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**Report on Liberation Tigers of Tamil Eelam (LTTE)  
Proscription in the U.K.  
Under *Terrorism Act, 2000***

**Discussion on Open Judgment**

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## Contents

	<b>Description</b>	<b>Page</b>
About the Authours		3
Contents		4
Executive Summary		5
<b>Part I – Review of Open Judgement</b>		<b>6</b>
Background		6
Facts		7
Issues		9
Statutory Framework		10
Issues 1 and Issue 3		11
Analysis and Discussion		11
Affiliation with global terror network		11
Money Laundering for Terrorism		13
Human Smuggling		13
Tamil Eelam Cyber Force		14
Rationale		14
Belief or Suspicion		15
Issue 2 and Issue 3		16
Analysis and Discussion		16
LTTE Events Promotes or encourage terrorism and unlawful glorification		17
Conclusion		21
<b>Part II – LTTE as a threat to social order and British Society</b>		<b>22</b>
Radicalization		24
Abusing the U.K. asylum system		25
<b>Part III Current Judicial proceedings against LTTE</b>		<b>27</b>

## EXECUTIVE SUMMARY

A transnational terrorist group, Liberation Tigers of Tamil Eelam (LTTE), is one of the world's most ruthless and wealthiest terrorist groups. Group's annual income is about US\$300 million. They have raised funds from human smuggling, associated with other terror groups by selling and smuggling weapons, money laundering, drug trafficking and other illegal activities.

Proscribed Organizations Appeal Commission (POAC) also heard that LTTE international network is still intact, even when the group was militarily defeated. Our report highlights LTTE's international terror network. It has raised serious questions of facts that need to be considered before deproscription. However, POAC failed to evaluate these facts in its decision.

When preparing Part I of the report, we have not considered LTTE's violent past. We have evaluated the most current activities of the LTTE. LTTE's past activities have been analyzed to determine the group's pattern of conduct.

We have concluded that it is reasonable to believe LTTE is concerned with terrorism pursuant to s 5 (3) (d) of *Terrorism Act*, 2000. Therefore, its proscription should remain and include in schedule 2.

Part II of the report provides a briefing of how the LTTE activities threaten the social order and British society. Tamil gangs are a result of the refugee crisis created by the LTTE. Tamil gangs are involved with credit card scams and street violence. Coercion by the LTTE has become a widespread problem in the U.K.'s Tamil enclaves. This is particularly troubling since many of the Tamil refugees in the U.K. originally fled Sri Lanka because of the LTTE's persecution, not by the ruling majority. Thus, a peculiar arrangement now exists in the U.K.'s Tamil enclaves, with persecutors entrenched among their victims in a distant receiving state. In this case, refugee status has failed to deliver the protection it promises to the persecuted.

Part III of the report provides the most recent court cases against LTTE as a result of their failed attempt to revive the organization. However, vigilant security and intelligence apparatus in Sri Lanka were able to thwart LTTE attempts.

Transnational organized terrorist group LTTE and their network will pose serious and growing threats to British citizens' security. LTTE and its global criminal enterprise will contribute to increased social violence, erode governments' authorities, undermine the integrity of international financial systems and security.

The report also highlights how deproscription will result in a massive influx of asylum seekers. LTTE's international human smuggling network is ready to bring thousands of asylum seekers to the U.K.

Finally, the deproscription of the transnational terror group LTTE should be considered not only legal means, how it will affect the public and foreign policy of the U.K., in a broader concept.

**PART I**  
**REVIEW OF OPEN JUDGEMENT**

**BACKGROUND**

01 The transnational terror group, Liberation Tigers of Tamil Eelam (LTTE), represents a particularly violent manifestation of the ethnic conflict in Sri Lanka. The group threatens Sri Lanka and India's domestic stability and the security of the international system as a whole.<sup>1</sup> The LTTE is a terrorist group fighting for a separate mono-ethnic Tamil state in the North and East of Sri Lanka. The LTTE's International Secretariat is based in the U.K. and is responsible for its press releases. The U.K. is also a source of funds for the LTTE.

02. The Transnational Government of Tamil Eelam (TGTE) advocates for a separate Tamil state but does not have widespread support within Sri Lanka. Most Tamils have more pressing concerns such as housing, employment, land return and accessing information about relatives who disappeared during the armed conflict.<sup>2</sup>

03. There have been three earlier applications to remove the LTTE from Schedule 2. They were all refused; the most recent was in 2014.

04. Five members of the Transnational Government of Tamil Eelam (TGTE); Arumugam, and others appealed against a decision of the Secretary of State dated March 08, 2019, to refuse their application to remove the Liberation Tigers of Tamil Eelam from the list of organizations proscribed under the *Terrorism Act 2000*.

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<sup>1</sup> Chalk, P. *Liberation Tigers of Tamil Eelam's (LTTE) International Organization and Operations - A Preliminary Analysis*, Canadian Security Intelligence Service (CISIS), Commentary 77.  
[https://fas.org/irp/world/para/docs/com77e.htm#N\\_1](https://fas.org/irp/world/para/docs/com77e.htm#N_1)

<sup>2</sup> Report of a Home Office fact-finding mission to Sri Lanka (January 20, 2020) *Home Office, UK*.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/859277/Sri\\_Lanka\\_FFM\\_report\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/859277/Sri_Lanka_FFM_report_2020.pdf)

05. The proscribed Organizations Appeal Commission (POAC) held that the decision is flawed. The commission, therefore, allowed the appeal.

