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Sri Lanka

Response to Information Request Number:	LKA03002.ZCH
Date:	August 20, 2003
Subject:	Sri Lanka: Information on Moors, Particularly in Beruwala
From:	CIS Resource Information Center
Keywords:	Sri Lanka / Armed resistance movements / Civil wars / Ethnic conflicts / Ethnic minorities / Peace negotiations / Political opposition / Vulnerable groups

Query:

Please provide information on the treatment of Moors (Muslims) in Sri Lanka by government forces, particularly in Beruwala. Also provide information on the extent of Tamil Tiger (LTTE) activity in Beruwala. Would a Moor who may have been targeted by government forces for allegedly assisting the Tamil Tigers be able to return safely to Sri Lanka?

Response:

SUMMARY

Sources consulted by the Resource Information Center (RIC) indicate that the overall situation in Sri Lanka is tenuous against the backdrop of rising political killings by the Tamil Tigers (LTTE, Liberation Tigers of Tamil Eelam*) in spite of a cease-fire agreement between the Tigers and the government. While representatives of Human Rights Watch and the U.S. Department of State indicate that Moors (Muslims*) in Sri Lanka currently may have more to fear from the LTTE than government forces, they pointed out that the Sri Lankan government has a record of abusing human rights, particularly during the civil war. It is plausible that government forces may have mistreated a Muslim who was suspected of assisting the LTTE. Unlike the LTTE, the government has been adhering overall to the cease-fire agreement, although Muslims are concerned about the lack of

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measures in the agreement to assure their protection in areas controlled by the LTTE.

BACKGROUND

In February 2002, the rebel Tamil Tigers (LTTE) and the Sinhalese-dominated government of Sri Lanka entered into a cease-fire agreement that has to-date halted fighting between the two sides. Peace talks to end officially the two-decade long civil war in Sri Lanka are scheduled to resume in September 2003 (McDonald 7 Aug 2003).

Beruwala, located in south-western Sri Lanka, is described as a "resort" town and as a "coastal gem trading town" (virgin.net n.d.; Cooke n.d.). Several sources refer to the centuries-long presence of a significant (though minority) Muslim population in Beruwala, and some suggest that Beruwala was originally settled by Muslims (Hussein n.d.; Siriweera n.d.; Fernando n. d.).

Beruwala is currently a majority ethnic-Sinhalese area (Fernando n.d.). There is no indication that Muslims face systematic abuse in parts of Sri Lanka under the control of the Sinhalese-dominated government, although the situation throughout the country is unstable (HRW 18 Aug 2003; U.S. DOS 14 Aug 2003). The RIC was unable to find specific information on the current situation of Muslims residing in Beruwala, or on the extent of Tamil Tiger activity in Beruwala in sources available within time constraints. A Human Rights Watch representative interviewed by the RIC stated that the LTTE has been most active in the north and east of the country and that he is not aware of much LTTE activity in Sri Lanka's south-western coastal areas (HRW 18 Aug 2003).

The RIC contacted a senior research associate specializing in Sri Lanka at the German Institute for International and Security Affairs (German Institute), who was in the Kalutara/Beruwala area as an elections observer during the parliamentary elections in 2000. He stated that there were some minor incidents of political violence but he did not see LTTE activity. "The district has some Indian Tamil population in the hill region but the LTTE (as representatives of the Sri Lanka Tamils) were never successful to mobilise them in their struggle against the government" (Senior Research Associate 20 Aug 2003).

Sri Lanka's Muslims, historically referred to as Moors, comprise 7 percent of the country's population (Sinhalese 74%, Tamil 18%, 1% other) (CIA 2003). According to information previously provided by the RIC, the Moors often have been caught between the Sinhalese-dominated government of Sri Lanka and the rebel Tamil Tigers throughout two decades of civil war in Sri Lanka. Currently, Moors are at continued risk of kidnapping and extortion by the Tamil Tigers despite an April 2002 assurance from the Tigers that they would discontinue this practice (INS RIC 10 Sep 2002; U.S. DOS 18 Aug 2003). Moreover, Moors as well as Sinhalese civilians have been targeted in the past in large-scale assaults by the LTTE, and Moors have been caught up in several ethnic clashes since the cease-fire (INS RIC 10 Sep 2002; AI 2003). Following violence between Muslims and Tamils in

April 2003, the USAID wrote in a field report: "The clashes, which continued for a number of days, point to the ongoing fragility of the situation in some mixed community areas of Sri Lanka, and the potential for sparks to lead to whole-scale and indiscriminate violence. If left unchecked this could severely undermine the national peace process" (USAID Apr 2003).

