

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Are there any reports of harassment of Muslim Tamils who support the UNP, in light of recent developments in Sri Lanka?**
- 2. Is a wealthy Tamil Muslim businessman likely to be vulnerable to kidnapping for ransom, or other mistreatment?**

RESPONSE

- 1. Are there any reports of harassment of Muslim Tamils who support the UNP, in light of recent developments in Sri Lanka?**

No reports were located which state that Muslim supporters of the UNP are currently subject to harassment.

- 2. Is a wealthy Tamil Muslim businessman likely to be vulnerable to kidnapping for ransom, or other mistreatment?**

A May 2007 International Crisis Group report provides background information on the situation for Muslim businesspeople in Sri Lanka; the report states that in “the first two decades of independence ... the Muslim business and political elite ... tended to support the most capitalist-friendly national party, the United National Party (UNP)”. The report addresses anti-Muslim sentiment among some Sinhalese communities, but also states that “for the most part, the two communities have peaceful relations; there is limited social integration but a good deal of economic interaction”:

overt racism is rare in contemporary Sri Lanka, although a certain prejudice against the Muslims as traders, deceiving the poor “sons of the soil” is occasionally still evident in everyday, private discourse. But for the most part, the two communities have peaceful

relations; there is limited social integration but a good deal of economic interaction. Nevertheless, violence has erupted intermittently, usually linked to organised nationalist campaigns or business disputes. In 1976 police shot several Muslims in Puttalam after clashes between Muslims and Sinhalese, apparently provoked by disputes over jobs and land. There were sporadic incidents in the 1990s, including attacks on shops in Nochchiyagama in 1999. In April 2001 Sinhalese mobs attacked Muslims in Mawanella: two Muslims died, and dozens of buildings and vehicles were destroyed. The riots seemed to have been sparked by Muslim complaints of police inaction over an assault on a Muslim store owner by three Sinhalese racketeers.

Sometimes these incidents may stem from small personal disputes but there are often accusations of underlying nationalist campaigns against Muslim business, in some cases instigated by extreme Buddhist-nationalist factions linked to local business or mafia groups. In the Mawanella case, Muslims accused the Sinhala Urumaya, a nationalist-Buddhist group, of supporting the rioters, through their United Sinhala Traders Association (USTA). This body was apparently established under the aegis of the Sinhala Veera Vidhana (Sinhala Heroes' Forum, SVV), a forerunner of today's Jathika Hela Urumaya (JHU). In other cases, too, Sinhala nationalist forces have been blamed for instigating or benefiting from the violence.

Muslims claim that they find it difficult to conduct business in some areas, particularly in Sinhalese parts of Ampara district and in strongly Sinhalese areas of Western province such as Kiribathgoda, where local business associations and political groups make clear that their presence is not welcome. Some Muslim businessmen are concerned that nationalist elements in the new government may also begin a new round of pressure on Muslim businessmen. The presence in the government of the JHU leader, Champika Ranawaka, a former head of the SVV, has compounded these fears.

Despite this occasionally tense relationship, there is none of the deep history of conflict that has undermined Muslim-Tamil relations over many years. In most cases of violent confrontation, there are clear signs of manipulation of local economic grievances by political extremists. However, the resurgence of Sinhalese nationalism in the past few years, coupled with a rise in Muslim activism, and in some cases, more radical Islamic ideas, suggests that tensions may increase in the future.

...For the first two decades of independence, this quietist approach to politics was characteristic of the Muslim business and political elite, who tended to support the most capitalist-friendly national party, the United National Party (UNP).

...While occasional tensions with the Sinhalese majority informed Muslim political attitudes in the south, in the north and east these have been shaped by a conflict with Tamil militant groups that has been continuing for two decades.

Some inter-ethnic tensions had existed for decades between Tamil and Muslim areas on the east coast but for the most part the communities mixed well, were strongly interdependent in economic affairs and had significant cultural and linguistic ties. It was the increasing activities of Tamil militants from the mid-1980s onwards, particularly their attempts at extortion from Muslim businesses, that provoked much more serious inter-ethnic tension. This seems to have been accentuated by a deliberate attempt to increase divisions between the two communities, as part of a government strategy to prevent formation of a united front (International Crisis Group 2007, *Sri Lanka's Muslims: Caught in the Crossfire*, Asia Report No. 134, 29 May – Attachment 1).

