# LTTE and abuse of Civil Liberties & Rights in the Diaspora

BY HASAKA RATNAMALALA

B.A., ATTORNEY-AT-LAW, BARRISTER & SOLICITOR

### What is LTTE?

LIBERATION TIGERS OF TAMIL EELAM

ALSO KNOWN AS: TAMIL TIGERS

ELLALAN FORCE

SANGILIAN FORCE

□ AIR TIGERS\*

BLACK TIGERS

SEA TIGERS

**TOSIS\*** (TIGER ORGANIZATION SECURITY INTELLIGENCE SERVICE)



# LEADER OF LTTE

#### **VELUPILLEI PRABAKARA**

(DIED ON MAY 18, 2009)

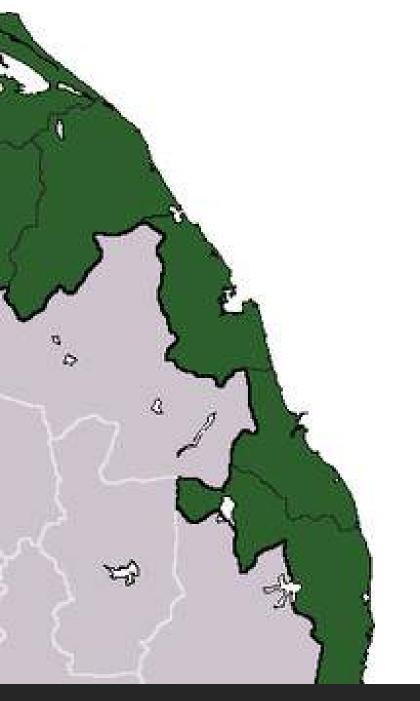


# LOGO

# LAG

HIS FLAG IS O DIFFERENCE O FLAGES OF: AL-QAIDA , ISIS OR ANY OTHER ERRORIST LAG.





# WHAT THEY WANT?

PRIMARY GOAL IS TO ESTABLISH A SEPERATE TAMIL STATE IN SRI LANKA

#### TO ACHIVE IT THEY:

Operate as a terrorist organization

- Deploy Suicide attacks
- Assassinations of political leaders
- Attacks on civilians
- Use of Child soldiers
- Use Ethnic cleansing
- Execution of prisoners of war
- War crimes

### rs011008



#### LTTE IS A RUTHLESS TERRORIST ORGANIZATION

"...the Tamil Tigers are among the most dangerous and deadly extremists in the world. For more than three decades, the group has launched a campaign of violence and bloodshed in Sri Lanka, ....."

# WHAT ARE THEY DOING **DIASPORA?**

FUNDING THE ORGANIZATION IS THEIR PRIMARY GOAL





#### Funding Terror: The Liberation Tigers Of Tamil Eelam And Their Criminal Activities In Canada And The Western World

Articles

By The Institute December 26, 1995



"....The Liberation Tigers of Tamil Eelam (LTTE). Within only two decades, this initially obscure gang has emerged as one of the world's most feared terrorist organizations. They have assassinated heads of state and <u>set up a global</u> <u>crime network to fund their war for control of</u> <u>northern and eastern Sri Lanka</u>."



"...The demand for resources to maint such a protracted conflict has never be met in LTTE controlled areas. From th earliest days of their struggle in the 1980s, the organization recognized tha would have to go abroad. Squeezing t local Tamil economy would never mee the LTTE's needs."



"....cash-gathering tactics are deeply rooted in the sub-culture of the LTTE's early leadership. Analysis of these activities reveals a definitive pattern. First, an emerging insurgency modified existing underground activities to suit their new needs. Then, these activities increased in areas under LTTE control or influence. Finally, these operations spread into other countries, usually in the West, where numbers of Tamil refugees and expatriates can be found. Because the LTTE-sponsored criminal elements are in Canada, the issue is a salient one for Canadians."