06. To continue the proscription of the organization (LTTE), their activities must contravene with s 3 (5) (d) the *Terrorism Act* 2000 at the time of the submission and to date.

## FACTS

07. The U.S. Department of State's Country Reports on Terrorism for 2014 states that "[d]espite its military defeat at the hands of the Sri Lankan government in 2009, the LTTE's international network of sympathizers and financial support persists".<sup>3</sup>

08. According to a list of "terrorist entities" published by the Government of Canada's Department of Public Safety, "[a]lthough the LTTE was militarily defeated in May 2009, subversion, destabilization, and fundraising continues, particularly in the diaspora."<sup>4</sup>

09. In 2016, the police recovered two separate stocks of explosives and a suicide kit, leading to the arrest of approximately twenty-five people, including five former LTTE leaders.<sup>5</sup>

10. The UNHRC, U.N. Refugee Agency Refworld reported (published by U.S. Department of State) that....[t]otal of thirteen LTTE supporters, several of whom had allegedly planned attacks against U.S. and Israeli diplomatic facilities in India, were arrested in Malaysia in 2014. Additional members were arrested in Malaysia and India in 2015, one of whom was accused of exhorting other Sri Lankans to fund and revive the LTTE. LTTE's financial support network

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<sup>3</sup> United States (US). June 2015. Department of State. "Sri Lanka." *Country Reports on Terrorism 2014*. <https://www.refworld.org/docid/5bcf1f33a.html>

<sup>4</sup> Canada. 20 November 2014. Public Safety Canada. "Currently Listed Entities: Liberation Tigers of Tamil Eelam (LTTE)." <https://www.publicsafety.gc.ca/cnt/ntnl-scrct/cntr-trrrsm/lstd-ntts/crnt-lstd-ntts-en.aspx#46>

<sup>5</sup> Country Reports on Terrorism 2016, (2017). Us Department of State. <https://www.state.gov/reports/country-reports-on-terrorism-2016/>

continued after the LTTE's military defeat in 2009 and employed charities as fronts to collect and divert funds for its activities.<sup>6</sup>

11. Malaysian police counter-terrorism chief Ayob Khan Mydin Pitchay said in his statement, “there are attempts from certain quarters from outside Sri Lanka, not just in Malaysia, to reactivate the LTTE movement, after arresting two politicians suspected of links to the Sri Lankan terrorist group.”<sup>7</sup>

12. In our view, the following important facts, foreign terrorist groups' involvement and similarities need to be considered in this case.

- The similarities between previous LTTE attacks against Sri Lankan Navy ships and the Al-Qaeda attack on the USS Cole killed 17 U.S. Navy sailors.
- Evidence that the LTTE provided forged passports to Ramzi Yousef, the man who carried out the first attack against the World Trade Center in New York in 1993.
- The smuggling of weapons by the LTTE from Islamics in Pakistan to their counterparts in the Philippines.
- Allegations that the LTTE stole Norwegian passports and sold them to the Al-Qaeda organization to earn money to fund their arms purchases.
- LTTE was smuggling arms to various terrorist organizations using their covert smuggling networks, and findings by the London-based International Institute for Strategic Studies. They were building commercial links with Al-Qaeda and other militants in Afghanistan.<sup>8</sup>

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<sup>6</sup> Country Reports on Terrorism 2017 - Foreign Terrorist Organizations: Liberation Tigers of Tamil Eelam. (2020 October 23) *UNHCR The UN refugee Agency, refworld*. (published by US Department of State) <https://www.refworld.org/docid/5bcf1f33a.html>

<sup>7</sup> Malaysia arrests two politicians suspected of links to Sri Lanka rebel group (2019, October 10) *Reuters*. <https://ca.reuters.com/article/idUSKBN1WP1P9>

<sup>8</sup> Tigers' Eyes and Ears – The LTTE Intelligence Wing (2016 March 18). *Project O Five, Irreplaceable Intelligence*. <https://projectofive.ca/2016/03/18/a-typical-terrorist-cell/>



13. Other security experts have also claimed that Al-Qaeda has copied most of its terror tactics from the LTTE. The expert reports highlighted LTTE as the mastermind that sets the pattern for organizations like Al-Qaeda to pursue. Some of the comparisons the expert reports used to draw the conclusions are as follows:

- The LTTE invented the modern suicide bomber and deployed it against political, military, and civilian targets. Islamic groups copied the LTTE by carrying out similar suicide attacks.
- The LTTE attack on the World Trade Centre in Sri Lanka was followed by Al-Qaeda attacks on the World Trade Center in New York.
- Al-Qaeda has copied the LTTE's use of a women's section and Chechen terrorists, for example, the "Black Widows" who played a role in the Moscow theatre hostage crisis and have carried out suicide bombings.
- Attacks on civilians in buses and trains in Sri Lanka are similar to the Al-Qaeda attacks on civilian public transport during the July 2005 bombings in London.<sup>9</sup>

#### 14. ISSUES

##### **Statutory Test, Terrorism Act, 2000, section 3, 5 (a)**

(1) Has LTTE ceased all of its terrorist activities by 2014?

Has LTTE maintained their innocence till November 27, 2018 (date of application submission) and to date. ?

##### **Statutory Test, Terrorism Act 2000, Section 3, 5 (c)**

(2) Has LTTE promoted or encouraged terrorism?

