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**Confronting False Dichotomies:
the ‘public good’ and the challenge of meeting the
‘terrorist front organization phenomenon’
in Europe**

Keynote Address

by

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Confronting False Dichotomies: the ‘public good’ and the challenge of meeting the ‘terrorist front organization phenomenon’ in Europe

I feel privileged to have been invited to deliver the keynote address at this Eurojust Tactical Meeting which focuses on ‘LTTE Front Organizations’, attended by not only representatives from the law enforcement and criminal justice authorities of EU Member States, but also from several other European countries and the USA. The distinguished presence of EU Counter Terrorism Coordinator Gilles de Kerchove amidst us, no doubt reflects the seriousness the European Council itself attaches to the ramifications posed by the LTTE to Europe, at a time when they are being militarily defeated in Sri Lanka.

In delivering these remarks today, I am acutely conscious, that while ‘LTTE front organizations’ will be the focus of the deliberations over these two days, that the terrorist front organization phenomenon is not a Sri Lankan problem alone. It remains a fundamental problem that all nations big and small, developed and developing, rich and poor, militarily powerful and weak, in all corners of the world have to confront, if we are to succeed in what is referred to as “the fight against terrorism”. It is with this understanding that I will endeavor to outline the danger posed by terrorist front organizations and the lacuna, as I understand it, in the manner in which the EU is addressing the problem.

Contemporary counterterrorism efforts as an instrument for attaining peace, have been described as a global ‘public good’.ⁱ It is non-excludable and non-rival in consumption, and its benefits reach across borders, generations and population groups and once accomplished, the whole of humanity benefits.

It is for this reason that for the purpose of this discussion, I posit the issue of the need to take action against terrorist front organizations, as a public goodⁱⁱ. Not only are these front organizations a problem as they serve terrorists and contributes to the mayhem they create, they also effectively exploit the generosity and decency of civic minded people in your countries. Additionally, they undermine your financial systems, particularly at a time when it already is in deep crisis.

(a) The ‘front organization phenomenon’ – a generic issue in the fight against terrorism

It is widely known that what sustains terrorist organizations the world over is money, and that while freezing terrorist funds have proved to be an effective means of disrupting terrorist activity, following the money has enabled investigators to uncover previously unknown links between terrorist operatives and even to thwart such activity.ⁱⁱⁱ

A major channel for its supply are the respective diaspora, who may be mobilized through ‘front organizations’ that take many forms – religious, cultural, humanitarian, women, youth, students, sports, etc.

Front organizations by their very definition, are entities set up and controlled by another organization, but which espouse the objectives/policies of their parent body. The advantage front organizations have is that they can act for the parent group, without the actions being attributed to the parent group. In the political sphere, such front organizations can increase the legitimacy of the causes they represent, neutralizing the stigma that might be attached to already discredited organizations which espouse the same cause.

Until recent times, it is mostly charities and non-profit organizations that were regarded as playing this role. However, in more recent times, following the advances in ICT and banking technologies in a globalized world, we have witnessed companies, media outlets, religious centres and even educational institutions serving as front organizations for terrorists.

It is in the above context that front organizations become a valuable vehicle through which terrorist groups could continue their activities, inspite of proscriptions and serious limitations imposed upon them, particularly in the aftermath of 9/11.

(b) Confronting terrorist front organizations

While charity remains a value of paramount importance to donors and recipients alike, illicit actors have amply demonstrated that the charitable sector is vulnerable to abuse. Devising policies that protect charities from abuse, even as they promote charitable giving, remains a major challenge.

There are a number of modalities that have been operationalized which provides for dealing with the problem of charities and other bodies serving as front organizations, that contribute towards the perpetuation of terrorism. These include –the UN’s Security Council resolutions 1267 and 1373, the US Executive Order 13224 and sections of the UK’s Terrorism Acts 2000 and 2006.

