

P-15

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**IN THE HUMAN RIGHTS COMMISSION OF SRI LANKA**

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In the matter of a complaint under Section 14 of the Human Rights Commission of Sri Lanka Act, No 21 of 1996.

1. Alhaj A.L.M. Kaleel  
66,  
Chairman Cassim Hajjar Road,  
Kattankudy-6.

[Presently at  
206,  
Main Street,  
Colombo 11.]

2. Y.L.A. Mohideen  
No. 26,  
Market road,  
Kattankudy-5.

[Presently at  
38/21  
Wijayaraja Mawatha,  
Nikape,  
Dehiwala.]

3. A.L.M. Thajudeen  
51,  
Arabic College Road,  
Kattankudy.

[Presently at  
No. 35A,  
First Mosque Lane,  
Colombo 12.]

4. S.A.A. Wahid  
7,  
Central Road,  
Kattankudy.

[Presently at  
No. 260/15-1/1,

Base Line Road,  
Colombo 10.]

5. P.M.S. Mahbooba  
27/1,  
M.C.M. Lane,  
Kattankudy -5

[Presently at  
No. 107/08,  
Piyadasa Sirisenan Mawatha,  
Colombo 10.]

6. M.K.M. Refai  
66,  
Chairman Cassim Hajjar Lane,  
Kattankudy 6.

[Presently at  
No. 206,  
Main Street,  
Colombo 11.]

7. M.M. Naffar  
290,  
Osmand Road,  
Sainthamarathu-7

[Presently at  
No. E3,  
Soyasapura Flats  
Moratuwa.]

8. Y.L.M. Fareed  
27/1,  
M.C.M. Lane,  
Kattankudy 4.

[Presently at  
No. 107/8,  
Piyadasa Sirisena Mawatha,  
Colombo 10.]

9. A.L.G. Ameen  
Amunullah Road,  
Kattankudy 6.

[Presently at B3/G1,  
Chithra Lane,  
Narahenpita.]

10. K. Atham Lebbe,  
A.B.H. Lane,  
Kattankudy- 6.

[Presently at 345/9,  
Galle Road,  
Colombo 03.]

Complainants

*Vs.*

1. Chandra Fernando  
Inspector General of Police,  
Police Head Quarters,  
Colombo 01.
2. Neville Wijesinghe,  
Deputy Inspector General of Police- Eastern Range  
DIG's Office,  
Trincomalee.
3. Munasinghe  
Senior Superintendent of Police  
SSP's Office  
Batticaloa.
4. H.M.C.P. Herath [Inspector of Police]  
Officer in Charge  
Police Station,  
Kattankudy.

Respondents

**TO: HONOURABLE THE CHAIRPERSON AND THE OTHER HONOURABLE  
MEMBERS OF THE HUMAN RIGHTS COMMISSION OF SRI LANKA.**

*On this 18th day of April 2005.*

*The Complaint of the Complainants above named states as follows;*

1. The Complainants are citizens of Sri Lanka. The complainants and their families were all residents in *Kattankudy* area who are presently residing at the aforesaid addresses in Colombo for the reasons described in ensuing paragraphs. The Complainants are disciples of "*Thareekathul Musfiheen*", which is a Society registered in the District Secretariat. The complainants make the instant complain on behalf of themselves and on behalf of the other disciples and the Spiritual Leader of *Thareekathul Musfiheen*.

[In proof of registration a copy of a letter dated 07.07.1989 of the District Secretary of *Batticaloa* is annexed hereto marked **P1**]

2. The 1<sup>st</sup> Respondent is the Inspector General of Police. The 2<sup>nd</sup> Respondent is the Deputy Inspector General of Police of Eastern Region. The 3<sup>rd</sup> Respondent is the Senior Superintendent of Police of *Batticaloa*. The 4<sup>th</sup> Respondent is the Officer in Charge of the *Kattankudy* Police Station.
3. *Thareekathul Musfiheen* is a religious society. The object of *Thareekathul Musfiheen* is to teach the meaning of "*Kalimatuth Thaiiba*" [Article of Faith] in Islam "*La Illaha Illallah*". The practices of *Thareekathul Musfiheen* are based on Holy Quran and *Hathees*. The practices of *Thareekathul Musfiheen* includes, *inter alia*, the following:
  - (a) organizing meetings, seminars and conferences to teach its ideology;
  - (b) publishing books and magazines to teach its theory and practice;
  - (c) conducting *Hathes Majlis* [sessions of the Prophetic tradition] and *Zikr Majlis* [Sessions of *Litani*] and Arabic Language Classes;
  - (d) Maintaining Libraries and "*Arabic Madarassus*"