##### **Statutory Test, Terrorism Act 2000, section 3, 5 (d)**

(3) Is LTTE otherwise concerned with terrorism?

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<sup>9</sup> ibid 7

## 15. THE STATUTORY FRAMEWORK

*Terrorism Act 2000*, Section 3 (4) the Secretary of State may exercise his power under subsection (3)(a) in respect of an organization only if he believes that it is concerned in terrorism.

Section 3 (5) for the purposes of subsection (4) an organization is concerned in terrorism if it—

- (a) commits or participates in acts of terrorism,
- (b) prepares for terrorism,
- (c) promotes or encourages terrorism, or
- (d) is otherwise concerned in terrorism

[At the time of the filing application, if proscribed organization contravened to section 3 (5) (a),(b) (c), (d), a proscription will continue.]

[Section 3 (5A) provides a statutory framework regards to promote or encourage terrorism.]

Section 3 (5A) The cases in which an organization **promotes or encourages terrorism for the purposes of subsection (5) (c)** include any case in which activities of the organization—

- (a) include the unlawful glorification of the commission or preparation (whether in the past, in the future or generally) of acts of terrorism; or
- (b) are carried out in a manner that ensures that the organization is associated with statements containing any such glorification.

(5B)The glorification of any conduct is unlawful for the purposes of subsection (5A) if there are persons who may become aware of it who could reasonably be expected to infer that what is being glorified is being glorified as—

- (a) conduct that should be emulated in existing circumstances, or
- (b) conduct that is illustrative of a type of conduct that should be so emulated.

(5C) In this section—

" glorification " includes any form of praise or celebration, and cognate expressions are to be construed accordingly;

" statement " includes a communication without words consisting of sounds or images or both.

## 16. ISSUE 1 AND ISSUE 3

- (1) Has LTTE ceased all of its terrorist activities by 2014? Has LTTE maintained their innocence till November 27, 2018, and to date?
- (3) Is LTTE otherwise concerned with terrorism?

17. To have better certainty, we will address Issue 1 and Issue 3 together.

## ANALYSIS AND DISCUSSION

### *Affiliation with Global terror network*

18. LTTE's international network remained largely intact, even after being defeated in the Sri Lankan military's internal armed conflict. LTTE did not dispute this fact.

19. LTTE's complex global network and its activities concerning terrorism. This needs to be examined, considering all of its activities, such as human smuggling, a glorification of terrorism, and a connection between other terrorist groups and Eelam Cyber Force activities.

20. In May 2009, the Sri Lankan army defeated the LTTE. This had a significant effect on the LTTE, reducing its ability to engage in Sri Lankan attacks. Most of its leaders were captured or killed.<sup>10</sup>

21. LTTE stated that they did not renounce violence in Sri Lanka, even after the military defeat, decommission its arms, or announce disbanding.<sup>11</sup>

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<sup>10</sup> *Arumugam & Others Vs the Secretary of State for the Home Department*, Appeal No: PC/04/2019, para 23

<sup>11</sup> *Ibid* 9

22. LTTE stated that they were not engaged in any attacks in Sri Lanka.
23. In 2009, LTTE's defeat before the Sri Lankan army does not support their ability to renounce attacks against Sri Lanka. There is no nexus between military defeat and the ability to renounce attacks in Sri Lanka since LTTE's international network is largely intact.
24. Therefore, a lack of military capability (at this time of applying de-proscribed LTTE) attack against Sri Lanka should not be a factor in determining concerned terrorism.
25. There is no statement from LTTE stating that they have given up the violent armed struggle and entered into peaceful negotiations with Sri Lanka government. (for self- determination of Tamil people).
26. LTTE's violent past is not a factor in determining de-proscription.
27. The strength of LTTE's international network and its capabilities have not been evaluated.
28. If LTTE has decommissioned its arms or announced disbanding, it must first communicate with the Sri Lankan government and not the British authorities. It will pay the way to stability and peace in Sri Lanka. No such communication took place.
29. LTTE had connected with international terrorists and their network. LTTE had actively participated in global terrorist activities. Even though LTTE has not engaged in an attack on Sri Lanka; there is no any statement from LTTE whether they have ceased activities with other terrorist groups in the world; e.g. al-Qaeda and Chechen terrorists, selling passports of western countries to other terrorist groups, smuggling of weapons by the LTTE from Islamics in Pakistan to their counterparts in the Philippines and human smuggling.
30. U.S. Department of State, Public Safety Canada and Canadian Security Intelligence Service (CSIS), Malaysian Police Counter Terrorism Unit, also identified LTTE connection to the global terror network in their reports.

31. In summary, whether LTTE is concerned with terrorism should be determined by analyzing its global network's activities

### ***Money Laundering for Terrorism***

32. Thirteen financiers were accused of funneling more than CH15 million (\$15.3 million) to the Sri Lankan Tamil separatist group Liberation, Tigers of Tamil Eelam (LTTE), which was started at the Swiss Federal Criminal Court on January 08, 2018.<sup>12</sup>

33. The accused are from Switzerland, Germany and Sri Lanka. Some are former members of the World Tamil Coordinating Committee (WTCC), representing the LTTE in Switzerland.<sup>13</sup>

34. The case against LTTE was heard till 2009, but it has provided evidence that LTTE was involved in money laundering for terrorism.

