not of exploitation but compassion, a world not of discord and war but harmony and peace.

For some years now, your green and beautiful island, so long a haven of tranquility, has been rocked by violence and splattered with blood.

Brother has killed brother, Innocents have died. No group, no community has been untouched by the loss of dear ones.

There has been a growing revulsion against this cycle of violence. People have yearned for peace, for a respite from fear and trouble.

As your poet Kodituwakku has so forcefully said:

Stop it
Stop that fight...
He who died that day was one of us.

Your President asked for our co-operation in his effort to restore trust and peace. We readily joined the quest, for we, in India, know the price that violence extracts.

We have known the agony of partition. We have resolutely stood for the unity of Sri Lanka. We have worked with you to bring about reconciliation between the different communities of your country.

Months of patient negotiation have borne fruit in the Agreement which President Jayewardene and I signed today.

It is an Agreement perhaps without parallel. It flows from centuries of affection and goodwill.

Whether Tamil or Sinhala, Buddhist or Hindu, Christian or Muslim, there is a close relationship between your people and ours.

The Agreement holds out the promise of a strong, united, peaceful Sri Lanka which is as much in our interest as it is in yours.

It is a unity of hearts which guarantees the unity of a nation. Where there is discrimination and discord, a nation's security becomes fragile.

Unity cannot be imposed. It has to arise from a sense of common belonging, common participation, common endeavour and common destiny.

Both our countries have had the vision to choose democratic forms of government, Democracy is both the rule of the majority and the security of the minorities. No society can be wholly free of tension and friction. But democracy resolves them through discussion and accommodation.

The Agreement is not the conclusion of a journey but a new beginning. We must work together closely to ensure its fair and determined implementation.

There might be problems. There might be difficulties. Some may not like this Agreement.

What is important is that the narrow approach of thinking of exclusive identities should be eschewed for the larger national good.

India, for its part, will be faithful to the letter and spirit of the Agreement. We shall carry out all our obligations.

Sri Lanka and India are joint founders of the Non-aligned Movement. Our commitment to Non-alignment arose out of our traditions and the ethos of our Freedom struggles.

Peace in our region depends crucially on all of us remaining non-aligned. It is this which has made this Agreement possible.

I bring you greetings from your brothers and sisters across the Palk Straits. Our friendship is enduring. Our affection is strong.

We shall continue to work together to build a peaceful, prosperous future for our peoples.

Jai Hind
Jai Sri Lanka
Jaya Wewa!



EASTERN PROVINCIAL COUNCIL ELECTION 10 MAY 2008 AND CHIEF MINISTER DRAMA

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EASTERN PROVINCIAL COUNCIL ELECTION 10 MAY 2008 AND CHIEF MINISTER DRAMA

The Eastern Provincial Council Election on 10 May 2008 was a worthwhile exercise that served as an eye-opener to many.

Government and its supporting parties claim that the Eastern Provincial Council Election was free and fair. But all the opposition parties and Election Monitors have complained that the election was not free or fair.

According to the UNP this was the most corrupt election in the history of country's elections. The JVP stated that the democratic rights of the Eastern people to elect their representatives feely had been violated at this election.

The average votes polled during 2004 General Election in the Eastern Province was 77% of the registered votes. But the average votes polled in 2008 PC election was only 60%. More than 17% - 100,000 people were not allowed to cast their votes.

For all the government's boasts about winning a mandate from the East, the real difference in votes is just 58,154 and this include rigging, ballot box stuffing and impersonation. This could be subject to significant changes depending on party alliances, ground conditions and voter turnout at the time of future elections.

The general elections must be held by April 2010 and the next Presidential Poll is due in November 2011. The Tamil - Muslim dispute after the Chief Minister episode already threatening to take the UPFA alliance apart.

At a meeting on Tuesday (May 13, 2008) with representatives of the UNP and SLMC, Elections Commissioner Dayananda Dissanayake advised the opposition parties to seek legal action against the Eastern Provincial Council Election as he was unable to take action since senior presiding officers had not made any complaints in support of the allegations made by political parties and several other election monitoring bodies.

The United National Party (UNP) and the Sri Lanka Muslim Congress (SLMC) are in the process of collecting necessary data and finalizing a petition to be submitted to the Court of Appeal shortly. The parties will seek the annulment of the results of Trincomalee, Batticaloa and Ampara Districts, citing mass irregularities – including rigging, ballot box stuffing, impersonation and failure by the respective authorities to take action when incidents were reported.

The respondents will include Elections Commissioner Dayananda Dissanayake, the returning officers of Trincomalee, Batticaloa and Ampara and the candidates.

M.I.M. Mohideen
Executive Director

23 May 2008

ELECTION IRREGULARITIES

The People's Action for Free and Fair Elections (PAFFREL), said it noted an increased number of incidents during the last few days before the elections.

It said more than hundred incidents were reported including some cases of threat and intimidation and 13 instances of misuse of public property, such as the state media.

PAFFREL said it observed several key issues which prevented the conducting of a free and fair election. These included the fear psychosis that was spread all over the Eastern Province, the presence of TMVP armed cadres, the launching of development projects to coincide with the polls in apparent violation of election laws and political parties not being able to deploy polling agents to some polling stations due to intimidation.

With 15 minutes for voting to close at the polling booth of the Ariyampathi Tamil Maha Vidyalaya on the election day, a gang stormed the booth and asked as to how many votes were yet to be cast. The officials, obviously through fear, disclosed the figure and were told "our men will be coming to vote do not obstruct them".

Minutes later, eyewitnesses said another gang stormed the booth, grabbed the unused ballot papers and stuffed them into the boxes. The eyewitnesses identified the gang as cadres of the TMVP or Pillayan group. No action was taken against them by the officials or by the police officers guarding the booth, they said.

At Vakarai, TMVP cadres armed with pistols walked into the polling booth and ordered the UNP polling agent to leave immediately. Though another UNP member from outside the province was present, 500 ballots were grabbed and stuffed into the boxes while the officials just watched on. A lawyer representing the UNP immediately wrote a letter to the senior presiding officer, but it was not accepted, two election monitors said. The UNP polling agent who was chased away had tried to lodge a complaint at the police station but he was turned away and an armed gang was seen following him on motorcycles.

At Mahajana College Batticaloa, a candidate detected an impersonator and informed the police and the Senior Presiding officer, but the complaint was ignored. Attempts were made to lodge a complaint at the local police station but the polling agent was turned away, eyewitnesses said.

These were just a few of the election malpractices reported by opposition candidates, agents and observers, but many others went officially unreported as presiding officers and police stations refused to record the complaints.

They said the monitors had drawn the attention of the Elections Commissioner to blatant violations of election laws mainly at the polling booths in the Verugal, Kappalthurai and Echampaththu divisional secretariat areas in Trincomalee, the Valaichchenai, Ottamavadi, Porrtative, Kokkadichcholai, Katankudi and Ariyampathi areas in Batticaloa and Thirukkivil and Akkaraipattu areas in Digamadulla.

According to the Centre for Monitoring Elections Violence (CMEV) several serious incidents were reported from Thirukkivil and Alayadivembu in the Pottuvil electorate

of the Amapara district. The charges included the presence of armed TMVP cadres outside polling booths, children as young as 13 or 14 distributing polling cards and even casting votes, impersonation and the absence of an official to check the ID cards. Such incidents took place in at least 13 polling booths in Pottuvil, CMEV official Manjula Gajanayake said.

He said CMEV monitors had seen polling agents being chased away by gangs from the booths at the Vakarai Maha Vidyalyaya. "Some 150 people came in buses went to the polling station around 2p.m., chased away the polling agents and stuffed the ballot boxes with votes," Mr. Gajanayake claimed. He said people carrying arms were seen traveling in vehicles without number plates in Batticaloa where illegal voting was seen in several areas. "People standing outside the polling booth in Kattankudi were seen distributing bogus ID cards or casting illegal votes," Mr. Gajanayake said.

The Campaign for Free and Fair Election (CaFFE) reported that armed gangs were seen in areas such Batticaloa and Kalmunai. But they quickly dispersed when they saw the monitors, CaFFE spokesman Kirthi Tennakoon said.

He said that in Trincomalee, CaFFE officials observed that internally displaced persons from Puttalam were brought there to cast illegal votes.

"Around 500 people were brought from IDP camps in Puttalam to Trincomalee. They stood outside the polling stations and chased away the people who were coming in to vote in the morning after their polling cards were grabbed," Mr. Tennakoon said.

In addition, people in the Digamadulla district were seriously intimidated by alleged acts of the LTTE such as the hotel bomb explosion on election eve and a mortar attack on a village in Ampara on election day.

CaFFE officials also said that about 30 serious incidents of election malpractices and violence were reported from the Trincomalee district on the elections day.

They said these included intimidation, threatening with weapons, causing damage to opposition party offices and stuffing ballots.

They said rigging took place in Mutur and Kiliveddy in Trincomalee district. Polling cards of people living in Kiliveddy IDP camps were forcibly grabbed by armed men backed by the ruling party.

The officials said they received a complaint that three ballot boxes from a booth close to the camps were forcibly removed by members of the government-backed paramilitary group.

Ampara

There had been several election violence incidents reported from Ampara in different ways in different locations on the 10th of May, 2008. In Ampara, in the Tamil area the TMVP had been in full control of the polling centers, therefore, most people in the area had not been interested in casting their votes. Majority of the votes had been cast by TMVP. In Muslim areas expect Akkaraipattu, a strict rule was implemented and only people with NIC'S had been able to cast their vote. And mainly women had been interested in casting votes in these areas. Akkaraipattu Muslim area was fully controlled by Aththavulla and most of the votes were rigged. In Sinhala areas less interest was shown in voting and a strategy was implemented by the UPFA supporter to reduce polling rate. Two ministers and their thugs had be present at each DS division.

In general, though the Ampara people were not interested in voting and though less people had actually voted, the records say that 62.22% of votes had been cast where as according to FCE field sources only 25% of genuine votes had been cast.

1. Location : Dehiatthakandiya

Nature : People had only been able to vote till 12 noon due to various threats by the group that consisted of Minister Mervin Silva's son, Malaka Silva, Chief Minister for North Western Province Delabandara, Deputy Minister Premalal and Mervin Silva's security persons Kudula. This group has come in vehicle carrying weapons, beating and threatening people not to vote for the UNP. There after none of the people in the area had gone to vote.

Magnitude: Although there were 38000 registered votes only about 9000 persons had voted at the election.

2. Location : Padiyathalawa

Nature : People had only voted till 12 noon due to various threats by the group that consisted of Minister Mervin Silva's son, Malaka Silva, Non-cabinet Minister Navin Dissanayake, Chief Minister for North Western Province Delabandara, Deputy Minister Premalal and Mervin Silva's security persons Kudula. The UNP supporters have also complaint that their polling cards have been snatched and that they have been intimidated.

Magnitude: Less than half the people have voted

- 3. Location :** Damana
Nature : Threats have been made on voters by UPFA supporters, reducing the polls of people.
Magnitude: Most people in the area had not voted after 12 noon

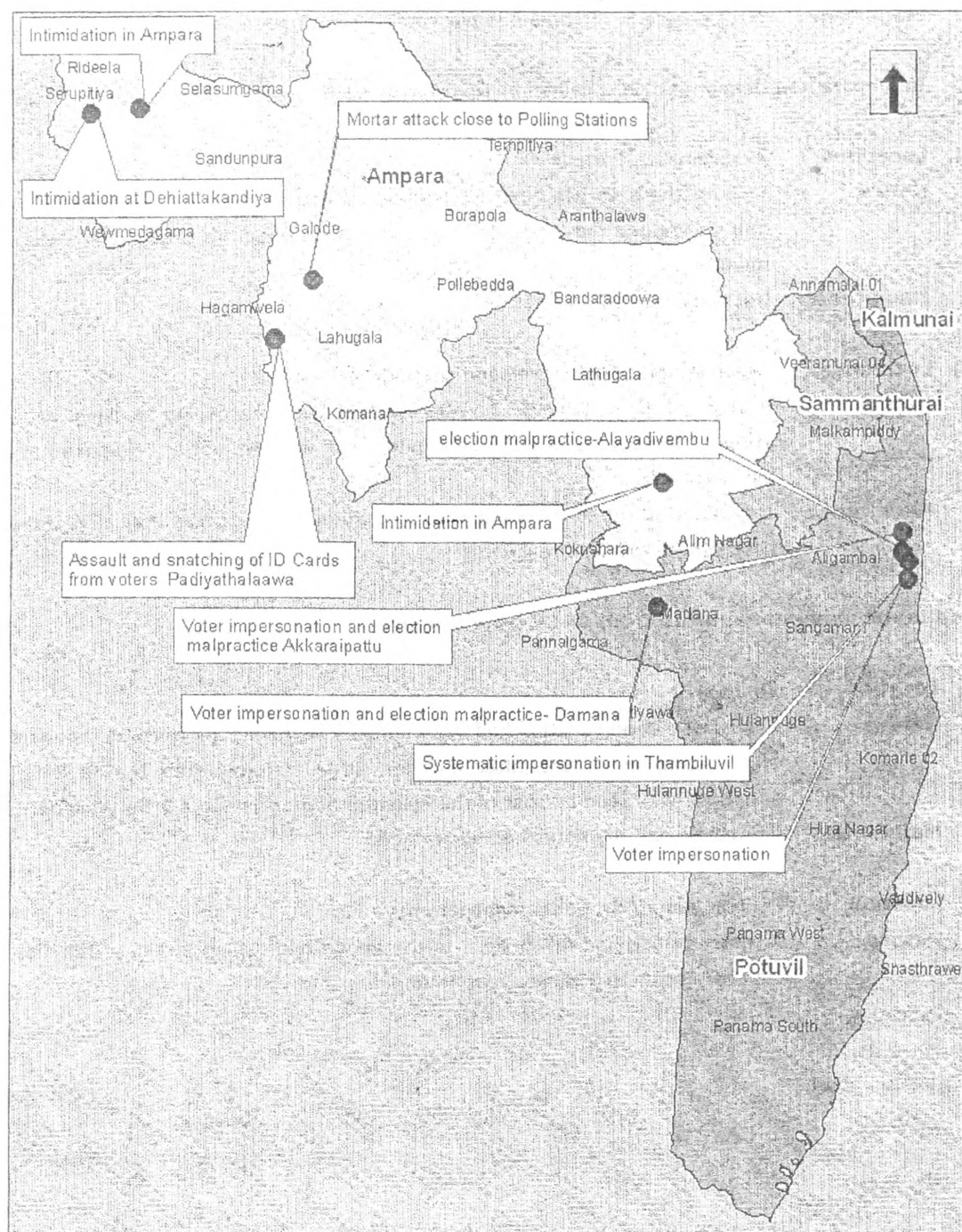
In Ampara and Uhana less violence had be reported as such.

- 4. Locations :** Akkaraipattu, Pottuvil
Nature : In both the area Aththavulla's supporters had gone to the polling stations and had rigged the votes while Aththavulla had been talking to the election monitors.
Magnitude: Not specific.
- 5. Location :** Aliyadivembu/ Navidanveli and specially in Thirukkovil
Nature : Even children of 12 and 13 years had voted at the polling stations. Many votes of the people who are dead and those who are not in Sri Lanka have also been cast.
Magnitude: It is reported the 90.61% has cast their voted whereas less that 25% is the estimated amount of real votes.

Additional violence reported from CMEV from Ampara

- 1. Location :** Thambuvil
Nature : Systematic impersonation had been done by removing ink from their fingers and casting votes one after another. It is also reported that a TMVP supporter was seen in front of the Polling Station carrying a T-56 Weapon.
Magnitude: More than half the votes had been rigged
- 2. Location :** Pannaḷagama / Sri Sudharashanaramaya
Nature : A motor attack had fallen close to the above two polling stations. This has caused tension and caused fear among public to vote

EASTERN PROVINCIAL ELECTION 10 MAY 2008 VOTE RIGGING AMPARA DISTRICT



Batticaloa

In the Batticaloa district most of the Tamil people were not interested in election and voting. Therefore it was said that their votes were cast by the TMVP cadres and vote rigging was high. Only in Pattiruppu polling centre many Tamil people have cast their votes as the TMVP main candidates Pillayan, Jeyam and Pretheep were from the same area.

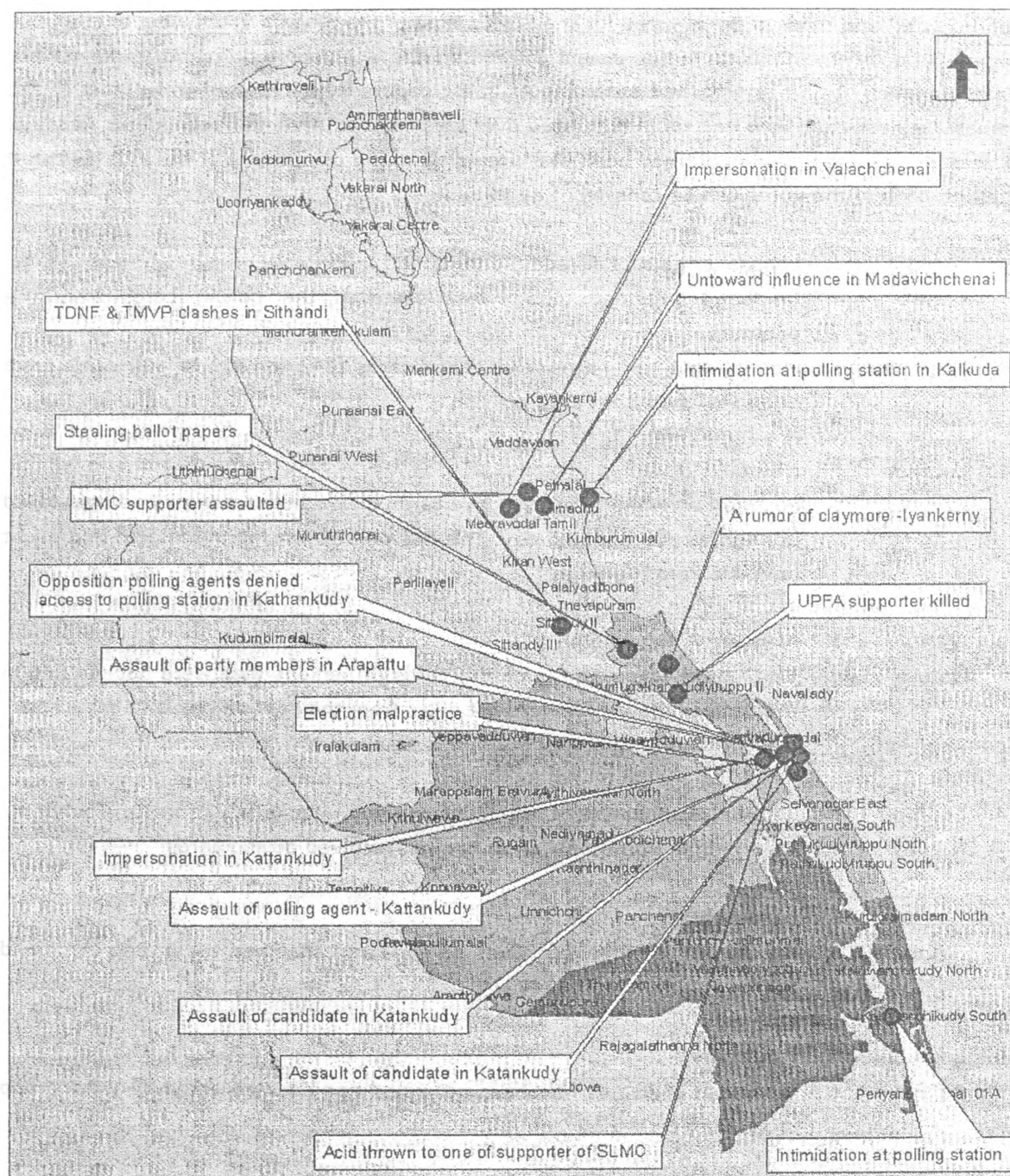
It is reported that Muslim people actively cast their votes. Votes of the absentees were impersonated by some of the Political parties. Kattankudy and Oddamavadi were fully controlled by the UPFA candidates Athavulla and Amir Ali. Kavathamunai and Viranthuraichenai were controlled by SLMC. Some polling agent had also been assaulted, specially by UPFA supporters on the previous day as well on the election date.

Although it was recorded that 68% was casted according to the perspective of the FCE field staff around 20% of the votes had been rigged.

1. Location : Iyankerny
 Nature : It was reported that a rumor of claymore was spread in Abdul Cader M.V. polling center, Iyankerny by the UPFA as there were more support for the SLMC.
 Magnitude : Polling was delayed and started at 10.30 and less people cast their votes.
2. Location : Kommaturai
 Nature : A TMVP cadre who had collected about fifty polling cards from Kommaturai area was arrested by the Chenkalady police.
 Magnitude : The polls of 50 person had not been cast due to the collection of fifty polling cards by this TMVP cadre
3. Location : Eravur, Michnagar
 Nature : A conflict situation erupted between Police and UPFA supporters when police tried to stop the vote rigging in Michnagar Polling center in Eravur.
 Magnitude : Only a few elections rigging could be saved in this occasion
4. Location : Sithandi
 Nature : A clash took place between TDNF & TMVP near the Sithandi polling booth and as a result vehicle of TDNF candidate was and the candidate too was assaulted by the TMVP.
 Magnitude : This resulted in less votes cast by people in the area

5. Location : Batticaloa all areas
Nature : Hisbulla and his supporters has snatched the cards of the SLMC/UNP supporters

Magnitude : Not specific
6. Location : Kattankudy
Nature : A polling centre Agent was assaulted by the UPFA supporters in Kattankudy.
Magnitude : Not specific
7. Location : Kattankudy
Nature : Most of the rigging of votes and impersonation was reported from Kattankudy.
Magnitude : Most of the votes have been fraudulent due to the rigging.
8. Location : Oddamavadi / Kaththankudy
Nature : Most of the Identity card forgery was reported from these areas. As a result when this was pop up as a big issue the Assistant Returning officer visited the area and asked the Senor Polling officers not allow such identity cards and stayed over there until the polling ended .Ex.Kavathamunai, Brinthuraichenai, Annoor M.V.,Semmanodai, 3rd ward polling centers were experienced very much for this offence.
9. Location : Pandirippu
Nature : Most of the ballot papers were collected by TMVP and cast by them in Paddiruppu electorate
Magnitude : Most polls were fraud.
10. Location : Batticaloa
Nature : In one of the polling centers the ballot papers were thrust in to the boxes as bulk
Magnitude : Most votes have been fraudulent

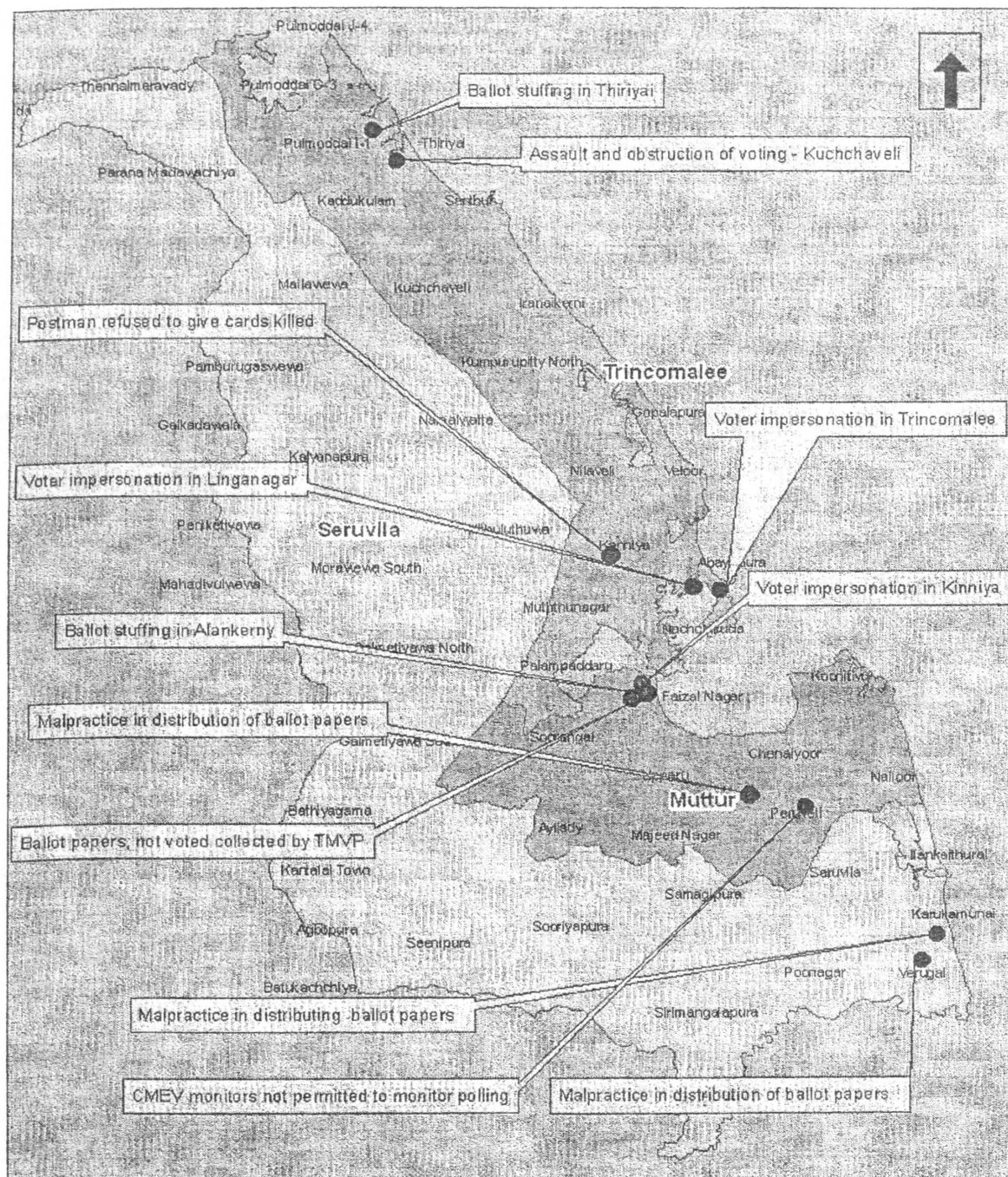


Trincomalee

Tamil people had not shown much interest in the elections. The Muslim community had actively participated and most of them voted for the SLMC. Most of the Sinhala votes went to the UPFA in the Trincomalee District. Major violent incidents were not reported from the district but impersonation, ballot rigging and snatching of ballot papers were reported from most of the areas. One postman who had refused to hand over cards to the TMVP had been killed. Although it was recorded that 62% vote had been cast according to the perspective of the FCE field staff around 45% of the votes can be considered as genuine.

1. Location : Echchalampattu, Killiveddy, Verugal
Nature : Unidentified armed groups had snatched the polling cards from the postmen.
Magnitude : Most people had not received their cards to vote. 300 to 400 cards have been snatched from each division.
2. Location : Nilaveli
Nature : Postman who had refused to give cards to the armed groups had been killed in Kanniya the following day. This has caused tension in the area and might have affected the votes
3. Location : Alenkerny, Echchanthivu
Nature : TMVP have taken all the polling cards of persons that were not residing in the area or those who were not a live from the post offices.
Magnitude : Most votes have been rigged in this manner
4. Location : Killiveddy, Echchalampaththu, Echchanthivu, Alenkerny, Kanniya, Thiriyaya
Nature : Most people from these areas had not received polling cards
5. Location : Barathipuram
Nature : On the 10th TMVP supporters had gone and snatched the polling cards and NIC's of people.
6. Location : Alenkerny
Nature : The cards of people who have not voted had been collected by TMVP group after 4 pm on the 10th
7. Location : Linganaganar
Nature : Those who had already voted had been allowed to vote several times.

EASTERN PROVINCIAL ELECTION 10 MAY 2008
VOTE RIGGING
TRINCOMALEE DISTRICT



EASTERN PROVINCIAL ELECTION 10 MAY 2008

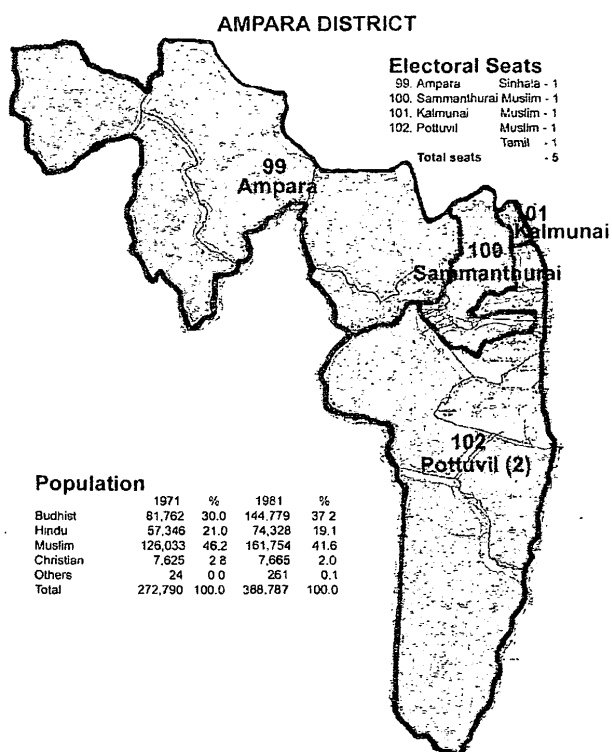
THE RESULTS

Ampara Electorate	
UPFA	47,319
UNP	31,386
JVP	3,693
NSU	215
Registered Votes	142,170 - 100%
Valid Votes	82,869 - 58.29%

Pottuvil Electorate	
UPFA	54,619
UNP	37,488
JVP	490
UNF	270
USP	98
Registered Votes	133,765 - 100%
Valid Votes	93,266 - 69.72%

Sammanthurai Electorate	
UPFA	24,119
UNP	21,401
IND-22	253
JVP	179
UNF	75
Registered Votes	69,057 - 100%
Valid Votes	46,187 - 66.88%

Kalmunai Electorate	
UNP	27,596
UPFA	13,468
UNF	174
Registered Votes	64,316 - 100%
Valid Votes	41,522 - 64.56%



EASTERN PROVINCIAL ELECTION 10 MAY 2008

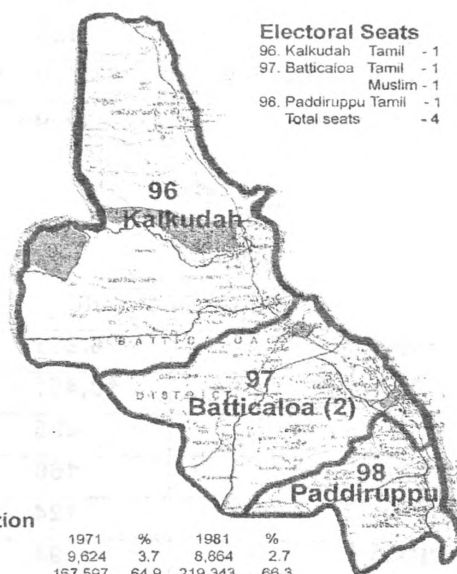
THE RESULTS

Kalkuda Electorate	
UPFA	36,731
UNP	15,673
EPDP	1,421
TUNA	443
USP	284
EDF	111
Registered Votes	94,359 - 100%
Valid Votes	54,980 - 58.27%

Paddiruppu Electorate	
UPFA	14,379
UNP	11,829
TUNA	3,594
EPDP	2,612
EDF	509
USP	268
Registered Votes	81,830 - 100%
Valid Votes	33,822 - 40.97%

Batticaloa Electorate	
UPFA	52,053
UNP	29,770
TUNA	3,222
EPDP	1,199
EDF	1,118
USP	386
JVP	218
Registered Votes	154,761 - 100%
Valid Votes	88,552 - 57.22%

BATTICALOA DISTRICT



Electoral Seats
 96 Kalkudah Tamil - 1
 97 Batticaloa Tamil - 1
 98 Paddiruppu Tamil - 1
 Total seats - 4

Population

	1971	%	1981	%
Budhist	9,624	3.7	8,664	2.7
Hindu	167,597	64.9	219,343	66.3
Muslim	62,519	24.2	79,662	24.1
Christian	18,316	7.1	22,725	6.8
Others	0	0.0	305	0.1
Total	258,056	100.0	330,899	100.0

EASTERN PROVINCIAL ELECTION 10 MAY 2008

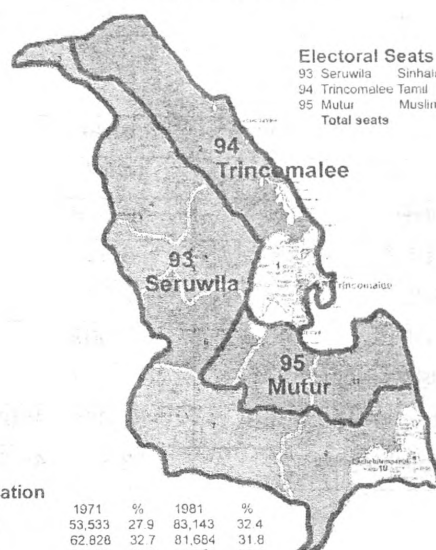
THE RESULTS

Seruwila Electorate	
UPFA	21,915
UNP	10,855
JVP	2,286
USP	249
EPDP	125
Registered Votes	66,690 - 100%
Valid Votes	35,650 - 53.46%

Mutur Electorate	
UNP	28,233
UPFA	18,451
USP	495
JVP	160
EPDP	124
IND-4	94
IND-18	88
Registered Votes	84,175 - 100%
Valid Votes	47,788 - 56.77%

Trincomalee Electorate	
UNP	28,146
UPFA	13,828
JVP	1,408
USP	537
IND-18	323
ACTUF	311
LTPF	117
IND-4	101
Registered Votes	91,598 - 100%
Valid Votes	45,208 - 49.35%

TRINCOMALEE DISTRICT



Population

	1971	%	1981	%
Buddhist	53,533	27.9	63,143	32.4
Hindu	62,828	32.7	81,684	31.8
Muslim	62,163	32.7	75,761	29.5
Christian	13,379	7.0	15,363	6.0
Others	86	0.0	839	0.3
Total	191,989	100.0	256,790	100.0

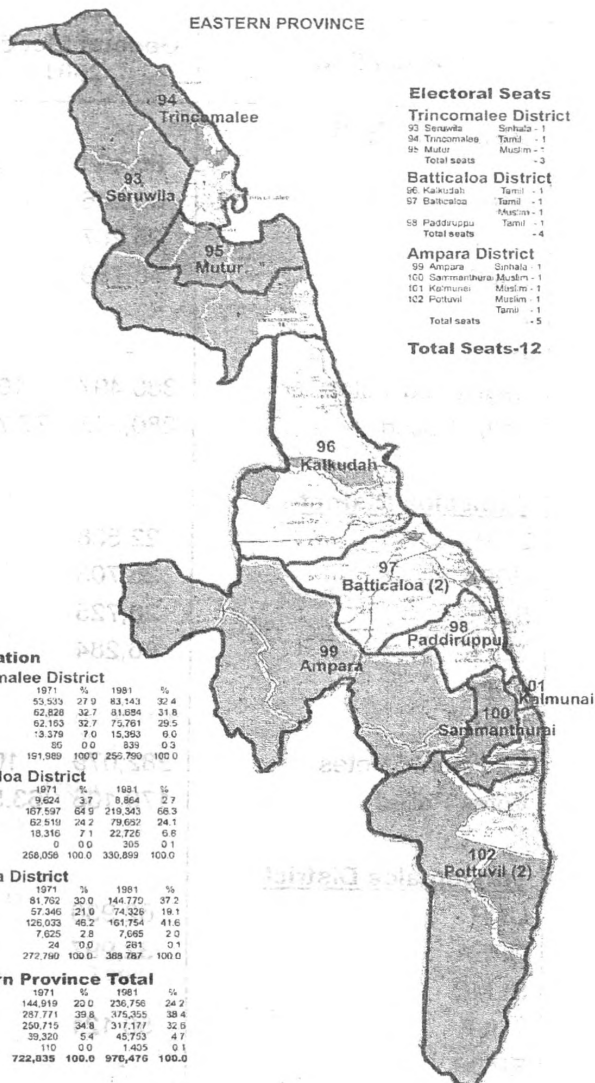
EASTERN PROVINCIAL ELECTION 10 MAY 2008

Final District Result

Ampara District	
UPFA	144,247 - Seats 8
UNP	121,272 - Seats 6
PLF	4,745
UNF	597
NSU	312
USP	296
PFLT	63
Registered Votes	409,308 - 100%
Valid Votes	272,392 - 66.55%

Batticaloa District	
UPFA	105,341 - Seats 6
UNP	58,602 - Seats 4
TDNA	7,714 - Seats 1
EPDP	5,418
USP	943
PLF	379
PFLT	157
Registered Votes	330,950 - 100%
Valid Votes	181,355 - 54.80%

Trincmalee District	
UNP	70,858 - Seats 5
UPFA	59,298 - Seats 4
PLF	4,266 - Seats 1
USP	1,309
IND-18	468
EDF	459
PFLT	163
Registered Votes	242,463 - 100%
Valid Votes	137,929 - 56.89%



Total Registered Votes - 982,721 - 100%

Total Valid Votes Polled - 591,676 - 60.2%

UPFA - 308,886 - 52.2%

UNP - 250,732 - 42.4%

Majority - 58,154

**COMPARISON OF VOTING RESULTS
EASTERN PROVINCE ELECTIONS**

Political Parties	General Election 2001		General Election 2004		Provincial Council Election 2008	
<u>Ampara District</u>						
UNP	58,468		39,883		121,272	
UPFA	65,246		106,227		144,247	
SLMC	75,257		75,134		-	
TULF	48,789		54,708		-	
JVP	-		-		4,745	
JHU	-		945		-	
Registered Votes	360,497	100%	379,044	100%	409,308	100%
Votes Polled	280,215	77.73%	292,172	77.08%	272,392	66.35%
<u>Batticaloa District</u>						
UNP	22,638		3,317		58,602	
UPFA	25,705		25,422		105,341	
SLMC	26,725		41,856		-	
TULF	86,284		157,669		-	
EPDP	-				5,418	
TDNA	-				7,714	
Registered Votes	282,079	100%	303,928	100%	330,950	100%
Votes Polled	179,108	63.50%	234,025	77%	181,355	51.80%
<u>Trincomalee District</u>						
UNP	62,930		14,228		70,858	
UPFA	32,997		21,690		59,298	
SLMC	-		63,548		-	
TULF	56,121		67,063		-	
EPDP	-				-	
JVP	-				4,266	
Registered Votes	212,280	100%	224,307	100%	242,463	100%
Votes Polled	161,138	75.90%	172,716	77%	137,929	56.89%
Total Registered Votes	854,856	100%	907,279	100%	982,721	100%
Total Votes Polled	620,461	72.58%	698,913	77.20%	591,676	60.20%

EASTERN PROVINCIAL COUNCIL ELECTION - 10 MAY 2008.

ETHNIC COMPOSITION OF ELECTED REPRESENTATIVES.

UPFA			UNP			TDNA	JVP
Muslims	Tamils	Sinhalese	Muslims	Tamils	Sinhalese	Tamils	Sinhalese
Batticaloa District							
J.S. Mohamed	Pillayan		Basheer S.D.	Sasikaran		R.Thurairathnam	
36,419	41,931		23,324	11,021		1,752	
Hizbullah	Jeyam		Dr. Ameerdeen	Masilamani			
35,949	23,456		12,158	8,042			
Subair	Predeep						
35,612	22,666						
Ampara District							
Dr.M Lebbe	Pushperajah	Dissanajake	Hasanali		Daya Gamage		
27,994	43,551	42,468	56,275		36,991		
Uthumalebbe	Navaratnarajah	Deveperuma	Majeed		Galapathi		
26,019	42,792	32,692	29,716		18,147		
Dulkarnain	Selvarajah		Jaward				
25,671	41,105		22,253				
			Jameel				
			20,961				
Trincomalee District							
Hassan Moulavi		Gunsekara	Rauff Hackeem	Parasuraman			Piyathissa
16,640		22,393	39,771	13,226			932
Faiz		Galapathi	Thaoufiq	Rajah			
9,648		11,219	20,822	12,686			
			Mahroof				
			14,041				

	Muslims	Tamils	Sinhalese	Total
UPFA	8	6	4	18 + 2 = 20
UNP	9	4	2	15
TDNA	-	1	-	1
JVP	-	-	1	1
Total	17	11	7	35 + 2 = 37

New Ministers of Eastern Provincial Council

1. **S. Chandrakantan** - Chief Minister, Minister of Finance, Justice, Plan, Implementation, Human Resources Development, Public Administration, Tourism, Resettlement and Rehabilitation.
2. **T. Navarathnaraja** - Minister of Agriculture, Live Stock Development, Fisheries and Rural Development.
3. **W. Dissanayake** - Minister of Education and Cultural Affairs, Religious Affairs.
4. **M.S. Udumanlebbe** - Minister of Highway, Irrigation, Housing Construction and Rural Electification.
5. **M.L.A.M. Hisbullah** - Minister of Health and Indigenous Medicine, Social Welfare, Probation and Child Care Services, Women's Affairs, Youth Affairs, Sports, Information Technology, Education, Co-op Development and Food Supply and Distribution.

CHIEF MINISTER DRAMA

Scene 1

Before the election, President Mahinda Rajapakse said that the group that returns the highest number of members to the council would be given the chance to appoint the chief minister.

Pillayan nominated 14 members from his group into the UPFA list while the Muslims nominated 15 names representing the different Muslim factions – five representing the Athaulla faction, five from Amir Ali, one from Ferial Ashraff and four from Hizbullah.

The election results reflected the mood of the people in the province with the UPFA's 18 elected members comprising, eight Muslims, six Tamils and four Sinhalese whilst the UNP – SLMC list returned nine Muslims four Tamils and two Sinhalese. The JVP and the TDNA returned one Sinhalese and one Tamil respectively. In total, of the 35 elected members from both side, there were 17 Muslim representatives as opposed to 11 Tamils and 7 Sinhalese.

When analyzing the overall ethnic composition of the elected members to the Eastern Provincial Council-EPC Muslims have topped the list. On ethnic basis there are 17 Muslim members, 11 Tamils and seven Sinhalese members elected to the council.

Although the Muslims command a majority in the council, the government presented various arguments to change the promise.

Faced with these overwhelming odds, the government had to make a case for appointing Pillayan as chief minister, and Basil Rajapakse, together with Ministers Nimal Siripala De Silva, Maithripala Sirisena, Susil Premajayanth and Dulles Alahapperuma evolved a strategy to break up the UPFA representation in a manner that would show the TMVP as having secured the largest number of seats. The idea was to break up the eight Muslim members elected into separate groups.

Accordingly, they prepared a table showing the 18 UPFA members elected to be 4 from the Athaulla group, 3 from the Reshard Bathiudeen group, 6 from the TMVP and 5 from the UPFA. One member elected from the UPFA was a Muslim, Hasan Moulavi.

With that, the Governor of the Eastern Province, Mohan Wijewickrema was told to make contact with Hasan Moulavi and get an affidavit from him agreeing to the appointment of Pillayan as chief minister, thus reducing Hizbullah's support to a maximum of seven Muslims.

But when the governor contacted Hasan Moulavi, he refused and advised Wijewickrema to act according to his mandate and be neutral in such political matters. Not long after, Minister Maithripala Sirisena was to call Hasan Moulavi, who again said he was not in a position to betray the Muslim community by giving such an affidavit.

The messages received demanding an affidavit supporting Pillayan for chief minister were also communicated to the Muslim ministers and Hizbullah who by then realized the government was all set to pull the rug under their feet.

It is in this backdrop, Hizbullah and the Muslim ministers got activated making the claim for the chief ministership while Pillayan likewise called on the government to deliver on its promise to him and with that the stage was set for a right royal battle based on ethnicity.

Great injustice to the Muslims

Realising a game was afoot to hand over the chief ministership to Pillayan, several of the Muslim ministers including Reshard Bathiudeen, Hussein Bhaila, Abdul Najeeb and Hizbullah met Monday (12 May) night at a room in the Galadari Hotel to map out their strategy. These Muslim ministers discussed the accusation they would be open to, of lending their support to deny the Muslims a chief minister and helped with the Muslim votes, a party accused of massacring Muslims inside the mosques and harassing and killing many more including unlawful occupation of large extent of Muslim lands. It was resolved that they will not under any circumstances accept a TMVP nominee as chief minister.

They also decided at this meeting for the Muslim members elected on UPFA to the council to function as an independent group if Hizbullah was not appointed chief minister thus reducing the UPFA to a minority in the council and making it impossible for Pillayan to function as chief minister.

It was also decided at this meeting to initially write to the President and remind him of the pre election agreement that Hizbullah will be appointed chief minister if more Muslim members were elected to the council.

With the stage thus set, Bathiudeen and Bhaila made contact with Ministers Fowzie and M.H. Mohamed and got their signatures too to the letter with the others who signed being Bathiudeen, Ameer Ali, K. Baiz, M. Nijamuddin, Bhaila, Faizer Mustapha, Abdul Majeed, Mayon Mustapha and the representatives of Athaulla and Ferial

Interestingly, prior to sending the letter, the Muslim ministers also armed themselves with a message given over satellite to the east by the President before the election wherein the President said there will not be a problem appointing Hizbullah as chief minister if Muslims get more representation. This evidence they collected in view of statements made by government ministers such as Dulles Alahapperuma and Nimal Siripala De Silva that no such assurance was given.

Scene 2

President Rajapakse who was in London was of course kept briefed on the unfolding developments by Basil Rajapakse and he directed that the issue be nipped in the bud before it got out of hand by offering the Muslim ministers and Hizbullah whatever they want other than the chief ministership. They will make some noise and eventually accept what is given.

Given the President's instructions, Minister Nimal Siripala De Silva was to tell Minister Bathiudeen that if they pushed the issue to a breaking point, the President will dissolve parliament and go for a general election leaving them stranded.

Not deterred, Bathiudeen told Minister De Silva that was an option available to the President but that it would have consequences for all parties in government and they as representatives of the Muslims cannot sacrifice the interest of the community under such a threat.

It is in the midst of these moves, Minister Bhaila armed with the letter to be sent to the President went into Minister Fowzie's Ministry to get his signature and while he was there a call came from Minister Rohitha Bogollagama who was in the company of the President in London.

Bhaila told Bogollagama that the Muslim ministers were of the view they will be politically destroyed in the East as well as nationally if Pillayan was appointed chief minister on the strength of the Muslim votes they obtained for the UPFA.

Not making any headway, Bogollagama said "Here you speak to the President" and handed over the phone to Rajapakse who came out firing.

"What is this problem? Are you trying to destabilize the government?" the President asked.

"No, Sir," said Bhaila, "We are only asking what is rightfully due to the Muslim community in keeping with your promise before the election."

Furious at this response the President thundered – "Are you taking me to be a communalist and racist? Do you think I will agree to make appointments based on ethnicity? If you push this issue any further, I will dissolve parliament."

Bhaila politely told the President that would still leave the Eastern issue and the appointment of the chief minister unresolved.

Scene 3

Wednesday, (14 May) with reports propelling crisis with the opposition likely to back Hizbullah for chief minister, and the letter to the President sent by the Muslim ministers, Basil Rajapakse suddenly called both Minister Bathiudeen and Hizbullah for a meeting, which they accepted but separately.

At these two meetings, Basil Rajapakse told Minister Bathiudeen and Hizbullah not to get excited and upset the apple cart and to await the President's return.

The two Muslim members took the opportunity to remind Basil of the agreement they reached before the election and urged him to honour it without allowing the crisis to get out of control.

"We will be finished with the Muslim community if Pillayan is appointed chief minister," they said.

The President called in Fowzie, Athaullah, Bathiudeen, and Ameer Ali and used all his persuasive skills to break them down and to accept Pillayan as chief minister but there was no agreement.

Scene 4 - Angry President

Thursday (15 May), it was decided by the Muslim ministers Hizbullah will be the spokesman for the eight Muslim members and that if there was any move to appoint Pillayan as chief minister, they would walk out.

When Hizbullah's team met the President Friday 16 May morning with Basil Rajapakse, Hizbullah straight away staked his claim for the chief ministership only to be told, that was not possible.

Replied Hizbullah – “But you promised me before the election, Basil why are you keeping quiet, you promised it to me in the presence of other ministers.”

Basil responded stating though a promise was made practical difficulties make such an appointment unviable at this point of time.

The President told Hizbullah he can be chief minister for two and a half years after Pillayan to which the Muslim member did not agree, stating in that event he should be given the first two years.

At this point, the President visibly angry moved towards Hizbullah, but unruffled, the chief ministerial aspirant had said.

“Please don't shout Sir, I did not come here to fight or shout but to resolve the issue. If I am not appointed chief minister, I will not support the UPFA in the council. My position is final,” Hizbullah had added.

While this discussion was continuing, walked in Ministers Maithripala Sirisena and Dulles Alahapperuma, who too tried to persuade Hizbullah to concede the chief minister post to Pillayan but to no avail.

Replied Hizbullah – “All you can do is kill me. Do that if you want but I will not compromise on this issue.” Having said that he walked out.

Scene 5

After Jumma Prayers on Friday (16 May), the crisis in the UPFA exploded when Hizbullah wrote to the Eastern Province Governor, Mohan Wijewickrema stating that he along with two other members would function as a separate group in the council under Hizbullah's leadership.

The letter also said that no other nominee of the UPFA other than Hizbullah command a majority in the council. In other words, Pillayan will not have a majority to run the council considering the opposition 15 members, together with the four Muslim dissidents add up to 19 in the council.

With that move Hizbullah signaled the appointment of Pillayan by the Governor will be illegal for want of a majority. It also meant, the UPFA will not have a majority to run the council for even a day if the UNP, Hizbullah and the JVP sit together in the opposition.

Letter to the Governor,

"We, the undersigned elected members of the Eastern Provincial Council from the UPFA list wish to inform you that we will function as a separate group in that Provincial Council and that Mr. M.L.A.M. Hisbullah will function as our group leader."

"Further we would like to note that we have not given our consent to the UPFA to appoint any nominee other than Mr. M.L.A.M. Hisbullah as chief minister and therefore would like to draw your kind attention to the fact that UPFA does not command the majority in the council without us. Consequently no nominee of the UPFA other than Mr. M.L.A.M. Hisbullah would enjoy the confidence of the majority of the council."

"Therefore, we request you to have prior consultation with us before the appointment of chief minister and the board of ministers."

This letter also put the Governor in the horns of a delima since he was bound to swear in the chief minister only in terms of Article 154 (F) (94) of the Constitution which specifically states the member so sworn in must command the support of a majority.

That section reads thus: "The governor shall appoint as chief minister, the member of the provincial council constituted for that province, who in his opinion is best able to command the support of a majority of the members of that council."

The section goes on to state, "provided that where more than one half of the members elected to the provincial council are members of one political party, the governor shall appoint the leader of that party in the council, as chief minister."

The UPFA won only 18 seats and since M.L.A.M. Hizbullah has now withdrawn his support to the UPFA with two other members they are not entitled to the two bonus seats. In this backdrop President appointing a minority member as the Chief Minister is irregular and unconstitutional.

Scene 6

Now the Government's intentions are very clear that, they were not in favour of a Muslim CM, though they made periodic announcements to encourage the Muslims to vote with the UPFA. In short, the UPFA had taken Hizbullah and company for a ride and dropped them like hot potatoes, after securing the EPC.

Several Muslims Ministers, including Rishad Badiudeen, Ameer Ali and Abdul Majeed, who boycotted Friday's oath taking ceremony of the Chief Minister were contemplating resigning from their ministerial portfolios and sitting independently in Parliament.

A dejected Resettlement Minister Rishad Badiudeen told that they felt "betrayed" by the President's action and were seriously reconsidering their support to the government.

The President has not only betrayed us, but the entire Muslim community as well. He has not kept his word. He gave us false promises, that is why we boycotted Friday's ceremony".

Soon after the elections, statements made by various ministers to the State-run radio and television channels, had given rise to a controversy, where all the Muslim ministers united and unanimously claimed for a Muslim CM for the East.

All the Muslim ministers representing the Government, including A.H.M. Fowzie, signed a letter addressed to the President, urging him to appoint a Muslim as CM.

Fowzie has emphatically told Leader of the House, Minister Nimal Siripala De Silva that, he would be compelled to stand by the community's needs at this juncture, rather than the Party Whip.

He had said that he stood by the party all this time but that he would stand by the community in this instance.

Minister Ferial Ashraff, who was away in Tehran, had telephoned the other Muslim ministers to express her solidarity, and it is understood that she has written separate letters to the authorities, setting out reasons as to why there should be a Muslim CM for the east.

Muslim ministers, who met at the Galadari Hotel at the beginning of the week, were of the opinion that they should give up all portfolios while remaining with the Government, if the Government refuses to appoint a Muslim CM. Rishad Badiudeen took the lead that they should even go further to convince the Government to appoint a Muslim CM.

Some ministers urged the group that they should even consider sitting in the Opposition, if the Government failed to decide in their favour. However it was noted that Minister Athaullah was a conspicuous absentee for this meeting, but was represented by a nominee sent by him with specific instructions. At this juncture the Muslim Ministers were unaware of the pranks of Athaullah who has developed a special relationship with the Government and had already consented to a Tamil CM for the East.

Anti Muslim factors

JHU

The Muslim ministers were also perturbed over the moves made by the Jathika Hela Urumaya (JHU) and its Minister Champika Ranawaka, who, behind the scenes, had convinced Government authorities, including Defence Secretary Gotabhaya Rajapakse, that Pillayan should be CM of the East.

The JHU is virtually on a war footing against the Muslim community, when they filed action in the Supreme Court against the construction of a tsunami housing scheme in Akkaraipattu DS Division more than 6.5k.m away from the Deegavapi Buddhist historical site. The housing scheme has been donated by the Red Crescent of Saudi Arabia and the Government is placed in a very difficult situation because of the stand taken by the JHU.

Athaullah factor

Minister Athaullah has told his Muslim ministerial colleagues that they should not over-react. However, the other ministers were of a different mindset and told Athaullah they had to act fast since the government was planning to appoint Pillayan and make it a fait accompli.

Athaullah (and his party All Ceylon National Congress was running a battle with Badiudeen and his party All Ceylon Muslim Congress) was working closely with the Government to emerge as the sole Muslim political leader from the East.

The Government's fallback position was Athaullah (whom they cultivated over the last few years) who gave a firm assurance that he would stand by President Rajapakse. This was proved during the massacre of Muslims in Pottuvil on 10 September 2006.

The Government felt that minister Athaullah holds the key for the Muslims in the East. Four members of the Athaullah group have been elected to the EPC and Athaullah is not in favour of Hizbullah as CM, which would pave the way in the future for Hizbullah to challenge Athaullah's claim for Muslim Leadership in the East.

Indian Factor

As it is, the Muslims have lost. Their suspicion was somewhat correct, that India was manipulating things to its liking, in order to make a Tamil the CM.

Soon after the election, it was felt that the Government was inclined towards appointing a Tamil, as CM of the East, for a Government, facing numerous allegations over Human Rights issues concerning Tamils, appointment of a Tamil as the CM looks good in the eyes of the world community. The presumption is that the Government has done justice to the Tamils in the country at the expense of the Muslim Community in the East.

On the other hand, it would also please the Indians, who are keen on having a Tamil CM, and longing to merge the two provinces – the north and the east – for a final solution to the Tamil ethnic problems.

It was the fervent wish of the Indians, who were working on a very subtle agenda, to see that a Tamil emerges as the CM in the Eastern Province.

Final Scene

The Government was of the view that the EPC election was possible because of the TMVP led by Pillayan, and was not prepared to betray Pillayan and paving the way for a Muslim Chief Minister. Government also feared that Pillayan would go underground, if the promise was not kept, causing a bigger concern for the Rajapakse regime.

The choice of CM for the East was a difficult task for President Rajapakse. Whatever happens, the East will remain a hotbed of politics, with regular conflicts from time to time, making things difficult for the Rajapakse administration in the future.

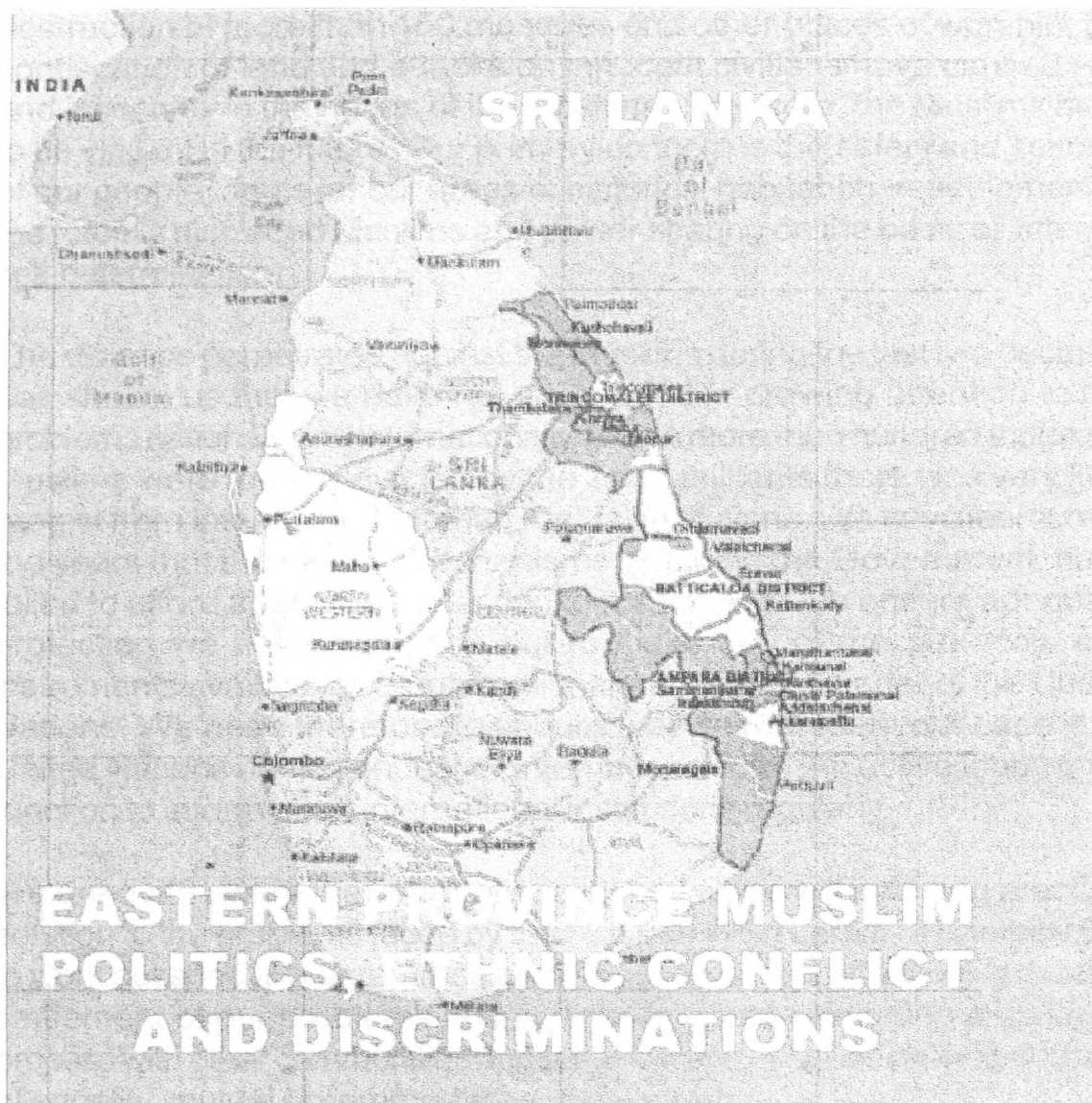
Hisbullah takes oath as Eastern Provincial Council Minister



M.L.A.M. Hisbullah was sworn in before President Mahinda Rajapaksa as the Eastern Province Minister of Health and Indigenous Medicine, Social Welfare, Probation and Child Care Services, Women's Affairs, Youth Affairs, Sports, Information Technology, Education, Co-op Development and Food Supply and Distribution on 22 May 2008. Here, Hisbullah with President Rajapaksa, Eastern Province Governor Mohan Wijewickrema and Resettlement and Disaster Relief Services Minister Bathiutheen after the swearing in ceremony. Jawahir Salie and Mohamed Subhair were also sworn in as members of the Eastern Provincial Council.

Although the Eastern Province Muslims have lost the Chief Minister position, the attraction of Provincial Ministerial portfolio was too much for Hisbullah to resist.

Addressing the media after taking oaths, Hisbullah said after a lengthy discussion with Muslim leaders, intellectuals and Ulamas, he had decided to work with the Eastern Province Chief Minister to bring harmony among the Tamil and Muslim community as well as the security of Muslims and the development of the Eastern Province.



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EASTERN PROVINCE MUSLIM POLITICS, ETHNIC CONFLICT AND DISCRIMINATIONS

The ethnic conflict in Sri Lanka has had a terrible effect on the Muslims. The forcible eviction of more than one hundred thousand Muslims, the destruction of more than 150 mosques and other places of worship, the confiscation of land and attacks on innocent civilians have caused fear and insecurity in the hearts of the Muslims. Therefore, the Muslims have to be vigilant in the future. Our primary concern is the safety and security of our people, rights for our areas of historical habitation, resettlement of the forcibly displaced Muslims and power sharing on the basis of internal self-determination.

The violence perpetrated against the Muslims during the last two decades has shown us that we have not succeeded in drawing attention to our problems nationally and internationally. When more than hundred thousand Muslims were forcibly evicted by the Tamil militants there was very little protest from International Human Rights Institutions. We have learnt over the years that the natural mechanisms including the Government, have failed to afford adequate protection to the Muslims. To ensure adequate protection we have no option but to make use of the protocols and instruments available to us internationally under the Charter of the United Nations. We need therefore to ensure that we represent our case in all United Nations bodies and other International fora. An active lobby must function to inform other international institutions regularly.

We are quite aware that internationalization alone will not bring practical solution to the problems faced by the Muslims in Sri Lanka. It is imperative to work out special programmes and proposals aimed at providing durable settlement of our problems and for initiating and sustaining a dialogue process with other communities and the government based on the principals of equality, mutual accommodation and pluralism.

**M.I.M. Mohideen,
57, Norris Canal Road,
Colombo 10**

26 December 2007

POLITICAL AND ADMINISTRATIVE UNITS IN SRI LANKA

Prov.	District	Total Pop. 1981	Muslim Pop. 1981	%	Area Sq. km	DRO Div.	AGA Div.	DS Div.	Parl. Mem.	Prov. Mem.	Local Bodies		
											MC	UC	PS
WP		3,910,001	279,587	7	3,709	17	32	33	50	102	3	14	27
	Colombo	1,693,322	168,956	10	2,093	11	9	10	21	43	2	4	6
	Gampaha	1,389,490	47,850	3	-	-	13	13	18	36	1	6	11
	Kalutara	827,189	62,781	8	1,616	6	10	10	11	23	-	4	10
CP		2,005,956	168,040	8	5,015	20	33	31	23	56	3	6	33
	Kandy	1,126,296	125,646	11	2,367	11	17	16	12	28	1	4	17
	Matale	357,441	26,603	7	1,994	5	11	10	5	11	1	-	11
	Nuwara Eliya	522,219	15,791	3	1,228	4	5	5	6	17	1	2	5
SP		1,882,912	52,545	3	5,556	17	36	38	27	53	1	5	36
	Galle	814,579	26,359	3	1,689	7	16	17	11	22	1	1	15
	Matara	644,231	16,853	3	1,246	6	12	12	9	17	-	2	12
	Hambantota	424,102	9,333	2	2,621	4	8	9	7	14	-	2	9
NP		1,111,468	62,609	6	8,879	20	28	31	16	36	1	4	27
	Jaffna	831,112	14,169	2	2,584	12	13	15	11	19	1	3	12
	Kilinochchi	-	-	-	-	-	3	3	1	3	-	-	3
	Mannar	106,940	30,079	28	2,497	3	4	4	1	5	-	-	4
	Vavuniya	95,904	6,764	7	3,797	5	4	5	2	4	-	1	4
	Mullaithievu	77,512	11,597	15	-	-	4	4	1	5	-	-	4
EP		975,975	317,177	33	9,943	17	30	36	14	35	1	2	36
	Batticaloa	330,899	79,662	24	2,631	5	8	11	4	11	1	-	11
	Trincomalee	256,790	75,761	30	2,714	6	10	10	4	10	-	1	15
	Ampara	388,786	161,754	42	4,597	6	12	15	6	14	-	1	10
NWP		1,706,099	114,459	7	7,811	16	28	25	23	50	1	3	27
	Kurunegala	1,212,755	64,213	5	4,776	10	18	16	16	35	1	1	17
	Puttalam	493,344	50,246	10	3,035	6	10	9	7	15	-	2	10
NCP		850,582	61,422	7	10,720	11	24	24	11	31	-	1	24
	Anuradhapura	587,829	43,801	7	7,273	9	19	18	7	21	-	1	18
	Polonnaruwa	262,753	17,621	7	3,447	2	5	6	4	10	-	-	6
Uva		922,636	34,509	4	8,487	9	23	25	12	32	1	2	24
	Badulla	642,893	28,759	4	2,823	5	14	14	8	19	1	2	14
	Moneragala	279,743	5,750	2	5,664	4	9	11	4	13	-	-	10
Sab.		1,478,879	51,989	4	4,900	11	22	23	20	42	1	2	23
	Ratnapura	796,468	15,441	2	3,237	6	12	13	10	23	1	1	13
	Kegalle	682,411	36,548	5	1,663	5	10	10	10	19	-	1	10
	TOTAL	14,050,001	1,134,556	8	65,620	138	256	266	196	437	12	39	257

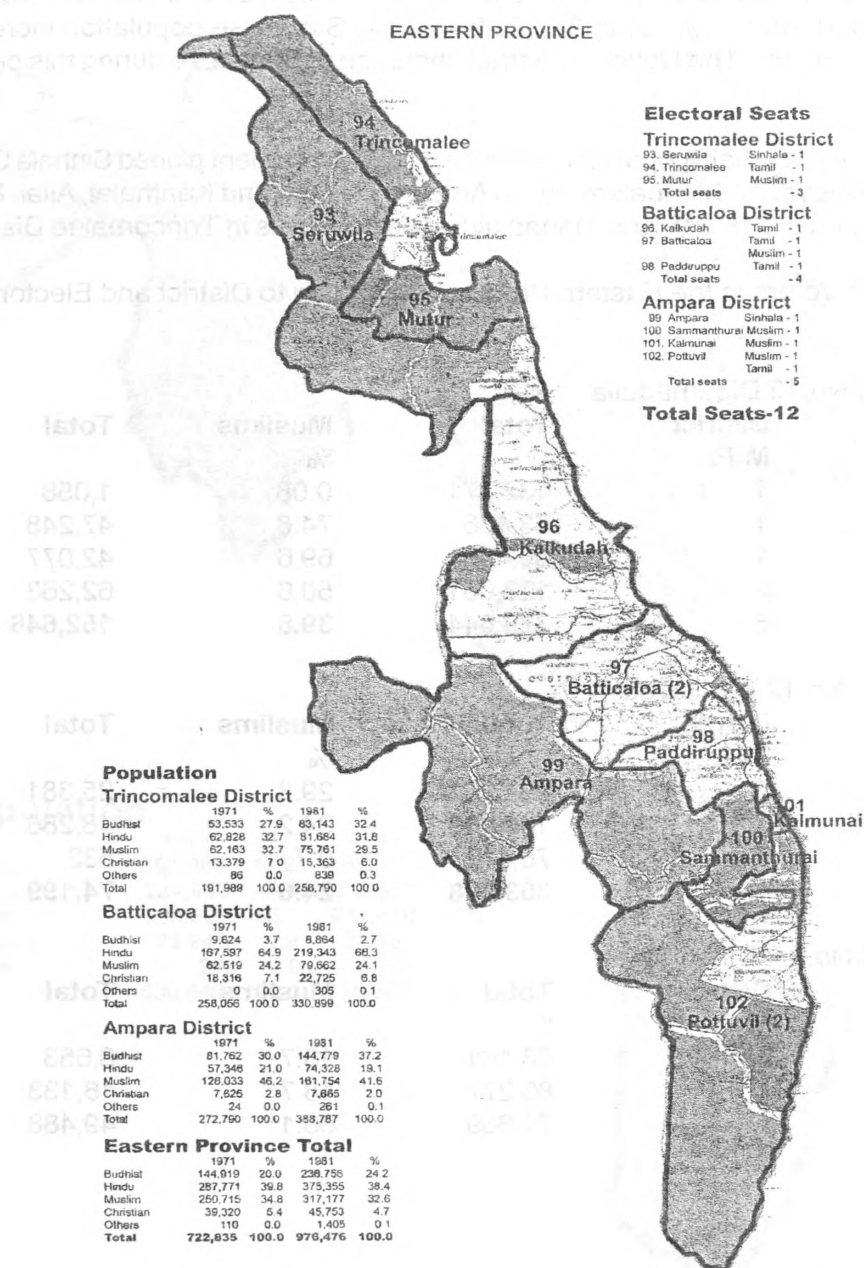
**REGISTERED VOTERS - PARLIAMENTARY GENERAL ELECTION APRIL 02, 2004
(WITH SPECIAL REFERENCE TO MUSLIM VOTERS)**

	Electoral District (Number of Candidates to be nominated)	No. of Seats	Regd. Votes 2004	Muslim %	Muslim Regd. Votes 2004	% of Valid Regd. Votes (2001)	Valid Regd. Votes (2004)	Valid Muslim Votes (2004)	
1	Digamadulla	(10)	7	379,044	41.6	157,682	77.73	294,631	122,566
2	Trincomalee	(07)	4	224,307	38.8	87,031	75.91	170,271	66,065
3	Batticaloa	(08)	5	303,928	36.1	109,718	63.5	192,994	(75%) 82,289
		(25)	16	907,279	39.1	354,431		657,896	270,920
4	Vanni	(09)	6	226,604	13.8	31,271	43.18	97,848	(75%) 23453
5	Jaffna	(12)	9	644,279	2.3	14,619	28.96	186,598	(75%) 10964
		(21)	15	870,883	5.3	45,890		284,446	34,417
		(46)	31	1,778,162	22.5	400,321		942,342	305,337
6	Puttalam	(11)	8	450,057	10.6	47,706	68.09	306,444	32,483
7	Kandy	(15)	12	880,632	10.2	89,824	71.01	625,337	63,784
8	Colombo	(23)	20	1,467,751	7.6	111,549	73.47	1,078,357	81,955
9	Polonnaruwa	(08)	5	254,061	7.6	19,309	75.48	191,765	14,574
10	Anuradhapura	(11)	8	514,149	7.1	36,505	73.37	377,231	26,784
11	Kalutara	(13)	10	746,138	6.9	51,483	77.13	575,496	39,709
12	Matale	(08)	5	312,556	6.7	20,941	72.79	227,510	15,243
		(89)	68	4,625,344	8.16	377,317		3,382,140	274,532
13	Nuwara Eliya	(10)	7	436,236	2.6	11,342	75.53	329,489	8,567
14	Gampaha	(20)	17	1,327,145	3.6	47,777	73.39	973,992	35,064
15	Galle	(13)	10	716,608	2.8	20,065	77.58	555,944	15,566
16	Matara	(11)	8	550,503	2.6	14,313	75.55	415,905	10,813
17	Kurunegala	(19)	16	1,089,482	4.6	50,116	75.53	822,886	37,853
18	Badulla	(11)	8	511,115	4.2	21,467	76.09	388,907	16,334
19	Moneragala	(08)	5	262,742	2.1	5,517	72.12	189,490	3,979
20	Ratnapura	(13)	10	647,035	1.6	10,352	78.52	508,052	8,128
21	Kegalle	(12)	9	570,299	4.8	27,374	76.01	433,484	20,807
22	Hambantota	(10)	7	384,361	2.8	10,762	76.18	292,806	8,198
		(127)	97	6,495,526	3.4	219,085		4,910,955	165,310
	Total	262	196	12,899,032	7.8	996,723		9,235,437	745,179

EASTERN PROVINCE

Eastern Province is 3,839 sq. miles in extent, bounded - North-Maha Oya, East-Bay of Bengal, South-Kumbukan Oya and West-Monaragala, Badulla, Matale, Polonnaruwa and Anuradhapura District. Originally Trincomalee and, Batticaloa were the two districts in this province. 1956 census recorded the following population:

	Trincomalee District	Batticaloa District	Eastern Province
Tamils	33,796 (46.47%)	102,264 (51.15%)	136,060 (49.90%)
Muslims	23,219 (31.93%)	85,805 (42.92%)	109,024 (40.00%)
Sinhalese	15,706 (21.60%)	11,850 (5.93%)	27,556 (10.10%)



Batticaloa District was divided into the present Ampara and Batticaloa Districts in 1961.

Detail of 1981 population in the Eastern Province

	Trincomalee District	Batticaloa District	Ampara District	Eastern Province
Tamils	93,510 (39.78%)	238,216 (72.59%)	79,725 (20.57%)	411,451 (42.42%)
Muslims	74,403 (29.26%)	79,317 (24.17%)	116,481 (41.66%)	315,201 (32.49%)
Sinhalese	89,341 (33.96%)	10,646 (3.24%)	146,371 (37.77%)	243,358 (25.09%)
Total	245,250	328,170	387,577	970,010

Tamil population increased between 1949 and 1981 from 136,059 to 411,451 – 302%, Muslim population increased from 109,024 to 315,201 – 289%, Sinhalese population increased from 27,556 to 243,358 – 883%. The National average increase of Sinhalese during this period is only 238%.

The sudden increase of Sinhala population is the result of Government planned Sinhala Colonization in Gal-oya, Pannala-oya, and Ambalam-oya in Ampara District, and Kanthalai, Allai, Morawewa, Muthalikkulam, Pathaviya (Part), and Mahadiuluwewa schemes in Trincomalee District.