A June 2007 International Crisis Group (ICG) report titled *Sri Lanka's Human Rights Crisis* provides an overview of the "wave of abductions for ransom in Colombo" dating from mid-

2006. This ICG report claims that these “abductions seem to have been designed to extract money to fund Tamil militant groups, primarily the TMVP”, and a journalist quoted in the report claims that “[t]here is close collaboration by sections of the police and armed forces and intelligence personnel”. The report also claims that “there is widespread concern in minority communities that the abductions are part of a broader plan by Sinhalese extremists to drive Tamils and Muslims out of key economic sectors”:

Since mid-2006, there has been a wave of abductions for ransom in Colombo, generally targeting Tamil but lately also Muslim business owners. Few victims have anything to do with politics; in most cases the abductions seem to have been designed to extract money to fund Tamil militant groups, primarily the TMVP. Most remain missing; some have been found dead; others were released after paying large ransoms. Given that many of the abductions are done in the day amid very tight security, the assumption is that most are committed with the knowledge or connivance of security forces. According to a journalist:

The actual abductions are generally done by the Karuna or EPDP group or in a few cases by both. There is close collaboration by sections of the police and armed forces and intelligence personnel. Some top “security” guy is usually at hand to help out if something goes wrong.

...What may have started out as an attempt to establish an extra layer of militant taxation or undermine LTTE taxation networks has descended into increasing lawlessness and insecurity for all minority businessmen. Any rich entrepreneur from the Tamil or Muslim communities is now a potential target. In May 2007 there were reports of more than a dozen Muslim businessmen abducted for ransom. Some were reportedly released after paying 50 million SLR (\$500,000).

Although this may indicate a general descent into criminality from earlier, more politically motivated abductions, there is widespread concern in minority communities that the abductions are part of a broader plan by Sinhalese extremists to drive Tamils and Muslims out of key economic sectors. A Tamil lawyer claims that “there is a more subtle targeting of Tamil business now than in 1983. Now they are snuffing out the economic lifeline. What they failed to do in the 1983 riots, the JHU and the JVP together, with the help of security forces, are succeeding in today.”

Certainly many Tamil businessmen have left the country, deciding it is too risky to remain in Colombo. There is no protection in these cases: the police have not followed up any leads provided to them (International Crisis Group 2007, *Sri Lanka’s Human Rights Crisis*, Asia Report No. 135, 14 June – Attachment 2).

A 14 September 2007 ‘Statement from Sri Lankan Groups Regarding the Situation of Muslims’ claims that “Muslim businessmen found themselves targeted by an unknown group/s who were abducting and extorting from large scale Muslim businessmen”, and that “[t]here are also fears amongst Colombo based Muslims that the State is engaged in a campaign to hit at the heart of their economic interests”. According to this statement, “Muslim business groups have had to face increased intimidation including constant customs checks on their activities”, and Muslim politicians, “the majority of whom are a part of the governing alliance”, “are unable to raise critical issues and most often defend the Government positions”:

Insecurity is not restricted to the North and East. Muslim businessmen found themselves targeted by an unknown group/s who were abducting and extorting from large scale Muslim businessmen. It is still unclear how many businessmen were abducted and how much was paid, let alone who was responsible. There are also fears amongst Colombo based Muslims

that the State is engaged in a campaign to hit at the heart of their economic interests. Muslims are largely seen as dominant in business and trade in Sri Lanka. In the recent past Muslim business groups have had to face increased intimidation including constant customs checks on their activities. The insecurity as highlighted in these incidents is highlighted by the lack of political leadership in taking up these human rights issues. The Muslim community has twenty four members of parliament, the majority of whom are a part of the governing alliance with some eighteen ministers and deputies but they are unable to raise critical issues and most often defend the Government positions. In responding to the issue of abductions some of the Muslim ministers went so far as to deny and ridicule the allegations ('Statement from Sri Lankan Groups Regarding the Situation of Muslims' 2007, The South Asian website, 14 September http://www.thesouthasian.org/archives/archives/2007/Statement_on_SL_Muslims_Arbour_Visit%5B1%5D.pdf – Accessed 27 May 2009 – Attachment 3).