### HIS ATERN NOT HANGED VEN AFTER AY 18, 2009

EVEN IN A SITUATION MOST LTTE HIRACY IS DEAD OR CAPTURED BY SRI LANKAN SECURITY FORCES

□ SOME LEFT THE COUNTRY AND OPERATING IN THE DIASPORA

SOME REMAIN IN SRI LANKA TO DEPLOY ANY COMMANDS FROM DIASPORA LEADERSHIP

Handbook of Terrorism in the Asia-Pacific

ope and Asia to procure weapons, communications, funding and other needed olies.<sup>113</sup> The LTTE's international network uses charities as fronts to collect ls for its activities.<sup>114</sup>

The LTTE's international network presently has four key factions: (1) the il Coordinating Committee (TCC) or Nediyavan Faction (also known as the ro Group) based in Norway with branches around the world led by Nediyavan; Global Tamil Forum (GTF) based in the United Kingdom with member organons around the world led by (Fr.) Joe Emmanuel, the Catholic priest; Transnational Government of Tamil Eelam (TGTE) mainly based in the United es of America and Canada with offices around the world led by Visvanathan rakumaran, the LTTE leader's former legal counsel; and (4) the Headquarters up based in France with operatives around the world ied by Segarampillai ayagamoorthy, *alias* Vinayagam, an LTTE intelligence commander.<sup>115</sup> There is nvergence between these four factions of the LTTE, especially between the fand the TCC,<sup>116</sup> while the GTF makes attempts to unite the four factions. The E is known to operate in at least 44 countries outside of Sri Lanka.<sup>117</sup>

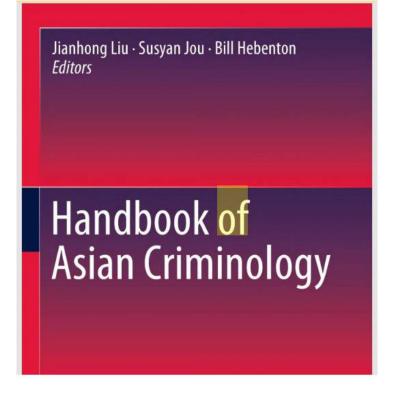
# HANDBOOK TERRORIS IN THE ASIA-PAC

Rohan Gunaratna • Stefanie K Editors

Imperial

#### WITH THE PROTECTION OF WESTERN CIVIL LIBERTIES LEGISLATIONS, LTTE FRONTS OPERATE FREELY IN WEST.

PAGE: 320 PUBLISHER: IMPERIAL COLLEGE PRESS



Another crime linked to terrorist groups is human trafficking. Prior to its defeat by Sri Lankan Government forces, the Liberation Tigers of Tamil Eelam (LTTE) regularly conducted both human trafficking and migrant smuggling activities as a means, primarily, of raising cash. The LTTE also demonstrated its ability to conduct related criminal activities, including extortion and money laundering. Canadian officials have publicly voiced concerns that recent episodes of mass migration (including the arrival of ships in 2010, such as the MV Sun Sea, which carried 490 Tamils to Canada) are being organized by the LTTE or its overseas remnant organization, including the European-based Transnational Government of Tamil Eelam (TGTE) (Kamloops Daily News 2011; Asian Tribune 2011). Canada's Public Safety Minister, Vic Toews, announced shortly after the arrival of the MV Sun Sea (August 2010) that "we are very concerned that

group allegedly su rorists responsible Madrid commuter people) and the killed 195 people) Other customers the LTTE (Associa

Globally, a stru terrorism and the According to Anth Enforcement Adm ignated internation by the US Gover Organization) "hav narcotics trafficking the Taliban has ear lars from the proc Afghanistan; some chase arms that are forces in Afghanist

#### andbook of Asian Criminology ublisher: Springer Science & Business Media. Page 160



U.S. DEPARTMENT of STAT

### ON August 10, 1997 US State Department designated LTTE as a Foreign Terrorist Organization.



### DESIGNATION A TERRORIST OUP IN U.S.A.

The Foreign Terrorist
Organization's funds will be frozen.

- 2. Members or Representatives of
- the Foreign Terrorist Organization can be denied entry to the USA.
- 3. Providing money to the Foreign Terrorist Organization is a
  criminal offense.