Registered Muslim Voters in the Eastern Province according to District and Electorates - 2004

1. Electoral District No. 13 Digamadulla

Electorate	District M.P.	Total	Muslims %	Total
A. Ampara	1	132,371	0.08	1,058
B. Sammanthurai	1	63,166	74.8	47,248
C. Kalmunai	1	60,456	69.6	42,077
D. Pottuvil	2	123,051	50.6	62,263
Total	5	379,044	39.8	152,646

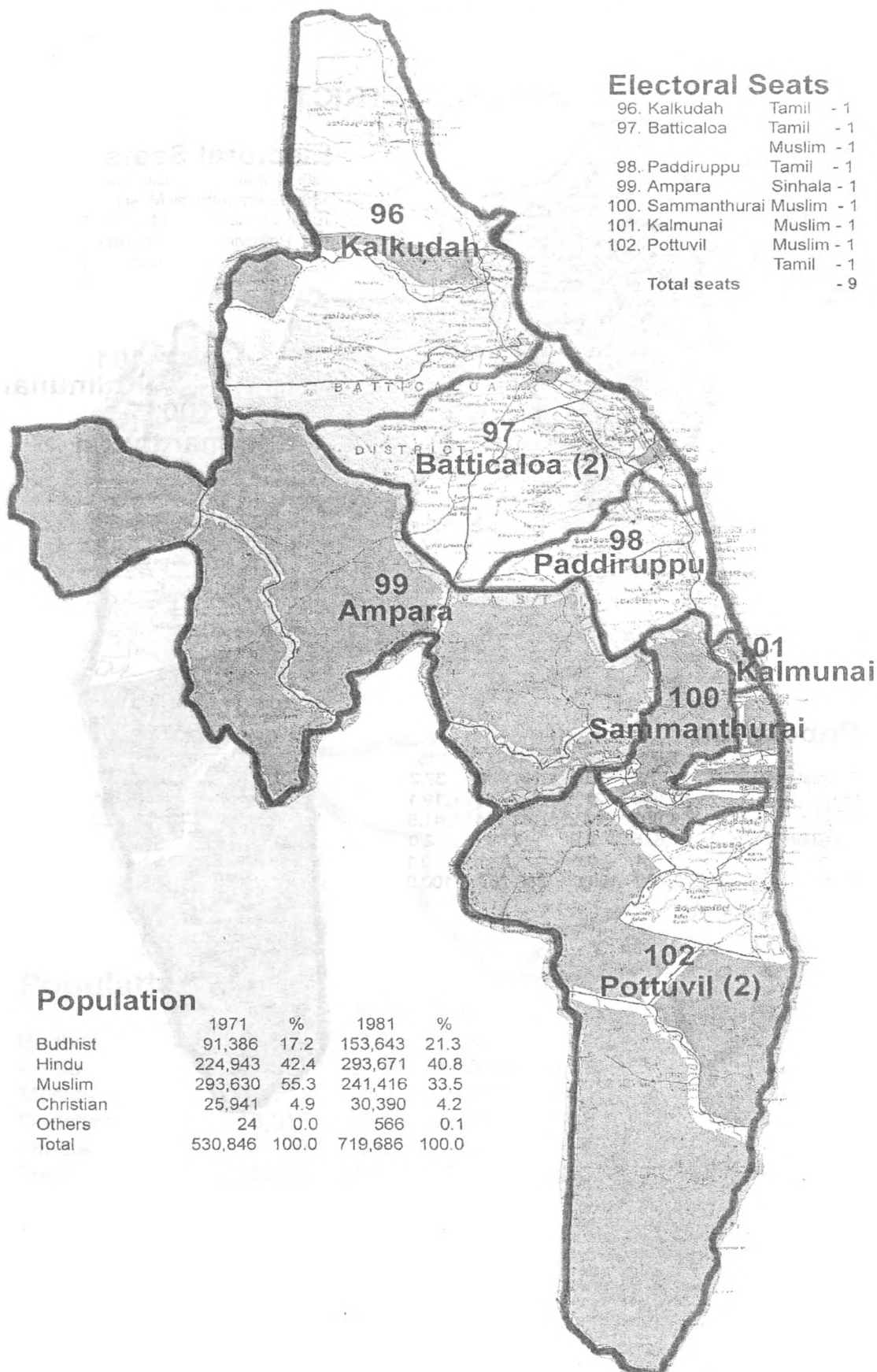
2. Electoral District No. 12 Batticaloa

Electorate	District M.P.	Total	Muslims %	Total
A. Kalkuda	1	86,626	29.3	25,381
B. Batticaloa	2	141,190	34.2	48,286
C. Pattiruppu	1	76,112	0.7	532
Total	4	303,928	24.6	74,199

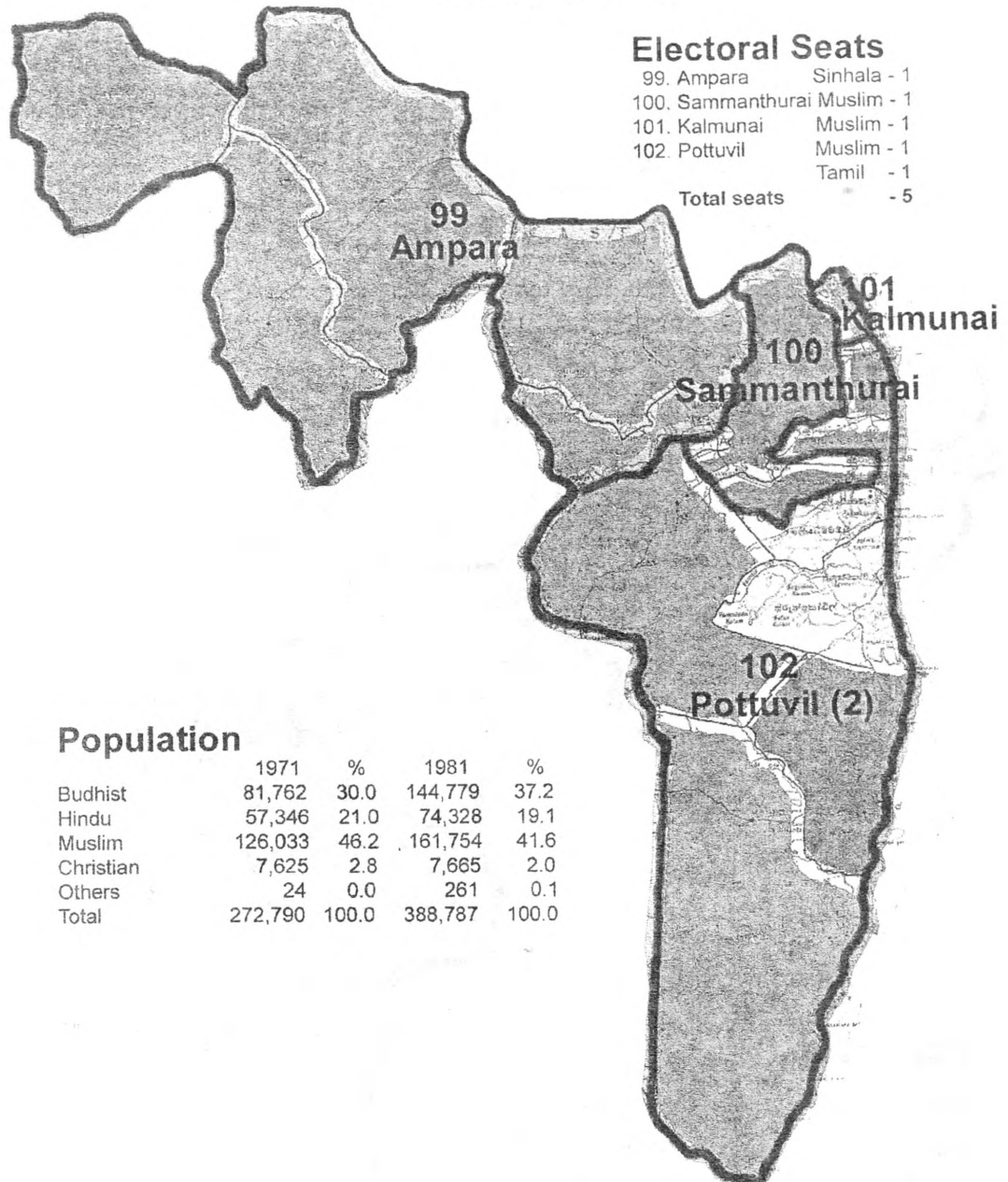
3. Electoral District No. 14 Trincomalee

Electorate	District M.P.	Total %	Muslims	Total
A. Seruvila	1	63,161	13.7	8,653
B. Trincomalee	1	86,277	18.7	16,133
C. Mutur	1	74,869	66.1	49,488

OLD BATTICALOA DISTRICT



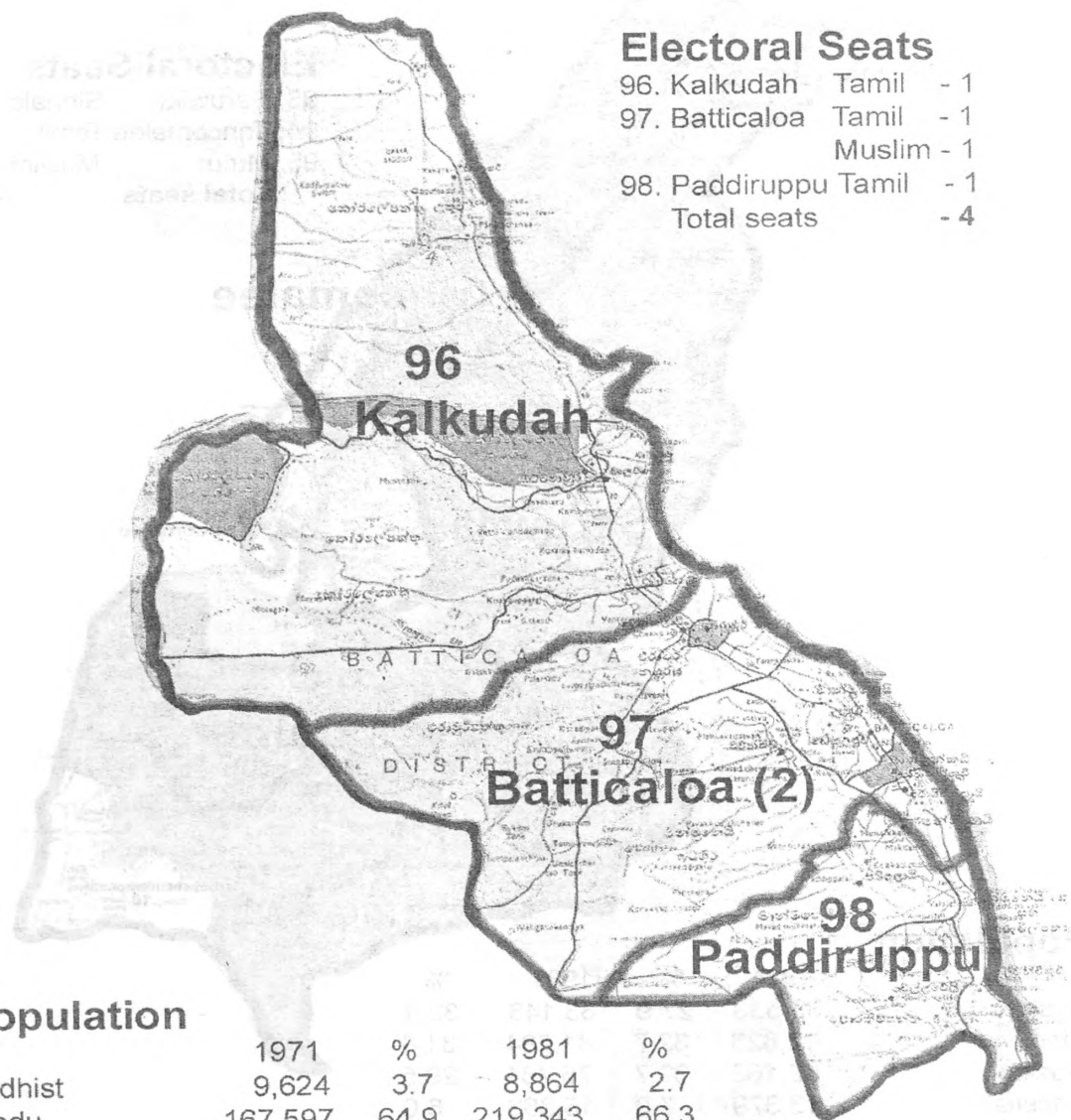
AMPARA DISTRICT



BATTICALOA DISTRICT

Electoral Seats

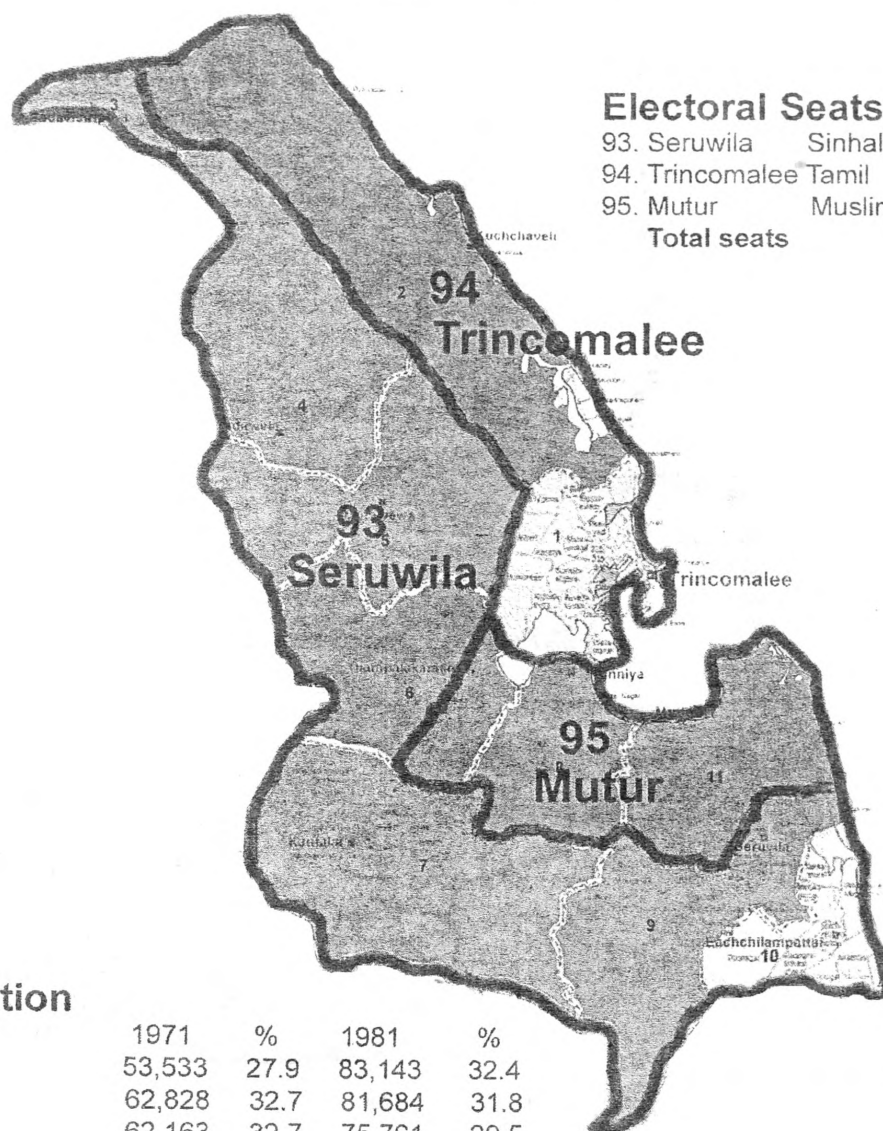
96. Kalkudah	Tamil	- 1
97. Batticaloa	Tamil	- 1
	Muslim	- 1
98. Paddiruppu	Tamil	- 1
Total seats		- 4



Population

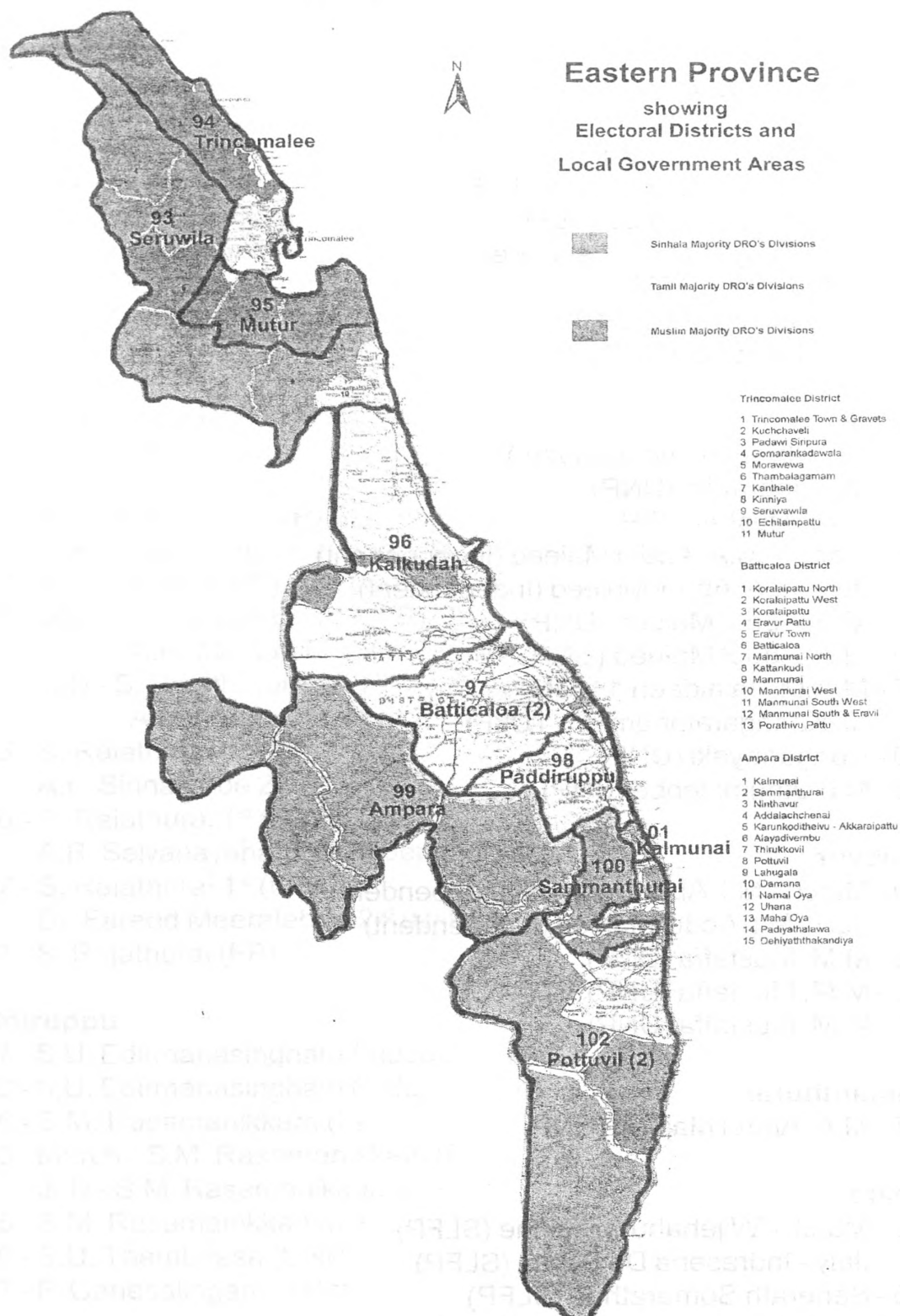
	1971	%	1981	%
Budhist	9,624	3.7	8,864	2.7
Hindu	167,597	64.9	219,343	66.3
Muslim	62,519	24.2	79,662	24.1
Christian	18,316	7.1	22,725	6.8
Others	0	0.0	305	0.1
Total	258,056	100.0	330,899	100.0

TRINCOMALEE DISTRICT



Population

	1971	%	1981	%
Budhist	53,533	27.9	83,143	32.4
Hindu	62,828	32.7	81,684	31.8
Muslim	62,163	32.7	75,761	29.5
Christian	13,379	7.0	15,363	6.0
Others	86	0.0	839	0.3
Total	191,989	100.0	256,790	100.0



EASTERN PROVINCE ELECTED PEOPLES' REPRESENTATIVES TO THE PARLIAMENT

Kalmunai

1947 - M.S. Kariyappar (UNP)
 1952 - S.M. Mersa (Independent)
 1956 - M.S. Kariyappar (FP)
 1960 - March - M.S. Kariyappar (LPP)
 July - M.C. Ahamed (SLFP)
 1965 - M.S. Kariyappar (Independent)
 1966 - M.C. Ahamed (SLFP)
 1970 - M.C. Ahamed (SLFP)
 1977 - A.R. Mansoor (UNP)

Pottuvil

1947 - M.S. Ibrahim (Independent)
 1952 - M.S. Inbrahim (UNP)
 1956 - M.M. Mustaffa (FP)
 1960 - March - M.A. Abdul Majeed (Independent)
 July - M.A. Abdul Majeed (Independent)
 1965 - M.A. Abdul Majeed (UNP)
 1970 - M.A. Abdul Majeed (UNP)
 1977 - M.A.M. Jalaldeen 1st (UNP)
 M. Kanagarathnam 2nd (TULF)
 1980 - Ranganayaki (UNP)
 1983 - M.I. Uthumalebbe (UNP)

Ninthavur

1960 - March - M.I. Abdul Majeed (Independent)
 July - M.I. Abdul Majeed (Independent)
 1965 - M.M. Mustaffa (UNP)
 1970 - M.M. Mustaffa (UNP)
 1975 - M.M. Mustaffa (UNP)

Sammanthurai

1977 - M.A. Abdul Majeed (UNP)

Ampara

1960 - March - Wijebahu wijesinhe (SLFP)
 July - Indrasena De Soysa (SLFP)
 1965 - Senerath Somarathne (SLFP)
 1970 - Senerath Somarathne (SLFP)
 1977 - P. Dayarathne (UNP)

Kalkuda

- 1947 - V. Nallia (Independent)
- 1952 - V. Nallia (UNP)
- 1956 - A.H. Mackan Mackar (Independent)
- 1960 - March - Ambalawan (FP)
July - Ambalawanan (FP)
- 1965 - K.W. Dewanayaganan (UNP)
- 1970 - K.W. Dewanayagam (UNP)
- 1977 - K.W. Dewanayagam (UNP)

Batticaloa

- 1931 - Mohamed Mackan Mackar - Minister of Transport
- 1936 - N. Kanagarathnam
S. Drmaratnam
- 1947 - M. Sinnalebbe (UNP)
- 1952 - S. Kanagasabai (Independent)
- 1956 - S. Rajathurai (FP) - 2nd Scat
- 1960 - March - S. Rajathurai 1st (FP)
A.H. Markan Mackar 2nd (UNP)
July - S. Rajathurai 1st (FP)
A.H. Markan Mackar 2nd (UNP)
- 1965 - S. Rajathurai 1st (FP)
A.L. Sinnalebbe 2nd (UNP)
- 1970 - S. Rajathurai 1st (FP)
A.R. Selvanayaham 2nd (Independent)
- 1977 - S. Rajathurai 1st (FP)
Dr. Fareed Meeralebbe 2nd (UNP)
- 1981 - S. Rajathurai (FP)

Paddiruppu

- 1947 - S.U. Edirmanasingham (Independent)
- 1952 - S.U. Edirmanasingham (Independent)
- 1956 - S.M. Rasamanikkam (FP)
- 1960 - March - S.M. Rasamanikkam (FP)
July - S.M. Rasamanikkam (FP)
- 1965 - S.M. Rasamanikkam (FP)
- 1970 - S.U. Thambirasa (UNP)
- 1977 - P. Ganesalingam (TULF)

Trincomalee

1931 - M. Subramaniam
 1936 - A.R. Thambimutthu
 1942 - A. Nallaiya
 1947 - V. Sivapalan (FP)
 1952 - M. Rajeverothayam (FP)
 1956 - M. Rajeverothayam (FP)
 1960 - March - M. Rajeverothayam (FP)
 July - M. Rajeverothayam (FP)
 1965 - S.M. Manikkarasa (FP)
 1970 - B. Neminathan (FP)
 1977 - R. Sambanthan (TULF)

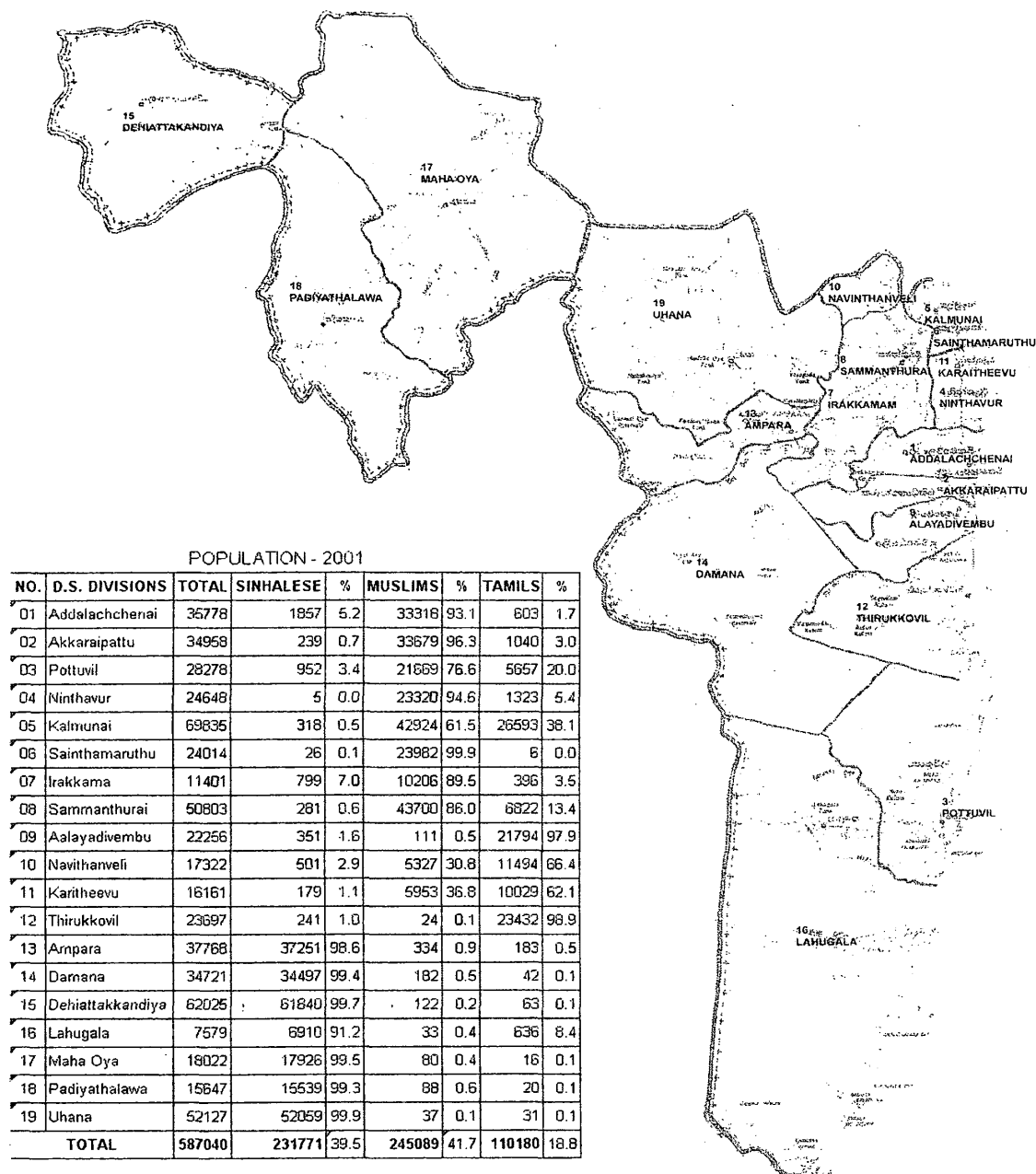
Muthur

1947 - A.R.M. Aboobakkar (UNP)
 1952 - M.H. Mohamed Ali (Independent)
 1956 - M.H. Mohamed Ali (Independent)
 1960 - March - S. Ahambaram (FP)
 M.H. Mohamed Ali (Independent)
 July - A.L. Abdul Majeed (SLFP)
 S. Ahambaram (FP)
 1962 - M.H. Mohamed Ali (FP)
 A.L. Abdul Majeed (SLFP)
 1965 - M.A.H. Mohamed (FP)
 A.L. Abdul Majeed (SLFP)
 1970 - A.L. Abdul Majeed (SLFP)
 A. Thangathurai (FP)
 1977 - M.A.H. Mahroof (UNP)

Seruvila

1977 - M.D.L. Leelarathne (UNP)

AMPARA DISTRICT DIVISIONAL SECRETARIAT DIVISIONS

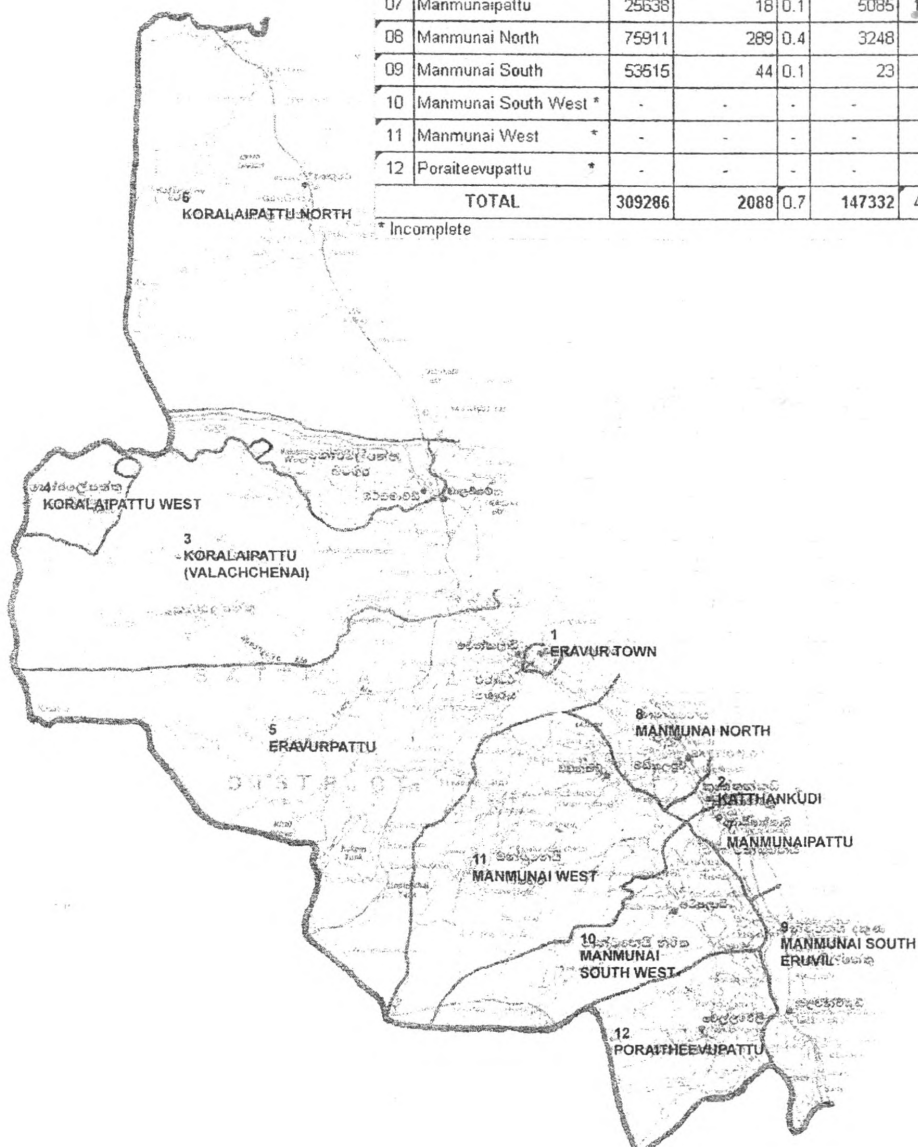


BATTICALOA DISTRICT DIVISIONAL SECRETARIAT DIVISIONS

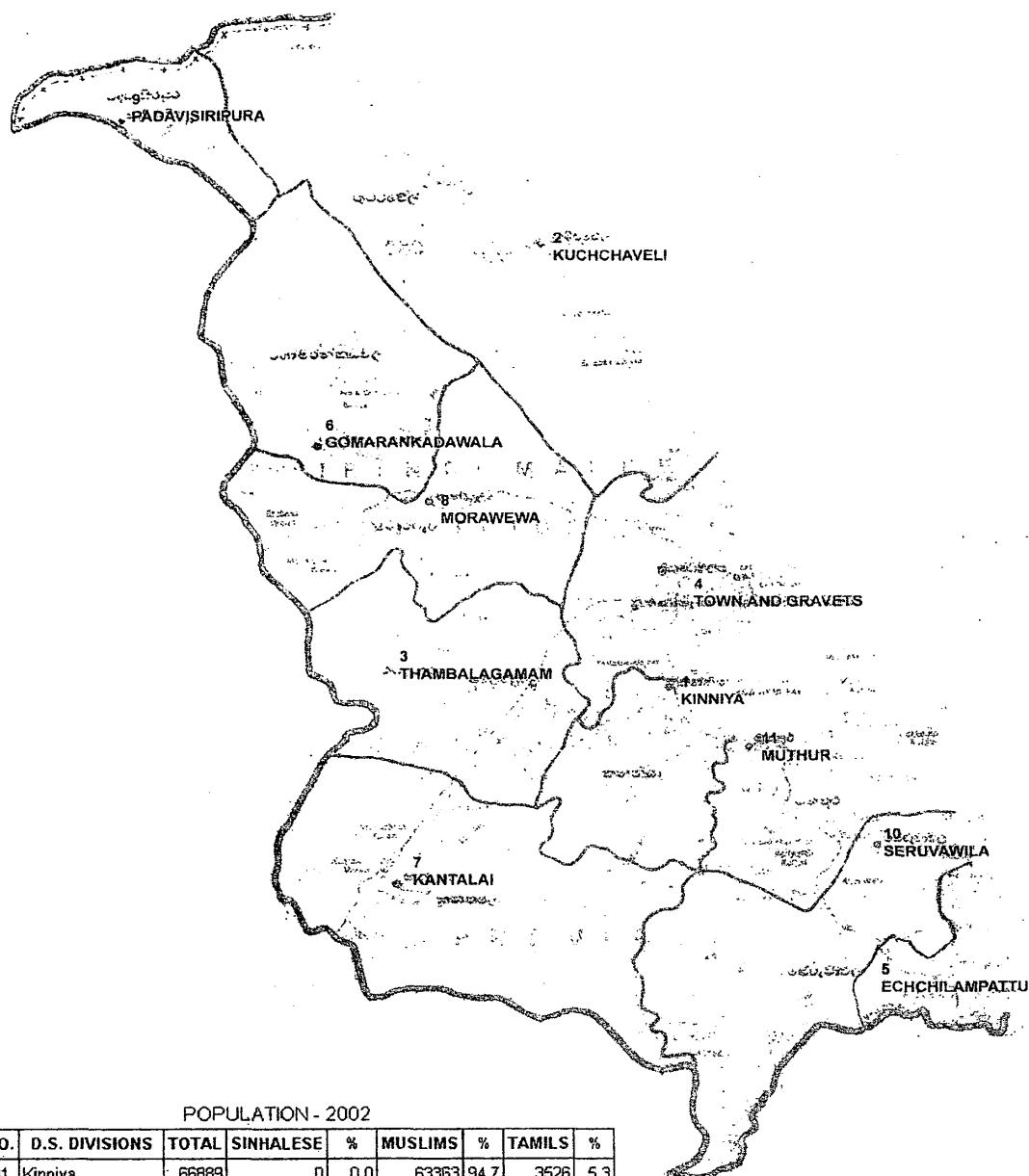
POPULATION - 2001

NO.	D.S. DIVISIONS	TOTAL	SINHALESE	%	MUSLIMS	%	TAMILS	%
01	Eravur Town	21672	15	0.1	16406	84.9	3251	15.0
02	Kattankudy	34732	5	0.0	34672	99.8	55	0.2
03	Koralai pattu	20393	10	0.0	20248	99.3	135	0.7
04	Koralai pattu West *	21750	35	0.2	20839	95.8	876	4.0
05	Eravurpattu *	55499	1672	3.0	44635	80.4	9192	16.6
06	Eravurpattu North *	176	0	0.0	176	100.0	0	0.0
07	Manmunai pattu	25638	18	0.1	5085	19.8	20535	80.1
08	Manmunai North	75911	289	0.4	3248	4.3	72374	95.3
09	Manmunai South	53515	44	0.1	23	0.0	53448	99.9
10	Manmunai South West *	-	-	-	-	-	-	-
11	Manmunai West *	-	-	-	-	-	-	-
12	Poraithewupattu *	-	-	-	-	-	-	-
TOTAL		309286	2088	0.7	147332	47.6	159866	51.7

* Incomplete



TRINCOMALEE DISTRICT DIVISIONAL SECRETARIAT DIVISIONS



POPULATION - 2002

NO.	D.S. DIVISIONS	TOTAL	SINHALESE	%	MUSLIMS	%	TAMILS	%
01	Kinniya	66889	0	0.0	63363	94.7	3526	5.3
02	Kuchchaveli	21937	206	0.9	14258	65.0	7473	34.1
03	Thambalagamam	31346	7916	25.3	16823	53.7	6607	21.1
04	Town & Gravets	101916	20252	19.9	12346	12.1	69318	68.0
05	Echchilampattu	11306	0	0.0	0	0.0	11306	0.0
06	Gomarankadawala	6287	6274	99.8	1	0.0	12	0.2
07	Kantalai	47525	38493	81.0	7567	15.9	1465	3.1
08	Morawewa	5109	4454	87.2	654	12.8	1	0.0
09	Padavisiripura	11675	11674	100.0	0	0.0	1	0.0
10	Seruvawila	12974	8079	62.3	1787	13.8	3108	24.0
11	Muthur	62041	171	0.3	34194	55.1	27686	44.6
TOTAL		379005	97519	25.7	150983	39.8	130503	34.4

General Election – 2004**Votes Received by Main Political Parties/ Independent Groups****Pottuvil**

	Votes Obtained	Percentage (%)
Sri Lanka Muslim Congress	33,787	35.53
Illankai Tamil Arasu Katchi	31,890	33.53
United People's Freedom Alliance	22,192	23.33
United National Party	5,723	6.02
Elam Peoples Democratic Party	923	0.97
Sri Lanka Progressive Front	122	0.13
Jathika Hela Urumaya	81	0.09
United Muslim People's Alliance	71	0.07

Sammanthurai

	Votes Obtained	Percentage (%)
United People's Freedom Alliance	19,117	39.88
Sri Lanka Muslim Congress	17,688	36.90
Illankai Tamil Arasu Katchi	8,976	18.72
United National Party	1,664	3.47

Kalmunai

	Votes Obtained	Percentage (%)
Sri Lanka Muslim Congress	21,978	47.04
Illankai Tamil Arasu Katchi	13,842	29.62
United People's Freedom Alliance	9,189	19.67
United National Party	971	2.08
Elam Peoples Democratic Party	252	0.54
Independent Party 2-Digamadull District	94	0.20

Batticaloa

	Votes Obtained	Percentage (%)
Illankai Tamil Arasu Katchi	57,144	54.01
United People's Freedom Alliance	22,716	21.47
Sri Lanka Muslim Congress	19,612	18.53
United National Party	3,819	3.61
Elam Peoples Democratic Party	1,099	1.04
Democratic Peoples Liberation Front	711	0.67
United Muslim People's Alliance	307	0.29

Kalkudah

	Votes Obtained	Percentage (%)
Illankai Tamil Arasu Katchi	43,503	61.46
Sri Lanka Muslim Congress	22,244	31.43

United People's Freedom Alliance	2,706	3.82
United National Party	1,364	1.93
Elam Peoples Democratic Party	568	0.80
Sri Lanka Progressive Front	75	0.11
Independent Party 1-Batticaloa District	52	0.07
Democratic Peoples Liberation Front	44	0.06
New Left Front	41	0.06
United Muslim People's Alliance	38	0.05

Mutur

	Votes Obtained	Percentage (%)
Sri Lanka Muslim Congress	45,523	69.58
Illankai Tamil Arasu Katchi	17,005	25.99
United People's Freedom Alliance	1,854	2.83
United National Party	689	1.05
Ruhunu Janatha Party	53	0.08
United Muslim People's Alliance	50	0.08
Elam Peoples Democratic Party	49	0.07

Trincomalee

	Votes Obtained	Percentage (%)
Illankai Tamil Arasu Katchi	43,880	65.16
Sri Lanka Muslim Congress	13,378	19.86
United People's Freedom Alliance	6,229	9.25
United National Party	3,193	4.74
Elam Peoples Democratic Party	393	0.58
Jathika Hela Urumaya	119	0.18
New Left Front	35	0.05
United Muslim People's Alliance	33	0.05

Seruwila

	Votes Obtained	Percentage (%)
United People's Freedom Alliance	19,607	47.22
United National Party	10,346	24.92
Illankai Tamil Arasu Katchi	6,178	14.88
Sri Lanka Muslim Congress	4,647	11.19
Jathika Hela Urumaya	563	1.36
Elam Peoples Democratic Party	61	0.15
United Muslim People's Alliance	32	0.08

Parliamentary Election – 1994**Sri Lanka Muslim Congress**

<u>Digamadulla</u>	<u>Votes</u>
1.M.H.M. Ashraff	69,076
2.U.L.M. Mohideen	26,194
3.M.M. Mustaffa	25,356
4.A.L.M. Athaulla	22,266
5.M. Hussain Abosali	13,327
6.A.L.M. Carrim Moulavi	11,970
7.A.L. Mohideen Bawa	11,059
8.M.A.M. Jalaldeen	10,820
9.S. Muthumeeran	8,873

United National Party

<u>Digamadulla</u>	<u>Votes</u>
1.P. Dayaratna	45,411
2.A.P. Galapathi	40,675
3.N.U. Bakmeewewa	28,061
4.A.R. Mansoor	21,650
5.A. Majeed Meerasahib	21,448
6.A.A.M. Mohamed Ali	20,428
7.A.D. De Silva	18,958
8.M. Sinnalebbe	3,100
9.J. Thiviyanathan	2,449

People's Alliance

<u>Digamadulla</u>	<u>Votes</u>
1.H.M. Weerasinghe	36,276
2.A.K. Devapperuma	33,728
3.I.R.M.N. Jayawardena	20,446
4.S.K. De Silva	18,759
5.P.T. Kularatne	8,871
6.S.B. Ekanayake	7,803
7.M.S. Backmeewewa	3,340
8.S. Sathiyathan	3,025
9.S. Manokaranpillai	1,466

General Election – 2004**Candidates Elected****People's Alliance**

<u>Digamadulla</u>	<u>Votes</u>
1.Ferial Asraff	52,223
2.A.L.M. Athavulla	39,773

United National Party

<u>Digamadulla</u>	<u>Votes</u>
1. B. Dayarathna	31,215

Janatha Vimukthi PeramunaDigamadullaVotes

1. Vasantha Piyathissa	45,975
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Sri Lanka Muslim CongressDigamadullaVotes

1. Abdul Rauff Hakeem	68,627
2. Faisal Mohamed Hasik	20,724

BatticaloaVotes

1. Ameer Ali Sihabdeen	21,216
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TrincomaleeVotes

1. Najeeb A. Majeed	26,948
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Illankai Tamil Arasu KatchiTrincomaleeVotes

1. Ira. Sambandan	47,735
2. K. Thuraiaratnasingam	34,773

BatticaloaVotes

1. Thamban Pillai Kanahasabai	57,843
2. Miss. Thangeswari Kathiraman	50,545
3. S. Jeyananda Moorthi	44,547
4. Kingsli Irasanayaham	38,633

DigamadullaVotes

1. Kanahasabai Pathmanadan	29,002
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Details of Voters in 1991 in the Assistant Government's Divisions in the Eastern Province

A.G.A. Division Names	Total Voters	Province %	District %	Sinhala Voters	Province %	District %
<u>Ampara District</u>						
1. Padiyathalawa	30,967	0.1	2.2	30,348	4.5	10.5
2. Maha-oya	19,061	1.1	2.6	18,756	2.8	6.4
3. Uhana	45,096	3.5	8.1	43,478	6.3	15.0
4. Smmanthurai	38,732	5.7	13.4	1,356	0.2	0.5
5. Kalmunai	47,147	7.0	16.3	566	0.1	0.2
6. Ninthavur	21,126	3.1	7.3	85	0.0	0.0
7. Addalaichenai	15,557	2.3	5.4	1,229	0.2	0.4
8. Akkaraipattu	27,024	4.0	9.3	1,594	0.2	0.6
9. Dhamana	17,353	2.6	6.0	16,850	2.5	5.8
10. Thirukkivil	11,529	1.7	4.0	138	0.0	0.1
11. Pottuvil	12,543	1.9	4.3	778	0.1	0.2
12. Lahugala	3,537	0.5	1.2	3,148	0.5	1.1
District Total	289,672	42.7	100	118,321	17.4	40.8
<u>Batticaloa District</u>						
1. Koralaipattu	26,310	3.9	11.5	710	0.1	0.3
2. Koralaipattu South	7,207	1.1	3.1	721	0.1	0.3
3. Eravurpattu	47,151	7.0	20.6	2,829	0.5	1.3
4. Manmunai North	79,439	11.7	34.7	2,383	0.3	1.0
5. Manmunai West	16,494	1.6	4.6	210	0.0	0.1
6. Manmunai S.West	10,924	1.6	4.8	76	0.0	0.0
7. Eruvil Man. South	26,589	3.9	11.6	105	0.0	0.0
8. Poraitheevu	20,907	3.1	9.1	690	0.1	0.4
District Total	229,021	33.7	100	7,725	1.1	3.4
<u>Trincomalee District</u>						
1. Pathavisiripura	6,454	1.0	4.0	6,435	0.9	4.0
2. Kuchchaveli	13,210	2.0	8.3	1,995	0.3	1.2
3. Gomarangkadawela	3,692	0.5	2.3	3,651	0.5	2.4
4. Morawewa	5,102	0.8	3.9	2,847	0.4	1.8
5. Town and Gravette	42,898	6.3	26.8	12,355	1.9	7.7
6. Thambalakamam	12,412	1.8	7.8	3,935	0.6	2.5
7. Kinniya	20,922	3.1	13.1	105	0.0	0.1
8. Mutur	23,297	3.4	14.6	559	0.1	0.3
9. Seruvila	8,981	1.3	5.6	4,966	0.8	3.1
10. Kanthalai	23,125	3.4	14.4	18,893	2.9	11.7
District Total	160,093	23.6	100	55,741	8.4	34.8
Province Total	678,786	100		181,787	26.8	

A.G.A. Division	Tamil Voters	Province %	District %	AGA. Division	Muslim Voters	Province %	District %	A.G.A. Division
98.0	372	0.1	0.5	1.2	247	0.0	0.1	0.8
98.4	229	0.0	0.1	1.2	19	0.0	0.0	0.1
96.4	1,263	0.2	0.4	2.8	180	0.0	0.1	0.4
8.5	10,651	1.5	3.8	27.5	26,609	3.9	9.2	68.7
1.2	13,437	2.0	4.6	28.5	32,814	4.8	11.3	69.6
0.4	5,789	0.8	3.0	27.4	15,211	2.2	5.3	72.0
7.9	887	0.1	0.3	5.7	13,410	2.0	4.6	86.2
5.9	8,675	1.3	3.0	32.1	16,647	2.5	5.8	61.6
97.1	416	0.1	0.1	2.4	87	0.0	0.0	0.5
1.2	11,321	1.7	3.9	98.2	58	0.0	0.0	0.5
6.2	3,261	0.5	1.1	26.0	8,467	1.2	2.8	67.5
89.0	347	0.1	0.1	9.8	39	0.0	0.1	1.1
	56,648	8.3	19.6		113,788	16.8	39.3	
2.7	13,918	2.1	6.1	52.9	11,576	1.7	5.1	44.0
10.0	5,960	0.9	2.6	82.7	526	0.1	0.2	7.3
6.0	29,469	4.3	12.9	62.5	14,805	2.2	6.5	31.4
3.0	49,172	7.1	21.5	61.9	26,056	2.6	11.3	32.8
2.0	10,053	1.5	4.4	95.8	231	0.0	0.1	2.2
0.7	10,815	1.6	4.7	99.0	34	0.0	0.0	0.3
0.4	26,429	3.8	11.5	99.4	27	0.0	0.0	0.1
3.0	20,196	3.0	8.8	96.6	21	0.0	0.1	0.1
	166,012	24.3	72.5		53,276	7.0	23.3	
99.7	129	0.0	0.0	0.2	000	0.0	0.0	0.0
15.1	5,812	1.0	3.6	44.0	5,390	0.8	3.3	40.8
98.9	33	0.0	0.0	0.9	7	0.0	0.0	0.2
55.8	1,589	0.2	1.0	35.3	444	0.1	0.3	8.7
28.8	25,138	3.8	15.8	58.6	4,204	0.6	2.6	9.8
31.7	3,699	0.5	2.3	29.8	4,779	0.7	3.0	38.5
0.5	1,548	0.2	1.0	7.4	19,248	2.8	12.0	92.0
2.4	11,602	1.7	7.2	49.8	11,136	1.6	7.0	47.8
55.3	3,440	0.5	2.1	38.3	566	0.1	0.4	6.3
81.7	1,249	0.2	0.2	5.4	2,891	0.4	1.8	12.5
	54,122	8.1	33.8		48,602	6.9	30.4	
	276,782	40.8			215,669	31.8		

State aided Sinhala Colonization in the Eastern Province

Colonization has been accepted as one of the main grievances affecting the Tamil and Muslim people in Sri Lanka. Land policies pursued hitherto in the North East have had their far reaching adverse effects.

According to 1921 census, the Sinhalese were 3% of the Population in the Trincomalee District and 4.5% in the combined Batticaloa and Ampara District. The Sinhalese were less than 4% in the whole Eastern Province. However according to 1981 census the Sinhala Population in the Eastern Province is 25%.

Gal Oya Scheme in Ampara District, Allai, Kanthalai, Morawewa and Padavia Schemes in Trincomalee Districts are examples of planned Sinhala Colonization in the Eastern Province. These colonisations were carried out in violation of the Land Development Ordinance. The Muslims who were the first majority in the Gal Oya Area, Ampara District, were made minorities by State Aided Sinhala Colonisation.

When the major Irrigation Schemes were inaugurated in the East, immediately after the independence, the late Mr. D.S. Senanayake said that the lands that were to become arable would be alienated among the local farmers and the would be Sinhala Colonists from outside the province, on a 50 – 50 basis. The successive Governments, whether UNP or SLFP, not only failed to implement the promise but also adopted various methods to ensure the economic and political weakening of the Tamils and Muslims in the Eastern province.

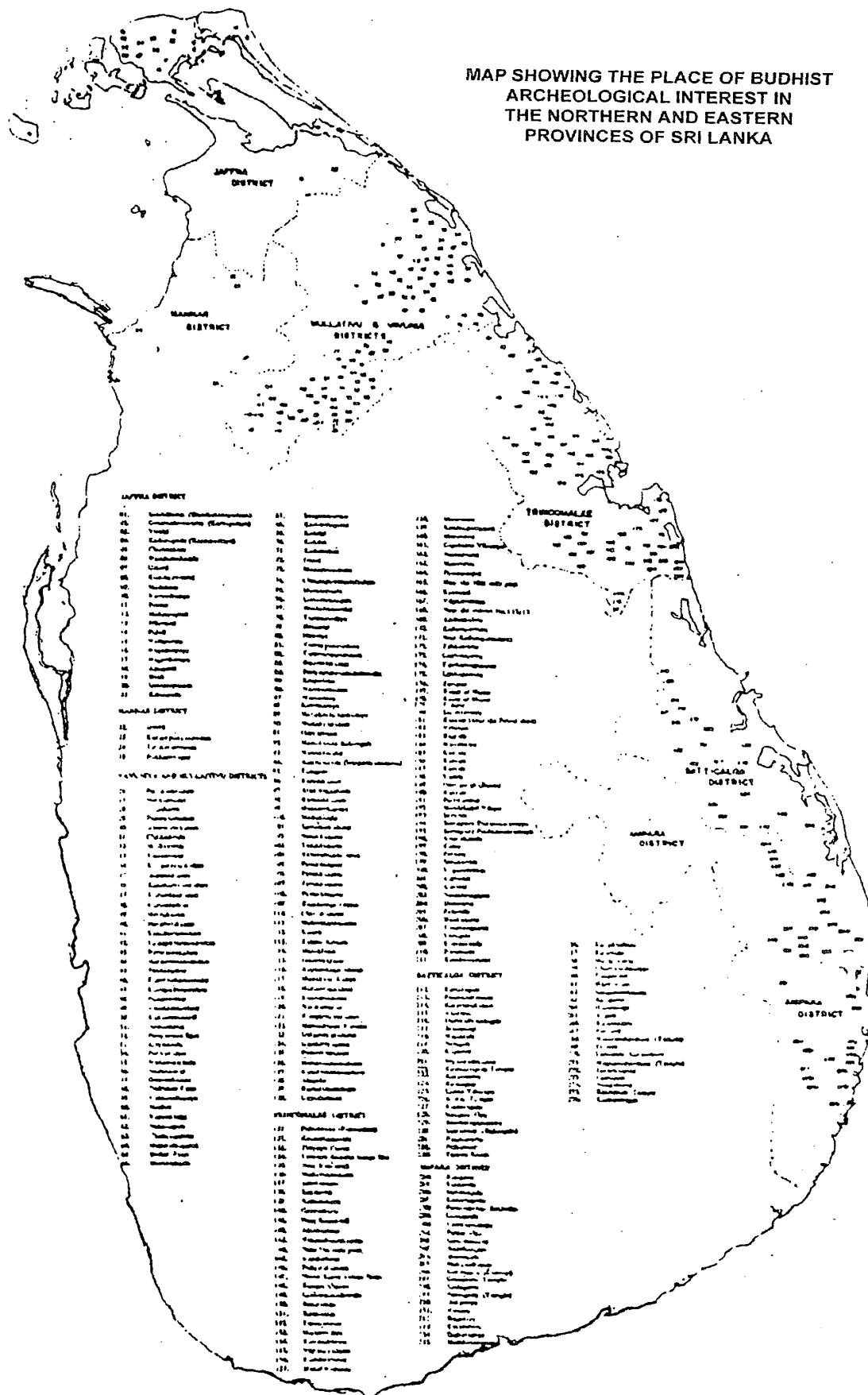
Further, the Commissioner of Archeology has stated that 273 sites in the Northern and Eastern provinces have already been excavated and soon Buddhists will be settled in these places. According to Hansard volume 25 No. 10 of Friday 7th October, 1983, there are 43 places of Archeological interests in the predominant Muslim areas of Ampara.

Land Policies covering subjects such as Land Use, Land Development, Land Settlement and allied matters are of utmost importance. Land use and Settlement have come to be acknowledged in Sri Lanka as “Colonisation” in effect “State Aided Colonisation”. Colonisation has been accepted as one of the main grievances affecting the minorities – Tamils and Muslims in Sri Lanka.

The United National Party in its Election Manifesto of 1977, identified Colonisation as being one of the several grievances that had led to the present communal unrest in the country.

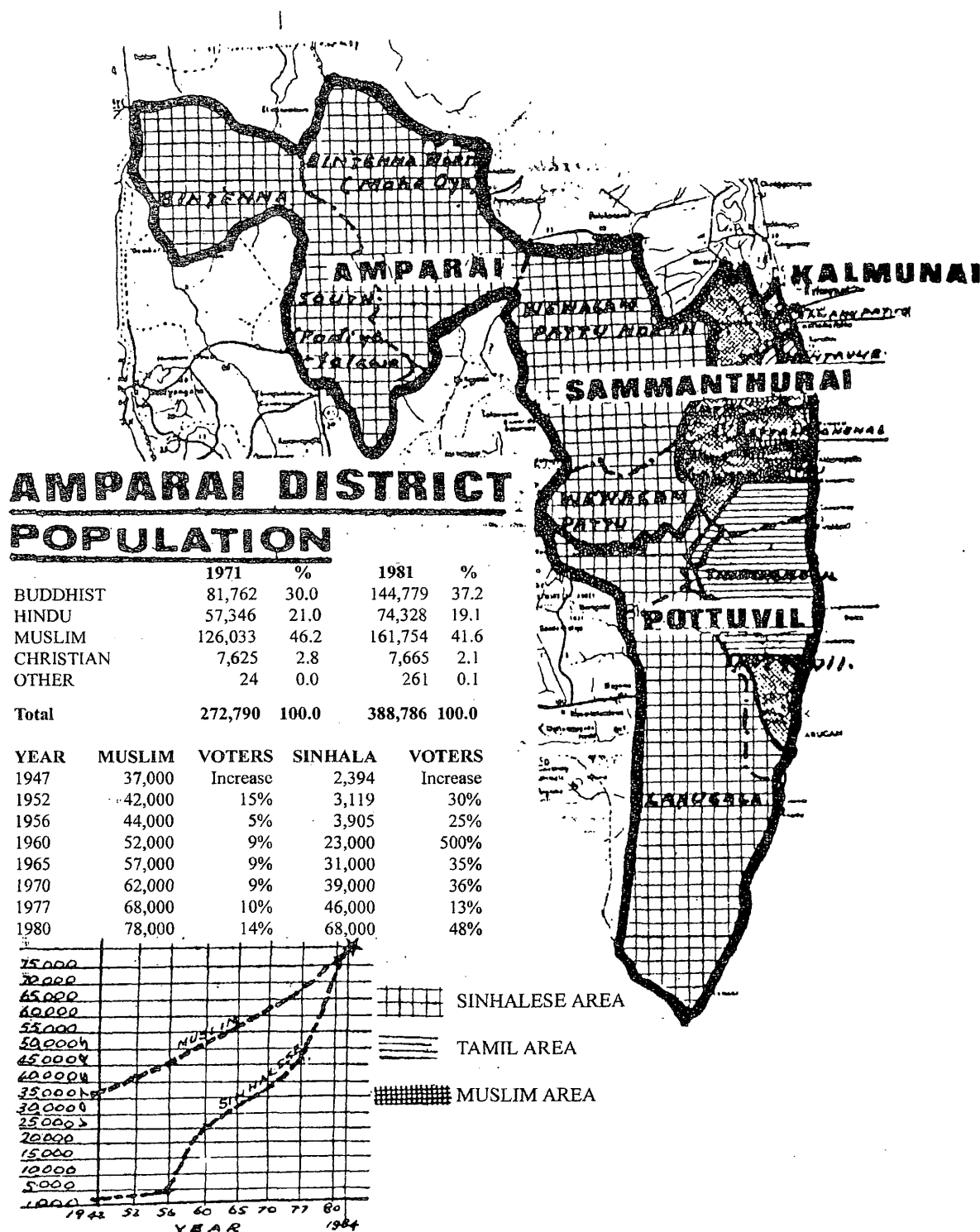
The History of Colonisation dates back to 1932, when Representative Government started the experiment of settling the landless peasants in area which had been provided with facilities at State expenses. The main object of State Aided Settlement is to provide land to the landless, both Agricultural and Residential Land. Alienation of State Land in Colonisation Schemes, involves the expenditure of large amount of State Funds in Land Development, provision of irrigation facilities, various subsidies, housing and other infrastructures. In short the State does everything for the allottees, to start a new life away from home.

In our economic development land and water are the most versatile National Resources. With the attainment of Self-Government, they were being developed in a spirit of sharing these resources equally among all Sri Lankans. Unfortunately the Land Policies pursued hitherto by successive Governments after the Independence have had their far reaching adverse effects.



1. The Minorities have been denied their legitimate share of Developed State Land.
2. Deprivation of Land, more particularly developed land, to landless people in the Districts of Land alienation.
3. Substantial alteration in the Ethnic composition of the Districts in which State Land have been alienated.

This has contributed to the growth of tension and hostilities amongst different communities resulting in Ethnic Violence. The victims of such violence have always been the Minorities.



When Gal Oya Development Scheme was inaugurated the late Hon. D.S. Senanayake stated that the lands that were to become arable would be distributed among the local peasants. It was said that it was the Policy of the Government that at least 50% of the new lands that were to become cultivatable under the Gal Oya Development Scheme would be distributed on a 50 – 50 basis between the local citizens of the Batticaloa district and the would be colonists from outside Batticaloa district.

It was on the strength of this promise and the policy of the Government the local Muslims who were noted for their fearlessness and ability for opening thick jungles, risked their lives and came forward to work under the Gal Oya Scheme. The successive Governments, whether they are UNP or SLFP, not only failed to implement the so called policy of 50 – 50 distribution but also adopted various methods to ensure the economic and political weakening of the Muslims in the Gal Oya Valley.

Opening of the Gal Oya Scheme was a great boon to the people of Sri Lanka. However, this has been used as a device to deprive the Muslims to live and own lands under this Scheme. This would be seen from the Settlement Policy worked out since the opening of the Gal Oya Scheme.

Muslim Lands Forcibly Colonized by the Sinhalese in Ampara District

This area is about 5 miles from the predominant Muslim Village of Akkaraipattu 1,400 acres was given to the Muslims under LDO Permit to open out the jungle and cultivate paddy. The Muslims developed this area at great expense even at the loss of life and limbs. They became some of the finest paddy fields in this area.

The River Valley Development Board the successor to the Gal Oya Board, without any notice or compensation to these Muslim cultivators with LDO Permits, handed over the whole area to the Sugar Corporation. They sent the Bull-dozers to destroy the paddy fields and took over the land for sugar cultivation. Hundreds of Muslims were thrown out on the road.

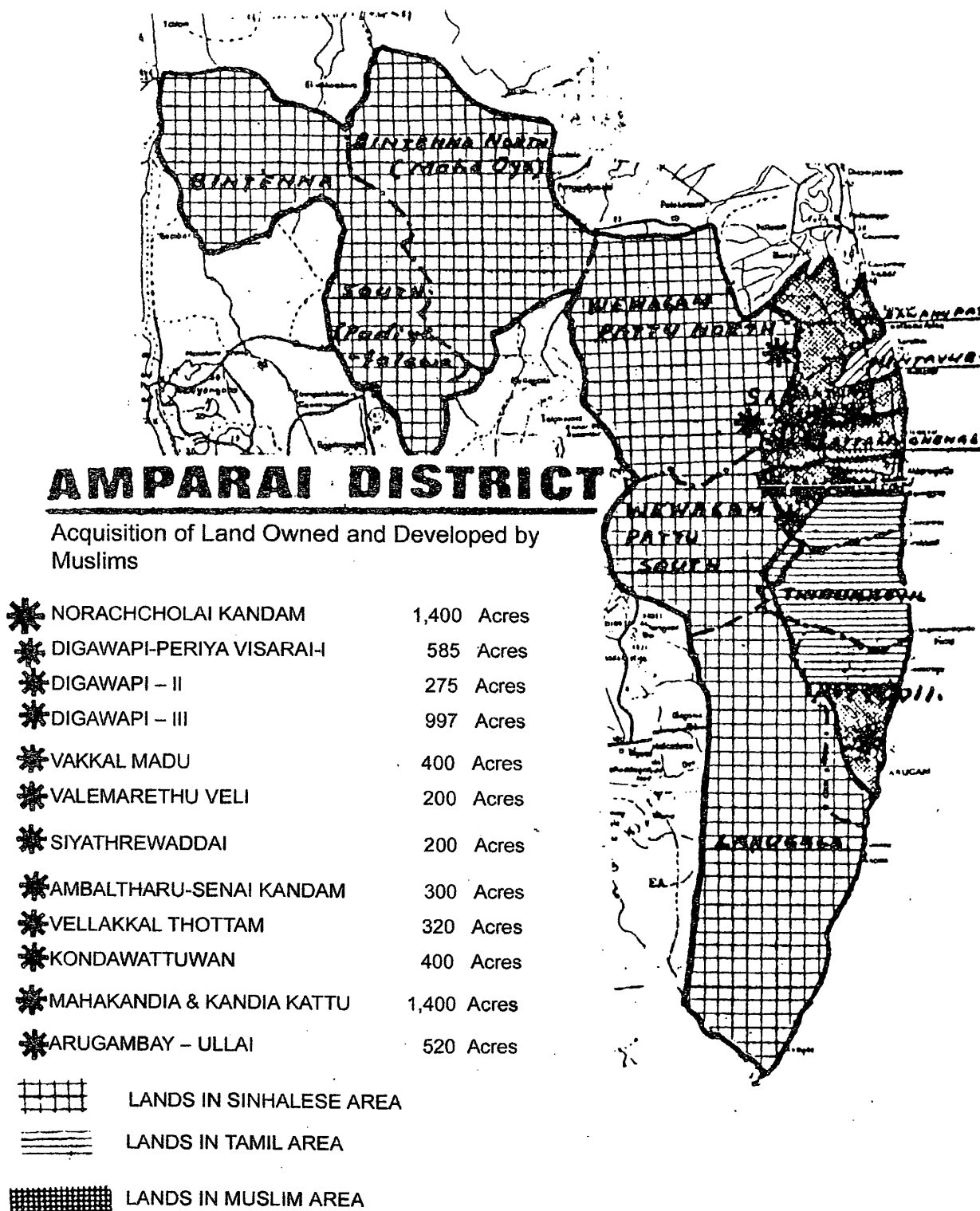
The land taken over chasing the Muslims proved a dismal failure for sugar cultivation. One thousand four hundred acres of fertile paddy fields were reduced to shrub jungle. The Government had settled Sinhalese brought from outside instead of giving the land back to the Muslims who developed these lands on LDO Permits or to their dependants.

Similarly Muslims who developed the State land with LDO Permits have been chased out from Valamarethveli Kandan, Ambaltharu Kandan and Ambalam Oya Kandan, Chenai Kandan. Total land from which Muslims have been chased away with their LDO Permits (and given to Sinhalese brought from outside) amounts to more than 7,000 acres.

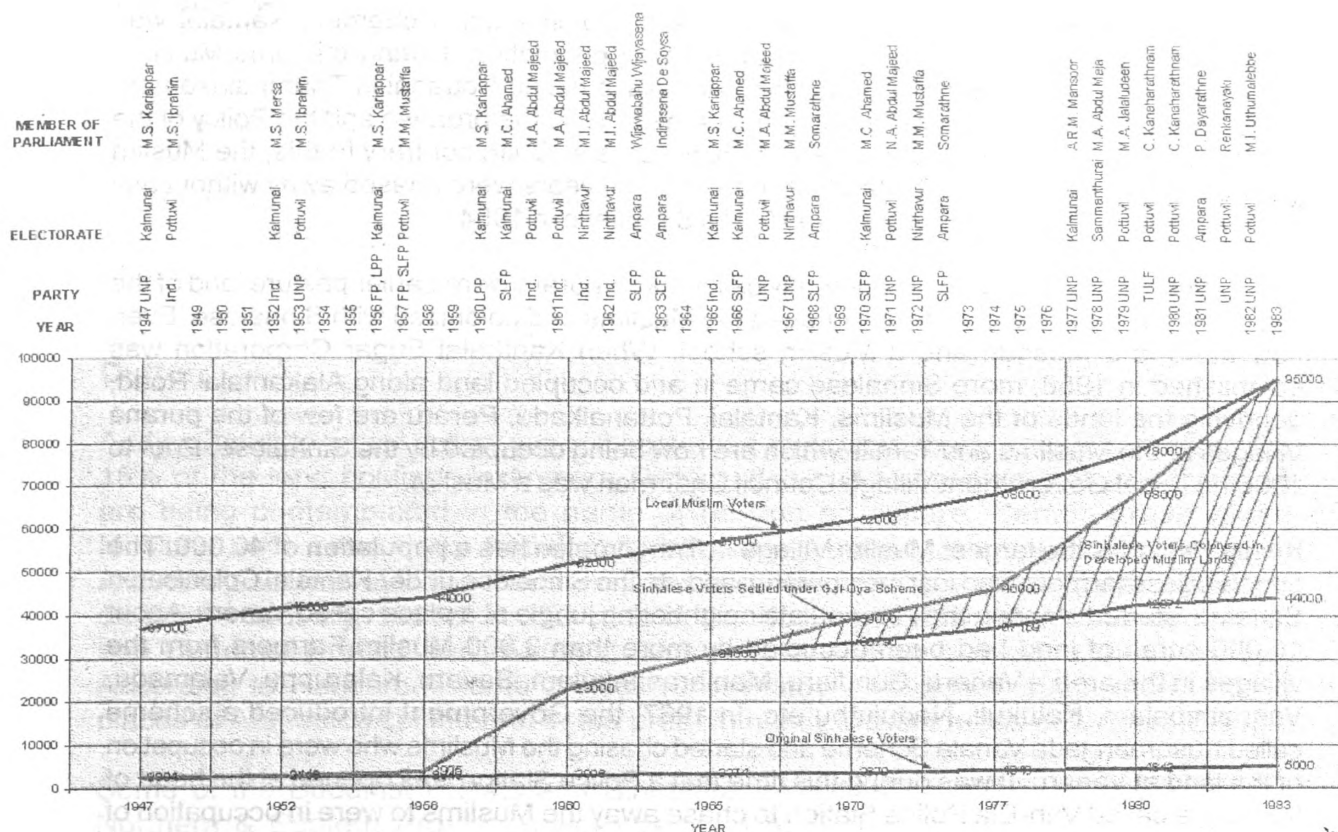
The Sri Lanka Sugar Corporation at Ingurana, Gal Oya Tile Factory under Ministry of Industries at Irrakkamam. The River Valley Development Board – the successor to the Gal Oya Development Board, took over the fertile paddy fields of the Muslims without due regard to the provisions of the law relating to acquisition of land. This has resulted in the Muslims not getting alternate land or compensation.

It is a different story altogether in the Sevanagala Sugar Development Project in the Uda Walawa Scheme in Embilipitiya. Thousands of unauthorized squatters who did not have even the LDO Permits were given first the compensation and a subsistence of Rs. 550/- per month, till the land illegally occupied by them is fully developed for sugar cultivation and given back to them at the rate of three to five acres. They are also given a developed plot of one acre high land and a free

house. No one is displaced on account of Sugar cultivation project as happened in Gal Oya and not a single Muslim or Tamil is brought from outside the area. What happened in Gal Oya Development Scheme is a deliberate discrimination against the Muslims.



STATE AIDED SINHALESE COLONISATION IN AMPARA DISTRICT



Distribution of population of Sri Lanka by District, Province and race - census - 1981

DISTRICTS	All Races Total	Sinhalese Total	%	Ceylon Tamils Total	%	Indian Tamils Total	%	Tamils Total	%	Moors Total	%	Burghers Total	%	Malays Total	%
WEST. PROV.	3,903,414	3,325,635	85.20	220,360	5.65	60,746	1.56	281,106	7.20	240,774	6.17	27,069	0.69	28,830	0.74
1. COLOMBO	1,689,613	1,322,658	78.28	165,952	9.82	21,504	1.27	187,456	11.09	140,461	8.31	18,997	1.12	20,041	1.19
2. GAMPAHA	1,386,867	1,280,902	92.36	45,807	3.30	5,732	0.41	51,539	3.72	38,607	2.78	7,742	0.56	8,077	0.58
3. KALUTARA	826,934	722,075	87.32	8,601	1.04	33,510	4.05	42,111	5.09	61,706	7.46	330	0.04	712	0.09
CENTRAL PROV.	2,000,041	1,317,119	65.85	147,082	7.35	376,055	18.80	523,137	26.16	152,556	7.63	2,954	0.15	4,275	0.21
4. KANDY	1,121,942	844,325	75.26	55,675	4.96	104,840	9.34	160,515	14.31	112,052	9.99	2,402	0.21	2,648	0.24
5. MATALE	357,134	285,514	79.95	20,936	5.86	24,084	6.74	45,020	12.61	25,836	7.23	250	0.07	514	0.14
6. NU. ELIYA	520,965	187,280	35.95	70,471	13.53	247,131	47.44	317,602	60.96	14,668	2.82	302	0.06	1,113	0.21
SOUTH PROV.	1,881,349	1,792,260	95.26	11,564	0.61	25,308	1.35	36,872	1.96	47,085	2.50	533	0.03	4,599	0.24
7. GALLE	813,360	769,928	94.66	6,093	0.75	11,069	1.36	17,162	2.11	25,896	3.18	216	0.03	158	0.02
8. MATARA	643,988	609,367	94.62	3,918	0.61	13,931	2.16	17,849	2.77	16,457	2.56	254	0.04	61	0.01
9. HAMBANTOTA	424,001	412,965	97.40	1,553	0.37	308	0.07	1,861	0.44	4,732	1.12	63	0.01	4,380	1.03
NORTH PROV.	1,109,637	33,149	2.99	959,797	86.50	63,431	5.72	1,023,228	92.21	52,638	4.74	505	0.05	117	0.01
10. JAFFNA	831,015	4,615	0.56	792,246	95.33	20,001	2.41	812,247	97.74	13,757	1.66	350	0.04	46	0.01
11. MANNAR	105,416	8,710	8.26	54,106	51.33	14,072	13.35	68,178	64.68	28,464	27.00	41	0.04	23	0.02
12. VAVUNIYA	95,701	15,876	16.59	54,541	56.99	18,592	19.43	73,133	76.42	6,640	6.94	21	0.02	31	0.03
13. MULLATIVU	77,505	3,948	5.09	58,904	76.00	10,766	13.89	69,670	89.89	3,777	4.87	93	0.12	17	0.02
EAST. PROV.	974,127	242,358	24.88	399,406	41.00	12,045	1.24	411,451	42.24	315,201	32.36	4,154	0.43	963	0.10
14. BATTICALOA	330,528	10,646	3.22	234,348	70.90	3,868	1.17	238,216	72.07	79,317	24.00	2,300	0.70	49	0.01
15. AMPARA	388,399	146,371	37.69	78,315	20.16	1,410	0.36	79,725	20.53	161,481	41.58	643	0.17	179	0.05
16. TRINCOMALEE	255,200	85,341	33.44	86,743	33.99	6,767	2.65	93,510	36.64	74,403	29.15	1,211	0.47	735	0.29
N.W.P. PROV.	3,433,052	3,117,395	90.81	72,625	2.12	11,321	0.33	83,946	2.45	227,149	6.62	1,723	0.05	2,839	0.08
17. KURUNEGALA	1,211,561	1,128,548	93.15	13,438	1.11	6,427	0.53	19,865	1.64	61,342	5.06	605	0.05	1,201	0.10
18. PUTTALAM	522,920	437,453	83.66	33,218	6.35	2,964	0.57	36,182	6.92	47,959	9.17	444	0.08	882	0.17
N.C.P. PROV.	849,332	775,702	91.33	12,981	1.53	990	0.12	13,971	1.64	58,924	6.94	337	0.04	398	0.05
19. ANURADHAPURA	587,076	536,889	91.45	7,113	1.21	735	0.13	7,848	1.34	41,833	7.13	280	0.05	226	0.04
20. POLONNARUWA	262,163	238,803	91.09	5,875	2.24	205	0.08	6,080	2.32	17,091	6.52	57	0.02	132	0.05
21. UVA PROV.	920,950	700,070	76.02	41,618	4.52	144,959	15.74	186,577	20.26	32,130	3.49	721	0.08	1,452	0.16
22. BADULLA	641,384	440,245	68.64	36,595	5.71	135,795	21.17	172,390	26.88	26,808	4.18	641	0.10	1,300	0.20
23. MONARAGALA	279,566	259,825	92.94	5,023	1.80	9,164	3.28	14,187	5.07	5,322	1.90	80	0.03	152	0.05
SAB. PROV.	1,477,348	1,263,332	85.51	32,074	2.17	132,304	8.96	164,378	11.13	48,363	3.27	614	0.04	661	0.04
24. RATNAPURA	795,456	674,657	84.81	17,979	2.26	88,429	11.12	106,408	13.38	13,531	1.70	450	0.06	410	0.05
25. KEGALLE	681,892	588,675	86.33	14,095	2.07	43,875	6.43	57,970	8.50	34,832	5.11	164	0.02	251	0.04
TOTAL	15,699,918	11,791,318	75.10	1,884,526	12.00	826,169	5.26	2,710,695	17.27	1,115,896	7.11	38,273	0.24	43,736	0.28

Muslim Lands Forcibly Colonized by Sinhalese in Trincomalee District

Before the introduction of the Kantalai and Allai Colonisation Schemes, Kantalai was predominantly a Muslim Village with a small Tamil population. During this time Muslims cultivated about 4,000 acres of paddy land at a place called Pottanai in Thampalakamam Pattu. When Kantalai Colonisation Scheme came in 1952 the promise and the Policy of the Government was 50% for the local and 50% for others. Quite contrary to this, the Muslim cultivators who had been in the land for more than 30 years were chased away without any compensation. These lands were given to the Sinhalese in 1954.

The Battukachchi area which is presently called Akbarpuram were earlier pasture land of the people of the area. Here also they chased the Muslims and colonized with Sinhalese. Even now there is a Mosque and a Muslim school. When Kanthalai Sugar Corporation was established in 1958, more Sinhalese came in and occupied land along Alakantalai Road, depriving the lands of the Muslims. Kantalai, Pottanaikadu, Peraru are few of the purana Villages of the Muslims and Tamils which are now being occupied by the Sinhalese. Prior to 1965 the Local Government Village Council Chairman was a Muslim.

Kinniya which is the largest Muslim Village in Trincomalee has a population of 40,000. The poor landless farmers who lost their purana lands to the Sinhalese under Kantalai Colonisation Scheme, started clearing their immediate neighboring jungle at a place called Vanaru. About 10,000 acres of land had been occupied by more than 3,000 Muslim Farmers from the villages in the area – Vanaru, Sundiaru, Maniarasankulam, Savaru, Kalaruppu, Valamadu, Vannathipalam, Katukuli, Naduluthu etc. In 1967, the Government introduced a scheme called Kusumangada Vanala Scheme and started chasing the Muslims who were in occupation of the land at Vanaru. It was during this time that a Police Station was opened at the heart of the jungle called Van-Ela Police Station to chase away the Muslims who were in occupation of the land and to help the Sinhalese to take possession of the lands developed by the Muslims.

The land available between Kinniya-Thampalakamam Road and Alaikanthalai Road was originally reserved for the village expansion of Kinniya, Kurunjakerney Alankerney and Thampalakamam. When the Tobacco Corporation came in at a place called Chondankadu area, closer to Mudalaimadu, the employees of the corporation started encroaching into these areas.

The lands owned by the Muslims are now forcibly being occupied by the Sinhalese. There is serious discrimination in Trincomalee Kachcheri. Annual Temporary LDO Permits were not renewed for the lands cleared and cultivated by the Muslims. But new Permits are issued to the Sinhalese who suddenly come and occupy the developed land of the Muslims. Muslims are thrown out without any compensation or alternate land.

In the Padavia Colonisation Scheme, in that portion of the land that falls within the Trincomalee District in the Eastern Province, the entirety of the land was alienated to the Sinhalese. Needless to say that the entirety of the land under the Padavia Scheme that fell within the North Central Province was also given to the Sinhalese. Today, the Tamil Speaking people, Tamils and Muslims who held land on State Permits within the Trincomalee District very much before the implementation of Padavia, Allai and Kantalai colonization schemes, on the boundary of such schemes are being compelled to vacate such lands.

Ampara District is 1,775 square miles in extent. According to the census of 1981, the Sinhalese who are 37.2% are eligible for 660 square miles. But they have 76% or 1,340 square miles in the

predominant Sinhalese areas. Muslims are 41.6% and eligible for 728 square miles. But the Muslims in their area have only 263 square miles which is only 15% of the land in Ampara District. Please see annexure.

However, the political authority of the previous government and the District Minister in the present government are very keen to grab the developed and ready made paddy fields of the Muslims and settle Sinhalese relatives brought from other districts. These are the illegal politically aided settlements of Sinhalese in Muslim areas which is over and above the 38 settlements of Sinhalese under the Gal Oya scheme 1960-63. This maneuver has very seriously affected the economy and the political strength of the Indigenous Muslim population of Ampara District. Please see annexure.

Muslim Lands Forcibly Occupied in the Name of Buddhist Religion and Culture

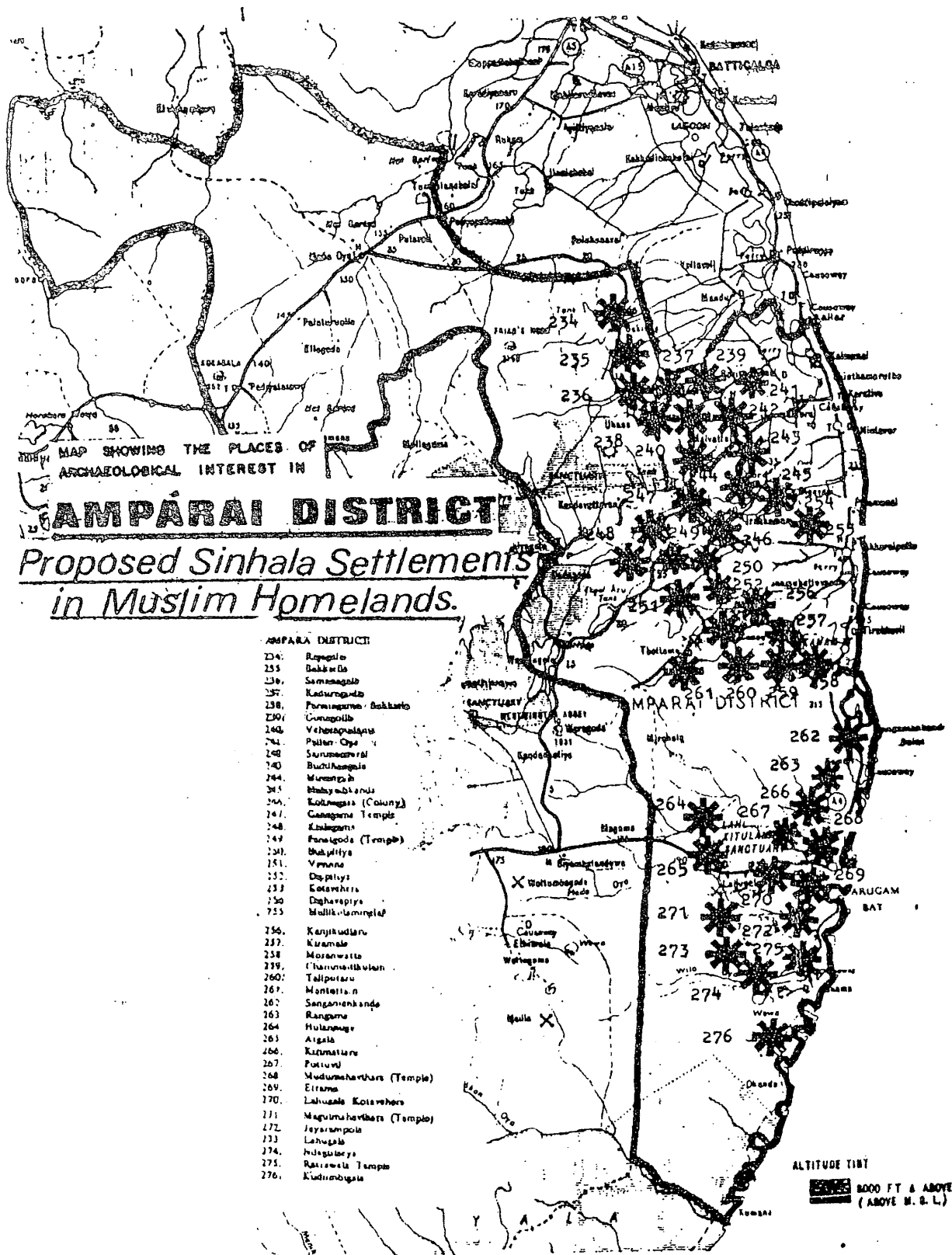
Adding insult to injury action are still continued to deprive the Muslims from even the 15% of the land holdings in Ampara District. It is sad to observe that these actions are being contemplated in the name of religion and culture. Certain areas where Muslims have been living traditionally have been already earmarked as places of Archeological Interest. The Commissioner of Archeology has stated in the "Silumina" on the 1st January, 1984 that 273 sites in the North and East have been excavated and Buddhist Priests and Buddhist Sinhalese are to be settled in these places. According to Hansard Volume 25 No. 10 of Friday 7th October, 1983, there are 43 places of Archeological Interest in the predominantly Muslim areas of Ampara District.

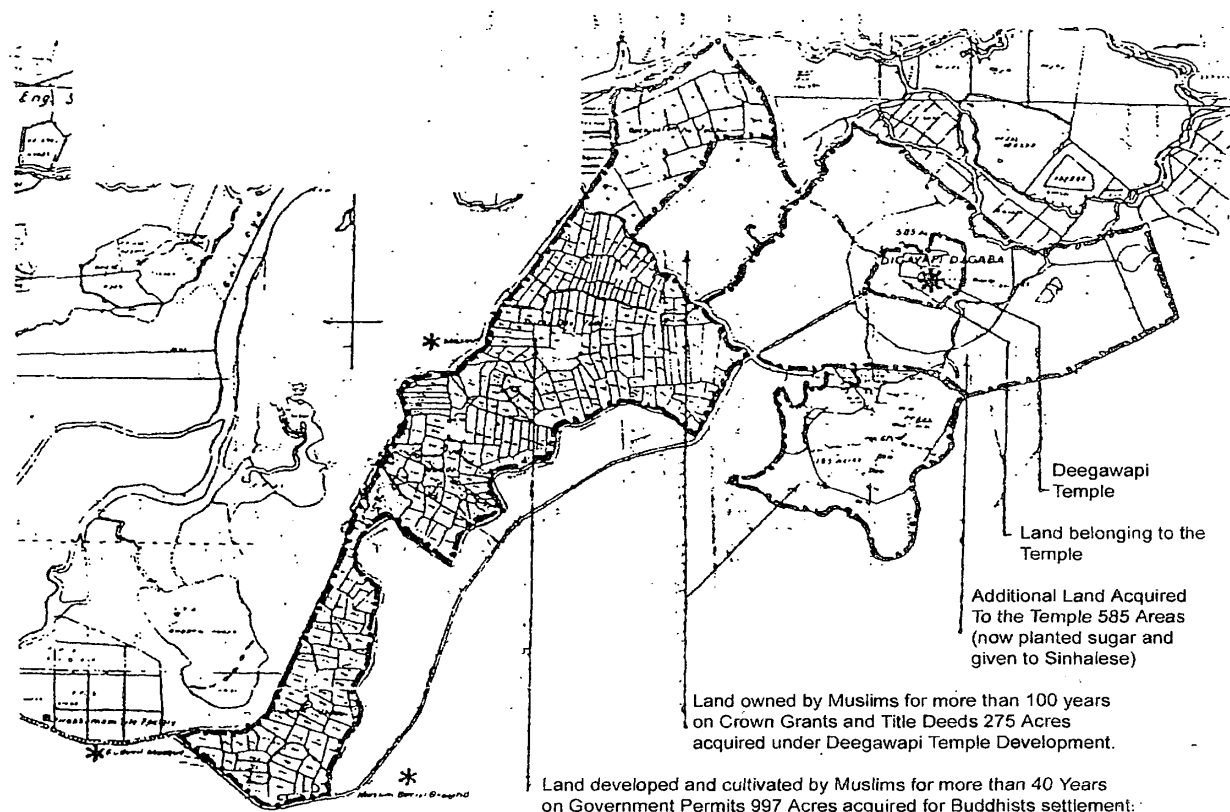
Some of the Buddhist Priests and Sinhalese have tried to make out that even the Northern & Eastern Provinces were peopled by Sinhalese several centuries ago. They referred to the presence of Buddhist ruins as proof of this fact. They should remember the fact that the whole of South India and the majority of the Tamil speaking people were Buddhists in the 3rd and 4th centuries AD. The well known Tamil Literary epic Manimekalai and several other Tamil literary works of this period bear ample testimony to this. These ruins in the North and East were places worshiped by Tamil speaking Buddhists.