A July 2007 article on the Sri Lankan Groundviews blog website claims that “Southern Muslim political leaders” have historically tended to side with “the master who commanded most influence and was able to distribute privileges and positions”, and have been “amply rewarded with ministerial positions in every government”. According to this article, the Sri Lankan government responded to the kidnapping of Muslim businessmen by directing Muslim Ministers to criticise the opposition UNP’s publicising of the abductions as their being “engaged in rumour mongering for petty political purposes”. According to this report, “several Muslim businessmen have apparently made moves to shift their businesses and families to countries such as Malaysia” due to the number of kidnappings in Sri Lanka:

The Southern Muslim political leaders, who formed the mainstream of that community’s politics, did choose their master, whom they considered not so hard a task master; or rather, to put it in another way, the master who commanded most influence and was able to distribute privileges and positions. Eminent personalities like Razeek Fareed and Badiuddin Mohammed set the tone for the Southern Muslims’ participation within the UNP and the SLFP, the main parties of the South. They were amply rewarded with ministerial positions in every government. This trend continues to date where even the Sri Lanka Muslim Congress (SLMC), an independent party representing the Tamil speaking Eastern Muslims with ambitions for pan island leadership, in most cases end up in a coalition partnership with the ruling government, with ministerial portfolios thrown in.

...Today a crisis has loomed in the form of abductions of Muslim businessmen, which has forced the Muslim community to revisit this path. The government, naturally, is baffled. Only two Muslim businessmen were abducted! Why is the Muslim community raising hell for an incident which is in such a small scale that it might have been carried out by the under world, for all they know! Former Deputy Mayor Azath Sally has even exhorted the Muslims to rise against these terrorising acts. It is not even like the cases of over 70 Tamil businessmen who have been abducted for huge ransoms. So, on one hand they sent Intelligence sleuths to “quiz” Mr. Sally for two hours, while on the other hand hurriedly organising a press conference to be conducted by Muslim Ministers. The Ministers were also provided with a brief on what should be said. This brief could easily have passed for a comedy script.

Kidnapped Muslim Businessmen

While Muslim businessmen have been lured to places like Kandy and Habarana to be locked up or taken away by force right in the face of the security forces manning the checkpoints in the streets, after millions of rupees have changed hands, and all this happening after hordes of Tamil businessmen have been abducted in a similar manner for over a year, Minister Amir Ali had this to say: – “Over 75,000 Muslims were evicted from the North during the UNP regime eighteen years ago. These persons are still in welfare centers in Puttalam and other

areas but the opposition members did not utter a single word about it. (They are only making a noise for these few abductions.) The UNP was obviously envious of the President winning over the Muslim community and therefore is engaged in rumour mongering for petty political purposes”. They proclaimed that the President was merciful. This is what is meant by serving the master in true style. Even the SLMC leader tried to evade the issue by sending his deputy General Secretary to be part of the press conference team instead of attending it himself.

The Muslim community for its part had its logic worked out, simple and straightforward. If it were the underworld gangs which were involved in all the abductions, and if it was money they needed, then there are large numbers of Sinhala businessmen who have far more resources than the few hapless Tamil businessmen who were abducted. If so, why were the Sinhala businessmen spared? It is because some force was targeting Tamil businesses with the aim of destroying the economy of the Tamil community. This can only be a political force that controls State power, which represents the majority community of this country. Or, on the other hand, this can be the work of a gang which knows for sure that if they lay hands on the Tamils the security apparatus of the State will look away, allowing them to continue with impunity. Looked at either way, the conclusion was the same. A minority Nation is at peril, at the hands of the Sri Lankan State.