The RIC also previously reported that the Sri Lankan government generally views Moors and moderate Tamils as allies in the struggle against the LTTE, installing them in armed civilian militias known as Home Guards. "Moreover, Muslim political parties, such as the Sri Lankan Muslim Congress, have played key roles in supporting successive Sinhalese-dominated governments in Sri Lanka" (INS RIC 10 Sep 2002). For more background information about relations between Sri Lanka's Muslims or Moors, and the Sinhalese and Tamil populations in Sri Lanka, and for more in-depth information about the civil war in Sri Lanka, please see Response to Information Request SRI LANKA: INFORMATION ON TREATMENT OF MOORS (MUSLIMS) BY SINHALESE AND TAMILS, LKA02001.ZNY, dated 10 September 2002. For more information on human rights abuses by government forces, see Response to Information Request SRI LANKA: INFORMATION ON HARASSMENT FOR RENTING ROOMS TO TAMILS; GOVERNMENT TARGETING OF SUSPECTED LTTE SUPPORTERS, LKA03001.ZNY, dated 16 December 2002.

POST-CEASE-FIRE (FEBRUARY 2002) SITUATION AND POSSIBLE RETURN OF A MOOR WHO MAY HAVE BEEN TARGETED BY GOVERNMENT FORCES

Reuters reports that the stalled peace talks between the rebel Tamil Tigers (LTTE) and the Sinhalese government of Sri Lanka may resume in September 2003 (McDonald 7 Aug 2003). Meanwhile, human rights groups and the U.S. Department of State have charged that the Tigers have used the December 2001 cease-fire as an opportunity to assassinate dozens of political opponents. Most of those assassinated appear to be Tamils not affiliated with the Tigers, and government informants (McDonald 8 Aug 2003; McDonald 10 Aug 2003; HRW 7 Aug 2003). "The Eelam People's Democratic Party (EPDP) and Eelam People's Revolutionary Liberation Front (Varathar) EPRLF(V), at present the LTTE's two main political opponents, have together lost thirty-two members or supporters killed or missing since February 2002" (HRW 7 Aug 2003).

" 'Members of Tamil political parties are being gunned down and the available evidence points to the Tamil Tigers,' Brad Adams, executive director of the Asia Division of Human Rights Watch, said in a statement. The U.S. State Department said more than three dozen political opponents of the Tigers have been murdered while Amnesty International says at least 22 have been killed" (McDonald 8 Aug 2003). Human Rights Watch reports that "political killings are on the rise again in Sri Lanka," and that "[m]any local observers believe that the killings are indicative of a systematic campaign to silence the LTTE's opposition" (HRW 7 Aug 2003). A South Asia specialist at the U.S. Department of State said in a telephone interview that tensions are currently high in Sri Lanka due in part to recent political killings although he said that there has not yet been any outbreak of large-

scale violence. He said it is impossible to predict what will happen from day to day, but there have been several occasions since the cease-fire in which tensions seemed to reach a boiling point but then simmered back down (U.S. DOS 18 Aug 2003).

Human Rights Watch reported on the killing of a Muslim rickshaw driver in January 2003, stating that the victim had a disagreement with a Tamil whose brother was a local LTTE leader. The report states also that "[a]t the time of the killing, the LTTE was reportedly threatening Tamils not to do business with Muslims. Three days earlier, on January 2, a grenade had been thrown into the Muslim Market, injuring five Muslims, including a policeman" (HRW 7 Aug 2003). An article discussing more recent political killings states that two Muslims were gunned down in Trincomalee on 13 August 2003, nearly 12 hours before suspected Tamil Tigers assassinated another rival Tamil politician in a neighboring district. These killings occurred despite a coinciding visit by a Norwegian peace envoy to Sri Lanka (AFP 14 Aug 2003). The BBC reports that two Muslim farmers were shot dead in eastern Sri Lanka around 18 August. Local Muslim politicians blamed the killings on the LTTE, who are "the only armed group" in the area, but the Tigers have denied the charge and suggest that opponents to the peace process are responsible (Harrison 18 Aug 2003). Another article reports: "Kuliyian, the deputy political head of the Liberation Tigers of Tamileelam, denied that rebels were involved in the killings, according to TamilNet Web site that reports on Tamil affairs. His denial came as hundreds of Tamil farmers fled their homes in the region fearing a backlash from Muslims. It was not immediately clear where they were headed" (AP 19 Aug 2003). The BBC article states: "It is hard to see what tactical advantage the Tigers might gain from killing Muslim civilians at this point.... It is also possible these killings have nothing to do with politics. In two recent cases murders in the east were blamed on the Tigers, but then subsequently turned out to have a purely criminal or personal motive" (Harrison 18 Aug 2003).

It is not clear if any other Muslims are included in the several dozen alleged political killings since the December 2001 cease-fire. Also, the Human Rights Watch report and other reporting on the issue do not indicate that government forces have been implicated in any of the suspected political assassinations.

The U.S. Department of State South Asia specialist interviewed by the RIC stated that there is currently "lots of friction" between Muslims and the LTTE (U.S. DOS 18 Aug 2003). According to a representative of Human Rights Watch, the LTTE has imposed authoritarian rule in areas ceded to them by the government in the February 2002 formal cease-fire agreement. Moreover, the agreement between the government and the LTTE does not provide for protection of Muslims living in these areas. The army is no longer active in sections of the country under LTTE control (areas in the north and east) — instead, police forces are supposed to be providing security. They have been reluctant to impose their authority, however, because they have been targeted by the LTTE in the past, and they likely would be among the LTTE's first targets if the cease-fire agreement were to disintegrate (HRW 18 Aug 2003).

