

# PRESIDENTIAL ELECTION - NORTH EAST MUSLIMS HAVE TO CHOOSE BETWEEN THE WAR AND THE SLAVERY

**Mr. M.I.M. Mohideen**

*(Chairman - Muslim Rights Organisation and Secretary General - North East Muslim Peace Assembly)*

The Memorandum of Understanding – MOU signed by the UNF Government and LTTE on 22<sup>nd</sup> of February 2002 on which the current ceasefire operates recognises and defines the respective areas of control by the two sides in the North East. The present position is that there are two armies and two navies in these territories. The opening of the LTTE office for political and administrative purposes, the system of taxation, extortion and the operation of separate banks, the separate Tamil police force and its own judiciary and permit-(visa) office in the North-East give rise to many questions among the North East Muslims.

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 16 years. If the referendum postponed for the 2005 is not held or postponed again, should the Muslims accept the North-East merger without the referendum for the establishment of P-TOM 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 dissolved North-East provincial Council was not held for more than 13 years. Does the Sri Lanka Constituion-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. LTTE has already established 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?.
5. 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?
6. The Noth-East region extends from Point Pedro to Kumana and covers approximately one third of the land area and two-third of the sea cost 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?
7. Local government elections in the Muslim areas were not held with other areas in the Eastern Province. Although Mr. Rauff Hackeem was a member of Mr. Ranil Wickremasinghe's cabinet, his request for the election in the Muslim areas was

rejected because of the pressure from the LTTE. However, Mr. Ranil Wickramasinghe had allowed the elections in the Sinhalese areas in the East because the Minister Dayaratna insisted. It is a pity that Mr. Rauff Hakeem also being a Minister in the UNF government was unable to defend the legitimate rights of the North East Muslims.

8. Several rounds of discussions were held with the UNF 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 was deleted in the UPF Government's final proposal sent to the LTTE. Changing the final draft agreed upon without any intimation or consultation is a violation of confidence and trust between the former Prime Minister Ranil Wickramasinghe and SLMC Leader Minister Rauf Hakeem.

Muslims cannot forget that it was during the former UNP regime that the President Jayawardena circumvented the laws passed by his own government and effected the merger of the Eastern province with the North and made the Muslims a community of political and social slaves under the Tamils.

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. This would have enormous and far-reaching consequences, both domestically and internationally. On the domestic side it would destabilize the entire Sri Lankan community. The possibility of Muslim armed struggle here attracting the attention of predominantly Muslim countries elsewhere who will surely not allow their brothers and sisters in Sri Lanka to be left disregarded and even undefended, is extremely alarming. We will then have to face a situation where another dimension of our political problem will become internationalized.

At the LTTE leaders' international media conference on 10th April, 2002 Mr. Anton Balasingham repeated his previous apology at a public meeting in the North, on behalf of the LTTE for the forcible expulsion of more than 72,000 Muslims from the North in October 1990 by the LTTE as "a political blunder that could not be justified". Mr. Balasingham also appealed to the Muslims "let us forget and forgive the mistakes made in the past. Tamil Eelam is also the homeland of the Muslims and we have to live in harmony and amity to promote peace and prosperity in the region".

To a question on whether the LTTE would allow Muslim representation in the peace process. Mr. Pirabakaran replied "Certainly we will allow Muslim representation in the process. It is important that the questions of the Muslim people are resolved along with the Tamil people"

On an invitation from the LTTE leader Mr. Pirabakaran, the SLMC leader and Minister Mr. Rauff Hakeem flew to Wanni with five of his party colleagues for a meeting on the 13th April 2002. Agreement was reached on important problems faced by the Muslims in the North-East and at the end of the discussions Mr. Pirabakaran and Mr. Rauff Hakeem issued a joint statement.

