

**Fundamental Rights Violations of the
Northern Muslims: Internally Displaced
Persons Living in Puttalam**



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Abstract

Contrary to the commonly spread belief that Sri Lankan Muslims float in wealth, the reality is that almost seventy percent of Muslims live below the poverty line, around ten percent live in IDPs camps in and around Puttalam in appalling conditions and almost five percent have been made IDPs in their own homes in Mutur, besides facing numerous other problems which strike the very root of their survival. Nearly 72,000 persons, all ethnic indigenous Muslims of the Northern Province were forcibly evicted by the Liberation Tigers of Tamil Eelam (LTTE) during the latter part of October (Black October), 1990 from their places of origin. The Muslims of the North were inhabitants of the area for several centuries. They were forcibly ejected, as they belonged to an ethnic community which was not in favour of terrorism and it was the prime reason for such forcible eviction. It was clear attempt of "ethnic cleansing" in which the fundamental and other Human Rights of the minority Muslim community were brazenly violated. The Northern Muslim IDPs (hereinafter referred to as NMIDPs) had sacrificed their valuable life, wealth, freedom of all forms and have given sustained thought together with substantial experiences in the distinct, but related aspects of a major problem, namely; violent ethnic conflict stemming from terrorism.

The failure to protect Muslim minorities by the authorities concerned, from related violations of their fundamental rights (FR) and human rights (HR) by terrorists, which consequently resulted in forcible eviction and genocide of Northern Province Muslims by the LTTE. The LTTE claims that the majority Sinhala community of the State has severely violated their minority rights. But this cannot be a reason for them to deprive the FR and HR of the NMIDPs. Eventually, the FR en-

shrined in the Constitution of Sri Lanka have been infringed and violated by the LTTE, for which the Government of Sri Lanka (GoSL) is blamed. Entitlement to freedom of thought, conscience and religion are FR of the citizens of this country. They cannot be subjected to torture or inequality. It is relevant to mention here, that some of the FR violations, amongst others, of the NMIDPs are:

- failure of the state to protect from the forcible ethnic cleansing
- inability to satisfy their basic needs
- lack of educational facilities for the children of the NMIDPs
- harassment and intimidation by the security forces
- moral and cultural problems created in NMIDPs refugee camps
- dissention and unwelcoming attitude of the host communities
- unfulfilled desire of the majority NMIDPs
- psychological and psychiatric traumas created as a result of displacement
- normal daily routine of life and economic activities are at a standstill
- denial of right to get vital information

The principal objectives with which research project undertaken is that of producing a detailed study of violations of FR due to the impact of war and forcible eviction of the ethnic Muslims from the Northern Province during the period of 1990 till December 2008, in the absence of major scholarly works on this subject. The inadequacy of means of addressing these causes, analyzing the dimensions, which make the life of Sri Lankan Muslims vulnerable to maintaining their cultural, religious and linguistic identity as distinct from other communities, analyzing the particular dimensions, which forced the Northern Province Muslims uprooted from their historically domiciled areas, analyzing the plight of this group and the consequences they are in today, the impact on political and social fabrics of the country on national level and more importantly analyzing the reason of

land distributions are the root cause of the conflict. The series of displacement have resulted in displacing people from their habitual residences and detaching them from the use and rights of the land as stated by some other researchers in the past are some of the objectives of this research.

The LTTE came in to existence, mostly due to the discriminatory measures adopted by the post independent GoSL to create equal opportunity initiatives adopted to correct the preferential treatment that the minority population in Sri Lanka had received during the British colonial period. Winning the war against the LTTE alone will not win the hearts and minds of the minority communities in resolving the Sri Lankan ethnic conflicts. It will only be a temporary solution and will not convince the minority communities as well as the international community. The GoSL should come out with a clearly defined reasonable and durable solution, convincing the minority communities that the majority Government is really interested from the bottom of its heart to resolve the issues of the minority communities.

The research is to firmly believe the hypothesis of no permanent solution would be possible to the ethnic conflict in Sri Lanka without addressing the issues of FR violations of the NMIDPs when resolving these issues. The civil, political, social, economic and cultural aspirations of the Northern Muslims should form as an integral part of the final solution. The LTTE might be suppressed and defeated. What are the assurances against the risk on reincarnation of Liberation Cheetahs of Tamil Eelam or formation of Liberation Fighters of Upcountry Tamils, or Mujahideen, or Jihad, or Al-Qaeda or Liberation Camels of Lankan Muslims in the future?