Reports indicate that Sri Lanka's Muslims are requesting a modicum of autonomy in certain LTTE-controlled areas and continued facilitation of return to the north of Muslims who had been driven out by Tamil fighters in the early 1990s (U.S. DOS 31 Mar 2003; Mills 16 Jul 2003; Harrison 18 Aug 2003; Rahman 9 Aug 2003). According to the BBC, "...Muslim politicians are now under pressure to do more to defend their community's rights in the face of a rebel group which may soon be governing eastern Sri Lanka if there is agreement with the government on an interim administration" (Harrison 18 Aug 2003).

Sources do not indicate that Moors face systematic mistreatment by the Sinhalese-dominated government (Mills 16 Jul 2003; U.S. DOS 18 Aug 2003; HRW 18 Aug 2003). The Research Directorate of the Canadian Immigration and Refugee Board cited a news article in stating that the Muslim population's dominance in Sri Lanka's trade and business sectors "has reportedly led to feelings of jealousy and animosity among some members of the country's Sinhalese population" (IRB-RD 31 Aug 2001). In an e-mail to the RIC, however, the senior research associate at the German Institute stated instead that "[t]his may be applicable only to specific sectors like the gem industry" and that "[n]owadays, the socio-economic situation of the majority of the Muslims is not better than for the Sinhalese and Tamils" (Senior Research Associate 20 Aug 2003).

One news article quotes a Muslim former school principal as stating: "...the Sri Lankan Government has generally been fair to us and Muslims living in Sinhalese majority areas face no problems" (Rahman 9 Aug 2003). Another article, however, highlights Muslim frustration over the fact that so far the peace process has not acknowledged their security needs vis a vis the LTTE. The article states: "The Muslim youth in several parts of Sri Lanka may soon form their own anti-LTTE suicide 'Osama squads' to fight the discrimination meted out to them by the Tamil extremists. With indiscriminate killings and abductions of the Muslim community by the LTTE reported in the Eastern province, undercurrents of anxiety verging on desperation have been increasing in momentum on the West coastline among its peace-loving members.... Already Muslim youth in Batticaloa have formed the Ossama [sic] squads since fair play is not ensured for the community in the embattled north and east" (TIMES OF INDIA 19 Aug 2003).

The senior research associate specializing in Sri Lanka at the German Institute told the Resource Information Center in a telephone interview that, given the current instability in Sri Lanka, it is very difficult to predict whether a Moor who may have been targeted by Sri Lankan government forces for allegedly assisting the LTTE would be at risk upon return to Sri Lanka. He stated that it would depend in part on how "sensitive" government forces viewed the alleged assistance to be (Senior Research Associate 13 Aug 2003). He said he feels that it would be more dangerous to return if one had been targeted by the LTTE, but he indicated that the situation in Sri Lanka is difficult and changeable. He also said observers are still hopeful that peace negotiations between the government and the LTTE will soon move forward (Senior Research Associate 13 Aug 2003).

A U.S. Department of State South Asia Specialist interviewed by the Resource Information

Center said he agrees with the Senior Research Associate that one would generally have more to fear from LTTE forces rather than from Sri Lankan government forces. He stated that, "the LTTE are regularly assassinating their enemies" (U.S. DOS 14 Aug 2003). He also said that there is "plenty of evidence of human rights abuses by the government" during the 20-year-long civil war, but since the cease-fire (December 2001) the number of allegations of abuses by the government have "dropped dramatically" (U.S. DOS 14 Aug 2003). He said it sounds plausible that government forces would have mistreated a Moor suspected of assisting the LTTE, but he said he "doubts" that someone who had trouble with government forces in the past would face difficulty today, although he cautioned that it could certainly happen (U.S. DOS 14 Aug 2003). He noted that the February 2002 Memorandum of Understanding between the LTTE and the Sri Lankan government provides that the government will cease detaining suspects under its anti-terrorism law, and that the government has honored that provision to date (U.S. DOS 14 Aug 2003).

The Human Rights Watch representative interviewed by the RIC stated that government targeting of a Moor suspected of assisting the Tamil Tigers would be unusual but not implausible, particularly considering the human rights record of Sri Lankan government forces during the civil war. He had not heard of efforts by Muslims to support the LTTE in their struggle against the government. He said that it would be more typical for a Sri Lankan Moor to indicate fear of the Tigers, especially in the north and east of the country where the government has ceded authority to the LTTE. The representative felt that someone who had been targeted by government forces for suspicion of assisting the Tamil Tigers might be able to return safely to Sri Lanka if lower-level, local government officials were involved. If higher-level officials were involved, someone who had been targeted at one time by government forces would have difficulty even if he or she tried to relocate within Sri Lanka (HRW 18 Aug 2003). The senior research associate at the German Institute agreed that targeting would be more likely if high-level officials were somehow involved (Senior Research Associate 20 Aug 2003).

*The terms Muslim and Moor, and the terms LTTE and Tamil Tigers are used interchangeably throughout this Response.

This response was prepared after researching publicly accessible information currently available to the RIC 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.

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