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Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Information regarding the treatment of Muslims in Sri Lanka by society and the authorities. Information regarding treatment of members of the Muslim National Congress (SLMC) political party.

In a section titled "Abuses of Religious Freedom" the 2009 *US Department of State* religious freedom report for Sri Lanka states:

"Since 1983, the Government had battled the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization fighting for a separate state for the country's Tamil, and mainly Hindu, minority. In 2001 the Government and the LTTE each announced a unilateral cease-fire, and in 2002 they agreed to a joint cease-fire accord. The peace process stalled in late 2005 following an escalation in violence. In 2006 renewed fighting broke out, and in January 2008 the Government terminated the cease-fire agreement. The conflict formally ended in May 2009. Adherence to a specific set of religious beliefs did not play a significant role in the conflict, which was rooted in linguistic, ethnic, and political differences. The conflict affected Buddhists, Hindus, Muslims, and Christians." (US Department of State (26 October 2009) *International Religious Freedom Report 2009*)

See also section of this report titled "Abuses by Rebel or Foreign Forces or Terrorist Organizations" which states:

"In 1990 the LTTE expelled approximately 46,000 Muslim inhabitants, virtually the entire Muslim population in the area, from the northern part of the country. Most of these persons remained displaced and lived in or near welfare centers. Although some Muslims returned to the northern city of Jaffna in 1997, they did not remain there due to the continuing threat the LTTE posed. There were credible reports that the LTTE warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict was over. It appears that the LTTE's actions against Muslims were not due to Muslims' religious beliefs but rather that these actions were part of an overall strategy to clear the north and east of persons unsympathetic to the LTTE. The LTTE made some conciliatory statements to the Muslim community, but many Muslims viewed the statements with skepticism. The LTTE later encouraged Muslim internally displaced persons (IDPs) in some areas to return home, asserting they would not be harmed. Although some Muslim IDPs returned home, the majority did not and waited for a government guarantee of safety in LTTE-controlled areas. Since the 2002 Ceasefire Agreement, the LTTE also carried out a number of attacks in the east in which Muslims were killed. No arrests had been made in these cases by the end of the reporting period. Although the Government defeated the LTTE militarily in May 2009, it remained unclear whether these Muslim citizens would soon be able to return to their former homes." (ibid)

The most recent *US Commission on International Religious Freedom* report on Sri Lanka states:

“Moreover, for years, entire communities of Sri Lankan Muslims in the north and northeastern parts of the country were displaced by LTTE forces seeking to consolidate Tamil hold over certain areas. Since the government defeated the LTTE, many of the more than 100,000 Muslims who were displaced have still not returned. Many fled as long ago as 1990 and do not have the proper documentation required to reclaim their homes and ancestral lands.” (US Commission on International Religious Freedom (29 April 2010) *USCIRF Annual Report 2010 - Additional Countries Closely Monitored: Sri Lanka*)

The 2010 *Freedom House* annual report for Sri Lanka states:

“Conditions for Muslims in the north and east improved with the demise of the LTTE, which had discriminated against them in the past, but relations between Muslims and the predominantly Hindu Tamils remained somewhat tense.” (Freedom House (1 June 2010) *Freedom in the World 2010 - Sri Lanka*)

An *Internal Displacement Monitoring Centre* report states:

“In western Sri Lanka, over 60,000 Muslim IDPs remained in displacement in Puttalam, 20 years after being forced out of the north and north-west by the LTTE in 1990. Many still faced poverty and difficult living conditions. With the end of conflict, the older generation of IDPs was keen to return but the younger generation, which had not known life outside the camps and the region, was uncertain about this option.” (Internal Displacement Monitoring Centre (17 May 2010) *Internal Displacement: Global Overview of Trends and Developments in 2009 - Sri Lanka*)

An *IRIN News* report states:

“Resettlement efforts are under way for thousands of displaced Muslims from Sri Lanka’s north who have been languishing in refugee camps for nearly two decades, officials say. The internally displaced people (IDPs) were forcibly evicted in October 1990 from the northern districts of Jaffna, Mannar, Kilinochchi, Mullaithivu and some parts of Vavuniya by the insurgent Liberation Tigers of Tamil Eelam (LTTE). About 75,000 Muslims are estimated to have fled, making their way towards government-controlled areas in Vavuniya and Anuradhapura, as well as to Puttalam District on the northwestern coast, according to the International Crisis Group (ICG).” (IRIN News (26 March 2010) *Sri Lanka: Difficult homecoming for Muslim IDPs*)

In a paragraph headed “Overlooked” this report states:

“The minority Muslim community comprises about 8 percent of Sri Lanka’s population of 20.2 million, according to the Department of Census and Statistics. Rights groups say their plight of the Muslim IDPs has been largely ignored throughout most of the conflict. While international attention has focused recently on the thousands of ethnic Tamil IDPs displaced near the end of Sri Lanka’s 26-year conflict, analysts and aid workers have expressed concern that the Muslim IDPs will continue to be overlooked.” (ibid)

In a section titled "Overview" an *International Crisis Group* report states:

"The return by the end of 2009 of most of the displaced to their home districts, and the increased freedom of movement for the nearly 100,000 still in military-run camps, are important steps forward. However, the resettlement process has failed to meet international standards for safe and dignified returns. There has been little or no consultation with the displaced and no independent monitoring; many returns have been to areas not cleared of mines and unexploded ordnance; inadequate financial resources have been provided for those returning home; and the military continues to control people's movements. These and other concerns also apply to the estimated 80,000 Muslims forcibly expelled from the north by the LTTE in 1990, some of whom have begun to return to their homes." (International Crisis Group (11 January 2010) *Sri Lanka: A Bitter Peace*, p.1)

A *Minority Rights Group International* report states:

"Muslims make up 8 per cent of the Sri Lankan population. The government did not make clear its plans to resettle Muslim displaced who have been living in camps for nearly 20 years. Some Muslims began to return to their homes during 2009, but they received no assistance from the government, Muslim NGOs reported. The community also feared that they would be neglected in plans to redevelop areas affected by the conflict." (Minority Rights Group International (1 July 2010) *State of the World's Minorities and Indigenous Peoples 2010 - Sri Lanka*)

Issues affecting returning Muslims are referred to in a section of this report titled "Long-Term Muslim IDPS" which states:

"Any returns by northern Muslims are likely to raise complicated property rights and political issues. A transparent and integrated process of return, in which Muslims and Tamils originating from the same areas return at the same time, is vital to reducing future conflicts. Muslims should be allowed to inspect their properties as soon as possible, prior to any new housing being built. Other mechanisms are also needed to resolve the inevitable land disputes. Local and national politicians must be prevented from manipulating the return of Muslims to sow the seeds of new conflicts between Tamils and Muslims. Many Muslims attempting to return to Mannar district are already complaining that they are not being treated fairly by Tamil government officers who control access to government assistance and public facilities and who are seen as giving priority to Tamils more recently displaced." (ibid, p.6)

See also *IRIN News* report which states:

"About 75,000 Muslims were evicted in October 1990 from the northern districts of Jaffna, Mannar, Kilinochchi, Mullaithivu and some parts of Vavuniya by the now-defeated Liberation Tigers of Tamil Eelam (LTTE), who were fighting for an independent Tamil homeland. Since the end of the war in May last year, the question of their return or resettlement has gathered momentum. 'Issues that need to be addressed include the kinds of infrastructure and services, such as schools and health services, that need to be in place,' said Farzana Haniffa, a University of Colombo anthropologist and member of the Citizen's Commission, which includes civil society and Muslim organizations, and is

leading efforts to help the displaced Muslims.” (IRIN News (29 April 2010) *Sri Lanka: Muslims and Tamils deal with the past*)

In a paragraph headed “Traumatic departure” this report states:

“Other challenges to reconciliation include more competition for resources and livelihoods as those returning look for jobs, and property ownership disputes, because the Muslims were forced to abandon their homes. And since the expulsion took place nearly 20 years ago, a generation of Muslims and Tamils has grown up without experiencing the event, potentially testing communal relations. 'Given the passage of time, the local Tamil population in these areas don't know the Muslims that are returning, they don't have the memory of interaction that an earlier generation had. So any potential for fresh conflict needs to be mitigated,' Haniffa warned.” (ibid)

In a section headed “Political Parties/Alliances” a report on the January 2010 election published by the *Commonwealth Secretariat* states:

“The United National Front (UNF), with the UNP as its major constituent party, was the opposition electoral alliance formed to support General Fonseka’s bid. Other members of the UNF include the Sri Lanka Muslim Congress (SLMC) – led by Rauf Hakeem, the Sri Lanka Freedom Party (Mahajana) (formed by former senior adviser to President Rajapaksa, Mangala Samaraweera), and the Democratic People’s Front – a Tamil party led by Mano Ganeshan.” (Commonwealth Secretariat (26 January 2010) *Report of the Commonwealth Expert Team: Sri Lanka Presidential Election*, p.4)

In a section headed “Election-Related Violence” this report states:

“Elections in Sri Lanka have historically been violent events. Political parties seem willing to tolerate the use of violence by their supporters against each other. Unfortunately, this election proved to be no exception. According to figures released by the Police Elections Desk,⁷ by 25 January, election-related incidents cumulatively numbered 809, of which 55% were classified as Major Incidents, including 5 murders, 99 acts of assault and 108 instances of threat and intimidation. In comparison, 48% of incidents in the 1999 presidential election, and 37% in the 2005 presidential election were classed as Major. On 21 January, the Secretaries-General of the UPFA and UNP issued a joint statement calling on their supporters to desist from violence. This was a welcome act, although it came too late to make any tangible difference to the actions of their supporters in the campaign period.” (ibid, p.14)

A *Daily Mirror* article states:

“There were also reports from Batticaloa, District of assaults on several people: an SLMC supporter had been assaulted and a shop owner threatened with death for supporting common Opposition candidate Sarath Fonseka.” (Daily Mirror (27 January 2010) Annul Kathariya Vidyalaya Polling : CMEV)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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