The research also has attempted to explore correlation and impediment in the provisions of the International HR law documents with the view to identify the FR violations of the NMIDPs against guarantee imparted in the Constitutions of Sri Lanka, Chapter III Articles 10-17.

Primary sources of the research are observational, interview and Questionnaire methods. Secondary resources have been chiefly obtained from the research works of S. H. Hasbullah, M.I.M. Mohideen, Revalidation of Puttalam World Bank Reports, Sri Lanka Human Rights Commission, Center for Policy Alternative, Ministry of Resettlement and Disaster Relief Services (MRDRS) and Department of Census Statistics. Quantitative and qualitative methods have been combined in the data analyses.

The hypothesis of other researches is "land distribution is the root of the conflict". This research is to prove not only the land distribution but the other important connected issues such as religion, ethnicity, emergence of Sri Lanka Muslim Congress (SLMC), retribution against the atrocities committed by the Muslims in the Eastern Province (EP) to the area Tamils, involvement of GoSL, MOSAD, RAW and liquidity shortage of the LTTE were also made a substantial contribution to the forcible eviction and the series of displacements have resulted in displacing people from Northern Province (NP). Consequently, violations of HR and FR related to civil, political, social, economic, and cultural rights of the NMIDPs took place.

The GoSL has taken some initiatives in resolving the NMIDPs issues, but these initiatives are inadequate as the ordeals of NMIDPs still continue unabated because of delinquent attitudes of the state and international community.

The root cause of the NP ethnic conflict is the fleeing of the Muslims from their habitual residences, inequality, suppression and oppression. For the ethnic conflict to be resolved, these matters must be dealt with within a framework considering the mutual hate and the deep rifts created in the last 18 years. Sri Lanka is popularly known to ill-treating the minorities and sub-minorities. Ill treatment of the sub minority in the long run in the Tamils dominated NP is due to the fact that Muslims did not support the terrorist groups. This situation should be arrested, after peace is fully established in the country, to enhance the co-existence in the region by implementing a comprehensive resettlement policy and consensus building.

Promoting diversity in the regional level among the multiple ethnicities is another important factor when considering the affairs of the NMIDPs and by which measures, feelings of fundamentalism, racism and regionalism should be eradicated. Patriotism should be spread across the country. The GoSL and the citizens should respect and adopt the international FR and HR standards in order to strengthen pluralism. Finding a durable solution to the problems of 100,000 NMIDPs will improve the democratic norms, values and good governance in Sri Lanka and thereby the affected NMIDPs would trust the political system, which will enhance the confidence in democracy and give thought to a sense of belonging to the country. Such system would promote the patriotic feelings and feeling for a unitary State.

Achieving a durable solution to the protracted internal displacement of NMIDPs means that, they enjoy their full spectrum of HR and as a result they should be able to rebuild their lives. A solution to the NMIDPs can be achieved through return to the place of origin or local resettlement in the area where IDPs have taken refuge or settlement elsewhere in Sri Lanka. The conditions include the enjoying the protection of the State, the voluntary decision to return to the original places or to re-

settle elsewhere, the prevalence of safety and security in the areas of settlement, real prospects for restitution or compensation for the lost properties, without any discrimination in the enjoyment of the rights by the NMIDPs and equal access to public services and economic activities.

There are also several other immediate and urgent needs of the NMIDPs such as; free movement and activities in the North, community resettlement, preventing forcible and voluntary sales of assets and properties of the NMIDPs, preventing FR and HR violations against returnees, opening up the Puttalam (Ilavankulam) – Mannar Road, facilitating a dialogue between LTTE and displaced community, continuing assistances to the NMIDPs in Puttalam, equal rights and opportunities to all, consultation and participation of NMIDPs should be given priority to find a sustainable solution. Also outstanding issues of appointing an Inquiry Commission in order to provide appropriate compensation for the loss of assets, loss of income derivable from such assets and accommodating the second generation of the NMIDPs in the main stream line of life should be resolved sooner.