# questions. (Revived under Bill of Rights)

- **FIRST:** Is the regulation with the power of the government?
- **SECOND**: Does it promote an important or substantial government interest?
- **THIRD**: Is that interest unrelated to suppressing free expression? and,
- **FOURTH:** is the incidental restriction on First Amendment freedoms no greater than necessary?

# ANSWERS

**First,** the federal government clearly has the power to enact laws restricting the dealings of United States citizens with foreign entities; such regulations have been upheld in the past over a variety of constitutional challenges.

**Second**, the government has a legitimate interest <u>in preventing the spread of</u> <u>international terrorism</u>, and there is no doubt that that interest is substantial.

**Third**, this interest is unrelated to suppressing free expression because it <u>restricts the</u> <u>actions of those who wish to give material support to the groups</u>, not the expression of those who advocate or believe the ideas that the groups supports. DID THAT END THE LTTE ACTIVITIES IN USA? SIX ORGANIZATIONS FILED A LAWSUIT AT UNITED STATES COURT OF APPEAL FOR THE DISTRICT OF COLUMBIA, REQUESTING A JUDICIAL REVIEW ON TERRORIST DESIGNATION UNDER BILL OF RIGHTS:

THE COURT OF APPEAL HELD ON June 25, 1999: Collection and providing funds to a Terrorist Organization is not protected under the freedom of association guaranteed by the First Amendment of the Bill of Rights.

COURT ALSO HELD: BUT supporting the LTTE's political aim is protected under the First Amendment.

# What Canadians have to do with LTTE?



the Anti-Terrorism Act, an omnibus bill designed to combat terrorism at various levels. TheAct provides for:

 Amendments to the Criminal Code designed to disable terrorist groups and their supporters, by defining "terrorist activity"; by creating a process for listing an entity that,

on listing, becomes defined as a terrorist group; by creating new powers – the use of

investigative hearings and of a recognizance with conditions – in order to prevent acts of

terrorism; and by creating new terrorism offences that include collecting property for the

purpose of carrying out a terrorist activity, facilitating a terrorist activity, instructing

someone to carry out a terrorist activity, and harbouring or concealing a person

# Bill C-36- Anti-Terrorism Act

- Stronger laws against hate crimes and propaganda;
- New investigative tools available to security and law enforcement agencies by expanding the use of electronic surveillance and permitting the interception of communications of foreign targets abroad;

# Bill C-36- Anti-Terrorism Act

- Amendments to the Official Secrets Act (now the Security of Information Act) to counter
- intelligence-gathering activities by foreign powers and terrorist groups, to address the
- intimidation or coercion of communities in Canada, as well as to prohibit the unauthorized disclosure of special operational information by individuals bound to
- secrecy; and,
- Amendments to the Proceeds of Crime (Money Laundering) Act to authorize the Financial Transactions and Reports Analysis Centre (FINTRAC) to detect financial transactions that may constitute threats to Canada's security and to notify the
- Canadian

#### eration Tigers of Tamil Eelam (LTTE)

#### known as

amil Tigers, the Eellalan Force, the Ellalan Force, the Tiger Movement, the Sangilian Force, the Air Tigers Tigers (Karum Puligal), the Sea Tigers, the Tiger Organization Security Intelligence Service (TOSIS) and en's Combat Force of Liberation Tigers (WCFLT).

#### ription

ded in 1976, the Liberation Tigers of Tamil Eelam (LTTE) is a Sri Lankan-based terrorist organization that se eation of an independent homeland called "Tamil Eelam" for Sri Lanka's ethnic Tamil minority. Over the ye TE has waged a violent secessionist campaign with the help of ground, air, and naval forces, as well as a ated suicide bomber wing. LTTE tactics have included full military operations, terror attacks against civilian es, and political assassinations, such as the successful assassinations of Indian Prime Minister Rajiv Ghar ri Lankan President Ranasinghe Premadasa. The LTTE has also had an extensive network of fundraisers al and propaganda officers, and arms procurers operating in Sri Lanka and within the Tamil diaspora. Alth TE was militarily defeated in May 2009, subversion, destabilization, and fundraising continue, particularly aspora.