While conscious of the work being done by the EU, through the UN and also within the Financial Action Task Force (FATF) of the OECD, to combat money laundering and terrorist financing, I am not aware of any commensurate specific collective measures operationalized by the EU, that sufficiently address the specific phenomenon of terrorist front organizations, with the efficacy this ‘moving target’ demands.

This seems unfortunate for an institution that has been considerably pro-active in counter-terrorism and since the entry into force of the Amsterdam Treaty in June 1999 has adopted numerous measures to develop the European criminal law-enforcement area, along with agencies such as Eurojust, Europol and SitCen.

Within months after 9/11, the EU adopted Council Common Position 2001/931/CFSP on the application of specific measures to combat terrorism^{iv} (which lays down the criteria for listing persons, groups or entities involved in terrorist acts and identifies the actions that constitute terrorist acts) and Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (which provides for freezing of all funds, other financial assets and economic resources belonging to the persons, groups and entities concerned). On 22 June 2002, the EU adopted framework decision 2002/475/JHA on Combating Terrorism. On 24 November 2005, Council decision 14781/1/05 spelt out an EU strategy “for Combating Radicalization and Recruitment to Terrorism” and the EU Counter-Terrorism Strategy unveiled on 30 November 2005 lists as key priority initiatives “to pursue and investigate terrorists across our borders and globally” while continuing to “support the efforts of Member States to disrupt terrorists by encouraging the exchange of information and intelligence between them.”

As part of its Action Plan to combat terrorism, the EU has also taken measures to improve cooperation among the intelligence services, national authorities and emergency services of member states to adequately assess terrorist threats.

More recently, on 17 July 2008 the EU proposed a revised strategy on terrorist financing, and on 27 November 2008 through 15139/08 and 8807/08 the European Council adopted a framework decision amending framework decision 2002/475/JHA, to extend the offense of ‘terrorism’ to include 3 new offences in EU legislation: Public provocation to commit a terrorist offence (including dissemination of terrorism propaganda through internet), Recruitment for terrorism, and Training for terrorism.

(c) LTTE Front Organizations and proscriptions/prosecutions/convictions within EU

Notwithstanding this progressiveness the EU counter-terrorism action has shown, it nevertheless has left room for terrorist entities such as the Liberation Tigers of Tamil Eelam (LTTE), that was listed through European Council decision 2006/379/EC of 29 May 2006, to circumvent the legal provisions of its proscription, making a mockery of the EU listing.

It does so through its numerous front organizations such as the Tamil Rehabilitation Organization (TRO) with branches in 9 European states, the umbrella organization Tamil Coordinating Committee (TCC/Belgium, Germany, Netherlands, Sweden; WTCC/US; WTCC/Switzerland; CCTF/France, and World Tamil Movement WTM/Canada), the British Tamil Association (BTA), British Tamil Forum (BTF), Tamil Youth Organization (TYO), International Tamil Rehabilitation Organization (ITRO) and White Pigeon operating in the UK, and the Tamil Women’s Association. The LTTE also has syndicates involved in credit card skimming in petrol sheds, telephone card businesses and community shops, which have continued to raise funds. Furthermore, ‘Tamil Cholai’ schools^v that indoctrinate Tamil children, TV/Radio stations (mainly ‘Tamil Oli’ radio and, GTV), numerous internet sites and newspapers that engage in strategic communication and development of a ‘narrative’ to spread ethnic and racial hatred and glorify terrorism and martyrdom, which in recent weeks even led to self-immolation by Tamil youth in several European capitals. Such activities should sound familiar, given your understanding of the manner in which Al Qaida and other terrorist networks operate.