35. There is no statement or acknowledgement from LTTE stating that they have ceased money laundering for terrorism.

36. Again, in the absence of such a statement from the LTTE, raises serious questions of facts.

### ***Human Smuggling***

37. The MV Sun Sea was a commercial shipping vessel that was used to bring 492 Tamil migrants to Canada. The ship was monitored from May 2010 when it was sighted in the Gulf of Thailand. It was intercepted off the coast of Vancouver Island, BC, on August 12, 2010. The vessel's arrival was surrounded by allegations that the ship carried 'dozens' of the LTTE

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<sup>12</sup> Chandrasekhar, A. (2018.January 08). Trial of LTTE Financiers Begins in Switzerland. The 13 on trial face charges of fraud, false documentation, money laundering and extortion. The Wire. <https://thewire.in/external-affairs/trial-of-ltte-financiers-begins-in-switzerland>

<sup>13</sup> *Ibid* 11

members, a Sri Lankan separatist group. Twelve of the persons on board served as the vessel's crew during the voyage. Six men were later charged in connection with this incident.<sup>14</sup>

38. Even this incident dated back to 2010, prove that the LTTE operatives were continually engaged in human smuggling.<sup>15</sup>

39. Again, there is no statement or acknowledgement from LTTE, stating that they have ceased their human smuggling operation.

40. Again, the absence of such a statement from the LTTE raises serious questions of facts.

### ***Tamil Eelam Cyber Force***

41. Tamil Eelam Cyber Force frequently attacks Sri Lanka government information technology critical infrastructure. Most of the attacks occurred on May 18 in support of the last day of the armed conflict.<sup>16</sup>

42. The most recent attacks were reported on May 18, 2020. The websites found hacked were a media organization, a diplomatic mission and several private and state entities.

43. Again, there is no acknowledge from the LTTE, stating that they have ceased terror activities of their Tamil Eelam Cyber Force.

44. Again, the absence of such a statement from the LTTE raises serious questions of facts.

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<sup>14</sup> MV Sun Sea (Canada) *UNODC United Nations office on Drug and Crime*, [https://sherloc.unodc.org/cld/case-law-doc/migrantsmugglingcrimetype/can/2013/mv\\_sun\\_sea\\_canada.html?](https://sherloc.unodc.org/cld/case-law-doc/migrantsmugglingcrimetype/can/2013/mv_sun_sea_canada.html?)

<sup>15</sup> Flanagan, R. (2020, August 20). Canadian faces human smuggling charges in U.S. after Turks and Caicos prison stint. CTV News. <https://www.ctvnews.ca/world/canadian-faces-human-smuggling-charges-in-u-s-after-turks-and-caicos-prison-stint-1.5072136>

<sup>16</sup> Indika Sri Aravinda ( May 18, 2020 ) Several websites in Sri Lanka hacked by 'Tamil Eelam Cyber Force', *Colombo Gazette*. <https://colombogazette.com/2020/05/18/several-websites-in-sri-lanka-hacked-by-tamil-eelam-cyber-force/>

45. LTTE has contravened to *Terrorism Act 2000*, s 1 (2) (e). ([...] is designed seriously to interfere with or seriously to disrupt an electronic system.)

## **RATIONALE**

46. The POAC has not considered the LTTE's global terror network in its decision; even Mr. Toogood has mentioned its international network remained largely intact.<sup>17</sup>

47. The LTTE is involved with other terrorist groups such as Al-Qaeda, money laundering for terrorism, human smuggling and cyber attacks against Sri Lanka.

48. If the presumption of innocence is infringed, the burden of proof is shifted from the prosecution to the defence. (*Sheldrake v Director of Public Prosecutions*, [2004] UKHL 43)

49. Referring to this principle, the burden of proof now shifts to LTTE to prove they were completely ceased terrorist activities, disconnected from the global terror network, and stopped money laundering for terrorism, stopped human smuggling and stopped cyber attacks against Sri Lanka.

50. In the absence of such a statement from the LTTE, it is reasonable to believe that the LTTE has not ceased its terror activities, i.e. s 3 (5) (a) commits or participates in acts of terrorism therefore the statutory test has been met.

## **Belief or Suspicion**

51. A belief that an organization is concerned with terrorism is a requirement that the decision-maker thinks the organization is concerned with terrorism. A reasonable belief in risk is not reasonable suspicion. (*A v Secretary of State for the Home Department (No 2)* ([2004] EWCA Civ 1123 para 229)

52. LTTE's international network is intact; therefore, it is reasonable to believe its affiliation with the global terror network, money laundering for terrorism, human smuggling activities and Eelam Cyber Force, which are still active.

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<sup>17</sup> *Ibid* 10

53. It was common ground that, in considering whether to proscribe an organization and whether or not to deproscribe it, there were two stages to the decision-making process. At the first stage, the Secretary of State has, in the light of all of the relevant evidence, to determine whether he/she believes that the organization "is concerned in terrorism" as defined in section 3(4) and (5) of the Act, that is whether the statutory criteria are met (the "First Stage"). It was also common ground that the Secretary of State could only form such an honest belief if he or she had reasonable grounds for that belief.

54. Regarding *Terrorism Act* 2000, section 1(3), the use or threat of action falling within subsection (2), which involves the use of firearms or explosives, is terrorism whether or not subsection (1)(b) is satisfied.