## Canada banned LTTE (2006)

#### World Tamil Movement (WTM)

Also known as

V/A

#### Description

The World Tamil Movement was created in 1986 and became a known and leading front organization for the \_iberation Tigers of Tamil Eelam (LTTE) in Canada. The leadership of the WTM acts at the direction of the LTTE and has been instrumental in fundraising in Canada on behalf of the LTTE. WTM representatives canvas for donations amongst the Canadian Tamil population, and have been involved in acts of intimidation and extortion to secure funds.

Date listed 2008-06-13

**Date reviewed** 2018-11-21

#### Note:

The two-year review of the list was completed pursuant to subsections 83.05(9) and 83.05(10) of the Criminal Code.

# CANADA BANNED "WTM" (2008)



the "Final War" and Extortion in the Tamil Diaspora

**RCH 14, 2006** 

H U M A N R I G H T S W A T C H

# Funding the final war

# EARLY STAGE..

"...Toronto, individual families typically were asked to pay between Cdn\$2,500 and Cdn\$5,000, although some families were reportedly asked for as much as Cdn\$10,000. Business owners were asked for amounts ranging from Cdn\$25,000 to Cdn\$100,000..." HUMAN RIGHTS WATCH – FUNDING THE FINAL WAR (MARCH 2006)

#### Sri Lanka's civil war and the Canadian connection -Stewart Bell-National Post- Saturday, June 03, 2000

"The Tamil Tigers aren't the only international terrorist group that raises money in Canada, but they have certainly been one of the most effective, generating by one estimate more than \$22-million last year to finance a wave of ethnic warfare in northeastern Sri Lanka that has left 60,000 dead. The Tigers have tapped every imaginable source of revenue in Canada: front organizations, businesses, migrant smuggling, passport forgery, drugs, organized crime, fraud, extortion, gangs and rallies at Toronto public schools during which men in military uniforms carry replica assault rifles."

#### GLORIFICATION OF TERRORISM

- I IS A WAY OF GETTING FUNDS
- I IS A WAY OF GETTING NEW RECRUITS
- IS A WAY OF KEEP THE IDEALOGY GROWING WITHIN THE GROP AND OUTSIDE THE GROUP



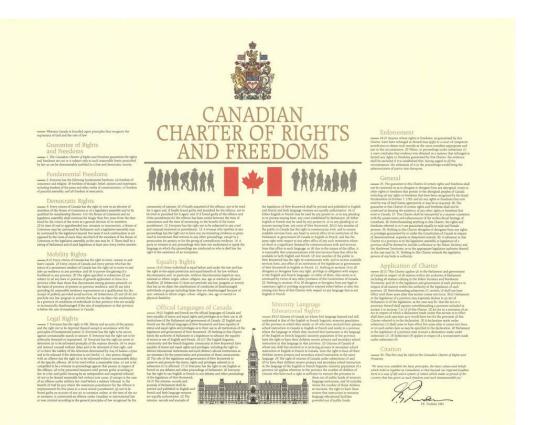
g camouflage and carrying replica assault rifles, supporters of the Liberation Tigers Eelam rally at a public school in the Toronto area recently.

# HOW THEY DO THAT?



#### GLORIFICATION RALLIES AND CEREMONIES

## USE OF FLAGS & SYMBOLS





#### NDER THE PROTECTION OF CHARTER RIGHTS AND REFROMUSATION OF TERRORISM ALLOWED IN CANADA?

### CHARTER RIGHTS AND FREEDIMS



**2.** Everyone has the following fundamental freedoms:



freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication

#### NICKAVASAGAM<sup>|</sup> RESH

Suresh had come to Canada from Sri Lanka in 1990 and had been accepted as a refugee under the United Nations Convention Relating to the Status of Refugees on the basis that his life was in danger in Sri Lanka because of his involvement in the struggle for Tamil independence.

In 1995, the government rejected his application for permanent resident status of the basis that he was a security risk, and ordered that he be deported. The Canadian Security Intelligence Service (CSIS) had claimed that he was a supporter and fundraiser for the Liberation Tigers of Tamil Eelam, a terrorist group in Sri Lanka.