The claims that are being made to even the Northern and Eastern Provinces as Sinhalese territory are on par with the claims of the Jews in Palestine.

Successive governments have pursued the same policies as the Jews are pursuing in Palestine in dispossessing the Arabs of their land and driving them from their homes. Today we find a frantic search for Buddhist shrines, not for the love of Buddhism but to chase away the Muslims from their lands.

Land acquisition and ejection of Muslims in Digawapi area in Ampara District is a very good example. It was around 1940 that a Buddhist priest came to reside at the site of the Chaitiya. There were no Buddhist to give Dana. The Muslims in this area helped the priest. The land around the Chaitiya was planted with coconut by the Muslims of the area for the priest. Suddenly in 1960 some Buddhist wanted all the land around the Chaitiya to be taken over by the government for Buddhist purpose.

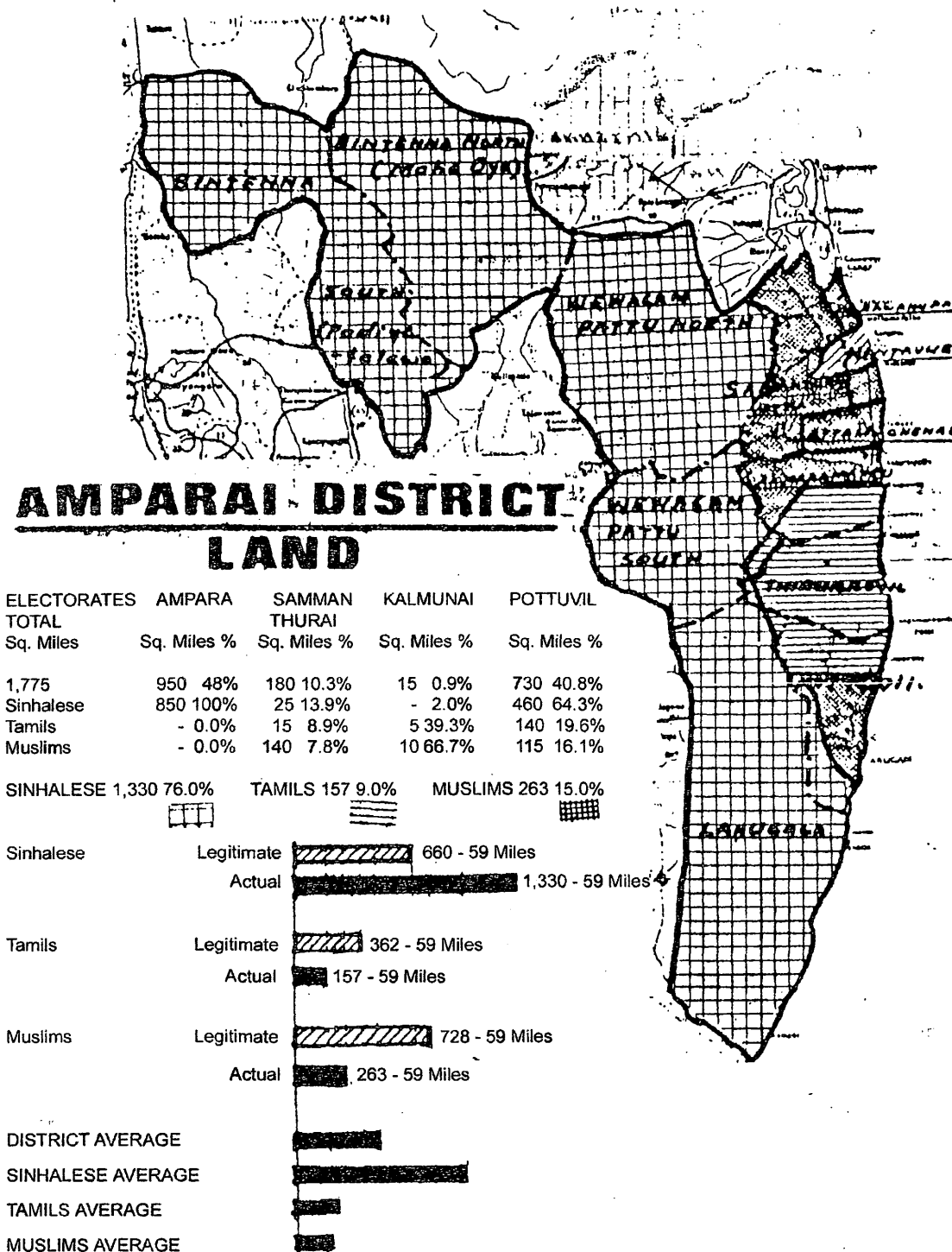




The Government, in 1968 appointed a committee headed by Mr. Ratnethunge, the former Surveyor General, to investigate and submit a report. Number of Buddhist Organisations made representations and finally the Committee recommended to take over 500 acres around the Chaitiya. It was agreed with the Muslims that no more land would be taken. Quite contrary to this agreement and promise by the Sinhala Buddhists, there was a sudden move to acquire another 1,000 acres of paddy land belonging to the Muslims. The Government, without any regard for Law and Order send the bulldozers destroying 185 acres of paddy cultivation in the Periyavisaraikandam owned by the Muslims on Crown Grant Title Deeds. What is happening in the Ampara District is deliberate discrimination against the Muslims.

Sinhalese are more than 74% of the population in the Sinhala Speaking area. Statistics have shown that the Sinhalese have had most of the State land alienated to them under various settlement schemes up to now. They are also occupying, under various pretext, more than 80% of the State land under major colonization schemes in the Tamil Speaking area, Northern and Eastern Provinces. The newly demarcated Ampara Electorate in Ampara District and Seruvila Electorate in Trincomalee District for the new Sinhala settlers in Gal Oya, Padavia, Allai and Kantalai Schemes, cover than 65% of the land area in these Districts.

Muslims are less than 7.6% - the National Ethnic ratio, in 18 Districts and more than 7.6% in other Districts. Most of the District in which the Muslims are less than the National Ethnic Ratio are in the Sinhalese speaking areas and the main occupation of these Muslims is Trading for which land is not important. These Muslims do not require even 1% of their Ethnic Quota for commercial and residential purposes. As it happened in the previous Land Settlement Schemes, all the land including the quota for Muslims will be taken over by the Sinhalese in the Sinhalese Areas.



On the other hand, where the Muslims are more than 7.6% live in the Tamil speaking area, Northern and Eastern Provinces. The occupation is agriculture. For them land is very important. These are the Districts of Ampara, Batticaloa, Trincomale, Mannar, Puttalam etc. According to the colonization policy of the government – to colonise all districts with 74% Sinhalese, Muslims in these districts will also become eligible to only 7.6% of the land that would be alienated under any colonization

scheme in the future. In other words, although the Muslims were more than 65% before Gal Oya Scheme and 42% of the population of the Ampara District in 1981 census, they are eligible to only 7.6% of the land. The Sinhalese who were less than 5% in 1921 and 38% in 1981 will become eligible for 74% of the land in Ampara District in future.

As mentioned earlier, the extent of land available in Muslim area for the 42% Muslims in Ampara District is only 264 sq. miles, whereas the extent of the land available in the Sinhalese area for the 37% Sinhalese is 1,340 sq. miles. Even at 1981 census, there is already a short fall of 465 sq. miles of land for the Muslims and an excess of 680 sq. miles for the Sinhalese in the Ampara District. With the new policy of the UPFA Government, the Muslims will lose another 137 sq. miles to the Sinhalese. This would mean a serious social and economical discrimination against the Muslims in Ampara District. It would be worse for the Muslims in Batticaloa, Trincomalee, Mannar Districts.

More than 69.3% of the Muslim population of the Island are found in the 18 Electoral Districts where they are less than 12.5% in these District population. Only 30.7% of Muslims living in 4 Electoral Districts are more than 12.5% of the population here. Therefore, more than two-third of the Muslim Community are deprived of the opportunity of being represented by members of their own community, an opportunity which other communities have in ample measure. It needs no repetition that in a parliamentary democracy this human right has been taken away from the majority of the Muslim Community by the provisions in Chapter XIV, Article 99 (5) (a) of the Dharmista Constitution of 1978.

We have already observed from the annexure, that in Ampara, Batticaloa, Trincomalee and Mannar Districts, the Muslim Community is found concentrated in sizeable proportions and there it has the opportunity of being represented by Muslims of its own choice. In view of the present colonization policy of the Government, the question naturally arises how long will that opportunity last? In the census of 1921, the Sinhalese population of the combined Ampara and Batticaloa Districts was less than 5%. After the Gal Oya Scheme settlements, the 1971 census revealed that Ampara had 126,033 Muslims out of the total population of 272,605 – that is to say, the Muslims constituted 46.2% of the population of Ampara District. The same census showed that the Sinhalese population was 82,868 or 30.39% of the total population. By the process of the natural increase at 2% per annum, one would expect the number to rise to 101,015 in 1981. But their number according to the census of 1981 is 146,371. That is to say 45,356 Sinhalese have been brought in to Ampara, after the Gal Oya Settlements, by illegal settlements and this exercise has reduced the Muslim strength from 46.2% and increased the Sinhalese strength from 30.39% to 37.6%. The same trend is noticeable in the Trincomalee District as well. It is therefore a mere matter of time for the Muslims to become less than 7.6% in Ampara, Batticaloa, Trincomalee and Mannar Districts, when the present policy of the Government to colonise all Districts with 74% is implemented. This will completely eliminate Muslim elected representation to the legislature. This policy of colonizing all districts according to National Ethnic Ratio seems to be directed against the Muslim Community rather than any other community in Sri Lanka, to destroy their traditional home land, independent economy and the right to elect their own political representation to the legislature.

Inter-racial colonization schemes have proved dismal failure far from leading to integration within the schemes itself, they have led to disintegration in the whole country, emphasizing the realities for diversity. Inter-racial colorizations have proved catastrophic as far as the Muslims are concerned. There was to be new and more healthy thinking on this matter. We have become sick of the maneuver and manipulations of Ministers and Public Officials entrusted with land.

UNLAWFUL OCCUPATION OF MUSLIM LANDS BY THE TAMILS IN THE NORTH EAST

Muslim villages in the North East are interspersed with a Tamil village and vice versa. Substantial share of agricultural lands owned by the Muslims are adjacent to the Tamil villages.

There have been intermittent clashes over the years on comparatively trivial issues such as Muslim farmers being harassed by Tamils when they pass through Tamil areas, waylaying of vehicles, robbing of paddy and cattle belonging to the Muslims. After 1983 ethnic violence, it was found that the Tamils in the North have started to forcibly occupy the lands belonging to the Muslims in areas close to the Tamil villages. There are about 490 locations in the North East where the Tamils are forcibly occupying about 100,000 acres of agricultural lands belonging to more than 40,000 North East Muslim Families.

When questioned during the Media Conference which was described as the largest media event in Sri Lanka organised by the Tamil Tigers on 10th April 2002; about the forcible expulsion of tens of thousands of Muslim families by the LTTE in October 1990 from Tamil dominated areas in the North and the massacre of Muslims inside mosques in the East, LTTE Political Advisor Anton Balasingam said "It is I who made an apology to the Muslim people in public for what has happened in the past and that we are willing to talk to them and resolve these issues."

Responding to another question whether he has taken any concrete steps to allow the displaced Muslim people living in refugee camps for the last 16 years to come back to North, Mr Velupillai Pirabakaran said "proper objective conditions should be created for these people to come back. After these conditions are in place, I will make an appeal for the Muslims to come back."

Questioned about harassment of Muslims in the eastern province and the statement that the LTTE's eastern commander, Karikalan had reported to have made that the Muslims had no land rights in the Eastern province, Mr. Anton Balasingam replied, "we want to tell you that we have called the senior commanders of the eastern province to discuss the alleged harassment of Muslim people. We believe that there is no dispute as far as the LTTE leader is concerned on the issue of the Muslim people owning land in the North-East."

On an invitation from the LTTE Leader V. Pirapaharan, the Leader of the SLMC Minister Rauff Hackeem flew to the North with five of his party colleagues for a meeting on the 13th April, 2002.

Agreement was reached on important practical difficulties faced by the Muslims in the North-East. LTTE Leader Pirapaharan invited the displaced Muslims from Jaffna and Wanni to come and resettle in their own places. It was decided to establish joint committees of representative from the LTTE and SLMC to facilitate the resettlement. Similarly it was decided to create favorable conditions for the resettlement of the Muslims who were displaced from Muslims villages in the Eastern Province.

It was decided to help the Muslims to recultivate the uncultivated agricultural lands belonged to the Muslims in the North- East.

It was also agreed to appoint representatives from each district in the North East to discuss the problems faced by the Muslims with LTTE Senior Commanders and to strengthen Tamil Muslims relationship.

The resolution of the land question in the North-East would benefit more than 40,000 families – 125,000 men, women and children and will establish the basis for conflict resolution and help peaceful co-existence between the Tamils and Muslims. It would certainly go a long way to heal one of the worst wounds at the heart of the relations between the two communities.

MUSLIM LANDS FORCIBLY OCCUPIED BY THE TAMILS IN THE EASTERN PROVINCE

AMPARA DISTRICT

	Predominate Muslim Areas	No. Cases	Extrent		
			A	R	P
1	Pottuvil	730	2592	3	-
2	Akkaraipattu	660	1785	3	23
3	Addalachenai	329	1072	3	34
4	Oluvil/ Palamunai	176	559	1	30
5	Ninthavur	583	2349	-	10
6	Sammanthurai	529	2513	-	22
7	Irakkamam	428	2092	-	32
8	Kalmunai	280	1433	1	33
9	Maruthamunai	496	2365	1	30
		4211	16764	1	14

BATTICALOA DISTRICT

	Predominate Muslim Areas	No. Cases	Extrent		
			A	R	P
1	Kattankudy	449	4231	1	12
2	Eravur	2263	12784	3	34
3	Oddamavady	1856	8710	1	37
4	Valaichenai	907	3086	1	30
		5475	28813	-	33

TRINCOMALEE DISTRICT

	Predominate Muslim Areas	No. Cases	Extrent		
			A	R	P
1	Kinniya	2252	7209	2	6
2	Mutur	992	2577	-	36
3	Thopur	912	4617	2	17
4	Pulmoddai	566	1344	3	25
5	Morawewa	464	1343	1	22
		5186	17092	2	26

EASTERN PROVINCE TOTAL	No. Cases	Extent		
		A	R	P
	14872	62670	-	33

MUSLIM LANDS FORCIBLY OCCUPIED BY THE TAMILS AFTER ETHNIC CLEANSING OF MUSLIMS IN OCTOBER 1990 FROM THE NORTHERN PROVINCE

District	DS Division	Cases	Extent		
			A	R	P
Mannar	1.Mannar	2,033	3,623	3	12
	2.Musali	2,966	11,700	3	6
	3.Manthai west	931	4,402	2	16
	4.Madu	417	2,825	1	15
	5.Nanattan	253	681	-	11
	Total	6,600	23,233	2	20
Jaffna	1.Jaffna	1,177	245	-	17
	2.Chavekachcheri	44	21	3	35
	3.Island south	28	65	1	-
	4.Vadamarachi north	2	1	-	10
	5.Valikamam south-west	3	-	3	6
	6.Valikamam north	2	14	-	20
	Total	1,256	348	1	8
Kilinochchi	1.Poonakari	114	283	3	25
	2.Karachchi	151	233	1	29
	3.Pachchilaipalli	7	8	-	10
	Total	272	525	1	24
Mullaitheevu	1.Maritimepattu	978	1,095	-	22
	2.Puthukudiyiruppu	16	53	1	12
	Total	994	1,148	1	34
Vavuniya	1.Vavuniya south	870	3,795	1	2
	2.Venkalachchettikulam	1,066	1,327	1	20
	Total	1,936	5,122	2	22
NORTHERN PROVINCE TOTAL		11,058	30,378	1	28

Mediation

On a decision at the 5th session of the peace talks in Berlin on 7th & 8th of February 2003, LTTE – Muslim District Committees were established in all the three districts in the Eastern Province by the Government Peace Secretariat under the Prime Minister, to mediate lands and properties issues between the Tamils and Muslims.

The main reason for the present conflict between the Tamils and Muslims in the North East is the undue delay in implementing the agreements reached between the LTTE leader Pirabakaran and SLMC leader Rauff Hakeem on 13th April 2002 and the decision at the 5th Session of the peace talk held in Berlin during 7th and 8th February 2003 for the establishment of village level peace committees in the North East to mediate and resolve Tamil Muslim conflicts.

The Resolution of the Muslim Land Question in the North East Region

The resolution of the land question in the North East of Sri Lanka has become a dominant issue during the transition period between war to peace. The resolution of the land question will be a major contribution to the peace process in Sri Lanka, for it will create the basis for laying the foundation for co-existence between the Tamils and Muslims living in the North East.

Mediation and the Promotion of Co-existence

The transfer of the land will not be easy since Tamils have cultivated the land and some of it have been handed over to the families of Martyrs who had lost their lives or being injured in the war. Committee of the legal intricacies involved in such a transfer, alternative dispute resolution mechanisms and problem solving approaches will have to take place. It is therefore suggested that a proper framework be created which can help facilitate an orderly and structured process, which can ensure sustainable mediation and reconciliation.

Communications

Clear communications between all the stakeholders is essential for the success of the exercise. The communications strategy should keep all stakeholders fully informed and allay any fears and rumors, which could incite conflicts. The best way to do this would be to get the support of the Trustees of the Mosques the LTTE, NEMPA, SLMM and Members of Parliament in the region.

Alternative Dispute Resolution

Alternative dispute resolutions need to be setup in place for mediation and arbitration. Whilst the LTTE has promised to hand over the land to the Muslim owners, this is not easy since Tamils are already occupying or working on the land. Therefore alternative dispute resolution mechanisms, mediation and arbitrations may need to be put in place. Alternative dispute resolution means that measures should be found which would avoid a long and protracted cases in Court. In Sri Lanka it has been suggested that a **Mediation Commission** be appointed to deal with land disputes. Zonal special mediation boards could be appointed in each district composed of individuals from each community who can mediate on the issues. Currently the Ministry of Justice is framing legislative provisions to create such a Mediation Commission for the North Eastern region.

Mediation Centers

Eventually mediation centers will have to be established in each village. The Muslim Peace Secretariat should explore the best possible way in which such mediation centers could be established in each district. The establishment of mediation centers of a permanent nature is essential since the region is composed of a multi-ethnic population.

Confidence Building

Confidence building between the Tamils and the Muslims in the North East was taken up as a priority item at the Peace Talks commenced on Thursday the 31st October 2002, at the Rose Garden Holiday Resort, Samoran, Nakhorn Pathong, Thailand.

It was agreed to take the following steps immediately to implement the joint agreements reached between the LTTE Leader Pirabhakaran and the SLMC Leader Rauff Hakeem at the discussion held on 13th April 2002 at Vanni.

1. Establishment of Village level Tamil-Muslim Joint Committees to identify and resolve the problems faced by the Tamils and Muslims in the North East.
2. The Joint Committee to identify the lands belonging to the Muslims in the North-East unlawfully occupied by the Tamils to enable the take over by the Muslims.

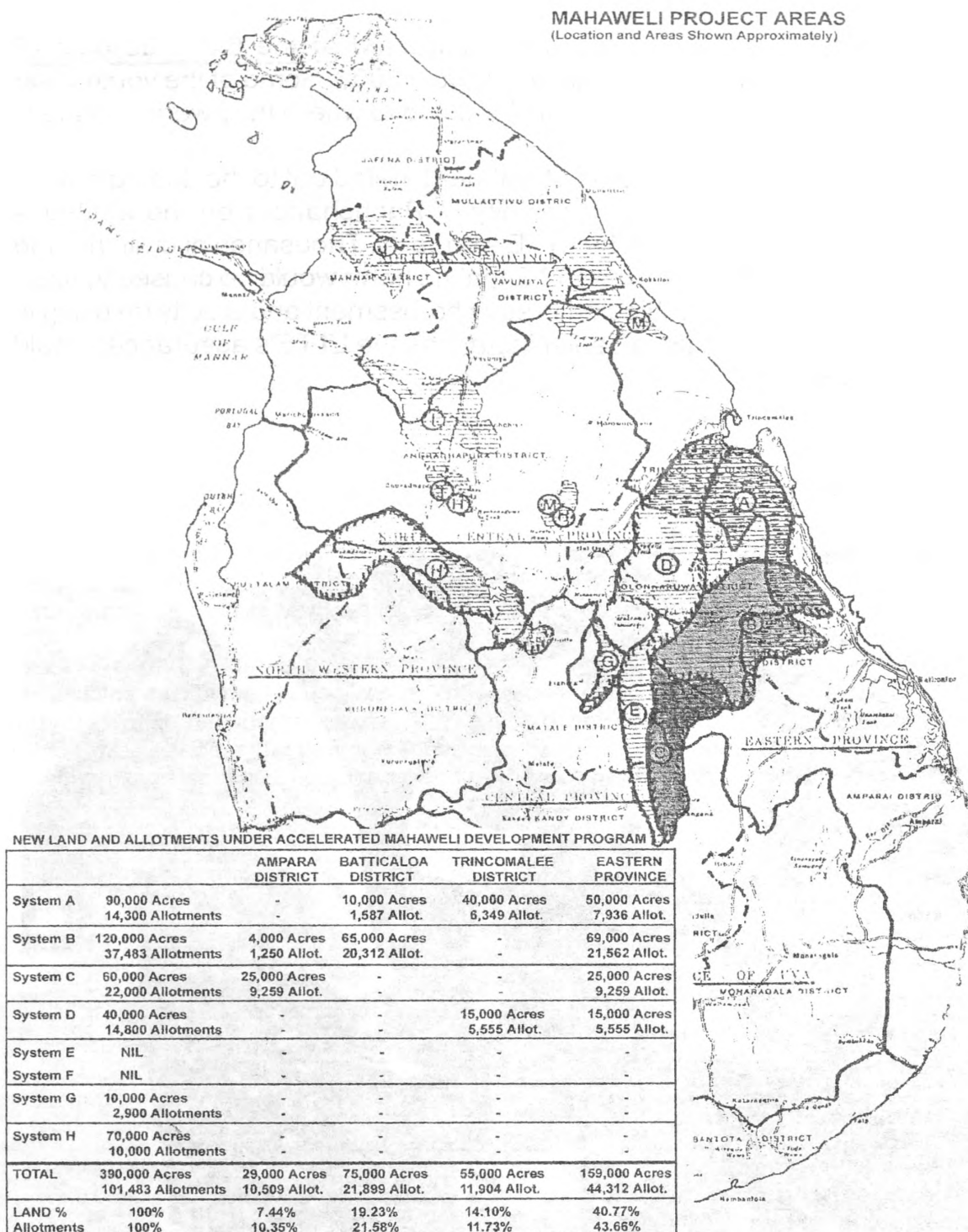
3. The Joint Committee to identify the security problems faced by the Muslims in the North East in order to strengthen Muslim Security.
4. The Joint Committee to identify the administrative difficulties faced by the Muslims in the North Eastern Provincial Council, District Secretariats and the Divisional Secretariats in the North East to eliminate discrimination against the Muslims.
5. The Joint Committee to identify any other issues that would ensure the improvement of confidence building between the two communities.

Committees to Address Land Issues and Other Areas of Mutual Concern in the Eastern Province

At the Fifth Session of Peace Talks held in Berlin on 7-8 February 2003 the parties agreed to establish three committees, one in each district of the Eastern Province, to address land issues and other areas of mutual concern. The committees will consist of six representatives of the Muslim population and six representatives of the LTTE. The work of the committees will start immediately. Similar committees will be appointed to address such issues relating to other communities as and when required.

With all what had happened in the North-East, the Muslim issues are becoming graver daily. Muslim youths are becoming more desperate and they are agitating to take up to arms to resolve their problems if there is no favorable response to their grievances.

MAHAWELI PROJECT AREAS (Location and Areas Shown Approximately)



NOTE:

TOTAL EXTENT OF LAND IN SYSTEMS A,B,C,D,G & H 390,000 Acres 101,483 Allot.
 TOTAL EXTENT OF LAND FALLING IN EASTERN PROVINCE 159,000 Acres 44,312 Allot.
 TOTAL EXTENT OF LAND FALLING OUT SIDE EASTERN PROVINCE 231,000 Acres 57,171 Allot.
 59.23% 56.33%

MASSACRE OF MUSLIMS IN MUTHUR - TRINCOMALEE

At least 200 Muslim youths have been abducted at the 64th mile post at Pachchanoor in Muthur on Friday the 04th August 2006. Some of the youths had managed to escape after artillery shells fell close to where they were detained.

Details of the atrocious and inhuman treatment meted out to the fleeing civilian population by LTTE cadres, in the vicinity of Pachchanoor on the Muthur – Kanthalai road, starkly exposes the LTTE's brutality. Thousands of civilians who left Muthur on an assurance by the LTTE that no harm would be caused to them if they chose to leave were subjected to such harassment and cruelty resulting in the Muslims realizing that as in earlier instances the LTTE's assurances could not be trusted anymore.



From the morning of 4th August 2006, thousands of fleeing civilians including children, pregnant mothers and the elderly who have been subjected to virtual starvation for over forty eight hours as a result of attacks on Muthur both by the government forces and the LTTE, were forcibly diverted to Kiranthimunai, off the 64th milepost on the Muthur – Kanthalai Road.

An artillery attack which targeted this checkpoint, according to scores of eyewitnesses resulted in the death of some civilians as well as a few LTTE cadres. In the ensuing confusion many civilians managed to escape from the LTTE cadres and reach Kanthalai after trekking for many hours through inhospitable terrain.

Muslim Security Compromised

In terms of the CFA it is the Government of Sri Lanka that is responsible for the protection of Human security particularly in government controlled areas. The events that have unfolded in the recent past reiterates the repeated call that the CFA must be reviewed and strengthened to address the legitimate concerns of all stakeholders and ensure security of the civilian population at all times.

When the LTTE closed the Mavillaru anicut the government and the Army never understood their true intention in order to capture Muthur. They strengthened the safety of the Mavillaru area neglecting the security of Muthur. The government had removed around 400 security forces personnel who were deployed in Muthur and posted them in the Mavillaru area and this had made Muthur more vulnerable to LTTE attacks.

The LTTE carefully observed the situation and entered Muthur on 02nd of August 2006 without any resistance from the security force. They disconnected the electricity. The Muslims without any protection were caught unaware. They vacated their homes and went into the mosques and Arabic College hoping that they will not be attacked in those places. However what happened was something else. The LTTE used the Muslims as human shields when the army attacked the LTTE.



The Muslims got caught in the crossfire from both the army and the LTTE. Shells fell on Arabic College too. The number of deaths increased.

Since Muthur was totally surrounded by LTTE, the town could not function normally. Business came to stop. People did not have means to acquire their daily food, children suffered without milk, patients both from the hospital and the casualties suffered without treatment. The Muslims had to struggle for their mere existence.

If this situation continued all of them would have died either by hunger or by shells. Therefore decided to leave Muthur. Though they received repeated assurances from the army that they will be protected and asking them not to vacate Muthur, there was no protection forthcoming. Therefore the Muslims lost hope both in the government and the army and left for Kanthalai and Kinniya.

The Muslims while running for their lives suffering with hunger and thirst were also attacked by the LTTE on the way. The women and elderly were tortured and the youngsters were separated and murdered. The people remained in the local camps in Muthur too were faced with untold hardships and were suffering without proper amenities to eat, dress or sleep.

Trincomalee is almost the core of the power structure in the North and East and whoever is in control of the area will have the upper hand since it's the transit point between the North and East. Whoever wrests control in the area will have a say in the final solution – be it military or political.

The LTTE knew the importance of this place, infiltrated into the neighbourhood of Mavilaru since mid 1985 with the long term plan of taking control of the Trincomalee Harbour area.

Before the signing of the Ceasefire Agreement in February 2002 it was the Sri Lankan security forces that were in control of the Mavilaru area.

After infiltrating into the area, the LTTE used the area to monitor the activities in the Trincomalee harbour, where troops and cargo have been transported through the ships to the North, since 1985.

Since the infiltration and consolidation of power in the Sampoor area by the LTTE during this period, the security of the Trincomalee Harbour has always been at a risk.

They also attacked the Trincomalee Naval base using 122mm and 130mm, artillery guns and mortars from Sampoor area. These heavy weapons which have the capacity of about 20 kilometers range were captured from the military during the Mullaitivu and Elephant Pass debacles. Now for the first time in the East, the LTTE had used these weapons to attack the government military.

The attacks from these mass destructive heavy weapons remain the biggest challenge to the security forces carrying out operations in the Southern and Eastern parts of the Trincomalee district. Any mass movement of the security forces have been largely obstructed by these powerful big guns.

The Tigers launched a fierce attack on three main army camps in Trincomalee – Kattaparichchan, Gandhinagar and Thoppur.

They also stormed into the predominantly Muslim areas in Muthur in a bid to take control of the township that had throughout been under government control. Though the security forces faced some setback initially with this unexpected attack, within 72 hours they managed to take full control of the area. The LTTE lost nearly 300 cadres including a large number of female cadres in the battle for Muthur.



More or less a similar number of Muslim civilians too got killed, caught in the crossfire, with majority of deaths reported due to LTTE firing.

If the government had the common sense to realize the gravity of abandoning strategic locations, it would have saved this totally unwarranted loss of life and money.

LTTE had it's eyes on Muthur for a long time for they considered Muthur harbour to be an important place but because of the presence of the Muslims have found it difficult to capture this area. Therefore LTTE was keen on chasing the Muslims from Muthur.

This is the reason why there were continuous attacks, strikes and murders causing much loss to the lives and properties of Muslims of Muthur. Many times leaflets were distributed by the LTTE threatening the Muthur Muslims to vacate their homes, but the Muslims of Muthur were not scared and they did not evacuate the area. They were determined to stay in the land which is rightfully their.

The Army was not serious about the security of the Muslims. When Muthur Muslims expressed their concerns about the threats of LTTE, Muslim political leaders, made a mockery of it. They believed Tamil leaders' assurance that there will never be a repetition of what happened to the Northern Muslims.

The CFA has become a dead letter with both parties violating it with impunity while regular ethnic cleansing of the Muslims take place in the north east at the behest of the LTTE. The engagements between the government and the LTTE had only resulted in compromising civilian security, particularly that of the Muslim population. Both sides have shown absolute disregard for human security with the LTTE openly committing war crimes while innocent civilians were fleeing Muthur. 'Both parties while making pronouncements about being committed to peace, the CFA and human security have brought the country towards the brink of all out war.

The government in the initial stage was not prepared to deal with such a mass exodus and had difficulty in dealing with the situation.

The government had no warning. Knowing that there was an impending crisis in Muthur developing, the disaster preparedness of the government agencies leaves a lot of suspicions. In fact, their lack of preparedness was a disaster.

If Muthur happened to be a predominantly Sinhala town, the approach to flush out the LTTE would have been different. Likewise, the LTTE also would have used different tactics if Muthur was a Tamil populated area. In this sense, both the government and the LTTE did not care two hoots for the inhabitants who were largely Muslims. It was therefore easy for them to engage in absolute warfare and not think about Muslim civilians getting caught in between.

Meeting of the Consortium of all the Jamiyathul Ullama Sabahs in Eastern Province

A meeting arranged by the Consortium of Jamiyathul Ullama Sabahs in the Eastern Province took place in Santhankerni in Kalmunai on the 16th August 2006 to draft a resolution named "Muthur Declaration" and also to hold a Seminar on Peace. The Muthur Declaration is expected to be forwarded to all Foreign Diplomats serving in Sri Lanka to enlighten the suppression and discrimination against the Muslim community in General and specially in the Eastern Province. Special emphasis is to be made on the sufferings of the Muslim community in Muthur who had to leave their dwellings where they have been living for ages and leaving behind all what they could call their own with only the clothes they were wearing. The meeting has been widely advertised in all places where Muslims are living. Representatives from all the districts are expected to attend the meeting and participate in the seminar.

Harthal and Peace Rally in Ampara

A Harthal staged in Muslim areas of Ampara on the 16th August 2006 in response to the hand bills distributed by the Federation of all Mosques in the Eastern Province calling for a Harthal. Around 15 000 people had participated in the peace rally held in Kalmunai. A leaflet carrying their demands had been issued at the rally. The statements are as follows;

Muthur Declaration

- We vehemently condemn the LTTE for making a historical error in their struggle for freedom by causing a forcible vacation of Muslims from their traditional residences in North and again in Muthur and Thoppur.
- We urge the government to take meaningful action to resettle the Muslim refugees in their own historical habitats before the end of the year 2006 and repeatedly request the LTTE to cooperate to the resettlement efforts by the government.

- We urge the government to immediately appoint a Commission comprising of three retired Supreme and Appeal court judges to inquire in to the affaires that led to the massacre and forcible eviction of Muslims and submit a report and to publish it in print and electronic media after submitting the report.
- We urge the NGOs and Human Rights Organization to take the issue of massacring of innocent civilians in to the international community.
- We request the LTTE and the government to recognize the just and equitable rights to eternal self determination of Muslims in the North and East.
- We request the LTTE and the government to resolve the national issue and find a lasting solution through a negotiated settlement.

MUSLIMS HACKED TO DEATH IN POTTUVIL - AMPARA

Ten Muslim civilians hacked to death on Saturday – 16th September 2006 near the Radella tank in Pottuvil created tension and fear among the Muslim population. The government blamed the LTTE for this brutal killing but the civilians suspect the Government Special Task Force (STF).

According to the Ampara police the victims were workers employed by a Muslim contractor of the area and were reported missing hours after they went to carry out repairs to the Radella anicut on Saturday - 16th September 2006

Their hacked bodies were later found by a search team near the anicut in close proximity to the Panama STF camp. The hacked bodies of three of the victims were found near the anicut on Sunday - 17th September 2006 and the rest were found the following morning.

The victims, most were said to be around 18 years, identified as M. Anurdeen, M. Nafar, M. Samsudeen, A.M. Faizal, L. Anees, M. Jauffer, S.L. Rizard from Pottuvil, A.M. Ajmeer, M. Fairouz and M.I. Shiyam from Akkaraipattu.



Initially the police said eleven Muslims were killed, but a later count confirmed that 10 people died and one man had escaped with injuries.

The lone survivor Meera Mohideen (60), who was in a serious condition after suffering cut injuries was admitted to the Pottuvil hospital for treatment and was later transferred to Ampara.

According to Pottuvil division Acting ASP W.K. Sirisena, the survivor in a statement to police, had said that the LTTE had committed the brutal crime.

The killing sent shockwaves through the Pottuvil area resulting in virtually empty streets and closed shops. Police were patrolling the area to make sure law and order was maintained. But the calm was short-lived as Muslims angered by the incident pelted stones towards STF personnel and the vehicle of IGP Chandra Fernando who rushed to the site.



The bodies of the victims were later buried under tight security with family members, relatives and villagers in attendance.

The Sri Lanka Monitoring Mission (SLMM) said its monitors had decided not to visit the site of the massacre to carry out investigations as high tension prevailed in Pottuvil throughout the day.

A group of Muslim parliamentarians both from the government and opposition visited the site of the massacre together with media personnel from Colombo.

According to reports from the area the victims were found blindfolded, hands tied and hacked to death in a vicious and brutal manner in close proximity to the Panama STF camp, which was said to be an area with no jungle thicket as was earlier claimed. This area is fully under the control of the security forces so there does not seem the likelihood of the LTTE entering this area.



Meanwhile the journalists who visited Pottuvil on Monday the 18th September 2006 said the area was gripped by tension with civilians assigning the brutal attack was clearly the work of the security forces and not the LTTE.

Muslim Council calls for International Inquiry

The Muslim Council of Sri Lanka, which is a network of more than 70 National Muslim organizations has expressed its shock and vehemently condemned the brutal massacre of the 11 Muslim youths in Pottuvil and has requested the President to appoint an independent International Commission of Inquiry to be nominated by the Commonwealth of Nations to probe, identify and bring to justice the perpetrators of the massacre and clear the minds of the Muslims.

"There is much doubts in the minds of the Muslims of the area as to who would have perpetrated this dastardly massacre of innocent Muslim who are in their prime of youth.

Questions have also been raised as to why the lone survivor Meera Mohideen (60) who was been transported to the Kalmunai Ashraf Memorial Hospital, in a critical condition was redirected to the Ampara Hospital by Sri Lankan armed forces personnel manning the check post at Karaithivu before being admitted to the Kalmunai hospital."

The MCSL has said "We firmly believes that government should have provided adequate security and safety to the Muslims of the area since it is the primary duty of the government to safeguard the lives, property and rights of its citizens."

We request, President Mahinda Rajapakse to appoint an independent International Commission of Inquiry to be nominated by the Commonwealth of Nations to probe, identify and bring to justice the perpetrators of the massacre and clear the minds of the people of the area and the Muslims of Sri Lanka as to who the actual perpetrators were" the MCSL had said.

Pottuvil Massacre – No evidence to show LTTE has done it - "Ravaya"

Pottuvil people have rejected the attempt to hold the LTTE responsible for the massacre of 11 Muslim Youth who went to Radalla to repair the irrigation tank on the 18th of September and are demanding from the government to appoint an independent body to hold an inquiry.

A group of leading civilians in Pottuvil on conditions of anonymity disclosed that due to some disputes between some STF personnel and the civilians this massacre took place. They also expressed surprise why the 9 Sinhala workers who normally work with them did not report for work and suspect the STF may have pressurized them to keep away.

Two days before this incident an attempt had been made to bury a dead body of a Sinhala-Tamil mixed person in the Muslim burial ground and had been opposed by the Muslims of the area. Thereafter an attempt had been made by the STF to bury there but the Muslims had prevented that attempt.

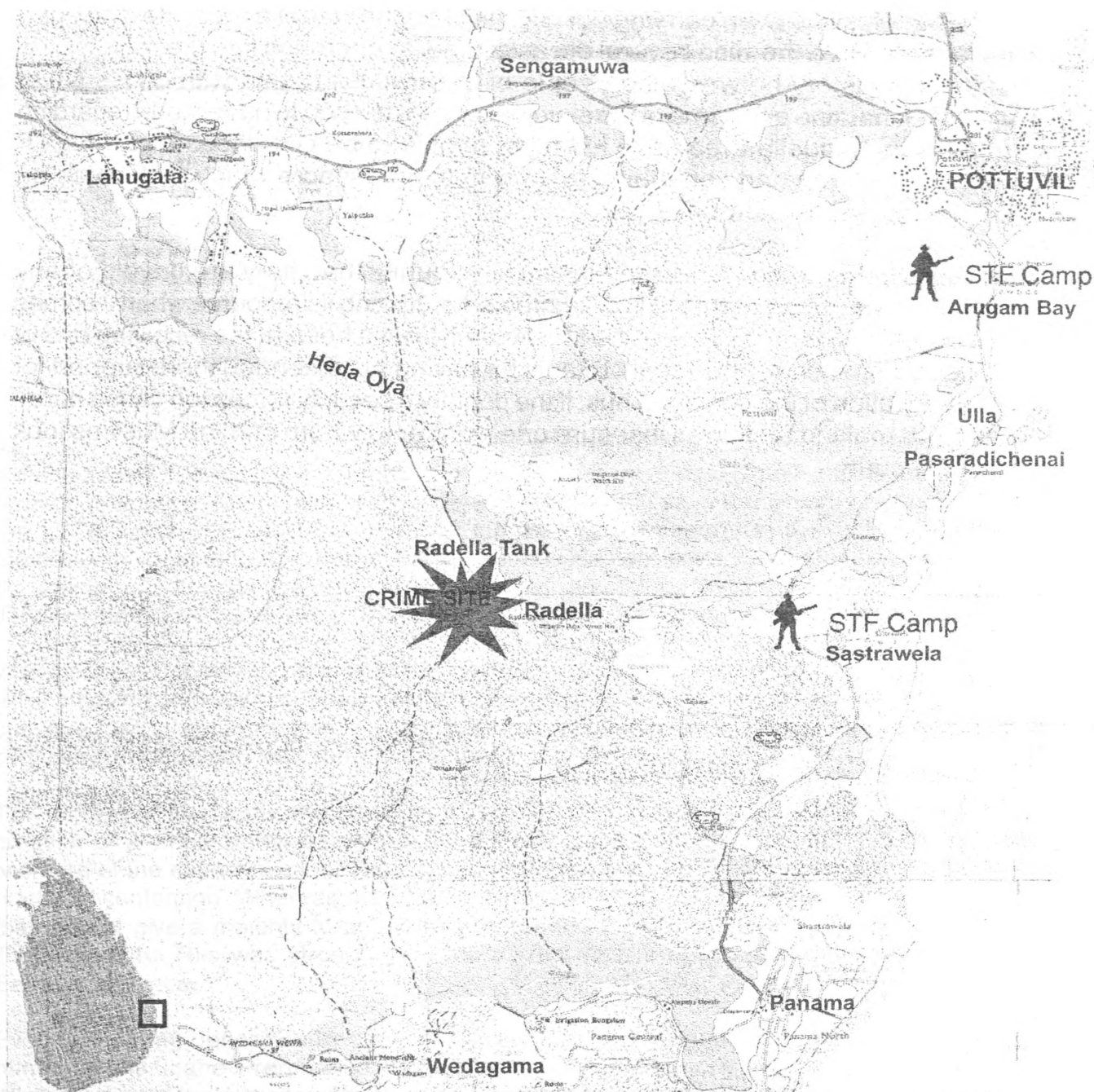
Next day when some Muslim carts had been taken to Radalla Wewa for washing a group of STF personnel had arrived and after removing all their clothes had assaulted them and framed bogus charges of cutting trees in the jungle and handed over to the police.

Thereafter when the only survivor in a critical condition from this barbarous attack was being rushed to the close by Ashraf Memorial Hospital at Kalmunai the STF at Ullai junction had prevented that and forced them to take the patient to the far away Amparai hospital. Furthermore they reject outright the police claim that the patient gave a statement that the LTTE was responsible for the attack as he was in critical condition and not in a position to make a statement.

In this regard when we inquired from the Director of Amparai hospital Dr. Jayasinghe he said that on 19th the OIC of Amparai police Mr. Jayantha Wickremasinghe visited the patient and arranged to get a statement. When we inquired about the patients state of health the Doctor said he had instructed not to allow anyone to talk to the patient as his condition is serious and not in a fit condition to talk and a tube has been inserted down his throat.

Lahugala Sinhala Majority A.G.A. Divisions was part of former Muslim Majority Panamapattu DRO's Division – Land area 472.1 sq miles. The balance area of Panamapattu is the new Muslim Majority Pottuvil A.G.A. Division, 1981 population 19,831, Land area only – 103.9 sq. miles - 22%, where as the population of the new Sinhala Majority Lahugala A.G.A. division combined Lahugala Village in the North and Panama Village in the South is only, 7085; but the Land area allocated for this Sinhala Majority Lahugala A.G.A. division is 368.2 sq. miles – 78%.

Plan Showing Crime Site and STF Camps



1991 Voters	Total	Sinhala	Tamil	Muslim	Area sq. mls
Pottuvil - Former DRO's Division	16,080 – 100%	3,926 – 24.4%	3,608 – 22.4%	8,506 – 53.1%	472.1 – 100%
Pottuvil AGA Division	12,543 – 100%	778 – 6.2%	3,261 – 26.0%	8,467 – 67.7%	103.9 – 22%
Lahugala AGA Division	3,537 – 100%	3,148 – 89.0%	347 – 9.8%	39 – 1.2%	368.2 – 78%

Disputed land

The area of Radella has been a bone of contention between the Sinhala and the Muslim communities with both groups accusing each other of encroaching on state land. Radella was abandoned during the conflict and was reclaimed by mainly Muslim farmers who were in the habit of making temporary shelters during cultivation season and leaving the area once the crop

has been harvested. Some farmers complained that CI Gunaratne was vehemently opposed to Muslims even carrying out cultivation in the Radella area. He is alleged to have threatened them on several occasions not to encroach into the region. The antagonistic history between the people of the Pottuvil region with STF's Chief Inspector Gunaratne and some of the statements he is alleged to have made regarding farming in the Radella area have led most people to be convinced that the STF officer and his men had something to do with the massacre which took place on Saturday the 16th September 2006.

A feeling is developing within the Muslim community that, they are devoid of any security and the government too is disinterested in utilizing its resource when it comes to safeguarding the Muslims. It is the Muslims who have been at the receiving end of atrocities committed by the Tamil Militants for having not extended them support for the disintegration of the country. Thus, if the country's security forces too cause harm, harass and making their lives insecure one wonder to whom can the Muslims look up to for security.

DE-MERGER OF EASTERN PROVINCES

The Supreme Court on Monday the 16th October 2006, in a landmark judgment ruled that the merger of the Northern and the Eastern Provinces by a gazette notification on a Presidential directive was null and void.

Since 1988 successive Presidents have extended the unlawful merger through special gazette notifications as they were unable to carry out the referendum on the merger which was to decide the merger of the two provinces by the vote of the people in the Eastern province.

According to a condition in the Indo-Lanka Accord President J.R. Jayewardene merged the two provinces creating a single unit on September 7, 1988 by special gazette notification under the Public Security Act. According to Section 37 of the Provincial Councils Act No. 42, the President has to make the proclamation on the merger of the two provinces only after the armed groups operating in those areas have surrendered their weapons and all hostilities have ceased.

Although the two provinces were merged by a special Presidential declaration, the other conditions needed for the confirmation of the merger were not carried out as the hostilities broke out between the Indian Peace Keeping Force that was in the Country at that time and the LTTE which refused to completely surrender its weapons and join the democratic mainstream. Unable to hold the referendum in the Eastern province, the poll was postponed by special gazette notifications on Presidential directives, first to July 1989 and then to January 1990 and June 1990. Thereafter the referendum had been postponed annually.

With hostilities continuing between the government security forces and the LTTE after the IPKF had left the country, the three Presidents who succeeded President Jayewardene continued with the practice as it was a basis on which the Tamil political parties and groups continued to negotiate with the government.

The merger of the North and the East flared up opposition as it was paving the way to the creation of a single administrative entity that encompassed one third of the land area and two-third of the country's coast. Also the ethnic balance of the Eastern Province was another matter of contention. Whereas the Eastern Province as a single entity had an ethnic balance that did not give a majority to one ethnic group, the merger of the two provinces created a Tamil majority. This was strongly resisted by the Muslim and Sinhala communities in the Eastern province.

Even with strong opposition by the Sinhala and Muslim communities, successive Presidents namely Ranasinghe Premadasa, D.B. Wijetunga and Chandrika Kumaratunga continued the extension of the merger with the hope of arriving at a negotiated settlement to the national question and then deciding on the fate of the two provinces at a final solution.

With the split of Karuna from the LTTE, Tamil regionalism based on the Eastern province came to the fore adding a new dimension to the entire issue of the North-East merger.

However, this practice was brought to a halt by Supreme Court judgment on three fundamental rights violation petitions filed by JVP MP Jayantha Wijesekera of Kantale, A.S. Mohamed Buhari of Sammanthura and L.P. Wasantha Piyatissa of Uhana. The petitioners claimed that their fundamental rights were violated by the merger and the continued postponement of the Provincial Council election of the Eastern Province. The petitioners supported by three eminent lawyers Messrs. H.L. de Silva, S.L. Gunasekera and Gomin Dayasiri submitted that due to non observance of the mandatory conditions the merger should be declared null and void.

The five bench judges comprising Chief Justice Sarath N. Silva, Nihal Jayasinghe, Rajah Fernando, Nimal Gamini Amaratunga and N.K. Udalgama granted the relief prayed by the petitioners thus declaring the merger null and void.

Politics of Merged North-East

Majority of the citizens of the Eastern province, comprising Muslims and Sinhalese who have no desire to live within a Jaffna Tamil dominated merged North-Eastern province approved the verdict. Political leaders of the Eastern Tamils, who are culturally separate from the Jaffna Tamils have expressed their rejection of the Jaffna Tamil dominated outfit of Prabakaran.

The Muslims who have faced the brunt of ethnic cleansing from Jaffna and more recently in Mutur have absolutely no desire to subject themselves to further tyranny at the Tamil nationalist forces' hands, who have consistently tried to trap the Muslims in the politics of 'Tamil speaking peoples' and simultaneously subscribe to the concept of mono ethnic 'Tamil homelands'?

The Muslims unequivocally reject being lumped together as 'Tamil speaking people' as they consider themselves a separate ethnic identity distinct from the Tamils and recognize the politics of duplicity of the forces of Tamil nationalism and forcing the North East merger down the throats of the Muslims without their consent.

In the early days of the Tamil struggle, human rights was used as a political tool to support the claim for territorial claims, and with Western human rights organizations highlighting only human rights abuses of states, (because states could be held accountable,) the Tamil nationalists were easily able to muster international support in India as well as the Western democracies pointing exclusively to the human rights abuses of the Sri Lankan State.

This was corrected in the mid 1980's with groups such as Amnesty International highlighting human rights atrocities, irrespective of the identity of the perpetrator and it became obvious that the forces of Tamil nationalism were the gravest human rights violator in Sri Lanka. This resulted in 'human rights' losing its effectiveness in the arsenal of Tamil nationalism to advance their territorial claims.

In Sri Lanka with a 20 million population the forces of Tamil nationalism represent less than 633,000 votes. (at the last general election) and that's after massive electoral fraud as the report of the European Union monitors indicate.

Once this electoral fraud was addressed, the LTTE prevented the Tamils from voting at the Presidential election fearing that their true numbers will knock the bottom out of their territorial and other claims. The LTTE and the forces of Tamil nationalism fears democracy, because democracy will expose their fraud to themselves and the world.

Tamil nationalism is a potent and a fascist force that sincerely believes in their perceived 'Jaffna Tamil superiority' and by default 'Sinhaleses/Eastern Tamil/Muslim/Indian Tamil/ inferiority.

The TNA, proxies of the proscribed terrorist organization the LTTE, are at present protesting in Parliament. It would be more appropriate for them to protest in Kilinochchi, as it is the LTTE, which has facilitated the present predicament.

Not only has Prabakaran's terror outfit rejected the Indo-Sri Lankan accord by waging war on the Indian Peace Keeping Force (IPKF) and then gone on to assassinate Rajiv Gandhi, Prabhakaran

and his Jaffna Tamil dominated outfit has failed to address the aspirations of the eastern Tamils and accommodate groups such as the TMVP, popularly known as the Karuna faction.

The Indo-Sri Lanka peace accord stipulated the disarmament of the militant groups as a condition of the accord, and the refusal of the LTTE to abide by the agreement and later waging war on the Indian Peace Keeping Force in effect was the unraveling of the North-East merger. In this regard the LTTE's refusal to abide by the provisions of the Indo-Sri Lanka peace accord should be viewed as the main reason for the present anguish of the forces of Tamil nationalism with regard to the North-East merger.

The position of the Rajapaksa administration is astute in this regard by maintaining that the North East issue should only be resolved by a popular vote of the citizens of the Eastern Province. This is a position that will have the support of the international community and is unassailable by the forces of Tamil nationalism. It will also have the support of an overwhelming majority of the Sri Lankans.

The Supreme Court ruling on the de-merger of the North and East provinces has caused political tension among various communities in the country. There are many divergent views on the matter and the timeliness or the un-timeliness of the ruling is debated on various forums among political leadership and civil society organizations.

Indo-Sri Lanka Agreement

Resolved that:

1. Since the Government of Sri Lanka proposes to permit adjoining Provinces to join to form one administrative unit and also by a Referendum to separate as may be permitted to the Northern and Eastern Provinces as outlined below:
2. During the period, which shall be considered an interim period, (i.e. from the date of the elections to the Provincial Council, as specified in para 2.8 to the date of the referendum as specified in para 2.3, the Northern and Eastern Provinces as now constituted, will form one administrative unit, having one elected Provincial Council., Such a unit will have one Governor, one Chief Minister and one Board of Ministers.
3. There will be a referendum on or before 31st December, 1988 to enable the people of the Eastern Province to decide whether:
 - (a) The Eastern Province should remain linked with the Northern Province as one administrative unit, and continue to be governed together with the Northern Province as specified in para 2.2,
 - (b) The Eastern Province should constitute a separate administrative unit having it own distinct Provincial Council with a separate Governor, Chief Minister and Board of Ministers.

The President may, at his discretion, decide to postpone such a referendum.

- 2.9 The Emergency will be lifted in the Eastern and Northern Provinces by August 15, 1987. A cessation of hostilities will come into effect all over the island within 48 hours of the signing of this Agreement. All arms presently held by militant groups will be surrendered in accordance with an agreed procedure to authorities to be designated by the Government of Sri Lanka.

Consequent to the cessation of hostilities and the surrender of arms by militant groups, the Army and other security personnel will be confined to barracks in camps as on 25 May 1987. The process of surrendering of arms and the confining of security personnel moving back to barracks shall be completed within 72 hours of the cessation of hostilities coming into effect.

Section 37 of the Provincial Councils Act. No. 42

(b) The President shall not make a Proclamation declaring that the Provisions of subsection 1 (a) shall apply to the Northern and Eastern Provinces unless he is satisfied that arms, ammunition, weapons, explosives and other military equipment, which on 19th July, 1987, were held or under the control of terrorist militant or other groups having as their objective the establishment of a separate State, have been surrendered to the Government of Sri Lanka or to authorities designated by it, and that there has been a cessation of hostilities and other acts of violence by such groups in the said Provinces.

(2) (a) Where a Proclamation is made under the provision of subsection (1) (a), the President shall by Order published in the Gazette, require a poll, to be held in each of the specified Provinces, and fix a date or dates, not later than 31st day of December 1988, for such poll, to enable to the electors of each such specified Province to decide whether;

(i) such Province should remain linked with the other specified Province or Provinces as one administrative unit, and continue to be administered together with such Province or Provinces; or

(ii) such Province should constitute a separate administrative unit, having its own distinct Provincial Council, with a separate Governor, Chief Minister and Board of Ministers.

27 July 1987 –

Indo-Lanka peace accord signed

30 July 1987 –

Arrival of the Indian Peace Keeping Force (IPKF)

14 November 1987 –

The 13th amendment to the constitution debated and passed in Parliament. This amendment among other things made provisions for the establishment of the Provincial Councils.

28 April 1988 –

The first ever Provincial Council election for areas other than the North and the East.

7 September 1988 –

President J.R. Jayewardene officially merges the Northern and Eastern provinces within a single North Eastern Province by special Gazette notification under the Public Security Act.

19 November 1988 –

Elections were held for seats in the North East Provincial Council.

1 March 1990 –

EPRLF declares an "Independent Eelam" and renamed the provincial council as a Tamil National Assembly.

March 1990 –

President R. Premadasa imposes direct control on Northeast Provincial Councils.

March 1990 –

North-East Chief Minister Vartharajah Perumal leaves the country surreptitiously with 250 of his supporters.

16 October 2006 –

A five judge bench of the Supreme Court including Chief Justice Sarath N. Silva rules the North-East merger null and void.

From Where the Indo-Sri Lanka Accord left the North East Muslims

1. Indo-Sri Lanka Accord failed to recognize the North East area as a heterogeneous one.
 - The fundamental mistake was to treat the Northern and the Eastern provinces as areas of historical habitation of the "Tamil speaking peoples".
 - The fact that the Muslims though they speak Tamil language have been treated politically and ethnically as a separate and distinct community was not taken into account.
 - The Northern and the Eastern provinces should have been recognized as areas of historical habitation of Tamils and the Muslims instead of the general description "Tamil speaking peoples".
2. Although the Accord mentions that the amalgamation was only for an interim period of one year the proposed Referendum never took place although 18 years have passed.
 - At the discussions between the Tamil parties and the Muslim parties – the Tamil parties have always taken up the position that although the Referendum was provided for in the Accord it was never intended to be held or implemented.
 - Muslims do not accept this position and vehemently object a Kashmir situation in the Eastern Province.
 - Any future settlement should avoid vagueness, uncertainties and contingencies.
3. Although Article 2:16 of the accord states that the Governments of India and Sri Lanka will co-operate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern provinces the Muslim Community was subjected to untold harassment, genocide and ethnic cleansing. Both Governments could not help us when we were at the receiving end at the hands of the Tamil militants and IPKF.
4. Although the Indo - Sri Lanka Accord was signed subject to the acceptance of the proposals negotiated from 4-5-1986 to 19-12-1986 – the agreement between President J R Jayawardene and the Indian Prime Minister Rajiv Gandhi to the effect that the Muslim M.P.'s of the Eastern Province may be invited to visit India and to discuss matters of mutual concern with the Tamil side under the auspices of the Government of India was never implemented.
 - The political future of the Muslims is one of the residual matters that should have been sorted out within a period of six weeks of signing the Indo-Sri Lanka Accord (Article 2:15).
 - However, we and our destinies were deserted soon after the accord was signed.
5. Indo-Lanka Accord failed to take into consideration the fact that the Muslim community became the sole victim as a result of the amalgamation of the two provinces.
 - The only province where the Muslims are living in substantial numbers is the Eastern province. The amalgamation renders them insecure and politically insignificant.

Human Right Violations against Muslims in the merged North East

Tamil Separatists brutally murdered Mr. Habeeb Mohamed, the Assistant Government Agent of Muthur on the 3rd of September 1987, which led to widespread protest – demonstrations by the Muslims throughout the Eastern province. Annoyed by this the Tamil Separatists organized a counter demonstration on the 10th of September 1987 in Kalmunai, which resulted in the Tamils attacking and burning Muslims owned shops, rice mills and houses in the predominant Muslim Town of Kalmunai, in the presence of the IPKF. Properties belonging to the Muslims damaged by the Tamils were valued approximately Rupees 67 Millions.

Mr. A.L. Abdul Majeed, a former M.P., and Deputy Minister of Muthur was killed on the 13th of November 1987. Mr. Abdul Majeed was actively involved in the relief assistance of the thousands of Muslim refugees who came from Muthur, consequent to Tamil armed separatists attack on the Muslim on the 12th of October in the presence of the IPKF.

About 26 Muslims were killed and another 200 were injured when the IPKF shelled Ottamawadi, a predominant Muslim Village in the Batticaloa District on 02nd December 1987. A Number of houses and shops belonging to Muslims were burned and destroyed. Some Muslims women were also reported to have been raped by the IPKF. About 14,000 Muslims became refugees and fled to the North – Central Province, Polonnaruwa.

Kattankudi, the home of nearly 60,000 Muslims, situated 4 miles down South of Batticaloa, was attacked by the armed Tamil separatists on the 30th of December 1987. In this fierce attack, nearly 60 Muslims were killed and more than 200 were injured. Properties worth 200 Millions belonging to the Muslims were burned and destroyed by armed Tamil militant. All these happened in the presence of the Indian Peace Keeping Forces – IPKF. Although the attack lasted for two days, Kattankudi was under siege until the 8th of January 1988. During this period, all movements, in and out of the area were blocked by the armed Tamil militants while the IPKF was supposed to be in control of the area.

Because of the attacks launched by the IPKF and armed Tamil militants, nearly 65,000 innocent Muslims who have lived for generation in Mannar, Jaffna, Mullathievu and Vavunia have abandoned their homes and are now living in refugee camps outside their homes.

Muslim Refugees in December 1987.

Muslim Population and Refugees of the Northern and the Eastern Provinces According to AGA Divisions.

<u>Eastern Province</u>	<u>1981</u>	<u>1987</u>	<u>Muslim Refugees</u>
Ampara District	161,754	193,797	-
Kalmunai	45,480	54,576	-
Sammanthurai	37,996	45,592	-
Ninthavur	20,716	24,860	-
Addalachchenai	20,140	24,168	-
Akkaraipattu	22,941	27,529	-
Pottuvil	13,433	16,120	-
Batticaloa District	79,662	94,939	10,225
Batticaloa Town	3,725	4,432	-
Kattankudy	26,509	31,546	-

Eravur	21,582	25,683	-
Ottamawadi/Valachchenai	27,291	32,476	10,225
Trincomalee District	49,280	87,428	49,280
Trinco Town & Gravatt	7,979	9,176	5,000
Mutur	19,184	22,062	16,000
Kinniya	28,669	32,969	18,000
Thambalakamam	8,008	9,209	6,280
Kuchchaveli	2,088	2,401	2,000
Kanthalai	4,406	5,067	2,000

Muslim Civilians Killed by Tamil Militants during the Merger.

- 26 Muslims were killed at Ottamawadi in December 1987
- 41 Muslims were killed at Karaitheevu in November 1987
- 35 Muslims were killed at Kinniya in April 1987
- 52 Muslims were killed at Mutur in October 1987
- 21 Muslims were killed at Sammanthurai Mosque in April 1989
- 67 Muslims were killed at Valaichchenai from April 1985 to July 2002
- 67 Muslims were killed at Kattankudy in December 1987
- 168 Muslims were killed at Kattankudy in July 1990
- 147 Muslims were killed at Kattankudy Mosque in August 1990
- 58 Muslims were killed at Akkaraipattu in July 1990
- 14 Muslims were killed at Kattankudy Mosque in July 1990
- 13 Muslims were killed in November 1989
- 19 Muslims were killed at Alimnagar in August 1990
- 126 Muslims were killed at Eravur in August 1990
- 53 Muslims were killed at Ambalanthurai in August 1990
- 23 Muslims were killed at Sainthamaruthu in September 1992
- 15 Muslims were killed at Addalachchenai in May 1990
- 37 Muslims were killed at Pallitthidal, Akbarpuram in October 1992
- 200 Muslims were killed at Kalmunai, Akkaraipattu and Pottuvil in June 1990
- 33 Muslim farmers were killed at Ampara in August 1990
- 147 Muslims were killed at Alingippottanai in April 1992
- 30 Muslims were killed at Pottuvil in June 1991

Duplicity in the Peace Process

There are a number of events which are occurring in the East which directly affect the Muslim people. Muslim Villages are being threatened, the Muslims have a very clear sense of insecurity and this is leading to unrest among the Muslim youths in those areas who simply cannot understand why the Government is not taking their concerns seriously. They have the feeling that they are being left to the grace and favour of the mercy of the LTTE which as we all know is a heavily armed organisation with a record of atrocities against the Muslim community.

LTTE forcibly occupying 63,000 Acres of Agricultural land belonging to 14,872 Muslim Families in the East. During the ethnic cleansing in 1990, LTTE has chased 14,400 Muslim Families from the North, unlawfully occupying 11,100 Muslim Houses and properties worth Rs. 5.0 billion from 13,682 Muslim Families and destroyed 148 Mosques – Muslim places of worship.

properties worth Rs. 5.0 billion from 13,682 Muslim Families and destroyed 148 Mosques – Muslim places of worship.

After the cease fire, the Muslims have been denied access to mosques during mass agitation promoted by the LTTE. Further, the incidents at Muttur, Kinniya, Valachenai, Eravur, Addalachchenai and Akkaraipattu where the LTTE and other Tamil militants have destroyed properties worth many Millions and abducted and killed hundreds of Muslims. Muslims in the Eastern Province are the victims of the current cease-fire.

The ethnic conflict in Sri Lanka has had a terrible effect on the Muslims in the North-East. The forcible eviction of more than one hundred thousand Muslims, the attacks on the mosques and other places of worship, the confiscation of land and attacks on innocent civilians have caused fear and insecurity in the hearts of the Muslims. Our primary concern is the safety and security of our people, rights for our areas of historical habitation, resettlement of the displaced Muslims and power sharing on the basis of our right to internal self-determination.

A politico military strategy of the LTTE has been to weaken the economic strength of the Muslim community. In order to realize this object, the LTTE, as is the case of other Tamil militants, have targeted economic ventures and business places of the Muslims.

The pattern of attacks that have been unleashed on the Eastern Muslims clearly demonstrates that there is a deliberate plan by the Tamils to weaken the economic and political strength of the Muslims and chase us away like what they did in the North and make the North-East a mono - ethnic Tamil region in order to create the "Tamil Elam" one day.

Muslims should consider more seriously the present trend and take immediate steps to safeguard our legitimate rights in an appropriate manner. If proper safeguards are not secured now it would amount to be the biggest betrayal of not only the present generation but also those yet to be born in the Eastern provinces as Muslims in the future.

If this state of affairs is allowed to continue unchecked we will have another looming problem of immense magnitude - that is, the possibility of Muslim youths taking to arms and seeking support from neighboring Muslim countries who will surely not allow their brothers and sisters here to be continuously left disregarded and even undefended. We will then have to face a situation where another dimension of our political problem will become internationalized.

Although the Government of India guaranteed and cooperated in many ways with the Government of Sri Lanka, none of the proposals of the Indo-Sri Lanka Accord of July 29, 1987, was implemented because of the unsettled situation still prevailing in the Northern and Eastern provinces. Cessation of hostilities did not come into effect. Arms and ammunitions were not surrendered by the Tamil Militants. The IPKF was unable to enforce the cessation of hostilities and ensure physical security and safety of all communities inhabiting the Eastern and Northern Provinces. The Provincial Council established for the temporarily merged North-East province had been dissolved. In short the Indo-Sri Lanka Accord is a total failure.

The geographical merger of the Northern and Eastern provinces to form a single region with adequate powers over the land have been the main demands of the LTTE. They hold the view that the Tamil Speaking area is one and indivisible and that the geographical contiguity and territorial unity of the Tamil Speaking area should be given unconditional recognition for any meaningful solution to the Tamil problem.

The expression "Tamil Speaking People" refers not to one community but to the Jaffna Tamils, Batticaloa Tamils, Sri Lanka Muslims and Indian Tamils. The expression "Tamil Speaking area" refers to the geographical area covering the Northern and Eastern provinces. Eastern province is the area of historical habitation of Batticaloa Tamils and Muslims. Traditionally the Jaffna Tamils and the Indian Tamils never lived in the Eastern province and it is not their homeland.

Mr. K.W. Devanayagam, former Minister of Home affairs and one time the Minister of Justice who had been a member of parliament from the Eastern province for a very long time had stated that the Tamils of Batticaloa regard themselves as a distinct group of people different from the Tamils of Jaffna and that they followed a different system of law. He has said that there is proof that the Tamils of Batticaloa are a different community and hence there was no question of a homeland for the Tamils of the North in the Eastern province. This view had been supported by former members of parliament Mr. C. Rajathurai, Mr. Thangathurai, Mr. Prince Cassinathar, Mr. Thivyanathan and many others.

The Northern and Eastern provinces extend from Point Pedro to Kumana and covers approximately one third of the land area and two-third of the sea coast of Sri Lanka.

The Northern province comprises 3,429 sq. miles and the population according to 1981 census is 1,111,468. Tamils 92%, Muslims 5%, and Sinhalese 3%. The Jaffna peninsula is approximately 440 sq. miles and it is in this 12.8% of land area that the 67%-738,788 of the Northern Province people live. All the Tamil militant groups and political parties have their base in the Jaffna peninsula and operate from there. All other districts in the Northern province- Mannar, Vavunia, Mullaithievu, and Kilinochi has a land area of 2,989 sq. miles – 82% of the land area of the Northern province but the population is only 370,616 which is 33% of the population of the Northern province.

The Eastern province has a land area of 3,839 sq. miles and the population according to 1981 census is 993,435 – Tamils 42% Muslims 33%, and Sinhalese 24%. Tamils are the majority only in the Batticaloa district which has a land area of 1,016 sq. miles – Tamils 73%, Muslims 24% and Sinhalese 3%. Tamils are the minorities in the rest of the Eastern province – both Trincomalee and Ampara districts – land area 2,823 sq. miles, 72% of the land area of the Eastern province Tamils 26%, Muslims 37% and Sinhalese 37%. In the Eastern province the Tamil and Sinhalese village are as noncontiguous as the Muslim villages. Today the Muslims are 41% and the first majority community in the Eastern Province.

However, it is because of our desire that the Tamils and Muslims should live in amity in the North and East as in the past, a Muslim delegation visited Madras on two occasions, in September 1987 and April 1988 and had wide ranging discussions with the Tamil moderates as well as the militant groups for peaceful coexistence in the North East.

After the Indo-Sri Lanka Agreement in July 1987 and the 13th Amendment to the constitution, the Sri Lanka Muslim Congress took one step further by contesting the election in the Eastern province and helped the formation of the Provincial Council for the temporarily merged North-East province.

In September 1990, it was agreed between the Tamil parties and the Muslim parties that there shall be one provincial council and two ethnic councils of devolution with equal powers. It was categorically decided that the Muslim ethnic council should in no way be inferior to the Tamil ethnic council. It was also agreed that the Provincial Council should be a bicameral legislature with the second chamber having balanced representation for the minorities in the region.

But the Tamil parties have now taken up the position of not agreeing to create a separate unit of devolution for the Muslims in the Northern and Eastern provinces. They have also taken up the position that the 18% Muslims of the Northern and Eastern province should be contended with the constitutional safeguards only. If that is so, we cannot understand as to why the 10% Sri Lankan Tamils cannot be satisfied with similar constitutional safeguards only, without demanding any share of political power through the devolution process.

From the recent experience the Muslims have realized that there is a well planned conspiracy by the Tamils to chase the Muslims away and make the Northern and Eastern provinces a mono ethnic Tamil region in order to create one day the Tamil Ealam. Although patronizing remarks and promises have been made by the Tamil leaders, in actual practice every effort is being made to cripple and destroy the legitimate rights of the Muslims. It has therefore become an absolute necessity for the Muslims in the Northern and the Eastern provinces to take independent safeguards to protect our lives and properties.

2004 DECEMBER 26 "TSUNAMI" DESTRUCTIONS TO MUSLIMS IN THE EASTERN PROVINCE

Muslim Areas Discriminated

It is widely criticized that the government has not treated the 'Tsunami' affected Muslim people equally. Also Muslim concerns were not given due publicity in the media. Thousands of Muslims have been languishing in several temporary camps without sufficient food, medicines and other basic facilities. Muslims who are trying to resettle in their own land are still confronting threats from the government bureaucracy. In fact they are deprived of their fundamental human rights.

Ampara, the country's worst affected district is a glaring example of how ineffective institutions, political rivalries and misinformation can make a mockery of disaster management. In the coastal Muslim areas of Maruthamunai, Kalmunai, Sainthamaruthu, Ninthavur, Oluvil, Addalachchenai, Akkaraipattu and Pottuvil. Kattankudy's boarder villages such as New Kattankudy, Palamunai and other Muslim concentrated areas still remain untouched.

Mutur, Kinniya, Kuchchaveli Pulmoddai and Trincomalee town are the main Divisional Secretariats Division in the Trincomalee District where thousands of Muslims have been affected by the Tsunami. Political confusion has greatly contributed to the mismanagement of relief. LTTE held areas in these district have come under LTTE-backed relief and resettlement works. But Muslim areas are still suffering form having not enough infrastructure development such as roads and hospitals.

The situation in the South is different. In Hambantota, the need is only 1057 houses. But the donors have been allocated, 4852 houses. The number of houses donors have been assigned was 11 times more than what was required within Hambantota.

Over 8,000 tsunami survivors have complained to the Disaster Relief Monitoring Unit (DRMU) of the Human Rights Commission of Sri Lanka about the delay and the violation of their rights.

Destructions**1.0 Residential Destructions****1.1 Fully Damaged**

Families	Land Value	House Value	Total
6806	2,536,025,700 (US\$ 25,360,257)	2,428,825,650 (US\$ 24,288,256.50)	4,964,851,350 (US\$ 49,648,513.50)

1.2 Partially Damaged

Families	Land Value	House Value	Total
7079	2,883,388,143 (US\$ 28,833,881.43)	2,363,360,600 (US\$ 23,633,606)	5,246,748,743 (US\$ 52,467,487.43)

1.3 Nature of Damage Not Given

Families	Land Value	House Value	Total
2091	918,999,700 (US\$ 9,189,997)	1,103,272,690 (US\$ 11,032,726.90)	2,022,272,390 (US\$ 20,222,723.90)

1.4 Residential Destructions Total

Families	Land Value	House Value	Total
15976	6,338,413,543 (US\$ 63,384,135.43)	5,895,458,940 (US\$ 58,954,589.40)	12,233,872,483 (US\$ 122,338,724.83)

2.0 Occupational Destructions

Families	Business Value	Other Value	Total
20091	1,768,518,711 (US\$ 17,685,187.11)	3,133,241,525 (US\$ 31,332,415.25)	4,901,760,236 (US\$ 49,017,602.36)

2.1 Businessmen

Families	Business Value	Other Value	Total
2383	391,348,494 (US\$ 3,913,484.94)	517,125,949 (US\$ 5,171,259.49)	908,474,443 (US\$ 9,084,744.43)

2.2 Casual Labours

Families	Business Value	Other Value	Total
4245	80,663,535 (US\$ 806,635.35)	615,978,618 (US\$ 6,159,786.18)	696,642,153 (US\$ 6,966,421.53)

2.3 Doctors

Families	Business Value	Other Value	Total
19	4,274,000 (US\$ 42,740)	3,065,300 (US\$ 30,653)	7,339,300 (US\$ 73,393)

2.4 Drivers

Families	Business Value	Other Value	Total
434	22,820,550 (US\$ 228,205.50)	101,107,000 (US\$ 1,011,070)	123,927,550 (US\$ 1,239,275.50)

2.5 Farmers

Families	Business Value	Other Value	Total
1310	66,760,770 (US\$ 667,607.70)	250,008,300 (US\$ 2,500,083)	316,769,070 (US\$ 3,167,690.70)

2.6 Fishermen

Families	Business Value	Other Value	Total
5762	921,187,479 (US\$ 9,211,874.79)	692,674,008 (US\$ 6,926,740.08)	1,613,861,487 (US\$ 16,138,614.87)

2.7 Government, State Employees and Retired

Families	Business Value	Other Value	Total
527	16,881,013 (US\$ 168,810.13)	97,819,550 (US\$ 978,195.50)	114,700,563 (US\$ 1,147,005.63)

2.8 Skill Labours

Families	Business Value	Other Value	Total
959	68,753,030 (US\$ 687,530.30)	146,871,900 (US\$ 146,871.9)	215,624,930 (US\$ 2,156,249.30)

2.9 Tailors

Families	Business Value	Other Value	Total
217	16,874,450 (US\$ 168,744.50)	30,066,900 (US\$ 300,669)	46,941,350 (US\$ 469,413.50)

2.10 Teachers

Families	Business Value	Other Value	Total
277	29,946,550 (US\$ 299,465.50)	73,343,180 (US\$ 733,431.80)	103,289,730 (US\$ 1,032,897.30)

2.11 Weavers

Families	Business Value	Other Value	Total
225	54,266,150 (US\$ 542,661.50)	55,757,400 (US\$ 557,574)	110,023,550 (US\$ 1,100,235.50)

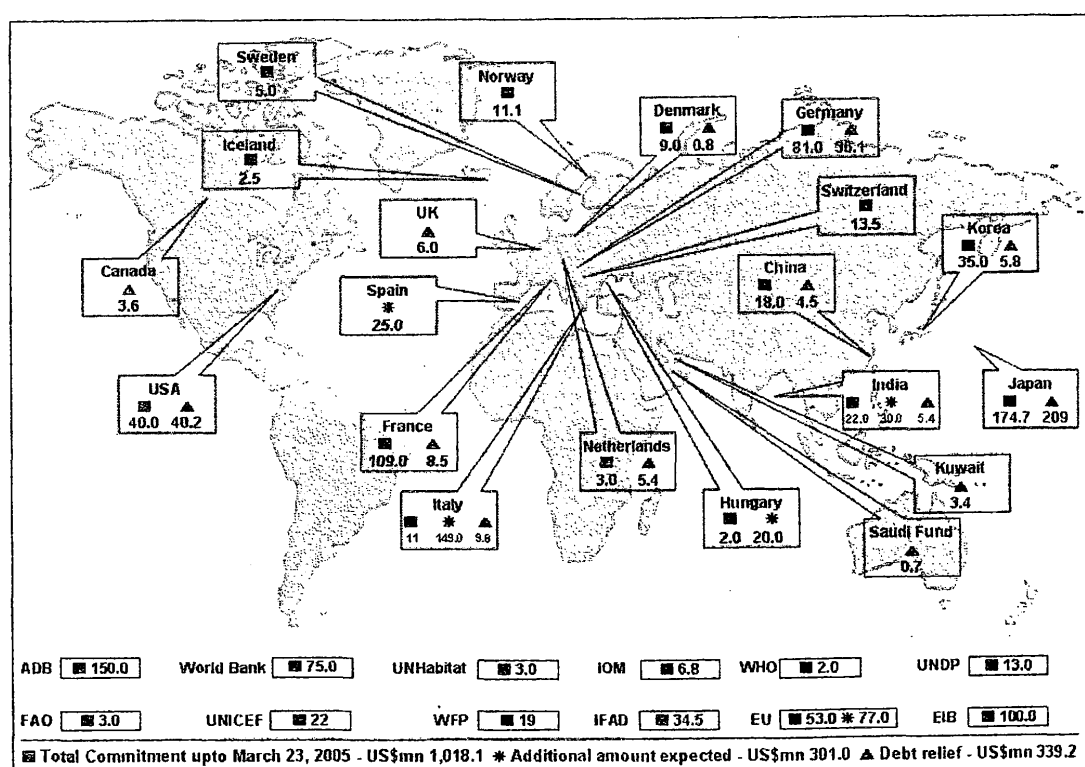
2.12 Others

Families	Business Value	Other Value	Total
417	16,514,378 (US\$ 165,143.78)	78,361,445 (US\$ 783,614.45)	94,875,823 (US\$ 948,758.23)

2.13 Occupation Not Given

Families	Business Value	Other Value	Total
3316	78,228,313 (US\$ 782,283.13)	471,061,975 (US\$ 471,061.975)	549,290,288 (US\$ 549,290.288)

Total **17,135,632,719**
(US\$ 171,356,327.19)

DONOR ASSISTANCE FOR POST-TSUNAMI ACTIVITIES

UN Guiding Principles on Internally Displaced Persons (IDPs) – Tsunami Victims

The Guiding Principles on Internal Displacement were adopted by the UN Commission on Human Rights and Economic and Social Council in 1998.

Rights of IDPs

Persons who have been forced to flee or to leave their homes or place of habitual residence, as a result of armed conflict, violence, natural or man-made disaster and who have not crossed an internationally recognized State border, are known as Internally Displaced Persons. Those who have been displaced due to Tsunami fall into the category of IDPs. They are entitled to all human rights enjoyed by the other citizens. In addition, they have special needs which should be addressed by the state authorities.

Choice of Residence

Principle 15: The IDPs have the right to remain in the area they used to reside before the displacement or have the right to move to any other part of the country or another country on their will. This right is crucial for those who have lost their families, homes and belonging and have completely been uprooted.

Family Unit

Principle 16 and 17 highlight the importance of preserving the family unit. The responsible state authorities should help the IDPs in protecting the family unit by assisting in seeking family members who have been separated. A family unit provides security to a persons. Separation from one's family also leads to violation of other human rights. Where the families insist on remaining in the same location during the period of displacement the authorities should facilitate it.

Adequate Standard of Living

According to Principle 18, the state is responsible to provide the IDPs with an adequate standard of living including essential food, potable water, shelter, appropriate clothing, essential medical services and sanitation. The highest number of deaths among IDPs is caused by malnutrition. Vulnerable groups such as children, elderly and single heads of households should be given special attention in providing an adequate standard of living.

Property Rights

The IDPs have abandoned their property in haste and are not able to secure them. Especially, the boundaries of the lands may not be visible due to natural disasters such as the Tsunami. The property remaining in the possession of the IDPs is also prone to theft. The responsible authorities have to take steps to protect the property of the IDPs against such occurrences.

Right to Return or Resettle

IDPs have the right to return voluntarily, in safety and with dignity, to their previous homes or resettle voluntarily in another area of the country. Right Return or resettle is vital especially when the cause of the displacement is ceased. As for an example, Tsunami victims are entitled to return or resettle when the danger of another Tsunami is not in existence.

After resettlement, the IDPs should not face discrimination as a result of having been displaced. They, like all other citizens, have the equal right to participate in public affairs and to have access to public services.

SINHALISATION OF THE EAST

The 'nava pancha bala vegaya' striving very hard to alter the Eastern demography. The plan has the backing right at the top and involve sections of the Buddhist clergy, security forces, bureaucrats, businessmen and politicians.

The objectives of their agenda is to make Sinhala people the single largest ethnic group in the Eastern Province. The Master plan envisage, demographic changes through state aided settlements, tourism development and Buddhist revival in Ampara District and agro-business promotion in the Toppigala areas in Batticaloa District.

Population Increase between 1949 and 1981.

Tamil population increased from 136,059 to 411,451 - 302%, Muslim population increased from 109,024 to 315,201 - 289%, Sinhalese population increased from 27,556 to 243,358 - 883%. The National average increase of Sinhalese during this period is only 238%. The sudden increase of Sinhala population is the result of Government planed Sinhala Colonization in Gal-oya, Pannal-oya, and Ambalam-oya in Ampara District, and Kanthalai, Allai, Morawewa, Muthalikkulam, Pathaviya (Part), and Mahadiuluwewa schemes in Trincomalee District.

State Aided Sinhala Colonizations

The Land Policies pursued hitherto by successive Governments after the Independence have had their far reaching adverse effects.

1. The Minorities have been denied their legitimate share of Developed State Land.
2. Deprivation of Land, more particularly developed land, to landless people in the Districts of Land alienation.
3. Substantial alteration in the Ethnic composition of the Districts in which State Land have been alienated.