55. Therefore, LTTE's activities are associated with its international network, such as money laundering for terrorism, associating with international terror networks, human smuggling and cyber attacks, fulfilling the terrorism interpretation in *Terrorism Act* 2000.

56. Therefore, as discussed above, the legal principles statutory test 3 (5) (a) have been met.

57. LTTE is an organization "*concerned in terrorism*" as defined by the *Terrorism Act* 2000, in that it "*commits or participates in acts of terrorism.*" Therefore, statutory test 3(5)(d) has also been met.

## **ISSUE 2 AND ISSUE 3**

58. To have better certainty, we will address Issue 2 and Issue 3 together.

(2) Has LTTE promoted or encouraged terrorism?

(3) Is LTTE otherwise concerned with terrorism?



## ANALYSIS AND DISCUSSION

### **Black Tiger (Suicide cadre) and LTTE fighters (heroes) events as "invitation to support."**

59. Annually, on July 05, the suicide cadre (Black Tiger) event and on November 27, the LTTE fighters (heroes) event (Mahaveeru Naal) are organized by the LTTE. LTTE did not dispute this fact.

60. Invitations are widely circulated among the Tamil Diasporas in the U.K., and also, the LTTE paraphernalia gets displayed during the events for sale (Invitation to buy). These events involve displaying proscribed flags and banners and social media posts, a glorification of terrorism.

### **LTTE Events promote or encourage terrorism and Unlawful glorification**

61. The latest incident (July 03, 2020) was the explosion in Iyakkachchi, Kilinochchi, Sri Lanka. An ex-LTTE cadre was injured while manufacturing explosives were expected to be used on Black Tiger Day. This ex-LTTE member identified as Thangarasa Thevathasan alias Gangai Aathman, a rehabilitated former LTTE cadre, was undergoing treatment at the Anuradhapura hospital transferred from Kilinochchi Hospital. According to the police, the deceased was making bombs to mark the **Black Tiger day**, which falls on **July 05**, when one of the home-made devices exploded prematurely in his house. He has operated under many names such as Thangarajah Thevathasan and his LTTE name Gangai Athman alias Kavinjan. He joined the LTTE in 1994 and has participated in many operations. He worked under the LTTE Intelligence Wing. During a search of his house, the police found two home-made bombs and detonators.<sup>18</sup>

62. This incident provides evidence that Black tiger day is an "invitation-to-support" to LTTE, a proscribed terrorist organization. The event was organized, inviting support for LTTE, encouraging terrorism, or engaging in acts of terrorism.

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<sup>18</sup> Forces thwart attempts to revive LTTE terror. (August 4, 2020 Tuesday) *Daily News (Sri Lanka)*. <https://www.dailynews.lk/2020/08/04/features/225004/forces-thwart-attempts-revive-ltte-terror>

63. Text of the speech on heroes day and Black Tiger day events commonly used as follows:

“The land of Tamil Eelam is confronted with an intense war as never before. Rearing its head in different parts of Wanni, the war is gathering momentum....., the war is becoming intense and widespread.”<sup>19</sup>

“The strength of our struggle arises from the fierce determination of our fighters. Their firm commitment and their courage to act without the fear of death are the force and resources of our struggle..... This is the specificity of our individuality. Since we are firmly rooted in our own strength, we stand upright without bowing to the pressures of others.”<sup>20</sup>

64. These speeches are designed to glorify terrorism and promote or encourage terrorism, i.e. [...] death are the force and resource of our struggle [...]. These excerpts are from the LTTE terrorist leader’s annual speech.

65. s 3(4) of the 2000 Act, an organization is concerned in terrorism if it- (a) commits or participates in acts of terrorism, (b) prepares for terrorism, (c) promotes or encourages terrorism, or (d) is otherwise concerned in terrorism: see s 3(5) of the 2000 Act. s 21 of the 2006 Act inserted new sub-ss (5A), (5B) and (5C) into s 3 of the 2000 Act so that the promotion or encouragement of terrorism includes the "unlawful glorification" of terrorism.

66. s 12 creates three offences: (i) inviting support, (ii) arranging a meeting and (iii) addressing a meeting of which the purpose is the encouraging of support for a proscribed organization. (*R v Choudary and another*, [2016] EWCA Crim 61, [2018] 1 WLR 695 para 34)

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<sup>19</sup> Leader V Prabhakaran’s Heros day speech. (2017, May 29). <https://velupillaiprabhakaran.wordpress.com/2012/11/08/leader-v-prabhakarans-heros-day-speech-2008-2/>

<sup>20</sup> Leader V Prabhakaran’s Heros day speech. (2017, May 28). <https://velupillaiprabhakaran.wordpress.com/2012/11/07/leader-v-prabhakarans-heros-day-speech-1992>

67. As is clear from the statutory framework, the regime of proscription in Pt II of the 2000 Act is integral to the measures that Parliament has considered necessary to combat organizations concerned with terrorism.

68. We were mindful that it does not prohibit the holding of opinions or beliefs, supporting a proscribed organization, or expressing those opinions or beliefs.