Now when the incidents of abductions of Tamil businessmen begin to dwindle, the spate of Muslim businessmen being abducted begin to rise. After the Tamils have been milked dry, they have laid hands on the Muslims. The Muslim community’s worst fears were beginning to be confirmed. Whether they learnt Sinhala or not, whether they were in the government or not, they will always remain, in the eyes of this State, a minority community. That is why it is not surprising that even before the authorities or the media can confirm definitely the numbers of abductions involved, several Muslim businessmen have apparently made moves to shift their businesses and families to countries such as Malaysia. One of the abduction victims was reported to have said; “We had so much hope. We believed we have integrated so well into this community. We employ more Sinhalese than Muslims. But we are helpless. We know our complaints will never be entertained or investigated. So why bother?” This statement is significant in that he is unambiguously clear on his identity as a member of a minority community, and the fact that under a system which is governed by a chauvinist majoritarian ideology, this community has to always engage in defensive actions like “employing more Sinhalese than Muslims”. We never hear Sinhala businessmen explain their position by saying that they employ more Tamils and Muslims than Sinhalese, do we? Only the minorities are required to legitimise their existence through extending that extra bit towards the majority community. Remember the statements by the managements of the Hatton National Bank, and the Maharajah Organisation during their own crisis points, that they employ more Sinhalese than Tamils.

SLMC leader Rauff Hakeem was more explicit in his interview. “We must remember that (in the 1960s) certain political decisions deprived this country of some enterprising as well as hard working Tamils and Muslims of Indian origin who strengthened the economy of this country. Most of them fled this country as a result of oppressive legislation that was brought in to discriminate against them. This is the first time (since then) we now observe a similar situation where citizens of this country for the reason that they belong to the minority communities are having their economy targeted” (Sachithanadam, S. 2007, ‘Shedding the Master: The Challenge for the Muslims’, Groundviews website, 25 July <http://www.groundviews.org/2007/07/25/shedding-the-master-the-challenge-for-the-muslims/> – Accessed 27 May 2009 – Attachment 4).

An 11 August 2007 report from *Frontline* magazine also reports on the abduction of Muslim businessmen in Sri Lanka, referring to “the cases of abduction of half a dozen prominent Muslim businessmen for ransom in the previous weeks”. This report also claims that “[a]ccording to conservative estimates, over two dozen Muslim businessmen have wound up

their establishments and virtually fled the country”, refers to widespread “panic in the community” of Muslims, and to the Sri Lankan President using “the Muslim Ministers in his government to address the fears of the community at large”:

IT was a breezy July evening. At a seaside club close to the Presidential Palace in Colombo, the city’s elite had gathered to enjoy the performance of a foreign cultural troupe. As the show ended, a Tamil businessman sighted a fellow Muslim entrepreneur and yelled across, “Brother, didn’t I tell you two months ago your turn would come sooner than later”. The reference was to the cases of abduction of half a dozen prominent Muslim businessmen for ransom in the previous weeks.

The Muslim gentleman gathered his wits and shouted back: “Yes, you proved right. But just wait and watch for the retribution. The revolution is round the corner and I mean it.” On the face of it, it was merely “spirited” banter between two business friends. But unwittingly it brought to the fore the growing bitterness of the elite Muslim community towards the system. Abductions have been a regular feature since the escalation of hostilities between the Sri Lankan forces and the Liberation Tigers of Tamil Eelam (LTTE) over a year ago.

Until recently, most of the victims were Tamils, which gave the act a racial twist. The tactic assumed a new dimension when the unidentified abductors began targeting the Muslim community. Fearful of their safety, some prominent business families chose to leave the country. According to conservative estimates, over two dozen Muslim businessmen have wound up their establishments and virtually fled the country. The panic in the community was so widespread that President Mahinda Rajapaksa not only made it a point to reach out with a promise of ensuring its safety but also fielded the Muslim Ministers in his government to address the fears of the community at large. The measure has not helped much in the wake of persistent reports about the plight of ordinary Muslims in the “liberated east”. The Tamil Tigers have been ousted by government forces from all their bases in the east but the vacuum has been allowed to be filled up by “paramilitary forces” (in Sri Lankan parlance this simply refers to forces wielding weapons illegally).