This has contributed to the growth of tension and hostilities among different communities resulting in Ethnic Violence. The victims of such violence have always been the Tamils and Muslims.

When Gal Oya Development Scheme was inaugurated the late Hon. D.S. Senanayake stated that at least 50% of the new lands that were to become cultivatable under the Gal Oya Development Scheme would be distributed on a 50 - 50 basis between the local citizens of the Batticaloa district and the would be colonists from outside.

However, the opening of the Gal Oya Scheme was a great boon to the Sinhala people and this has been used as a device to deprive the Muslims to live and own lands under this Scheme.

State Aided Colonization under Accelerated Mahaweli Programme

		AMPARA DISTRICT	BATTICALOA DISTRICT	TRINCOMALEE DISTRICT	EASTERN PROVINCE
System A	90,000 Acres	-	10,000 Acres	40,000 Acres	50,000 Acres
	14,300 Allotments	-	1,587 Allot.	6,349 Allot.	7,936 Allot.
System B	120,000 Acres	4,000 Acres	65,000 Acres	-	69,000 Acres
	37,483 Allotments	1,250 Allot.	20,312 Allot.	-	21,562 Allot.

System C	60,000 Acres 22,000 Allotments	25,000 Acres 9,259 Allot.	- -	- -	25,000 Acres 9,259 Allot.
System D	40,000 Acres 14,800 Allotments	- -	- -	15,000 Acres 5,555 Allot.	15,000 Acres 5,555 Allot.
TOTAL	390,000 Acres 101,483 Allotments	29,000 Acres 10,509 Allot.	75,000 Acres 21,899 Allot.	55,000 Acres 11,904 Allot.	159,000 Acres 44,312 Allot.

Under the accelerated Mahaweli programme, the land area coming under the Eastern Province is 159,000 acres - 44,312 allotments. More than 100,000 Sinhalese will be settled soon according to the new agenda. When the operation commence in the proposed Heda Oya Scheme in Pottuvil, Ampara District, the demography of the East will be changed to 55% Sinhalese.

Allocation of Land Areas in the Demarcation of Electoral and Administrative Units

The 1976 Delimitation Commission demarcated Seruvila Electorate for the Sinhalese covering 700 sq. miles out of the 1048 sq. miles for the 24% Sinhalese in Trincomalee District. The land area for the 76% Tamils and Muslims was the balance 348 acres.

According to 1971 censers, the population of Ampara District - 47% Muslims, 30% Sinhalese, and 23% Tamils. The Ampara Electorate created for the newly settled Sinhalese under the Gal Oya state aided colonisation is 880 sq. miles. With the 370 sq. miles allocated for the Lahugala and Damana AGA Division the 30% Sinhalese were given 1,250 sq. miles - 70% Land area, where as the 70% Tamils and Muslims are left with only 30% of Land area - 525 sq. miles.

Former Muslim Majority Panamapattu DRO Division, 472 sq. miles, population 26,916. When redemarcating the new Administrative Divisions 19,831 - 74% Muslim Majority Pottuvil AGA Division was given only 22% - 103.9 sq. miles and the balance 78% - 368.2 sq. miles land area was allocated for the 7,085 - 26% Sinhala Majority Lahugala AGA Division.

In the Sammanthurai Muslim Majority DRO Division, nearly 50 sq. miles of land area covering the Hendy Institute, Ampara Tank and the Town area was separated and added with the Wewagampattu South - Uhana AGA Division.

When compared the land area of Sinhala Majority Lahugala AGA Division with the Muslim Majority Kalmunai AGA Division, the Sinhalese are having 208 times more than the land area of the Muslims. When compared the land areas for the Sinhalese with the land area for the Muslims in the Muslim Majority Ampara District, the Sinhalese land area is 13 times more than the Muslim land area.

More than 65% of the people, Tamils and Muslim living in the coastal area of the Ampara District. But the Ampara Kachcheri continues the administration in Sinhala quiet contrarily to the constitutional requirement of the language of administration in Tamil.

Master Plan

There is an integrated development master plan for Trincomalee town and other surrounding areas. One of the proposed projects for Trincomalee under this plan is the special economic zone at Kappalthurai. The first phase costs Rs. 4,250 million and the second, Rs. 2,600 million. It will be completed in 2015. There will also be a small and medium industrial zone at Kappalthurai. The first phase costs Rs. 500 million and the second, Rs. 1,000 million. It will be set up in 2008.

A new administrative secretariat will be established for Rs. 300 million in 2008. A new fisheries harbour costing Rs. 1,000 million is to be constructed by 2010 at Pudavaikattu. A new town development scheme for Andankulam-China Bay is to be built by 2010 for Rs. 1,500 million.

A massive road project linking Uppuvely and Eechilampattu is to be constructed by 2010 for Rs. 10.3 billion. This proposed outer circular road will run through Sinhala areas of Seruwila division. This is an extension of a new road constructed in Trincomalee North. Two tourist resorts will be set up by 2010. They will be in Nilaweli and Verugal at a cost of Rs. 800 million and Rs. 1,750 million, respectively.

The other important project is the coal fired power plant to be set up with Indian assistance. Both phases of the project are expected to cost US\$ 500 million each and will be completed by 2012. Originally it was ear-marked for Kappalthurai but Colombo wanted to set it up later in Sampur. However, New Delhi has stood firm and it is likely to come up in Kappalthurai.

The groundwork is being laid cleverly for future 'Sinhalaisation'. The Road Development Authority has begun constructing an inner ring road and an outer ring road for Trincomalee. The inner ring road links Aathimottai on the Trincomalee-Nilaweli-Pulmottai Road, Kinniya on the A12 (Puttalam-Anuradhapura-Trincomalee Road) and 189km post on A-6 (Kandy-Habarana-Trincomalee Road).

Systematic Planned Encroachments by Sinhalese

The outer ring road planned will begin at Kuchchaveli on the Trincomalee-Nilaweli-Pulmottai Road, cross A12 near Pankulam and meet A6 between Kantalai and Tamplakamam and proceed to Ilankaiturai-Muhathuvaram and to Sampur.

The construction work is being undertaken by the Sri Lanka Army (SLA). The RDA Chief Engineer in Trincomalee works very closely with the SLA. The planning and designing are done in Colombo. The Provincial Director of the RDA based in Batticaloa is completely in the dark about the two ring road projects.

Arrangements are being made for the Sinhalese 'encroachers' to move in between A-6 and A12 on this ring road.

Sinhalaisation of Administration in the Eastern Province

After de-merging the north and east in October 2006, the Eastern Province administration is being ethnically transformed. Former Trincomalee GAs Rodrigo and Nelundeniya are chief secretary and public administration secretary respectively. Former Matale GA, Udage is now the secretary of the provincial Public Services Commission.

There are also many ex-servicemen in key positions. The Governor is Rear Admiral Mohan Wijewickrema. The GA is Major General Ranjith de Silva. The Rehabilitation Coordinator is Major General Amaradeva. The Governor's Secretary is Capt. Patrick Jayasinghe.

Appointing ex-servicemen to key administrative posts has been criticized by members of the administrative service. However, the fact remains that this combination of retired administrative and security officials is well-equipped to implement the 'Sinhalaisation' process in the East.

MUSLIMS DISCRIMINATED IN REBUILDING AND REHABILITATION OF THE EAST

Soon after the demerger of the East by the Supreme Court and following the take over of the province by the armed forces, President Mahinda Rajapaksa led UPFA government having elaborate plans to rebuild and rehabilitate the East. However the Muslim community feels the government has not so far included them into the development process.

Sri Lanka Muslim Congress (SLMC) Leader and Minister Rauff Hakeem had deplored the government's decision to have development projects in the East supervised by the security forces and police. Before the government can think of rebuilding the infrastructure, the people must be given back their lost lands and freedom to engage in whatever livelihood they were engaged before.

Controversy over the New Flag

Sri Lanka government has designed a new flag for the Eastern Province. This new flag has caused much misunderstanding and confusion as the flag has failed to represent all the communities living in the East in a just and faire manners.

The new flag has three symbols – the lion, eagle and fish. The Muslims claimed that while the lion and fish represent the Sinhalese and Tamils respectively there is no symbol to represent the Muslims.

The Muslim community which is the largest ethnic group in the East today has raised serious concern over the failure of the government to recognize this community by not printing any symbols in the flag to represent the Muslims.

Para Military Forces harassing civilians

Law enforcement authorities in many parts of the Eastern province are allegedly turning a 'blind eye' to the continuous complaints made against Tamil terrorists.

Despite several political parties in the Batticaloa and Ampara districts taking up this issue with the law enforcement officers, they have failed to address this issue adequately.

Apart from encroaching lands belonging to Muslims, the Tamil terrorists have commenced taking ransom. Most victims have now stopped complaining to the police because when complaints were made to the police the details of those who made the complaints were leaked. As a result these families are intimidated and harassed.

Sri Lanka Monitoring Mission in its last weekly report states that the SLMM has received several complaints regarding extortion and harassment by the Tamil terrorists in Batticaloa and Ampara.

Batticaloa District –

Serious issues have been raised by Muslims of Batticaloa on the ongoing activities of the several international organizations assisted by the Government and the Tamil Makkal Viduthalai Pulikal (TMVP) in re-locating displaced Tamils on lands owned by Muslims.

After 1985, LTTE forcibly occupied Muslim residential, agricultural and cattle farming lands – more than 35,000 acres in areas under their control. The GOSL did nothing to restore these properties owned by the Muslims on title deeds, government permits and paddy cultivation register.

The displaced Muslims suffered untold hardships during the last 22 years. Now after the GOSL cleared these areas from the LTTE, the TMVP of Karuna with the help of the government security forces and INGO assistance, putting up permanent houses, churches, temples and schools in the Muslim lands forcibly occupied by the LTTE without any consideration for Muslims' right to settle the displaced Muslims who are the lawful owners of these lands.

Koralaipaththu Central –

Although the Local Government Commission declared Koralaipaththu Central – the area of historical habitation of the Muslims, covering more than 240 sq. km., consisting of 11 Grama Sevaka Niladhari divisions, the boundaries have not yet been demarcated on ground.

The Batticaloa district consists of 14 Pradesiya Sabhas and covering an extent of 2633 sq. km. These are 4 predominant Muslim DS divisions and the land area – Kattankudi 3.4 sq. km. Eravur Town 3.89 sq. km., Koralaipaththu West (Ottamavadi) 6.84 sq. km. Koralaipaththu Central 6.50 sq. km. Total extent of Muslim land area approximately 20.0 sq. km., which is less than 1.0% of the total area of Batticaloa District where the Muslim population is nearly 30% today.

Eravur –

Most of the Muslim agriculture and cattle farm land owned by the Muslims lie along the Chenkaladi – Badulla – A5 Road. Today the entire area along this road has come under the control of GOSL armed forces. Eravur Muslims owned more than 12,000 acres. Arrangements are being made now to bring back the Tamils who have been unlawfully occupying Muslim lands and settle them permanently by the TMVP of Karuna and the Government armed forces without any consideration of the displaced Muslims by the LTTE.

During the ethnic conflict 1983, 1985, 1990 etc., more than 12,700 Muslim families were chased out by the LTTE and the Tamils forcibly occupied all the Muslim lands that came under LTTE control. The GOSL did nothing to provide any relief or paid compensation for the loss of livelihood of these displaced Muslims.

Resettlement of displaced Tamils on Muslim land in Iyankuni, Meerakerni, Mitchanagar, Hidayathanagar, Thakvanagar in and around Eravurpathu Pradeshiya Sabha would further deteriorate the peaceful co-existence of Muslims and Tamils in Eravur.

Further, the Eastern University is making arrangements now to acquire nearly 30 acres of land in Meerakerni Muslim area which is about 7 km. away from the university. This is a sinister move by the Tamils to prevent Muslims settling.

Kattankudi Muslim Border Villages –

Ollikulam, Sikaram, Karbela, Palamunai, Kankayan Odai, Keechampallam are the Muslim border villages of Kattankudi in Arayanipathu Pradeshiya Sabha. Displaced Tamils after the 'Tsunami' and GOSL military operations to flush the LTTE terrorists in the Paduvankarai Tamil villages have been temporarily settled in private lands owned by the Muslims and the Mosques. Now the TMVP of Karuna with the assistance of Government Armed Forces and help from INGO's are making arrangements to provide accommodation to settle the displaced Tamils who have come from Tamil areas, permanently on land belonging to the Muslims and the Mosques, depriving the Muslims, the lands belonging to them.

Trincomalee District

Kuchchaveli –

Kuchchaveli in Trincomalee district is a predominant Muslim area. Total population 29,967 and 8,058 families. 65% Muslims 19,443, 31% Tamils 9,282, 3% Christians 905 and 01% Sinhalese 337. Kuchchaveli Pradeshiya Sabha 9 members, Muslims 6, Tamils 3.

Public Administration –

The Divisional Secretary is a Tamil in the predominant Muslim division. Total grama niladharies 24.65% Muslims are given only 7 GS but the balance 17 GS are given to the Tamils and others who are only 35%. Average population of a Tamil GS division is 250 people whereas the population in Muslims GS is around 1350 eg. Pulmoddai 31I and 31II divisions.

Land Issue –

Iqbal Nagar is a Muslim area. Due to ethnic conflict the Muslims were displaced during 1984, 1990 and 1994 and settled in a place called Love Lane in Trincomalee. In 2002, the Muslim refugees came back to Iqbal Nagar and living under abject poverty.

In the East of Iqbal Nagar almost 250 acres are forcibly taken over by the Eastern University. 50 acres from Thamraikulam and Muthuraimalai are allocated to JICA (INGO) by Kuchchaveli Divisional Secretary for Tsunami Housing Project. 185 Muslims were promised 15 perches each but all the lands were distributed to the Tamils and Government officers and nothing was given to the displaced Muslims.

In the 265 Muslim families identified as refugees only 45 families selected for the NERHP projects. But all the Tamil refugees were settled in the new housing projects in Konespuri, Kopalapuram, Kumpirupity, Iranaikerni and Thriyai.

Hospital –

The new hospital building constructed 5 years ago not yet opened to the public. There is no proper medical facilities for the Kuchchaveli people.

Fishing –

There is restriction for fishing in Kuchchaveli. The navy allows only 5 days between 4 am. and 6 pm. Fishing equipment have not been distributed to the affected Muslim fishermen.

Roads –

The new road construction started from 6th mile post to Pullimodai is unduly delayed.

Schools –

Pullimodai, Arafath Naga, Jinnah Puram are the most neglected areas. However, the Sinhala areas in Kuchchaveli is categorized as most difficult area and given priority for the allocation of funds and other facilities.

Resettlement –

Basic facilities such as housing, electricity, roads toilets have not been provided to the Muslim refugees settled in Pattikuda, Ponmalaikadu, Veeranthevu, Thethavadithieru, Karayaveli, Sadam Nagar villages – NERHP – 31J, 31G, 31H, 31L villages have been neglected.

PROPOSALS FOR SECURITY ARRANGEMENTS FOR THE MUSLIM AREAS IN THE EAST

An appeal to His Excellency President Mahinda Rajapaksa.

In view of the serious Security situation of in the East the Muslims have to live in fear with their Democratic and Fundamental Rights denied by the terrorists.

We appeal to Your Excellency to implement immediately the most important election pledge given to the Muslims in the Mahinda Chintanaya regarding Security for Muslims in the Eastern Province. Form Mahinda Chintanaya Quote "I consider the need to dispel the fears of the people of the Eastern Province is of utmost importance. I am firmly of the view that no ethnic group should be reduced to being hostages of another group. I will therefore ensure that the security of the people of the Eastern Province is not threatened. I will pay special attention to the Security of the Muslim community".

The most effective way of achieving this objective will be by implementing immediately the following security measures.

1. Recruiting sufficient numbers of Muslim youths to the Sri Lanka Police force and deploying atleast 75% Muslim police personnel in each police station in predominantly Muslim areas in the Eastern Province with a Muslim DIG in charge and Muslim SSP's, SP's, ASP's and OIC's, so that the entire chain of command have full powers to take all decisions with respect to security threats in Muslim areas and maintain law and order.
2. Muslims should be enlisted to the regular Sri Lanka Army to serve in any battalion and in any part of the country. For this to be a success provision should be made for their religious obligations namely-
 - a. Daily prayers
 - b. Provision of Halal food
 - c. Arrangements for Fasting during the month of Ramazan
3. Sufficient numbers of Home Guards should be recruited similar to the Sinhala areas.
4. Warning Sirens should be installed at strategic locations in vulnerable areas.
5. Vigilance Committees should be established in all Muslim areas to detect and prevent strangers infiltrating.
6. Army camps should be located at strategic locations in predominant Muslim areas as in the Sinhala areas.
7. Additional Police Stations must be established in predominant Muslim areas where necessary.

All previous governments have failed to take meaningful measures regarding Security of Muslims and they have been made to suffer in silence and left helpless and let down by everyone leading to a sense of being treated as second class citizens and left with a feeling that no matter who is involved and what the problem is, the Muslims have to always end up as the losers.

We are hopeful and fully confident that Your Excellency will see this monumental Injustice against the Muslims and order immediate remedial measures as outlined above.

It is appropriate to mention here that a Buddhist country like Thailand had taken its Muslim citizens into confidence and appointed a Muslim General Sonthi Boonyaratkalin as Commander of the armed forces who subsequently became the de facto head of the country with the blessings of the Thai King, even at a time when a Muslim uprising was going on in the south of the country.

It may be easy for anyone with hidden motives to criticize this proposal but any such person should come up with an effective counter proposal acceptable to the Muslims in the East, who have sacrificed so much for so long for standing firm against the division of this country. Your Excellency must make the decision as to how an effective long term security system can be provided to the long suffering Eastern Muslims, without waiting for a consensus of the warring Muslim political leaders as the Muslim community rightly feels that unity among them for a common community cause is like waiting till the Sun rises from the West.

MUSLIM POLITICAL LEADERS HAVE FAILED IN THE EAST

Successive governments have bought over Muslim politicians offering ministerial portfolios and high positions. Today all the Muslim Member of the Parliament are Ministers and Deputy Ministers but the Muslims have been cast away, ignored, subjected to illtreatment and denied protection.

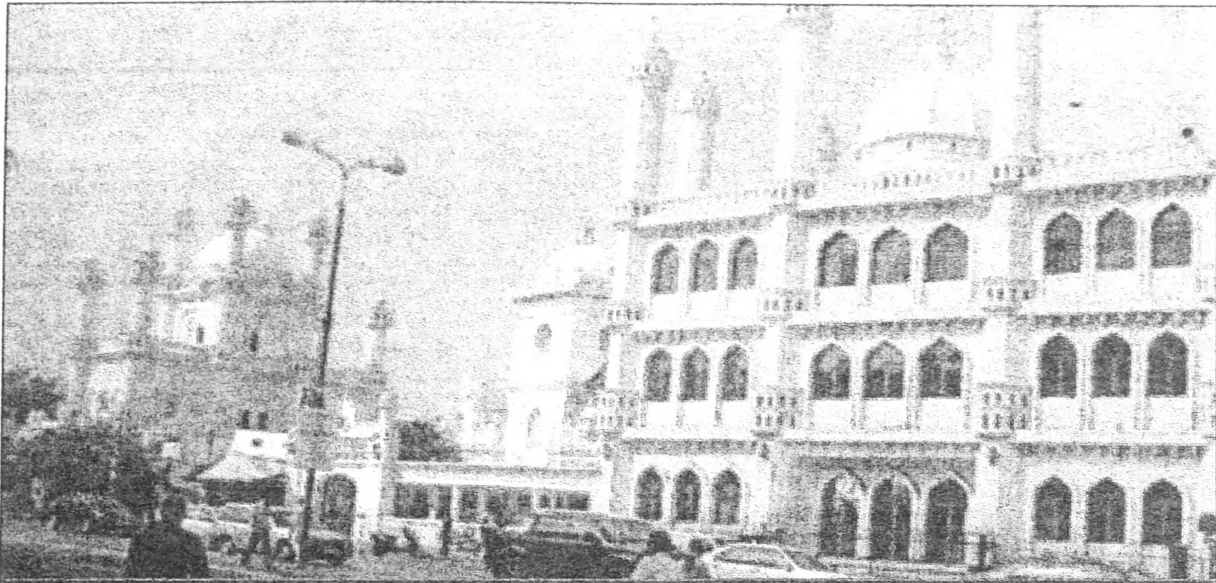
Presently the Muslims are confronted with two challenges - the challenge from the Tamil Terrorists and the challenge from the Government forces. When an issue concerning the Tamils crops up there are interested groups across the world to raise their voice in support of them. When it concerns Muslims, voices are rarely heard, locally or internationally.

The government should at least now wake up to the dangerous scenario ahead and take every steps, necessary to protect the Muslims in the country. Those who were involved in the brutal murders of Muslims in Panama - Pottuvil and Muthur - Trincomalee should be brought to book. The members of the armed forces should be made protectors of all the people whichever community they may belong to.

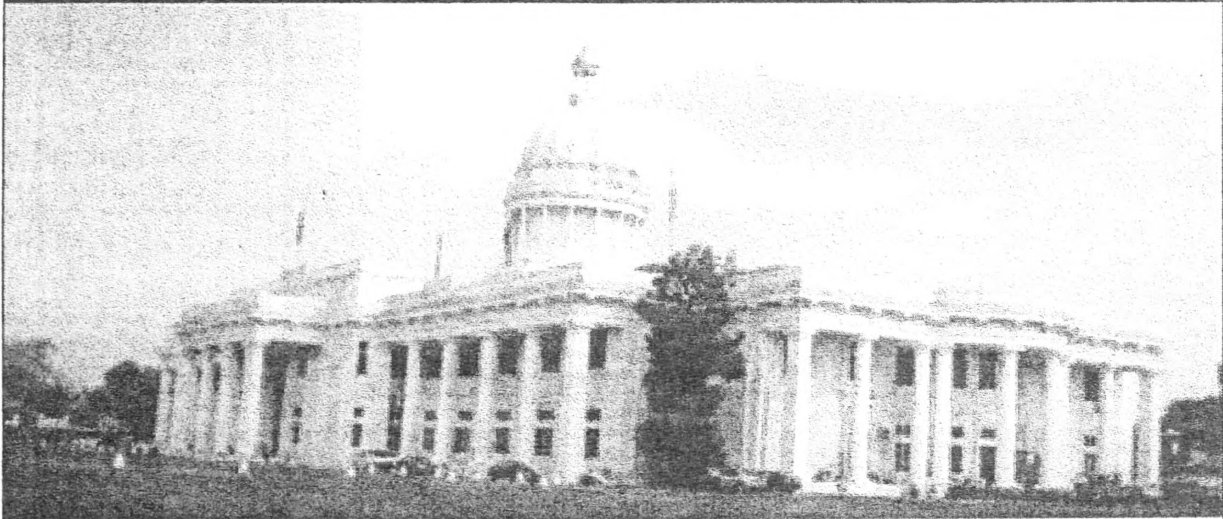
Political leaders have failed and not capable of resolving the issues confronting the Muslims in the Eastern Province. They have tackled Muslim issues from and within the scope of their party politics and have sidelined the issues to suit their political agenda.

Whoever the perpetrators of the crimes may be, the government cannot shirk their responsibilities since the crimes have taken place in areas under the control of the government. A feeling is now developing within the Muslim community that they are discriminated and the government is disinterested in utilizing its resources when it comes to safe-guarding the interests of Muslims. It is the Muslims who have been at the receiving end of atrocities committed by the Tamil Terrorist for not extending support for the creation of a separate Tamil Elam state in the North East. If the Government and the security forces too cause harm, harass and making their lives miserable, one wonders to whom can the Muslims look up to for protection.

The Muslims can no longer be at the receiving end losing more and more lives and properties in the most horrendous manner for no fault of theirs. The Government must now clearly indicate without any hesitation that it is prepared to stand by the peaceful and unarmed Muslim community to resolve their legitimate grievances before it is too late.



THE PLIGHT OF COLOMBO MUSLIMS AND THE NATIONAL POLITICAL PARTIES



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THE PLIGHT OF COLOMBO MUSLIMS AND THE NATIONAL POLITICAL PARITES

M.I.M. Mohideen

17 December 2009

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M.I.M. Mohideen

Author

INTRODUCTION

Muslim Patriotism and Loyalty

Soon after defeating the LTTE Terrorism in May 2009, the President Mahinda Rajapaksa has said that there is no minority or majority communities and only the Patriots and Traitors today in Sri Lanka. Muslim Ministers and Political Leaders supporting his UPFA Government have also said that there is no need for communal political parties and wanted the Muslims to join the National political parties.

Under these circumstances it has become very pertinent to have a closer look at the plight of the Muslims particularly in Colombo for being patriots and loyal members of the National political parties in Sri Lanka.

We, Muslims are proud of the fact that we are citizens of Sri Lanka, our mother land, where our racial ancestors, the Arabs originated the Sri Lanka Muslim race, more than Two Thousand Five Hundred (2,500) years ago. As people professing the religion of Islam, we have been here for more than 1,430 years.

The Malabars – Tamils, were all powerful in most of the commercial ports of the Island at the time when our ancestors were settling here. The Arabs learnt the language of the Tamils with whom they had business relationships for many centuries. Although Sri Lanka Muslims speak the Tamil Language, we are not ethnically Tamils. In Sri Lanka the Sinhalese call us “Yonaka” and the Tamils call us “Sonakar.” “Yon” and “Sonakam” means “Arabia” in Pali and Tamil languages respectively. We are the descendants of the people from Arabia – Arabs.

Muslims have always been loyal to the country and were in the forefront of the struggle – resisting foreign invaders, winning back the lost freedom and consolidating the freedom won. Muslims have fought together with the Sinhalese when the Portuguese invaded Sri Lanka. Every resistant moment of the Sinhalese had Muslims in their ranks. So much so that we became the target of persecution under the colonial powers. Muslims did not become traitors to receive honours or land. For a period of roughly three centuries, between the arrival of the Portuguese in 1505 and the departure of the Dutch in 1795, the Muslims in the maritime provinces underwent untold hardships at the hands of the invaders for being patriots.

In the last fifty or sixty years, during which Sri Lanka mounted a Constitutional struggle, you will not come across one solitary Muslim voice against the aspirations of the majority Sinhalese people. Muslim representatives did not go before Royal Commissions, nor have they gone before the International Community with accusation and sought to blacken the image of the majority community – the Sinhalese people.

Sri Lanka Muslim Community of today is composed of various cultural groups. The vast majority of them are Sri Lanka Moors – descendants of the Arabs. The Malays who came during the Dutch period after 1640 from Indonesia and Malaya form the second largest group. Later during the British period, after 1796 more Muslim Traders came from Indian sub-continent, mostly from Malabar and Coromandel coasts. More recently came the Memons, Bohras and others from India, who have made their homes here and became a part of Sri Lanka Muslim Community.

FOREWORD

As rightly pointed out by former Chief Justice Sarath N Silva the Muslim community, in keeping with their religious teachings and traditions, has been the most peaceful community in the island. They never took to violence to highlight their grievances despite the immense sufferings they underwent both in the hands of Tamil militants and the discriminatory policies of successive governments.

For example they were ethnic cleansed from the entire North. Even today these unfortunate victims of LTTE barbarity suffer in refugee camps in appalling conditions. In the East they were indiscriminately killed, their agricultural and other lands grabbed, subjected to extortion and even deprived of their livelihood. Yet their miserable plight failed to attract the attention of the power that be.

This is in spite of the fact that throughout their more than one thousand year history, they remained loyal to the country, lived in harmony and supported the majority community both in times of prosperity and adversity to an extent that they placed the country's interest above that of their own.

For example, in the aftermath of the World War II, when the British colonial power insisted that three quarters of the population should approve demand for independence, Muslims supported the move despite disadvantages to the community in the Sri Lanka Bill. Expressing his gratitude on behalf of the Sinhala community S.W.R.D. Bandaranaike assured that his community would always remember this and attend to any reasonable request of the community.

This has been the community's policy even after the independence in spite of discrimination. To cite yet another example; what is conveniently forgotten is the crucial role played by the Muslims in preserving the territorial integrity of the island. During the early days of Tamil militancy India which trained, armed and financed Tamil militants stood behind the Tamil militants' call for a separate state. It was the time when the island's armed forces were not equipped or trained, as they are today, to deal with the separatist threat.

However Muslims throughout the country vehemently opposed calls for the division of the country and firmly stood for territorial integrity and unity only to face death, devastation, loss of properties, livelihood and displacement. Had

the Muslims joined the Tamil militants then, the island's fate would have been sealed and history would have been different today.

Despite all these sacrifices and sufferings Muslims remain the most misunderstood community in the island as, contrary to common belief that Muslims float in wealth, they suffer from extreme poverty, illiteracy, unemployment, educational, housing and several other problems. The situation is worse in Colombo where poverty, illiteracy and severe unemployment even driven some to take to underworld and drug trafficking for survival.

All these problems were highlighted well by M.I.M. Mohideen, a well known researcher on Muslim affairs and conscious keeper of the community whose tireless work help document burning issues faced by Muslims. His latest document on Muslims in Colombo provides a rare glimpse into the community's plight stressing the need to address them to ensure they improve their condition to play their role for the overall development of the country in this changed political environment in the aftermath of the military defeat of the Tamil militants.

In this document he explains how in this multiracial, multi-cast, multi-religious, multilingual country, the Muslim community finds itself quite marginalized without effective representation to highlight its grievances in the Parliament. Like the other communities, the Muslims too want to have their grievances aired in the appropriate forum and have them redressed.

As he pointed out political powers by virtue of numbers have always been in the hands of the majority community – Sinhalese. This had led to serious discrimination of the minorities, Tamils and Muslims, by successive governments of the so called National political parties - UNP and SLFP, since independence. It is the failure of the Sinhalese majority to recognize and respond to the legitimate needs and aspirations of the minorities have led to dissatisfaction, terrorism and demand for separation.

Under the circumstances this document, an eye opener and a clear message to all those who are keen to learn lessons from the past and work towards unity and communal harmony to jointly take the country forward to the benefit of all.

Latheef Farook

Under the earlier delimitation, the Colombo Municipal Council area had 5 electorates and 47 municipal wards.

For administrative purpose Colombo City comes under the Divisional Secretaries' Divisions of Colombo – Urban and Thimbirigasyaya – Rural.

Number of Grama Sevaka Nilatharies for Colombo Municipal Council Area in 1995 was 55

Population 2001 D.S. Divisions	Total Population		Sinhalese		Tamils		Muslims		Other	
	No.	%	No.	%	No.	%	No.	%	No.	%
Colombo	377,396	100	117,090	31	125,456	33.2	128,789	34.1	6,061	1.6
Thimbirigasyaya	264,767	100	148,567	56.1	74,184	28	35,659	13.5	6,357	2.4
Total	642,163	100	265,657	41.4	199,640	31.1	164,448	25.6	12,418	1.9

Population 2001 Electorates	Total Population		Sinhalese		Tamils		Muslims		Other	
	No.	%	No.	%	No.	%	No.	%	No.	%
Colombo North	137,423	100.0	50,289	36.6	62,821	45.7	21,325	15.5	2,988	2.2
Colombo Central	237,788	100.0	69,530	29.2	61,297	25.8	103,193	43.4	3,768	1.6
Borella	98,091	100.0	62,461	63.7	18,601	19.0	15,394	15.7	1,635	1.7
Colombo East	99,647	100.0	62,267	62.5	26,919	27.0	8,322	8.4	2,139	2.1
Colombo West	74,151	100.0	26,385	35.6	29,791	40.2	14,933	20.1	3,042	4.1
Total	647,100	100.0	270,932	41.9	199,429	30.8	163,167	25.2	13,572	2.1

Colombo Municipal Council Election - 2006

POLITICAL PARTY/ INDEPENDENT GROUP	VOTES OBTAINED	PERCENTAGE	SEATS-53
INDEPENDENT GROUP III	82,580	40.24	23
UNITED PEOPLE'S FREEDOM ALLIANCE	57,158	27.85	14
INDEPENDENT GROUP IV	17,480	8.52	4
WESTERN PEOPLES FRONT	16,068	7.83	4
DEMOCRATIC UNITY ALLIANCE	8,106	3.95	2
UP-COUNTRY PEOPLES FRONT	7,717	3.76	2
PEOPLES LIBERATION FRONT	6,145	2.99	2
INDEPENDENT GROUP II	3,931	1.92	1
JATHIKA HELA URUMAYA	3,281	1.60	1
INDEPENDENT GROUP I	1,609	0.78	-
UNITED SOCIALIST PARTY	1,160	0.57	-
Regd. Electors	395,914	100.00	
Total Polled	214,960	54.29	
Valid Votes	205,235	51.34	
Rejected Votes	9,725	2.45	

1. Colombo Central

Colombo Central – Three Parliament member electorates and 20 Municipal Council member wards. Annex A1 – A9

9. Kochchikade North Weediya	10 Gintupitiya	11 M a s a n g a s
12 New Bazar South	13 Grandpass North	14 G r a n d p a s s
15 Maligawatta West	16 Aluthkada East	17 Aluthkada West
18 Kehelwatta	19 Kochchikade South	20 Forth
21 Kompannaweediya	22 Wekanda	23 Hunupitiya
24 Suduwella	25 Panchikawatta	26 Maradana
27 Maligakanda	28 Maligawatta East	

15 Jumma Mosques, 21 Ordinary Mosques, 6 Zaviyas and 11 Thakkiyas.

15 Muslim Schools

Muslim Population – 103,193 – 43.4% (2001)

Muslim Residence – 18,619, Muslim Voters – 76,747 – 50.96% (2007)

General Election - 2004

	Votes	%
UNP	71,599	71.50
UPFA	17,681	17.66
JHU	8,881	8.87
NLF	225	0.22
UMPA	317	0.32
Indepnt. Groups	581	0.58
Regd. Votes	153,763	
Total Polled	105,593	68.67
Valid Votes	100,142	
Rejected Votes	5,451	5.16

Presidential Election - 2005

	Votes	%
Mahinda Rajapakse	20,395	20.31
Ranil Wickremesinghe	78,908	78.57
Regd. Votes	144,916	
Total Polled	102,040	70.41
Valid Votes	100,424	
Rejected Votes	1,616	1.58

Western Province PC Election - 2009

	Votes	%
UNP	45,414	53.58
UPFA	25,505	30.09
SLMC	9,023	10.65
DUA	2,350	2.77
Regd. Votes	151,308	100
Total Votes Polled	90,025	59.50
Valid Votes	84,753	56.01
Rejected Votes	5,272	3.49

2. Colombo North

Colombo North – One Parliament member electorate and 8 Municipal Council member wards. Annex B1 – B5

1. Mattakkuliya 2. Modera 3. Mahawatta 4. Aluthmawatha
5. Lunupokuna 6. Bloemendhal 7. Kotahena East 8. Kotahena West

4 Jumma Mosques, 5 Ordinary Mosques and 1 Ziyaram.
2 Muslim Schools, Muslim population – 21,325 15% (2001)

General Election - 2004		
	Votes	%
UNP	40,387	70.20
UPFA	12,724	22.12
JHU	3,409	5.93
NLF	175	0.30
UMPA	75	0.13
Indepnt. Groups	85	0.15
Regd. Votes	86,388	
Total Polled	60,959	70.56
Valid Votes	57,528	
Rejected Votes	3,431	5.63

Presidential Election - 2005		
	Votes	%
Mahinda Rajapakse	14,270	23.74
Ranil Wickremesinghe	45,161	75.13
Regd. Votes	85,967	
Total Polled	61,050	71.02
Valid Votes	60,111	
Rejected Votes	939	1.54

Western Province PC Election - 2009		
	Votes	%
UNP	27,866	52.24
UPFA	15,746	29.52
DUA	4,267	8.00
SLMC	3,332	6.25
Regd. Votes	103,050	
Total Votes Polled	57,012	
Valid Votes	53,346	
Rejected Votes	3,666	6.43

3. Borella

Borella – One Parliament member electorate and 7 Municipal Council member wards. Annex C1 – C5

29 Dematagoda East 30 Wanathamulla 31 Kuppiyawatta
32 Kuppiyawatta West 33 Borella North 35 Borella South
36 Cinnamon Garden

2 Jumma Mosques and 1 Thakkiya.

Muslim Population - 15,394 - 15.7% (2001)

General Election - 2004

	Votes	%
UNP	21,543	52.68
UPFA	12,484	30.53
JHU	6,360	15.55
NLF	89	0.22
EPDP	12	0.03
USP	27	0.07
Regd. Votes	62,722	
Total Polled	42,350	67.52
Valid Votes	40,893	
Rejected Votes	1,457	3.44

Presidential Election - 2005

	Votes	%
Mahinda Rajapakse	15,644	37.42
Ranil Wickremesinghe	25,784	61.67
Regd. Votes	60,678	
Total Polled	42,262	69.65
Valid Votes	41,809	
Rejected Votes	453	1.07

Western Province PC Election - 2009

	Votes	%
UNP	16,994	49.88
UPFA	14,950	43.88
SLMC	894	2.62
JVP	587	1.72
Regd. Votes	63,884	
Total Votes	35,494	
Valid Votes	34,073	
Rejected Votes	1,421	4.00

4. Colombo East

Colombo East – One Parliament member electorate and 6 Municipal Council member wards. Annex D1 – D4

34 Narahenpita 40 Thimbirigasyaya 41 Kirula
44 Kirullapone 45 Pamankade East 46 P a m a n k a d e
West

3 Jumma Mosques

Muslim Population - 8,322 - 8.4% (2001)

General Election - 2004

	Votes	%
UNP	23,739	52.09
UPFA	12,141	26.64
JHU	9,116	20.00
NLF	166	0.36
EPDP	65	0.14
Regd. Votes	67,885	
Total Polled	47,265	69.63
Valid Votes	45,576	
Rejected Votes	1,689	3.57

Presidential Election - 2005

	Votes	%
Mahinda Rajapakse	16,919	36.62
Ranil Wickremesinghe	28,832	62.40
Regd. Votes	65,732	
Total Polled	46,900	71.35
Valid Votes	46,206	
Rejected Votes	694	1.48

Western Province PC Election - 2009

	Votes	%
UNP	18,922	48.72
UPFA	16,890	43.48
JVP	1,061	2.73
SLMC	506	1.30
Regd. Votes	72,446	
Total Votes	40,761	
Valid Votes	38,841	
Rejected Votes	1,920	4.71

5. Colombo West

Colombo West – One Parliament member electorate and 6 Municipal Council member wards. Annex E1 – E4

37 Kollupitiya 38 Bambalapitiya 39 Milagiriya
42 Havelock Town 43 Wellawatta North 47 Wellawatta South

4 Jumma Mosques and 1 Ordinary Mosque

1 Muslim School

Muslim Population - 14,933 - 20.1% (2001)

General Election - 2004

	Votes	%
UNP	19,084	73.64
UPFA	3,613	13.94
JHU	2,824	10.90
NLF	150	0.58
EPDP	21	0.08
Regd. Votes	40,209	
Total Polled	26,783	66.61
Valid Votes	25,914	
Rejected Votes	869	3.24

Presidential Election - 2005

	Votes	%
Mahinda Rajapakse	5,104	19.73
Ranil Wickremesinghe	20,475	79.16
Regd. Votes	38,621	
Total Polled	26,264	68.00
Valid Votes	25,865	
Rejected Votes	399	1.52

Western Province PC Election - 2009

Colombo West		
	Votes	%
UNP	12,244	61.62
UPFA	5,483	27.59
SLMC	796	4.01
JVP	152	0.76
Regd. Votes	41,441	
Total Votes	21,031	
Valid Votes	19,871	
Rejected Votes	1,160	5.52

MOSQUES IN COLOMBO CITY

Colombo Central – Jumma Mosques

No.	Reg No.	Type	Name	Address
1	R/40/C/07	GJM	Muhyideen Jumma Mosque	113 Abdul Hameed Street, Colombo 12
2	R/41/C/08	GJM	Masjidul Jamia Jumma Mosque	Java Lane, Colombo 02
3	R/50/C/10	GJM	Jumma Mosque	Maradana, Colombo 10
4	R/63/C/12	GJM	Muhyideen Jumma Masjid	61 St. Joseph's Street, Colombo 14
5	R/259/C/30	GJM	Wekanda Jumma Mosque	21 Saunders Court, Colombo 02
6	R/266/C/31	GJM	Masjidul Akbar Jumma Mosque	157 Kew Road, Colombo 02
7	R/436/C/43	GJM	Maligawatte Jumma Mosque	273 Jumma Masjid Road, Maligawatte, Colombo 10
8	R/755/C/64	GJM	The Colombo Grand Mosque	151 New Moor Street, Colombo 12
9	R/782/C/65	GJM	Meeraniya Jumma Mosque	263 Meeraniya Street, Colombo 12
10	R/891/C/76	GJM	Dematagoda Masjid Mohideen	331 Dematagoda Road, Colombo 09
11	R/920/C/79	GJM	Colombo Fort Jumma Mosque	87 Chatham Street, Colombo 01
12	R/1059/C/111	GJM	Jamiul Ashraff Mosque	99 Belmont Street, Colombo 12
13	R/1115/C/120	GJM	Almahadul Bukkariyul Mosque	80/82 Newham Sq, Colombo 13
14	R/1457/C/141	GJM	Rahmaniya Jumma Mosque	265 Grandpass Road, Colombo 14
15	R/1539/C/151	GJM	Maradana Jumma Mosque	Maradana, Colombo 10

Mosques

No.	Reg No.	Type	Name	Address
1	R/02/C/01	CM	Kanimathul Cassimiya	Dematagoda Place, Colombo 09
2	R/90/C/19	CM	Almasjidul Buhary	23 Forbes Lane, Colombo 10
3	R/91/C/20	CM	Jamiul Alfar Mosque	228 2 nd Cross Street, Colombo 11
4	R/142/C/26	CM	Memon Hanafi Mosque	45 3 rd Cross Street, Colombo 11
5	R/196/C/27	CM	Almasjidul Lafir	122 Wolfhendal Street, Colombo 12
6	R/197/C/28	CM	Un Nadavathul Shathuliya Z.thl	20 Sir Henry De Mel Mawatha, Colombo 02
7	R/340/C/39	CM	Small Mosque	84 Kew Road, Colombo 02
8	R/620/C/57	CM	Masjidul Us Sageer	16 Symonds Road, Colombo 10
9	R/717/C/61	CM	Muhyideen Masjid	Kotehena, Colombo 13
10	R/1070/C/113	CM	Al Masjidul Najimi	55 Marties Lane, Colombo 12
11	R/1207/C/123	CM	Almasjidul Muhamadiya Mosque	251/19 Sri Sangaraja Mawatha, Colombo
12	R/1295/C/126	CM	Masjidul Hameediya & Mahal MDR	11/4 Station Passage, Colombo 02
13	R/1315/C/128	CM	Masjidul Quadhir	18/52 Church Street, Colombo 02
14	R/1339/C/130	CM	Shahul Hameediya Mosque	42/30, 231 Steuart Street, Colombo 02
15	R/1495/C/143	CM	Almasjidul Kiluriya	118/6 Maithri Bodhirajah Mawatha, Colombo

16	R/1509/C/146	CM	Almasjidul Muneer Wal Madrasa	42/20 St. Sebastian Street, Colombo 12
17	R/1560/C/154	CM	Almasjidul Muhiyadeen	63/7 Veluwana Road, Colombo 09
18	R/1562/C/155	CM	Masjidul Muhiyadeen	263/40 Dam Street, Colombo 12
19	R/1591/C/158	CM	Almasjidul Noor Wal MDR Noora	151/200 Maligawatte Place, Colombo 10
20	R/1685/C/168	CM	Almasjidhul Muhiyatheen	55/8 Union Place, Colombo 02
21	R/1691/C/169	CM	Maradana Mosque	Maradana, Colombo 10

Zavias

No.	Reg No.	Type	Name	Address
1	R/54/C/11	DR	Peer Sahib Street	64 Peer Sahib Street, Colombo 12
2	R/109/C/24	Z	Mariyakade Zavia	528/12 2 nd Division, Colombo 10
3	R/304/C/35	Z	Laha Noorush Shathulee Zavia	Panchikawatte Road, Colombo 10
4	R/419/C/40	Z	Awwal Zavia	21 Awwal Zavia Road, Colombo 14
5	R/585/C/53	Z	Ummul Zavia	19 M.J.M. Lafir Mawatha, Colombo
6	R/971/C/89	Z	Al-Zaviathul Fasiya	59 Bankshall Street, Colombo 11

Thakkiyas

No.	Reg No.	Type	Name	Address
1	R/43/C/09	T	Munbikul Mukafileen Thakkiya	Maligawatte Lane, Colombo 10
2	R/80/C/14	T	Muhyideen Thakkiya	223 Mohideen Masjid Road, Colombo 10
3	R/85/C/16	T	Katakalamarathy Thakkiya	32 Clifton Lane, Colombo 10
4	R/332/C/36	T	Jiffriyathul Alaviya Thakkiya	156 New Moor Street, Colombo 11
5	R/336/C/38	T	Kalandar Sahib Mosque	Orabipasha Street, Colombo 10
6	R/565/C/50	T	Maganamus Sauda Thakkiya	159 Old Moor Street, Colombo 12
7	R/986/C/93	T	Sheik Fareed Thakkiya	95 Temple Road, Colombo 09
8	R/1016/C/106	T	Muhyideen Thakkiya	27 Messenger Street, Colombo 12
9	R/1071/C/114	T	Al Masjidul Rahumaniya Mosque	80/82 Newham Sq, Colombo 13
10	R/1455/C/140	T	Almasjidul Dheeniyah	257/63 Wolfhendal Street, Colombo 12
11	R/1498/C/144	T	Abu Sahib Thakkiya	251 Mohideen Masjid Road, Colombo 10

Colombo North – Jumma Mosques

No.	Reg No.	Type	Name	Address
1	R/88/C/17	JM	Mutwal Jumma Mosque	74 Mutuwella Mawatha, Colombo 15
2	R/101/C/23	JM	Muhyideen Jumma Mosque	67 Dr. S.D. Fernando Mawatha, Colombo 15
3	R/1035/C/109	JM	Al-Masjidul Baduriya	233/221 Henemulla Camp, Madamptiya, Colombo 15
4	R/1588/C/156	JM	Masjidul Hidayath Jumma Mosque	300 Mahawatte Road, Colombo 14

Mosques

No.	Reg No.	Type	Name	Address
1	R/1010/C/101	☪M	Shrine - Sheik	75 Mosque Lane, Colombo 15
2	R/1521/C/148	☪M	Masjidul Denul Islam	166 Swanachaitiya Road, Colombo 14
3	R/1555/C/152	☪M	Almasjidul Badiya	47/A, 22 Summitapura, Colombo 15
4	R/1618/C/163	☪M	Almasjidhul Dheeniya	Kalyani Gangarama Mawatha, Colombo 15
5	R/1668/C/166	☪M	Masjidhul Kahumaniya Thakkiya	Bloemendhal Road, Colombo 15

Zavia

No.	Reg No.	Type	Name	Address
1	R/700/C/58	☪Z	Zaviathul Khairiya	22 Zaviya Lane, Colombo 15

Borella – Jumma Mosques

S. No.	Reg No.	Type	Name	Address
1	R/334/C/37	☪JM	Dewatagaha Mosque and Shrine	12 Baptist Chapel Road, Cinnamon Garden, Colombo 07
2	R/1012/C/103	☪JM	Borella Jumma Mosque	Cross Road, Borella, Colombo 08
3	R/2538/C/150	☪T	Meeraniya Thakkiya	114/2 Aramya Road, Colombo 09

Colombo East – Jumma Mosques

S. No.	Reg No.	Type	Name	Address
1	R/982/C/92	☪JM	Kirilapona Jumma Mosque	6 Kirilapona Masjid Road, Colombo 06
2	R/1294/C/125	☪JM	Jawatte Jumma Mosque	50 Torrington Avenue, Colombo 07
3	R/1559/C/153	☪JM	Muhyadeen Jumma Masjid	45 Mayura Place, Havelock Town, Colombo 06

Colombo West – Jumma Mosques

S. No.	Reg No.	Type	Name	Address
1	R/483/C/45	☪JM	Wellawatte Jumma Mosque	48 Galle Road, Colombo 06
2	R/508/C/47	☪JM	Kollupitiya Jumma Mosque	61 St. Micheal Road, Colombo 03
3	R/744/C/63	☪JM	Bambalapitiya Mohideen Jumma Mosque	55 New Bullers Road, Colombo 04
4	R/978/C/90	☪M	Majmaul Khairath Mosque	30/1 Nimal Road, Colombo 04
5	R/1491/C/142	☪JM	Masjidul Noor JM & Madrasa	404/10 Baudhaloka Mawatha, Colombo 04

☪JM – Jumma Mosque

☪M – Mosque

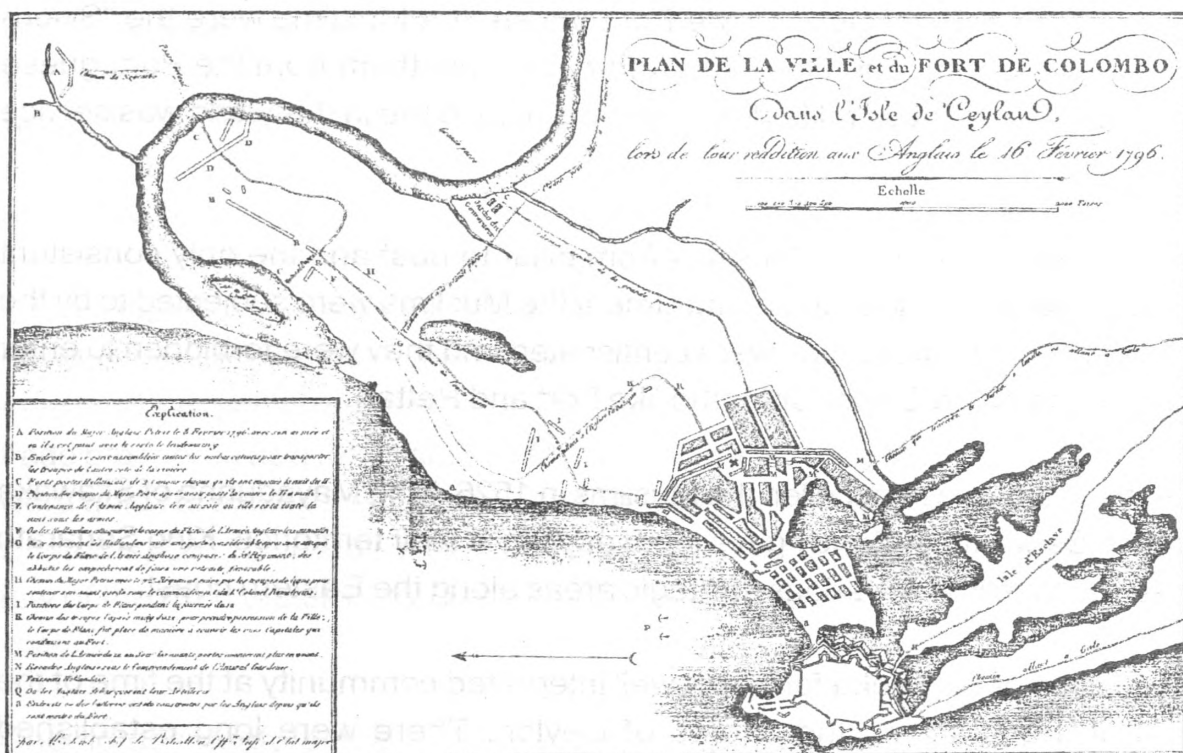
☪Z – Zavia, DR – Dharga

☪T – Thakkiya

1. Economy and Employment

Colombo is the capital city situated in the West Coast of Sri Lanka. It has a natural harbour in the middle of the East-West international shipping route. The Arab traders settled in Colombo from early part of 2nd century B.C. because the port helped their business and controlled much of the trade between the Sinhala kingdom and the world outside. Morocco traveler Ibn Batuta who visited Sri Lanka known as Al-Ceylan in the 14th century mentioned in his “Rehla” that the Colombo harbour was under the dominance of an Arab captain known as “Jalasthi”.

FORT OF COLOMBO IN 1796



Our Arab ancestors were a peaceful and law abiding people with strong religious conviction. They came to Sri Lanka as traders whose arrival was not accompanied by any military subjugation. Therefore, there was no bitterness or animosity between the natives and the Muslims.

Colombo had a large Muslim Population when the Portuguese landed in 1505. They called the Muslims “Moors”, a name derived from the Greek “Mauros” which denoted the Muslim inhabitants of Mauritania in North Africa, who over ran Spain and Portugal in the 8th century. Although it was one time customary

in Europe to refer to Muslim from whatever country they came, by this name and in local usage the expression "Ceylon Moors" has since acquired an ethnic connotation.

The Portuguese, by devious methods got around the Sinhalese Kings and in 1518 Dharma Parakrama Bahu granted them permission to erect a fort in Colombo. The Portuguese who had already gained a foothold in India, ordered their war galleons to seek out and destroy every merchant ship of the Arabs, whom they called Moors. They considered the Muslims their sworn enemy, not only because of business rivalry but also they found that it was almost impossible to convert them to Christianity while some leading members of the other communities readily embraced the new religion. To the Portuguese, the Muslims were the "Sworn enemies of the King and God". Therefore, to expel them from the Portuguese territories was patriotic and to deny them the right to live in this world was service to God.

The Portuguese drove the Muslims from pillar to post and the only consistent thing was the cruel and inhuman treatment the Muslims were subjected to by the Portuguese. Their properties were confiscated and they were forbidden to enter certain areas in the City of Colombo like Fort and Pettah.

When the Portuguese expelled the Muslims in 1526, King Mayadunna of Sitawaka and King Senerath of Kandy gave them asylum in their territories. King Senarath settled the Muslims at various strategic areas along the Eastern coast.

The Muslims of Sri Lanka formed a well integrated community at the time of the arrival of the Dutch to the shores of Ceylon. There were long established settlements of Muslims all along the coasts of the Island as well as inland. Even the Portuguese persecutions did not seem to have succeeded in driving away the coastal Muslim settlements.

The Dutch records were full of oppression and discriminatory regulations against the Muslims. No land and property could be sold to them. They were required to perform the odious "Uliyam" on fear of confiscation of their land, ordered to evacuate Gall and Matara in 1659 and Colombo in 1670 and were prohibited from possessing houses and lands within the Fort and Pettah areas of Colombo by a regulation that was not rescinded till 1832. The British succeeded the Dutch after a series of encounters and on the 16th February, 1796 the Dutch ceded the entire Maritime Provinces to the British.

The British recognized the Muslims as a separate political entity and removed the irksome civil and economic restrictions imposed on the latter by the Portuguese and Dutch. Muslim began to participate actively in the new economic openings. The traditional trading instinct of the community received a fresh fillip in the 19th century. In Colombo, the Muslims were confined by the Dutch to the "Moor Street". After the removal of the restrictions; there was an influx of Muslims into business quarters of Colombo. The Muslims began to acquire the properties in the Pettah areas of Colombo and in the process of time nearly all the immovable properties here which originally belonged to the descendants of the Dutch passed into the hands of the Muslims. By 1875, in the Main Street of the Pettah alone there were 73 business firms belonging to the Muslims. Similarly in Kandy, Galle, Matara and Nuwara Eliya the Muslims, along with the other English, Indians and Low-country men were opening up business firms. They were the best gem merchants at that time. According to the census of 1911, of the 979 gem dealers in Ceylon, 866 had been Muslims. Similarly among a total of 848 Jewellers at that time 411 had been Muslims.

Economically, there was an air of prosperity among the Muslims. Beside the development of plantation and international trade, the growth of Colombo as the metropolis was the most outstanding feature of the 19th century. The building trade prospered as a result and the Muslims with their special aptitude for masonry were quick to exploit the opportunity. The General Post Office, the Museum, the Customs, Old Town Hall in Pettah, Galle Face Hotel, Victoria Arcade are but a few of the Architectural wonders shaped by the hands of the Muslim genius of yore.

One notable feature in the 19th century economic changes was the widening class difference within the various communities of Ceylon. The Muslim community was not an exception to this. A class of "New Rich" was emerging within the Muslim community. They represented not even 5 percent of the Muslim population. It was this 5 percent that controlled the destiny of the Muslims and this rich minority group, lacked educational enlightenment and political foresight to lead the community in the right direction. As a result, the Muslim community is educationally backward, politically insignificant, economically retarded and culturally isolated.

However, things changed with the agitation by Muslim youths in 1889 for Independent Muslim representation in the legislative council. Mr. W.M. Abdul Rahman, the father of Sir Razik Fareed and the son of Wapitche Marikar, a

master builder, a great philanthropist, keenly interested in education of Muslim Children, was appointed to look after the interest of the Muslims.

With the gaining of independence in 1948, various changes have been effected in the economic structure of the country. The establishment of co-operative movements and the state-owned co-operative wholesale establishments with retail outlets throughout the country has placed the Muslim community in an unfortunate position as trade was one of their main occupations. These and subsequent state monopolies, have created problems and difficulties for the Sri Lanka Muslims particularly in the City of Colombo after the independence. Muslim share of Colombo City revenue drastically reduced as follows:

Year	1963	1973	1981	1991
2001				
Muslim Share	22.2%	12.6%	11.4%	10.2%
10.0%				

(Source: Marga Institute of Colombo – Muslim Community income distribution)

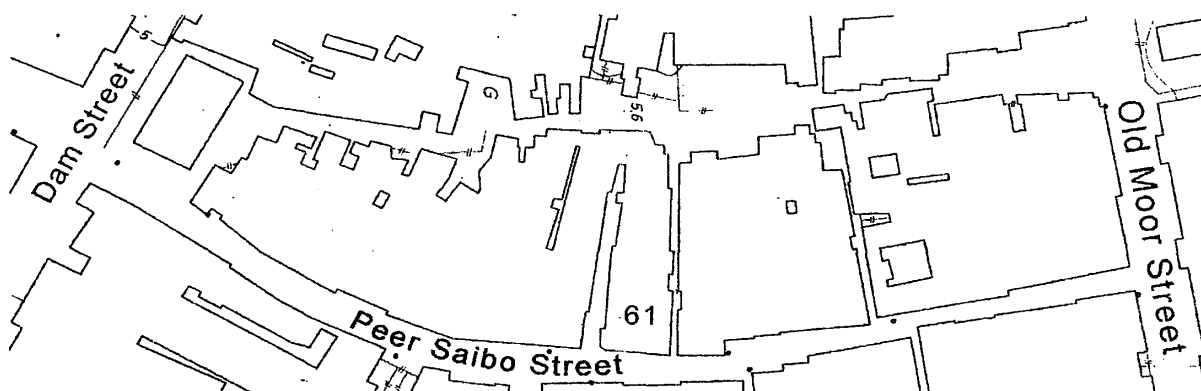
The Muslims are a misunderstood community as far as the economic position is concerned. They are loosely referred to as a rich community whereas the fact is otherwise. Muslim community has been engaged in trade in the past. They were dealing in a big way in the export and import Business during the pre-independent period.

The present economic position of Sri Lanka Muslims could be summed up by referring to one vital matter, namely the low per-capita income of the Muslims in relation to other communities. Central Bank Surveys have revealed that the per Capita income of the Muslims is the lowest, below even to the up country Indian Tamils, most of whom are employed in the estates. Mass poverty amongst the Muslims is also reflected in the fact that on a population basis one of the largest group of public assistance recipients, charity and T.B. allowances, etc., are the Muslims.

Mr. M. Abdul Bakeer Markar, M.P. Beruwala, submitted a proposal in Parliament on 11 August 1967 to improve the lot of hawkers. Representations were made to the Ministers concerned and the Chairman of the CWE for the issue of permit to every genuine hawker so that they could start their trade once again and earn a living to maintain their families.

2. Housing

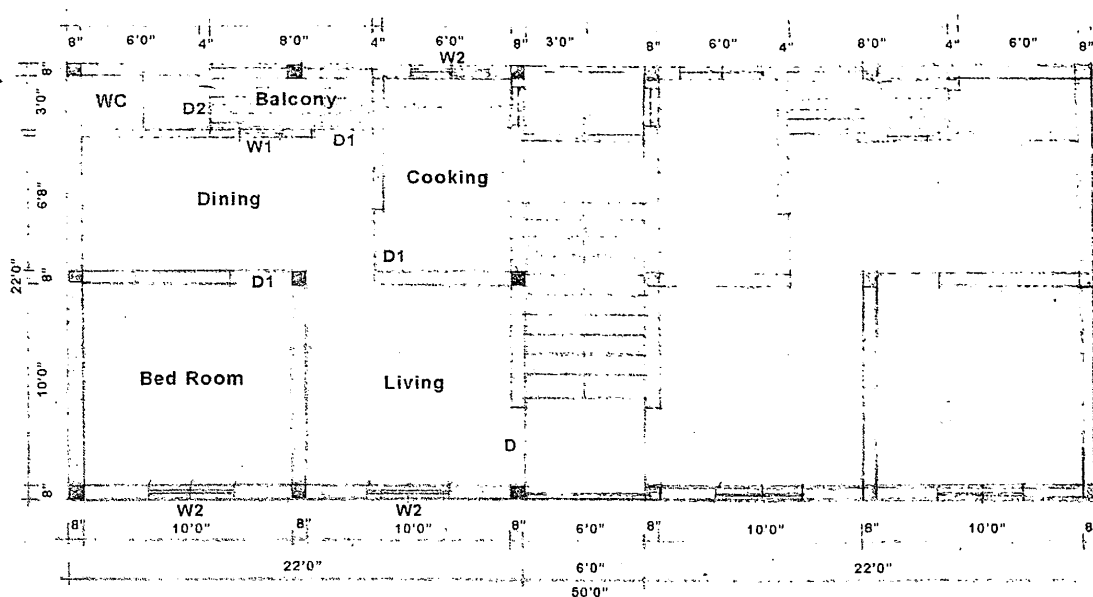
Area of Colombo City 37.31 Sq. Km. (3731 Hectares). About 63% of the population of Colombo are living in shanties or unauthorized structures and occupy only nine percent of the land area of the district. Most of the shanties are in the predominant Muslim areas in Maradana, Maligawatta, Panchikawatta, Dematagoda, Aluthkada, Masangas Weediya, Kehelwatta, Grandpass and Slave Island in Colombo Central, Mattakkuliya and Modera in Colombo North, Kuppiyawatte and Borella in Borella. Colombo Municipal Council recently recorded permanent Houses 40,861 (49%), Old Residence 22,358 (27%), Shanties 20,685 (24%), Total 83,904 (100%). Colombo City infrastructures used by about 642,000 (2001) permanent residents and a floating population of another 400,000 in Colombo City was originally created over 100 years ago for the then City population of only 35,000.



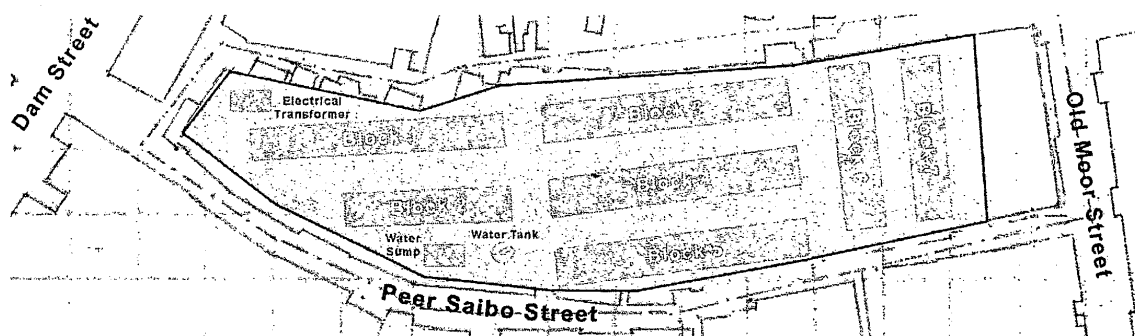
In No. 61 Tenement Garden, Peer Sahibo Street in Kehelwatta, Colombo Central, where 20 families are living in 11 housing units. Out of which 4 families are living in One Perch – 272.25 sq.ft. land area in a 4 storied temporary building. School going children 20. For all these 11 houses, there are only 2 toilets. The others have to wait in the queue to take turns in common wells and wash rooms.

(Source: World Assembly of Muslim Youth – WAMY)

Habitat for Humanity Sri Lanka (HFHSL) has reported that about 30.6% are living in less than 400 sq.ft. and that the Government lacks a national policy and commitment to provide adequate housing for the lower income families in Colombo City. Corruption and politicization of housing programmes and development projects have undermined the progress towards providing adequate housing. HFHSL also points out that the Government's inconsistency in enforcing housing regulations and standards and the mismanagement of funding as the prime obstacles to provide better housing for the lower income families.



The Ministry of Construction and Engineering says that the construction costs have come down and the Ministry is currently engaged in the construction of housing for the relocation of about 60,000 shanties in Colombo City where about 5-6 people are housed in a shanty average 80 sq.ft. The shanty relocation programme is currently taking place with the first phase having commenced in Dematagoda which is expected to provide 320 flats to relocate the shanties from the Beira – (Slave Island) area with two rooms per housing unit in 450 sp.ft. Currently the total extent of land area occupied by shanties in Colombo is about 1000 acres. The Government has already undertaken the task of finalizing negotiations for the first installment of US\$ 99 million from China.



In Peer Saibo Street there are 576 voters (2007) in 158 tenements bearing odd Assessment Nos. on the same side as Tenement No. 61 Garden. Land area – 1A.0R.35P (195 Perches) Muslims are living in 128 tenements – voters 466 (2007) and others – 30 tenements – 110 voters (2007). For the construction of 180 housing units each floor area 483 sq.ft. Total Building Area – 19,800 sq.ft. (72.7 Perches) Cost 550 sq.ft. (US\$ 10,000 per unit). Cost of 180 housing units US\$ 1,800,000. Electricity, Water and other infrastructure US\$ 200,000/- **Total Project cost US\$ 2.0 million.**

3. Education

Sri Lankan Muslims have long been identified as an educationally backward community. The main cause for this is being the inseparable association of Western Education and Christianity. Since Education appeared to them as synonymous with conversion especially in the 16th and 17th centuries. The majority of the Muslims preferred to keep completely out of the Western Educational scene.

Proctor M.C. Siddi Lebbe of Kandy prevailed upon Orabi Pasha an Egyptian Exile who arrived in Colombo on 10th day of January 1883, to join him in the effort to rouse the Muslim Community in the field of Education. The result was the establishment of Al-Madrasathus Zahira in the Maradana Mosque premises where there was already an elementary school by the name of "Maradana Mohammedan Boys' School". At the public meeting held at the Maradana Mosque grounds, Mr. Wapiche Marikar was appointed Manager of the school and after some time a two storied building was erected financed by Karimjee Jafferjee. Wapiche Marikar himself spent a good deal on the project till he handed over the management of the school to Mr. N.H.M. Abdul Cader.

The first Vice Chancellor of Ceylon University Sir Ivor Jennigs has revealed that "out of the 315 students in the Ceylon University College in 1927 only 3 were the Muslims. In 1942 when the Ceylon University was formed, out of the total 904 students only 24 were Muslims and in 1946 out of the 1302 students only 37 were Muslims.

Dr. T.B. Jaya's policy on Muslim Education.

1. Commencing early education in child's mother tongue.
2. Importance of English Education.
3. Education in Religious environment.
4. Muslim Women's education

While tracing the recent development of Muslim Education many names are remembered. Dr. W. Dahanayake who showed great interest and took concrete steps to strengthen the position of the Muslim Schools. Where there was 51% of Muslim children in a School, he declared it to be a Muslim School with a Muslim Head.

As Minister of Education, Al-Haj Dr. Badiudin Mahmud, conscious of the grave disabilities of the Muslims of Sri Lanka, due to their educational backwardness, tried very hard to give the Muslims their rightful share in the construction of schools, the up grading of the existing Schools, provision of educational equipments and facilities, appointment of teachers and educational officials in proportion to the Muslim population, out of the appointment he made for the country.

Schools

Most of the Muslim Schools in Colombo started before 1970. Muslim Political leaders have considered to improve the existing schools rather than opening new ones. There are 19 Muslim schools in Colombo City with nearly 20,000 students and 730 teachers, another 10,000 Muslim students are studying in non-Muslim schools.

85% of the students in Muslim schools are from the poor families, of this at least 25% are under poverty line. The rate of dropouts are considerably high. Male students want to support their families by doing some odd jobs. Parents consider that their male children studying upto 8 or 9 standards is quite sufficient to earn a living for the family. With regard to female students, the Muslim parents think that they should give up going to schools once they attain age. Some parents fear to send their grown up daughters to schools because of modern city culture and security.

Colombo Central

No.	Name	Address	Medium			O/L	A/L
			Tamil	Sinhala	English		
1	Zahira College	Maradana, Colombo 10	✓	✓	✓	✓	✓
2	Hameed Al-Husseinie College	45 Husainiya Street, Colombo 12	✓	✓		✓	✓
3	Darussalam Maha Vidyalaya	281 Jumma Masjid Road, Colombo 10	✓	✓		✓	
4	Fathima Muslim Ladies College	155 Bandaranayake Mawatha, Colombo 12	✓	✓	✓	✓	✓
5	Al-Hidaya Maha Vidyalaya	Sri Sangaraja Mawatha, Colombo 10	✓	✓		✓	
6	Khairiya Muslim Balika Maha Vidyalaya	166 Dematagoda Road, Colombo 09	✓	✓		✓	✓
7	Al Ameen Vidyalaya	54/1 Sir Mohamed Macan Markar Mawatha, Colombo 03	✓			✓	
8	Al Iqbal Balika Maha Vidyalaya	60 Sir James Peiris Mawatha, Colombo 02	✓			✓	
9	Al Nasser Maha Vidyalaya	61 St. Joseph's Street, Colombo 14	✓			✓	
10	St. Sebastian Tamil Maha Vidyalaya	108 Belmont Street, Colombo 12	✓			✓	
11	Kotahena Muslim Vidyalaya	19 Green Lane, Colombo 13	✓			✓	
12	Al Hakeem Vidyalaya	57 Belmont Street, Colombo 12	✓			✓	
13	T.B. Jayah Maha Vidyalaya	24 Sir James Peiris Mawatha, Colombo 02	✓			✓	
14	Al Hikma College	65 St. Sebastian Street, Colombo 12	✓			✓	
15	St. Sebastian Sinhala Vidyalaya	Silver Smith Lane, Colombo 12		✓		✓	

Colombo North

No.	Name	Address	Medium			O/L	A/L
			Tamil	Sinhala	English		
1	Sir Razick Fareed Muslim Vidyalaya	St. Mary's Road, Mattakkuliya, Colombo 15	✓			✓	
2	Hamza Muslim Maha Vidyalaya	74 Muthuwella Mawatha, Colombo 15	✓			✓	✓

Borella

No.	Name	Address	Medium			O/L	A/L
			Tamil	Sinhala	English		
1	Al Hijra Muslim Vidyalaya	239 Sri Dhamma Mawatha, Colombo 10	✓			✓	

Colombo West

No.	Name	Address	Medium			O/L	A/L
			Tamil	Sinhala	English		
1	Muslim Ladies College	22 Kensington Garden, Colombo 04	✓	✓	✓	✓	✓

Out of the 19 Muslim Schools, 15 are Boys schools and 4 are Girls schools, 11 are Tamil medium, 4 are Tamil and Sinhalese medium, 3 are Tamil, Sinhalese and English medium and 1 Sinhalese medium. All the 19 schools have classes upto G.C.E.-Ordinary Level. Only 6 schools have classes upto G.C.E.-Advance Level. The principals in Colombo Muslim schools – 40% are Grade I. 50% are Grade II and the balance 10% from service. Of this 70% are males and the balance 30% are females. 60% of the principals are permanent residents in Colombo, the balance 40% come from out stations.

There are 2 specific problems with regard to the teachers in Colombo Muslim Schools.

1. Insufficient trained subject teachers.
2. Shortage of graduate teachers.

Tamil and Sinhalese medium Muslim schools in Colombo do not have a single trained Sinhalese medium teacher to teach Islam. The other important issue is to find out whether the teachers performing their duties with responsibility and dedication. Many teachers have organized transfers to Colombo Muslim schools in order to continue their higher studies to improve their earning. There are about 20% untrained voluntary teachers, mostly females to cover up the shortage of teachers. Salaries and remunerates for these volunteer teacher are met by the School Development Societies (SDS) or private donors.

Examinations and results

Students performance in examination is an important aspect of the schools.

<u>Name of Examination</u>	<u>Student participation</u>	<u>Results</u>
5 th Standard Scholarship	100%	25%
G.C.E. (O/L)	100%	25%
G.C.E. (A/L)	100%	10%

(Source: All Ceylon Union of Muslim League Youth Front – ACUMLYF)

The following statistics show the University admission from Colombo Muslim schools for the last five years.

Name of Schools	Arts	Commerce	Science	Medicine	Engineering	others
Hameed Al-Hussainee College	-	2	-	-	-	-
Al-Hakeem M.V.	1	-	-	-	-	-
Fathima M.B.M.V.	4	2	1	1	-	2
Khairiya M.B.M.V.	1	-	-	-	-	-
Muslim Ladies College	3	3	9	-	-	3

Main reasons for unsatisfactory examination results:

1. Negligence of parents and students.
2. Shortage of qualified and experienced principals and teachers.
3. Lack of tuition and revision classes.
4. Insufficient infrastructure facilities.

eg: Fathima Muslim Girls school with 3150 students – class room requirement is 72, but it has only 50. Teachers requirement is 106 but has only 84. Shortage 22.

Other Drawbacks

Colombo Muslim schools with more than 3000 students have less than 1 acre land space. At the same time Colombo Royal College with 7000 students have more than 20 acre of land area. Most of the Muslim schools in Colombo do not have play grounds. Muslim schools with over-crowded multi storied buildings look like factories and warehouses.

Particulars of Muslim Schools in Colombo District

No.	Name of Schools	No. of Students	Land Area	Classroom Space
01	C/Sir Razik Fareed M.V., Colombo 15	856	1 acre, 16 prchs	7200 sq.ft
02	C/Hamza Muslim V., Colombo 15	626	12.60 prchs	
03	C/Al-Hidaya M.V., Colombo 10	1310	1 acre, 1root	
04	C/Al-Iqbal Balika M.V., Colombo 02	256	1.5 acre	1800 sq.ft
05	C/Al-Nasser M.V., Colombo 14	796	36.5 prchs	8140 sq.ft
06	C/Darussalam M.V., Colombo 10	1059	30.65 prchs	
07	C/Khairiya M.B.M.V., Colombo 10	1430	22.1 prchs	
08	C/St. Sebastian T.M.V., Colombo 12	404	26 prchs	
09	C/Kotahena Muslim V., Colombo 12	720	2 acre	8000 sq.ft
10	C/Al-Hakeem M.V., Colombo 12	60	6.22 prchs	400 sq.ft
11	C/T.B. Jayah M.V., Colombo 02	456	17 prchs	
12	C/Al-Ameen M.V., Colombo 03	328	40 prchs	3500 sq.ft
13	C/Al-Hijra M.V., Colombo 10	304	1 acre	3300 sq.ft

With these meager facilities, they are put into the same basket with the highly developed schools like Ananda, Nalanda, Royal, Vishaka, Devi Balika, Sirima Bandaranayake. The cutoff marks for the university admission is the same to all the schools. This system greatly affects the Muslim schools.

(Source: Ministry of Education – Report on issues related to Education of the Muslim Community – 2009)

4. Social Welfare

Drugs Trafficking and Underworld Terrorist Gangs

The number of drug addicts have doubled during the last 25 years. Although there are 15 different brands, Heroin No. 1 – type 3 is more popular. Police Narcotic Bureau says Heroine manufactured in Pakistan, Afghanistan and Lebanon are smuggled into Sri Lanka via India. Heroine is also smuggled from Myanmar, Laos and Thailand. The Police have carried out 10,117 raids in the year 2000 alone and arrested 10,278 illegal drug traffickers. Most of the drug traffickers in Colombo are Muslims.

According to National Dangerous Drug Control Board there are 40,000 regular Heroine users in Sri Lanka. Out of this 20,000 are from Colombo and its suburbs. Some powerful rich businessmen are behind the illegal Heroine business in Colombo.

'Ganja' known as 'Cannabis Sativa' is widely used in Sri Lanka. It is illegally grown in the jungles and transported to Colombo. According to Police Crime Division there are about 200,000 Ganja addicts in Sri Lanka and 50,000 in Colombo. Large numbers of Muslim youths in Maligawatta – Colombo Central and Mattakkuliya – Colombo North have become Ganja addicts.

Politician and senior police officers are said to be responsible for the large number of Muslims to become drug addicts and traffickers. They have been using their political power and Government vehicles for smuggling drugs. Muslim youths in underworld terrorist gangs have become drug addicts and criminals. According to Police Narcotic Bureau, Police Terrorist Investigation Division, Local Police, Custom Police and Exercise Department, Muslim youths in Colombo Central and North are very active in drug trafficking.

The underworld terrorist gangs in Colombo are not confined to the Muslim Community alone. Sinhala and Tamil youths with the support of powerful politicians and senior security officers are believed to be behind the Underworld Terrorist Gangs in Colombo. According to information gathered by Police Criminal Division in 2005 there were 84 underworld gangs operated in the whole country. Out of this 54 gangs were in Colombo and its suburbs. More than 20 gangs were operating in Colombo City alone. Maligawatta, Borella, Kimbula Ela, Bloemendhal Road, Central Road, Kirillapone, Grandpass, Kehelwatta, Maradana and Slave Island have been identified as very active underworld terrorist locations. There were 4 Muslim gangs operating in

Maligawatta and “Apple watta” is the centre of illegal activities. According to a former Police Chief, there were 10 Muslim women also carrying out illegal operations here.

From ordinary guns to T57 are being used by the leaders of underworld terrorist gangs. Police Crime Division have found that they have been using explosives also. Arms and ammunition bought from Army deserters are being used for contract abduction and extortions.

(Source: World Assembly of Muslim Youths – WAMY)

Unemployment, inadequate housing and lack of education are the main causes for the rapid growth of underworld terrorism and drug trafficking among Colombo Muslims.

MUSLIMS AND THE NATIONAL POLITICAL PARTIES IN SRI LANKA

A true Muslim cannot be a loyal member of such political party whose policies run counter to the interests of his community or religion. When some thing is done in the detriment of Muslim community, Muslim members in the national political parties dare not open their mouths in defence of their community in the appropriate forum for fear of loosing cast in the party hierarchy. However, their membership in the party, and their holding office under it, are held out to the Muslim Community in Sri Lanka and to the outside world as pointing to the high esteem in which the Muslims are being held in Sri Lanka and the political generosity of the ruling party.

In this multi-ethnic, multi-religious, multilingual country, the Muslim community finds itself quite marginalized in that it has not effective representation to make know its needs and aspiration in the decision making body, the Parliament of this country. Like the other communities, the Muslims too want to have their grievances aired in the appropriate forum and have them redressed.

In a parliamentary democracy, a community take part in the government of the country through its freely elected representatives. This fundamental right had been taken away from the overwhelming majority of the Muslim community by the provisions of UNP Jayawardene Constitution of 1978.

Dr. M.C.M. Kaleel and Mr. A.C.S. Hameed were the Chairmen of the UNP and Dr. Badiudin Mahmud was the founder Secretary of the SLFP. The Muslim representatives in the UNP & SLFP were party to the Citizenship Act of 1948, Language Act of 1956, Finance Act of 1963. Also they were party to the removal of Section 29 and the Senate in the Soulbury Constitution and the removal of the Westminster System of Parliament and introducing the Proportional Representation Election System which have made the Muslims of Sri Lanka a community of political and social slaves.

After the independence in 1948, various changes have been effected in the economic structure of the country. State monopolies in the wholesale establishment and retail sales outlets have seriously effected the employment opportunities of Colombo Muslims.

Habitat for Humanity, Sri Lanka – HFHSL, has reported that the Government lacks a national policy and firm commitment to provide adequate housing for

the lower income families in Colombo. There are 18,619 Muslim housing units (2007) in Colombo Central – Annex A12-23, out of which more than 50% are old and unauthorized shanties in predominant Muslim areas. 10,000 new housing units costing US\$ 100 million is the immediate need for the solution of housing problems of lower income Muslim families in Colombo.

85% of the students in Muslim schools are from the poor families, of this at least 25% are below poverty line. Shortage of infrastructure facilities and qualified and trained teachers are the main reasons for the poor examination results. Colombo Muslim schools are put together with government patronized highly developed schools like Ananda, Nalanda, Royal, Visaka and Devi Balika. The cut off marks for the university admission is the same for all the schools in Colombo District. This system has seriously affected the university entrance of Colombo Muslim students.

According to Police Narcotic Bureau, Muslim youths in Colombo are very active in drug trafficking. Lack of employment opportunities, inadequate housing and shortage of proper educational infrastructure facilities in Muslim schools are the root cause for the Colombo Muslim youths to become drug traffickers and members of underworld terrorist gangs.