69. However, the right to freedom of expression is not absolute. Interference with that right may be justified if it is proscribed by law and has one or more of the legitimate aims specified in Human Rights convention, art 10(2), is necessary for a democratic society for achieving such an aim or aims (where necessity implies the existence of a pressing social need) and is proportionate to the legitimate aim or aims pursued. (*R v Choudary and another*, [2016] EWCA Crim 61, [2018] para 67)

70. In *Attorney General's Reference (No 4 of 2002)* [2003] EWCA Crim. 762, [2003] 3 WLR 1153, as to which, see further, para 64 below, Latham LJ, giving the judgment of the Court, described the purpose of the 2000 Act as self-evident:

"It provides the measures which Parliament considers is necessary to prevent political or paramilitary violence and thereby protect the citizens of the United Kingdom, and enable a democratic society to operate without fear. It also contains measures which are designed to prevent the United Kingdom from being used for the purposes of terrorism outside the jurisdiction. It is universally acknowledged that terrorism is particularly difficult to counter. The European Court of Human Rights acknowledged that full account had to be taken of the special nature of *terrorist* crime and the threat which is posed to a democratic society in *Murray v United Kingdom*, (1994) 19 EHRR 193."

71. Both Black Tiger and LTTE cadre (heroes) events are allegiances to creating a mono-ethnic Tamil state in Sri Lanka. LTTE speakers invite support for the cause. As explained on para 61, the recent July 03, 2020 incident directly links with LTTE and requests their "invitation to support."

72. We suggest *Zana v Turkey*, 27 EHRR 667 decided by the Grand Chamber in 1997 is appropriate in determining whether both Black Tiger and LTTE cadre (heroes) events associated with speeches are contravened to the s 3(5) C of the Act.

73. The applicant, a former mayor, had told a journalist in an interview for a newspaper that he supported the PKK but did not favour massacres. He said that anyone can make a mistake and that the PKK killed women and children by mistake. He was convicted of the offence "publicly to praise or defend an act punishable by law as a serious crime." At para 51 of the judgment, the Court set out the fundamental principles relating to Human Rights Convention art 10. Most of the later cases repeat and adopt these principles.

Freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for each individual's self-fulfillment. Subject to para 2, it is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference but also to those that offend, shock or disturb. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no "democratic society." As set forth in art 10, this freedom is subject to exceptions, which must, however, be construed strictly, and the need for any restrictions must be established convincingly."<sup>21</sup>

74. But there may be little to compare that case with this one. But the offence, in that case, is indeed related to an illegal group. However, the prosecution concerning well-known leftist slogans shouted during a lawful and peaceful demonstration. The slogans' nature limited their (Turkey) potential impact on 'national security' and 'public order.' We would only add that, contrary to the principle contended for, it has been held permissible in art ten terms to criminalize speech, which does not involve any incitement to violence, albeit in rather different

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<sup>21</sup> See *Handyside v. United Kingdom*, 1 E.H.R.R. 737, para. 49; *Lingens v. Austria*, (A/103): (1988) 8 E.H.R.R. 103, para. 31; and *Jersild v. Denmark*, (A/298): (1995) 19 E.H.R.R. 1, para. 37.

circumstances. See, for example, *Hoare v the United Kingdom*, [1997] EHLR 678 (obscenity) and *Wingrove v the United Kingdom*, [1997] 24 EHRR 1 (blasphemy).

75. Therefore, as discussed with the above legal principles, statutory test 3 (5) (c) has been met.

76. LTTE is an organization "*concerned in terrorism*" as defined by the *Terrorism Act 2000*, in that it "*commits or participates in acts of terrorism.*" Therefore, statutory test s 3(5)(d) also has been met.

## **CONCLUSION**

77. By virtue of the foregoing and for all of the reasons set out above, LTTE is an organization "*concerned in terrorism*" as defined by the *Terrorism Act 2000*. It "*commits or participates in acts of terrorism,*" and the statutory test3 (5) d has been met.

78. Therefore, LTTE shall remain in schedule 2 of the *Terrorism Act 2000*, as a proscribed terrorist organization.

## PART II

### LTTE THREAT TO SOCIAL ORDER AND BRITISH SOCIETY

#### Gang violence

79. Sri Lanka has not had a single Tamil Terrorist (LTTE) attack ever since the Sri Lankan military defeated them during the internal armed conflict that ended in May 2009. However, ardent Tamil Terrorist supporters who gained asylum in the U.K., the US, Canada, and the E.U. as bogus refugees have increased violent numbers of attacks and murders in these countries.

Here are some examples to name a few:

- 1) On November 23, 2015, a 26-year-old Tamil gangster nicknamed Bullet (Prashad Sothalingam) killed a rival named Neel Croos. This was a power struggle within the two factions of the fearsome Tooting Boys. Sothalingam was armed with 13 other people with an array of swords, hatchets and bottles. The fight took place after a birthday gathering in Morrisons parking lot in Mitcham. Neel Croos, also known as Justin, got killed by Sothalingam with his axe. The axe sliced 3 inches into his head. Sothalingam again struck another individual in the head with the same axe and fractured his skull. Sujan Selvarajancut of three fingers of Mahinda Mahndaskaran's, when he put his hands out to protect his neck, by wielding a machete in the mass brawl. Judge John Bevan QC sentenced Sothalingam to life in prison with a minimum of 29 years for murdering Neel Croos. The Judge revealed that the Sothalingam had chosen to move to the U.K., and when being challenged during the trial regarding the reasons for the gang fights, Sothalingam answered that it was "based on respect." Judge asked whether he had the slightest hint of respect for the country that took him in and provided for and supported him. The Judge further mentioned that his positive contribution has also been nil. Therefore, the Judge certainly hopes that the immigration authorities will consider his position. Selvarajan received a sentence of 14 years in prison for the attack on Mahinda Mahndaskaran. His life significantly altered after this incident since he had to end his high-quality cricketing career and his job as a pastry chef. 19-year-old Sivakaran Ockersz and 24-year-old Visuparathan Dayaparan were also convicted of violent disorder and received a sentence of 27 months each in prison.

