

DUPLICITY IN THE PEACE PROCESS AND NORTH - EAST MUSLIM QUESTION

The overall objective of the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Elam is to find a negotiated solution to the ongoing ethnic conflict in Sri Lanka.

The Parties recognized 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 a lasting solution can be taken.

The Parties further recognized 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.

Agreement on a ceasefire between the government of the democratic socialist republic of Sri Lanka and the Liberation Tigers of Tamil Elam – 22nd February 2002

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.

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

2. The Parties shall undertake the 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.

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.

3. 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 fulfillment of the commitments entered into in this Agreement.

3.2 The Royal Norwegian Government shall appoint the Head of the SLMM, who shall be the final authority regarding interpretation of this Agreement.

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

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.

LTTE leaders Media Conference – 10th April 2002

LTTE leader Velupillai Pirabakaran and Political Advisor Anton Balasingam said the following to questions on the Rights of the Muslims at the LTTE leaders, Media Conference which was described as the largest media event in Sri Lanka organised by the Tamil Tigers on 10th April 2002:

Asked about the forcible expulsion in 1990 by the LTTE of tens of thousands of Muslims families from Tamil dominated areas in the north of the island and the massacre of Muslims inside mosques in the east. Mr Anton Balasingam said, "It is I who made an apology to the Muslim people for what has happened in the past and that we are willing to talk to them and resolve these issues. We know these are the manifestations of violence due to ethnic war. Our people have also suffered. We have lost 60,000 civilians and 17,000 fighters in this war. There has been several incidents of violence in the South. We don't want such incidents to continue that is why we have decided to observe a ceasefire and this peace process. So far, as far as the plantation Tamils and Muslims are concerned we have invited Arumugam Thondaman (leader of Ceylon Workers Congress) and Rauf Hakeem (leader of the Muslim Congress) for discussions and they are coming to the Vanni to meet us and we will engage them in constructive discussions to see how we can help to resolve their problem and bring about a final solution."

Responding to the question on whether he has taken any concrete steps to allow the displaced Muslim people living in refugee camps for the last 12 years to come to North, Mr Velupillai Pirabakaran said that "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, "Whether such statements are endorsed by the leadership or not is the question. We want to tell you that we have called the senior commanders of the eastern province to discuss the alleged harassment of Muslim people. Furthermore following a call from us, Karikalan arrived the day before yesterday and we are talking to him to find out what has gone wrong. He has assured us that he had not made such a statement to the press. 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 east. When the Muslim Congress leader Mr. Hakeem meets us we will discuss these problems with him."

To a question on 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 Muslim people are resolved along with the question of the Tamil people."

Agreement between the Liberation Tigers of Tamil Elam and Sri Lanka Muslim Congress – 13th April 2002

On an invitation from the LTTE Leader V. Pirapaharan, the Leader of the SLMC and Cabinet Minister Rauff Hakeem 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 establish a joint committee of representatives 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 small Muslim 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.

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

It was agreed to appoint SLMC 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.

It was agreed to continue similar top level meetings.

It was agreed 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 agreed 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 agreed to talk to SLMC on matters pertaining to the Muslims in the North East.

Despite the GOSL – LTTE MoU and SLMC – LTTE MoU laying emphasis on the protection of civilians, the Tamil terrorist are having a field day by Killing of Muslims and political opponents.

The ruling and warnings by the SLMM and the international community have had no impact on the LTTE. Recently the US State Department expressed its grave concern over the Kinniya Camp and the killing of Tamil rivals of the LTTE. But the LTTE's response has been to turn its guns on the Muslim of the East.

Killing, abductions, torture and extortion by LTTE cadres which are clear violations of the ceasefire agreement go on unabated in the North-East region despite warning and pleading from both national and international organizations, The victimized sections are now demanding weapons to defend themselves. They are losing trust on state protections.

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. Robbing of business goods and abduction of businessmen for ransoms remain the common specter in the North-East.

Even after the ceasefire agreement, the Muslims have been denied access to mosques during mass agitation promoted by the LTTE. Further, the recent incidents at Muttur and Valachenai during June 2002 where the LTTE and other Tamil militarians have destroyed properties worth more than 150 Millions and abducted 13 Muslims –
Annex – IV

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.

When the SLMC leader Hakeem visited the area, the Muslims stopped his vehicle on the way and shouted "give us the guns we will defend ourselves. The Government Army and Police are helpless" A fact finding mission led by Minister Milinda Moragoda and Army Commander Lionerl Balagalla visited Valaichchenai in the East and the analysis maintain that the continuation of the violence for such a long period is not possible without local LTTE support.