Colombo population (2001) Sinhalese 270,932 – 42%, Tamils 199,429 – 31%, Muslims 163,167 – 25% and others 13,572 – 2%, Total 647,100 – 100%. Tamil speaking peoples – Tamils and Muslims are 56% and over 2/3rd – 67.3% of the population of Colombo Divisional Secretariat Division. But the Divisional Secretary and the language of administration have always been Sinhalese. Government Employees in Colombo Municipal Council, Colombo Divisional Secretary's Division, Police Stations, Hospitals, Maternity Homes and all the Government Departments in Colombo Municipal area are not according to ethnic ratio.

From what had happened to the minorities in Sri Lanka, the Muslims find it difficult to accept the view that the UNP and the SLFP are truly national parties. They are Sinhala parties to look after the interest of the Sinhalese only. When one bears in mind the policies that have been pursued by successive Governments, by one or the other of these parties, on Citizenship, Language, Education, Employment and Land Alienation, Muslims find it difficult, in fact, impossible to accept their position as National Parties.

Political powers by virtue of numbers have always been in the hands of the majority community – Sinhalese. This had led to serious discrimination of the

minorities, Tamils and Muslims, by successive governments of the so called National political parties - UNP and SLFP, since independence. It is the failure of the Sinhalese majority to recognize and respond to the legitimate rights and needs of the minorities have led to dissatisfaction, terrorism and demand for separation.

We the "Sri Lankan Muslims" have our own ethnic, religious, cultural and political identity. As people who have been subjected to dual oppressions of Sinhala hegemony and Tamil terrorism in the social, economic and political spheres, our intensified political activities through powerful Muslim political organisations have assumed vital importance in the present context. Nowadays, the political tendency is to view matters in the light of Sinhala interests, Tamil interests and Muslim interests. Under these circumstances, it is the responsibility of the politically conscious members of the Muslim civil society to carry the burden of consolidating the political strength of the Muslims by organizing awareness programmes in predominant Muslim areas.

In the light of lessons learned from the past and with the goal of a dignified and peaceful co-existence on the basis of equality with the other communities, this is the most opportune time for us to raise our voices and wage our struggle to win our legitimate rights. In this regard, it has become an absolute necessity to establish a unified political command and an enlightened leadership with a view to articulate the political future of the Muslims.

Before we place our grievances before the other communities and their political leaders, we must clearly identify our problems and arrive at a consensus among ourselves. Unfortunately such a consensus has proved elusive so far and this has stood as a barrier between us and the realization of our objectives for a long time. The most urgent issues faced by the Colombo Muslims which need immediate solution:-

1. Employment – 10,000 jobs
2. Housing – 10,000 housing unit for the lower income Muslim families
3. Education – vacancies for qualified and trained teachers and the shortage of infrastructure facilities in the 19 Muslim schools should be filled immediately.
4. Social welfare – eradication of drug trafficking and underworld unlawful activities among the Muslim youths.

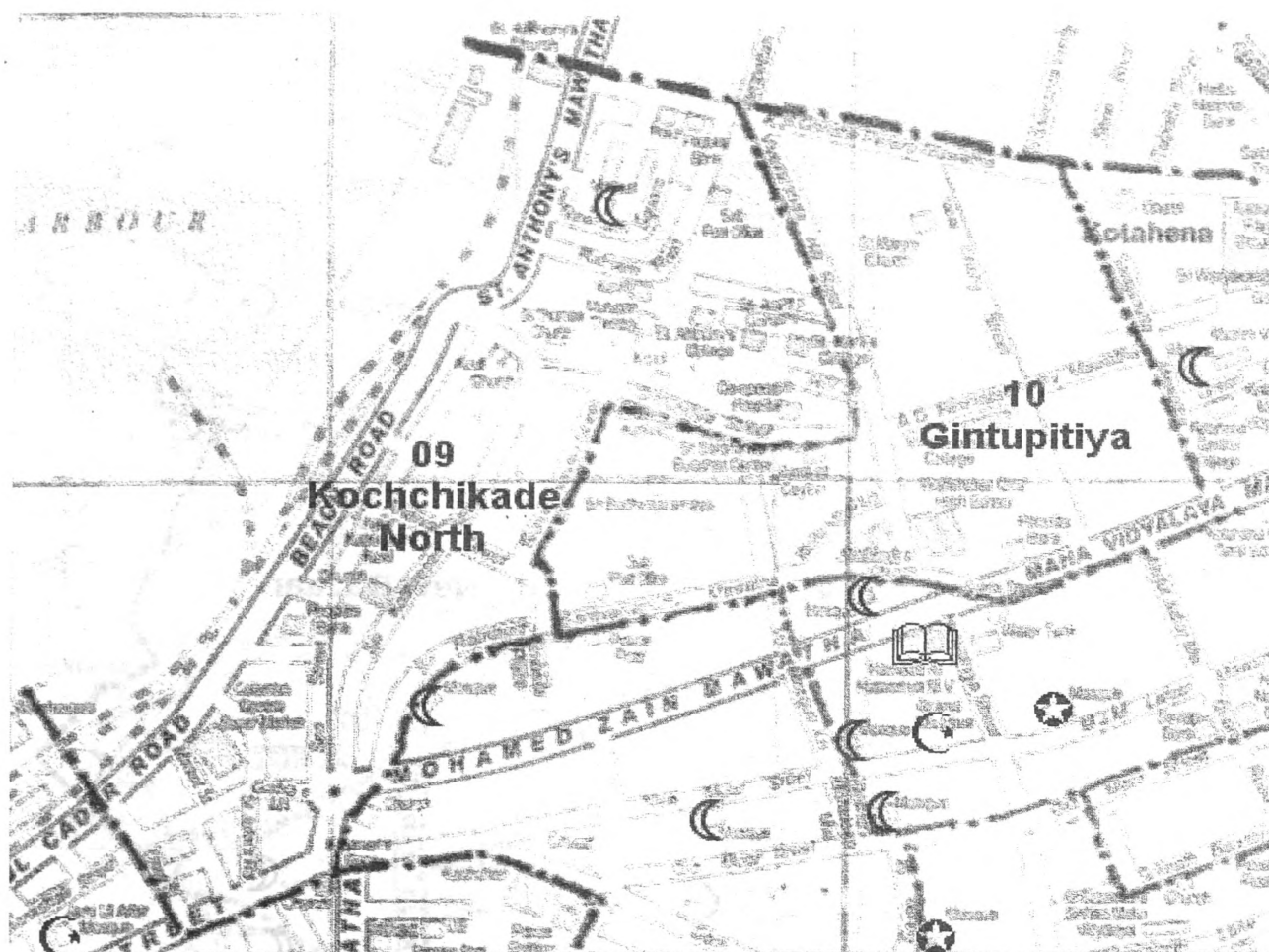
A Muslim Special Task Force is necessary to mobilize all our resources and energy in order to formulate our objectives. This has become the urgent need of the hour.

Annex - A1



COLOMBO CENTRAL ELECTORATE NO.02

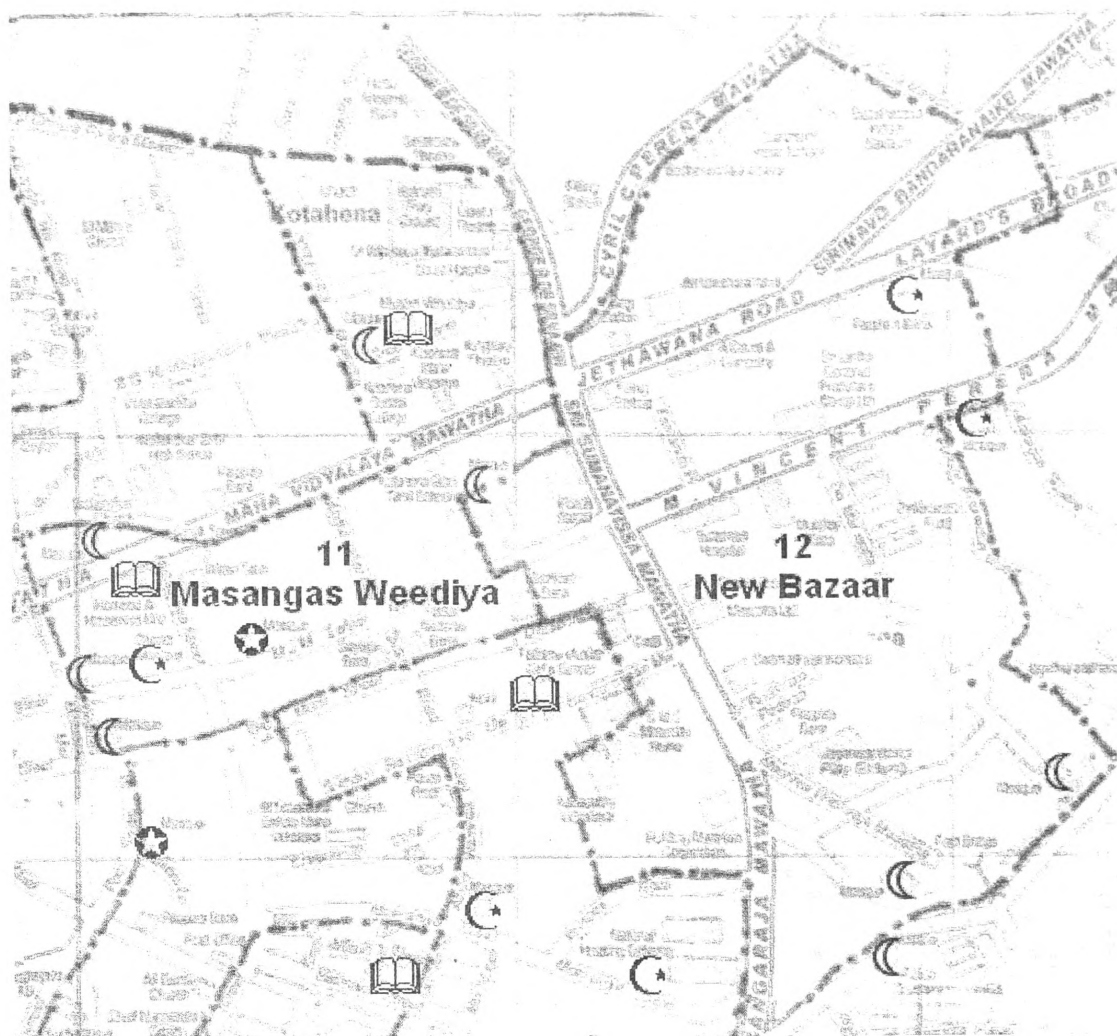
Annex - A2



KOCHCHIKADE & GINTUPITIYA

- ☾★ - Jumma Mosque
- ☾ - Mosque
- ☾★ - Zaviya/Thakkiya
- 📖 - Schools

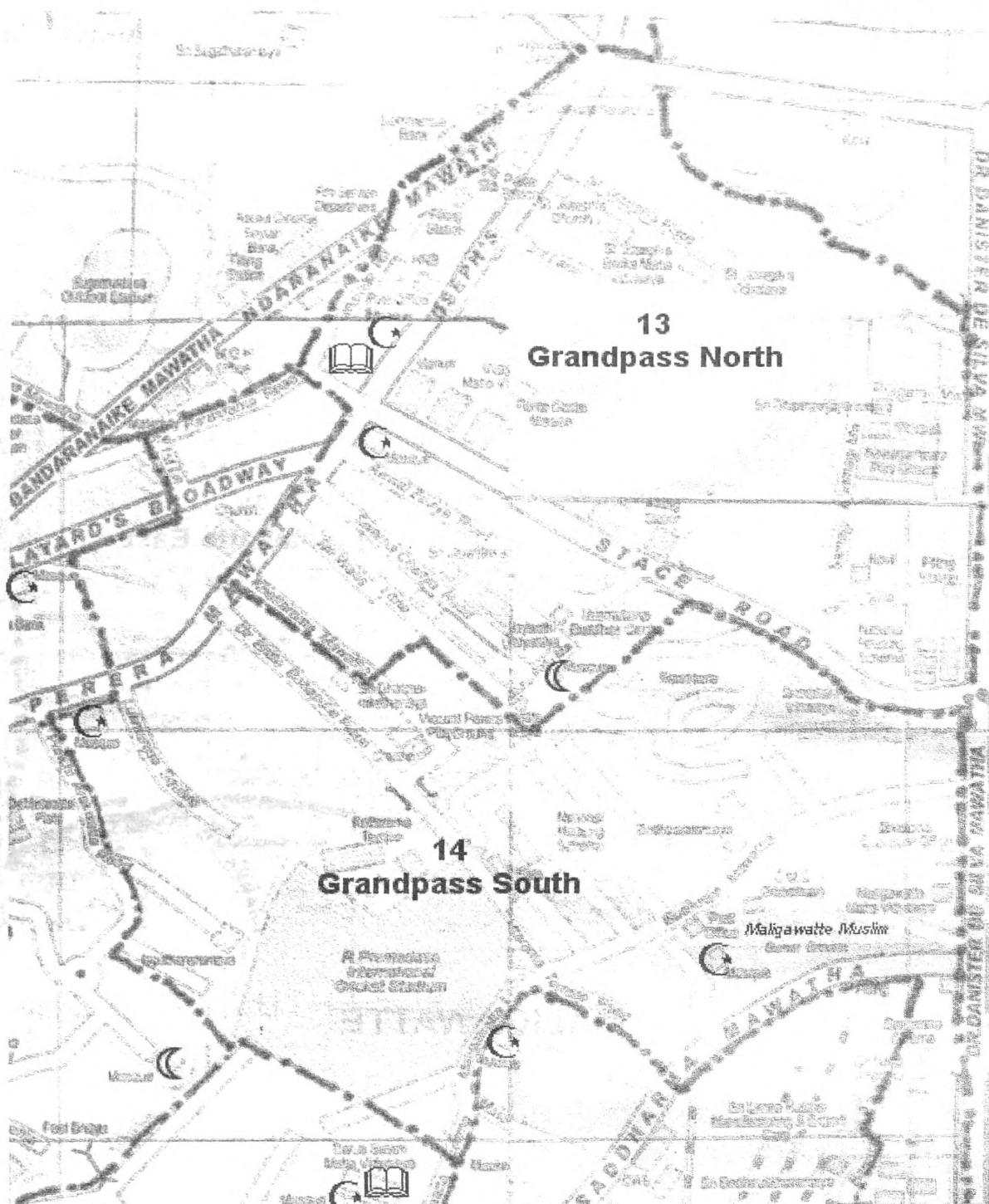
Annex - A3



MASANGAS WEEDIYA & NEW BAZAAR

- ☾★ - Jumma Mosque
- ☾ - Mosque
- ★ - Zaviya/Thakkiya
- 📖 - Schools

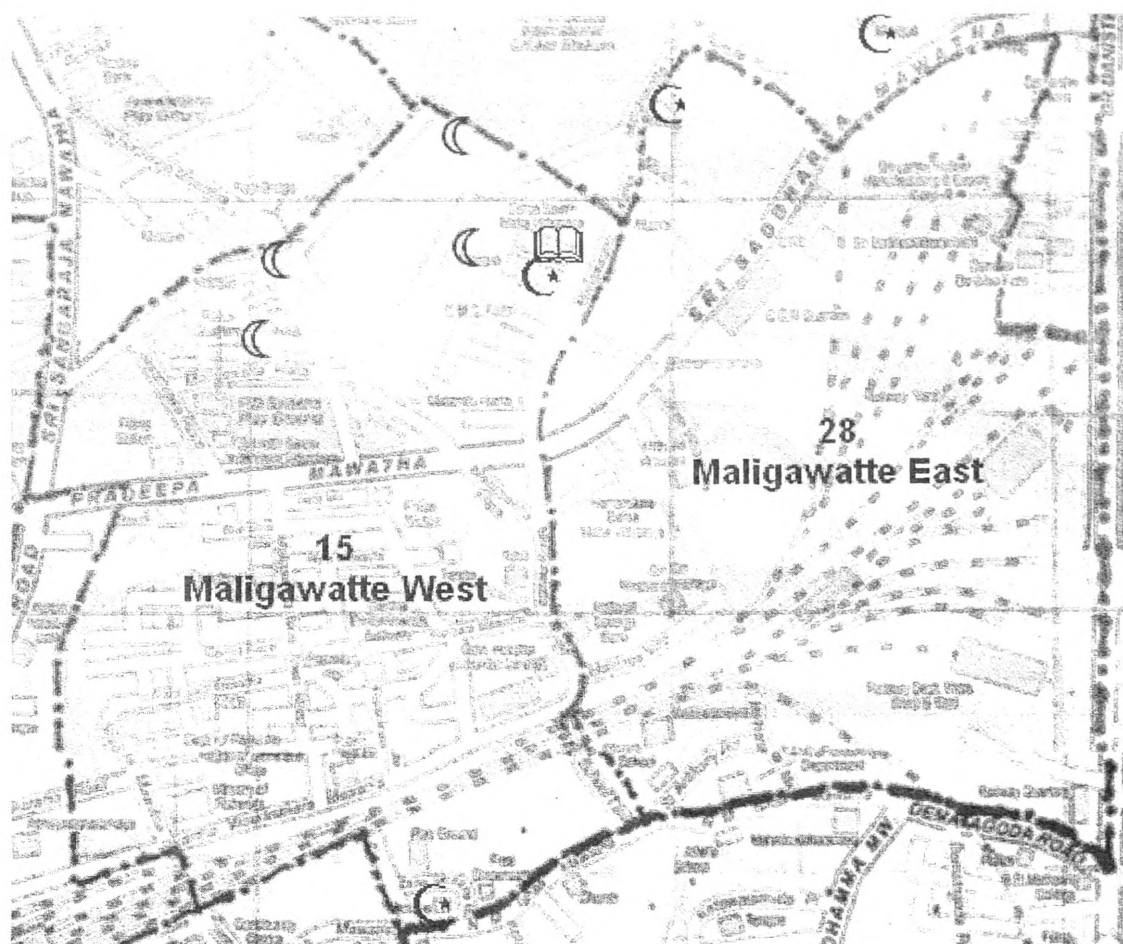
Annex - A4



GRANDPASS

- ☾★ - Jumma Mosque
- ☾ - Mosque
- ☾★ - Zaviya/Thakkiya
- 📖 - Schools

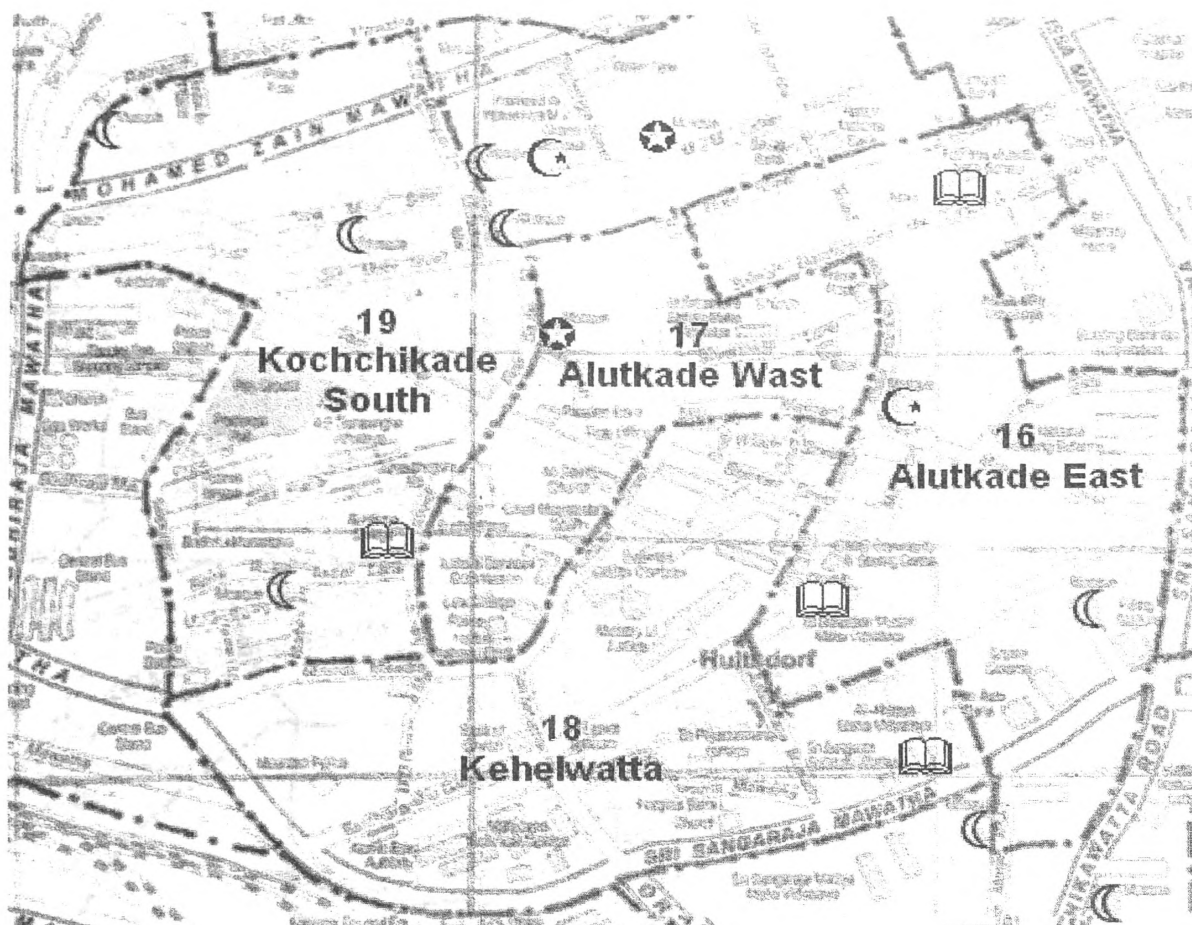
Annex - A5



MALIGAWATTE

- ☾★ - Jumma Mosque
- ☾ - Mosque
- ☾★ - Zaviya/Thakkiya
- 📖 - Schools

Annex - A6



ALUTHKADE & KEHELWATTA

- ☾★ - Jumma Mosque
- ☾ - Mosque
- ★ - Zaviya/Thakkiya
- 📖 - Schools

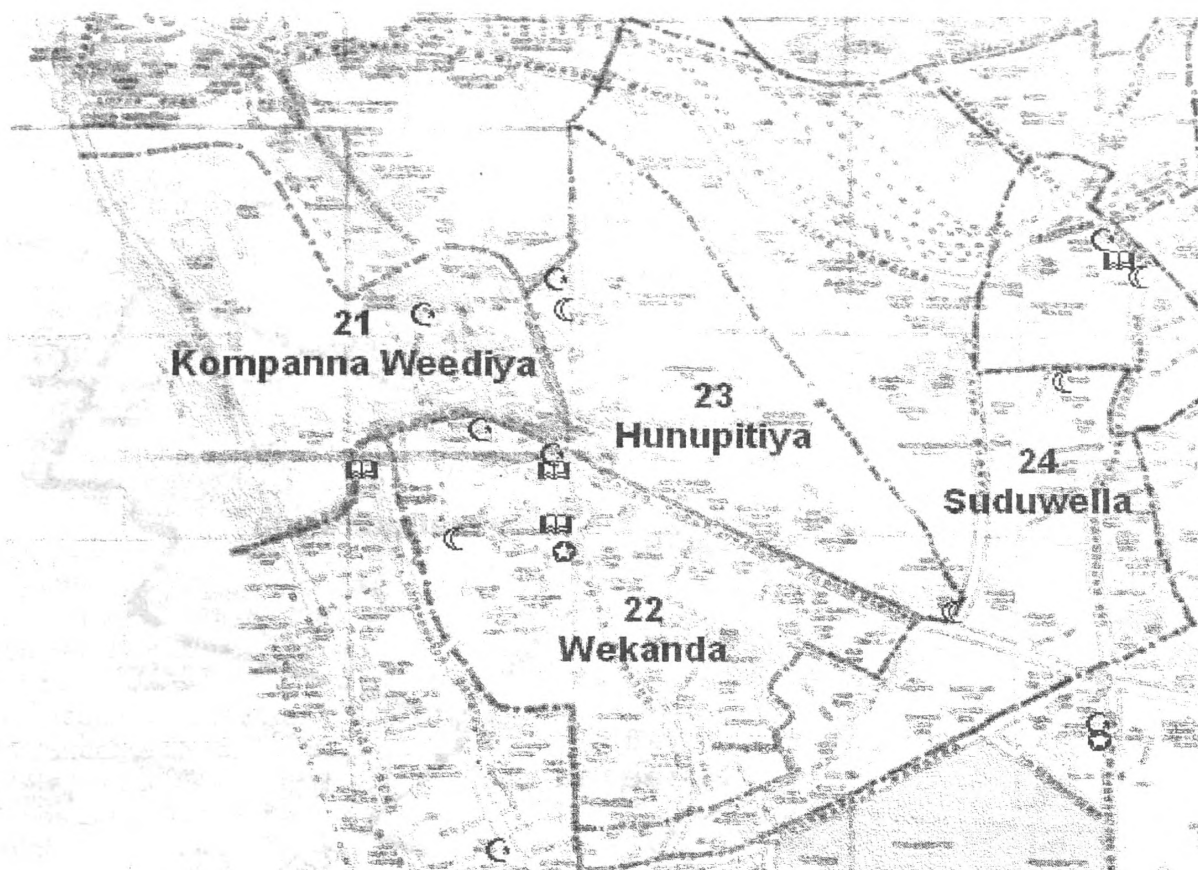
Annex - A7



COLOMBO FORT

- ☾★ - Jumma Mosque
- ☾ - Mosque
- ☾★ - Zaviya/Thakkiya
- 📖 - Schools

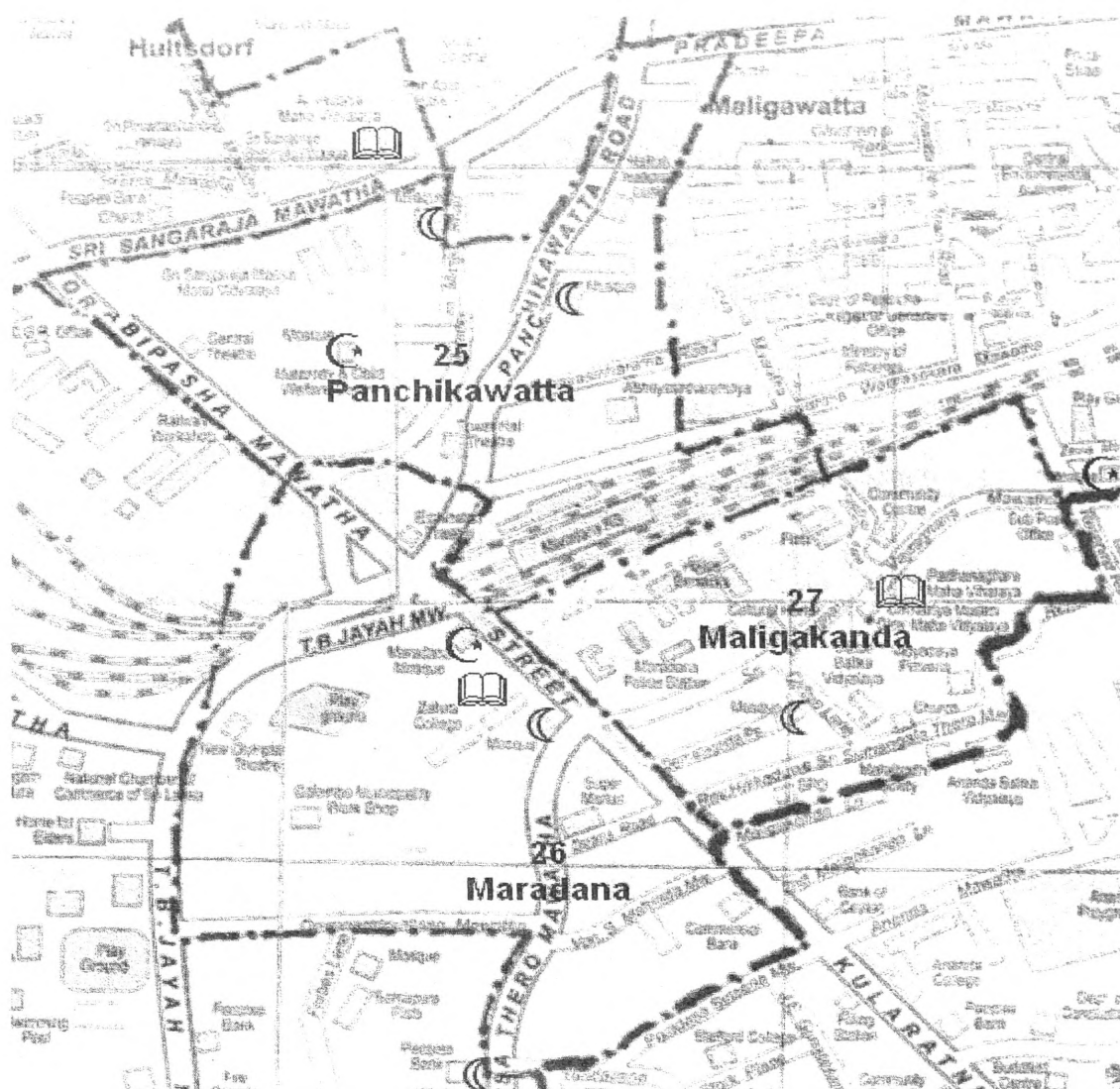
Annex - A8



SLAVE ISLAND

- ☾★ - Jumma Mosque
- ☾ - Mosque
- ☾★ - Zaviya/Thakkiya
- 📖 - Schools

Annex - A9



MARADANA

- ☾ - Jumma Mosque
- ☾ - Mosque
- ★ - Zaviya/Thakkiya
- 📖 - Schools

Annex - A10

MUSLIM HOUSES AND VOTERS
Election Department Voters Register - 2007

	Muslim Houses	Muslim Voters	Other Voters	Total Voters
Polling Division No. 1				
Jampettah Lane (Even Nos. 2 - 54)	2	7	114	121
Newham Square (All Nos.)	13	65	1,031	1,096
Ratnam Road (All odd Nos.)	0	0	552	552
St. Anthony's Mawatha (Even Nos. 94 - 246)	0	0	124	124
Total	15	72	1,821	1,893
Polling Division No. 2				
Ginthupitiya Street (Odd Nos.)	0	0	150	150
Hill Street (All Even Nos)	0	0	33	33
Jampettah Lane (Even Nos. 66 - 74)	1	8	258	266
Ratnam Road (All Even Nos.)	6	32	688	720
Total	7	40	1,129	1,169
Polling Division No. 3				
St. Anthony's Mawatha (Even Nos. 6 - 44)	7	28	478	506
Main Street (Odd Nos. 333 - 355)	0	0	3	3
Sea Beach Lane (All Nos.)	0	0	67	67
Beach Road (All Nos.)	0	0	28	28
Sea Beach Road (All Nos.)	0	0	71	71
Sea Street (All Nos.)	7	30	367	397
Sri Kathiresan Street (All Nos.)	11	44	398	442
Gabos Lane (All Nos.)	0	0	9	9
Total	25	102	1,421	1,523
Polling Division No. 4				
Sri Kathiresan Street (All Even Nos.)	5	13	704	717
Andivel Street	28	125	354	479
Brass Founder Street (All odd Nos.)	2	8	359	367
Ginthupitiya Street (Odd Nos.)	0	0	77	77
Ratnajothi Saravanamuttu Mawatha	0	0	78	78
Total	35	146	1,572	1,718
Polling Division No. 5				
Ginthupitiya Street (Odd Nos. 99 - 161) Total	21	93	1,178	1,271
Polling Division No. 6				
Jampettah Lane (Even Nos. 76 - 128)	2	5	259	264
New Chetty Street (Odd Nos.)	2	8	374	382
Vivekananda Hill Road (Odd Nos.)	15	56	701	757
A.G. Hinniappuhamy Mawatha (Even Nos. 62 - 138)	0	0	18	18
Total	19	69	1,352	1,421

Annex - A11**Polling Division No. 7**

Andivel Street
Bodhiraja Mawatha (All Nos.)
Wolfendhal Lane (Athuruppu Lane) (All Nos.)
Ratnajothi Saravanamuttu Mawatha
Total

Muslim Houses	Muslim Voters	Other Voters	Total Voters
8	40	2	42
6	52	436	488
8	60	38	98
196	957	447	1,404
218	1,109	923	2,032

Polling Division No. 8

Brass Founder Maskaranas Street
Ginthupitiya Street (Even Nos. 82 - 108)
Vivekananda Hill (Odd Nos. 1 - 27)
Total

6	9	708	717
33	127	969	1,096
0	0	75	75
39	136	1,752	1,888

Polling Division No. 9

Maha Vidyalaya Mawatha
Jampettah Street
New Chetty Street
Sangamitta Mawatha (Odd Nos. 5 - 139)
A.G. Hinniappuhamy Mawatha
Vivekananda Hill (Even Nos. 26 - 34)
Total

9	38	180	218
1	2	126	128
5	36	452	488
5	32	284	316
3	18	172	190
0	0	2	2
23	126	1,216	1,342

Polling Division No. 10

Maha Vidyalaya Mawatha (Odd Nos. 145 - 237)
George R. De Silva Mawatha
Green Lane (All Nos.)
Jampettah Street (Even Nos. up to 336)
Sangamitta Mawatha (Even Nos. 2 - 142)
Total

20	76	180	256
0	0	3	3
11	63	96	159
0	0	27	27
43	254	1092	1,346
74	393	1,398	1,791

Polling Division No. 11

Sri Sumanathissa Mawatha (Even Nos. 2 - 32)
Maha Vidyalaya Mawatha (Even Nos. 24 - up to the last)
Total

2	11	25	36
292	1270	598	1,868
294	1,281	623	1,904

Polling Division No. 12

Abdul Jabbar Mawatha (All Nos.)
Hussainiya Street (Odd Nos. 1 - 59)
Mosque Lane (All Even Nos.)
Central Road (Odd Nos. 1 - 55, Even Nos. 2 - 64)
Ratnajothi Sarawanamuttu Mawatha
Total

1	1	17	18
65	323	0	323
56	360	0	360
65	296	4	300
46	229	21	250
233	1,209	42	1,251

Polling Division No. 13

Old Moor Street (Odd Nos. 147 - 421A)
Aluthkada Street
Ghouse Mohideen Mawatha
New Moor Street (Odd Nos. 151-209, Even Nos. 174-248)
Masangas Weediya
Total

28	147	29	176
14	71	0	71
4	20	0	20
56	222	14	236
160	964	275	1,239
262	1,424	318	1,742

Annex - A12

	Muslim Houses	Muslim Voters	Other Voters	Total Voters
Polling Division No. 14				
Layards Broadway (Odd Nos. 71-251, Even Nos. 102-198)	298	1691	111	1,802
Prince of Wales Mawatha (Odd Nos. 1-193, Even Nos. 2-76)	12	42	75	117
Parakrama Road (Even Nos. 2 - 38)	22	91	20	111
Jethawana Road (All Nos.)	0	0	28	28
Total	332	1,824	234	2,058
Polling Division No. 15				
Masangas Weediya (Odd Nos. G181, 183-227)	24	140	159	299
Sri Sumanathissa Mawatha (Even Nos. 40 - 90)	86	458	733	1,191
Total	110	598	892	1,490
Polling Division No. 16				
Srimath Bandaranayaka Mawatha (Even Nos. 222-234)	2	7	46	53
Maithree Bodhiraja Mawatha (All Nos.)	189	630	291	921
Sri Sangaraja Mawatha (Odd Nos. 445 till last, Even Nos. 380 till last)	56	173	146	319
Sri Sumanathissa Mawatha (Even Nos. 92-148, All odd Nos.)	6	22	118	140
Bodhiraja Place (All Nos.)	0	0	393	393
Total	253	832	994	1,826
Polling Division No. 17				
Grandpass Road Total	85	304	758	1,062
Polling Division No. 18				
Grandpass Road Total	121	480	766	1,246
Polling Division No. 19				
Grandpass Road (Even Nos. 132/45 - 132/631) Total	703	2463	801	3,264
Polling Division No. 20				
Maha Kumarage Road (All Even Nos.)	18	79	197	276
Srimavo Bandaranayaka Mawatha	1	1	6	7
St. Joseph Street (All Odd Nos.)	58	248	273	521
Total	77	328	476	804
Polling Division No. 21				
St. Joseph Street	0	0	5	5
Stace Road (Odd Nos. 15 - 175, Temporary Nos.)	51	226	261	487
St. Joseph Street Flats	91	365	693	1,058
Total	142	591	959	1,550
Polling Division No. 22				
St. Joseph Street (Even Nos. 52 - till last)	148	563	463	1,026
St. Joseph Street (All Nos.)	4	24	44	68
3rd Lane (All Nos.)	51	177	300	477
Total	203	764	807	1,571

Annex - A13

	Muslim Houses	Muslim Voters	Other Voters	Total Voters
Polling Division No. 23				
Awwal Zaviya Road (Odd Nos. 3 - 141, Even No. 174)	86	351	33	384
Grandpass Road (Even Nos. 434 - 458)	9	34	25	59
Stace Road (Odd Nos. 177-185)(185 Watta included)	59	125	610	735
Dr. Danister de Silva Mawatha (No. 801-80,825-829,851,887)	0	0	3	3
Total	154	510	671	1,181
Polling Division No. 24				
Kamkaru Housing Scheme (A,B,C,D,E,F,G,H,J)	37	164	785	949
Stace Road (Even Nos. 2 - 110)	42	200	74	274
Total	79	364	859	1,223
Polling Division No. 25				
19th Lane (All Even Nos.)	15	61	334	395
Navagampura Houses (E,F,G,H,J)	28	125	815	940
Total	43	186	1,149	1,335
Polling Division No. 26				
19th Lane	68	198	457	655
Navagampura	52	245	1222	1,467
Total	120	443	1,679	2,122
Polling Division No. 27				
Awwal Zaviya Road	168	796	204	1,000
Molewatta Lane	33	168	9	177
Total	201	964	213	1,177
Polling Division No. 28				
De Wass Lave	14	59	103	162
Gemunu Mawatha	97	412	297	709
Grandpass Road	0	0	35	35
Swarna Chaithiya Road	63	253	441	694
Total	174	724	876	1,600
Polling Division No. 29				
Stace Road (All Nos.) Total	128	476	1842	2,318
Polling Division No. 30				
Grandpass Road	29	118	146	264
De Wass Lane (All Even Nos., Odd Nos. 91 up to last)	59	301	435	736
Swarna Chaithiya Road	8	40	14	54
Kettarama Mawatha	8	22	11	33
Total	104	481	606	1,087
Polling Division No. 31				
Layards Broadway	32	623	292	915
1st Lane (All Even Nos.)	11	62	15	77
2nd Lane (All Nos.)	7	22	0	22
Maha Kumarage Road (Odd Nos. 1 - 27)	2	8	2	10
Parakrama Road (Even Nos. 70 up to the last)	22	79	98	177
Total	74	794	407	1,201

Annex - A14

	Muslim Houses	Muslim Voters	Other Voters	Total Voters
Polling Division No. 32				
Dr. Babapulle Place (All Nos.)	50	241	709	950
Maligawatta Lane (All Nos. on the right, 75/2 on the left etc.)	59	244	397	641
Total	109	485	1,106	1,591
Polling Division No. 33				
Grandpass Road (Even Nos. 180-320, 180/1-180/34)	91	382	283	665
Kettarama Mawatha (All Even Nos.)	29	139	350	489
Lukmangee Square (All Nos.)	21	81	167	248
Total	141	602	800	1,402
Polling Division No. 34				
Bodhiraja Mawatha (Emergency Housing Scheme Nos. 1-20)	3	23	37	60
Bodhiraja Mawatha (A1, AA46, B1-B40, C1-C91)	182	657	1189	1,846
Total	185	680	1,226	1,906
Polling Division No. 35				
Bodhiraja Mawatha (765/1 - 765/451) Total	279	1018	2509	3,527
Polling Division No. 36				
Sri Saddarma Mawatha (Odd Nos. 265 up to the end)	81	280	190	470
Baseline Lane (All Nos.)	3	11	69	80
Dr. Danister De Silva Mawatha	38	143	482	625
Total	122	434	741	1,175
Polling Division No. 37				
Maligawatta Jumma Masjid Road (Odd Nos. 211/1-211/53) Total	385	1392	76	1,468
Polling Division No. 38				
Maligawatta Jumma Masjid Road (Odd Nos. 149-325)	357	1215	178	1,393
Maligawatta Road	8	32	29	61
Maligawatta Place	108	376	26	402
Total	473	1,623	233	1,856
Polling Division No. 39				
Jayantha Weerasekara Mawatha Total	63	281	730	1,011
Polling Division No. 40				
Jayantha Weerasekara Mawatha Total	121	484	1279	1,763
Polling Division No. 41				
Jayantha Weerasekara Mawatha	97	400	995	1,395
Maligawatta Road (Odd Nos. 59-101)	2	12	9	21
Total	99	412	1,004	1,416

Annex - A15

Polling Division No. 42

Jayantha Weerasekara Mawatha (Flats A/13 - A16)

Jayantha Weerasekara Mawatha (B/44 - B/52)

Jayantha Weerasekara Mawatha

Total

Muslim Houses	Muslim Voters	Other Voters	Total Voters
19	72	130	202
18	99	332	431
95	389	1029	1,418
132	560	1,491	2,051

Polling Division No. 43

N.M. Ishaque Mawatha

Quraishani Moulana Lane

School Lane (All odd Nos.)

Zaviya Mosque Lane (All Nos.)

Total

53	272	61	333
43	197	56	253
77	343	127	470
120	505	175	680
293	1,317	419	1,736

Polling Division No. 44

Maligawatta Place (All odd Nos.)

Police Flats

Sri Sangaraja Mawatha (Even Nos. 276 - 376)

Total

691	2125	677	2,802
1	4	59	63
0	0	4	4
692	2,129	740	2,869

Polling Division No. 45Maligawatta Place (No. 120, 159 Gardens) **Total**

442	1123	610	1,733
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Polling Division No. 46Bandaranayaka Mawatha **Total**

227	1126	381	1,507
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Polling Division No. 47

Bandaranayaka Mawatha

Hill Castle Place (All Even Nos.)

Old Moor Street (Even Nos. 314 - 460)

Total

105	548	315	863
10	30	2	32
2	6	7	13
117	584	324	908

Polling Division No. 48Abdul Hameed Street (Odd Nos. 3 - 109) **Total**

233	1070	232	1,302
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Polling Division No. 49Abdul Hameed Street (Odd Nos. 111-123) **Total**

157	915	0	915
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Polling Division No. 50

Meeraniya Street (Odd Nos. 123 - 195)

Princes Gate (All odd Nos.)

Total

140	657	10	667
76	347	52	399
216	1,004	62	1,066

Polling Division No. 51

Sri Sangaraja Mawatha

Mohideen Masjid Road (All odd Nos.)

Mohideen Masjid Road (Even Nos. 214-238)

Princes Gate (All even Nos.)

Total

17	64	361	425
6	19	21	40
16	95	67	162
118	552	415	967
157	730	864	1,594

Annex - A16

Polling Division No. 52

Meeraniya Street (Odd Nos. 206-263, Even Nos. 106-142)
Mill Street (all Nos.)
Belmond Street
Oilman Street (All odd Nos.)
Wilson Street (Odd Nos. 93 till last, Even Nos. 108 till last)
Total

Muslim Houses	Muslim Voters	Other Voters	Total Voters
162	796	99	895
3	7	14	21
4	24	36	60
9	37	18	55
20	106	13	119
198	970	180	1,150

Polling Division No. 53

Vella Street (Even Nos. 222 - 288)
Mihindu Mawatha (Odd Nos. 119 - 167)
St. Sabastian Street
Sucharitha Mawatha (All Nos.)
Total

8	22	23	45
14	57	32	89
263	1072	576	1,648
7	25	109	134
292	1,176	740	1,916

Polling Division No. 54

Vella Weedi (Odd Nos. 311 - 397)
Aluthkade Weedi (Even Nos. 44-218, Odd Nos. 27-65)
Old Moor Street (Even Nos. 152 - 278)
Peer Sahibu Street (All Nos.)
Hill Castle Place (All odd Nos.)
Total

7	36	28	64
59	332	59	391
11	54	5	59
254	1106	117	1,223
3	15	0	15
334	1,543	209	1,752

Polling Division No. 55

Abdul Hameed Street (All even Nos.)
Srimath Bandaranayaka Mawatha
Aluthkade Road (Odd Nos. 81 - 109)
Meeraniya Street (Odd Nos. 1 - 117)
Silver Smith Lane (All Nos.)
Total

79	332	99	431
18	132	23	155
3	13	23	36
72	354	49	403
181	958	242	1,200
353	1,789	436	2,225

Polling Division No. 56

Mihindu Mawatha
Marties Lane (All odd Nos.)
Beira Road (All even Nos.)
Muhandiram Lane (All Nos.)
Muhandiram Road (All Nos.)
Gomes Lane (All Nos.)
Olcot Mawatha (Odd Nos.)
Saunders Place (Even Nos. 2 - 28)
Total

7	27	143	170
7	25	102	127
32	103	155	258
22	78	236	314
69	343	82	425
2	9	83	92
0	0	35	35
1	2	187	189
140	587	1,023	1,610

Polling Division No. 57

Mihindu Mawatha (Odd Nos. 83 - 117, All even Nos.)
Marties Lane (All even Nos.)
Akbar Lane (All odd Nos.)
St. Sabastian Street (Odd Nos. 1 - 37)
Total

12	134	12	146
94	436	214	650
77	320	93	413
65	279	116	395
248	1,169	435	1,604

Annex - A17

	Muslim Houses	Muslim Voters	Other Voters	Total Voters
Polling Division No. 58				
Belmond Street	19	84	23	107
Usaviya Weedi (All Nos.)	12	51	12	63
Meeraniya Street (Odd Nos. 2 - 102)	24	98	9	107
Sanchi Arachi Watta (All Nos.)	64	280	942	1,222
Smith Street (All Nos.)	11	47	5	52
Wilson Street (Odd Nos. 1 - 91, Even Nos. 2 - 104)	38	169	36	205
Aluthkade Street (Odd Nos. 115 - 265)	0	0	2	2
Total	168	729	1,029	1,758
Polling Division No. 59				
Maradana Road (Odd Nos. 1 - 65, Even Nos. 3 - 34)	0	0	21	21
Sangaraja Mawatha (Odd Nos. 1 - 183)	2	5	79	84
Sri Priyadharshana Mawatha (All Nos.)	107	397	702	1,099
Total	109	402	802	1,204
Polling Division No. 60				
Dias Place Total	110	465	837	1,302
Polling Division No. 61				
Akbar Lane (All even Nos.)	26	97	12	109
Beira Road (All odd Nos.)	30	150	30	180
Price Place (All even Nos.)	1	3	56	59
Dias Place (Part)	92	345	1015	1,360
Total	149	595	1,113	1,708
Polling Division No. 62				
Central Road (Odd Nos. 67 - 127)	138	737	30	767
First Mosque Lane (Odd Nos. 9 - 51)	86	508	4	512
Ghouse Mohideen Lane (All even Nos.)	34	151	0	151
Total	258	1,396	34	1,430
Polling Division No. 63				
Vella Street (Odd Nos. 1-309, Even Nos. 102-210)	100	437	263	700
New Moor Street (Odd Nos. 53-146, Even Nos. 76-172)	70	386	44	430
Old Moor Street (Odd Nos. 1-145, Even Nos. 2-148)	58	220	73	293
Total	228	1,043	380	1,423
Polling Division No. 64				
Central Road (Odd Nos. 129-139, Even Nos. 74-192)	40	161	116	277
New Moor Street (Odd Nos. 1-47, Even Nos. 2-74)	9	48	35	83
Umbitchi Place (All Nos.)	1	4	357	361
Ratnajothi Saravanamuthu Mawatha	122	513	437	950
Total	172	726	945	1,671

Annex - A18

Polling Division No. 65

	Muslim Houses	Muslim Voters	Other Voters	Total Voters
Central Row (All Nos.)	0	0	1	1
Kotigaha Street (All Nos.)	0	0	9	9
Laden Bastian Street (All Nos.)	0	0	20	20
York Street (All Nos.)	0	0	7	7
Baron Jayathilaka Mawatha	0	0	5	5
Warf Street (All Nos.)	0	0	28	28
Hospital Street (All Nos.)	0	0	7	7
Regent Street (All Nos.)	0	0	2	2
Main Street (All Nos.)	0	0	2	2
Total	0	0	81	81

Polling Division No. 66

Bankshall Street (All Nos.)	0	0	19	19
China Street (All Nos.)	1	1	0	1
Beach Road (Even Nos. 2 - 90)	1	10	10	20
Gas Work Street (All Nos.)	0	0	18	18
Keyzer Street	1	7	5	12
Main Street	0	0	2	2
N.M. Abdul Cader Mawatha (All Nos.)	0	0	12	12
Prince Street (Odd Nos.)	0	0	2	2
1st Cross Street	1	2	5	7
2nd Cross Street	4	7	6	13
3rd Cross Street	0	0	4	4
4th Cross Street	1	8	0	8
Total	9	35	83	118

Polling Division No. 67

Front Street (Even Nos. 2 - 92)	0	0	3	3
Maliban Street (All Nos.)	1	4	7	11
Miyuri Lane (All Nos.)	0	0	23	23
Olcot Mawatha (Odd Nos. 43-145, Even Nos. 12-140)	0	0	13	13
Sir Chittampalam A. Gardiner Mawatha	21	50	286	336
Prince Street (Odd Nos. 1-63, Even Nos. 2-202)	1	2	0	2
2nd Cross Street	1	2	0	2
1st Rohini Lane (All Nos.)	0	0	53	53
2nd Rohini Lane (All Nos.)	0	0	80	80
4th Cross Street (Odd Nos. 1-77, Even Nos. 2-80)	0	0	1	1
Kosala Lane	0	0	4	4
Total	24	58	470	528

Polling Division No. 68

Ahamed Lane (All Nos.)	8	32	25	57
Justice Akbar Mawatha (Odd Nos. 1-35, Even Nos. 2-40)	3	9	65	74
Mosque Lane (Even Nos. 84 - 194)	172	319	82	401
Glenni Passage (All Nos.)	203	623	378	1,001
Station Passage (All Nos.)	112	405	171	576
Glenni Street (Even Nos. 70 - 130)	1	4	0	4
Total	499	1,392	721	2,113

Annex - A19

	Muslim Houses	Muslim Voters	Other Voters	Total Voters
Polling Division No. 69				
Justice Akbar Mawatha (Even Nos. 56 - 106)	2	9	32	41
Chapel Lane (All Nos.)	37	198	178	376
Mosque Lane (All Nos.)	29	99	50	149
Mosque Street (Even Nos.)	180	819	137	956
Total	248	1,125	397	1,522
Polling Division No. 70				
Justice Akbar Mawatha (Odd Nos. 47 - 105)	3	17	30	47
Sir Henry de Mel Mawatha	37	164	44	208
De Soysa Street (Odd Nos.)	21	76	109	185
Glenni Street (Odd Nos. 1 - 61)	13	79	17	96
Kavuldin Street (All Nos.)	10	44	26	70
Masjidul Jamia Street (Even Nos. 16 - 80)	7	48	11	59
Kumaran Ratnam Road (Even Nos. 30 - 136)	51	228	46	274
Malay Street (Odd Nos. 95-161, Even Nos. 90-154)	16	61	91	152
Market Lane (All Nos.)	15	76	33	109
Market Place (All Nos.)	13	51	48	99
Mews Street (Even Nos. 60 - 82)	18	67	11	78
Aluth Thotupola Road (All Even Nos.)	4	19	2	21
Parana Thotupola Road (All Nos.)	15	65	25	90
Velance Passage (All Nos.)	14	77	78	155
Total	237	1,072	571	1,643
Polling Division No. 71				
Glenni Street (Even Nos. 2 - 62)	9	42	41	83
Masjithul Jamia Street (Odd Nos. 99-143, Even Nos. 100-152)	62	247	83	330
Java Lane (All Nos.)	45	221	96	317
Lismon Lane (All Nos.)	40	167	65	232
Malay Street (Odd Nos. 15-85, Even Nos. 20-76)	1	5	13	18
Mews Street (All Odd Nos., Even Nos. 2-50)	31	131	42	173
Aluth Totupola Street (All Odd Nos.)	8	45	2	47
Total	196	858	342	1,200
Polling Division No. 72				
Mosque Road (Odd Nos. 1 - 155)	27	116	91	207
Dispansary Lane (All Nos.)	18	62	12	74
Justice Akbar Mawatha (All even Nos.)	1	2	83	85
Saunders Court (All Nos.)	60	247	106	353
Sir James Peiris Mawatha (Even Nos. 2-60, Cont.)	0	0	13	13
Stewart Street (All odd Nos.)	154	665	422	1,087
Total	260	1,092	727	1,819
Polling Division No. 73				
Mosque Lane (Kompany Weedi) (Odd Nos. 159-185)	7	26	6	32
Vithanage Street (Ramsay Road) (All odd Nos.)	50	263	249	512
Sir James Peiris Mawatha (Even Nos. 80/110, G110/7)	7	38	132	170
Stewart Street (All even Nos.)	195	761	346	1,107
Total	259	1,088	733	1,821

Annex - A20

	Muslim Houses	Muslim Voters	Other Voters	Total Voters
Polling Division No. 74				
Gorden Street (All Nos.)	17	50	149	199
Wekanda Road (Odd Nos. 51 upto last, All even Nos.)	232	916	429	1,345
Total	249	966	578	1,544
Polling Division No. 75				
W.A.D. Ramanayake Mawatha (Even Nos. 38 til last)	4	10	181	191
Baybrook Road (All Nos.)	0	0	25	25
Hunupitiya Lake Road	4	11	191	202
Hunupitiya Street (All even Nos.)	4	14	51	65
Lake Crescent (Odd Nos. 51-69, All even Nos.)	0	0	5	5
Lilli Street (All Nos.)	7	30	0	30
Sir James Peiris Mawatha	0	0	13	13
Union Place (Even Nos. 2 - 278)	14	47	55	102
Sri Jinathna Street (Continuation)	0	0	89	89
Total	33	112	610	722
Polling Division No. 76				
Barrak Lane (All Nos.)	2	8	14	22
Sri Murugan Street (All Nos.) (Sir Henry de Mel Mawatha)	5	30	6	36
Bahjathul Asraj Lane (Kew Lane) (All Odd Nos.)	154	665	225	890
Kew Place (All Nos.)	4	24	12	36
Kew Road (Odd Nos. 101-149, Even Nos. 52-154)	42	204	265	469
Kumaran Ratnam Road (Flats) (All Odd Nos.)	0	0	41	41
Morgan Street (Odd Nos. 41-45, Even Nos. 40-40/21)	12	40	120	160
Police Station Lane (All Nos.)	2	9	10	19
Total	221	980	693	1,673
Polling Division No. 77				
Dawson Street (All odd Nos., Even Nos. 2 - 74)	33	143	142	285
Hyde Park Corner (Even Nos. 30 - 50)	0	0	4	4
Union Lane (All Nos.)	38	161	24	185
Union Place (Odd Nos. 1-427, Even Nos. 288-360)	26	104	204	308
Vauxhall Street (Odd Nos. 201 upto 129)	90	285	484	769
Total	187	693	858	1,551
Polling Division No. 78				
Bahjathul Asraj Lane (All even Nos.)	32	138	39	177
Kew Pesch (All Nos.)	3	22	32	54
Kew Road (Odd Nos. 51 upto last)	12	45	50	95
Vauxhall Lane (All Nos.)	18	64	44	108
Vauxhall Street	157	649	538	1,187
Total	222	918	703	1,621

Annex - A21

	Muslim Houses	Muslim Voters	Other Voters	Total Voters
Polling Division No. 79				
T.B. Jaya Road (Odd Nos. 377 - 461)	38	163	359	522
Temple Road (All Nos.)	0	0	62	62
D.R. Wijewardena Mawatha (Odd Nos. 127-395, Even Nos. 70-380)	13	31	137	168
T.B. Jaya Mawatha (Darley Road)	0	0	117	117
Vinayalankara Mawatha (Truds Lane) (All even Nos.)	2	6	13	19
Total	53	200	688	888
Polling Division No. 80				
Forbes Lane	203	712	796	1,508
Devanampiyathissa Street (Even Nos. 2 - 78)	25	92	159	251
Total	228	804	955	1,759
Polling Division No. 81				
Deans Road (Even Nos. 154 - 318)	10	54	117	171
Devanampiyathissa Street (Even Nos. 80 upto the end)	58	206	126	332
Arnold Ratnayaka Mawatha (Odd Nos. 357/1 - 357/36)	17	58	93	151
Vinayalankara Mawatha (All odd Nos.)	6	16	178	194
Total	91	334	514	848
Polling Division No. 82				
W.A.D. Ramanayake Mawatha (All odd Nos., Even Nos. 2-34)	8	23	7	30
Deans Road (Odd Nos. 245-533, Even Nos. 320-464)	1	4	78	82
Dharmapala Mawatha (Odd Nos. 79 till the last)	6	21	82	103
Foster Lane (All Nos.)	0	0	17	17
Fountain House Lane (All Nos.)	2	3	43	46
Hedges Court (Odd Nos. 1-37, Even Nos. 2-18)	4	9	27	36
Hunupitiya Cross Road (All Nos.)	1	2	0	2
Hunupitiya Road (All odd Nos.)	1	5	11	16
Hyde Park Corner (All odd Nos., Even Nos. 68 till the last)	1	1	45	46
Lake Crescent (Odd Nos. 1 - 43)	0	0	4	4
Norris Canal Road (Even Nos. 10 - 114)	1	3	39	42
Park Street (All Nos.)	4	6	65	71
Vipulasena Mawatha (Even Nos. 6 - 32)	1	3	57	60
Union Place	0	0	4	4
Sir James Peiris Mawatha (Odd Nos. 185-203)	0	0	16	16
Total	30	80	495	575
Polling Division No. 83				
Mohideen Masjid Road (Odd Nos. 139-269, Even Nos. 130-212) Total	328	1288	235	1,523
Polling Division No. 84				
Badriya Lane (All Nos.)	2	6	34	40
Mohideen Masjid Lane (All even Nos.)	52	223	40	263
Mohideen Masjid Road (Even Nos. 72-212)	105	436	310	746
Panchikawatta Road	12	48	6	54
Total	171	713	390	1,103

Annex - A22

	Muslim Houses	Muslim Voters	Other Voters	Total Voters
Polling Division No. 85				
Sri Sangaraja Mawatha (Even Nos. 2-180) Total	177	764	960	1,724
Polling Division No. 86				
Maradana Road (Odd Nos. 71-247, 191/1-191/32 excluded)	96	385	430	815
Mohideen Masjid Road (Odd Nos. 1-37, Even Nos. 72)	198	767	322	1,089
Saheer Cassim Hajiya Place (Odd Nos. 191/1-191/32)	8	35	0	35
Total	302	1,187	752	1,939
Polling Division No. 87				
Abeysingharama Road (All Nos.)	0	0	282	282
Jayantha Weerasekara Mawatha	3	15	14	29
Panchikawatta Road (Odd Nos. 4-229, 231/7, All even Nos.)	92	322	813	1,135
Total	95	337	1,109	1,446
Polling Division No. 88				
T.B. Jaya Road (Odd Nos. 1-259)	14	65	33	98
Mohideen Masjid Road (Even Nos. 2-42)	1	3	7	10
Maradana Road (Odd Nos. 249, 345, Even Nos. 210-388)	1	5	15	20
K.D. David Mawatha (All Nos.)	7	20	7	27
Devanampiyatissa Road	104	376	431	807
Total	127	469	493	962
Polling Division No. 89				
Arab Passage (All Nos.)	6	27	35	62
S. Mahinda Mawatha (All odd Nos.)	2	8	91	99
Dean's Road	28	118	318	436
Maradana Road (Even Nos. 390 - 562)	36	134	429	563
Symond's Road (Odd Nos. 1-103, Even Nos. 2-84)	42	170	551	721
Total	114	457	1,424	1,881
Polling Division No. 90				
S. Mahinda Mawatha (All Even Nos.)	21	121	121	242
Dean's Road (Odd Nos. 149 - 243)	28	170	131	301
Maradana Road	5	15	116	131
Piyadasa Srisena Mawatha	30	166	238	404
Sri Vipulesena Mawatha (Odd Nos. 1 - 63)	49	233	274	507
Total	133	705	880	1,585
Polling Division No. 91				
Maradana Road (Odd Nos. 377-461)	5	20	374	394
Quraishani Moulana Lane (All odd Nos.)	125	508	157	665
Gosbal Lane (Odd Nos. 225/1 - 225/78)	44	176	79	255
Total	174	704	610	1,314
Polling Division No. 92				
Sri Vajiraghana Mawatha (Odd Nos. 1 - 303) Total	267	1047	330	1,377

Annex - A23

Polling Division No. 93

Jalasaya Lane (All even Nos.)
Jalasaya Road (All even Nos.)
Sri Vajiraghana Mawatha (Even Nos. 114-312)
Total

Muslim Houses	Muslim Voters	Other Voters	Total Voters
27	120	65	185
52	218	88	306
212	938	276	1,214
291	1,276	429	1,705

Polling Division No. 94

Clipton Lane (All Nos.)
Dematagoda Passage (All Nos.)
Maligakanda Road (Odd Nos. 1 - 131)
Maradana Road (Odd Nos. 463-541)
Sri Vajiraghana Mawatha
Total

24	118	13	131
71	329	266	595
59	274	336	610
0	0	11	11
7	32	13	45
161	753	639	1,392

Polling Division No. 95

Maligawatte Lane (All Even Nos.)
Maligawatte Jumma Masjid Road
Sri Saddharma Mawatha (Odd Nos. 181 - 259)
Total

242	984	112	1,096
379	1288	194	1,482
37	160	43	203
658	2,432	349	2,781

Polling Division No. 96

Maligawatta Jumma Masjid Road (Even Nos. 132-334)
Sri Saddharma Mawatha (Odd Nos. 1 - 175)
Total

383	1359	181	1,540
58	267	74	341
441	1,626	255	1,881

Polling Division No. 97

Jayantha Weerasekara Mawatha
Maligawatta Road (All even Nos.)
Sri Saddharma Mawatha
Sri Saddharma Mawatha (Ingram Road) (All even Nos.)
Total

5	16	50	66
98	390	241	631
29	74	220	294
103	367	474	841
235	847	985	1,832

Polling Division No. 98

Dematagoda Road (Odd Nos. 419-579)
Dr. Denister de Silva Mawatha
School Lane (All even Nos.)
Mallikarama Road (All Nos.)
Dematagoda K.V. (All Nos.)
Total

54	187	535	722
4	8	189	197
18	70	9	79
53	185	291	476
0	0	55	55
129	450	1,079	1,529

Grand Total

18,619	76,747	73,862	150,609
	50.96%	49.04%	100.00%

Annex - B1



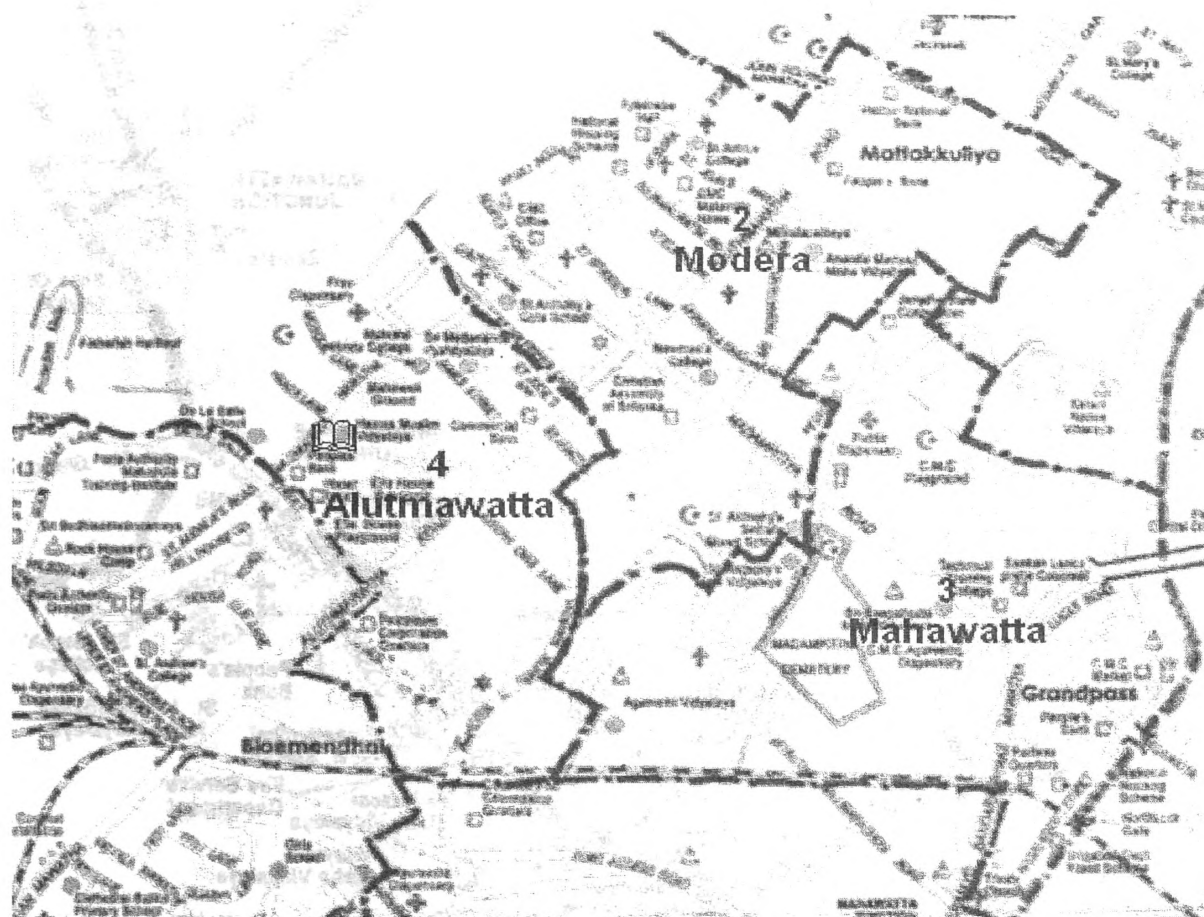
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Annex - B2



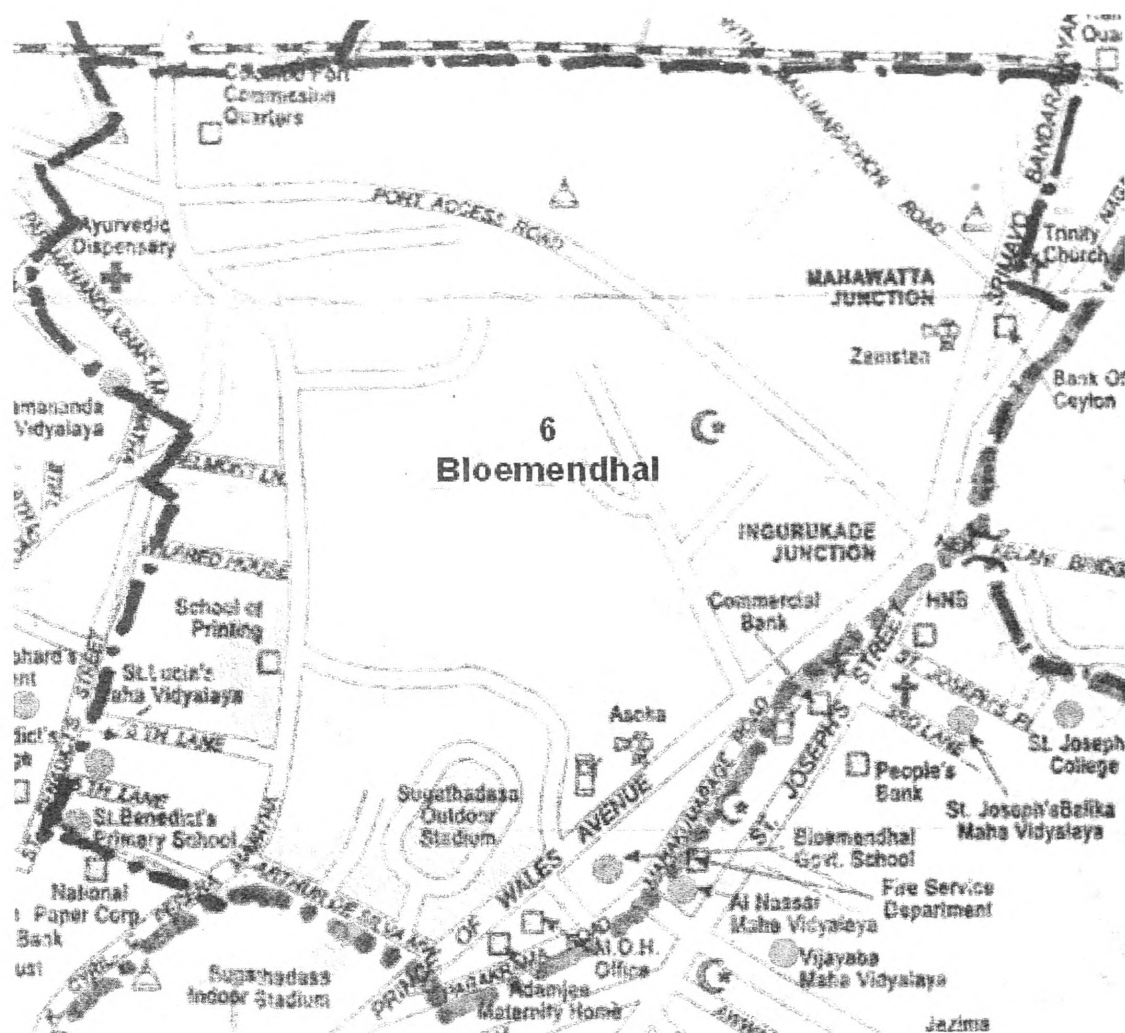
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Annex - B3



MODERA

Annex - B4



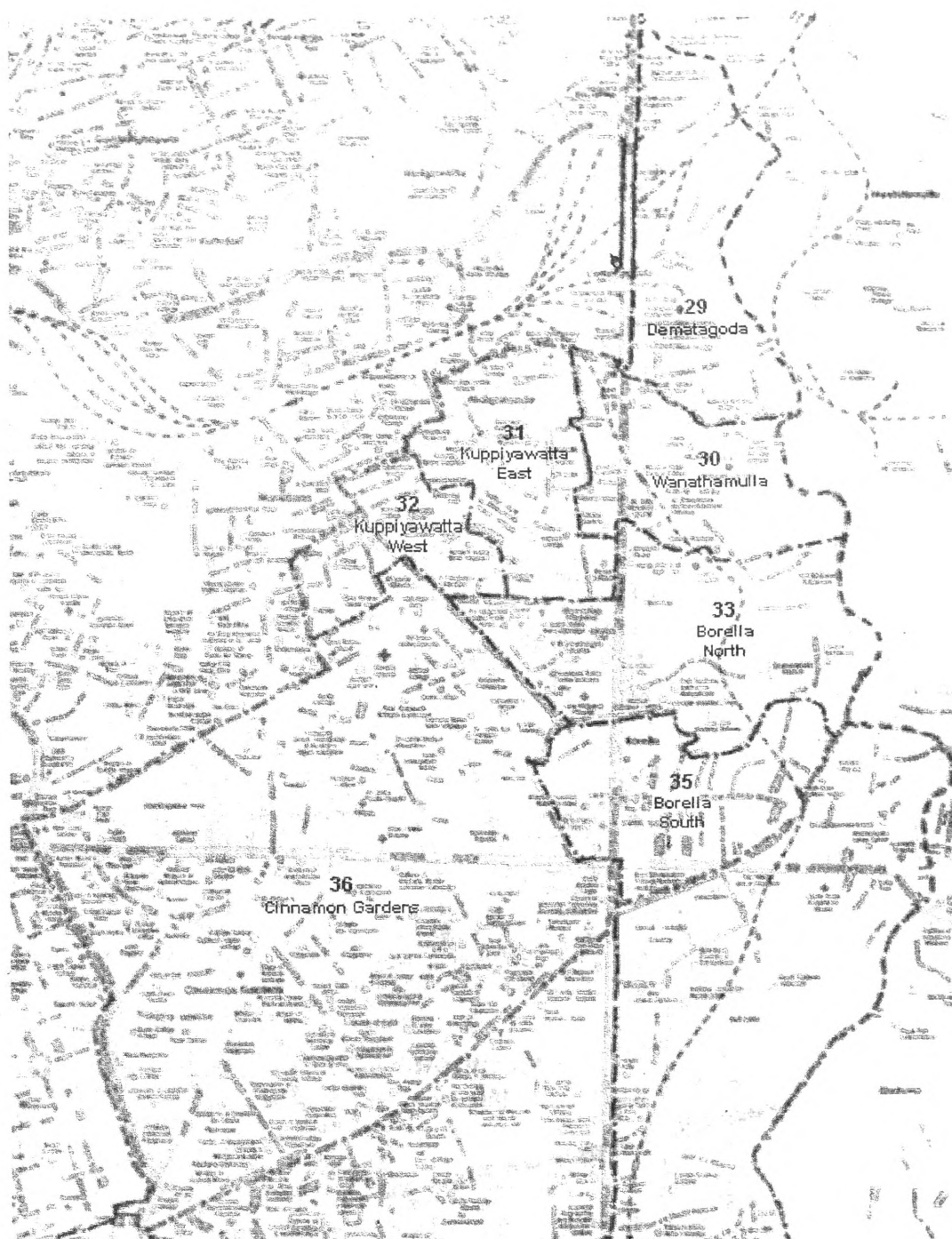
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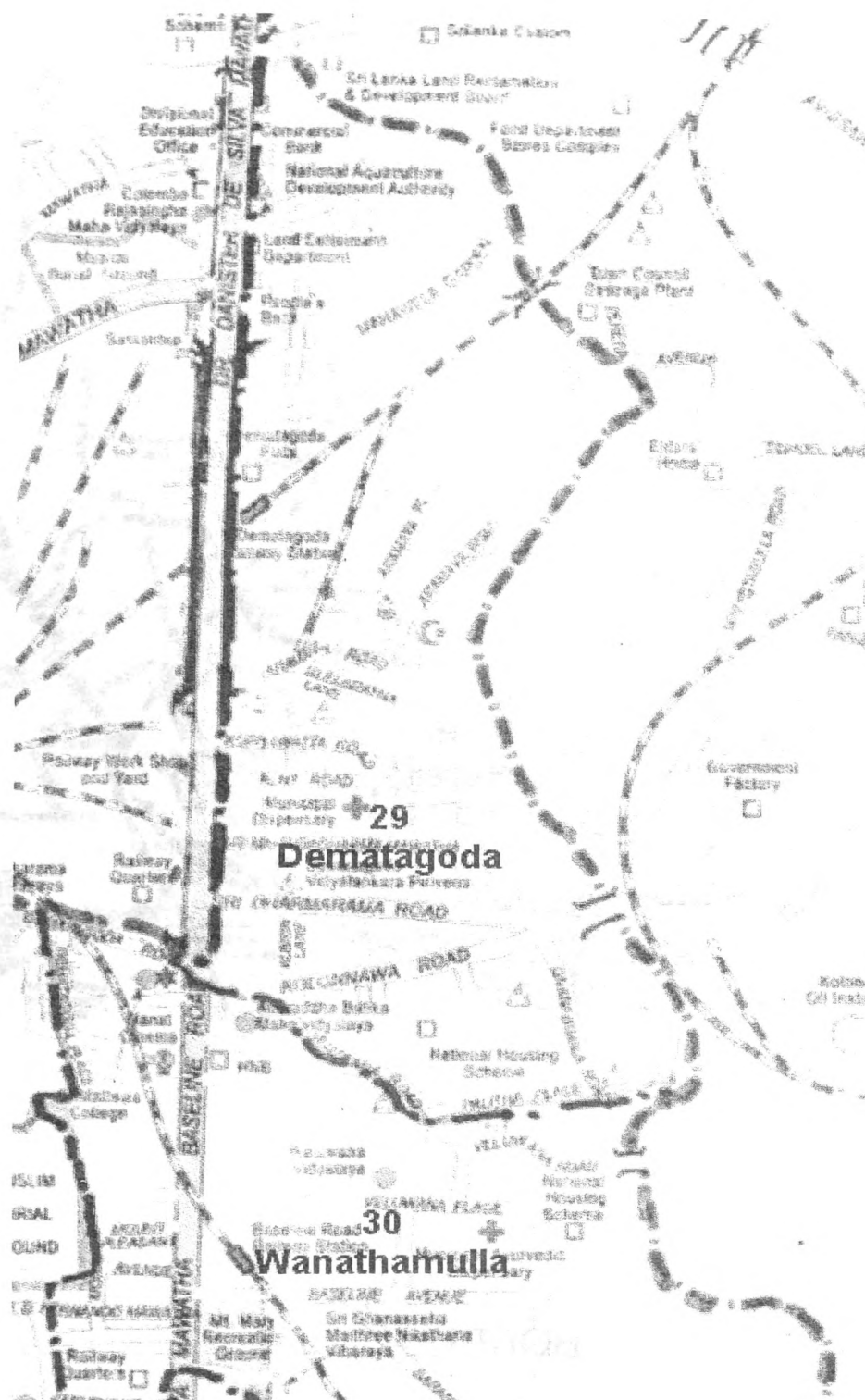
LUNUPOKUNA & KOTAHENA

Annex - C1



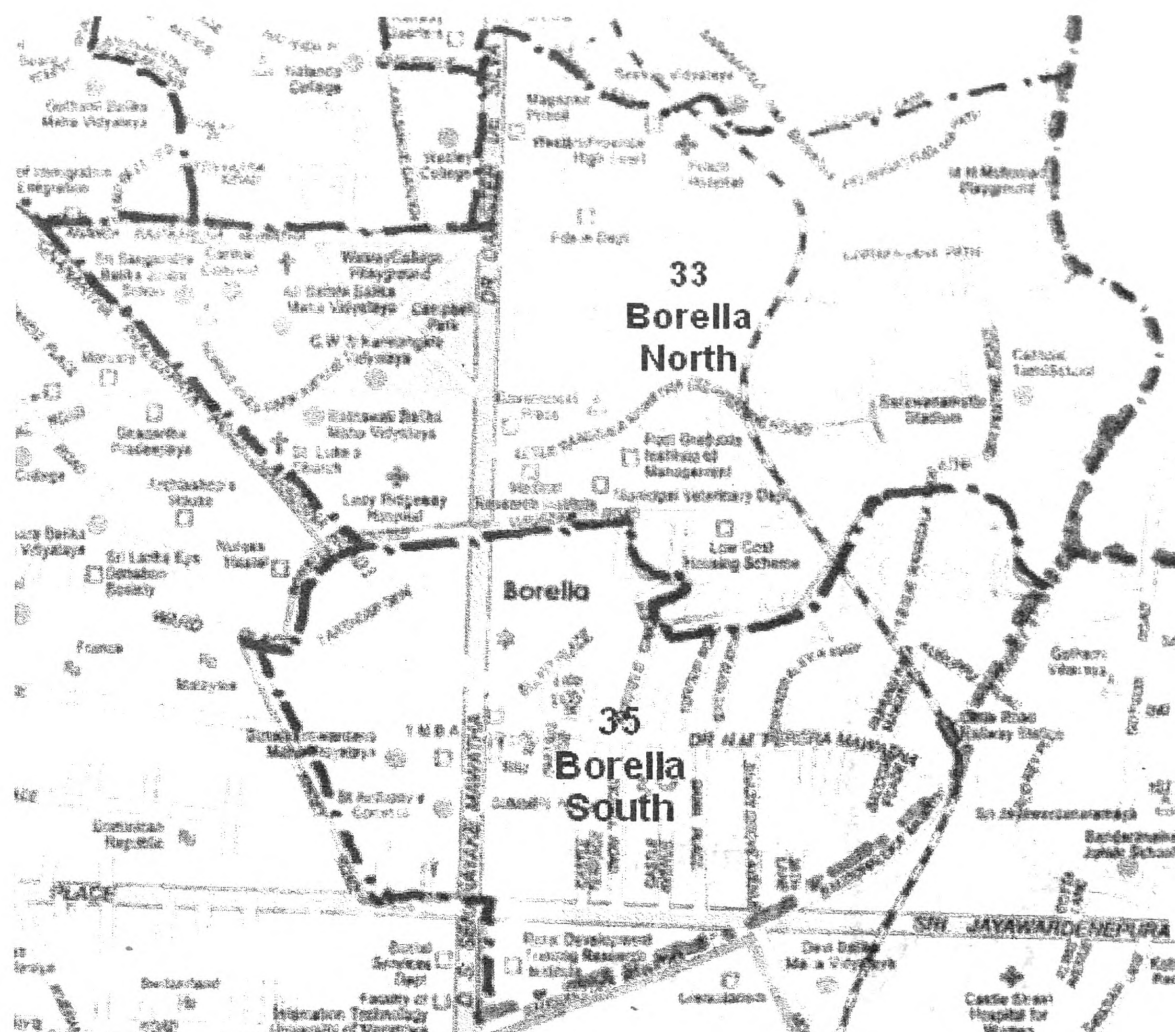
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Annex - C2