- 2) The two groups were feuding for control of Tooting Boys between Sothalingam's Youngers faction and Elders with Neel Croos. Witnesses recalled hearing someone shouting aggressively, "I am going to f\*\*\* you up" and "we run this" while throwing bottles. The witness also heard someone saying in Tamil, "There they are...go get them". Sothalingam was convicted of a jury of murder, wounding with intent and violent disorder. Selvarajan was acquitted of murder but was convicted of wounding with intent. Okersz and Dayaparan were convicted of violent disorder. Detective Inspector Louise Knipe mentioned, "This was a horrific attack on a young man and his friends by a group of men who had no hesitation in using an extreme level of violence. It left one man dead in truly horrific circumstances and others with significant injuries. These men are extremely dangerous, and the choice of weapons they used displayed what lengths they were prepared to go to prove their credentials against a rival faction of the same gang".
- 3) Akilankumar Kanthasamy, a 28-year-old Sri Lankan immigrant from Harrow, was stabbed in the heart at the New Horizon Center in South Lodge Avenue, Mitcham. He was attending a party with other Tamil families to celebrate one-year-old Shania Sinnathurai, the daughter of a Tamil couple from Liverpool who came to Mitcham for the celebration. A Tamil youth attending the party offered to sell cannabis to Black youth outside the community centre. The black child went to get money for the drugs and turned up with 4-5 more youths. They proceeded to rob the Tamil teenager of a couple of bags of cannabis. This led to a fight around 11.30 pm between a group of Tamils and the Black youth. A knife was drawn during the fight. Kanthasamy, who wasn't involved in the altercation, got stabbed as he went outside to his car parked in the parking lot.
- 4) More about Tamil Gangs and fundraising in this video: <https://youtu.be/Z62Y0X2huEQ8>

**Special Note:**

80. LTTE deproscription will result in an influx of Tamil refugees to the U.K. since LTTE is a proscribed terrorist organization in Sri Lanka. The bogus refugee claimants who know well how to abuse the U.K.'s asylum system take full advantage of this.

## **Radicalization**

81. Moreover, the Tamil diaspora is living in the U.K., the US, Canada, and the E.U. have established organizations to brainwash the Tamil youth in these countries. Most of the time, this brainwashing starts at home. The parents of these Tamil youth, who are ardent Tamil Terrorist supporters, are adamant about glorifying Tamil terrorism, suicide bombers, child soldiers and creating hatred and animosity in their hearts against the Sinhalese Buddhists, often comparing them to animals, rapists, barbarians, racists, terrorists and every possible derogatory name under the sun, a human being could be called. Here's an example video of radicalization:

[https://m.facebook.com/story.php?story\\_fbid=3410511979027559&id=100002063704982&sfns\\_n=scwspwa](https://m.facebook.com/story.php?story_fbid=3410511979027559&id=100002063704982&sfns_n=scwspwa)

82. Organizations like the Canadian Tamil Congress (CTC), the National Council of Canadian Tamils (NCCT) and the Tamil Youth Organization (TYO) also support the role of glorifying terrorism and promoting hatred against the Sinhalese Buddhists, who form the majority of the Sri Lankan population. This goes directly in line with the LTTE's aim of wiping out the Sinhalese race from Sri Lanka to achieve a separate state's selfish greed. CTC, NCCT and TYO were designated as terrorist organizations under the United Nations Security Council Resolution 1373 on March 20, 2014. This resulted in Canadian Tamils distancing themselves from the events hosted by these organizations heavily engaged in terrorist procurement, fundraising and propaganda. The Tamil Terrorist diaspora went as far as infiltrating several Canadian universities and school boards to access Tamil youth and children. This was under the pretext of teaching Tamil language and culture.

83. This was LTTE's way of indoctrinating youth and children. Most affected universities in Canada by Tamil Terrorist influence include Universities of Waterloo, York, Ryerson, MacMaster and Carlton. Durham and Seneca colleges have been affected too. Students are parading with the flag of the proscribed terrorist organization, LTTE and their dead terrorist leader, Prabhakaran. Juanita Nathan, who is York District School Board's trustee in Markham ward 7-8, came to Canadian law enforcement and intelligence services after her Tamil terrorist links got exposed. The previous trustee from the same riding in 2006-2010 was also a Tamil Terrorist supporter called Neethan Shan. Shan held the post of Vice President of the United



Nations designated terrorist organization CTC. Nathan even received a book about the terrorist leader Prabhakaran. This made the children of the YDSB question whether a glorified book about a terrorist leader should be kept in school libraries as it indoctrinates children.

### **Abusing the U.K. asylum system**

84. Furthermore, fifty-two former Tamil Terrorist fighters gained entry to the U.K. and Europe with forged documents after the armed conflict ended on May 19, 2009. These individuals refused to surrender but fought until the end. They attempted to claim asylum status by mentioning bogus claims saying that the Sri Lankan Armed Forces had tortured them with hot irons and burning cigarette stubs. They went as far as making bogus claims that they had been subjected to degrading sexual abuse by the Sri Lankan military and police personnel. Entering first world countries illegally for economic reasons is often wrapped up with bogus sympathetic tales conveyed to the immigration authorities. Therefore, it should not be a surprise that these individuals continue to support the proscribed terrorist organization of Tamil Terrorists, LTTE.