The following documents are annexed hereto;

- A copy of the Constitution of *Thareekathul Musfiheen* marked **P2**.
  - A list of publications of *Thareekathul Musfiheen* marked **P3**.
4. *Thareekathul Musfiheen* was started in 1970 by His Holiness<sup>™</sup> Seyhul Mufiheen M.S.M. Abdullah [Rah] who is the lifetime Spiritual Leader of *Thareekathul Musfiheen*. Initially *Tharikatul Mufiheen* was operating only in *Marathamunai, Kalminai*. At present *Thareekathul Musfiheen* has approximately 15 000 disciples spread Island wide and overseas. The Spiritual Leader and the disciples of *Tharikatul Mufiheen* believe in "omnipresence of the God." The said belief is accordant with "Sufism".

5. His Holiness Seyhul Mufliheen M.S.M. Abdullah [Rah] wrote and published several books substantiating the belief in omnipresence of the God and the said books were widely recognized and acknowledged.
6. The Complainants state that in early September outrages handbills were distributed by Kattankudy Muslim People's Forum, calling people for a protest against Tharikathul Mufliheen and its Spiritual Leader. On 14.09.2004 the protest was held against *Thareekathul Musfiheen* in Kattankudy and thereafter a petition to the Divisional Secretary demanding that *Thareekathul Musfiheen* be prohibited.

[A copy of the said handbill and its translation is annexed hereto marked P4]

7. The Complainants state that on 31.10.2004 at about 11.00 am a mob of people [approximately 500 people] lead by four organizations namely, "Centre for Islamic Guidance", "Kattankudy Muslim People's Forum", "Federation of Kattankudy Mosques and Institutions" and "Kattankudy Jemmiyathul Ulama" attacked the residences and properties of the complainants and several other disciples of *Thareekathul Musfiheen* and the Meditation Centre/Mosque of *Thareekathul Musfiheen*. By the said attacks the houses and other movable properties of the Complainants and several other disciples of *Thareekathul Musfiheen* were totally destroyed. The Complainants state that the value of the properties destroyed is approximately 40 million rupees. Some of the properties were set on fire by the said attackers. Further few disciples were physically injured.

[Photographs of the destroyed meditation centre and the residences of the complainants are annexed hereto marked P5A to P5V. Several newspaper articles on the said attack and the destruction by the mob are also annexed hereto marked P6]

8. The Complainants after the attack they made complaints to Kattankudy Police Station identifying several persons who lead the attack.
9. The Complainants state that Kattankudy police arrested only 8 of the said attackers, who were later enlarged on bail.
10. After the said attack in the first week of November 2004 public announcements were made by the said two organizations demanding the Complainants and the disciples of *Tharikathul Musfiheen* to abandon their belief in the "omnipresence of the God" and that if they do not they would be "stoned to death". By the said announcement several other disciples of *Tharikathul Musfiheen* were warned that if they do not abandon their belief, their properties too would be destroyed. Further by the said announcement the said organizations demanded the Complainants and the other disciples of *Tharikathul Musfiheen* to tender in writing the abandonment of their belief in omnipresence of the God and *Tharikathul Musfiheen*. It was also announced that those who give evidence before the Court would also be punished in the same manner.

[A copy of the said handbill distributed consequent to the attack is annexed hereto marked P7]



11. The Complainants state that the police did not take any step to provide protection to them and the several other disciples of *Tbarikathul Musfiheen*. The Complainants state that in the aforesaid circumstances they had no other option but to leave their hometown *Kattankudy* with their family members to safeguard their lives. The complainants and their families flew to Colombo and at present they are living at the addresses given above. The Complainants state that in the aforesaid circumstances they are also without employment.
12. The Complainants state that in early January 2005, some of the Complainants and several other disciples went to *Kattankudy* to ascertain whether their properties are damaged by tsunami. Thereafter the aforesaid two organizations immediately distributed outrages handbills. One such handbill called the disciples of *Tbarikathul Musfiheen* as traitors and those who violate their decisions or breach promise given to them would be punished in the same manner. In the circumstances, the Complainants and several other disciples of *Tbarikathul Musfiheen* had to return to Colombo.