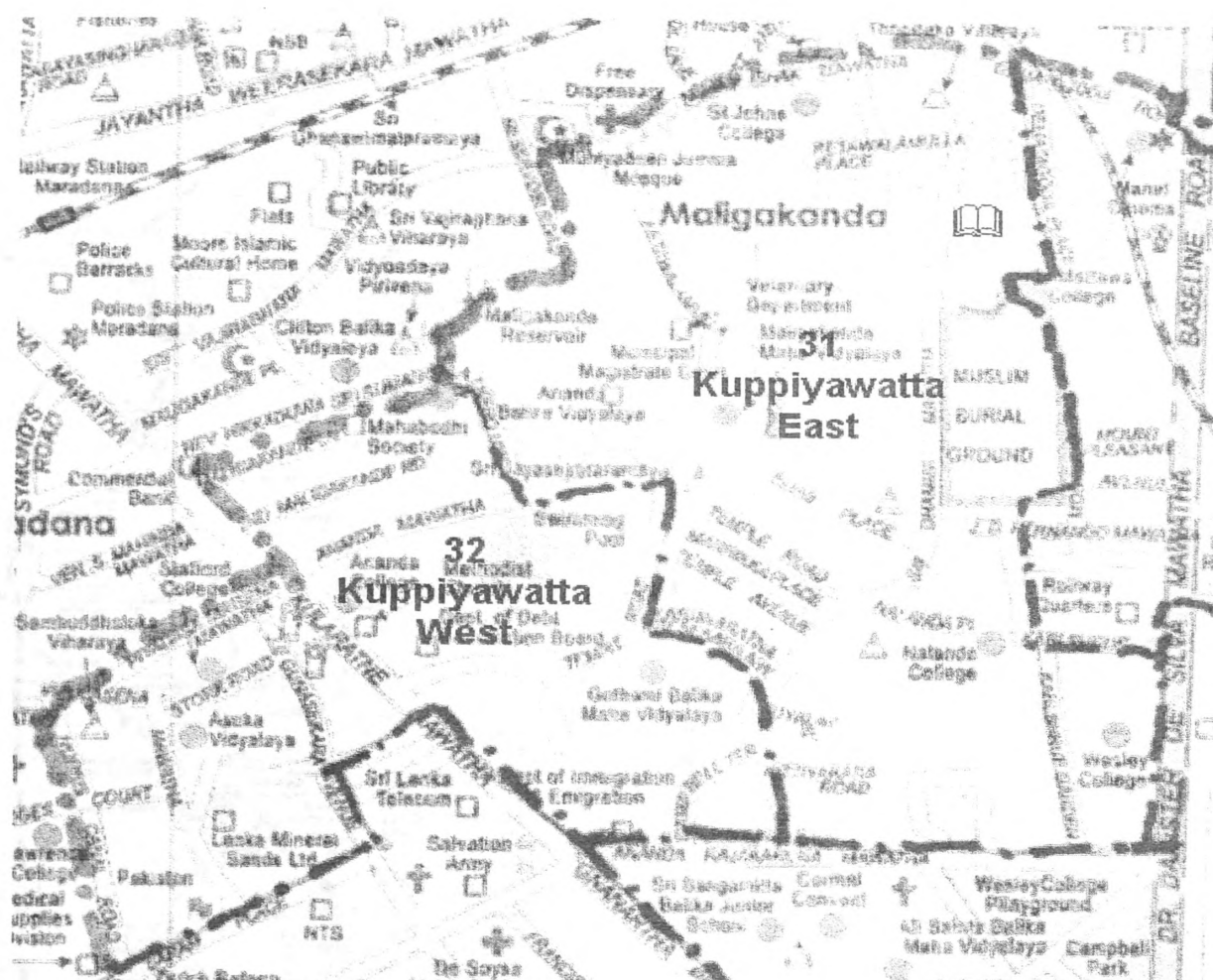
DEMATAGODA & WANATHAMULLA

Annex - C3



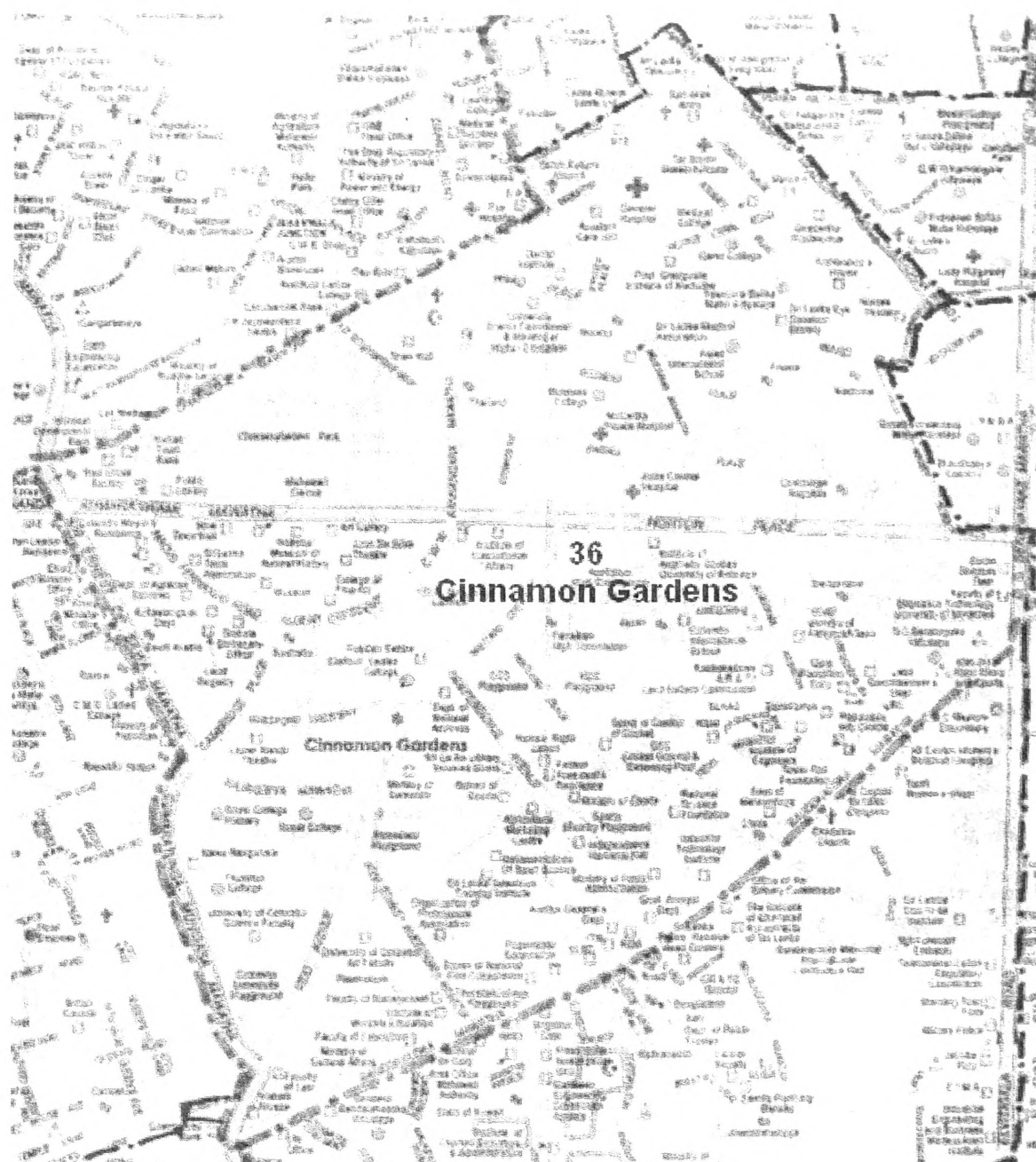
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Annex - C4



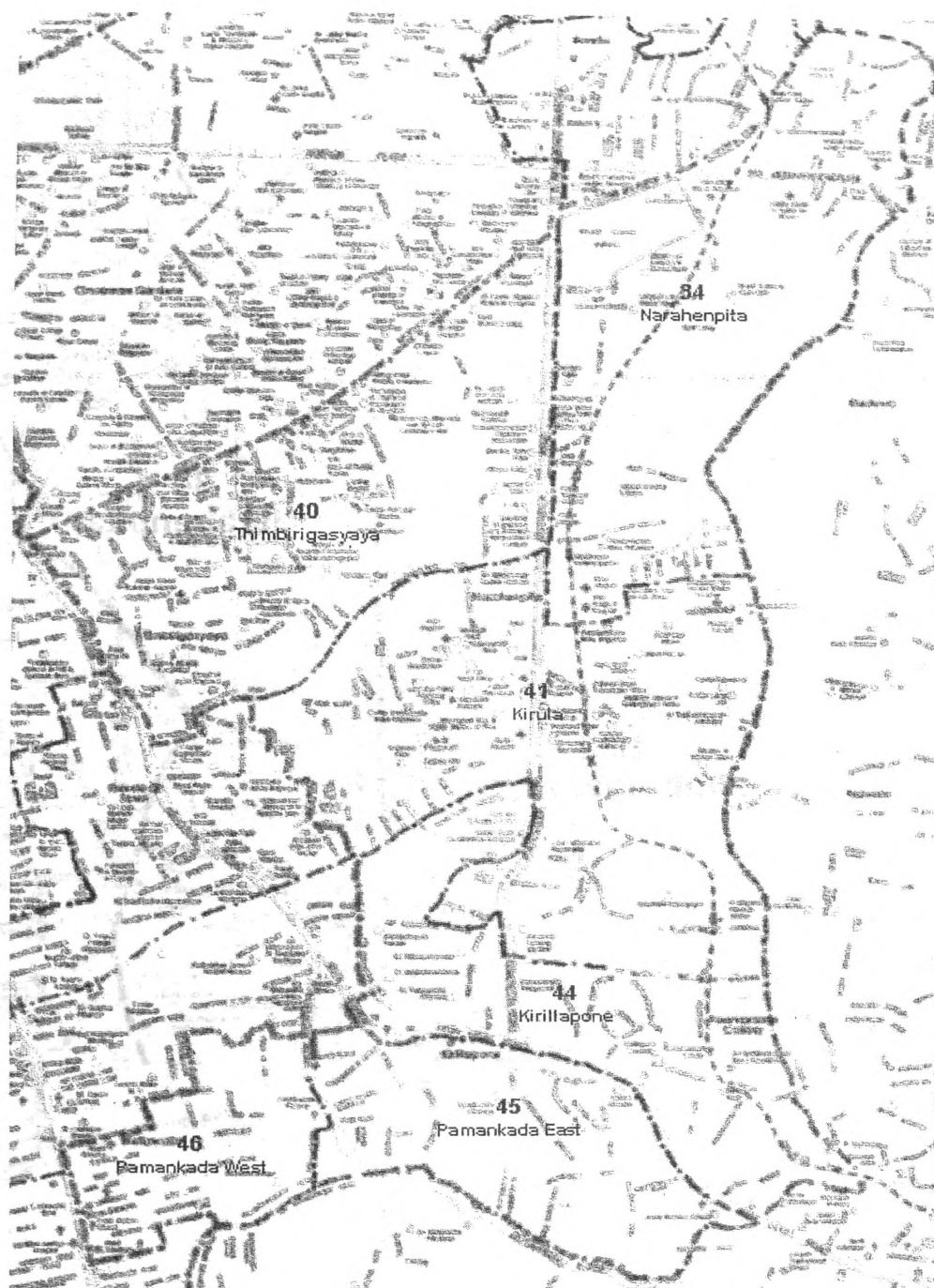
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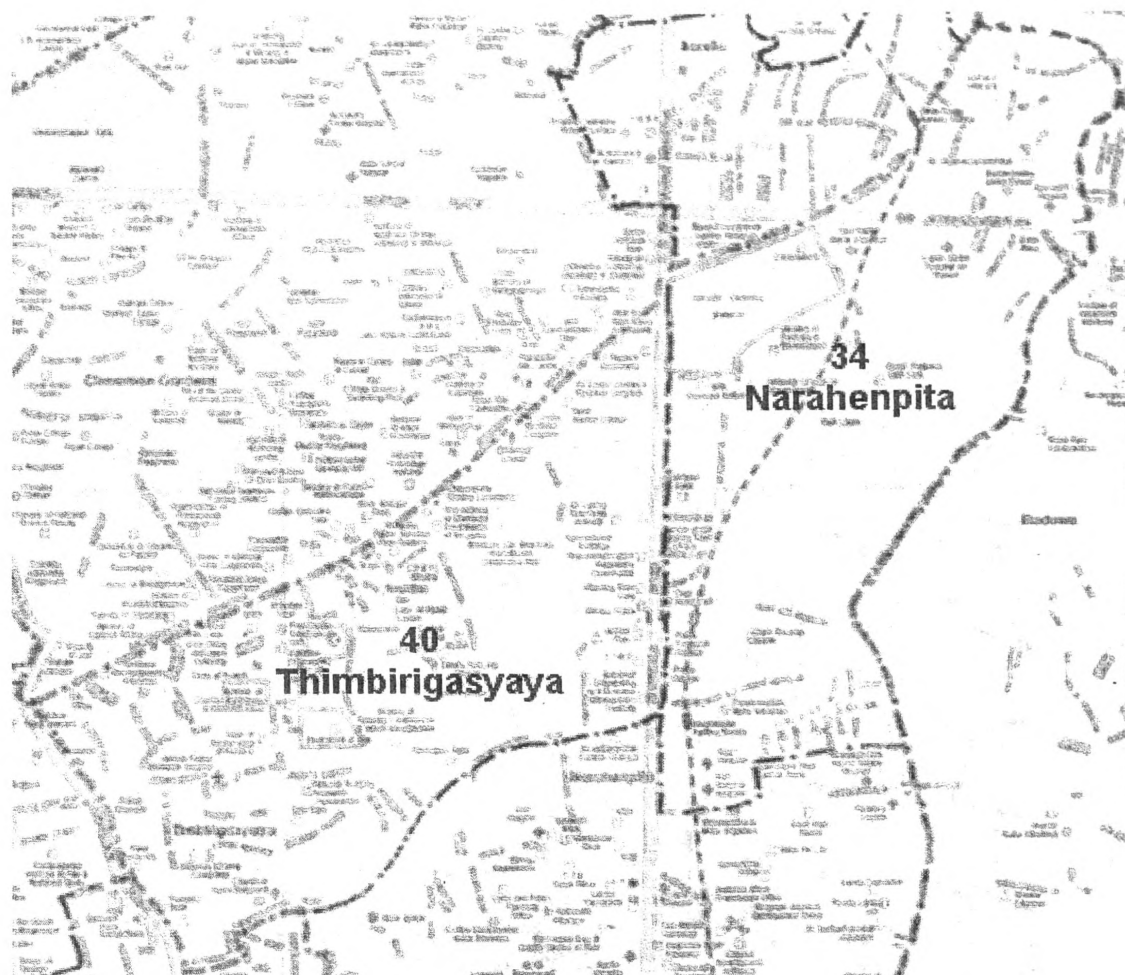
CINNAMON GARDENS

Annex - D1



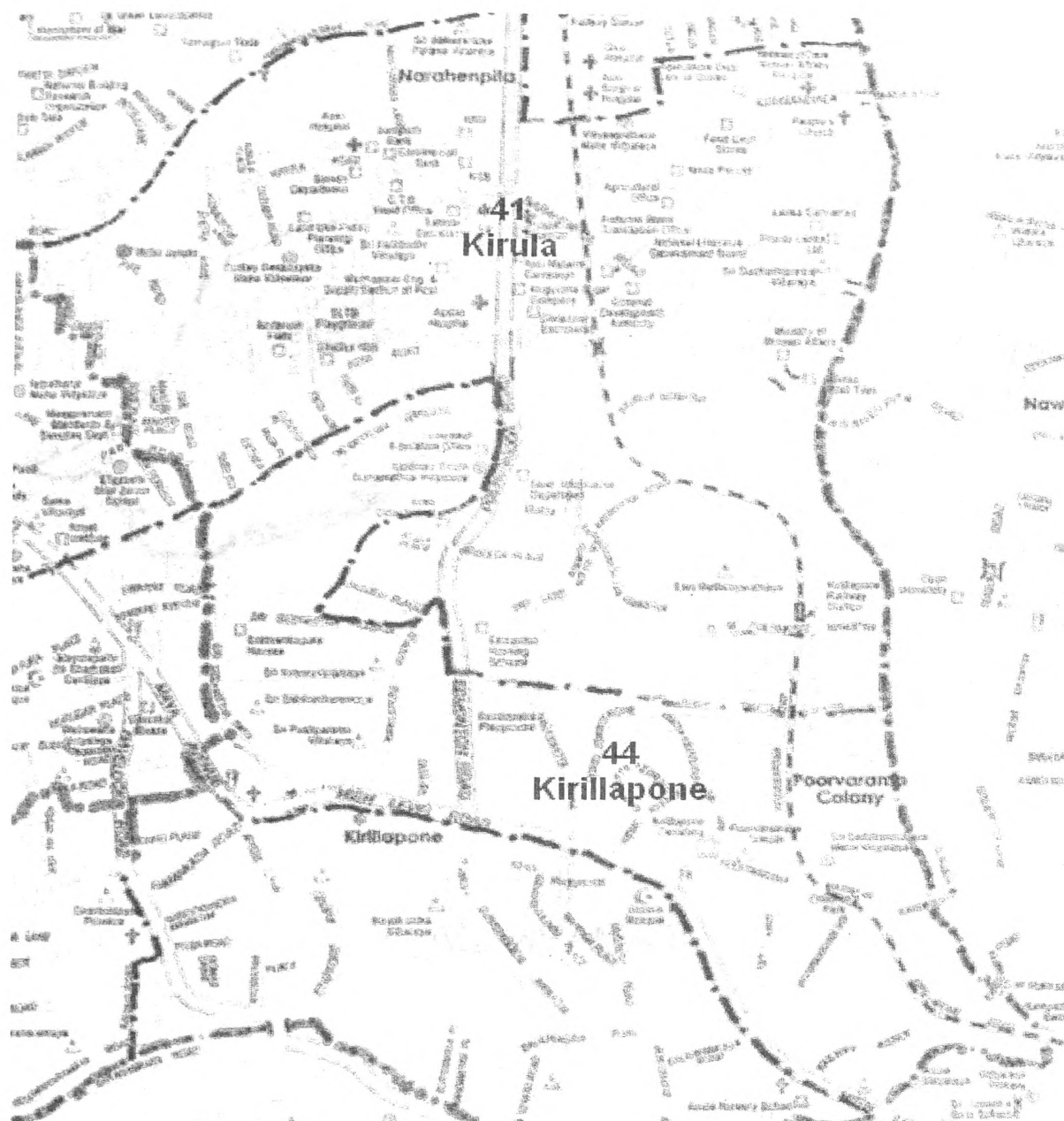
COLOMBO EAST
ELECTORATE NO.04

Annex - D2



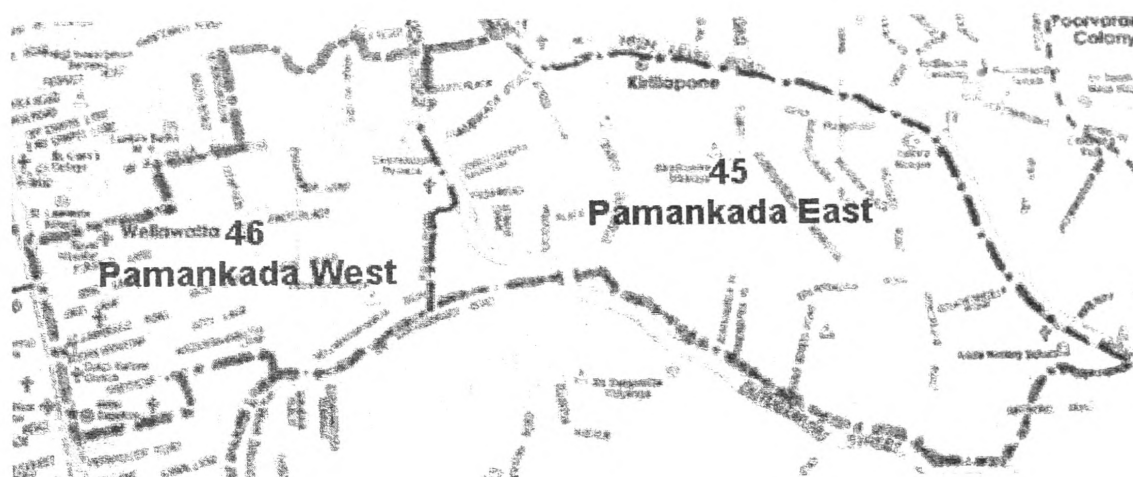
NARAHENPITA & THIMBIRIGASYAYA

Annex - D3



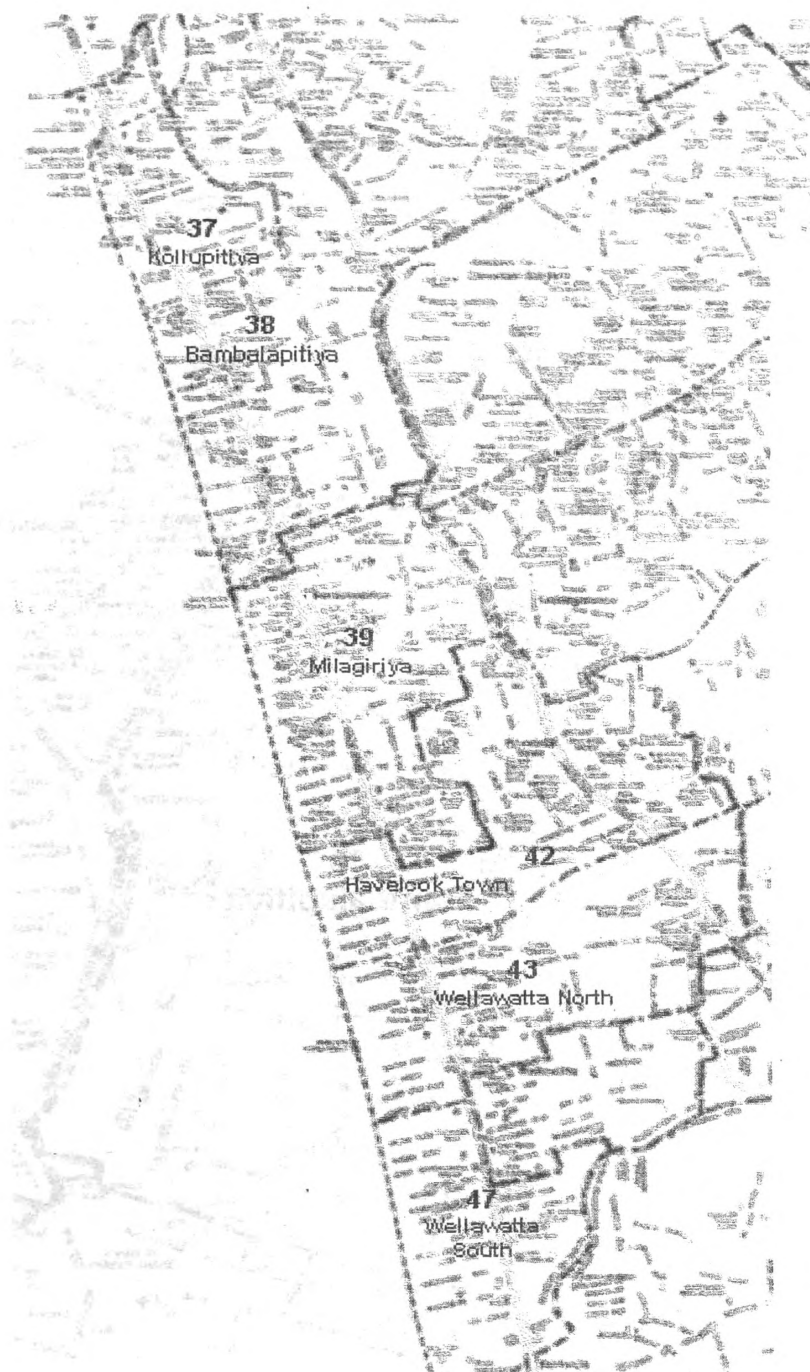
KIRILLAPONE

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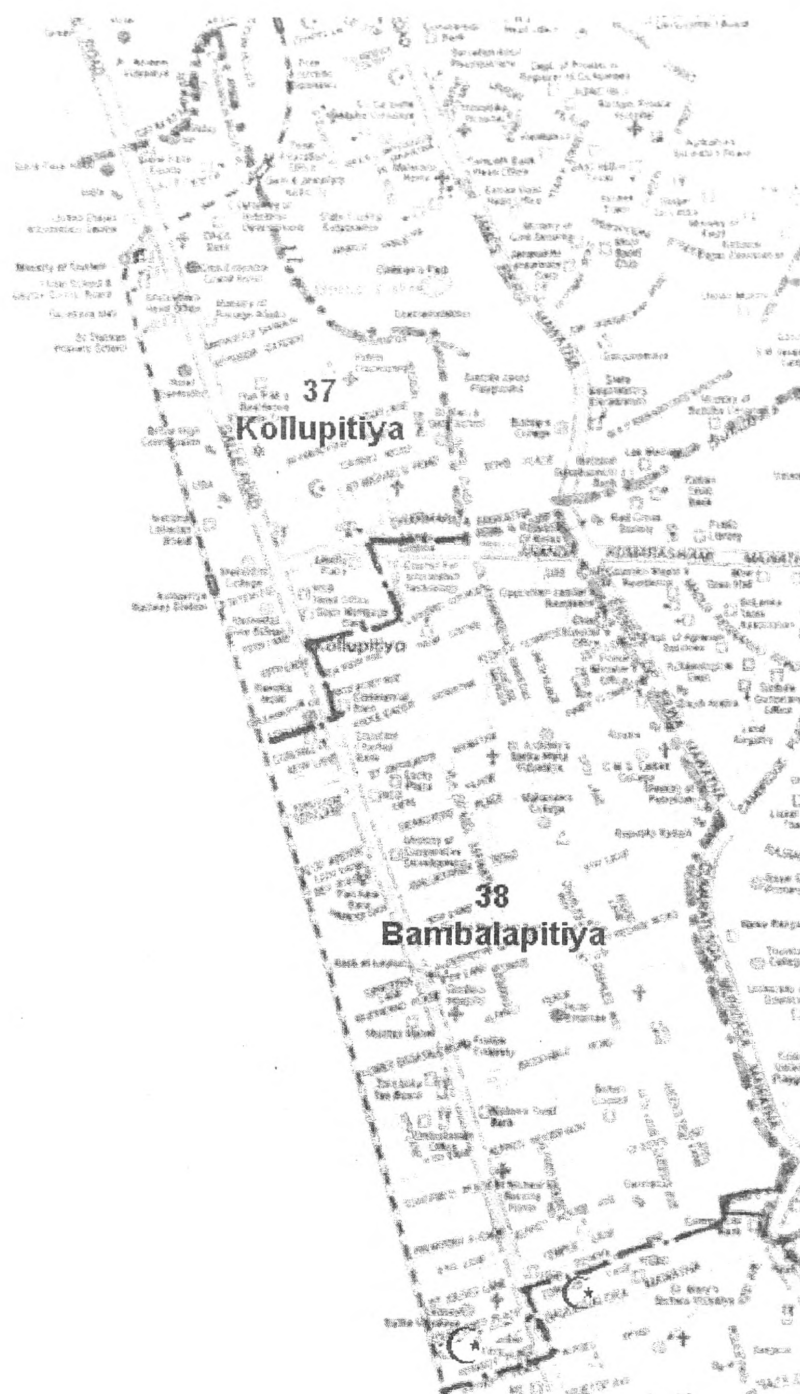
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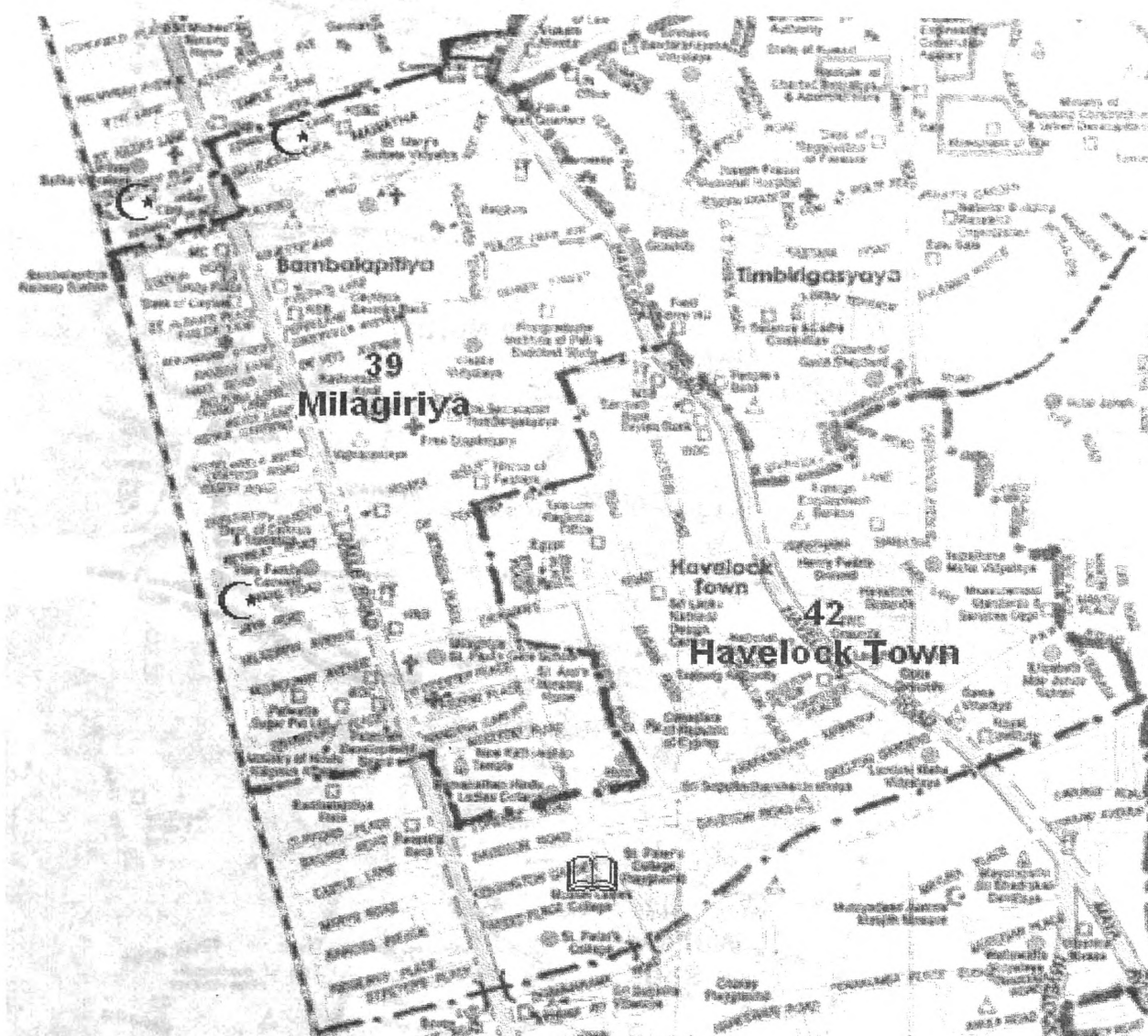
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Annex - E2



KOLLUPITIYA & BAMBALAPITIYA

Annex - E3

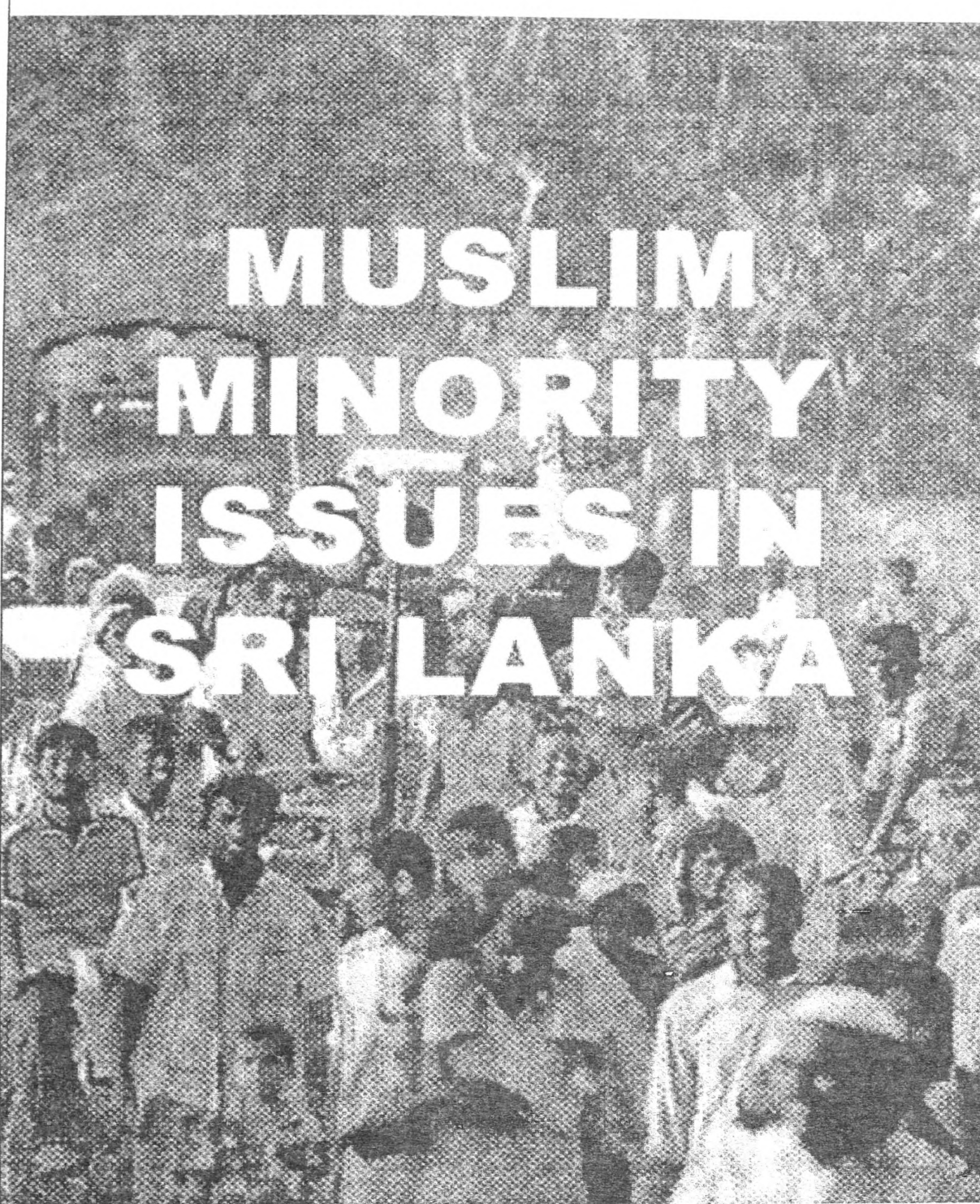


MILAGIRIYA & HAVELOCK TOWN

Annex - E4



WELLAWATTA



MUSLIM MINORITY ISSUES IN SRI LANKA

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அல்-செலான் முஸ்லிம் ஆவண நினைவுகூறு AL-Ceylan Muslim Documentation Centre
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MUSLIM MINORITY ISSUES IN SRI LANKA

M.I.M. Mohideen

04 May 2009

අල්-සෙලාන් මුස්ලිම් ලියකියවිලි මධ්‍යස්ථානය مركز السيلان لوثائق المسلمين
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INTRODUCTION

MUSLIM MINORITY ISSUES IN SRI LANKA

SRI LANKA MUSLIMS SEEK CONSTITUTIONAL SAFEGUARDS AND INTERNATIONAL SUPPORT.

Muslims of Sri Lanka, whose rights have been mercilessly trampled upon by Tamil terrorists and successive Sinhala majority governments seek constitutional safeguards and international support to protect our lives and properties in Muslim areas of historical habitation.



Today most of the Muslim Member of Parliament are Ministers and Deputy Ministers.

They have tackled Muslim issues from and within the scope of their party politics and have sidelined the Muslim issues to suit their own political agenda.

Muslims can no longer be at the receiving end losing more and more lives and properties in the most horrendous manner for no fault of ours.

There are a number of events which are occurring presently in Sri Lanka which directly affect the Muslim minorities and this is leading to unrest among the Muslim youths who simply cannot understand why the Government is not taking their concerns seriously.

If this state of affairs is allowed to continue unchecked we will have another looming problem of immense magnitude – that is, the possibility of Muslim youths taking to arms to resolve their grievances.

Al-Ceylan Muslim Documentation Centre - ACMDC has meticulously compiled authenticated documentation of the grievances of Sri Lanka Muslims as a result of Tamil militancy and discrimination by Sinhala majority Sri Lanka Government. A brief summary of Muslim minority issues in Sri Lanka is listed in this document for easy reference. For more details please visit our website: www.alceylanmuslimdc.lk

01. SRI LANKA MUSLIMS

We Muslims are proud of the fact that we are citizens of Sri Lanka, our mother land, where our racial ancestors, the Arabs originated the Sri Lanka Muslim race, more than Two Thousand Five Hundred (2,500) years ago. As people professing the religion of Islam we have been here for over 1,400 years.



Although Sri Lanka Muslims speak the Tamil Language, we are not ethnically Tamils. In Sri Lanka the Sinhalese call us “Yonaka” and the Tamils call us “Sonakar”. “Yon” and “Sonakam” means Arabia in Pali and Tamil languages respectively. We are the descendants of the people from Arabia – Arabs.

Muslims have always been loyal to the country and were in the forefront of the struggle – resisting the foreign invaders, winning back the lost freedom and consolidating the freedom won.

Muslims have fought together with the Sinhalese when Portuguese invaded Sri Lanka. Every resistant moment of Sinhalese had Muslims in their ranks. So much so that we became the target of persecution under all the colonial powers.

When the Muslims were expelled by the Portuguese from the Western coastal areas, the Sinhalese King Senarath settled the Muslims in strategically important areas of the Eastern Province to resist the invaders. These Muslims have since merged with those of the original Arab Settlers in the Eastern Province whose

ancient colony is described as “ARABITHTHA CIVITAS” in the 15th century Vatican Manuscript of Ptolemy’s Map.

The Dutch denied the Muslims even the freedom to practice our religion. For a period of roughly three centuries, between the arrival of the Portugese in 1505 and the departure of the Dutch in 1795, the Muslims in the maritime provinces underwent untold hardships at the hands of the invaders. Muslims have made great sacrifice for our homelands in the Eastern and Northern Provinces.

In the extended franchise election held in May – June 1931 for the first State Council, only the Eastern province Muslims were able to elect a Muslim to represent the entire Muslim community in Sri Lanka. It is in the Eastern province that the Muslim political right is preserved and protected

In the first Parliamentary Election in 1947, on the eve of Independence, Muslim representatives were elected for 4 of the 7 electorates in the Eastern province while the Tamils got only 3 seats. In the Provincial Council

election held on May 10, 2008 the Muslim elected 17, Tamils 11, and the Sinhalese 6 which is a clear proof that the Muslims are the unquestioned number one majority in the Eastern Province.

Sri Lanka Muslim Community of today is composed of various cultural groups. The vast majority of them are the descendants of the Arabs. The Malays who came during the Dutch period after 1640 from Indonesia and Malaya form the second largest group. Later, during the British period, after 1796, more Muslim Traders came from the Indian sub-continent, mostly from Malabar and Coromendal coasts. More recently came the Memons, Bohras and others from India, who have made their homes here and became a part of Sri Lanka Muslim Community.

The Sri Lanka population according to 1981 census, comprised Sinhalese 10,985,666, Sri Lanka Tamils 1,871,535, Sri Lanka Muslims 1,056,972, Indian Tamils 825,235, Malays 43,378, Burghers 38,236 and others 28,981 Totalling 14,850,001. Of the total Muslim population of nearly 1,134,556 about 762,551 lived in the Sinhalese Speaking area and the balance 372,005 were

living in the Tamil Speaking area – Eastern and Northern Provinces.

Because of ethnic conflict and security problems the government was unable to carry out a complete census for the whole country after 1981. The 2009 population was estimated to be about 18,000,000. Sri Lanka Muslim population 10% is 1,800,000. Muslim Population in the Sinhalese Speaking area is about 1,200,000 and the Balance 600,000 live in the Tamil Speaking Areas – Eastern and Northern Provinces.

In the last fifty or sixty years, during which Sri Lanka mounted a Constitutional struggle, you will not come across one solitary Muslim voice against the aspirations of the majority Sinhalese people. Muslim representatives did not go before Royal Commissions, nor have they gone before the International Community with accusation and sought to blacken the image of the Sinhalese people. In fact, if there is one community that could legitimately complain of being discriminated in the field of Education, Land Alienation, Colonization, Security etc. which come under the purview of the State, it could be the Muslims of Sri Lanka.

It is the Eastern and Northern Muslims who have been at the receiving end of atrocities committed by the Tamil Terrorist for not extending support for the division of Sri Lanka for the creation of the separate Tamil Elam state in the North East.

Muslims have not demanded separation nor are we terrorists. We have always stood with the people in the fight to protect the independence and sovereignty of the country. We did not change our religion to receive honours or land. We are proud of our loyalty. This loyalty we carried to the last when Dr. T.B. Jayah, in Parliament, on 9th November, 1945 speaking on the Sri Lanka Dominion Status Bill, said "When the question of Independence arises, we the Muslims will put aside all our differences and stand together with the Sinhalese" It was in appreciation of this sentiment, the late Mr. S.W.R.D. Bandaranaike said "the Sinhalese will stand for ever indebted to the Muslims for the unselfish stand they took on the question of Independence."

However, Ven. Ellawala Thero, Leader of JHU, a constituent party in the Government of President

Mahinda Rajapaksa, says that Sri Lanka is for the Sinhala Buddhist and wants the Muslims to go back to Saudi Arabia.



Due to ethnic conflict the other communities in Sri Lanka – the Sinhalese and Tamils have also suffered. But the case of the Muslims is quite different. The Government and its armed forces are providing all possible protection and relief for the Sinhalese. The Tamil Militants, the Indian government and the international Tamil Community are fully backing the Sri Lanka Tamils. But the unarmed Sri Lanka Muslims are helpless and caught napping in the unfortunate ethnic conflict.

The pattern of attacks that has been unleashed on the Muslims clearly demonstrates that there is a deliberate plan by the Tamil Militants to weaken the economic,

political and social strength of the Muslims in the Eastern and Northern Provinces, and to chase the Muslims away and make the North-East a mono-ethnic Tamil region in order to create the Tamil Ealam one day.

The Indo-Sri Lanka Accord, the 13th Amendment to the Constitution and the provisions of the Provincial Council Act have failed to meet the legitimate and reasonable demands of the Muslims. They have failed to protect our lives and properties. They have failed to recognize the different ethnic and political aspirations of the Muslims. This total disregard shown to Muslim sentiments brings to surface one important political truth – that is the Government has little or no concern about the safety and security of the Muslim people.

Although patronizing remarks and promises are being made by the Sinhalese and Tamil political leaders, in the actual exercise of power, every effort appears to have been made to cripple and destroy the rights and privileges of the Muslims. The Muslims should consider more seriously the present trend and take immediate steps to safeguard their legitimate rights in an appropriate manner. If proper safeguards are not secured now, it would amount to be the

biggest betrayal of not only the present generation but also those yet to be born in Sri Lanka as Muslims in the future.

02. GENOCIDE OF MUSLIMS

Hundreds of Muslims – men, women and children have been killed and injured in the Eastern and Northern Province of Sri Lanka by the Tamil terrorist. Since the signing of the Indo-Sri Lanka Accord on 29th of July 1987, more than 100,000 Muslims have been forced to leave their homes and billions of Rupees worth of properties belonging to the Muslims have been pillaged and destroyed by the Tamils.

Violence against the Muslims of the East began in 1985 and still continuing. The perpetrators were the Tamil militant groups - the LTTE, EPRLF and TELO. The killings went on even when the IPKF was stationed in the North East between July 1987 and March 1990. The Muslims saw the IPKF as being pro-Tamils and anti-Muslims.

After the formation of the Provincial Council for the merged North eastern Province in 1988, the Tamil National Army (TNA) formed by the pro-Indian ruling Tamil party, the EPRLF, and trained by the IPKF, attacked police stations in the Muslims areas and murdered “hun

dreds” of Muslims. Other Tamil militant groups like TELO and ENDLF also participated in the anti-Muslim pogroms.



In October 1990, the LTTE ordered the 65,000 Muslims lived in Jaffna and other Northern districts to quit in just 24 hours. They had to leave with nothing but the clothes they were wearing.

While Jaffna was “ethnically cleansed”, the harassment of the Muslims in the Eastern districts continued unabated.

Muslim Civilians Killed in the Eastern Province by the Tamil Terrorist.

- 26 Muslims were killed at Ottamawadi in December 1987
- 41 Muslims were killed at Karaitheevu in November 1987
- 35 Muslims were killed at Kinniya in April 1987
- 52 Muslims were killed at Mutur in October 1987
- 21 Muslims were killed at Sammanthurai Mosque in April 1989
- 67 Muslims were killed at Valaichchenai from April 1985 to July 2002
- 67 Muslims were killed at Kattankudy in December 1987
- 168 Muslims were killed at Kattankudy in July 1990
- 147 Muslims were killed at Kattankudy Mosque in August 1990
- 58 Muslims were killed at Akkaraipattu in July 1990
- 14 Muslims were killed at Kattankudy Mosque in July 1990
- 13 Muslims were killed in November 1989
- 19 Muslims were killed at Alimnagar in August 1990
- 126 Muslims were killed at Eravur in August 1990

- 53 Muslims were killed at Ambalanthurai in August 1990
- 23 Muslims were killed at Sainthamaruthu in September 1992
- 15 Muslims were killed at Addalachchenai in May 1990
- 37 Muslims were killed at Pallitthidal, Akbarpuram in October 1992
- 200 Muslims were killed at Kalmunai, Akkaraipattu and Pottuvil in June 1990
- 33 Muslim farmers were killed at Ampara in August 1990
- 147 Muslims were killed at Alingippottanai in April 1992
- 30 Muslims were killed at Pottuvil in June 1991

On Friday the 28th June, 2002; Valaichenai Pradeshiya Sabha Office was set on fire and destroyed. In the grenade attack on Muslims returning from Friday “Jummah” prayers, 7 were injured – 2 critically. Additional troops and Special Task Forces were Airlifted after the mortar shells were fired and grenades were hurled at the Muslims by the Tamils. The Batticaloa and Ampara District were placed under curfew.

On Sunday the 30th June 2002, two bodies were found by the police in Kalmadu Village in Valichenai. They were the two Muslim cooks who went to the house of a Tamil in Valichchnai, on Wednesday the 26th June, to prepare the wedding meals. The LTTE cadres have abducted the two Muslims killed and buried them in a shallow pit in the paddy field. The father and few members of their family went to identify the bodies. After the post-mortem, the police loaded the dead in a tractor trailer to be taken for the burial according to Muslim rites. But the LTTE cadres with arms objected the removal of the bodies and insisted the burning of them in-situ. The Army Major Hettiarachi contacted the Head Quarters and he was given the orders to leave the bodies and avoid any confrontation with the LTTE. Then the LTTE cadres put the bodies on a heap of tyres and burned them in front of the Army and Police and destroyed all evidence of the horrendous human rights violation of the LTTE.

Muslims have realized that there is a well-planned conspiracy by the Tamils to chase the Muslims away and make the North-Eastern Province a mono-ethnic Tamil region in order to create a Tamil Ealam one day. Although patronizing remarks and promises have been made by the Tamil leaders, in actual practice every effort is being made to cripple and destroy the legitimate rights of the Muslims. It is therefore an absolute necessity for the Muslims in the Northern and Eastern Provinces to take independent measures to protect their lives and properties.

03. MASSACRE OF MUSLIMS IN MUTHUR – TRINCOMALEE DISTRICT

At least 200 Muslim youths have been abducted in Muthur on Friday the 04th August 2006. Thousands of fleeing civilians including children, pregnant mothers and the elderly who have been subjected to virtual starvation for over forty eight hours as a result of attacks on Muthur both by the government forces and the LTTE, were forcibly diverted to Kiranthimunai, off the 64th milepost on the Muthur – Kanthalai Road.



The Muslims while running for their lives suffering with hunger and thirst were also attacked by the LTTE on the way. The women and elderly were tortured and the youngsters were separated and murdered. The people remained in the local camps in Muthur too were faced with untold hardships and were suffering without proper amenities to eat, dress or sleep.

Since Muthur was totally surrounded by LTTE, the town could not function normally. Business came to stop. People did not have means to acquire their daily food, children suffered without milk, patients both from the hospital and the casualties suffered without treatment. The Muslims had to struggle for their mere existence.



The Muslims while running for their lives suffering with hunger and thirst were also attacked by the LTTE on the way. The women and elderly were tortured and the youngsters were separated and murdered. The people remained in the local camps in Muthur too were faced with untold hardships and were suffering without proper amenities to eat, dress or sleep.

If Muthur happened to be a predominantly Sinhala town, the approach to flush out the LTTE would have been different. Likewise, the LTTE also would have used different tactics if Muthur was a Tamil populated area. In this sense, both the government and the LTTE did not care too hoots for the inhabitants who were largely Muslims. It was therefore easy for them to engage in absolute warfare and not think about Muslim civilians getting caught in between.

Internally Displaced Muslim - IDPs from Muthur, Thoppur & Palaththoppur

During Ethnic cleansing of Muthur by LTTE - 01 - 08 August 2006

Displaced Population	Displaced Families	Male	Female	Children	Injured	Pregnant Mothers	Feed Mothers	Widows on kida	Death	Missing
39,648	9,920	14,666	16,283	4,685	413	955	1,277	25	33	7

04. MUSLIMS HACKED TO DEATH IN POTTUVIL – AMPARA DISTRICT

Ten Muslim civilians hacked to death on Saturday – 16th September 2006 near the Radella tank in Pottuvil created tension and fear among the Muslim population. The government blamed the LTTE for this brutal killing but the civilians suspect the Government Special Task Force (STF).



According to reports from the area the victims were found blindfolded, hands tied and hacked to death in a vicious and brutal manner in close proximity to the Panama Army camp, which was said to be an area with no jungle. This area is fully under the control of the security forces so there does not seem the likelihood of the LTTE entering this area.

05. DENIAL OF CONSTITUTIONAL RIGHTS

1. Language of Administration in the Eastern Province

Section 22 (1) of the Constitution of the Democratic Socialist Republic of Sri Lanka states that the Tamil Language shall be used as the Language of Administration and for the maintenance of Public Records and the transaction of all business by public institutions in the Northern and Eastern Provinces.

But most public institutions, particularly the police stations in the Eastern Province, still continue to administer and maintain public records in Sinhala and not in Tamil Language as provided in the Constitution.

2. Government Agents – District Secretaries in Muslim Majority Districts

Ampara and Trincomalee Districts are the only Muslim Majority Districts in Sri Lanka. But these Districts never had Muslim District Secretaries - GA

3. Location of Kachchery in Sinhalese Area for the administration of Muslim Majority Ampara District

Kalmunai was the administrative centre for areas down South of Batticaloa before the formation of Ampara District in 1963. More than 65% of the population of Ampara District live in the coastal area from Maruthamunai to Panama. Kalmunai is also the main town in this area.

The present location of the Kachcheri in Ampara is quite out of the way and not in the best interest of the majority of the Tamil speaking peoples of the area.

4. Sinhalese Areas attached to Muslim Majority Districts

Bintennapattu was originally a part of the Uva Province, and later it was in the Batticaloa Electorate but administered by the Uva Province. Although the Delimitation Commission of 1959, it was joined with Ampara Electorate, it continued to be administered from the Uva Province - Moneragala. However the Commission reported in para 109 that "The best solution for the problem of Bintenna Pattu appears to us to rejoin it to the Uva Province".



No.	D.S. Division	Total Popula. 2007	District %	Land Available sq. km	Land Eligible sq. km	Sinhalese		Muslims		Tamils	
						2007	%	2007	%	2007	%
	Binthanapattu										
18	Dehiyattakandya	55930	9.16	432.50	406.01	55716	99.6	116	0.2	87	0.2
19	Pathiyathalawa	16451	2.69	466.37	119.42	16365	99.5	50	0.3	28	0.2
20	Maha-Oya	17801	2.91	600.00	129.22	17753	99.7	36	0.2	12	0.1
Total		90182	14.7665	1498.87	654.65636	89834	99.6	202	0.2	127	0.1

06. DENIAL OF RELIGIOUS AND CULTURAL RIGHTS

1.Sinhalese Force Madhrasa Closure

A group headed by more than seven (7) Sinhala Buddhist Monks entered Ampitiya Usman Quran Madhrasa in Kandy on Saturday March 21, 2009 and wanted the Imam to vacate the Madhrasa immediately and warned that his failure to do so would result in his being forced out from the place and the building demolished to the ground. This Madhrasa has been registered with the Muslim Cultural Department and there were no objections to this Madhrasa conducting religious classes and prayers till this incident.

2.Slaughtering of Cattle for Halal Food

“The Slaughtering of Cattle by Muslims in Sri Lanka has been a problem in the recent past. The fact that slaughtering of cattle is a religious right conferred in the Constitution of this country is violated by the Sinhala Buddhist majority community. Muslims are subjected to harassment and violations of their fundamental rights. Various methods are adopted to remove the existing constitutional rights of Muslims relating to Cattle Slaughtering for Halal Food.”

07. DENIAL OF LAND RIGHTS

1. Muslim Lands unlawfully occupied by Tamil Terrorists

LTTE – Tamils forcibly occupied more than 63,000 Acres of Agricultural Land belonging to nearly 15,000 Muslim families in the East. Tamil militants are also unlawfully occupying lands belonging to Muslim religious and cultural organizations – 1,560 Acres in Thirukkivil and ‘Timitar’ Komari in Pottuvil – the properties in Rasool Estate in the custody of the Department of Public Trustee in terms of Case No. 304/T.

2. Muslim Lands Forcibly Occupied by the Tamil Terrorists in the Eastern Province

District	DS Division	Cases	Extent		
			A	R	P
Ampara	1. Pottuvil	730	2592	3	-
	2. Akkaraipattu	660	1785	3	23
	3. Addalachenai	329	1072	3	34
	4. Oluvil/ Palamunai	176	559	1	30
	5. Ninthavur	583	2349	-	10
	6. Sammanthurai	529	2513	-	22
	7. Irakkamam	428	2092	-	32
	8. Kalmunai	280	1433	1	33
	9. Maruthamunai	496	2365	1	30
Total		4211	16764	1	14

Batticaloa	1.Kattankudy	449	4231	1	12
	2.Eravur	2263	12784	3	34
	3.Oddamavady	1856	8710	1	37
	4.Valaichenai	907	3086	1	30
	Total	5475	28813	-	33
Trincomalee	1.Kinniya	2252	7209	2	6
	2.Mutur	992	2577	-	36
	3.Thopur	912	4617	2	17
	4.Pulmoddai	566	1344	3	25
	5.Morawewa	464	1343	1	22
	Total	5186	17092	2	26
EASTERN PROVINCE TOTAL		14872	62670	-	33

3.Muslim Lands Forcibly Occupied by the Tamils after Ethnic Cleansing of Muslims in October 1990 from the Northern Province

District	DS Division	Cases	Extent		
			A	R	P
Mannar	1.Mannar	2,033	3,623	3	12
	2.Musali	2,966	11,700	3	6
	3.Manthai west	931	4,402	2	16
	4.Madu	417	2,825	1	15
	5.Nanattan	253	681	-	11
	Total	6,600	23,233	2	20
Jaffna	1.Jaffna	1,177	245	-	17
	2.Chavekachcheri	44	21	3	35
	3.Island south	28	65	1	-
	4.Vadamarachi north	2	1	-	10
	5.Valikamam south-west	3	-	3	6
	6.Valikamam north	2	14	-	20
	Total	1,256	348	1	8

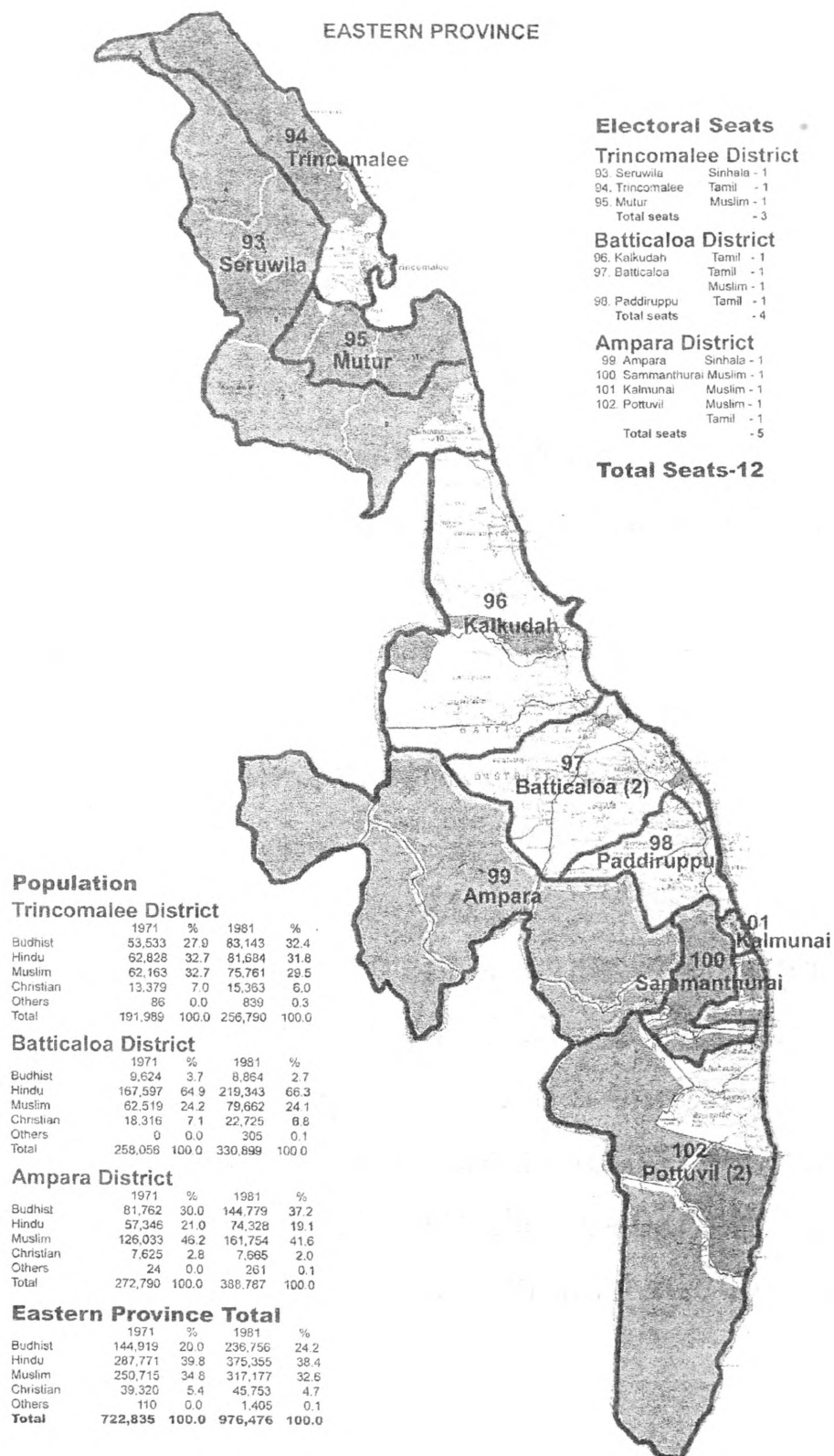
Kilinochchi	1.Poonakari	114	283	3	25
	2.Karachchi	151	233	1	29
	3.Pachchilaipalli	7	8	-	10
	Total	272	525	1	24
Mullaitheevu	1.Maritimepattu	978	1,095	-	22
	2.Puthukudiyiruppu	16	53	1	12
	Total	994	1,148	1	34
Vavuniya	1.Vavuniya south	870	3,795	1	2
	2.Venkalachchettikulam	1,066	1,327	1	20
	Total	1,936	5,122	2	22
NORTHERN PROVINCE TOTAL		11,058	30,378	1	28

4.Allocation of Land Areas in the Demarcation of Local Government and Administrative Units.

The 1976 Delimitation Commission demarcated Seruvila Electorate covering 700 sq. miles out of the 1048 sq. miles for the 24% Sinhalese in Trincomalee District. The land area for the 76% Tamils and Muslims was the balance 348 acres.

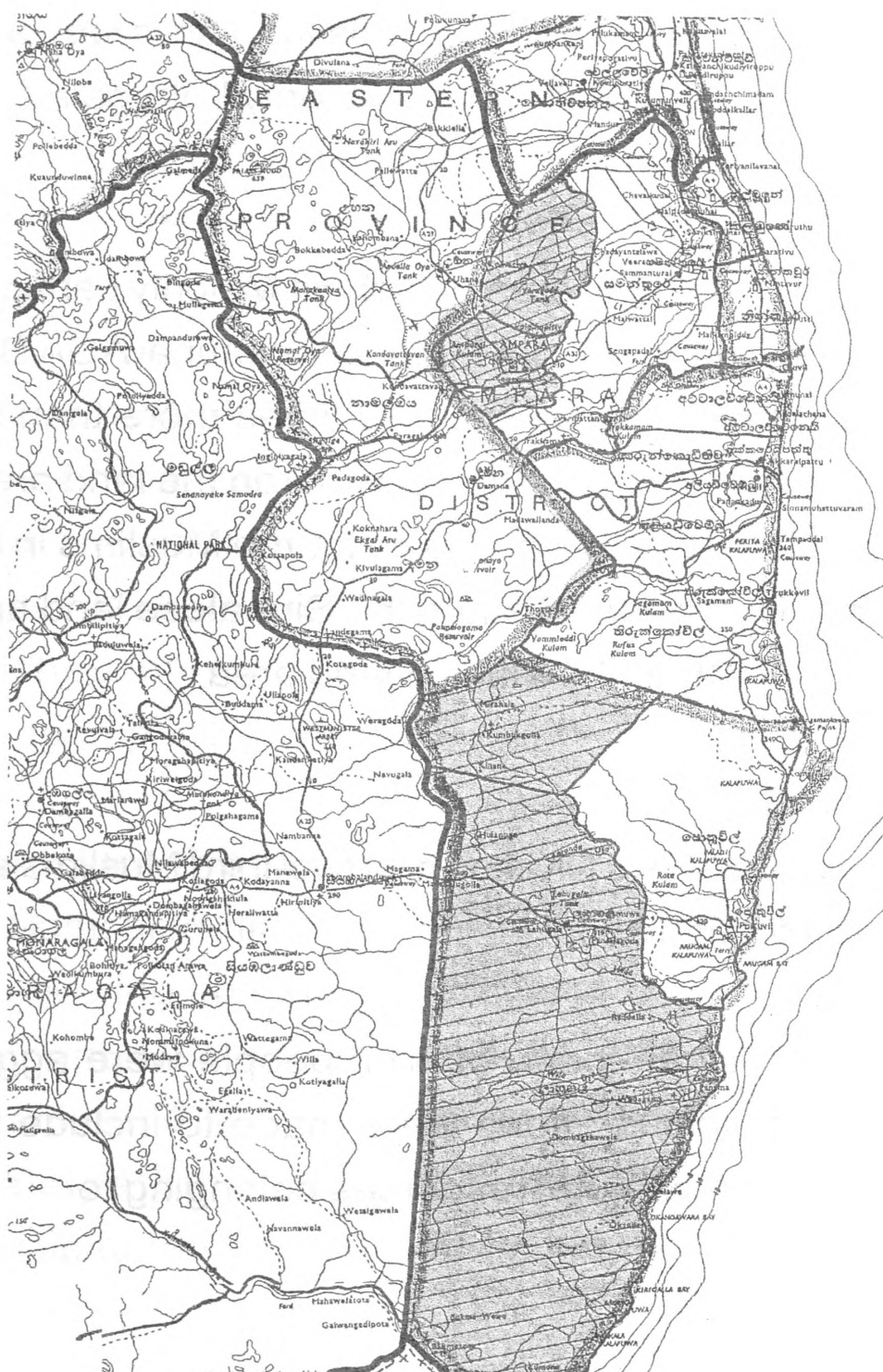
According to 1971 censuses, the population of Ampara District - 47% Muslims, 30% Sinhalese, and 23% Tamils. The Ampara Electorate created for the newly settled Sinhalese under the Gal Oya state aided colonisation is 880 sq. miles. With the 370 sq. miles allocated for the Lahugala and Damana AGA Division the 30% Sinha

lese were given 1,250 sq. mils - 70% Land area, where as the 70% Tamils and Muslims are left with only 30% of Land area - 525 sq. mils.



5.Pottuvil

Sinhalese Encroachemnts in Predominants Muslim DRO Divisions in Ampara District



Former Muslim Majority Panamapattu DRO Division, 472 sq. miles, population 26,916. When redemarcating the new Administrative Divisions 19,831 - 74% Muslim Majority Pottuvil AGA Division was given only 22% - 103.9 sq. miles and the balance 78% - 368.2 sq. miles land area was allocated for the 7,085 - 26% Sinhala Majority Lahugala AGA Division.

When compared the land area of Sinhala Majority Lahugala AGA Division with the Muslim Majority Kalmunai AGA Division, the Sinhalese are having 208 times more than the land area of the Muslims. When compared the land areas for the Sinhalese with the land area for the Muslims in the Muslim Majority Ampara District, the Sinhalese land area is 13 times more than the Muslim land area.

6.Akkaraipattu

The Akkaraipattu AGA's Division had two-third Muslims and one-third Tamil population.

Grievances of Akkaraipattu Muslim people were aggravated when malicious efforts were made to include the legitimate land and natural resources belonging to

the Muslim people with Tamil majority Alaiyativembu AGA's Division.

Akkaraipattu DS Division and Alayativembu DS Division were created without correct definition of the area of administration and the relevant Grama Sevaka Divisions falling within the respective DS Divisions. The situation continues to remain unsettled.

7.Sammanthurai

In the Sammanthurai Muslim Majority DRO Division, nearly 65 sq. miles of land area covering the Hardy Institute, Ampara Tank, the Town area and Komari have been encroached by the Sinhalese and attached with the Wewagampattu – Sinhala Majority Uhana AGA Division.

8.Batticaloa District

The Batticaloa district consists of 14 Pradesiya Sabhas and covering an extent of 2633 sq. km. There are 4 predominant Muslim DS divisions and the land area – Kattankudi 3.4 sq. km. Eravur Town 3.89 sq. km., Koralaipaththu West (Ottamavadi) 6.84 sq. km. Koralaipaththu Central 6.50 sq. km. Total extent of Mus

lim land area approximately 20.0 sq. km., which is less than 1.0% of the total area of Batticaloa District where the Muslim population is nearly 30% today.

Serious issues have been raised by Muslims of Batticaloa on the ongoing activities of the several international organizations assisted by the Government and the Tamil Makkal Viduthalai Pulikal (TMVP) in re-settling displaced Tamils on lands owned by Muslims.

After 1985, LTTE forcibly occupied Muslim residential, agricultural and cattle farming lands – more than 35,000 acres in areas under their control. The GOSL did nothing to restore these properties owned by the Muslims on title deeds; government permits and paddy cultivation register.

9.Koralaipaththu Central

Although the Local Government Commission declared Koralaipaththu Central – the area of historical habitation of the Muslims, covering more than 240 sq. km., consisting of 11 Grama Sevaka Niladhari divisions, the boundaries have not yet been demarcated on ground.

10. Eravur

Most of the Muslim agriculture and cattle farm land owned by the Muslims situated along the Chenkaladi - Badulla – A5 Road. Today the entire area along this road has come under the control of GOSL armed forces. Eravur Muslims owned more than 12,000 acres. Arrangements are being made now to bring back the Tamils who have been unlawfully occupying Muslim lands and settle them permanently by the TMVP and the Government armed forces without any consideration of the displaced Muslims.

During the ethnic conflict 1983, 1985, 1990 etc., more than 12,700 Muslim families were chased out by the LTTE and the Tamils forcibly occupied all the Muslim lands that came under LTTE control. The GOSL did nothing to provide any relief or paid compensation for the loss of livelihood of these displaced Muslims.

Resettlement of displaced Tamils on Muslim land in Iyankuni, Meerakerni, Mitchanagar, Hidayathanagar, Thakvanagar in and around Eravurpathu Pradeshiya Sabha would further deteriorate the peaceful co-existence of Muslims and Tamils in Eravur.

11.Kattankudy Muslim Border Villages

Ollikulam, Sikaram, Karbela, Palamunai, Kankayan Odai, Keechampallam are the Muslim border villages of Kattankudi in Arayanipathu Pradeshiya Sabha. Displaced Tamils after the 'Tsunami' and GOSL military operations to flush the LTTE terrorists in the Paduvankarai Tamil villages have been temporarily settled in private lands owned by the Muslims and the Mosques. Now the TMVP with the assistance of Government Armed Forces and help from INGO's are making arrangements to provide accommodation to settle the displaced Tamils who have come from Tamil areas, permanently on land belonging to the Muslims and the Mosques, depriving the Muslims, the lands legitimately belonging to them.

12.Kuchchaveli

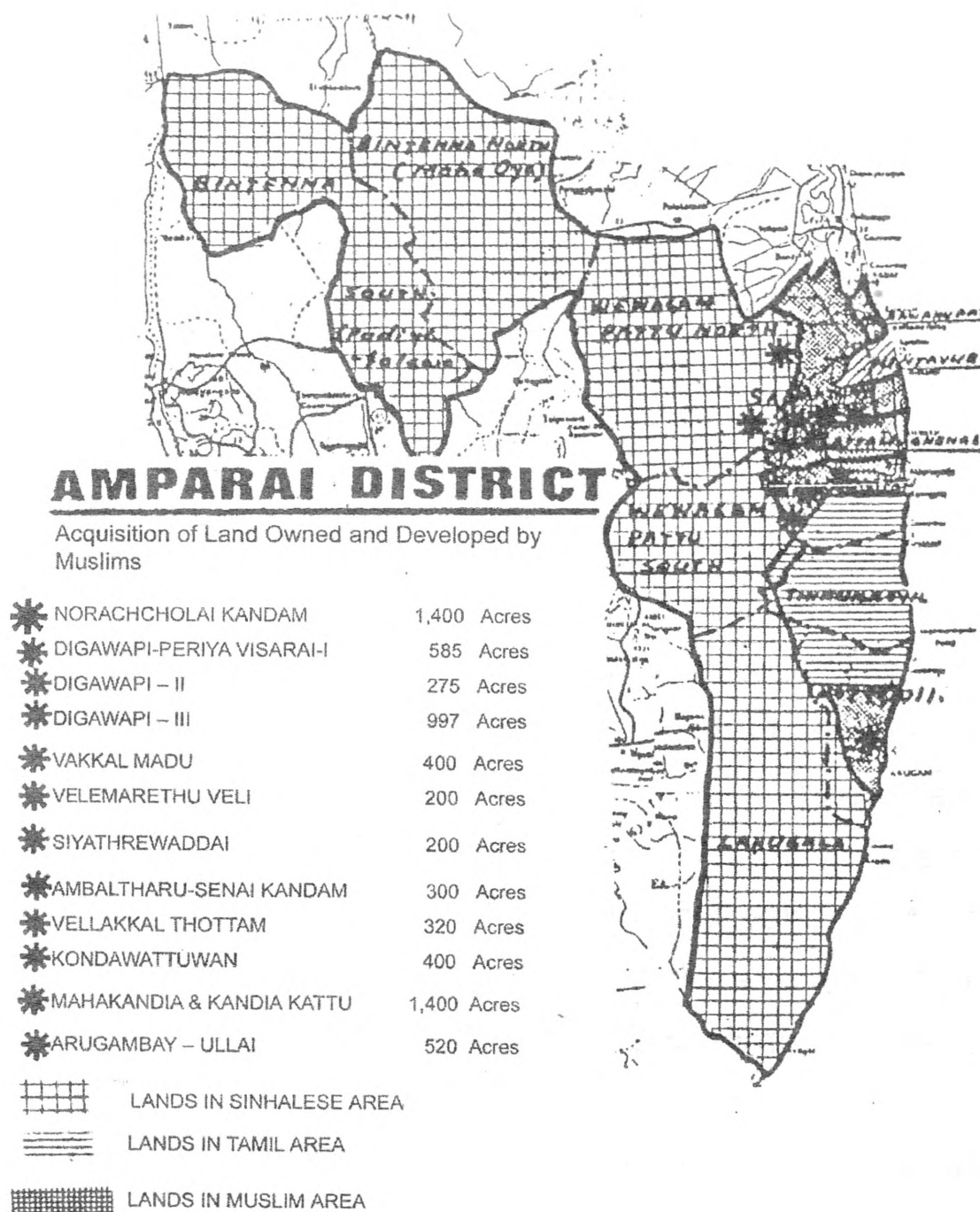
Kuchchaveli in Trincomalee district is a predominant Muslim area. Total population 29,967 and 8,058 families. 65% Muslims 19,443, 31% Tamils 9,282, 3% Christians 905 and 01% Sinhalese 337. Kuchchaveli Pradeshiya Sabha 9 members, Muslims 6, Tamils 3.

The Divisional Secretary is a Tamil in the predominant Muslim division. Total grama niladharies 24.65% Muslims are given only 7 GS but the balance 17 GS are given to the Tamils and others who are only 35%. Average population of a Tamil GS division is 250 people whereas the population in Muslims GS is around 1350 eg. Pulmoddai 31I and 31II divisions.

13.State Aided Sinhalese Colonization in Muslim Areas in Ampara District

Land Policies covering subjects such as Land Use, Land Development, Land Settlement and allied matters are of utmost importance. Land use and Settlement have come to be acknowledged in Sri Lanka as “Colonisation” in effect “State Aided Colonisation”. Colonisation has been accepted as one of the main grievances affecting the minorities – Tamils and Muslims in Sri Lanka.

1,400 acres was given to the Muslims under LDO Permit to open out the jungle and cultivate paddy. This area is about 5 miles from the predominant Muslim Village of Akkaraipattu. The Muslims developed this area at great expense even at the loss of life and limbs. They became some of the finest paddy fields in this area.



Muslims cultivating these lands on LDO permits for more than 30 years were not given ownership Title Deed by the Government.

The River Valley Development Board the successor to the Gal Oya Board, without any notice or compensation to these Muslim cultivators with LDO Permits, handed over the whole area to the Sugar Corporation. They sent the Bull-dozers to destroy the paddy fields and took over the land for sugar cultivation. Hundreds of Muslims were thrown out on the road.

The land taken over chasing the Muslims proved a dismal failure for sugar cultivation. One thousand four hundred acres of fertile paddy fields were reduced to shrub jungle. The Government had settled Sinhalese brought from outside instead of giving the land back to the Muslims who developed these lands on LDO Permits or to their dependants.

Similarly Muslims who developed the State land with LDO Permits have been chased out from Velamarethveli Kandam, Ambaltharu Kandam and Ambalam Oya Kandam, Chenai Kandam. Total land from which Muslims have been chased away with their LDO Permits (and given to Sinhalese brought from outside) amounts to more than 7,000 acres.

The Sri Lanka Sugar Corporation at Ingurana, Gal Oya Tile Factory under Ministry of Industries at Irrakkamam. The River Valley Development Board – the successor to the Gal Oya Development Board, took over the fertile paddy fields of the Muslims without due regard to the provisions of the law relating to acquisition of land. This has resulted in the Muslims not getting alternate land or compensation.

14. Muslim Lands Forcibly Colonized by Sinhalese in Trincomalee District

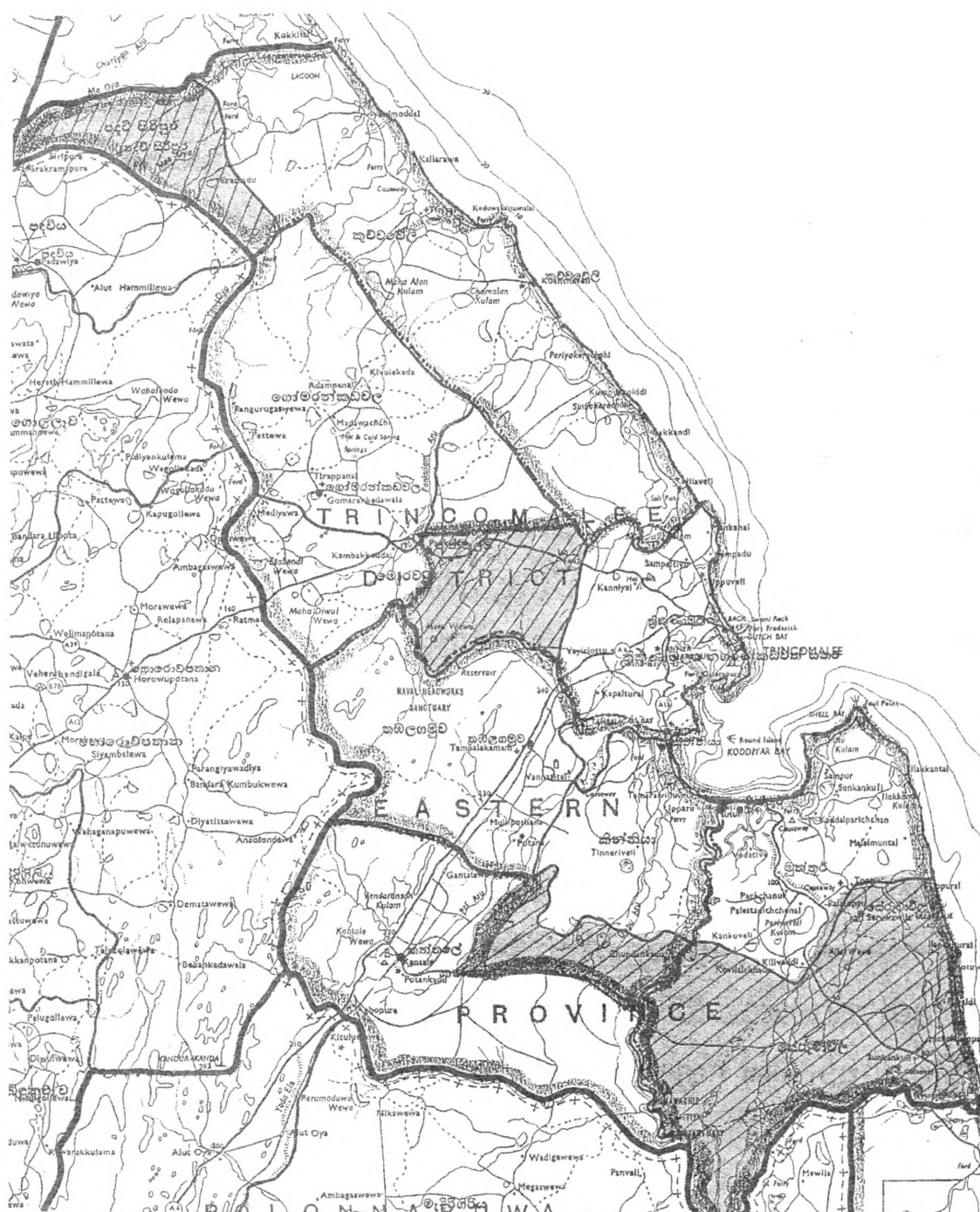
The Battukachchi area which is presently called Akbarpuram were earlier pasture land of the people of the area. Here also they chased the Muslims and colonized with Sinhalese. Even now there is a Mosque and a Muslim school. When Kanthalai Sugar Corporation was established in 1958, more Sinhalese came in and occupied land along Alakantalai Road, depriving the lands of the Muslims. Kantalai, Pottanaikadu, Peraru are few of the purana Villages of the Muslims and Tamils which are now being occupied by the Sinhalese. Prior to 1965 the Local Government Village Council Chairman was a Muslim.

Kinniya which is the largest Muslim Village in Trincomalee has a population of 60,000. The poor landless farmers who lost their purana lands to the Sinhalese under Kantalai Colonisaton Scheme, started clearing their immediate neighboring jungle at a place called Vanaru. About 10,000 acres of land had been occupied by more than 3,000 Muslim Farmers from the villages in the area – Vanaru, Sundiaru, Maniarasankulam, Savaru, Kalaruppu, Valamadu, Vannathipalam, Katukuli, Naduluthu etc. In 1967, the Government introduced a scheme called Kusumangada Vanala Scheme and started chasing the Muslims who were in occupation of the land at Vanaru. It was during this time that a Police Station was opened at the heart of the jungle called Van-Ela Police Station to chase away the Muslims to were in occupation of the land and to help the Sinhalese to take possession of the lands developed by the Muslims.