SLMC leader Hakeem questioned how it was possible for the Tamils to get the mortar launchers to attack the Muslims without the support of the local LTTE. LTTE being the sole representative of the Tamils in the North East, it is a shame for its leadership that he was unable to control his men attacking the Muslims in the East.

Although the Government of Sri Lanka (GSL) and the Liberation Tigers of Tamil Elam (LTTE) have accepted that the Muslims who are not directly party to the conflict have also suffered the consequences, the LTTE Leader of the combat unit of the Eastern province Karuna speaking at a 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 incomes, it is only to keep them happy for a while but soon we must levy a Tax of at least 20% from them. Karuna's speech was broadcasted by IBC, a broadcasting station maintained with LTTE sponsorship

The "Eelanadu" published in five counties carried in its January 20th issue an account of a meeting held in Batticaloa addressed by LTTE commanders. The basic undertones of the speeches were that they have no faith in the current peace initiative. They said that the current peace process is merely to expose to the world that the Sinhala people are not interested in a settlement that would be acceptable to the Tamil people. The current development demonstrates that they will not agree to an alternate political framework in order to solve the conflict and no Sinhala party is capable of mustering the required 2/3 majority and the approval at a referendum to amend the constitution.

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

LTTE has been trying varies methods, first it was the Special Task Force and later the Sub-committee on Important Humanitarian and Rehabilitation Needs (SIHRN) Now the Provisional Administrative Structure in the North-East. 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.

The present position in the North-East is that there are two armies and two navies within these respective territories. The Memorandum of Understanding – MOU on which the current ceasefire operates recognises and defines the respective areas of control of the two sides. From the present behavior of the LTTE, the Muslims suspect whether the "Tamil Elam" had already been established in the North-East.

The opening of the LTTE office for political and administrative purposes, the system of taxation, extortion and the operation of separate banks, the independent Tamil police force and its own judiciary and permit-(visa) office in the North-East gives rise to many questions:

1. Who is responsible for the safety and security of the Muslims in the North-East.?
2. North-East was merged temporarily subject to a referendum at the end of one year. This referendum had not taken place for the last 15 years. If by any chance the referendum postponed for the 16th November 2002 is not held or postponed again, should the Muslims accept the North-East merger without the referendum for the establishment of the interim administration which is going to be dominated by the LTTE who is continuously murdering the Muslims and destroying our economy with ulterior motives to chase us out of the East.
3. Election for the dissolve North-East provincial Council was not held for more than 12 years. Does the Sri Lanka Constitution-13th Amendment has any effect in the North-East now? If the Presidential and Parliamentary elections could be held regularly why the election for the North-East provincial Council is not held at the due date?
4. How is the interim Administration going to be established and for how long? Is it going to be within the 13th Amendment or will it go beyond the 13th Amendment and Provincial Council Act No.42 of 1987 merging the North-East which would require the two-third majority in the parliament which the present government does not have?
5. LTTE is establishing its own police force. This means that there is a likelihood of different police forces operating independently of each other in the North-East. Should the Muslims then have our own police force to ensure our safety and security?.
6. LTTE had announced that it will be reforming the current judicial system and operate their own legal system in the North-East. How does this new legal system would apply to the Muslims?
7. The North-East region extends 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 LTTE is saying that the land and sea in the North-East belong to the Tamils and the harvest is only for the Muslims. They also say that in the residential areas, the land is theirs and the houses and the businesses put up by the Muslims are ours but we have to pay tax to the LTTE. What is the position of Muslim traditional homeland in the North-East

Several rounds of discussions were held with the Prime Minister and SLMC Leader with the view to address the concerns of the Muslims in the event of a Provisional Administrative Structure in the North-East. The views and advises of Hon. G.L. Peris and Mr. Faiz Mustaffa, P.C. were also sought. In the final details released on the 11th of July 2003, it was stated that to move forward in the Peace Process, a Muslim Delegation will participate in the Peace Talk. However, this proposal with regard to Muslim Delegation to participate in the Peace Talks was deleted in the Government's latest proposal sent to the LTTE as exclusively reported in the local News papers.

Changing the final draft agreed upon without any intimation or consultation is a violation of confidence and trust between the Prime Minister and SLMC Leader Minister Rauf Hakeem.

Muslims in the North-East are very much concerned about these vital issues and cannot remain as mere spectators while the government continues to ignore the North-East Muslim Question.

M.I.M. Mohideen

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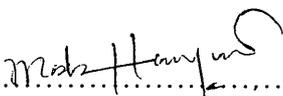
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