Of the many LTTE front organizations I have referred to, and documented in detail in my presentation at the EU-US ‘Seminar on the LTTE’ organized by the Europol on 9-10 December 2008,^{vi} in recent years the most attention has been

focused on the Tamil Rehabilitation Organization (TRO), which purportedly claimed to be engaged in rehabilitation work in the previously LTTE dominated areas in the Northern and Eastern parts of Sri Lanka. The early creation of front organizations such as the TRO in 1985, has been described in 1997 by Charles Somasundaram, who worked as a volunteer at 'Eelam House', (the LTTE's headquarters in London until the organization was banned in 2001), as an instance of how "brilliant" LTTE leader Prabhakaran was. ^{vii}

There is clear evidence that the activities of all operational/administrative functions of such LTTE front organizations directly come under the supervision of W. Manivannam @ Castro, who is the Head of the LTTE's 'International Secretariat'. It is important to know that all such LTTE front organizations form an integral part of the LTTE network/overseas infrastructure, and act for or on behalf of or at the behest of the LTTE. In recent months, the LTTE has named Selvarasa Pathmanathan, as the Head of a newly established "Department of International Relations", to play a key role alongside the international Secretariat, in seeking to galvanise support for the LTTE abroad. This appointment mocks the entire international community, for Mr. Pathmanathan is none other than the long time key arms procurer of the LTTE, on whom INTERPOL has issued a red corner notice in connection with the Rajiv Gandhi assassination in 1991.

It is important to note that the earliest action against a LTTE front organization was taken in the U.K., when in October 2000 (even before the LTTE was eventually proscribed in the UK in February 2001, or 9/11), an investigation was launched into the activities of the **TRO/UK** on suspicion that it was abusing its charity status. The TRO was subsequently removed from the Register of Charities by the UK Charity Commission on 10 August 2005. A report published in August 2007 by the Charity Commission in the United Kingdom, titled 'The Home Office & HM Treasury's Review of safeguards to protect the charitable sector (England and Wales) from terrorist abuse and the Charity Commission's response to the consultation' has made reference on the closure of the TRO in the UK in the following terms;

"We also intervened effectively to secure the assets of the Tamils Rehabilitation Organisation (TRO) where our investigation revealed that the trustees had little, if any, control over money that was sent to Sri Lanka for relief work. Further investigation concluded that the charity's representatives had liaised with the Liberation Tigers of Tamil Eelam (a proscribed organisation under the Terrorism Act 2000) to make decisions about where funds should be applied". ^{viii}

The TRO, the leading case study of abuse in this report, also provides instructive reading for anyone serious about tackling this menace.^{ix}

Although the TRO was de-listed from the charitable organizations list in the UK in 2005, it is regrettable that the LTTE continues to collect funds within the UK, through “White Pigeon”, another front organization of the LTTE. (It is noteworthy that White Pigeon was jointly designated as an alias of TRO by the US in November 2007.) Numerous other LTTE front organizations also continue to operate in the UK to carry forward the activities done by the TRO for the LTTE. These include; ITRO, BTA, BTF.

Hence, while Europe as a whole has seen considerable action by LTTE front organizations, no country had experienced it as much as the UK.

In recent years **three main areas of LTTE front organization activity** has resulted in investigations, prosecutions and convictions;

1. Laundering of money through the widespread abuse of their status by the TRO, though long suspected, became legally established only in the immediate aftermath of the December 2004 Tsunami disaster.

In Sri Lanka, the discrepancy in the funds raised in foreign countries and that transferred to the TRO/Sri Lanka, and evidence that these monies were laundered, resulted in the Sri Lanka Government freezing the assets of TRO in August 2007. The organization was later proscribed in November 2007 and its assets confiscated in July 2008. It is noteworthy that Lawrence Thilakar the former leader of the LTTE International Secretariat in Paris and LTTE Central Committee member, serves as the TRO’s Planning Director under his pseudonym Mr. Lawrence Christie.

Several other countries have taken similar action;

- In the US, abuse of its status led to the proscription of the TRO under US Executive Order 13224 in Nov 2007,^x and on 11 February 2009 the ‘Tamil Foundation’ whose office bearers were the same as that of the TRO and which operated from the same address was also proscribed by the US Treasury Dept.^{xi}

- Most recently, in Denmark, on 28 January 2009, through - Case No.266/2008, the Danish Supreme Court upheld a ruling by two lower courts, that the freezing of the assets of TRO/Denmark, amounting to 45,000 Kroner was in order. The Supreme Court determined that the organization had reasonable grounds to be suspected of violation of the Penal Code for providing financial support to terrorist organizations.^{xii} This is a clear instance of judicial action taken by a

“Competent Authority” of an EU member state, against a LTTE front organization – the TRO.