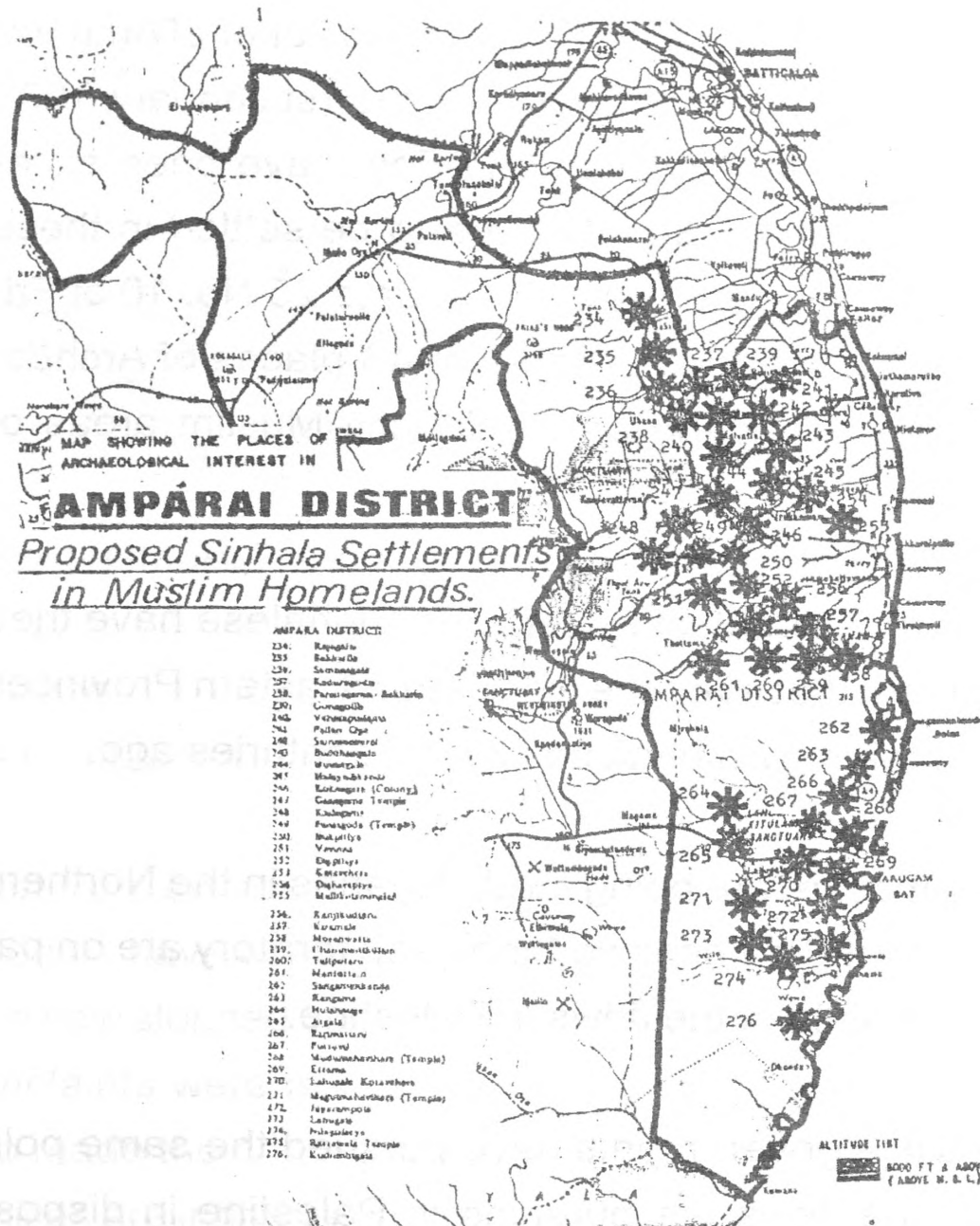
The lands owned by the Muslims are now forcibly occupied by the Sinhalese. There is serious discrimination in Trincomalee Kachcheri. Annual Temporary LDO Permits were not renewed for the lands cleared and cultivated by the Muslims. But new Permits are issued

to the Sinhalese who suddenly come and occupy the developed land of the Muslims. Muslims are thrown out without any compensation or alternate land.

Sinhalese Encroachment in Predominants Muslim and Tamil DRO Divisions in Trincomalee District



15. Muslim Lands Forcibly Occupied in the Name of Buddhist Religion



Adding insult to injury action are still continued to deprive the Muslims from even the 15% of the land holdings in Ampara District. It is sad to observe that these actions are being contemplated in the name of religion ad culture. Certain areas where Muslims have been

living traditionally have been already earmarked as places of Archeological Interest. The Commissioner of Archeology has stated in the "Silumina" on the 1st January, 1984 that 273 sites in the North and East have been excavated and Sinhala Buddhist are to be settled in these places. According to Hansard Volume 25 No. 10 of Friday 7th October, 1983, there are 43 places of Archeological Interest in the predominantly Muslim areas of Ampara District.

Some of the Buddhist Priests and Sinhalese have tried to make out that even the Northern & Eastern Provinces were peopled by Sinhalese several centuries ago.

The claims that are being made to lands in the Northern and Eastern Provinces as Sinhalese territory are on par with the claims of the Jews in Palestine.

Successive governments have pursued the same policies as the Jews are pursuing in Palestine in dispossessing the Arabs of their land and driving them from their homes. Today we find a frantic search for Buddhist shrines, not for the love of Buddhism but to chase away the Muslims from their lands.

08. DENIAL OF SECURITY FOR MUSLIMS



1. Para Military Forces harassing Muslim civilians

Law enforcement authorities in many parts of the Eastern province are allegedly turning a 'blind eye' to the continuous complaints made against terrorists.

Apart from encroaching lands belonging to Muslims, the terrorists have commenced taking ransom. Most victims have now stopped complaining to the police because when complaints were made to the police the details of those who made the complaints were leaked. As a result these families are intimidated and harassed.

All previous governments have failed to take meaningful measures regarding Security for Muslims.

The Kurangupanchan GS Division is about 20 sq. km in extent and 15 km South of Kinniya town. After the floods in 1957 the Muslims started to settle here.

More than 255 Muslims families lived in Kurangupanchan up to 1990. As a result of the ethnic violence in 1990 the Muslims in Kurangupanchan village were forcibly displaced and moved to Kinniya. Soon after the ceasefire agreement between the GOSL and LTTE in February 2002, the Muslims went back and started paddy cultivation in their fields in Kurangupanchan and started resettling in their own lands. They renovated the Mosque as decided at a meeting held on 11.06.2003, LTTE chased the Muslims families and put up a military camp in the Mosque building and the LTTE forcibly occupied the areas of historical habitation of the Muslims in the Government controlled area.

After the taking over the East by the Government Armed Forces, the military camp still remaining in the mosque and the displaced Muslims not resettled, yet.

09. ETHNIC CLEANSING OF MUSLIMS

Eighteen years ago more than 72,000 Muslims in the Northern Province were forcibly expelled by the LTTE during the fourth week of October 1990. The LTTE announced over the loudspeakers through the streets of Muslim areas in the Northern Province that the Muslims must leave their homes, leaving all their belongings or face death at the hands of the LTTE. The ultimatum in many places was 48 hours, but the Muslims of Jaffna were given only two hours.

The government security forces stationed in the North made no attempt to prevent the ethnic cleansing of Muslims. Human Rights Organisations some of which were working here made very little effort to prevent the forcible eviction. Today more than 150,000 Muslim men, women and children are undergoing untold hardships in the refugee camps in North Western, North Central and Western Provinces.

Details of the forcibly displaced Muslims from the North who are languishing in the following districts – year 2002

<u>Districts</u>	<u>Families</u>	<u>Peoples</u>
Puttalam	15,500	74,140
Anuradhapura	865	4,070
Kurunagala	487	2,311
Gampaha	1,050	4,725
Colombo	425	1,912
Kalutara	395	1,856
Matale	85	517
Kandy	110	517
Galle	5	23
Kegalle	32	150
Total:	18,954	90,221

The details of Muslim assets confiscated by the LTTE during the forcible expulsion in October 1990

<u>Description</u>	<u>Quantity</u>
Residential houses and properties	22,000
Commercial and Industrial establishments	2,402
Religious and Cultural Institutions	340
Agricultural Lands	39,400 Acres
Gold Jewelleries	475,000 Grams
Cattle	211,000
Motor Vehicles	320
Motor Cycles	800
Carts	750
Bicycles	4000
Fishing Boats	850
Engines (Boats)	400
Fishing Nets	1200
Refrigerators	200
Television sets	2000
Radio Sets	600



The forcibly displaced Muslims of the North are citizens of this country and their rights, freedom and privileges have to be honored as that of any other citizen of the country. The fact of displacement or the status as refugees should not be a disqualification to enjoy basic amenities of a modern and civilized living to which fellow citizens in the neighborhood are entitled.

10. MUSLIM REFUGEES

Muslim Population and Refugees of the Northern and the Eastern Provinces According to AGA Divisions.

<u>Eastern Province</u>	<u>1981</u>	<u>1987</u>	<u>Muslim Refugees</u>
Ampara District	161,754	193,797	-
Kalmunai	45,480	54,576	-
Sammanthurai	37,996	45,592	-
Ninthavur	20,716	24,860	-
Addalachchenai	20,140	24,168	-
Akkaraipattu	22,941	27,529	-
Pottuvil	13,433	16,120	-
Batticaloa District	79,662	94,939	10,225
Batticaloa Town	3,725	4,432	-
Kattankudy	26,509	31,546	-
Eravur	21,582	25,683	-
Ottamawadi/Valachchenai	27,291	32,476	10,225
Trincomalee District	49,280	87,428	49,280
Trinco Town & Gravat	7,979	9,176	5,000
Mutur	19,184	22,062	16,000
Kinniya	28,669	32,969	18,000
Thambalakamam	8,008	9,209	6,280
Kuchchaveli	2,088	2,401	2,000
Kanthalai	4,406	5,067	2,000
<u>Northern Province</u>			
Jaffna District	14,169	13,306	13,160
Jaffna Town	10,925	10,270	10,100
Chavakachcheri	601	565	560
Mannar District	30,079	37,933	13,650
Mannar Town	14,517	18,291	6,250
Musali	8,716	10,982	4,720
Nanattan	1,736	2,187	1,212
Manthai West	5,110	6,439	1,468
Mullaithivu District	3,816	5,304	3,040
Maritimepattu	2,852	3,964	2,560
Mullaithivu Town	690	959	480
Vavuniya District	6,764	8,876	4,845
Vavuniya Town & VST	2,973	3,895	2,233
Vengalachettikulam	3,655	4,788	2,612
<u>Eastern & Northern Provinces</u>	<u>371,405</u>	<u>432,310</u>	<u>94,200</u>

11. 2004 DECEMBER 26 "TSUNAMI"

Muslim Victims Discriminated

It is widely criticized that the government has not treated the 'Tsunami' affected Muslim people equally. Also Muslim concerns were not given due publicity in the media. Thousands of Muslims have been languishing in several temporary camps without sufficient food, medicines and other basic facilities. Muslims who are trying to resettle in their own land are still confronting threats from the government bureaucracy. In fact they are deprived of their fundamental human rights.



Ampara, the country's worst affected district is a glaring example of how ineffective institutions, political rivalries and misinformation can make a mockery of disaster management. In the coastal Muslim areas of Maruthamunai, Kalmunai, Sainthamaruthu, Ninthavur, Oluvil, Addalachchenai, Akkaraipattu and Pottuvil. Kattankudy's boarder villages such as New Kattankudy, Palamunai and other Muslim concentrated areas still remain untouched.

Mutur, Kinniya, Kuchchaveli Pulmoddai and Trincomalee town are the main Divisional Secretariats Division in the Trincomalee District where thousands of Muslims have been affected by the Tsunami. Political confusion has greatly contributed to the mismanagement of relief. LTTE held areas in these district have come under LTTE-backed relief and resettlement works. But Muslim areas are still suffering form having not enough infrastructure development such as roads and hospitals.

The situation in the South is different. In Hambantota, the need was only 1057 houses. But the Government had allocated, 4852 houses.

Muslim Victims in Eastern Province

No. of Persons			Damaged Houses		Damaged Buildings		
Families Affected	Death	Injured	Completely	Partially	Mosques	Schools	Hospital
20091	1967	5049	6806	7079	62	34	8

Families	Businessmen	Casual Labors	Doctors	Drivers	Farmers	Fishermen	Government Employees	Skill Labors	Tailors	Teachers	Weavers	Others	Occupation Not Given
AMPARA DISTRICT													
4482	301	1057	1	121	655	1072	54	170	26	18	38	91	878
BATTICALOA DISTRICT													
1308	338	294	4	41	8	148	44	70	34	31	11	43	242
TRINCOMALEE DISTRICT													
3536	336	490	0	29	117	1798	138	105	19	68	1	49	386
TOTAL													
9326	975	1841	5	191	780	3018	236	345	79	117	50	183	1506

Undue claims by the Sinhalese for the houses constructed for Akkaraipattu Muslim Tsunami victims.

Houses to resettle the displaced Tsunami refugees are built on lands identified and approved by the Government Task Force to Rebuild the Nation - TAFREN. Accordingly 40 acres of highland, in block 223 in Norochcholai abandoned for more than 30 years, was allocated to construct 500 houses for the resettlement

of Muslim families displaced by the Tsunami in Akkaraipattu D.S. Division.

The Fundamental Rights application 178/2008 in the Supreme Court of Sri Lanka, by JHU MP. Ven. Ellawala Medhananda Thero and 06 others relates to the allocation of the houses built for the resettlement of Muslim Tsunami victims displaced in Akkaraipattu, Ampara District. The petitioners state that, the 500 houses have been constructed by the government at Norochcholai in Akkaraipattu for the distribution amongst Muslims excluding Sinhalese and Tamils. The petitioners also emphasized that the existence of the Deeghavapiya Raja Maha Viharaya depends on Buddhists in Deeghavapiya area and that steps taken to settle non-Buddhists would result in a violation of their fundamental rights.

The housing site is not anywhere near the Deegavapi Buddhist Raja Maha Vihara and is about 5 km away down south in Akkaraipattu D.S. Division.

According to the Government Department of Census and Statistics, there are no Sinhalese or Tamil Tsunami victims in Akkaraipattu.

12. DENIAL OF POLITICAL RIGHTS

After the demerger of the East by the Supreme Court in October 2006, and following the take-over of the province by the Sri Lanka Armed Forces, the UPFA government having elaborate plans for the devolution of powers and rehabilitate the Eastern Province on the basis of 3D solutions - Demilitarisation, Democratisation and Development.

The so called 3D solutions are nothing but an accelerated process of Sinhalisation of the Eastern Province. After the demerger, the Eastern Province administration is ethnically transformed. There are many Sinhalese ex-service men now in key positions. The Eastern Province Governor, the Government Agents of Ampara and Trincomalee Districts, the Rehabilitation Co-ordinator, the Governor's Secretary, the Provincial Chief Secretary and the Secretary to the Eastern Province Public Service Commission are all Sinhalese. The land Minister in the Eastern Provincial Council and the Secretary to this ministry and the land commissioner are Sinhalese. Although 80% of schools in the Eastern Province are Tamil medium schools, the Education Minister

is a Sinhalese. The combination of Sinhala Administrative and Security Officials are well equipped for the rapid implementation of the 3D Sinhalisation programme.

Eastern Provincial Council Election and the Chief Minister Episode

The Eastern Provincial Council Election on 10 May 2008 was a worthwhile exercise that served as an eye-opener to many.

Before the election, President Mahinda Rajapakse promised that the group that returns the highest number of members to the Eastern Provincial Council would be given the chance to appoint the chief minister.

When analyzing the overall composition of the elected members to the Eastern Provincial Council, Muslims have topped the list. On ethnic basis there are 17 Muslim, 11 Tamils and 7 Sinhalese elected to the council.

Although the Muslims command a majority among the UPFA ruling council, the government presented vari

ous arguments to change the promise with regard to the appointment of Chief Minister and appointed TMVP Pillayan a Tamil as the Chief Minister and denied the Eastern Province Muslims their legitimate right for the Chief Minister position.

Devolution



Devolution of power was first introduced into the Sri Lankan Constitution with the passage of the 13th Amendment, certified on 14th November 1987, following the Indo-Lanka Accord of July 29, 1987. Although the scheme of devolution was meant to cover all the nine Provinces, it is indisputable that the catalyst was the ethnic conflict and the need for a politically negoti

ated settlement by addressing the legitimate grievances and aspirations of the minorities of Sri Lanka – Tamils and Muslims.

Despite a Provincial Council had been installed, the devolution process in the Eastern Province is yet to get underway in real terms on account of marked reluctance by the Central Government to concede the relevant powers to the provinces.

Presidential Directive for the Implementation of the 13th Amendment

In formulating a political and economical frame work for the resolution of the national question, the APRC has been guided by the address made by the President on 11 July 2006.

- (a) People in their own localities must take charge of their destiny and control their political and economical environment.
- (b) Devolution also need to address issues relating to identity as well as security and socio-economic development without over reliance on the Centre.

- (c) To address the question of regional minorities.
- (d) A solution to the national question must ensure the unity of the country.

Barriers in Implementing the 13th Amendment to the Constitution

- 1 The existing institutional structures in the Provinces and the Districts are not conducive for devolution.
- 2 All the three Lists of devolution given in the 9th Schedule to the Constitution are weighted in favour of the Centre.
- 3 The unitary character of the Sri Lankan Constitution is favourable to the Sinhala majority, most of whom have an anti-devolution mindset to infringe upon the powers devolved to the minorities.
- 4 Last twenty two years experience shows that even the minimum devolution to the minorities will not be possible until the anti-devolution mindset of the Sinhala politicians and bureaucrats are first removed.



THE ROAD MAP AND SPECIAL TASK FORCE TO RESOLVE MUSLIMS' GRIEVANCES IN SRI LANKA



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THE ROAD MAP AND SPECIAL TASK FORCE TO RESOLVE MUSLIMS' GRIEVANCES

Muslims throughout Sri Lanka totally rejected Tamil militants' call for the division of the country and firmly stood for territorial integrity and unity only to face death, devastation, loss of properties, livelihood and unlawful displacement.

Despite all these sacrifices and sufferings, Muslims remain the most discriminated community in Sri Lanka today. Contrary to the common belief that the Muslims float in wealth, most of the Muslims today suffer from extreme poverty, illiteracy, unemployment and inadequate housing which have driven some Muslim youths to take to underworld activities and drug trafficking for survival.

Muslims do not have State Land, employment in state sector, adequate housing and University admissions according to our national ethnic ratio. The university entrance cut off marks for badly neglected Muslim schools are the same for the highly developed Government patronized Sinhalese schools.

In the light of lessons learned from the past an intensive research program was carried-out with the aim of establishing a Special Task Force for the resolution of Muslim Grievances for peaceful co-existence of all communities on the basis of equality in Sri Lanka.

M.I.M. Mohideen
Executive Director

11 May 2010

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MUSLIM GREIVANCES

1.0 His Excellency the President – Department of Public Trustee

1.1 Muslim Trust Properties unlawfully occupied by LTTE Tamil Terrorist in Thirukkivil and 'Timitar' in Pottuvil

Tamil militants are unlawfully occupying lands belonging to Muslim religious and cultural organizations – 1560 Acres in Thirukkivil and 'Timitar' Komari in Pottuvil – these are the properties in Rasool Estate in the custody of the Department of Public Trustee in terms of Case No. 304/T.

1.2 Urban Development Authority - UDA Demarcation of Lands in "Tsunami" Buffer Zones in the Eastern Province

The government has relaxed the hotly-debated 200 meter buffer zone in the coastal areas due to the difficulties in finding alternate land to resettle the Tsunami affected people.

The buffer zone in Mutur, Kinniya, Kuchchaveli in the Trincomalee District has been relaxed to 60 metres, Kattankudy in Batticaloa District to 80 metres, Pottuvil and Arugambay to 50 metres, and Kalmunai to 65 metres in the Ampara District from the earlier 200 metres.

Land available within the 200 meters from the sea and the relaxed buffer zone.

Ampara District - 1,000 Acres

Maruthamunai 120 Acres, Kalmunai 220 Acres, Sainthamaruthu 20 Acres, Ninthavur 220 Acres, Oluvil 20 Acres, Addalachchenai 50 Acres, Akkaraipattu 70 Acres and Pottuvil 280 Acres

Batticaloa District - 300 Acres

Kattankudy 240 Acres, Palamunai 40 Acres and Poonochchimunai 20 Acres

Trincomalee District - 700 Acres

Mutur 140 Acres, Kinniya 435 Acres, Kuchchaveli 90 Acres and Trincomalee Town 35 Acres

Urban Development Ministry Secretary confirming the relaxation of the buffer zone regulations said that the revisions came after representations from various quarters seeking permission for construction purposes. **But the Buffer Zone boundaries have not yet been demarcated on ground and there is utter confusion in these Muslim coastal areas in the Eastern Province.**

2.0 Ministry of Defence, Public Security, Law and Order

2.1 Military Camp in Kurangupanchan Mosque in Kinniya

The much talked about Military Camp in the Mosque in Kurangupanchan Village is not in Wan Ela area or Maniyarasankulam as claimed by the Sri Lankan Armed Forces and reported in the Local Media. It is in Kinniya Divisional Secretary Divisions – 14 km East of Wan Ela Tank and Police Station, 7 km South-East of Maniarasan Kulam and 12 km East of Katukuli Army Camp.

Soon after the ceasefire agreement between the GOSL and LTTE in February 2002, the Muslims renovated the Mosque as decided at a meeting held on 11.06.2003. But the LTTE chased the Muslim families and put up a camp in the Mosque building and objected to any renovation. After clearing the LTTE from the East the LTTE Military Camp in the mosque is occupied by the Government Security Forces. Since the security situation in this area has returned to normal, the Muslim people request the removal of the army camp immediately and the mosque is returned for renovation and religious activities.

2.2 Police Stations in Predominant Muslim areas in Colombo

There are 8 police stations in predominant Muslim areas in Colombo. These police stations do not have Muslim police officers according to ethnic ratio.

DIG, Colombo Range

SSP – Colombo Central Division

Keselwatta, Slave Island, Maradana, Maligawatte, Dam Street

SSP – Colombo North Division

Grandpass, Dematagoda, Mattakkuliya

2.3 Police Stations in Predominant Muslim areas in the Eastern Province

There are 14 police stations in predominant Muslim areas in the Eastern Province. These police stations do not have Muslim police officers according to ethnic ratio.

DIG, Eastern Range (South)

SSP – Ampara – Maruthamuna, Kalmunai, Sammanthurai, Akkaraipattu, Pottuvil

DIG, Eastern Range (Central)

SSP – Batticaloa – Valachchenai, Kalkudah, Eravur, Kattankudi

DIG, Eastern Range (North)

SSP – Trincomalee – Trincomalee, Kinniya, China Bay, Muttur, Kuchcaveli,

3.0 Ministry of Local Government and Provincial Council

3.1 Chief Minister for the Eastern Province

Before the Eastern Provincial Council election, the UPFA promised that the group that return the highest number of members to the council would be given the chance to appoint the chief minister.

The election results reflected the mood of the people in the province with the UPFA's 18 elected members comprising, 8 Muslims, 6 Tamils and 4 Sinhalese whilst the UNP – SLMC list returned 9 Muslims 4 Tamils and 2 Sinhalese. The JVP and the TDNA returned 1 Sinhalese and 1 Tamil respectively. In the total of the 35 elected members from both side, there are 17 Muslim representatives as opposed to 11 Tamils and 7 Sinhalese. However the Government did not appoint a Muslim as promised. Even a Muslim was not considered for the post of Governor of the Eastern Province.

3.2 Devolution

Implementation of the 13th Amendment to Sri Lanka Constitution

Devolution of power was first introduced into the Sri Lankan Constitution with the passage of the 13th Amendment, certified on 14th November 1987, following the Indo-Lanka Accord of July 29, 1987. Although the scheme of devolution was meant to cover all the nine Provinces, it is indisputable that the catalyst was the ethnic conflict and the need for a politically negotiated settlement by addressing the legitimate grievances of the minorities of Sri Lanka – Tamils and Muslims.

His Excellency the President Mahinda Rajapaksa has instructed the APRC Committee to identify immediately a course of action to achieve maximum and effective devolution of powers to the provinces under the 13th Amendment in order to meet the aspirations of the Tamil speaking peoples – Tamils and Muslims, especially in the North and East.

3.3 Presidential Directive for the Implementation of the 13th Amendment

In formulating a political and economical frame work for the resolution of the national question, the APRC has been guided by the address made by the President on 11 July 2006.

- (a) People in their own localities must take charge of their destiny and control their political and economical environment.

- (b) Devolution also need to address issues relating to identity as well as security and socio-economic development without over reliance on the Centre.
- (c) To address the question of regional minorities.
- (d) A solution to the national question must ensure the unity of the country.

3.4 Barriers in Implementing the 13th Amendment to Constitution

1. The existing institutional structures in the Provinces and the Districts are not conducive for devolution.
2. All the three Lists of devolution given in the 9th Schedule to the Constitution are weighted in favour of the Centre due to the unitary character of the Sri Lankan Constitution.
3. The unitary character of the Sri Lankan Constitution help the Sinhala majority Central authorities, most of whom have an anti-devolution mindset to infringe upon the powers devolved to the minorities.
4. Last twenty two years experience shows that even the minimum devolution to the minorities will not be possible until the anti-devolution mindset of the Sinhala politicians and bureaucrats are removed.

Cabinet Ministerial Sub Committee

The Cabinet Ministerial Sub Committee appointed for the full implementation of the Thirteenth Amendment never met. The Minister of Constitutional Affairs and the Chairman of the APRC are not members of that Committee.

3.5 Local Government

To achieve the objectives of the President as given in the guidelines, a Local Government Delimitation Commission should be appointed immediately in order to carry out the following:

- (a) Delimitation of ethnic oriented local bodies and administrative units including the state land and natural resources in proportion to the population.
- (b) Delimitation of the Grama Sabhas, Urban Council and Municipal Council areas and Wards.
- (c) In demarcating Grama Sabhas, Urban Councils and Municipal Councils areas and Wards, consideration should be given to the geography of the area, communication facilities, economic activities and community cohesiveness of the population within the area should be taken into consideration.

- (d) It should also be necessary to ensure that the boundaries of Pradeshiya Sabhas are co-terminus with the boundaries of administrative divisions under the Divisional Secretaries. However, this conditionality need not apply in Urban and Municipal areas.
- (e) The population figures for consideration should be the figures from the 2001 Census except for the Northern and Eastern Provinces wherein available authentic figures allowing for displacements (both internal and external) since 1983 should be used. The Census figures of 1981 should also be used as a guide in these two Provinces.

3.6 Demarcation of Local Government Areas

It was stated at the Political parties and All parties conferences on devolution of power for the settlement of ethnic grievances in Sri Lanka, that the government was prepared to consider the establishment of community oriented sub-national units to give the minority communities a larger measure of local self government and administration. The administrative area of most of the Divisional Secretaries Divisions coincide with the areas of Pradeshiya Sabhas.

From the list of Local Government Pradeshiya Sabhas, Divisional Secretaries Divisions and Grama Niladharis Division we have observed that the interests of the Muslim community have been deliberately ignored or willfully suppressed. Muslims do not have Local Bodies and Divisional Secretaries Division according to our ethnic ratio in order to participate effectively in the decision making process relating to administration and development activities in Muslim areas.

According to the Gazette Notifications dated 12-05-1987 and 01-12-1992 the then governments have unilaterally established the Sub National Units without consulting the local people, particularly when these sub-national units are meant to give an opportunity to the minority communities living scattered all over the country. Limits of boundaries have been incorrectly demarcated without proper surveys. Non-contiguous Sinhala Villages in Vavuniya and Ampara have been joined with Sinhala majority area but this has not been allowed in the case of Muslim Villages eg:- Muslim Villages in Arayampathi Pradeshiya Sabha adjoining Kattankudi. Financial allocations for the Local Bodies are not based on population and area. Eg:- Kalmunai with 90,000 people and Karaithievu with 9,000 people according to 1981 census are allocated equal amount by the Centre.

In 1921, the Sinhalese population in the Eastern Province was less than 4%, the situation has changed considerably after the Sinhala colonization.

The last census in 1981 recorded Tamils 42%, Muslims 33% and the Sinhalese 25% in the Eastern Province. But in the list of Local Government Units the 25% Sinhalese are given 17 and the 33% Muslims are given only 12.

Great injustice has been done in the allocation of land and natural resources for the Muslim majority Local Bodies. Muslims were the majority in Panamapattu, Akkaraipattu, Ninthavur–Karavahupattu and Sammanthuraipattu while the Sinhalese were the majority in Wewegampattu and Bintennapattu in the area now covered by the Ampara District. When redemarcating the Local Government and Administrative areas as AGA Divisions, Muslims Majority AGA Division were restricted to the residential pockets only.

Most of the lands for agriculture, cattle farming, inland finishing etc, were separated and attached to the Sinhala and Tamil majority areas and thereafter maps were drawn by the Survey Department to establish that these areas belong to the Sinhala majority Sub-national Units.

The present Lahugala Sinhala majority AGA Division was part of the former Muslim majority Panamapattu DRO's Divisions. In 1981, the population of the Lahugala AGA Division was about 6,000 and the land area allocated is 368 sq. miles, whereas the population of the balance Muslim majority Pottuvil AGA Division was about 20,000 for which the land area left out is only 115 sq. miles. Lahugala DSD with 6,000 Sinhalese are given 368 sq. miles whereas the Muslim majority Kalmunai DSD with about 90,000 people are given only 11 sq. miles. The average land holding of a Sinhalese in Lahugala DSD is 208 times more than the land holding of a Muslim in Kalmunai.

The Original Sammanthurai DRO's Division included Kondavettuwana, beyond the present Hardly Institute, and including the Ampara Kulam and the Ampara UC area. Nearly 50 sq. miles of land area was separated from the Muslim majority Sammanthuraipattu DRO's Division and attached to the Sinhala majority Wewegampattu North – Ukena AGA Division, extent 260 sq. miles.

During the UNP regime, the former MP for Pottuvil, Mrs. Renganayaki Pathmanathan together with former Minister Devanayagam used their influence with President R. Premadasa who was the Minister of Local Government and Housing at that time, and created a separate AGA Division for the Tamils in the Muslims majority Akkaraipattu AGA Division called Alayadivembu. The Alayadivembu DSD with 13,000 Tamils was given 37 sq. miles of land area. Within the 37 sq. miles in the new Alayadivembu DSD more than 20 sq. miles are the agricultural land owned by the Muslims who are now in the Karunkodithivu DS Division. Even

the name of the predominant Muslim AGA Division “Akkaraipattu” has been omitted and called Karunkodithievu against the consent of the majority population – Muslims.

It is the tradition in Sri Lanka to appoint a Delimitation Commissions to demarcate the Electoral Divisions for the election of members to the House of Representatives. Section 3 (3) of the Provincial Council Election Act No. 2 of 1988 is also clear about the basis on which the number of members to be elected from each district for the Provincial Councils. It is very unfortunate that the creation of the Local Government Units the Divisional Secretaries Divisions and the Grama Niladharies Division in the Districts were demarcated without the Delimitation Commission and left to the discretion of the Ministers of Public Administration and the Local Government. The manner in which the Political sub-national units were created during the previous regimes appears to be discriminatory and undemocratic.

In the absence of any guidelines on which the Local Bodies should be created, the following proposals are given.

1. The Divisional Secretaries Division and Grama Niladaris Division should be created according to population and land areas in the Districts.
2. The allocation of land and nature resources should be according to the population of each sub-national units.
3. The sub-national units so created should (be as far as possible) reflect the ethnic ratio of population.

Pradeshiya Sabhas and Divisional Secretaries Divisions have been created for the Sinhalese – Morawewa 10,000, Gomarankaduvela 7,000, Padavisiripura 11,000 in the Trincomalee District and Lahugala 6,000, Padiyatalawe 10,000 in the Amapara District. For the Tamils Korelaipattu North 10,000 in the Batticaloa District, Karaitheivu 9,000 in the Ampara District, Thunukai 8,000 in the Mullaithievu District and Pachilaipatti 12,000 and Poonerin 15,000 in the Kilinochchi District. But for the Muslims – 224,000 in the Colombo District, 63,000 in the Gampaha District, 165,000 in the Kandy District, 36,000 in the Matale Districts, 85,000 in the Kurunegala District, 58,000 in the Anuradhapura District, 24,000 in the Polonnaruwa District, 48,000 in the Kegalle District do not have a single Muslim Majority Local Government units and Divisional Secretaries Divisions.

On the same basis Muslim majority Local Government Units – Pradeshiya Sabhas, Divisional Secretaries Divisions and Grama Niladhari Division should be created in the following areas.

Province W.P. (9)	District Colombo (3)	DSDD 1. Wekanda 2. Maligawatta 3. Aluthkade
	Gampaha (2)	4. Malwana 5. Kochchikade
	Kalutara (4)	6. Beruwala 7. Dharga Town 8. Athulugama 9. Totawaththa – Ambalanduwa
C.P. (4)	Kandy	10. Akurana 11. Gampola / Weligalla 12. Nawalapitiya 13. Patha Hewaheta
	Matale	14. Ukuwela
S.P. (2)	Matara (2)	15. Dickwella 16. Weligama
E.P. (18)	Ampara (9)	17. Kalmunai 18. Maruthamunai 19. Sainthamaruthu 20. Sammanturai 21. Nintavur 22. Addalachchenai 23. Akkaraipattu 24. Pottuvil 25. Irakkamam
	Batticaloa (4)	26. Kattankudi 27. Eravur 28. Ottamawadi 29. Koralaipattu – Central
	Trincomalee (5)	30. Kinniya 31. Muthur 32. Kurunchakerny 33. Thoppur 34. Kuchchaveli

N.P. (2)	Jaffna (1)	35. Moor Street
	Mannar (2)	36. Erukalampitiya – Mannar 37. Musali
NWP (5)	Kurunegala (1)	38. Kuliypitiya
	Puttalam (4)	39. Puttalam
		40. Kalpitiya
		41. Mundal
		42. Vannathivillu
NCP (2)	Anuradhapura (1)	43. Padaviya
	Polonnaruwa (1)	44. Thambala – Sungavil
Sab (1)	Kegalle (1)	45. Mawanella

4.0 Ministry of Public Administration and Home Affairs

4.1 Muslim discriminated in the state sector employment in Colombo

Colombo population (2001) Sinhalese 270,932 – 42%, Tamils 199,429 – 31%, Muslims 163,167 – 25% and others 13,572 – 2%, Total 647,100 – 100%. Tamil speaking peoples – Tamils and Muslims are 56% and over 2/3rd – 67.3% of the population of Colombo Divisional Secretariat Division. But the Divisional Secretary and the language of administration have always been Sinhalese. Government Employees in Colombo Municipal Council, Colombo Divisional Secretary's Division, Police Stations, Hospitals, Maternity Homes and all the Government Departments in Colombo Municipal area are not according to ethnic ratio.

Tamil Speaking Muslim Divisional Secretary and at least 9 Muslim Grama Niladharies should be appointed immediately in predominant Muslim areas of Colombo Urban Divisional Secretary's Division.



4.2 Government Agents – District Secretaries in Muslim Majority Districts in the Eastern Province

Ampara and Trincomalee Districts are the only Muslim Majority Districts in Sri Lanka. But these Districts never had Tamil speaking Muslim District Secretaries - GA

4.3 Public Administration in Ampara District

After de-merging the north and east in October 2006, the Eastern Province administration is being ethnically transformed. Former Trincomalee GAs Rodrigo and Nelundeniya are the chief secretary and public administration secretary respectively. Former Matale GA, Udage is the secretary of the provincial Public Services Commission.

There are also many ex-servicemen in key positions. The Governor is Rear Admiral Mohan Wijewickrema. The GA is Major General Ranjith de Silva. The Rehabilitation Coordinator is Major General Amaradeva. The Governor's Secretary is Capt. Patrick Jayasinghe.

4.4 Pottuvil D.S. Division

Former Muslim Majority Panamapattu DRO Division, 472 sq. miles, population 26,916. When redemarcating the new Administrative Divisions 19,831 - 74% Muslim Majority Pottuvil AGA Division was given only 22% - 103.9 sq. miles and the balance 78% - 368.2 sq. miles land area was allocated for the 7,085 - 26% Sinhala Majority Lahugala AGA Division.

When compared the land areas for the Sinhalese with the land area for the Muslims in the Muslim Majority Ampara District, the Sinhalese land area is 13 times more than the Muslim land area.

4.5 Akkaraipattu D.S. Division

The Akkaraipattu AGA's Division had two-third Muslims and one-third Tamil population. A circuit AGA's Office was temporarily created in 1985 for the Tamils in Akkaraipattu which was later upgraded to a full fledged AGA's Office called Alayadivembu by political vested interests.

Grievances of Akkaraipattu Muslim people were further aggravated when malicious efforts were made to include the legitimate land and natural resources belonging to the Muslim people with Tamil majority Alaiyadivembu AGA's Division.

The Divisional Secretariat Administration was introduced in 1992. But Akkaraipattu DS Division and Alayadivembeu DS Division were created without correct definition of the area of administration and the relevant Grama Sevaka Divisions falling within the respective DS Divisions. The situation continues to remain unsettled.

4.6 Sammanthurai D.S. Division

In the Sammanthurai Muslim Majority DRO Division, nearly 65 sq. miles of land area covering the Hendy Institute, Ampara Tank, the Town area and Komari have been encroached by the Sinhalese and attached with the Wewagampattu – Uhana AGA Division.

4.7 Irakkamam D.S. Division

The sub AGA's Office in Irakkamam has been upgraded as a DS Office without proper demarcation of boundaries.

4.8 Legitimate land areas and natural resources in Batticaloa District

The Batticaloa district consists of 14 Pradesiya Sabhas and covering an extent of 2633 sq. km. There are 4 predominant Muslim DS divisions and the land area – Kattankudi 3.4 sq. km. Eravur Town 3.89 sq. km., Koralaipaththu West (Ottamavadi) 6.84 sq. km. Koralaipaththu Central 6.50 sq. km. Total extent of Muslim land area approximately 20.0 sq. km., which is less than 1.0% of the total area of Batticaloa District where the Muslim population is nearly 30% today.

Serious issues have been raised by Muslims of Batticaloa on the ongoing activities of the several international organizations assisted by the Government and the Tamil Makkal Viduthalai Pulikal (TMVP) in re-settling the displaced Tamils on lands owned by Muslims.

After 1985, LTTE forcibly occupied Muslim residential, agricultural and cattle farming lands – more than 35,000 acres in areas under their control. The GOSL did nothing to restore these properties owned by the Muslims on title deeds, government permits and paddy cultivation register.

4.9 Koralaipaththu Central D.S. Division

Although the Local Government Commission declared Koralaipaththu Central – the area of historical habitation of the Muslims, covering more than 240 sq. km., consisting of 11 Grama Sevaka Niladhari divisions, the boundaries have not yet been demarcated on ground.

4.10 Kattankudi Muslim Border Villages

Ollikulam, Sikaram, Karbela, Palamunai, Kankayan Odai, Keechampallam are the Muslim border villages of Kattankudi in Arayampathi Pradeshiya Sabha. Displaced Tamils after GOSL military operations to flush the LTTE terrorists in the Paduvankarai Tamil villages have been temporarily settled in private lands owned by the Muslims and the Mosques. Now the TMVP has settled the displaced Tamils permanently on land belonging to the Muslims and the Mosques.

4.11 Kuchchaveli D.S. Division

Kuchchaveli in Trincomalee district is a predominant Muslim area. Total population 29,967 and 8,058 families. 65% Muslims 19,443, 31% Tamils 9,282, 3% Christians 905 and 01% Sinhalese 337. Kuchchaveli Pradeshiya Sabha 9 members, Muslims 6, Tamils 3.

The Divisional Secretary is a Tamil in the predominant Muslim division. Total grama niladharies 24.65% Muslims are given only 7 GS but the balance 17 GS are given to the Tamils and others who are only 35%. Average population of a Tamil GS division is 250 people whereas the population in Muslims GS is around 1350 eg. Pulmoddai 311 and 311 divisions.

Iqbal Nagar is a Muslim area. Due to ethnic conflict the Muslims were displaced during 1984, 1990 and 1994 and settled in a place called Love Lane in Trincomalee. In 2002, the Muslim refugees came back to Iqbal Nagar and living under abject poverty.

In the 265 Muslim families identified as refugees only 45 families selected for the NERHP projects. But all the Tamil refugees were settled in the new housing projects in Konespuri, Kopalapuram, Kumpirupity, Iranaikerni and Thriyai.

5.0 Ministry of Livestock Development

5.1 Akkaraipattu Livestock and Dairy Farmers Agricultural Co-operative Society Limited

The area of operation of the Society is the DRO's Division of Akkaraipattu – present Divisional Secretaries Division of Akkaraipattu, Alayativembu, Addalaichenai and Thirukkivil.

According to the records in Akkaraipattu Police Station the total number of cattles robbed by the LTTE Tamils during the insurgency in 1985 - 1997 is 12,945 and the estimated value of damages to the cattles and farm was Rs. 100 million.

Prior to the insurgency, the Society produced more than 1½ million liters of milk and 300 tons of beef annually and the members were able to get an average income of Rs. 10,000-00 per month. Presently the members of the Society have lost their cattle, farm and the income. The county had lost the much needed milk and meat.

The dispute on the pasture land allocated to the society continue to remain unsettled.

6.0 Ministry of Agriculture

6.1 Loss of Livelihood as a result of Muslim Lands unlawfully occupied by Tamil Terrorists in the Eastern Province

LTTE – Tamils forcibly occupied more than 63,000 Acres of Agricultural Land belonging to nearly 15,000 Muslim families in the Eastern Province.

Ampara District

D.S. Division	Title Holding				Permit Holding				PLR Holding				Total			
	No. of Cases	Extent			No. of Cases	Extent			No. of Cases	Extent			No. of Cases	Extent		
		A	R	P		A	R	P		A	R	P		A	R	P
Lahugala	19	136	-	-	43	119	2	-	57	192	-	-	119	447	2	-
Pottuvil	123	1319	2	27	628	2285	2	26	479	1729	2	-	1230	5334	3	13
Thirukkivil	20	171	-	5	175	378	-	19	296	783	3	-	491	1332	3	24
Alayadiwembu	3	15	-	-	11	22	-	24	117	195	2	-	131	232	2	24
Akkaraipattu	5	45	1	37	8	39	2	-	19	90	-	-	32	174	3	37
Addalaichenai	62	285	1	34	301	862	3	-	20	85	-	-	383	1233	-	34
Ninthavur	3	13	2	-	-	-	-	-	16	79	-	-	19	92	2	-
Sammanthurai	45	260	-	34	320	784	-	15	119	463	2	20	484	1507	3	29
Irakkamam	15	107	1	24	40	134	-	19	46	212	3	13	101	454	1	16
Kalmunai	37	407	3	4	40	126	3	4	510	2485	3	-	587	3020	1	8
Navithanveli	3	43	3	18	2	1	1	-	55	281	-	32	60	326	1	10
Uhana	-	-	-	-	5	15	3	8	21	74	-	38	26	90	-	6
Damana	-	-	-	-	3	13	-	-	4	11	-	-	7	24	-	-
Total	335	2805	1	23	1576	4782	2	35	1759	6683	1	23	3670	14271	2	1

Batticaloa District

D.S. Division	Title Holding				Permit Holding				PLR Holding				Total			
	No. of Cases	Extent			No. of Cases	Extent			No. of Cases	Extent			No. of Cases	Extent		
		A	R	P		A	R	P		A	R	P		A	R	P
Eravurpattu	354	3505	-	25	682	3400	3	2	980	5065	1	16	2016	11971	1	3
Eravur Town	15	598	1	2	1	2	-	-	76	385	-	-	92	985	1	2
Kattankudy	1	8	-	-	-	-	-	-	1	-	-	12	2	8	-	12
Koralaipattu	144	830	1	15	496	2276	1	-	274	1213	1	8	914	4319	3	23
Koralaipattu North	8	74	1	25	39	142	2	-	120	512	3	25	167	729	3	10
Koralaipattu South	9	98	2	12	17	77	-	-	26	85	-	-	52	260	2	12
Koralaipattu West	112	752	3	15	472	2169	1	12	460	1807	2	17	1044	4729	3	4
Koralaipattu Central	36	186	-	26	71	352	-	-	488	1481	2	24	595	2019	3	10
Manmunai	97	710	3	32	7	29	-	-	10	47	-	-	114	786	3	32
Manmunai North	5	20	-	27	2	5	-	15	3	14	2	-	10	39	3	2
Manmunai South	2	16	3	33	-	-	-	-	-	-	-	-	2	16	3	33
Manmunai S-W	8	95	2	35	-	-	-	-	1	3	-	-	9	98	2	35
Manmunai West	101	946	3	1	24	92	1	38	31	170	1	39	156	1209	2	38
Poraiteevupattu	2	37	3	17	1	5	-	-	-	-	-	-	3	42	3	17
Total	894	7882	-	25	1812	8561	1	27	2470	10785	3	21	5176	27219	1	33

Trincomalee District

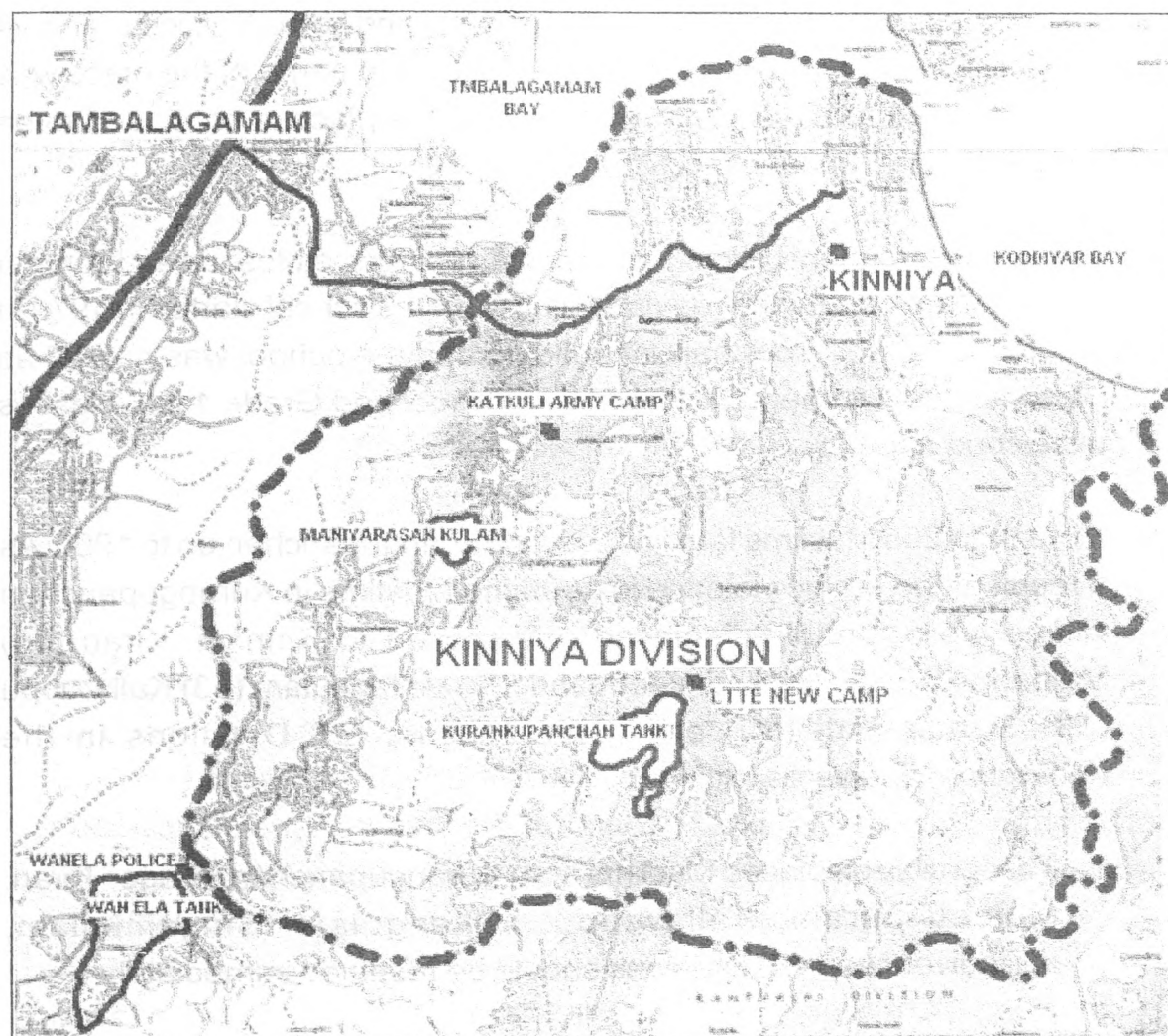
D.S. Division	Title Holding				Permit Holding				PLR Holding				Total			
	No. of Cases	Extent			No. of Cases	Extent			No. of Cases	Extent			No. of Cases	Extent		
		A	R	P		A	R	P		A	R	P		A	R	P
Kinniya	113	669	3	1	253	661	2	11	1885	5869	-	34	2251	7200	2	6
Kuchchaveli	11	49	3	-	35	268	-	-	812	3287	3	25	858	3605	2	25
Trincomalee T & G	2	6	-	-	2	7	-	-	10	25	1	4	14	38	1	4
Gomarankadawala	-	-	-	-	-	-	-	-	1	3	-	-	1	3	-	-
Morawewa	8	27	3	6	28	78	2	12	395	1147	3	-	431	1254	-	18
Seruvawila	44	240	2	9	24	104	-	-	80	287	2	-	148	632	-	9
Muthur	233	751	-	4	298	830	-	7	922	2681	1	23	1453	4262	1	34
Total	411	1744	3	20	640	1949	-	30	4105	13302	-	6	5156	16996	-	16

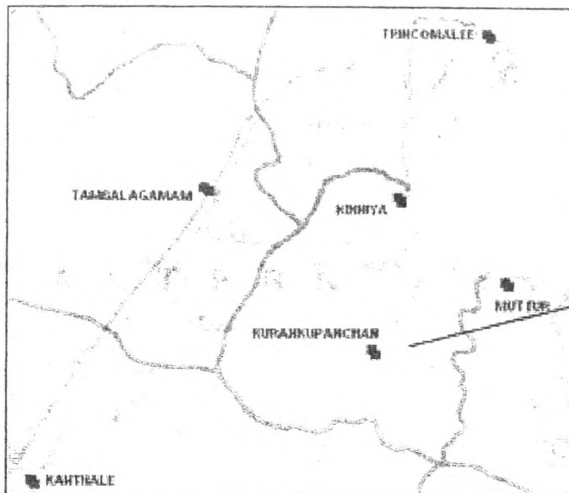
The loss of livelihood for nearly 20 years and the right to return to their lands cultivated on Title Deeds, Permits, PLR etc. is denied to the Muslims in the Eastern Province.

7.0 Ministry of Resettlement

7.1 Resettlement of forcibly displaced Muslims in Kurangupanchan Village in Kinniya

The Kurangupanchan Village is about 20 sq. km in extent and 15 km East of Kinniya town. After the floods in 1957 the Muslims started to settle here. Kunchiappa, Mohamed Casim, Cader and Razikeen were the first people came and started chena cultivation. Later Muslims cerme in large members and settled here. Since it was a jungle area, the new settlers had problems with monkeys - called Kurangu in Tamil, and therefore the area is called Kurangupanchan.





**MILITARY CAMP IN
KURANGUPANCHAN MOSQUE**

In 1970 the SLFP Muslim member of Parliament Mr. Abdul Majeed helped the renovation of the tank at Kurangupanchan and helped the local farmers to cultivate paddy in about 500 acres. Later the name of the place was also changed to Majeedpuram. However the place is continued to be known as Kurangupanchan.

In 1980 a permanent building was constructed for the Mosque and Jumma prayers were conducted regularly. The Muslims school started in 1979 in a cadjam hut got a permanent building and the school was named as Barakath Government Muslim Mixed School and Grade 1 to 6 classes were conducted.

More than 255 Muslims families lived in Kurangupanchan up to 1990. As a result of the ethnic violence in 1990 the Muslims in Kurangupanchan village were forcibly displaced and moved to Kinniya. Kiran (56) Majeedpuram (46) Kalladi Vedduvan (33) Vellankulam (53) Kallaruppu (13) Sungankuli (19) are some Muslim GS Divisions in the Kurangupanchan area.

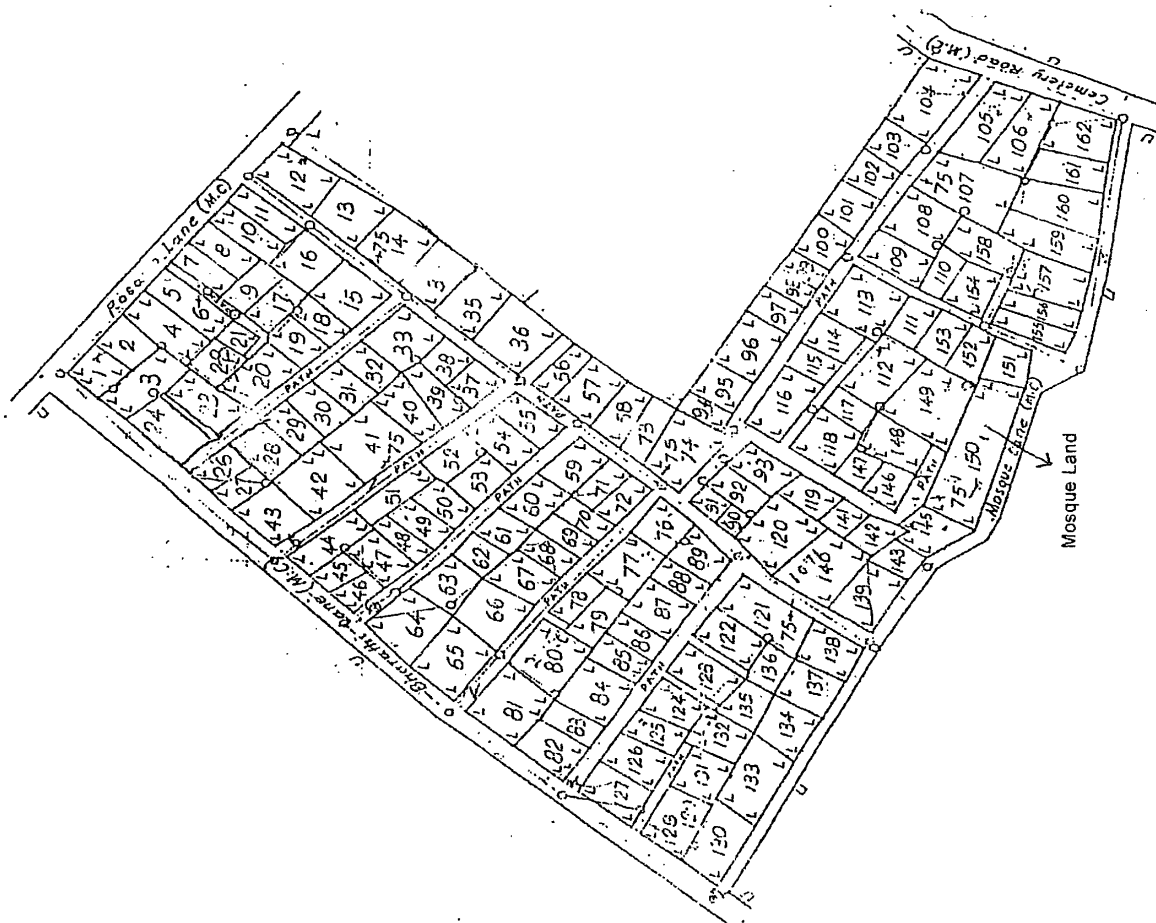
1. The forcibly displaced Muslims from Kurangupanchan Village - Kiran, Majeed puram, Kallaveppu, Vellengulam, Singamkulam, Kalladivetuwan GS Divisions should be resettled immediately.
2. The damaged Mosques, Schools, Roads and Tanks should be renovated immediately

7.2 Resettlement of forcibly displaced Muslims from Muslim Colony in Batticaloa

WARD NO. 11 within the Municipal Council Limits of Batticaloa

D.S. Division : Manmunai North

District : Batticaloa



P. PLAN uv 844

Tamil and Muslim communities were given state lands for residential purposes in 1962. The then Member of Parliament Mr. Rajathurai allocated state lands for Tamils in Iruthayapuram, Mamangacolony and Koolavadicolony and the Late Mr. Macan Makar M.P. allocated the state land in Kalliyankadu for the Muslims who were landless in Koddamunai in Batticaloa. This Muslim settlement was called Muslim Colony.

More than 175 Muslim families were living in the Muslim Colony for more than 05 decades. In early 1990, the LTTE armed terrorist came to attack the Muslims, fortunately the timely arrival of the Security Forces saved them from disaster.

After this incident, Muslims were harassed by the Pro-LTTE terrorist members of the Tamil Community and the Muslims were forcibly chased out from the Muslim Colony. Since 1990 Muslims have been living as refugees in different parts of Batticaloa District.

The Grievances of Muslims in Batticaloa Muslim Colony

1. "Masjithul Firdouzi" Mosque
This Mosque was completely destroyed by the LTTE Tamils after the ethnic conflict in 1990 and now a new building is being constructed by the Premakumari Prayer Centre. The Divisional Secretary has also allocated a part of the Mosque land to a private individual.
2. Muslim School – Bat/Zahira Vidyalaya
This school and the land allocated for the playground have been unlawfully occupied by the Tamils.
3. Muslim Burial Ground
This is the only burial ground allocated to the Muslim in Batticaloa. The barbed wire fence is removed and a new gravel road constructed through the burial ground.
4. Although the Government has banned the allocation of land belonging to the displaced people, Batticaloa District Secretary has allocated the lands of the displaced Muslims from Batticaloa Muslim Colony to the Tamils without any consideration for the legitimate rights of the original residents.

7.3 Resettlement of forcibly displaced Muslims from Jaffna

India, United States, United Kingdom, Japan, Australia and many more countries generously donated billions of rupees for the resettlement activities of about 280,000 Tamil IDPs whose suffering began only after May 2009. On the eve of the defeat of LTTE, top political leaders from the West – British Foreign Secretary David Miliband, French Foreign Minister Bernard Kouchner, UN Secretary General Ban Ki Moon rushed to the island to show their humanitarian concern. Few days later UN Secretary General dispatched his Deputy Lynn Pascoe on September 16, 2009 to visit the Tamil IDPs and press the government to speed up their resettlement activities. Furthermore, Head of the United Nations Refugee Agency Antonio Guterres promised further help for caring and resettling the Tamil IDPs.

Indian Government has set aside Rs. 500 crore for the resettlement of Tamil IDPs and its High Commission Alok Prasad stated that a “broad based political settlement” of the ethnic conflict would enable the Rs. 500 crore relief and rehabilitation package for Tamil IDPs to be utilized in a more effective manner. Indian External Affairs Minister S.M. Krishna had told the Indian Parliament that the Prime Minister Man Mohan Singh was willing to give more than the pledged five billion Indian rupees for the resettlement of Tamil IDPs. Meanwhile Tamil Nadu Chief Minister M. Karunanidhi called for speeding up the resettlement of displaced Tamils stating that his government had dispatched four consignments of relief materials worth Rs. 15 crore to Sri Lanka apart from what the Indian Government has send on its own.

However, all these Western and Indian human kindness dry up completely when it comes to the sufferings of Muslims driven out at gunpoint by the LTTE, and have been languishing in refugee camps in and around Puttalam for 19 long years.

About 2000 Muslim Families of Jaffna were forced to leave their homes by the LTTE in the third week of October 1990. The LTTE announced over the loudspeakers through the streets that the Muslims must leave their homes, leaving all their belongings or face death. The Muslims of Jaffna were given only two hours. The IDPs have abandoned their

properties in haste nearly 20 years ago. Most of the boundaries of the lands are not visible at the site today. The properties of the IDPs were also prone to theft and unlawful occupation.

Right to Return or Resettle

The IDPs have the right to return with dignity to their original homes when the cause of the displacement is ceased. Unless the displaced Muslims have proper approved plans, estimates and a comprehensive work program for the reconstruction and renovation of their homes it is not possible to resettle the 2000 Muslim families forcibly displaced.

Project

The activities under this program would be the establishment of a project office in Colombo and two regional offices one in Puttalam and one in Jaffna. These project offices would engage professionally qualified and experienced Licensed Land Surveyors, Engineers, Draughtsmen and Computer Operators to carryout the necessary investigations and prepare the detail plans and estimates for the approval of the Jaffna Municipal Council for the works that have to be carried out for the resettlement of the internally displaced Muslim families from Jaffna. The details of the forcibly displaced Muslim family from Jaffna and their refugee camps and the budget are available and can be produced when required.

Jaffna Divisional Secretary's Division

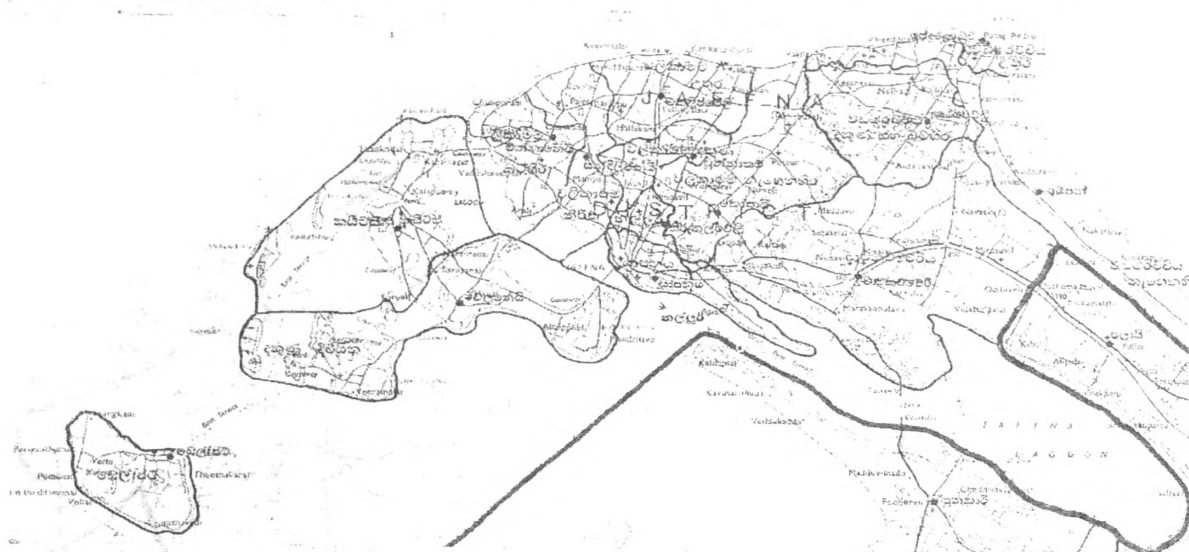
Name of Street	No. of Houses	Total
1. G.S. Division No. J/80 Periyakadai		
Periyakadai Lane	26	
Semma Lane	47	73
2. G.S. Division No. J/82 Vannarpannai		
Manipai Road	1	
Mavadi Road	2	
Pirappankulam Road	2	
Ponnappa Lane	4	
Ponnalai Road	38	47

3. G.S. Division No. J/83 Kottadi		
Katkula Lane	1	
Muslim College Road	28	
Pillaiyar Kovil Lane	5	34
4. G.S. Division No. J/84 Navanthurai South		
Quazi Aboobakkar Road	30	
Quazi Aboobakkar Road (Villundi)	37	
Pakkiyappa Lane No. 1	24	
Pakkiyappa Lane No. 2	34	125
5. G.S. Division No. J/86 Moor Street South		
Katkula Lane	16	
M.O. Lane	41	
Nawalar Road	46	
Pakkiyappa Lane	11	
Pillayar Kovil Road	29	
Sivan Kovil West Road	5	
Kamal Lane	261	
Quazi Aboobakkar Road	95	
Lebbai Lane	48	
Mavadi Road	14	
Mohideen Masjid Road	47	
Muslim College Road	78	691
6. G.S. Division No. J/87 Moor Street North		
Aasath Road	125	
Arali Road	1	
Kalipha Abdul Hameed Road	1	
Kollar Lane	65	
Kollar Lane No. 02	25	
Idroos Makkam Lane	36	
Jinnah Road	115	
Manipai Road	15	
Muslim College Road	163	
Navalar Road (Meera Mosque Avenue)	106	
Vannankulam Lane (Halima Lane)	44	696
Total Houses		1666

7. Infrastructure Works that have to be carried out by the Ministry of Resettlement prior to the commencement of resettlement.

01. Demining
02. Clearing of unlawful occupants from all residential, commercial and Industrial buildings.
03. Clearing of unlawful occupants from all Religious and Cultural buildings.
04. Clearing of all unlawful occupants from all lands belonged to the displaced peoples.
05. Clearing of the access roads and internal lanes
06. Construction of Infrastructure facilities – Electricity, Water, Roads etc.
07. Construction of Civic Centers, Places of Worship, Schools, Hospitals, Market, Bus Stands, Post Office, Police Station and Secretariat Offices

7.4 Resettlement of forcibly displaced Muslims in Jaffna District



Lands of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	Extent		
			A	R	P
Jaffna	1 Jaffna	1,177	245	-	17
	2 Chavekachcheri	44	21	3	35
	3 Island south	28	65	1	-
	4 Vadamarachi north	2	1	-	10
	5 Valikamam south-west	3	-	3	6
	6 Valikamam north	2	14	-	20
Total		1,256	348	1	8

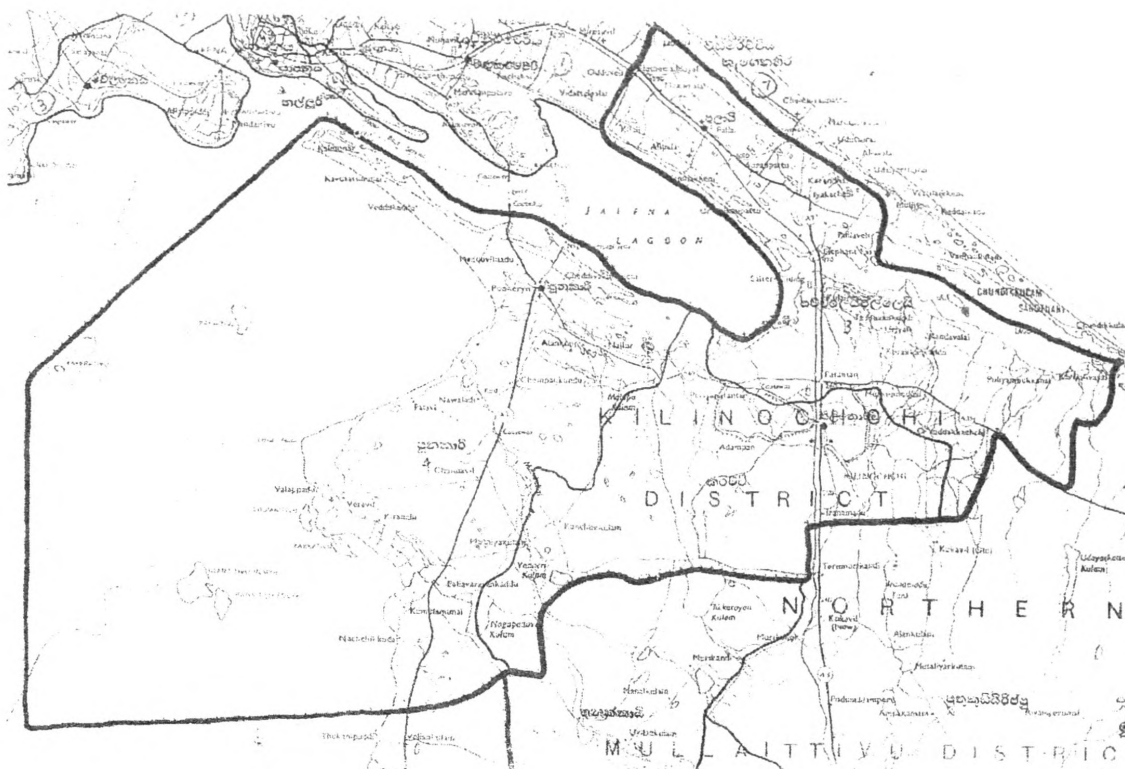
Residential Houses of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Jaffna	1 Jaffna	1,313	483,374,750.00
	2 Chavekachcheri	44	10,677,000.00
	3 Island south	29	2,948,000.00
	4 Vadamarachi north	1	160,000.00
	5 Valikamam north	1	100,000.00
	6 Valikamam south-west	3	600,000.00
Total		1,391	497,859,750.00

Properties of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Jaffna	1 Jaffna	2,262	660,977,395.00
	2 Chavekachcheri	104	19,713,738.00
	3 Island south	41	4,103,350.00
	4 Valikamam north	3	1,545,000.00
	5 Valikamam south-west	10	2,876,000.00
	6 Valikamam east	2	2,371,000.00
	7 Vadamarachi north	5	2,268,400.00
	8 Nalloor	3	752,750.00
Total		2,430	694,607,633.00

7.5 Resettlement of forcibly displaced Muslims in Kilinochchi District



Lands of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	Extent		
			A	R	P
Kilinochchi	1 Poonakari	114	283	3	25
	2 Karachchi	151	233	1	29
	3 Pachchilaipalli	7	8	-	10
	Total	272	525	1	24

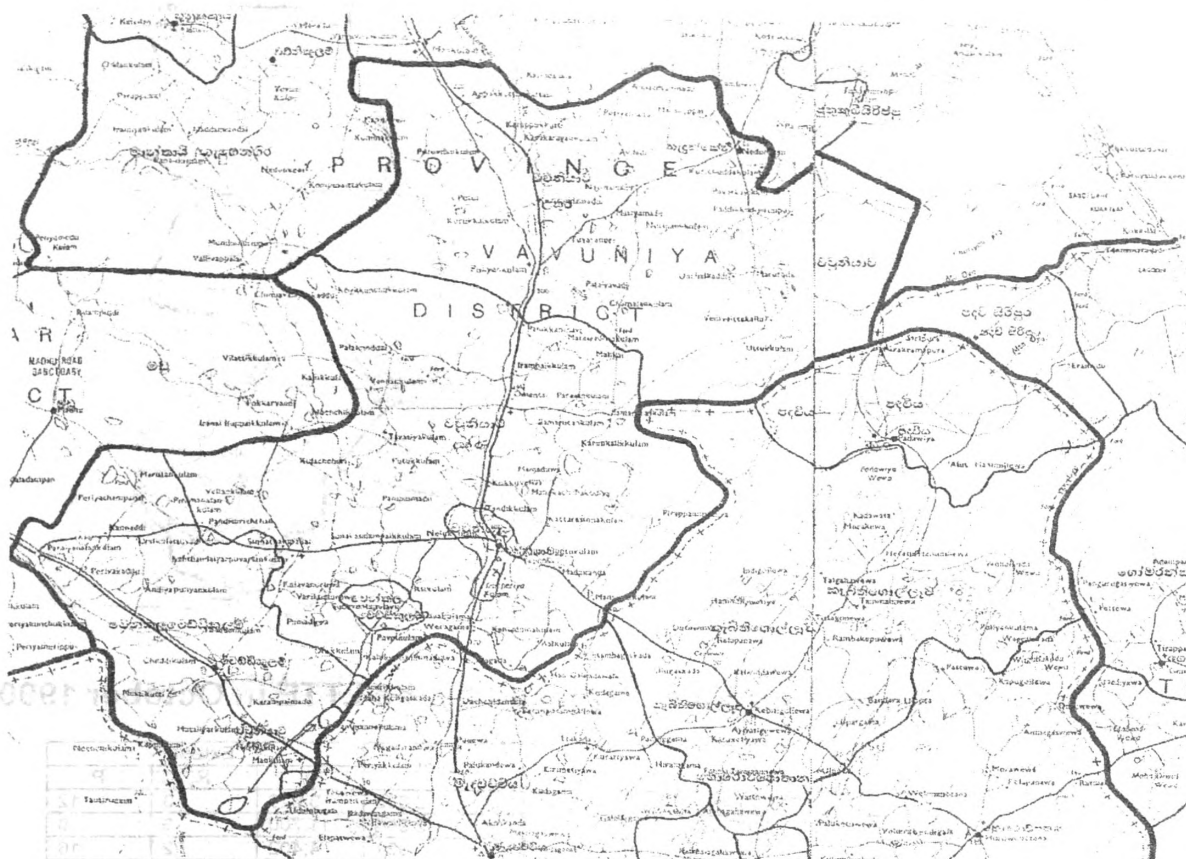
Residential Houses of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Kilinochchi	1 Poonakari	97	15,331,500.00
	2 Karachchi	132	36,364,000.00
	3 Pachchilaipalli	7	485,000.00
	Total	236	52,180,500.00

Properties of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Kilinochchi	1 Poonakari	122	28,700,000.00
	2 Karachchi	184	38,755,335.00
	3 Pachchilaipalli	10	716,000.00
	Total	316	68,171,335.00

7.6 Resettlement of forcibly displaced Muslims in Vavuniya District



Lands of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	Extent		
			A	R	P
Vavuniya	1 Vavuniya south	870	3,795	1	2
	2 Venkalachchettikulam	1,066	1,327	1	20
	Total	1,936	5,122	2	22

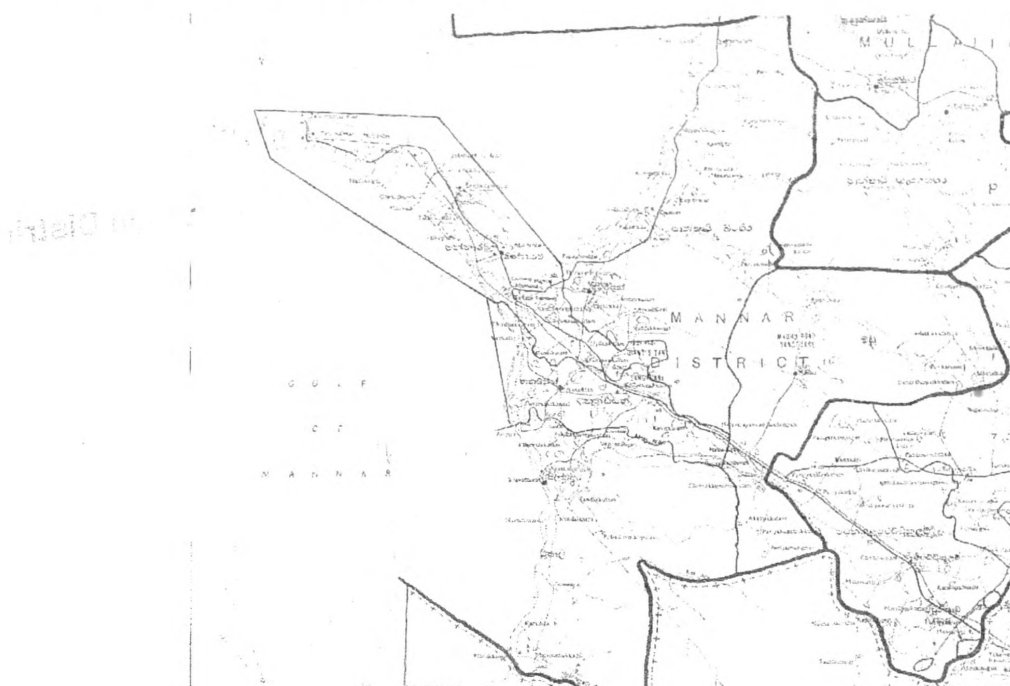
Residential Houses of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Vavuniya	1 Vavuniya south	881	110,984,337.00
	2 Venkalachchettikulam	1,225	112,548,955.00
	Total	2,106	223,533,292.00

Properties of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Vavuniya	1 Vavuniya south	954	153,434,559.00
	2 Venkalachchettikulam	1,415	206,853,541.00
	Total	2,369	360,288,100.00

7.7 Resettlement of forcibly displaced Muslims in Mannar District



Lands of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	Extent		
			A	R	P
Mannar	1 Mannar	2,033	3,623	3	12
	2 Musali	2,966	11,700	3	6
	3 Manthai west	931	4,402	2	16
	4 Madu	417	2,825	1	15
	5 Nanattan	253	681	-	11
	Total	6,600	23,233	2	20

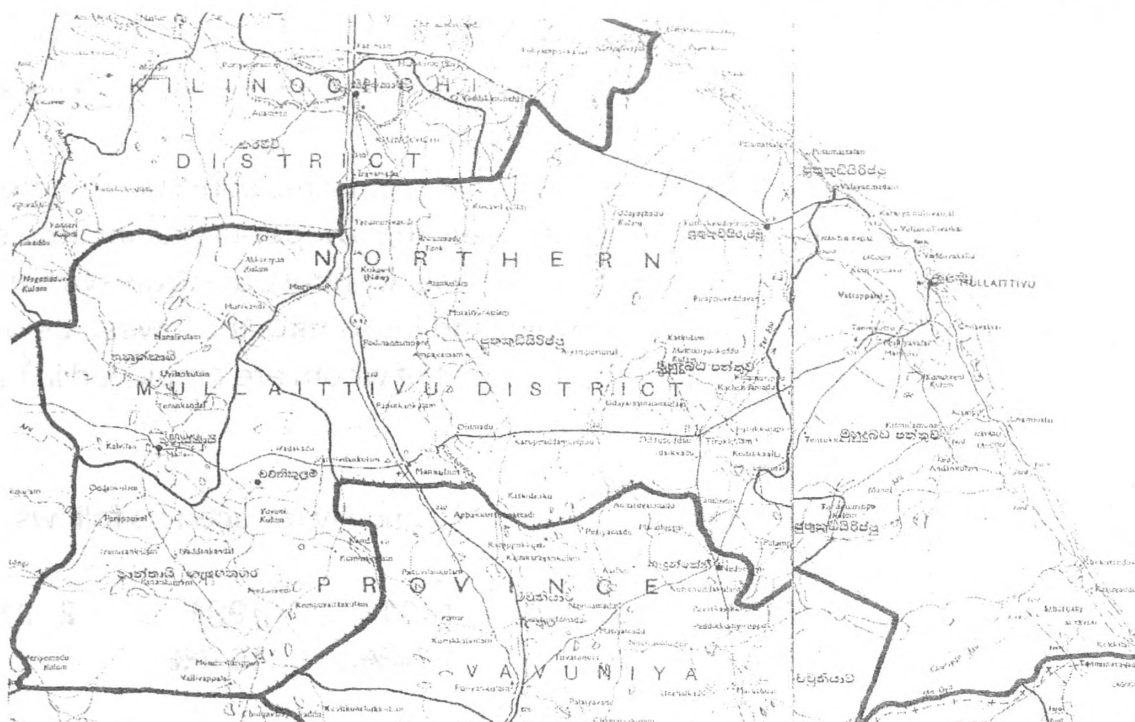
Residential Houses of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Mannar	1 Mannar	2,328	415,530,090.00
	2 Musali	2,725	335,612,675.00
	3 Manthai west	863	179,271,860.00
	4 Madu	257	30,291,700.00
	5 Nanattan	252	34,637,100.00
	Total	6,425	995,343,425.00

Properties of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Mannar	1 Mannar	2,874	504,558,310.00
	2 Musali	3,022	623,219,525.00
	3 Manthai west	1,060	267,902,930.00
	4 Madu	263	33,633,210.00
	5 Nanattan	288	52,408,470.00
	Total	7,507	1,481,722,445.00

7.8 Resettlement of forcibly displaced Muslims in Mullaittevu District



Lands of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	Extent		
			A	R	P
Mullaittevu	1 Maritimepattu	978	1,095	-	22
	2 Puthukudiyiruppu	16	53	1	12
	Total	994	1,148	1	34

Residential Houses of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Mullaittevu	1 Maritimepattu	936	148,795,850.00
	2 Puthukudiyiruppu	16	1,565,000.00
	Total	952	150,360,850.00

Properties of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Mullaittevu	1 Maritimepattu	1,040	231,619,498.00
	2 Puthukudiyiruppu	20	2,268,650.00
	Total	1,060	233,888,148.00

8.0 Ministry of Trade

8.1 Economy and Employment of Muslims

The present economic position of Sri Lanka Muslims could be summed up by referring to one vital matter, namely the low per-capita income of the Muslims in relation to other communities. Central Bank Surveys have revealed that the per Capita income of the Muslims is the lowest, below even to the up country Indian Tamils, most of whom are employed in the estates.

Muslim share of Colombo City revenue drastically reduced as follows:

Year	1963	1973	1981	1991	2001
Muslim Share	22.2%	12.6%	11.4%	10.2%	10.0%

(Source: Marga Institute of Colombo – Muslim Community income distribution)

The Parliamentary Consultative Committee on Ethnic Affairs and National Integration has viewed with concern the dramatic decline in the ethnic representation of Sri Lanka Moors in the public sector. Deputy Minister Jeyaraj Fernandopulle was the chairman of the committee.

The survey of public sector employment in 1990 conducted by the Department of Census and Statistics showed a dramatic decline in the representation of the minorities within the public service. According to the figures made available by the Department of Census & Statistics, in 1985, the Sinhalese had 85.64% of public sector employment although their proportion of the population was 73.9%. 8% Sri Lankan Moors were 3.44% of the public service in 1985, were 2.0% in 1990.

The committee recognized the need to arrest this decline and to review the implementation of the public administration circular on ethnic quotes.