...The Muslims’ hopes of a new dawn in the east following the emergence of the Karuna faction in 2004 were dashed. Some leaders of the community have gone to the extent of saying that the Karuna group is a carbon copy of the LTTE in respect of the Muslim community. The Rajapaksa government’s lenient attitude towards the Karuna group has left the community with little choice but to fend for itself. Ground reports talk of rancorous disputes between the Tamils and Muslims over land and resources, particularly in the past few months (Reddy, B.M. 2007, ‘Muslim Concerns’, *Frontline*, Volume 24, Issue 16, August 11-24 <http://www.hindu.com/fline/fl2416/stories/20070824505104200.htm> – Accessed 27 May 2009 – Attachment 5).

A 16 June 2007 report, sourced from the *Daily Mirror* and located on the Eight Man Team blog website, refers to an “exodus” of businessmen “attempting to flee the country” because they fear abduction. According to this report, “President Rajapaksa summoned a meeting with Muslim businessmen and some political supporters at Temple Trees on Tuesday and made a special appeal to them to make complaints against any abductions that they hear of or have already taken place”. The report goes on to state that “[a]ccording to the latest statistics that are available with the President, nearly a dozen millionaire businessmen mainly Muslim, had been abducted and released by the abductors after taking a large sum of ransom from these businessmen”, and that “[t]hese businessmen are not willing to go to the police as they had already been terrorised”:

President Mahinda Rajapaksa’s administration seems to be concerned about the latest trend of abductions of millionaire businessmen, especially Muslims and Tamils in Colombo. This has

resulted in a large number of Colombo businessmen attempting to flee the country fearing this latest threat.

In order to prevent this 'exodus' of businessmen, President Rajapaksa summoned a meeting with Muslim businessmen and some political supporters at Temple Trees on Tuesday and made a special appeal to them to make complaints against any abductions that they hear of or have already taken place.

It is learnt that the President summoned this meeting after holding a series of discussions with the defence top brass including the Service chiefs and Police chief. According to the latest statistics that are available with the President, nearly a dozen millionaire businessmen mainly Muslim, had been abducted and released by the abductors after taking a large sum of ransom from these businessmen. These businessmen are not willing to go to the police as they had already been terrorised.

Before the meeting, President Rajapaksa was reportedly informed that more than fifty Sri Lankan businessmen have already applied for visas to several European, Middle East countries and Malaysia fearing for their lives. Among them there were several who had already been abducted and released after paying several millions to abductors.

It is also learnt that a large number of businessmen have already received death threats and warnings threatening to abduct them through fax messages, telephone calls and emails.

However, so far there has not been a single complaint made by any of these victimised businessmen. Police claimed that they are unable to carry out any investigations as there were no complaints about such developments.

According to an informed source, at least more than three Colombo based businessmen were reportedly abducted twice and were released only after paying the ransom money.

Among the other abducted businessmen there were two Muslim businessmen, who are the owners of major garment selling shops in Colombo.

However, police have now reportedly submitted a comprehensive report to the President about these abductions, but still there has been no proper steps taken to stop it.

During this week's meeting, the President had assured the Muslim businessmen that action will be taken to protect all businessmen. He has also assured them that he will not tolerate any discrimination against any religious or ethnic community in the country.

He also said that though the government had given a special telephone number to make complaints about abductions, no complaints have been received so far.

However, a western diplomatic official confirmed that still there were a large number of businessmen waiting to go abroad at least temporarily [*sic*] until the situation comes back to normal ('Exodus of businessmen worries administration' 2007, The Eight Man Team blog website, (source: *Daily Mirror*), 16 June <http://lrrp.wordpress.com/2007/06/16/exodus-of-businessmen-worries-administration/> – Accessed 27 May 2009 – Attachment 6).

A 7 June 2007 report from *Lanka eNews* claims that: "Over 400 million rupees have been collected as ransom from around 6 Muslim businessmen who were abducted from Colombo during the period of a month" ('400 million ransoms paid by abducted Muslim businessmen' 2007, *Lanka eNews*, 7 June <http://www.lankaenews.com/English/news.php?id=4234> – Accessed 27 May 2009 – Attachment 7).

The *Sunday Observer* reported on 17 June 2007 that Muslim MPs from the government had responded to claims from UNP Muslim MPs of official involvement in the “recent abductions and killings of Muslim businessmen and ordinary Muslim persons in the country”, by stating that “the Government was not involved in these abductions”:

This followed a media briefing organised by UNP Muslim MPs on Thursday where all Muslim MPs in the Government were asked to quit over the abductions and killings in the country. MPs Kabir Hashim, Abdul Cader and Mohamed Maharooof were present at the media briefing.