2. Extortion, has also been engaged in by the LTTE front organizations, mainly those operating under the TCC umbrella.

- in Canada the June 2008 proscription of the WTM was significantly based on confirmed acts of extortion.^{xiii}

- in France 21 persons including Nadaraja Mathintharan @ Parithi, Official representative of LTTE in France and in charge Coordination Committee of Tamils in France” (CCTF) and Sellackandu Ravikulan, de-facto In charge of ORT/TRO in France were arrested in April 2007 following raids on their offices, and are due to stand trial shortly for extortion.^{xiv}

- Italy’s key LTTE suspect, Tharmalongam Jeevakamath, alias “Kumar” of “Jeeva”, regarded the No. 2 of the Tamil mafia in Europe arrested in Paris on 6 February, was also wanted for “money extortion and financing of terrorist activities”.^{xv} Additionally, 31 activists connected to LTTE fronts have also been arrested in Italy

Money collected for the LTTE through front organizations in Europe is often hand carried into Switzerland, from where they are transferred to destinations such as Singapore on the pretext of being for jewelry purchasing, but are infact laundered for disbursement for arms procurement. Through this method and its ‘hawala’ style transactions, the LTTE avoids being detected within the FATF stipulations, including the “know your customer” requirements operationalized by the private sector to detect suspicious transactions.

Such extortion by LTTE front organizations operating within the EU is facilitated through a registration process of Tamil families by systematically assigning a unique *PIN number* for each family and individual, for illegal taxation and monitoring of their movements into Sri Lanka. The mechanism is used to extract funds – through threats and intimidation and other such coercive action – to sustain regular finances of the LTTE. The collection of personal data and use of such data for illegal purposes in itself is a blatant violation of European Council Directive 95/46/EC, Section III, Article 8.1, which states that “ member states shall prohibit the processing of personal data revealing racial, or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and the processing of data concerning health or sex life”.

3. Weapons Procurement related involvement has also been established in several cases.

- in the US, proscription against the TRO, and the arrest and indictment of the Head of the World Tamil Coordinating Committee (WTCC), Karuna alias Karunakaran Kandasamy (alleged to be the LTTE in-charge in the US), was on charges of providing material support to a foreign terrorist organization. The group headed by him reportedly operated in the US "drawing on America's financial resources and technological advances to further its war of terror in Sri Lanka and elsewhere".

- in Australia, 3 persons were charged for using the Tamil Coordinating Committee (TCC) in Melbourne to raise funds for the LTTE. It is alleged that US \$1.2 million of that money was withdrawn in cash and was used to purchase electronic equipment and other items for the LTTE. ^{xvi}

- in the UK, the prosecutions in June 2007 against 3 persons including BTA Chief Arunachalam Chrishanthakumar alias A.C.Shanthan - who until the proscription of the LTTE in the UK in 2001, was the head of Eelam House- (the LTTE's International Secretariat which was located in London), have also been for offences including seeking to purchase 'dual purpose technology' for the LTTE.

The actions of **Shanthan in the UK, Mathinthiran and Ravikulan in France, Jeevakamath in Italy, Karuna in the USA, and Tilakar in the Vanni**, are symptomatic of the 'revolving door' that exists between the LTTE and its front organizations.