9.0 Ministry of National Languages and Social Integration

9.1 Language of Administration in Colombo

Recent Assessment Survey conducted by the Official Language Commission – OLC, reveals that the constitutional provisions on Language of Administration not fully implemented. The institutions where language was found to be an obstacle were local authorities, Divisional and District Secretariats, police stations, hospitals and head offices.

There was also low compliance with regard to the display of name and sign boards, direction boards and information displays in all the official languages.

9.2 Language of Administration in the Eastern Province

Tamil Speaking population in Ampara District is more than 63% and the population in the Trincomalee District 76% of the total population. But all public institutions in Ampara and Trincomalee Districts of the Eastern Province, particularly the police stations in predominant areas of Tamil speaking peoples still continue to administer and maintain public records in Sinhala and not in Tamil Language as provided in the Constitution.

10.0 Ministry of Housing

10.1 Housing in Predominant Muslim areas in Colombo

About 63% of the population of Colombo are living in shanties or unauthorized structures. Most of the shanties are in the predominant Muslim areas in Maradana, Maligawatta, Panchikawatta, Dematagoda, Aluthkada, Masangas Weediya, Kehelwatta, Grandpass and Slave Island in Colombo Central, Mattakkuliya and Modera in Colombo North, Kuppiyawatte and Borella in Borella.

Habitat for Humanity, Sri Lanka – HFHSL, has reported that the Government lacks a national policy and firm commitment to provide adequate housing for the lower income families in Colombo. There are 18,619 Muslim housing units (2007) in Colombo Central out of which more than 50% are old and unauthorized shanties in predominant Muslim areas.

10,000 new housing units costing US\$ 100 million is the immediate need for the solution of housing problems of lower income Muslim families in Colombo.

11.0 Ministry of Education

11.1 Schools in Predominant Muslim areas in Colombo

There are 19 Muslim schools in predominant Muslim areas in Colombo City with nearly 20,000 students and 730 teachers.

Out of this 19 Muslim Schools, 15 are Boys schools and 4 are Girls schools, 11 are Tamil medium, 4 are Tamil and Sinhalese medium, 3 are Tamil, Sinhalese and English medium and 1 Sinhalese medium. All the 19 schools have classes upto G.C.E.-Ordinary Level. Only 6 schools have classes upto G.C.E.-Advance Level. The principals in Colombo Muslim schools – 40% are Grade I. 50% are Grade II and the balance 10% from service. Of this 70% are males and the balance 30% are females. 60% of the principals are permanent residents in Colombo, the balance 40% come from out stations.

85% of the students in Muslim schools are from the poor families, of this at least 25% are below poverty line. Shortage of infrastructure facilities and qualified and trained teachers are the main reasons for the poor examination results. Colombo Muslim schools are put together with government patronized highly developed schools like Ananda, Nalanda, Royal, Visaka and Devi Balika. The cut off marks for the university admission is the same for all the schools in Colombo District.

Specific problems in Colombo Muslim Schools.

1. Shortage of qualified and experienced principals and teachers.
2. Insufficient infra-structure facilities.

eg: Fathima Muslim Girls school with 3150 students – class room requirement is 72, but it has only 50. Teachers requirement is 106 but has only 84. Shortage 22.

Sinhalese medium Muslim schools in Colombo do not have a single trained Sinhalese medium teacher to teach Islam.

12.0 Ministry of Vocational & Technical Training

12.1 Vocational Training for Muslim Youths

Employment oriented vocational training centres should be established in the predominant Muslim areas for training in Masonry, Carpentry, Plumbing, Welding, Aluminium Fabrication, Tiling, Painting, Motor Mechanism, Driving, Electrical Wiring, Air Conditioning, Information Technology, Nursing, Home Science and Tailoring,

10,000 jobs are the immediate need of Colombo Muslims

13.0 Ministry of Social Services

13.1 Rehabilitation of Muslim Youths from Drugs Trafficking and Underworld Terrorist Gangs

The number of drug addicts have doubled during the last 25 years. The Police have carried out 10,117 raids in the year 2000 alone and arrested 10,278 illegal drug traffickers. Most of the drug traffickers in Colombo are Muslims.

According to Police Crime Division there are about 200,000 Ganja addicts in Sri Lanka and 50,000 in Colombo. Large numbers of Muslim youths in Maligawatta – Colombo Central and Mattakkuliya – Colombo North have become Ganja addicts.

According to information gathered by Police Criminal Division in 2005 there were 84 underworld gangs operated in the whole country. Out of this 54 gangs were in Colombo and its suburbs. More than 20 gangs were operating in Colombo City alone. There were 4 Muslim gangs operating in Maligawatta and “Apple watta” is the centre of illegal activities. According to a former Police Chief, there were 10 Muslim women also carrying out illegal operations here.

According to Police Narcotic Bureau, Muslim youths in Colombo are very active in drug trafficking. Lack of employment opportunities, inadequate housing and shortage of proper educational infrastructure facilities in Muslim schools are the root cause for the Colombo Muslim youths to become drug traffickers and members of underworld terrorist gangs.

SPECIAL TASK FORCE TO RESOLVE MUSLIM GRIEVANCES IN SRI LANKA

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அல்-செலான் முஸ்லிம் ஆவண நிலையம் AL-CEYLAN MUSLIM DOCUMENTATION CENTRE
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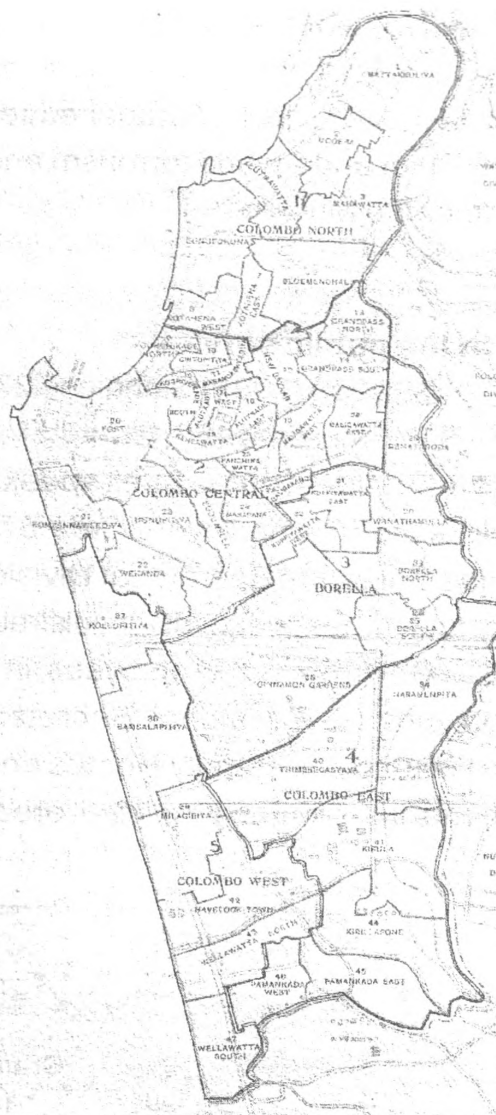
GRIEVANCES OF COLOMBO MUSLIMS

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COLOMBO CITY

Under the earlier delimitation, the Colombo Municipal Council area had 5 electorates and 47 municipal wards.

For administrative purpose Colombo City comes under the Divisional Secretaries' Divisions of Colombo - Urban and Thimbirigasyaya - Rural.

Number of Grama Sevaka Nilatharies for Colombo Municipal Council Area in 1995 was 55

Population 2001 D.S. Divisions	Total Population		Sinhalese		Tamils		Muslims		Other	
	No.	%	No.	%	No.	%	No.	%	No.	%
Colombo	377,396	100	117,090	31	125,456	33.2	128,789	34.1	6,061	1.6
Thimbirigasyaya	264,767	100	148,567	56.1	74,184	28	35,659	13.5	6,357	2.4
Total	642,163	100	265,657	41.4	199,640	31.1	164,448	25.6	12,418	1.9

Grievances of Colombo Muslims

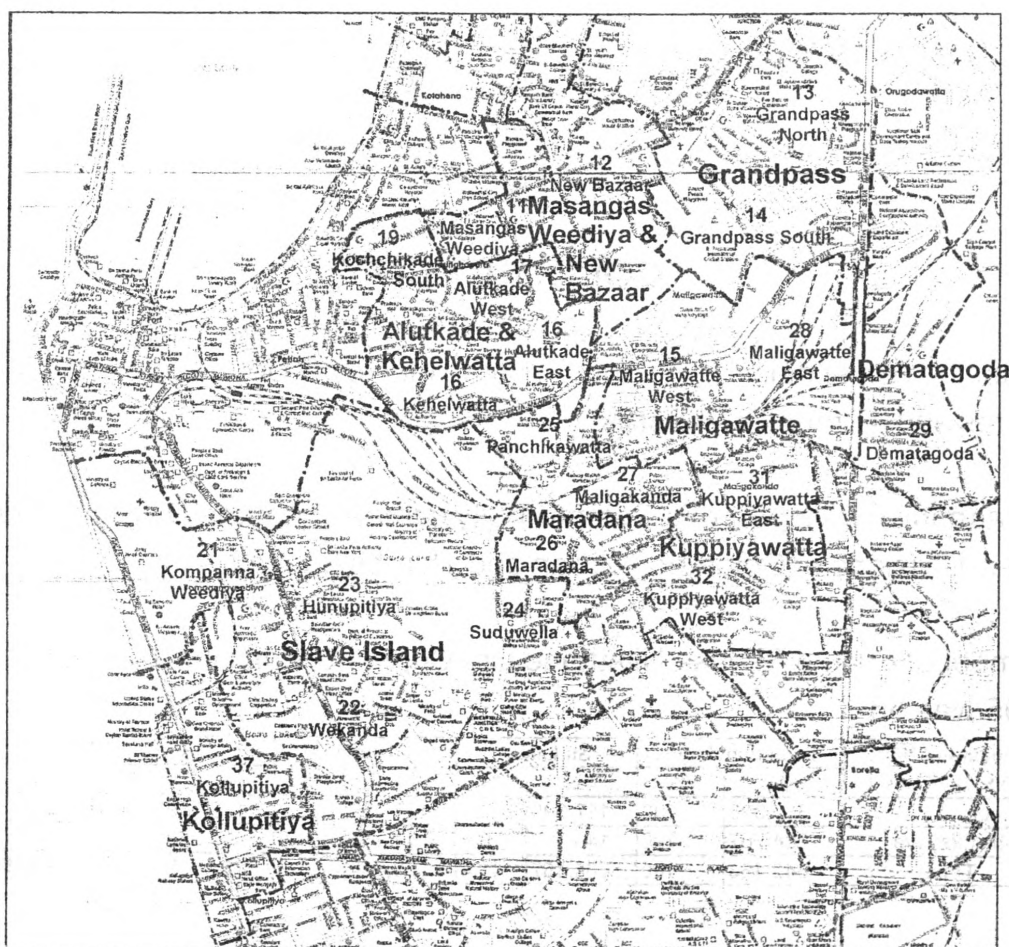
Unemployment, inadequate housing, lack of proper educational infrastructure facilities and the rapid growth of underworld terrorism and drug trafficking are the main grievances of Colombo Muslims.

Grievance No.1

Muslim discriminated in the public service

Ministry
of Home
Affairs

Colombo population (2001) Sinhalese 270,932 – 42%, Tamils 199,429 – 31%, Muslims 163,167 – 25% and others 13,572 – 2%, Total 647,100 – 100%. Tamil speaking peoples – Tamils and Muslims are 56% and over 2/3rd – 67.3% of the population of Colombo Divisional Secretariat Division. But the Divisional Secretary and the language of administration have always been Sinhalese. Government Employees in Colombo Municipal Council, Colombo Divisional Secretary's Division, Police Stations, Hospitals, Maternity Homes and all the Government Departments in Colombo Municipal area are not according to ethnic ratio.



Tamil Speaking Muslim Divisional Secretary and at least 9 Muslim Grama Niladharies should be appointed immediately in predominant Muslim areas of Colombo Urban Divisional Secretary's Division.

Ministry of Defence Public Security, Law and Order	<p>There are 8 police stations in predominant Muslim areas in Colombo. These police stations do not have Muslim police officers according to ethnic ration.</p> <p>Police Department – DIG, Colombo Range SSP – Colombo Central Division Keselwatta, Slave Island, Maradana, Maligawatte, Dam Street</p> <p>SSP – Colombo North Division Grandpass, Dematagoda, Mattakkuliya</p>
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Grievance No.2

Economy and Employment

Ministry of Trade, Marketing Development Co-operatives and Consumer Services	<p>The Muslims are a misunderstood community as far as the economic position is concerned. They are loosely referred to as a rich community whereas the fact is otherwise. Muslim community has been engaged in trade in the past. They were dealing in a big way in the export and import Business during the pre-independent period.</p>
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The present economic position of Sri Lanka Muslims could be summed up by referring to one vital matter, namely the low per-capita income of the Muslims in relation to other communities. Central Bank Surveys have revealed that the per Capita income of the Muslims is the lowest, below even to the up country Indian Tamils, most of whom are employed in the estates.

With the gaining of independence in 1948, various changes have been effected in the economic structure of the country. The establishment of co-operative movements and the state-owned co-operative wholesale establishments with retail outlets throughout the country has placed the Muslim community in an unfortunate position as trade was one of their main occupations.

These and subsequent state monopolies, have created problems and difficulties for the Sri Lanka Muslims particularly in the City of Colombo after the independence. Muslim share of Colombo City revenue drastically reduced as follows:

Year	1963	1973	1981	1991
2001				
Muslim Share	22.2%	12.6%	11.4%	10.2%
	10.0%			

(Source: Marga Institute of Colombo – Muslim Community income distribution)

Mr. M. Abdul Bakeer Markar, M.P. Beruwala, submitted a proposal in Parliament on 11 August 1967 to improve the lot of hawkers. Representations were made to the Ministers concerned and the Chairman of the CWE for the issue of permit to every genuine hawker so that they could start their trade once again and earn a living to maintain their families.

Grievance No.3

Language of Administration

Ministry of Constitutional Affairs and National Integration Recent Assessment Survey conducted by the Official Language Commission – OLC, reveals that the constitutional provisions on Language of Administration not fully implemented. The institutions where language was found to be an obstacle were local authorities, Divisional and District Secretariats, police stations, hospitals and head offices.

There was also low compliance with regard to the display of name and sign boards, direction boards and information displays in all the official languages.

Grievance No.4

Housing

Ministry of Housing and Common Amenities About 63% of the population of Colombo are living in shanties or unauthorized structures. Most of the shanties are in the predominant Muslim areas in Maradana, Maligawatta, Panchikawatta, Dematagoda, Aluthkada, Masangas Weediya, Kehelwatta, Grandpass and Slave Island in Colombo Central,

Mattakkuliya and Modera in Colombo North, Kuppiyawatte and Borella in Borella.

Habitat for Humanity, Sri Lanka – HFHSL, has reported that the Government lacks a national policy and firm commitment to provide adequate housing for the lower income families in Colombo. There are 18,619 Muslim housing units (2007) in Colombo Central out of which more than 50% are old and unauthorized shanties in predominant Muslim areas.

10,000 new housing units costing US\$ 100 million is the immediate need for the solution of housing problems of lower income Muslim families in Colombo.

Grievance No.5

Education - Schools

Ministry of Education There are 19 Muslim schools in Colombo City with nearly 20,000 students and 730 teachers.

Out of this 19 Muslim Schools, 15 are Boys schools and 4 are Girls schools, 11 are Tamil medium, 4 are Tamil and Sinhalese medium, 3 are Tamil, Sinhalese and English medium and 1 Sinhalese medium. All the 19 schools have classes upto G.C.E.-Ordinary Level. Only 6 schools have classes upto G.C.E.-Advance Level. The principals in Colombo Muslim schools – 40% are Grade I. 50% are Grade II and the balance 10% from service. Of this 70% are males and the balance 30% are females. 60% of the principals are permanent residents in Colombo, the balance 40% come from out stations.

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Grievance No.6

Vocational Training

Ministry of Vocational & Technical Training	Employment oriented vocational training centres should be established in the predominant Muslim areas for training in Masonry, Carpentry, Plumbing, Welding, Aluminium Fabrication, Tiling, Painting, Motor Mechanism, Driving, Electrical Wiring, Air Conditioning, Information Technology, Nursing, Home Science and Tailoring,
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10,000 jobs are the immediate need of Colombo Muslims

Grievance No.7

Social Welfare

Ministry of Social Services and Social Welfare	Drugs Trafficking and Underworld Terrorist Gangs
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The number of drug addicts have doubled during the last 25 years. The Police have carried out 10,117 raids in the year 2000 alone and arrested 10,278 illegal drug traffickers. Most of the drug traffickers in Colombo are Muslims.

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GRIEVANCES OF EASTERN PROVINCE MUSLIMS

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EASTERN PROVINCE

Population Growth in the Eastern Province from 1949 and 1981

Tamil population increased from 136,059 to 411,451 - 302%, Muslim population increased from 109,024 to 315,358 - 289%. The Sinhalese population increased from 27,556 to 243,358 - 883%, national average increased of Sinhalese population during this period is only 238%. The sudden increase of Sinhalese population in the Eastern Province is the result of Government planned Sinhala colonization in Gal-oja, Pannal-oja, Ambalam-oja in Ampara District and Kanthalai, Allai, Morawewa, Muthelikulam, Pathavia (Part), and Mahadiluwera schemes in the Trincomalee District.

GENERAL GRIEVANCES OF EASTERN PROVINCE MUSLIMS

Grievance No.1

Chief Minister for the Eastern Province

His Excellency the President and the Ministry of Local Government and Provincial Councils

Before the election, President Mahinda Rajapakse promised that the group that return the highest number of members to the council would be given the chance to appoint the chief minister.

The election results reflected the mood of the people in the province with the UPFA's 18 elected members comprising, 8 Muslims, 6 Tamils and 4 Sinhalese whilst the UNP – SLMC list returned 9 Muslims 4 Tamils and 2 Sinhalese. The JVP and the TDNA returned 1 Sinhalese and 1 Tamil respectively. In total, of the 35 elected members from both side, there were 17 Muslim representatives as opposed to 11 Tamils and 7 Sinhalese. However the Government did not appoint a Muslim as promised.

Grievance No.2

Language of Administration in the Eastern Province

Ministry of Constitutional Affairs and National Integration

Tamil Speaking population in Ampara District is more than 63% and the population in the Trincomalee District 76% of the total population. But all public institutions in Ampara and Trincomalee Districts of the Eastern Province, particularly the police stations in predominant areas of Tamil speaking peoples still continue to administer and maintain public records in

Sinhala and not in Tamil Language as provided in the Constitution.

Ministry of
Defence
Public
Security,
Law and
Order

There are 14 police stations in predominant Muslim areas in the Eastern Province. These police stations do not have Muslim police officers according to ethnic ration.

DIG, Eastern Range (South). SSP-Ampara – Maruthamuna, Kalmunai, Sammanthurai, Akkaraipattu, Pottuvil

DIG, Eastern Range (Central). SSP-Batticaloa – Valachchenai, Kalkudah, Eravur, Kattankudi

DIG, Eastern Range (North). SSP-Trincomalee – Trincomalee, Kinniya, China Bay, Muttur, Kuchcaveli, SSP-Kanthalai – Thambalagamam

Grievance No.3

Government Agent – District Secretaries in Muslim Majority Districts

Ministry of Home Affairs Ampara and Trincomalee Districts are the only Muslim Majority Districts in Sri Lanka. But these Districts never had Tamil speaking Muslim District Secretaries - GA

Ministry of Agricultural Development & Agrarian Services

Grievance No.4

Ministry of
Agricultural
Development
& Agrarian
Services

Muslim Lands unlawfully occupied by Tamil Terrorists

LTTE – Tamils are forcibly occupying more than 63,000 Acres of Agricultural Land belonging to nearly 15,000 Muslim families in the Eastern Province.

Ampara District

D.S. Division	Title Holding				Permit Holding				PLR Holding				Total			
	No. of Cases	Extent			No. of Cases	Extent			No. of Cases	Extent			No. of Cases	Extent		
		A	R	P		A	R	P		A	R	P		A	R	P
Lahugala	19	136	-	-	43	119	2	-	57	192	-	-	119	447	2	-
Pottuvil	123	1319	2	27	628	2285	2	26	479	1729	2	-	1230	5334	3	13
Thirukkivil	20	171	-	5	175	378	-	19	296	783	3	-	491	1332	3	24
Alayadiwembu	3	15	-	-	11	22	-	24	117	195	2	-	131	232	2	24
Akkaraipattu	5	45	1	37	8	39	2	-	19	90	-	-	32	174	3	37
Addalaichenai	62	285	1	34	301	862	3	-	20	85	-	-	383	1233	-	34
Ninthavur	3	13	2	-	-	-	-	-	16	79	-	-	19	92	2	-
Sammanthurai	45	260	-	34	320	784	-	15	119	463	2	20	484	1507	3	29
Irakkamam	15	107	1	24	40	134	-	19	46	212	3	13	101	454	1	16
Kalmunai	37	407	3	4	40	126	3	4	510	2485	3	-	587	3020	1	8
Navithanveli	3	43	3	18	2	1	1	-	55	281	-	32	60	326	1	10
Uhana	-	-	-	-	5	15	3	8	21	74	-	38	26	90	-	6
Damana	-	-	-	-	3	13	-	-	4	11	-	-	7	24	-	-
Total	335	2805	1	23	1576	4782	2	35	1759	6683	1	23	3670	14271	2	1

Batticaloa District

D.S. Division	Title Holding				Permit Holding				PLR Holding				Total			
	No. of Cases	Extent			No. of Cases	Extent			No. of Cases	Extent			No. of Cases	Extent		
		A	R	P		A	R	P		A	R	P		A	R	P
Eravurpattu	354	3505	-	25	682	3400	3	2	980	5065	1	16	2016	11971	1	3
Eravur Town	15	598	1	2	1	2	-	-	76	385	-	-	92	985	1	2
Kattankudy	1	8	-	-	-	-	-	-	1	-	-	12	2	8	-	12
Koralaipattu	144	830	1	15	496	2276	1	-	274	1213	1	8	914	4319	3	23
Koralaipattu North	8	74	1	25	39	142	2	-	120	512	3	25	167	729	3	10
Koralaipattu South	9	98	2	12	17	77	-	-	26	85	-	-	52	260	2	12
Koralaipattu West	112	752	3	15	472	2169	1	12	460	1807	2	17	1044	4729	3	4
Koralaipattu Central	36	186	-	26	71	352	-	-	488	1481	2	24	595	2019	3	10
Manmunai	97	710	3	32	7	29	-	-	10	47	-	-	114	786	3	32
Manmunai North	5	20	-	27	2	5	-	15	3	14	2	-	10	39	3	2
Manmunai South	2	16	3	33	-	-	-	-	-	-	-	-	2	16	3	33
Manmunai S-W	8	95	2	35	-	-	-	-	1	3	-	-	9	98	2	35
Manmunai West	101	946	3	1	24	92	1	38	31	170	1	39	156	1209	2	38
Poraiteevupattu	2	37	3	17	1	5	-	-	-	-	-	-	3	42	3	17
Total	894	7882	-	25	1812	8551	1	27	2470	10785	3	21	5176	27219	1	33

Trincomalee District

D.S. Division	Title Holding				Permit Holding				PLR Holding				Total			
	No. of Cases	Extent			No. of Cases	Extent			No. of Cases	Extent			No. of Cases	Extent		
		A	R	P		A	R	P		A	R	P		A	R	P
Kinniya	113	669	3	1	253	661	2	11	1885	5869	-	34	2251	7200	2	6
Kuchchaveli	11	49	3	-	35	268	-	-	812	3287	3	25	858	3605	2	25
Trincomalee T & G	2	6	-	-	2	7	-	-	10	25	1	4	14	38	1	4
Gomarankadawala	-	-	-	-	-	-	-	-	1	3	-	-	1	3	-	-
Morawewa	8	27	3	6	28	78	2	12	395	1147	3	-	431	1254	-	18
Seruvavila	44	240	2	9	24	104	-	-	80	287	2	-	148	632	-	9
Muthur	233	751	-	4	298	830	-	7	922	2681	1	23	1453	4262	1	34
Total	411	1744	3	20	640	1949	-	30	4105	13302	-	6	5156	16996	-	16

The right to return to their lands cultivated on Title Deeds, Permits, PLR etc. are denied to the Muslims in the Eastern Province.

Grievance No.5

His Excellency the President and Department of Public Trustee **Muslim Trust Properties unlawfully occupied by LTTE Tamil Terrorist**

Tamil militants are also unlawfully occupying lands belonging to Muslim religious and cultural organizations – 1560 Acres in Thirukkivil and 'Timitar' Komari in Pottuvil – the properties in Rasool Estate in the custody of the Department of Public Trustee in terms of Case No. 304/T.

Grievance No.6

Ministry of Disaster Management and Human Rights **2004 December 26 "Tsunami" – Muslim Areas Discriminated**

The government has not treated the 'Tsunami' affected Muslim people equally.

In the three districts of Ampara, Batticaloa and Trincomalee, there are 22,644 houses to be reconstructed. In Batticaloa

4,426 houses, Trincomalee 5,737 and in Ampara, the worst affected district the need is 12,481.

In the Batticaloa District, the TRO (Tamil Rehabilitation Organisation) has been channeling funds to resettle the affected Tamil people. But Kattankudy's coastal villages such as New Kattankudy and Palamunai still remain untouched.

Mutur, Kinniya, Kuchchaveli Pulmoddai and Trincomalee town are the main Divisional Secretariats Division in the Trincomalee District where thousands of Muslims have been affected by the Tsunami. Political confusion has greatly contributed to the mismanagement of relief. LTTE held areas in the district have come under LTTE-backed relief and resettlement works. But Muslim areas are still suffering from having not enough infrastructure development such as roads and hospitals.

Grievance No.7

Ministry of

Urban

Development
& Sacred Area
Development

Lands in the Buffer Zone

The government has relaxed the hotly-debated 200 meter buffer zone in the coastal areas due to the difficulties in finding alternate land to resettle the Tsunami affected people.

The buffer zone in Mutur, Kinniya, Kuchchaveli in the Trincomalee District has been relaxed to 60 metres, Kattankudy in Batticaloa District to 80 metres, Pottuvil and Arugambay to 50 metres, and Kalmunai to 65 metres in the Ampara District from the earlier 200 metres.

Land available within the 200 meters from the sea and the relaxed buffer zone.

Ampara District - 1,000 Acres

Maruthamunai 120 Acres, Kalmunai 220 Acres, Sainthamaruthu 20 Acres, Ninthavur 220 Acres, Oluvil 20 Acres, Addalachchenai 50 Acres, Akkaraipattu 70 Acres and Pottuvil 280 Acres

Batticaloa District - 300 Acres

Kattankudy 240 Acres, Palamunai 40 Acres and Poonochchimunai 20 Acres

Trincomalee District - 700 Acres

Mutur 140 Acres, Kinniya 435 Acres, Kuchchaveli 90 Acres and Trincomalee Town 35 Acres

Urban Development Ministry Secretary confirming the relaxation of the buffer zone regulations said that the revisions came after representations from various quarters seeking permission for construction purposes. But the Buffer Zone boundaries have not yet been demarcated on ground and there is utter confusion in these Muslim coastal areas in the Eastern Province.

Grievance No.8

**Ministry of
Home Affairs**

Public Administration

After de-merging the north and east in October 2006, the Eastern Province administration is being ethnically transformed. Former Trincomalee GAs Rodrigo and Nelundeniya are chief secretary and public administration secretary respectively. Former Matale GA, Udage is the secretary of the provincial Public Services Commission.

There are also many ex-servicemen in key positions. The Governor is Rear Admiral Mohan Wijewickrema. The GA is Major General Ranjith de Silva. The Rehabilitation Coordinator is Major General Amaradeva. The Governor's Secretary is Capt. Patrick Jayasinghe.

Specific Grievances of Muslims in the Ampara District

Land Area, Population – 2007 and Registered Muslim voters in 2008



No.	D.S. Division	Total Popula. 2007	District %	Land Available sq. km	Land Eligible sq. km	Sinhalese		Muslims		Tamils		Muslim Registered Voters 2008
						2007	%	2007	%	2007	%	
Panamapattu												
01	Lahugala	8259	1.35	616.87	59.95	7500	90.8	-	-	758	9.2	
02	Pottuvil	33625	5.51	367.50	244.09	667	2.0	26493	78.8	6444	19.2	18,264
Akkaraipattu												
03	Thirukkovil	24972	4.09	190.65	181.28	27	0.1	-	-	24934	99.8	
04	Alayadiwembu	22289	3.65	127.50	161.80	142	0.6	42	0.2	22085	99.1	
05	Akkaraipattu	37070	6.07	102.18	269.10	119	0.3	36864	99.4	79	0.2	25,402
06	Addalachchenai	39721	6.50	52.50	288.35	1967	5.0	37349	94.0	404	1.0	25,671
Ninthavur-Karawahupattu												
07	Ninthavur	25652	4.20	55.62	186.22	9	0.0	24506	95.5	1129	4.4	16,833
08	Karaitheevu	16656	2.73	31.25	120.91	23	0.1	6534	39.2	10098	60.6	4,629
09	Sainthamaruthu	25147	4.12	66.87	704.46	3	0.0	25144	100.0	-	-	17,254
10	Kalmunai	42852	7.02			48	0.1	42689	99.6	115	0.3	29,458
11	Kalmunai Tamil	29025	4.75			248	0.9	1957	6.7	26818	92.4	1,263
Sammanthuraipattu												
12	Navithanveli	18436	3.02	256.70	631.67	61	0.3	6026	32.7	12349	67.0	4,208
13	Sammanthurai	55592	9.10			81	0.1	48566	87.4	6939	12.5	33,667
14	Irakkamam	13006	2.13			759	5.8	11948	91.9	296	2.3	8,248
Wewagampattu												
15	Uhana	53262	8.72	415.62	386.64	53222	99.9	13	0.0	19	0.0	
16	Ampara	39268	6.43	225.00	285.06	38668	98.5	317	0.8	245	0.6	
17	Damana	35705	5.85	426.25	259.19	35560	99.6	116	0.3	16	0.0	
Binthanapattu												
18	Dehiyattakandya	55930	9.16	432.50	406.01	55716	99.6	116	0.2	87	0.2	
19	Pathiyathalawa	16451	2.69	466.37	119.42	16365	99.5	50	0.3	28	0.2	
20	Maha-Oya	17801	2.91	600.00	129.22	17753	99.7	36	0.2	12	0.1	
Total		610719	100.00	4433.38	4433.38	228938	37.5	268766	44.0	112855	18.5	184,897

2008 Registered voters - 420,835

Grievance No.1**Ministry of Pottuvil**

Home Affairs Former Muslim Majority Panamapattu DRO Division, 472 sq. mils, population 26,916. When redemarcating the new Administrative Divisions 19,831 - 74% Muslim Majority Pottuvil AGA Division was given only 22% - 103.9 sq. mils and the balance 78% - 368.2 sq. mils land area was allocated for the 7,085 - 26% Sinhala Majority Lahugala AGA Division.

When compared the land areas for the Sinhalese with the land area for the Muslims in the Muslim Majority Ampara District, the Sinhalese land area is 13 times more than the Muslim land area.

Grievance No.2**Ministry of Livestock and Dairy Farmers Agricultural Co-operative Society Limited**

Development The area of operation of the Society is the DRO's Division of Akkaraipattu – present Divisional Secretaries Division of Akkaraipattu, Alayadivembu, Addalaichenai and Thirukkivil.

According to the records in Akkaraipattu Police Station the total number of cattles lost during the insurgency in 1985 - 1997 is 12,945 and the estimated value of damages to the cattles and farm was Rs. 100 million.

Prior to the insurgency, the Society produced more than 1½ million liters of milk and 300 tons of beef annually and the members were able to get an average income of Rs. 5,000-00 per month. Presently the members of the Society have lost their cattle, farm and the income. The county had lost the much needed milk and meat.

The dispute on the pasture land allocated to the society continue to remain unsettled.

Grievance No. 3**Ministry of Akkaraipattu**

Home Affairs The Akkaraipattu AGA's Division had two-third Muslims and one-third Tamil population. A circuit AGA's Office was temporarily created in 1985 for the Tamils in Akkaraipattu which

was later upgraded to a full fledged AGA's Office called Alayadivembu by political vested interests.

Grievances of Akkaraipattu Muslim people were further aggravated when malicious efforts were made to include the legitimate land and natural resources belonging to the Muslim people with Tamil majority Alaiyadivembu AGA's Division.

The Divisional Secretariat Administration was introduced in 1992. But Akkaraipattu DS Division and Alayadivembu DS Division were created without correct definition of the area of administration and the relevant Grama Sevaka Divisions falling within the respective DS Divisions. The situation continues to remain unsettled.

Grievance No.4

**Ministry of
Water Supply
& Drainage**

Periyakalappu - Sambukalappu Drainage

This is one of the most urgent needs of the people of Akkaraipattu area, who have voted the UPFA Government to victory on the promise that the above drainage project would be commenced immediately. The job is to reduce the water level of Periyakalappu and Sambukalappu by one foot below Mean Sea Level in order to reclaim more than 2,500 acres of fertile paddy fields laying inundated for the last 45 years.

The drainage area is 7 sq. miles of Periyakalappu and 3 sq. miles of Sambukalappu total 10 sq. miles or 6,400 acres.

Grievance No.5

**Ministry of
Home Affairs**

Sammanthurai

In the Sammanthurai Muslim Majority DRO Division, nearly 65 sq. miles of land area covering the Hendy Institute, Ampara Tank, the Town area and Komari have been encroached by the Sinhalese and attached with the Wewagampattu – Uhana AGA Division.

Grievance No.6

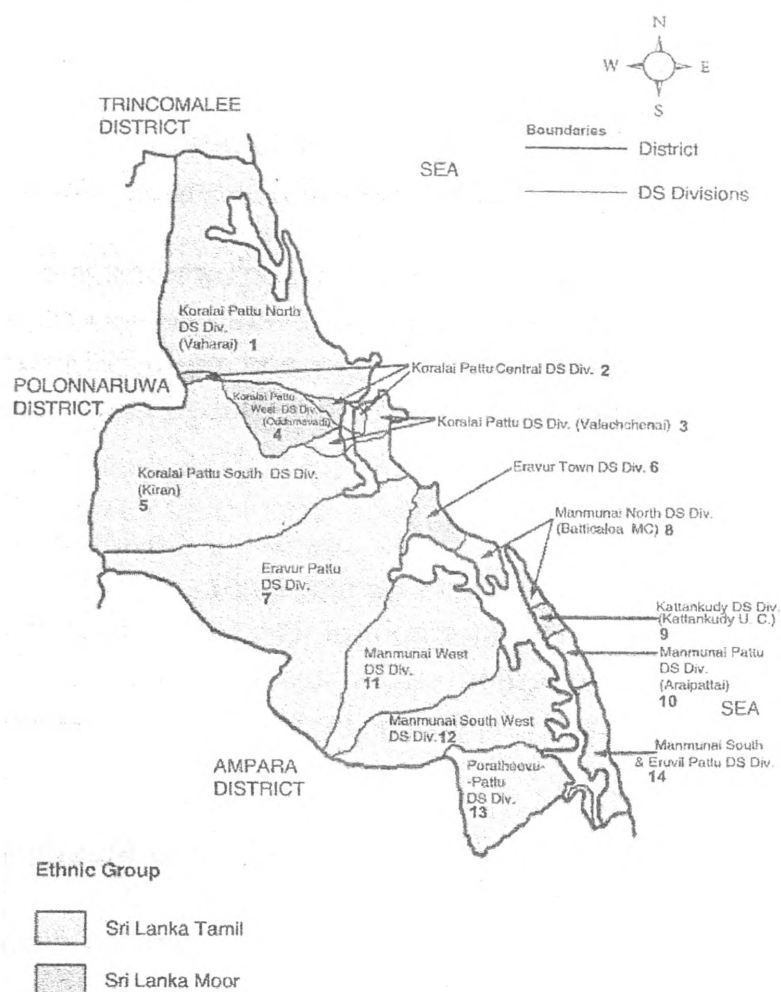
**Ministry of
Home Affairs**

Irakkamam

The sub AGA's Office in Irakkamam has been upgraded as a DS Office without proper demarcation of boundaries or any Gazette notification

Specific Grievances of Muslims in the Batticaloa District

Land Area, Population – 2007 and Registered Muslim voters in 2008



No.	D.S. Division	Total Popula. 2007	District %	Land Available sq. km	Land Eligible sq. km	Sinhalese		Muslims		Tamils		Muslim Registered Voters 2008
						2007	%	2007	%	2007	%	
Koralaipattu												
01	Koralaipattu North	21263	3.80	550.00	100.01	1	0.0	-	-	21262	100.0	
02	Koralaipattu Centre	24510	4.38		115.33	84	0.3	23421	95.6	1005	4.1	14,014
03	Koralaipattu	44226	7.90	484.50	208.01	76	0.2	35	0.1	44115	99.7	
04	Koralaipattu West	45495	8.12	176.00	213.98	87	0.2	44253	97.3	1155	2.5	26,358
05	Koralaipattu South (Kiran)	19659	3.51		92.41	7	0.0	-	-	19652	100.0	
Eravurpattu												
06	Eravur Town	25024	4.47	3.74	117.69	4	0.0	21447	85.7	3573	14.3	12,678
07	Eravurpattu	75886	13.55	634.10	356.91	1430	1.9	13333	17.6	61123	80.5	8,007
Manmunaipattu												
08	Manmunai North	88459	15.80	75.90	416.05	226	0.3	3925	4.4	84308	95.3	2,336
09	Kattankudy	39523	7.06	3.89	185.89	-	-	39517	100.0	6	0.0	23,689
10	Manmunaipattu	30747	5.49	31.72	144.61	1	0.0	6541	21.3	24205	78.7	4,004
Manmunai West												
11	Manmunai West	25025	4.47	292.70	117.70	1	0.0	-	-	25024	100.0	
12	Manmunai South-West	23988	4.28	161.60	112.82	199	0.8	-	-	23789	99.2	
Manmunai Eruvilpattu												
13	Poratheevupattu	38282	6.84	167.20	180.05	354	0.9	-	-	37928	99.1	
14	Manmunai South Eruvilpattu	57917	10.34	52.50	272.40	18	0.0	3	0.0	57896	100.0	
Total		560004	100.00	2633.85	2633.85	2488	0.4	152475	27.2	405041	72.3	91,086

2008 Registered voters - 333,644

Grievance No.1

**Ministry of
Public
Administration
and Home
Affairs**

The Batticaloa district consists of 14 Pradesiya Sabhas and covering an extent of 2633 sq. km. There are 4 predominant Muslim DS divisions and the land area – Kattankudi 3.4 sq. km. Eravur Town 3.89 sq. km., Koralaipaththu West (Ottamavadi) 6.84 sq. km. Koralaipaththu Central 6.50 sq. km. Total extent of Muslim land area approximately 20.0 sq. km., which is less than 1.0% of the total area of Batticaloa District where the Muslim population is nearly 30% today.

Serious issues have been raised by Muslims of Batticaloa on the ongoing activities of the several international organizations assisted by the Government and the Tamil Makkal Viduthalai Pulikal (TMVP) in re-settling displaced Tamils on lands owned by Muslims.

After 1985, LTTE forcibly occupied Muslim residential, agricultural and cattle farming lands – more than 35,000 acres in areas under their control. The GOSL did nothing to restore these properties owned by the Muslims on title deeds, government permits and paddy cultivation register.

Grievance No.2

**Ministry of
Resettlement
& Disaster
Relief
Services**

Resettlement of forcibly displaced Muslims in Muslim Colony Batticaloa

- (a) Resettlement of 175 Muslim families displaced in the Muslim Colony.
- (b) Resettlement of Muslim families displaced from Nochchimunai and Poonochchimunai within Batticaloa Municipal area bordering Kattankudy

Grievance No.3

**Ministry of
Resettlement
& Disaster
Relief
Services**

Eravur

Most of the Muslim agriculture and cattle farm land owned by the Muslims lie along the Chenkaladi – Badulla – A5 Road. Today the entire area along this road has come under the control of GOSL armed forces. Eravur Muslims owned more than 12,000 acres. Arrangements are being made now to bring back the Tamils who have been unlawfully occupying Muslim lands and settle them permanently by the TMVP of Karuna and the Government armed forces without any consideration of the displaced Muslims by the LTTE.

During the ethnic conflict 1983, 1985, 1990 etc., more than 12,700 Muslim families were chased out by the LTTE and the Tamils forcibly occupied all the Muslim lands that came under LTTE control. The GOSL did nothing to provide any relief or pay compensation for the loss of livelihood of these displaced Muslims.

Resettlement of displaced Tamils on Muslim land in Iyankuni, Meerakerni, Mitchanagar, Hidayathanagar, Thakvanagar in and around Eravurpathu Pradeshiya Sabha would further deteriorate the peaceful co-existence of Muslims and Tamils in Eravur.

The displaced Muslims suffered untold hardships during the last 22 years. Now after the GOSL cleared these areas from the LTTE, the TVMP of Karuna with the help of the government security forces and INGO assistance, putting up permanent houses, churches, temples and schools in the Muslim lands forcibly occupied by the LTTE without any consideration for Muslims' right to return who are the lawful owners of these lands.

Grievance No.

**Ministry of
Public
Administration
and Home
Affairs**

Koralaipaththu Central

Although the Local Government Commission declared Koralaipaththu Central – the area of historical habitation of the Muslims, covering more than 240 sq. km., consisting of 11 Grama Sevaka Niladhari divisions, the boundaries have not yet been demarcated on ground.

Grievance No.5

**Ministry of
Public
Administration
and Home
Affairs**

Kattankudi Muslim Border Villages

Ollikulam, Sikaram, Karbela, Palamunai, Kankayan Odai, Keechampallam are the Muslim border villages of Kattankudi in Arayampathi Pradeshiya Sabha. Displaced Tamils after GOSL military operations to flush the LTTE terrorists in the Paduvankarai Tamil villages have been temporarily settled in private lands owned by the Muslims and the Mosques. Now the TMVP is making arrangements to settle the displaced Tamils permanently on land belonging to the Muslims and the Mosques.

Specific Grievances of Muslims in the Trincomalee District

Land Area, Population – 2007 and Registered Muslim voters in 2008



No.	D.S. Division	Total Popula. 2007	District %	Land Available sq. km	Land Eligible sq. km	Sinhalese		Muslims		Tamils		Muslim Registered Voters 2008
						2007	%	2007	%	2007	%	
Kattukkulampattu East												
01	Kuchchaveli	26327	7.87	313.30	207.14	412	1.6	18971	72.1	6935	26.3	13,503
02	Padavisiripura	10666	3.19	217.10	83.92	10664	100.0	0	0.0	1	0.0	
Kattukkulampattu West												
03	Gomarankadawela	5879	1.76	285.00	46.26	5855	99.6	0	0.0	22	0.4	
04	Morawewa	5563	1.66	322.40	43.77	4065	73.1	954	17.1	544	9.8	723
Town and Gravette												
05	Town and Gravette	89046	26.63	148.00	700.62	16837	18.9	12483	14.0	59633	67.0	8,922
Kinni Division												
06	Kinni	61558	18.41	146.90	484.34	0	0.0	59055	95.9	2503	4.1	42,681
07	Thambalakamam	27572	8.25	244.40	216.94	6005	21.8	16802	60.9	4352	15.8	12,057
Kottiyarpattu												
08	Mutur	47132	14.10	179.40	370.84	146	0.3	34080	72.3	12531	26.6	24,596
09	Seruvila	11142	3.33	279.00	87.67	7152	64.2	2079	18.7	1876	16.8	1,447
10	Echchilampattu	6617	1.98	98.00	52.06	0	0.0	0	0.0	6617	100.0	
Kandalai Division												
11	Kandalai	42861	12.82	397.30	337.23	33630	78.5	7595	17.7	1605	3.7	5,546
Total		334363	100.00	2630.80	2630.80	84766	25.4	152019	45.5	96619	28.9	109,475

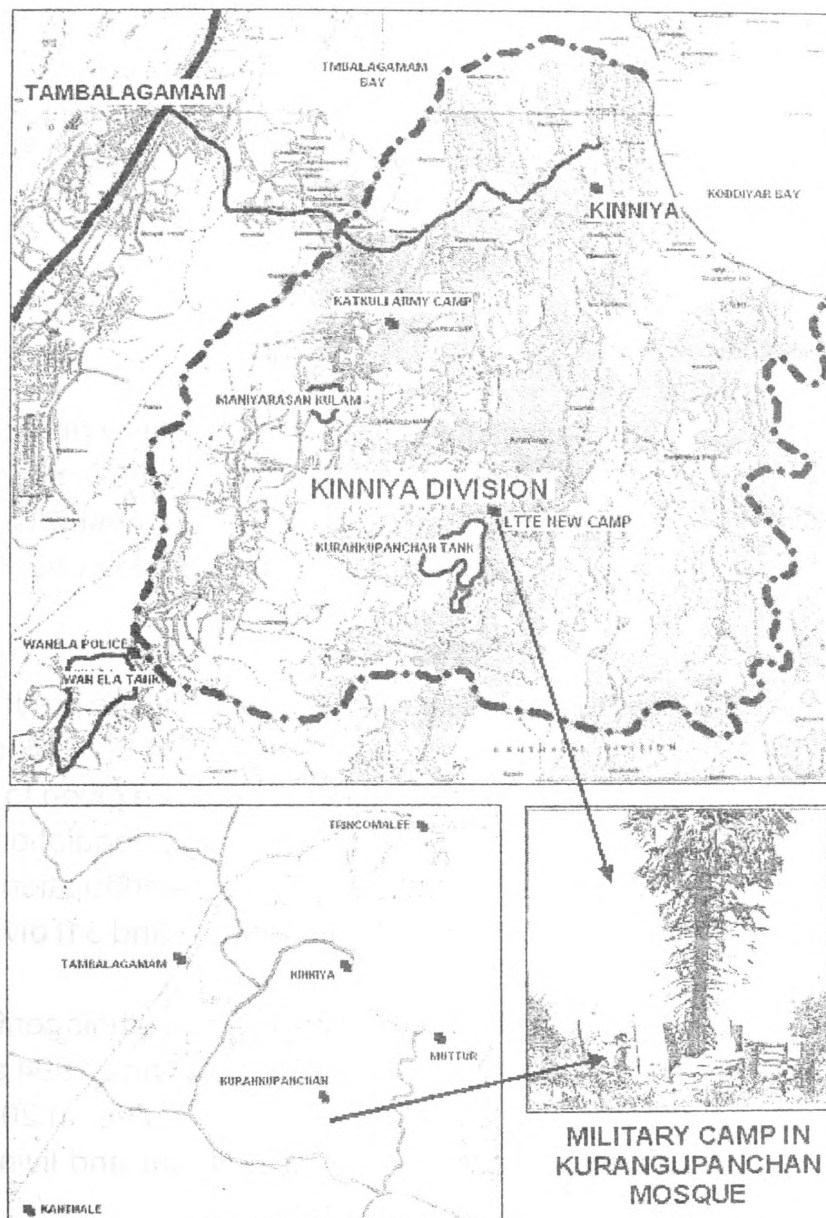
2008 Registered voters - 241,133

Grievance No.1

**Ministry of
Defence,
Public
Security, Law
and Order**

Kinniya - Military Camp in Kurangupanchan Mosque

The much talked about Military Camp in the Mosque in Kurangupanchan Village is not in Wan Ela area or Maniyarasankulam as claimed by the Sri Lankan Armed Forces and reported in the Local Media. It is in Kinniya Divisional Secretary Divisions – 14 km East of Wan Ela Tank and Police Station, 7 km South-East of Maniyarasan Kulam and 12 km East of Katukuli Army Camp.



In 1980 a permanent building was constructed for the Mosque and Jumma prayers were conducted regularly. The Muslims school started in 1979 in a cadjam hut got a permanent building and the school was named as Barakath Government Muslim Mixed School and Grade 1 to 6 classes were conducted.

More than 255 Muslims families lived in Kurangupanchan up to 1990. As a result of the ethnic violence in 1990 the Muslims in Kurangupanchan village were forcibly displaced and moved to Kinniya. Kiran (56) Majeedpuram (46) Kalladi Vedduvan (33) Vellankulam (53) Kallaruppu (13) Sungankuli (19) are some Muslim GS Divisions in the Kurangupanchan area. Soon after the ceasefire agreement between the GOSL and LTTE in February 2002, the Muslims went back and started paddy cultivation in their fields in Kurangupanchan and started resettling in their own lands. They renovated the Mosque as decided at a meeting held on 11.06.2003, Soon after this meeting LTTE chased the Muslim families resettled here and put up a camp in the damaged Mosque building and objected to any renovation.

Grievance No.2

Kuchchaveli

**Ministry of
Public
Administration
and Home
Affairs**

Kuchchaveli in Trincomalee district is a predominant Muslim area. Total population 29,967 and 8,058 families. 65% Muslims 19,443, 31% Tamils 9,282, 3% Christians 905 and 01% Sinhalese 337. Kuchchaveli Pradeshia Sabha 9 members, Muslims 6, Tamils 3.

The Divisional Secretary is a Tamil in the predominant Muslim division. Total grama niladharis 24.65% Muslims are given only 7 GS but the balance 17 GS are given to the Tamils and others who are only 35%. Average population of a Tamil GS division is 250 people whereas the population in Muslims GS is around 1350 eg. Pulmoddai 311 and 311 divisions.

Iqbal Nagar is a Muslim area. Due to ethnic conflict the Muslims were displaced during 1984, 1990 and 1994 and settled in a place called Love Lane in Trincomalee. In 2002, the Muslim refugees came back to Iqbal Nagar and living under abject poverty.

In the 265 Muslim families identified as refugees only 45 families selected for the NERHP projects. But all the Tamil refugees were settled in the new housing projects in Konespuri, Kopalapuram, Kumpirupity, Iranaikerni and Thriyai.

GRIEVANCES OF NORTHERN PROVINCE MUSLIMS

අල්-සෙලාන් ඔස්ලිම් ලියකියවිලි මධ්‍යස්ථානය
අල්-සෙලාන් முஸ்லிம் ஆவண நிலையம்

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NORTHERN PROVINCE

Northern Muslims

The Northern Province comprises 3,429 sq. miles and the population according to 1981 census was 1,111,468. Tamils 92%, Muslims 5%, and Sinhalese 3%. The Jaffna peninsula is approximately 440 sq. miles and it is in this 12.8% of land area that the 67%-738,788 of the Northern Province people live. All the Tamil militant groups and political parties have their base in the Jaffna peninsula and operate from there. All other districts in the Northern province-Mannar, Vavunia, Mullaithievu, and Kilinochi has a land area of 2,989 sq. miles – 82% of the land area of the Northern province but the population is only 370,616 which is 33% of the population of the Northern province.

The forcible eviction of more than one hundred thousand Muslims, destruction of mosques, the confiscation of lands, houses, business and cultural premises, are the grievances of the Northern Muslims.

Ministry of Resettlement & Disaster Relief Services Northern Muslims are unable to go back and cultivate more than 30,000 acres of agricultural lands and occupy nearly 15,000 Residential Houses, Business and cultural premises belonging to them. The losses suffered by the Northern Muslims were estimated to be more than US\$ 100 millions.

Details of the forcibly displaced Muslims from the North East who are now languishing in the following districts – year 2002

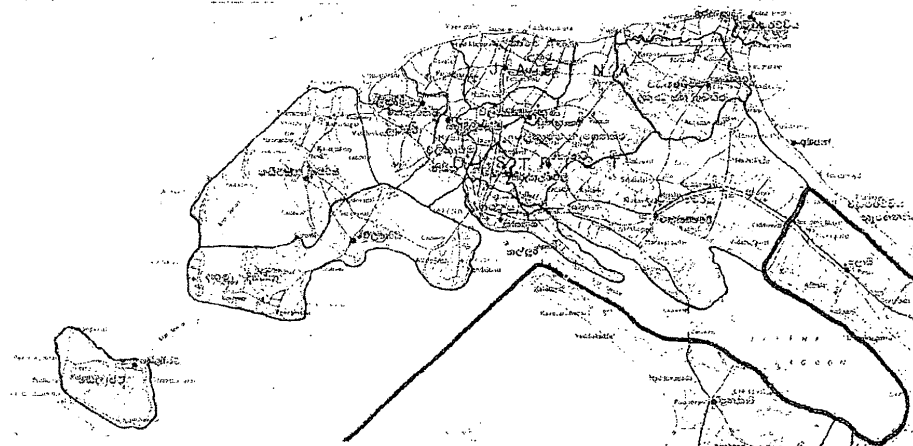
<u>Districts</u>	<u>Families</u>	<u>Peoples</u>
Puttalam	15,500	74,140
Anuradhapura	865	4,070
Kurunagala	487	2,311
Gampaha	1,050	4,725
Colombo	425	1,912
Kalutara	395	1,856
Matale	85	517
Kandy	110	517
Galle	5	23
Kegalle	32	150
Total:	18,954	90,221

The detail and value of Muslim assets robbed by the LTTE Tamils during the forcible expulsion in October 1990

<u>Description</u> <u>Million</u>	<u>Quantity</u>	<u>Value in</u> <u>Rupees</u>
Residential houses and properties	22,000	5,500
Commercial establishments	2,402	2,100
Religious and Cultural Institutions	340	1700
Agricultural Lands	39,400 Acres	200
Gold Jewelleries	475,000 Grams	300
Cattle	211,000	150
Motor Vehicles	320	160
Motor Cycles	800	20
Carts	750	4
Bicycles	4000	25
Fishing Boats	850	40
Engines (Boats)	400	16
Fishing Nets	1200	8
Refrigerators	200	2
Television sets	2000	40
Radio Sets	600	1
Total		Rs. 10,256

Grievance No.1

**Ministry of Jaffna District Muslims
Resettlement
& Disaster
Relief
Services**



Lands of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	Extent		
			A	R	P
Jaffna	1 Jaffna	1,177	245	-	17
	2 Chavekachcheri	44	21	3	35
	3 Island south	28	65	1	-
	4 Vadamarachi north	2	1	-	10
	5 Valikamam south-west	3	-	3	6
	6 Valikamam north	2	14	-	20
	Total	1,256	348	1	8

Residential Houses of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Jaffna	1 Jaffna	1,313	483,374,750.00
	2 Chavekachcheri	44	10,677,000.00
	3 Island south	29	2,948,000.00
	4 Vadamarachi north	1	160,000.00
	5 Valikamam north	1	100,000.00
	6 Valikamam south-west	3	600,000.00
	Total	1,391	497,859,750.00

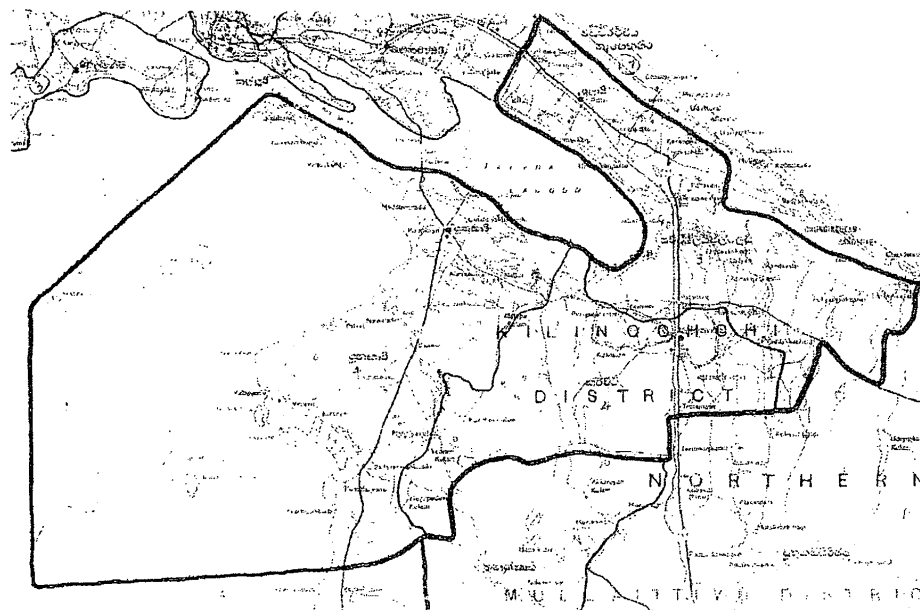
Properties of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Jaffna	1 Jaffna	2,262	660,977,395.00
	2 Chavekachcheri	104	19,713,738.00
	3 Island south	41	4,103,350.00
	4 Valikamam north	3	1,545,000.00
	5 Valikamam south-west	10	2,876,000.00
	6 Valikamam east	2	2,371,000.00
	7 Vadamarachi north	5	2,268,400.00
	8 Nalloor	3	752,750.00
	Total	2,430	694,607,633.00

Grievance No.2

Ministry of
Resettlement
& Disaster
Relief
Services

Kilinochchi District Muslims



Lands of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	Extent		
			A	R	P
Kilinochchi	1 Poonakari	114	283	3	25
	2 Karachchi	151	233	1	29
	3 Pachchilaipalli	7	8	-	10
	Total	272	525	1	24

Residential Houses of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Kilinochchi	1 Poonakari	97	15,331,500.00
	2 Karachchi	132	36,364,000.00
	3 Pachchilaipalli	7	485,000.00
	Total	236	52,180,500.00

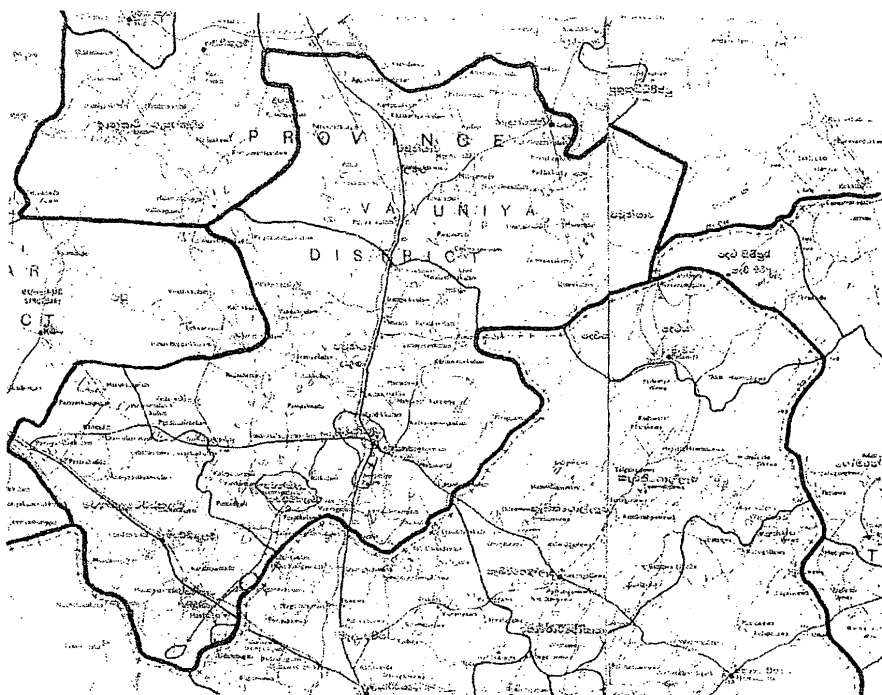
Properties of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Kilinochchi	1 Poonakari	122	28,700,000.00
	2 Karachchi	184	38,755,335.00
	3 Pachchilaipalli	10	716,000.00
	Total	316	68,171,335.00

Grievance No.3

Ministry of
Resettlement
& Disaster
Relief
Services

Vanni District Muslims



Lands of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	Extent		
			A	R	P
Vavuniya	1 Vavuniya south	870	3,795	1	2
	2 Venkalachchettikulam	1,066	1,327	1	20
	Total	1,936	5,122	2	22

Residential Houses of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Vavuniya	1 Vavuniya south	881	110,984,337.00
	2 Venkalachchettikulam	1,225	112,548,955.00
	Total	2,106	223,533,292.00

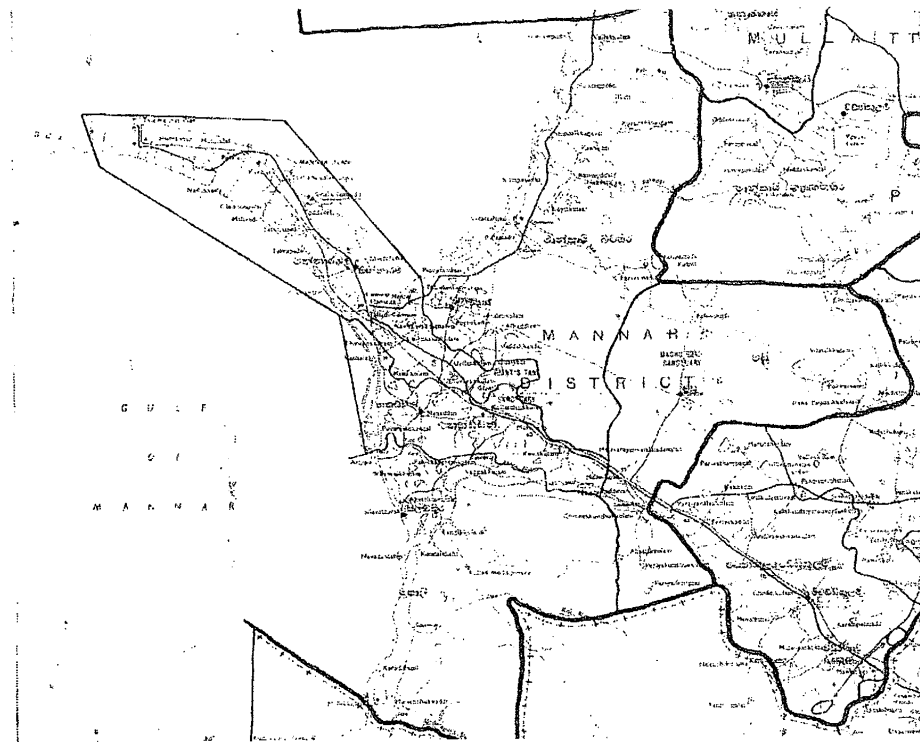
Properties of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Vavuniya	1 Vavuniya south	954	153,434,559.00
	2 Venkalachchettikulam	1,415	206,853,541.00
	Total	2,369	360,288,100.00

Grievance No.4

Ministry of
Resettlement
& Disaster
Relief
Services

Mannar District Muslims



Lands of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	Extent		
			A	R	P
Mannar	1 Mannar	2,033	3,623	3	12
	2 Musali	2,966	11,700	3	6
	3 Manthai west	931	4,402	2	16
	4 Madu	417	2,825	1	15
	5 Nanattan	253	681	-	11
	Total	6,600	23,233	2	20

Residential Houses of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Mannar	1 Mannar	2,328	415,530,090.00
	2 Musali	2,725	335,612,675.00
	3 Manthai west	863	179,271,860.00
	4 Madu	257	30,291,700.00
	5 Nanattan	252	34,637,100.00
	Total	6,425	995,343,425.00

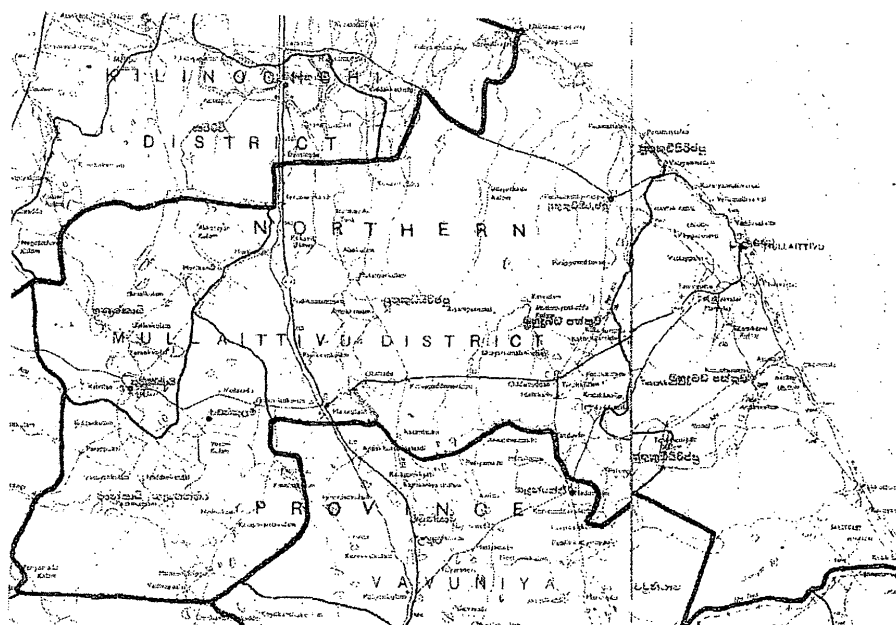
Properties of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	1990 Value
Mannar	1 Mannar	2,874	504,558,310.00
	2 Musali	3,022	623,219,525.00
	3 Manthai west	1,060	267,902,930.00
	4 Madu	263	33,633,210.00
	5 Nanattan	288	52,408,470.00
	Total	7,507	1,481,722,445.00

Grievance No.5

Ministry of
Resettlement
& Disaster
Relief
Services

Mullaiteevu District Muslims



Lands of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division	Cases	Extent		
			A	R	P
Mullaiteevu	1 Maritimipattu	978	1,095	-	22
	2 Puthukudiyiruppu	16	53	1	12
	Total	994	1,148	1	34

Residential Houses of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division		Cases	1990 Value
Mullaitheevu	1	Maritimepattu	936	148,795,850.00
	2	Puthukudiyiruppu	16	1,565,000.00
	Total		952	150,360,850.00

Properties of Muslims forcibly displaced by the LTTE in October 1990

District	DS Division		Cases	1990 Value
Mullaitheevu	1	Maritimepattu	1,040	231,619,498.00
	2	Puthukudiyiruppu	20	2,268,650.00
	Total		1,060	233,888,148.00

Special Task Force

To resolve Muslims' Grievances in Sri Lanka

Director General

Deputy Director General - South Sri Lanka

Deputy Director General - Central Sri Lanka

Co-ordinators: Colombo

Ampara

Batticaloa

Trincomalee

Jaffna

Mannar

ANNUAL BUDGET

Special Task Force for the Resolution of Muslim Grievances in Sri Lanka

NO.	DETAILS	AMOUNT (Rs.)	TOTAL (Rs.)
I	a Recurrent Expenditure		
	Establishment:		
1	Rent @ 50,000 x 12	600,000.00	
2	Electricity @ 5,000 x 12	60,000.00	
3	Telephone @ 5,000 x 12	60,000.00	
4	Stationeries @ 10,000 x 12	120,000.00	
5	Workshops @ 100,000 x 2 x 5	1,000,000.00	
6	Transport @ 50,000 x 12	600,000.00	
7	Fuel @ 30,000 x 12	360,000.00	2,800,000.00
	b Salaries & Remuneration:		
	Director General @ 100,000 x 12	1,200,000.00	
	Deputy Director General @ 75,000 x 2 x 12	1,800,000.00	
	Co-ordinators @ 50,000 x 6 x 12	3,600,000.00	
	Computer Operator @ 25,000 x 12	300,000.00	
	Driver @ 25,000 x 12	300,000.00	7,200,000.00
	Total		10,000,000.00

Bank Account No. 9019958, 776 Islamic Banking Unit, Bank of Ceylon, Head Office, Colombo 01, Sri Lanka.

**PRESIDENTIAL COMMISSION OF INQUIRY
ON LESSONS LEARNT AND RECONCILIATION**

EVIDENCE

by

M.I.M. Mohideen,

**Former Secretary General, Peace Secretariat for Muslims
and Executive Director, Al- Ceylan Muslim Documentation Centre**

03 September 2010

අල්-සෙලාන් මුස්ලිම් ලියකියවිලි මධ්‍යස්ථානය مركز السيلان لوثائق المسلمين
අල්-සෙලාන් මුස්ලිම් ආයතන නිලධාරී AL-CEYLAN MUSLIM DOCUMENTATION CENTRE
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01 War Crimes aganits the Muslims in Muthur - Trincomalee

At least 200 Muslim youths have been abducted by the LTTE in Muthur on Friday the 04th August 2006. On the same day, thousands of fleeing civilians including children, pregnant mothers and the elderly have been subjected to virtual starvation for over forty eight hours as a result of attacks on Muthur both by the government forces and the LTTE

In terms of the CFA the Government of Sri Lanka is responsible for the security in the Government control area.

When the LTTE closed the Mavillaru anicut the government and the Army never understood the true intention of LTTE to capture Muthur. The Army strengthened the safety of the Mavillaru area neglecting the security of Muthur and removed around 400 security personals who were deployed in Muthur and posted them to the Mavilaru area. This had made Muthur more vulnerable to LTTE attacks.

The LTTE carefully observed the situation and entered Muthur on 02nd of August 2006 without any resistance from the security forces. They disconnected the electricity, and used the Muslims as human shields when the army attacked them. The Muslims got caught in the crossfire from both the army and the LTTE. Shells fell on the mosques, schools, hospitals and residencial houses.

Since Muthur was totally surrounded by LTTE, the town could not function normally. Business came to stop and the people could not acquire their daily food, children suffered without milk, patients both from the hospital and the casualties suffered without treatment.

Since the infiltration and consolidation of power in the Sampoor area by the LTTE during the CFA period, the security of the Trincomalee Harbour has always been at graet risk.

LTTE attacked the Trincomalee Naval base using 122mm and 130mm, artillery guns and mortars from Sampoor area. These heavy weapons were captured from the military during the Mullaitivu and Elephant Pass debacles. The attacks from these mass destructive heavy weapons remained the biggest challenge to the security forces carrying out operations in the Southern and Eastern parts of Trincomalee. Any mass movement of the security forces have been largely obstructed by these powerful guns.

LTTE also launched fierce attack on three main army camps in Muthur - Kattaparichchan, Gandhinagar and Thoppur.

The CFA become a dead letter with both parties violating it with impunity while regular ethnic cleansing of the Muslims took place in the North East at the behest of the LTTE. The engagements between the government and the LTTE had only resulted in compromising civilian security, particularly that of the Muslim

population. Both sides have shown absolute disregard for human security with the LTTE and Government Security forces openly committing war crimes while innocent Muslims were fleeing Muthur. 39,648 Muslim People in 9,920 families were displaced, 32 died and 7 missing during 1st and 8th August 2006 in Muthur.

02. Muslims Hacked to Death in Pottuvil - Ampara

Ten Muslims hacked to death on Saturday – 16th September 2006 near the Radella tank in Pottuvil created tension and fear among the Muslim population. The government blamed the LTTE for this brutal killing but the civilians suspected the Government Special Task Force (STF).

According to reports from the area the victims were found blindfolded, hands tied and hacked to death in a vicious and brutal manner in close proximity to the Panama STF camp, which is an open area with no jungle. This area is fully under the control of the security forces, so there was no likelihood of the LTTE entering this area.

The journalists who visited Pottuvil on Monday the 18th September 2006 have said that the area was gripped by tension with civilians assigning the brutal attack on Muslims was clearly the work of the security forces and not the LTTE.

03. Human Rights Violations Against Muslims

On Thursday the 20th June, 2002; a Muslim three wheeler driver called Faizal was badly beaten by LTTE Ranjan and few others in Muthur.

When Faizal came home bleeding, his family members were provoked. They collected few others and went and caused some damage to the LTTE Office in retaliation for what LTTE Ranjan and others have done to Faizal.

On Wednesday the 26th June 2002, a hartal was organized by the LTTE i to protest over the attack on the LTTE office by the Muslims in Muthur. About 500 LTTE cadres participated and forced the Muslims to close their shops and business places and they threatened to set fire to a petrol pumping station in the Muslim area. Muslims closed the shops but resisted any attack on the petrol pumping station and the clash between the Tamils and Muslims started. Five shops and seven houses belonging to the Muslims were destroyed by the LTTE who came in the so called peaceful hartal procession. They also removed the barbed wire fence to the paddy fields and drove the cattle in to destroy nearly 700 acres of paddy belonged to the Muslims.

On Friday the 28th June, 2002; Valaichenai Pradeshiya Sabha Office was set on fire and destroyed. In the grenade attack on Muslims returning from Friday

"Jummah" prayers, 7 were injured – 2 critically. Additional troops and Special Task Forces were Airlifted after the mortar shells were fired and grenades were hurled at the Muslims by the Tamils. The Batticaloa and Ampara District were placed under curfew.

On Sunday the 30th June 2002, The LTTE abducted two Muslims killed and threw them in Kalmudu paddy field. The LTTE cadres with arms objected the removal of the bodies for burial according to Muslims rites and insisted the burning them at the site. The Army Major Hettiarachi contacted the Head Quarters and he was given the orders from Colombo to leave the bodies and avoid any confrontation with the LTTE. Then the LTTE cadres put the bodies on a heap of tyres and burned them in front of the Parents, Army and Police and destroyed all evidence of the horrendous human rights violation against the Muslims by the LTTE during cease fire.

04. LTTE Military Camp in Kinniya, Kurangupanchan Mosque

The Kurangupanchan area is in Kinniya - Trincomalee.

The Government Agent and the representatives of the Sri Lanka Monitoring Mission jointly had a meeting on Kurangupanchan Development Project on 06th June 2003. More than 200 displaced Muslims participated in the meeting. In order to stop any development and the resettlement of the displaced Muslims, the LTTE has set up their unlawful Military Camp in the mosque and abducted a Muslim, Mohamed Haniffa Abdul Latiff.

The unlawful erection of the military camp by the LTTE in Kurangupanchan mosque was the most controversial issue discussed in the media. The parties to the ceasefire agreement – GOSL, LTTE, and the Norway facilitator should have realized that the violation of the ceasefire agreement in Kurangupanchan is denying the Muslims the benefit of the cease fire agreement in the peace process. The LTTE Camp in the mosque is now occupied by Sri Lankan Security Forces.

05. Land and Property Rights of North East Muslims

When questioned during the Media Conference which was described as the largest media event in Sri Lanka organised by the Tamil Tigers on 10th April 2002; about the forcible expulsion of tens of thousands of Muslim families by the LTTE in October 1990 from the North and the massacre of Muslims inside mosques in the East, LTTE Political Advisor Anton Balasingam said that it was he who made an apology to the Muslim people in public for what had happened in the past and that they were willing to talk to the Muslims and resolve these issues.

Responding to another question about the harassment of Muslims in the Eastern province and the statement that the LTTE's Eastern commander, Karikalan had reported to have made that the Muslims had no land rights in the Eastern province, Mr. Anton Balasingam replied, "we want to tell you that we have called the senior Commanders of the Eastern province to discuss the alleged harassment of Muslim people. We believe that there is no dispute as far as the LTTE is concerned on the issue of the Muslim people owning land in the North-East."

06. De-Merger of Eastern Provinces

The Supreme Court on Monday the 16th October 2006, in a landmark judgment ruled that the merger of the Northern and the Eastern Provinces null and void.

The merger of the North and the East flared up opposition as it was paving the way to the creation of a single Tamil dominated administrative entity that encompassed one third of the land area and two-third of the country's coast. Also the ethnic balance of the Eastern Province was another matter of contention.

Even with strong opposition by the Sinhala and Muslim communities, successive Presidents Ranasinghe Premadasa, D.B. Wijetunga and Chandrika Kumaratunga continued the extension of the merger with the hope of arriving at a negotiated settlement to the national question and then deciding on the fate of the two provinces at a final solution.

With the split of Karuna from the LTTE, Tamil regionalism based on the Eastern province came to the fore adding a new dimension to the issue of the North-East merger.

The Muslims who have faced the brunt of ethnic cleansing from North and more recently in the East have absolutely no desire to subject themselves to further tyranny by the Tamil nationalists who have consistently tried to trap the Muslims in politics of 'Tamil speaking peoples.

07. Sinhalisation of Administration of the De-merged Eastern Province

After de-merging the East in October 2006, the Eastern Province administration is being ethnically transformed. Former Trincomalee GAs Rodrigo and Nelundeniya are the chief secretary and public administration secretary respectively. Former Matale GA, Udage is the secretary of the provincial Public Services Commission.

There are also many ex-servicemen in key positions. The Governor is Rear Admiral Mohan Wijewickrema. The GA is Major General Ranjith de Silva. The

Rehabilitation Coordinator is Major General Amaradeva. The Governor's Secretary is Capt. Patrick Jayasinghe and Sunil Kannankagara is the GA Apmara.

Appointing ex-servicemen to key administrative posts has been criticized by members of the administrative service. However, the fact remains that this combination of retired administrative and security officials is well-equipped to implement the 'Sinhalaisation' process in the East.

08. Eastern Provincial Council Election on 10th May 2008 and the appointment of the Chief Minister

Before the election, President Mahinda Rajapakse Promised that the group that returns the highest number of members to the council would be given the chance to appoint the chief minister of the Eastern Provincial Council.

The election results reflected the mood of the people in the province with the UPFA's 18 elected members comprising, eight Muslims, six Tamils and four Sinhalese whilst the UNP – SLMC list returned nine Muslims four Tamils and two Sinhalese. The JVP and the TDNA returned one Sinhalese and one Tamil respectively. In total, of 35 elected members from both side, there were 17 Muslim representatives as opposed to 11 Tamils and 7 Sinhalese.

When analyzing the overall ethnic composition of the elected members to the Eastern Provincial Council, Muslims have topped the list. On ethnic basis there are 17 Muslim members, 11 Tamils and 7 Sinhalese members elected to the 35 member council.

Although the Muslims command the majority in the council, the government presented various arguments to change the promise and appointed a Tamil ex-LTTE terrorist as the Chief Minister of the Eastern Province.

09. Muslims Discriminated in Rebuilding and Rehabilitation of the East

Soon after the demerger of the East by the Supreme Court and following the take over of the province by the armed forces, President Mahinda Rajapaksa led UPFA government having elaborate plans to rebuild and rehabilitate the East. However the Muslim community feels the government has not so far included them into the development process.

While the government rebuilding the infrastructure, the people must be given back their lost lands and freedom to engage in whatever livelihood they were engaged before.

Controversy over the New Flag

Sri Lanka government has designed a new flag for the Eastern Province. This new flag has caused much misunderstanding and confusion as the flag has failed to represent all the communities living in the East in a just and faire manner.

The new flag has three symbols – the lion, eagle and fish. The Muslims claimed that while the lion and fish represent the Sinhalese and Tamils respectively , there is no symbol to represent the Muslims.

The Muslim community which is the largest ethnic group in the East today has raised serious concern over the failure of the government to recognize this community by not printing any symbols in the flag to represent the Muslims.

Para Military Forces harassing civilians

Law enforcement authorities in many parts of the Eastern province are allegedly turning a 'blind eye' to the continuous complaints made by the Muslims against Tamil terrorists.

Apart from encroaching lands belonging to Muslims, the Tamil terrorists have commenced taking ransom. Most Muslims victims have now stopped complaining to the police because when complaints were made to the police the details of those who made the complaints were leaked. As a result these families are intimidated and harassed.

10. Reconciliation

Reconciliation between the Tamils, Muslims and the Sinhalese in the North East was taken up as a priority item at the Peace Talks commenced on Thursday the 31st October 2002, at the Rose Garden Holiday Resort Thailand.

On a decision at the 5th session of the peace talks in Berlin on 7th & 8th of February 2003, LTTE – Muslim District Committees were established in all the three districts in the Eastern Province by the Government Peace Secretariat under the Prime Minister, to mediate lands and properties issues between the Tamils and Muslims.

The resolution of the land, security, and power-sharing questions would be of enormous significance and will establish the basis for reconciliation between the Tamil , Muslims and Sinhalese communities in the area of conflict - North East. If these issues are not resolved reconciliation and permanent peace will never return to the North East of Sri Lanka.

11. Lessons Learnt Period

Indo- Sri Lanka Agreements of 29th July 1987 and the arrival of Indian Peace keeping force - IPKF, the 13th Amendments of the constitution certified on 14th November 1987, provincial Council Act No 42 of 1987, Unilateral proclamation of Independence of the separate state " Tamil Elam" and the EPRLF Chief Minister of North East Provincial Council surreptitiously leaving Sri Lanka with his 250 supporters to India in March 1990, North East Province Governor's Communication that more than one -half of the membership of the council refusing obedience to Sri Lanka Constitution the dissolution of the merged North East Provincial Council, Ethnic Cleansing of Muslims from North in October 1990 were some of the important Lessons we have Learnt. Therefore, the Lessons Learnt Period should have commenced from 29th July 1987 instead of 19th May 2009.

M.I.M. Mohideen

3rd September 2010

011951

We the “Sri Lankan Muslims” have our own ethnic, religious, cultural and political identity. As people who have been subjected to dual oppressions of Sinhala hegemony and Tamil terrorism in the social, economic and political spheres, our intensified political activities have assumed vital importance in the present context. Nowadays, the political tendency is to view matters in the light of Sinhala interests, Tamil interests and Muslim interests. Under these circumstances, it has become the responsibility of the politically conscious members of the Muslim civil society to carry the burden of consolidating the political strength of the Muslims by organizing awareness programmes among Muslims in order to resolve the Grievances of the Muslims in Sri Lanka.



M.I.M. Mohideen

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