During the peace talks SLMC National Leader 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 issues and requested a register of Muslim claims. Subsequently Hon. Rauf Hakeem had requested the Muslim Rights Organization to prepare the register of Muslim Lands forcibly occupied by the Tamils, Residential Houses and Mosques destroyed and the Properties appropriated by the LTTE. The Registration exercise was sponsored by Dr. Kumar Rupesinghe the Chairman of the Foundation for Co-existence and financially supported by USAID and Cordaid. Although the registers were ready, the LTTE and the SLMC have not taken any steps up to now to settle the disputes.

On the 13th April 2002 after a meeting between the SLMC leader and the LTTE leader, there appeared to have been an understanding that the SLMC would lead an independent Muslim delegation to the peace talks. Muslims wish to be represented clearly and solely on the basis of our own interests whether or not those interests converge with the interests of the Government and the LTTE.

51 States and 22 international organisations represented at Tokyo firmly endorsed the participation of an independent Muslim delegation at the peace talks in the context of preserving the delicate and ethnic geographical balance, in the name of promoting and protecting human rights for all the people and the concerns of all persons displaced due to the armed conflict. Thus, the intrinsic merits, at a political level, of the Muslim case for participation in the talks have been considerably reinforced by a large segment of global opinion.

When the UNF government and the LTTE began the peace initiative in December 2001, the two sides represented two militarily undefeated entities – one the Government of Sri Lanka and the other was the LTTE. There were subsequent developments that seem to have altered this state of power symmetry.

A drastic change in the attitude of the LTTE is now visible with regard to the Peace Process and Security situation in the North-East after the former Prime Minister Ranil Wickremasinghe's government negotiated a military co-ordination deal with India.

The situation further deteriorated when the former Minister G.L. Peris said when he addressed the Royal Commonwealth Society in London "India is coming to Trincomalee area. There is a substantial and physical presence because the Oil Tank Farm is being leased to an Indian Oil Company and this means that there is going to be very visible Indian presence in the Trincomalee region which is important for strategic and other reasons. Also the United States had recently entered in to an agreement with Sri Lanka – modest in scope but it is the starting point and it is symptomatic of a much closer relationship in the future between the two countries".

On the other side the LTTE had acquired many shiploads of arms during the "peace process." 'Colonel' Karuna, the leader of the breakaway faction of the LTTE, in a recent revelation to the media, has said that he had personally handed over an arms procurement list to Kumaran Padmanadhan ('KP'), the well-known arms procurer of the Tigers, when he went to Bangkok as a member of the LTTE negotiating team.

On the cease-fire violations – The LTTE had recruited more than 1,500 children during the truce period. They have also abducted nearly 360 adults. Nearly 2,000 complaints were

recorded from all districts in the North East of which more than 1,500 has been ruled as cease fire violations – there had been nearly 15 cases of torture, 30 intimidation, 35 extortion, 20 forced recruitment of adults, 15 assassinations ruled as violation by the LTTE. Of the 15 cases on the construction of new camps by the LTTE, one is in the Muslim place of worship – Mosque, at Kurangupanchan - Kinniya in Trincomalee District, 15 on movement of Military equipment. 12 instances where the LTTE had restricted the movement of the Sri Lanka Monitoring Mission.

LTTE had made three fundamental concessions. Firstly, they signed a cease-fire agreement at a time when the government had no resources to fight the war, due to economic bankruptcy. Secondly, they unilaterally announced, at the second round of negotiations, that they were seeking a settlement of the ethnic problems on the principle of internal self determination within united Sri Lanka. Thirdly they entered into the 'Oslo Consensus' with the UNF government committing themselves to explore a federal framework within which to find a political settlement.

Therefore, the ethnic conflict in Sri Lanka is directly related to the amendment of the constitution. Despite the introduction of the 13th amendment which gave limited powers to the Provincial Councils, Sri Lanka remains by and large a unitary state.