(d) Facing the Challenge of LTTE front organizations in Europe

Action is required at three levels in order to prevent the perpetuation of these crimes:

i. Domestic Action at the level of EU member states

Irrespective of whether or not there is an EU imposition specifically directed at front organizations, the responsibility for implementation of the sanctions already in operation within the EU against support for the LTTE, lies with the respective EU member states, and in our understanding it is obligatory. However, in pressing this issue both in Brussels, as well as in EU capitals, Sri Lankan Representatives find a huge discrepancy with respect to the interpretations the respective governments provide regards operationalizing the

provisions of Council Regulation (EC) No 2580/2001. Some member states acknowledge that it is indeed binding and readily applicable with no need for separate enabling domestic legislation, while others hold that it cannot be operationalized domestically without enabling legislation being enacted. While it is clear that LTTE through its front organizations operate in almost a majority of EU countries, other than in the case of Denmark, and that of the UK earlier, I am not aware of any other EU member state which has acted to freeze assets of the LTTE, or its front organizations.

Sri Lanka believes, that let alone under its own legislation, also under UN resolutions, all EU states have an obligation to seek to investigate Tamil charities/organizations with suspected links to the LTTE. Apart from the Denmark action, the UK, France and Italy have indicted offenders who are key members of the LTTE front organizations, whose trials are scheduled to begin shortly. We are aware that there are several other countries contemplating similar action. But there are still others who might be turning a blind eye to the activities of LTTE front organizations and their members.

To my mind, a good starting point for such an investigation remains the money collected from within many EU countries in the aftermath of the 2004 Tsunami. While it is clear to the Government of Sri Lanka that most of the funds collected, were not transferred to the several accounts of the TRO in Sri Lanka, an empirical check in the now liberated areas, until recently under the domination of the LTTE, will show that no reconstruction or development had taken place using the funds collected from generous donors in Europe by the TRO, in the aftermath of the Tsunami. Now that access can be gained to the areas in the Northern and Eastern Provinces previously under the domination of the LTTE, it is yet not too late for EU member states, to verify whether based on the financial statements these organizations submitted to their host countries, the money collected purportedly for post-tsunami projects, were actually implemented, and if not, to hold those LTTE front organizations accountable.

ii. Through EU level action

The Government of Sri Lanka on 5th June 2008, made a comprehensive application to the European Council seeking the listing of the TRO and other key LTTE front organizations operating in Europe and elsewhere. This was seen as the speediest manner by which the LTTE masquerading as front organizations within the EU states could be arrested, as an EU designation would thwart these activities and provide member states' law enforcement agencies greater authority to investigate the activities of those involved.

This June 2008 application has been supplemented with 2 Addendums in December 2008:

Addendum 1, providing further information on the Tamil Rehabilitation Organization (TRO)

Addendum 2, note on the series of public events held across Europe by front organizations of the LTTE to commemorate ‘Maaveerar Naal’ –the Martyrs’ Day of the LTTE on 27 November 2008, propagating the LTTE’s terrorist ideology including glorification of terrorism and martyrdom. It was pointed out that while in Switzerland where the LTTE remains legal it was held in the name of the LTTE, in EU capitals it was held under the banner of other front organizations.

There are several compelling reasons why the EU should take firm action :

- the UN Security Council resolution 1373 is binding and as parties to the UN Convention on Terrorist Financing of 1999, the EU and its member states have voluntarily undertaken an obligation to implement these provisions equally, to all terrorist entities across the globe. Numerous other UN resolutions relating to terrorism demand the same of signatory states.
- Successive EU regulations require that an entity proscribed as supporting terrorism against one, supports terrorism against all and that it recognizes action taken against such entities by “a competent authority”, irrespective of the jurisdiction.
- Let alone the proscription of the TRO by the Governments of the USA and Sri Lanka in 2007, within the EU itself while the UK Charities Commission delisted the TRO in 2005, the recent Danish Supreme Court action, provides justification for at least the TRO’s culpability to be immediately listed under the EU terrorism sanctions regime.
- The indictments against leaders of LTTE front organizations in the UK, France and Italy, provides further rationale for doing so.

iii. Through the expansion of the EU’s intra-regional, trans-continental, inter-regional and international cooperation mechanisms

The present intra-regional Eurojust Tactical Meeting dedicated to ‘LTTE Front Organizations’ is not only important in assessing the problem of the expanding

LTTE front organization operations in Europe, but it will also create awareness among all EU member states as to the gravity of the problem and additionally provide a forum to explore means of grappling with this problem.