Governor Moulana also said at a time when President Mahinda Rajapaksa ordered the CID to conduct a full inquiry into these abductions and submit him a report immediately, it was not ethical for these MPs to make such allegations.

“I feel that their motive is to tarnish the image of the President and the Government by making various allegations,” he said.

Moulana said that not only Muslim members in Parliament but also Sinhala and Tamil members were confident that the steps taken by the Government to eliminate all forms of irregularities will ensure the safety of all communities in the country.

Meanwhile, at a press briefing on Friday, conducted by several key Muslim MPs, headed by Minister A.H.M. Fowzie, it was said that the Government was not involved in these abductions as alleged by the UNP Muslim MPs on Thursday (Kannangara, A. 2007, ‘Moulana condemns allegations by UN Muslim MPs’, *Sunday Observer*, 17 June <http://www.sundayobserver.lk/2007/06/17/pol01.asp> – Accessed 27 May 2009 – Attachment 8).

Another 17 June 2007 story, this one from *The Sunday Times*, quotes claims from Western Province governor Alavi Mowlana “that reports of abductions of businessmen for extortion of money was a conspiracy to ‘create a fear psychosis’ ... in the minds of the business community”, and “was also intended to tarnish the good image of the Government for certain parties to capture power”:

Whilst Muslim leaders in the Government charged that reports of abductions of businessmen for extortion of money was a conspiracy to “create a fear psychosis” the Government’s major investigation arm, the Criminal Investigation Department has still not been able to throw any light on how it is taking place.

Western Province Governor Alavi Mowlana told *The Sunday Times* it was a “conspiracy” to instil a “fear psychosis” in the minds of the business community. It was also intended to tarnish the good image of the Government for certain parties to capture power.

He charged that that the opposition United National Party (UNP) was trying to fish in troubled waters. “There are a few abductions but the whole thing has been blown out of proportion. The story had begun with an e-mail that contained false information,” he claimed.

However, DIG in charge of the Criminal Investigation Department (CID), D.W. Prathapasinghe told *The Sunday Times* they were still carrying out investigations but have not managed to make a breakthrough.

The remarks came against the backdrop of a string of abductions and extortions of Muslim businessmen. The latest victim, said to be the owner of a well known clothier chain, had been abducted and had reportedly parted with Rs 25 million to secure his release (‘Abduction

stories: Conspiracy to create fear psychosis says Govt. Muslim leaders' 2007, *The Sunday Times*, 17 June <http://sundaytimes.lk/070617/News/news22.html> – Accessed 27 May 2009 – Attachment 9).

A 16 June 2007 article sourced from *UPI* and located on *WebIndia123.com* quotes claims from Muslim government ministers that “allegations claiming Muslim businessmen are being held for ransom are false”, and that: “Allegations on the abductions of the Muslim businessmen is a mudslinging campaign of the United National Party” (‘Muslim leaders say Sri Lanka are fake’ 2007, *WebIndia123.com*, (source: *UPI*), 16 June http://news.webindia123.com/news/ar_showdetails.asp?id=706160089&cat=&n_date=20070616 – Accessed 27 May 2009 – Attachment 10).

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RRT Library Catalogue

List of Attachments

1. International Crisis Group 2007, *Sri Lanka's Muslims: Caught in the Crossfire*, Asia Report No. 134, 29 May.
2. International Crisis Group 2007, *Sri Lanka's Human Rights Crisis*, Asia Report No. 135, 14 June.
3. ‘Statement from Sri Lankan Groups Regarding the Situation of Muslims’ 2007, The South Asian website, 14 September
http://www.the-southasian.org/archives/archives/2007/Statement_on_SL_Muslims_Arbour_Visit%5B1%5D.pdf – Accessed 27 May 2009.
4. Sachithanadam, S. 2007, ‘Shedding the Master: The Challenge for the Muslims’, Groundviews website, 25 July <http://www.groundviews.org/2007/07/25/shedding-the-master-the-challenge-for-the-muslims/> – Accessed 27 May 2009.
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