On constitutional reform our experience is that from 1994-97 the Parliamentary Select Committee sat for three years having 77 meetings. Things dragged on and the PA government of President Chandrika Kumaratunge was forced to present its own proposals in 1997 and nothing came out of it. Then came 2000 where there were talks for six months between the UNP and the PA. The UNP delegation came to talks on August 1, 2000, led by Deputy Leader Karu Jayasuriya MP and said that they now think that the constitutional amendment should be placed before the Maha Sangha and walked out. Today there is another reason for the UNP not to support any constitutional change, because the UNP is dreaming of the presidential election which will bring Mr. Ranil Wickremesinghe to the presidency and then he will dissolve Parliament. With fresh election take over powers in Parliament as well, and then they expect everybody will live happily there after.

The conditions for the LTTE to resume talks are:

- The recognition of the LTTE as the sole representative of the Tamils in the North and East.
- That the undivided Northeast constitute a contiguous homeland of the Tamils.
- That a power sharing arrangement is made which provides maximum autonomy for the region through the provision of a regional council. i.e. exploration of a framework for a confederation.
- The existence of a stable and strong government in the South which would implement the agreements during the talks and has the necessary political will and stability to stand by those decisions.

The peoples Alliance - PA manifesto and subsequent statements by JVP made it clear that they will not agree to change the structure of the Unitary State and accept the LTTE as the sole representative of the Tamil people. They would argue that while bilateral talks would be with the LTTE they would have simultaneous talks with other Tamil and Muslim parties in the North East. Further a parallel track of consultations with other Tamil parties will be perceived by the LTTE as a challenge to its hegemony and an attempt to reduce the symmetry between the parties. Any relations with the Karuna faction will also be

considered as an act of hostility and would result in serious consequences for the peace process.

Recent actions of the LTTE demonstrate a clear trend towards the consolidation of its authority in the Northern and Eastern Provinces which creates a grave risk of a separate state being established. The LTTE has spoken publicly of already having in place a permanent administration, a standing Army, a standing Navy, Law courts, Police stations, Banks and other institutions. The UPFA government views with great concern the continued abduction of children for compulsory military service, extortion of money in the form of compulsory taxation, the smuggling of arms and the rapid expansion of the armed forces of the LTTE, ethnic cleansing of the Muslim in the North in October 1990 and the forcible occupation of Muslims Lands and Properties and the destruction of More than 150 Muslim place of worship - Mosques in the North East, reflect the LTTE's intention to create and dominate some kind of a parallel government in the North and the East not responsible to the central government, which would lead, inevitably, to the establishment of a separate State.

Under these uncompromising situations the LTTE could justify the resumption of war on the basis of the incapacity of Sri Lankan state to resolve the Tamil National Questions if the Prime Minister Mahinda Rajapaksa wins and the Muslims will be made slaves under the Tamils as in the past if the opposition leader Ranil Wikramasinghe wins. Therefore, the North East Muslims have no choice but to choose between the War and the Slavery during the forthcoming Presidential Election.

**M.I.M. Mohideen**

**07<sup>th</sup> September 2005**

# National Digitization Project

## National Science Foundation

Institute : South Eastern University of Sri Lanka

1. Place of Scanning : Main Library, South Eastern University of Sri Lanka, Oluvil

2. Date Scanned : 2018.02.03 15

3. Name of Digitizing Company : Sanje (Private) Ltd, No 435/16, Kottawa Rd,  
Hokandara North, Arangala, Hokandara

### 4. Scanning Officer

Name : I. W. A. C. J. Chandrasena

Signature : *Chandrasena*

### Certification of Scanning

*I hereby certify that the scanning of this document was carried out under my supervision, according to the norms and standards of digital scanning accurately, also keeping with the originality of the original document to be accepted in a court of law.*

### Certifying Officer

Designation : Acting Librarian

Name : M. M. Mashrofa

Signature : *M. M. Mashrofa*

Date : 2018.02.03 15

*"This document/publication was digitized under National Digitization Project of the National Science Foundation, Sri Lanka"*