Earlier the EU-US ‘Seminar on the LTTE’ organized by the Europol on 9-10 December 2008, brought together representatives from 15 EU Member States, as well as from Australia, Canada, New Zealand, Sri Lanka, USA, Switzerland and Interpol, and representatives from other European Institutions; Eurojust and SitCen (the European Union Joint Situation Centre), for an assessment of the activities of the LTTE and its front organizations. This has drawn attention to the collective threat of the LTTE and its front organizations to be fully appreciated by an even wider audience.

I understand that the EU and the US have also been seeking to address the problem of abuse of charities, for terrorist purposes. I trust the TRO in particular, with its notorious presence on both sides of the Atlantic, would provide an effective case study that would help illuminate any such discussion.

From a Sri Lankan perspective, it remains vital that Switzerland and some states in South East Asia, whose liberal financial systems have been exploited for money laundering purposes by the LTTE and its front organizations, be also watched closely through the EU’s European partnerships and regional dialogues.

(e) Need to overcome ‘false dichotomies’ in order to serve the ‘public good’

Before I conclude I want to get back from Sri Lanka’s concerns regards LTTE front organization activity in Europe, to the more generic issue of front organizations. In this context, allow me to posit 3 false dichotomies that I often confront in discussions concerning the need for listing front organizations, which could in the final analysis prove costly in servicing the “Public Good” – both for Europe, as well as for the victims of terrorism.

i. Under Investigation vs. Conviction

The EC Common Position 2001/931/CFSP sets out criteria for listing of “persons, groups and entities involved in or in support of terrorist acts”. Article 1:4 stipulates that such inclusion “shall be drawn up on the basis of precise information or material in the relevant file which indicates that “ a decision has been taken by a competent authority in respect of persons, groups and entities concerned, irrespective of whether it concerns the instigation of investigations

or the prosecution for a terrorist act, an attempt to perpetrate, participate in or facilitate such an act based on serious and credible evidence or clues, or condemnation for such deeds”.

Hence, for the purpose of being considered for listing, whether a group is merely under investigation or convicted, is indeed a false dichotomy.

ii. *Countering terrorism vs. freedom of expression*

A second false dichotomy that stands in the way of taking action against charities and other front organizations supporting terrorism in Europe, is that it transgresses fundamental freedoms of those so charged. This is not only false, but even cynical, for what could be more abusive of one’s fundamental freedoms, than organizations that engage in or support terrorism, that abuse the liberal values in Europe to propagate a terrorist ideology and those who might knowingly be contributing towards a terrorist organization.

In such context, the debate that followed the harrowing actions by the Aum Shinrikyo sect in Japan (which incidentally, besides the LTTE who used a chlorine gas bomb against Sri Lankan forces in 1990, was the only other terrorist organization to use a WMD/chemical weapon in recent times), seems pertinent. Analysts have noted that in Japan, due to the shadows cast by the pre-war repression of religion, there was a tendency of Japanese security agencies to be culturally disinclined to examine or intervene in the affairs of religious movements. As Christopher Hughes argues, besides just “not looking”, the police showed too much caution when evidence of Aum’s misdeeds began to appear before them, and they refrained from intervening for fear that they would be accused of religious repression. Such attitudes have rapidly disappeared in post- Aum Japan, where a strong consensus has emerged that religious freedoms need to be balanced with the rights of the forces of law and order to examine and intervene in the activities of religious organizations where necessary, in order to protect society and the general public good.

Similarly, whether Europe’s pre-occupation with freedom of expression stems from the consciousness of its own violent history, and thus might be contextually misplaced in the changing global circumstances of confronting terrorism, requires closer study.