[A copy of the said handbill is annexed hereto marked P8]

13. The Complainants state that in another handbill distributed in early march 2005 that the Complainants and the disciples of *Tbarikathul Musfiheen* should be considered as "*Murtad*" [expelled from Islamic faith] and the people in the area should decide whether the Complainants and the disciples of *Tbarikathul Musfiheen* should be allowed to roam in the area and another "*Emanamic uprising*" [i.e. an attack] should be launched.

[A copy of the said handbill is annexed hereto marked P9]

14. In early April 2005, another outrages handbill was distributed by the said organizations threatening another group of Ameer Ali [i.e. Honourable Minister of Eastern Rehabilitation] that would be punished in the same way that the disciples of *Tbarikathul Musfiheen* were punished unless they withdrew a "case" filed against them.

[A copy of the said handbill is annexed hereto marked P10]

15. Thereafter the Complainants made complaints to the Police Head Quarters requesting for police protection to get back to their home town *Kattankudy*, to reconstruct their destroyed houses and properties and to practice religious beliefs. The copies of the complaints made to the Police Head Quarters would be produced to Your Honours' Commission at the hearing of this matter.

16. The Complainants also made written requests to the Respondents and also Her Excellency the President of the Republic for police protection to get back to *Kattankudy*, to reconstruct their houses, and also to practice their beliefs. The Complainants state that after the said request made to her Excellency the President, the Additional Secretary to the Ministry of Defense by his letter dated 02.12.2004 called for a report from the 1<sup>st</sup> Respondent within two weeks on the attack that took place on 31.10.2004.

[A copy of the said letter dated 02.12.2004 is annexed hereto marked P11]

[Copies of the written requests made by *Tharickathul Musfiheen* to the 1<sup>st</sup> Respondent is annexed hereto marked **P12**]

17. However the 1<sup>st</sup> Respondent has failed to submit the report as yet. The Additional Secretary to the Ministry of Defense by his letter dated 24.03.2005 reminded the 1<sup>st</sup> Respondent of the report he called for by letter dated 02.12.2004.

[A copy of the said letter dated 24.05.2005 is annexed hereto marked **P13**]

18. The Complainants state that until now they have not been provided with police protection to go back to *Kattankudy*, to reconstruct their properties that were destroyed by the attack and to practice and hold their beliefs.

[True copies of the complaints made by the Complainants are collated and annexed hereto marked **P14**]

19. The Complainants state that the Respondents are reluctant and have failed to provide protection to the disciples of *Thareekathul Musfiheen*, as they are under the misconception that *Thareekathul Musfiheen* and its Spiritual Leader and disciples are not entitled to practice and hold their beliefs.
20. In the totality of the aforesaid circumstances the failure and/or omission on the part of the Respondents to provide protection for the Complainants, members of their families, and the other disciples of *Thareekathul Musfiheen* to get back to their home town *Kattankudy*, reconstruct their destroyed houses and properties and to hold their belief is violative of their fundamental rights guaranteed to them under Articles 10, 12(1) and 14(1)(e) of the Constitution.
21. The aforesaid omissions/actions on the part of the Respondents amount to executive and/or administrative action.
22. The Complainants state that the foregoing facts are true and correct.
23. The Complainants pray that in view of the urgency of this matter Your Honours' Commission be pleased to take up this matter for hearing at the earliest convenient to Your Honours' Commission.

**WHEREFORE** the Complainants respectfully pray that Your Honours' Commission be pleased to;

- (a) Declare that the Complainants, the disciples and the Spiritual Leader of *Thareekathul Musfiheen* are entitled to hold their beliefs;
- (b) Recommend the Respondents to provide police protection to the Complainants and members of their families and other disciples of *Thareekathul Musfiheen* to get back to their home town *Kattankudy* and to reconstruct their houses and properties that were destroyed;

- (c) Recommend the Respondents to provide security for the Complainants and the members/followers and the Spiritual Leader of *Tbareekatbul Masfubeen* to hold their beliefs and engage in their religious teachings and practices in *Katthankudy*;
- (d) Make such other and further recommendations as Your Honours may seem meet;

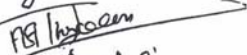
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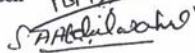
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A.L.M. Thajudeen



S.A.A. Wahid



P.M.S. Mahbooba



M.K.M. Refai



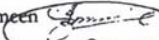
M.M. Naffar



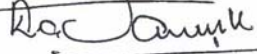
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A.L.G. Ameen



K. Atham Lebbe



Complainants