#### NICKAVASAGAM RESH

The Federal Court of Canada upheld the deportation order. Following this the Minister of Citizenship and Immigration issued an opinion that declared him a danger to the security of Canada under section 53(1)(b) of the Immigration Act and consequently should be deported.

#### Suresh v. Canada (Minister of Citizenship and mmigration) C.A.), 2000 CanLII 17101 (F.C.A.)

[36] ......Clearly, there are various avenues by which citizens can oppose their presiding government and, certainly, not all governments are equally receptive to criticism. However, a line separating acceptable means of protest from unacceptable means must be drawn somewhere. In my view terrorism is an unacceptable means of attempting to effect political change. <u>Nowhere in the jurisprudence is there support for the proposition</u> that one has an inherent right to engage in terrorism in the pursuit of self-<u>determination.</u> For this reason alone the appellant's argument must fail. uresh v. anada linister of tizenship migration) **C.A.)**, 2000 anLII 17101 .C.A.)

THERE IS NO INHERENT RIGHT TO ENGAGE IN TERRORISM IN THE PURSUIT OF SELF-DETERMINATION.

### Suresh v. Canada (Minister of Citizenship and Immigration), [2000] 2 F.C. 592

"..There was sufficient and conclusive evidence that the LTTE engages in indiscriminate killing and torture of innocent civilians amounting to what are classified under international law as "crimes against humanity". Direct attacks by violent means on the physical liberty and integrity of another person is not protected by paragraph 2(b) of the Charter. There can be no protection for expression which is communicated through physical violence directed at an innocent civilian population. As violent forms of expression do not receive constitutional protection, neither can fundraising in aid of terrorism. Those who freely choose to raise funds used to sustain terrorist organizations bear the same guilt and responsibility as those who actually carry out the terrorist acts. Fundraising in the pursuit of terrorist violence must by necessity fall outside the sphere of protected expression. ..."

mil Tigers suicide ots celebrated in ronto ewart Bell, National ost · Mar. 2, 2009

RONTO -- A Toronto banquet was the scene of a "martyrs' er event" held on Monday t in honour of two Tamil rs rebels killed during a ent suicide attack in the Sri kan capital.

*IP* and Toronto police officer wed up with video cameras filmed as the Tamil Tigers was raised and several dred people laid flowers at a eshift shrine to the dead trillas..."





### In Australia..

THIS AUSTRALIAN MP McDERMOTT ON JULY 5 OF T YEAR ATTEND A BLACK TIGE MEMORIAL DAY IN AUSTRALI

IE WAS THERE TO CELEBRATE THOSE WHO DESTROYED HE "RIGHT TO LIFE" OF MANY SRI ANKANS

#### Memorial days

#### Maaveerar Naal – November 27

The first Maaveerar Naal was on 27 November 1989. The date was chosen as it was the anniversary of the first LTTE cadre to die in combat, Lt. Shankar (Sathiyanathan alias Suresh), who died on 27 November 1982.

#### Black Tiger Remembrance Day – July 5

The date to remember the first Black Tiger (Captain Miller) suicide mission in the town of Nelliadi in Nothern Sri Lanka on July 5, 1987 killing 40.

#### Mullivaikkal Remembrance Day – May 18

To remember those who died in the final stages of the Sri Lankan Civ War. It is held each year on 18 May, the date on which the civil war ended in 2009, and is named after Mullivaikkal, a village on the northeast coast of Sri Lanka which was the scene of the final battle of the civil war. P MP commemorates event ouring fallen Tamil Tigers, likens it emembrance Day in parliament tional Postnor of the article: Stewart Bell

lishing date: Nov 28, 2014

Speaker as Canadians of all heritage in November we amemorate two important hts, Remembrance Day and Tamil Heroes Day. This of h symbolizes the beauty fe because we remember all se who sacrifice their lives the rest of us to live in ce and freedom."



