

The Mannar incident in Sri Lanka

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Sri Lanka's efforts to calm the international community's uneasiness on the country's human rights record is evident in the actions it has taken in the past few months. It became apparent when the Sri Lankan External Affairs Minister, G. L. Peiris, handed over the National Action Plan to the American Secretary of State in May. However, the government stopped short of releasing the action plan to the local media or public till July, prompting criticism of playing a double game. Even as the Minister of External Affairs handed over the action plan to America, the top civil servant in the External Affairs Ministry, Mr Amunugama, informed the press in Sri Lanka that the action plan was not finalised and the committee headed by the secretary to the Sri Lankan President was drafting the plan, thus raising serious doubts about the credibility of the Sri Lankan government. In July, the government finally released the national action plan to implement recommendations and published the achievements of short term targets to the public and the diplomatic community in Sri Lanka.

The Sri Lankan government appointed the Lessons Learnt and Reconciliation Commission (LLRC) - so far the best effort taken by the government to address the reconciliation process - and the implementation of the national action plan seems to be the next step towards the reconciliation process. However, the Mannar incident and the government's reaction that followed, raises serious questions of how the National Action Plan will be implemented effectively.

What is the Mannar incident and why it is relevant to explain the present situation in Sri Lanka? The story begins by a telephone call placed to the

Magistrate of Mannar, Anthony Pillai Judeson by the Minister of Industry and Commerce Rishad Bathiudeen, demanding the change of a court ruling given by Magistrate Judeson against sixteen Muslims who were suspects of attacking Tamil fishermen.

It was reported that these sixteen Muslims were identified and were arrested by the police and presented to the courts. The Judge Judeson remanded the suspects while there was pressure from outside to release them. The Minister of Industry and Commerce Bathiudeen intervened at this juncture and threatened the Magistrate to change the judgement. Minister Bathiudeen also warned the Judge that if he did not change the judgement, Mannar may be engulfed in communal disturbances. The Minister reportedly took steps to meet the secretary to the judicial services commission and demand of transfer of the magistrate.

The root cause of this rift goes back to the Civil War era. In the early 90's when Liberation Tigers of Tamil Elam (LTTE) decided to set up their naval base in Vedithalathiw, North-Western coast of Sri Lanka, the fishermen in the area were forced to flee. These fishermen moved to Mannar and with the help of Muslim fishermen, settled in their new home. The Muslims permitted Tamil fishermen to continue their trade not on humanitarian grounds but on the condition that Tamils would pay a commission - a percentage of their catch to Muslims. Over next two decades, Tamil fishermen established well and made inroads into the social and communal fabric of Mannar. They were successful in acquiring positions within the Fishing Societies. After the war, when the fishing societies decided that the fishermen need not pay any commission; the Muslim fishermen started to demand the return of displaced fishermen.

This social disharmony drew religious and society leaders to the debate. The Bishop of Mannar Rayappu Joseph, who is considered as one of the most powerful Tamil personalities in the area intervened and played a central role to bridge two communities. Additionally, the judiciary decided that settlers should be returned and ordered the government agents to find suitable land to resettle the displaced fishermen since 1990s.

Whilst communities tried to resolve their differences, Rishad Bathiudeen, Minister of Industry and Commerce made number of comments accusing the Bishop for supporting Tamil fishermen against Muslims. Heating the debate he equated the Bishop of Mannar with the Buddhist Monks who campaigned to demolish a mosque in Dambulla. This bitter outburst resulted in people in Mannar protesting against Bathiudeen. This was seen as a challenge to the political authority of the Muslims and it was reported that a Muslim journalist

who attended the protest was beaten by fellow Muslims.

This protest soured the relationship between two communities. Tamils sided with the Bishop while Rishad Bathiudeen led the Muslims. The heightened tension was culminated by the judicial intervention that decided to grant the government authorities three months to resettle the displaced fishermen. This was not well received by the Muslim community. They demanded an immediate return of settlers and attacked the houses of Tamil fishermen. Sixteen of identified attackers were arrested by police and brought before the Magistrate Anthony Pillai Judeson.

When the Magistrate ordered to keep sixteen suspects in remand custody, the Muslims got together and protested in front of the court against the magistrate's decision demanding the release of suspects and also set a few vehicles ablaze in the vicinity. It was this incident that made Bathiudeen criticise the Magistrates decision.

This attack on the judiciary throws light on the erosion of rule of law within the island nation. Furthermore, post attack scenario clearly shows the inability of the law enforcement agencies. The police was unable to take firm action against the Minister of Industry and Commerce for contempt of court. There are allegations that police did not act swiftly against the Muslim attackers as well. Despite continuous protests from the bar members in the North and significant boycott by the legal community the Rajpaksa regime did not take any action against Bathiudeen. It was after several senior lawyers personally petitioned the court stating that their fundamental rights were violated by the Minister by subverting the freedom of judiciary, the Court of Appeal sent for the Minister.

This incident highlights the difficulty in implementing a sound reconciliation programme let alone a resettlement programme that answers the burning issues of the displaced people. After ending the thirty years long civil war, Sri Lanka is still at cross roads of political solutions to the ethnic problem. The country is still trying to identify the direction it has to take to fulfill the expectations of its Tamil minority while satisfying the aspirations of the majority Sinhalese. Yet without protecting the law enforcing mechanisms from political interference, safeguarding the independence of judiciary and developing a political culture that respects democratic values, Sri Lanka will be unable to keep the ethnic tensions under control.

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While Sri Lanka receives commendations from the United Nations for its resettlement programme, the UN also reiterate that there is a lot more to do. There are burning issues of post settlement such as drinking water, sanitation, education and employment. Additionally, it is important to conduct the settlement programme, integrate all communities who suffered from different parties of war. The majority Sinhalese cannot leave incidents such as Mannar as problem between Tamils and Muslims alone. Without an impartial and independent judiciary, Sri Lanka will face more questions on how to implement LLRC let alone a long term political solution to the North and East. Without a solid mechanism to address its human rights issues, reconciliation will be far from being met.

Allegations on war crimes, unlawful detention of political prisoners, disappearances, abductions, attacks on the press, land grabbing, failure to demilitarise the North and East dominates the human rights agenda. None of these can be addressed without a strong impartial judicial system and the Mannar incident was the litmus test for the government to honour the law, supremacy of law and rule of law. The very fact that a provincial question that could have been resolved at the community level escalated to an ethnic backlash, dividing community on ethnic lines, Mannar incident has raised the question about how would Sri Lanka implement the National Action Plan without a democratic structure.

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