85. These individuals underwent torture willingly by scarring their bodies to make an asylum case. For example, a former Tamil Terrorist fighter named Nandani willingly underwent torture by burning several of her body locations with burning cigarette stubs. She wanted to join her boyfriend, a former Tamil Terrorist fighter who had managed to move to the U.K. However, her story got exposed by her mother and sister in Jaffna, Sri Lanka. They had stated that Nandani ran off to South India without their knowledge. She married her boyfriend in South India and managed to smuggle herself into the U.K. by successfully gaining asylum with her bogus story.

86. It interesting to note that 12,000 former Tamil Terrorists who surrendered to the Sri Lankan military and underwent rehabilitation never complained of sexual abuse or torture. It is also interesting to note, those that claimed asylum in foreign countries with bogus torture stories never filed any case in the Supreme Court of Sri Lanka under the Fundamental Rights Chapter and other existing protective laws or Human Rights Council for investigation, with the help of a competent lawyer perhaps even from their Tamil community or any other.

87. In conclusion, authorities of the U.K., US, Canada and the E.U. should have stronger anti-terrorism laws and a more rigorous process of gaining asylum to avoid terrorist

sympathizers from abusing the immigration system countries. If not, this endangers the security of the citizens living in these countries by increasing the population of radicalized youth and terrorist sympathizers who continuously glorify terrorism.

## PART III

### CURRENT JUDICIAL PROCEEDINGS AGAINST LTTE

88. Even after defeating the LTTE on May 18, 2009, the LTTE had attempted numerous occasions to regroup and planned attack against Sri Lanka. However, many LTTE terror attempts were thwarted. The individual who is involved with LTTE terrorist activities is facing the judicial process.

89. LTTE could not carry out conventional terror attacks such as bomb blast, assassinations, and attack on civilian centres due to strict security measures. There is no nexus between the absence of attacks from the LTTE and the LTTE ceasing terrorism-related activities since their global network intact.

#### Judicial Proceedings against LTTE

**90. Magistrate Court Colombo, Case No. 4002/14 Year: 2014**  
**Revamping Case (aka 'Gobi' Case)**

In 2014, 'KajipanSelwanagam' (aka 'Gobi') – a former member of the LTTE intelligence wing, led an attempt to revamp LTTE after the end of conflict 2009. They attacked a police escort with the recovery of stashed arms where one of the Police officers was injured. Later, 'Gobi' and ex-LTTE cadres, 'Nawarathnam Nawaneedan' (aka 'Appan'), and 'Sundaralingam Kajipan Thevian' were killed during a confrontation with Sri Lanka Army.

**91. High Court Vavuniya, Case No 2688/17 Year: 2017**  
**Fundraising in Malaysia**

In this case, several individuals engaged in fundraising and terrorist activities on behalf of the LTTE were arrested by the Malaysian Authorities. Some were deported to Sri Lanka in 2015. The trial is currently pending before the High Court of Vavuniya under case no. 2688/17. LTTE terrorists were involved in recruiting Tamils in Malaysia to revive the LTTE terrorist activities in Sri Lanka.

**92. High Court Colombo, Case No 242/18 Year: 2018**  
**Assassination plot of Mr. M. A. Sumanthiran, MP**

Investigations revealed that LTTE operatives living in France and Australia had conspired with some former LTTE cadres in Sri Lanka to attack the motorcade of Mr. Sumanthiran, MP. The suspects were well trained in handling explosives and planned to use Improvised Explosive Devices (IEDs) to attack. As a result of investigations, 'Joseph Peter Robinson' (aka 'Theepan') was arrested in Ambalkulam, Kilinochchi.

**93. Magistrate Court Colombo, Case No 6284/1/19 Year: 2019**  
**Puliyankulam Case**

Ex-LTTE cadre 'Anandarasa' was surrounded by the police while carrying a bag on January 1, 2019. He was carrying a bag containing explosives, arms and ammunitions. After this incident, five more ex-LTTE cadres were arrested. LTTE terrorist 'Anandarasa' revealed that two LTTE operatives based in Switzerland and France, namely 'Pandithar' and 'Samar,' were planning to engage twenty more ex-LTTE cadres. They were planning to revamp the LTTE. He also revealed that they were further trained in India.

**94. Magistrate Court Colombo, Case No B1675/08/19 Year: 2019**  
**Attempted assassination plot of former LTTE leader and Deputy Minister**  
**Vinayagamoorthi Muralidaran (Karuna Amman)**

Dr. S. Sivaruban, a Medical Officer of the Palai Hospital in Jaffna, was arrested on August 18, 2019, at Elephant Pass roadblock while trying to transport weapons Pudukudiiiruppu for alleged involvement in terrorist-related activities and attempting to revamp the LTTE network.

Military hardware such as one T56 assault rifle, two A.K. magazines, one hundred and twenty ammunitions for T56 assault rifle, eleven hand grenades, 10 kg of PE-10 explosives and one pair of binoculars were recovered. Further, it was revealed that the LTTE had been planned to assassinate Mr. Douglas Devananda, MP and Vinayagamoorthi Muralidaran (Karuna Amman).

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