## RATHIKA SITSABAIES



Steven Blaney Minister of Public Safety Canada (July 15, 2013 – November 4, 2015)

"I am shocked and appalled that an NDP member of Parliament would not only endorse the celebration of terrorists, but would also equate it to the solemn occasion of Remembrance Day where we honor our fallen Canadian heroes."

"to stop shopping for votes from terrorist-linked groups, and to immediately apologize to veterans and all Canadians for these comments."

National post – November 28, 2014

#### ri Lankaanadian mil urnalist B.S. yaraj wrote

#### **Tamil Heroes Day**

"is not and has never been a national day of Tamil mourning." Rather, it was "an intensely conducted partisan event 'of the Tigers, for the Tigers and by the Tigers.'"

National post – November 28, 2014

#### ullivaikkal emembranc Day ay 18

Day the Over the years there was a change in the nend of the conflict and the day LTTE leader died on this day. aming of this day.

- 2009 Mullivaikkal Remembrance day
- 2014 Tamil Remembrance day
- 2020 Tamil Genocide Remembrance day

## hat is nocide?

Convention on the Prevention and Punishment of the Crime of Genocide

Article II

In the present Convention, genocide means any of the following acts committed with <u>intent to destroy</u>, <u>in whole</u> <u>or in part, a national, ethnical, racial or religious group,</u> as such:

Killing members of the group;

Causing serious bodily or mental harm to members of the group;

Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Imposing measures intended to prevent births within the group;

Forcibly transferring children of the group to another group.

# A mental element: the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, ...."

"...To constitute genocide, there must be a proven intent on the part of perpetrators to physically destroy a national, ethnical, racial or religious group. Cultural destruction does not suffice, nor does an intention to simply disperse a group. It is this special intent, or dolus specialis, that makes the crime of genocide so unique. In addition, case law has associated intent with the existence of a State or organizational plan or policy, even if the definition of genocide in international law does not include that eleme

SIBILITY TO PROTECT

Sri Lanka Rebels Concede Defeat By Steve Herman (VOA) Colombo 17 May 2009

he military phase is over. The LTTE has been litarily defeated. Now the biggest hostage rescue eration in the world has come to a conclusion," marasinghe. "The figure I have here is since 20th April, 179,000 hostages have been rescued."

hinda Samarasinghe, Minister of Disaster Management d Human Rights at Colombo news conference, 17 May 9



# Robert Blake (U.S. ambassador in Colombo) signed diplomatic cable clearly accusing the LTTE for the plight of the civilians who were eager to leave the battle zone and the safe zone.

"...The USG in Colombo and Washington has been engaged in intensive efforts to protect the estimated 120-150,000 civilians presently trapped in the "safe-zone" in northern Sri Lanka. We have pursued several tracks. First, we and other Co-Chair countries have called on the LTTE immediately to allow civilians freedom of movement. The LTTE has not done so, instead it has shot civilians who have tried to escape and engaged in forcible recruitment of progressively younger and older civilians to augment its diminishing cadre, now estimated by the government at 400-500. There is also growing evidence of civilian confrontations with the LTTE in the safe zone. Publicly the LTTE continues to insist that it is not safe for the civilians to be evacuated to "concentration camps" in Vavuniya. UN U/SYG Holmes in his recent report to the UN Security Council following his visit to Sri Lanka rebutted the LTTE's claims and stated that basic needs are being met, although clearly more needs to be done on several fronts (for example, reduce overcrowding and improve sanitation)." CABLE # 8217

## End calculation

Around 27,000+ LTTE cadres,

23,790+ Sri Lankan Army personnel,

1000+ Sri Lankan police,

1500 Indian soldiers were said to have died in the conflict.

In 2008, the LTTE revealed that "22,390 fighters who have lost their lives in the armed struggle since 27, November 1982.

 Defence Secretary at that time Gotabhaya Rajapaksa said on an interview with state television that 23,790 Sri Lankan military personnel were killed since 1981.

## Will you allow?

TERRORISM IDEOLOGY TO SUSTAIN IN YOUR COUNTRY USING CIVIL LIBERTIES AND RIGHTS:

TO DESTROY THE "RIGHT TO LIFE" OF HUMAN BEINGS IN ANOTHER COUNTRY.