In this context, the recent acts of violence by organized Tamil fronts in some European cities, including the killing of a Policeman in Paris, and the wave of pro LTTE demonstrations in Europe, including the one in Brussels opposite the EU to which I understand people were brought in buses from neighboring

countries, only goes to prove the extensive organizational network of the LTTE and its front organizations which is thriving in Europe, notwithstanding the listing of the LTTE as a terrorist entity.

Hence it is a false dichotomy to pit countering terrorism, against protection of freedom of expression. While there should be no slackening in insisting that due process is followed, where freedom of expression ends and supporting/glorification of terrorism begins, merits urgent attention.

iii. Law enforcement/criminal justice concern vs. a political concern

Furthermore, particularly as diaspora communities convert themselves into vote blocks that could have a political bearing in marginal constituencies, one sees a dichotomy in the manner terrorist related issues are treated across the globe, between the law enforcement /criminal justice community on the one hand, and the political community on the other, and Europe is no exception.

If there were to be a dichotomy in the manner in which the body of knowledge relating to the threat posed by terrorist entities to people-whether one's own or from any other part of the world - is to be assessed by the politician, as opposed to that of the law enforcement/criminal justice communities who are better equipped to make such assessments, it would indeed be a troubling prospect.

(f) Conclusions

I am aware that some of the issues I have raised today, particularly the latter issues, clearly go beyond the scope of this Tactical Meeting. Nevertheless, I believe these are issues that must be flagged, and grappled with in all sincerity by the respective Governments of the EU and the European Council, if you are to serve the “public good” and to prevent terrorists from taking advantage of the gaps that exist within European states, between European states and between Europe and other states. I believe, it is a debate that we must take back to our respective institutions, communities and countries, as we refine the tools with which we continue to fight terrorism in all its manifestations.

From a Sri Lankan perspective, it is unfortunate that European Governments, some who have placed their diplomatic representatives at boarding gates in my country to check visas of those boarding aircrafts to their countries, concerned of the possibility of LTTE cadres surreptitiously slipping into their countries using forged documents, to tell the Government of Sri Lanka that it should not

complete militarily defeating the LTTE terrorists, or permit the LTTE and its numerous front organizations already operating in their countries to abuse their systems.

As for the LTTE and its front organizations, despite their imminent defeat on the battle-field in Sri Lanka, it must be expected that they will continue to mutate and metamorphosise abroad, and well networked and trained as they are, in order to survive, members of the LTTE are likely to engage in clandestine businesses or in criminal activities for other terrorist organizations. Hence, failure to take urgent action to arrest this trend in Europe at this stage, would not be in your self interest.

In her seminal book of 1984, “The March of Folly; From Troy to Vietnam”, Barbara W. Tuchman, described “folly”, as “pursuit of policy contrary to self-interest”, despite “the availability of a recognized and feasible alternatives”.

It is the Government of Sri Lanka’s fervent hope that Europe will not make the same mistake with respect to how it treats LTTE front organizations, disregarding the growing body of evidence of the extent to which these organizations have infected your body politic and have the potential to further corrupt and frustrate your ‘fight against terror’.

I am hopeful that your deliberations will shed more light on how to face the challenge posed by terrorist front organizations that have undermined the fight against terrorism – for Sri Lanka, as it has for many other countries of the world.

End notes -

ⁱ Kennedy, Graham (2005). "The Security Council and Counterterrorism: Global and Regional Approaches to an Elusive Public Good." *Terrorism and Political Violence* 17 (1-2): 37-65. (see <http://www.routledgepolitics.com/books/Terrorism-and-Human-Rights-ISBN9780415495240>)

ⁱⁱ Paul A. Samuelson is credited as the first economist to develop the theory of public goods. In his classic 1954 paper *The Pure Theory of Public Expenditure*, he defined a 'public good', or as he called it in the paper a "collective consumption good", as follows:[goods] which all enjoy in common in the sense that each individual's consumption of such a good leads to no subtractions from any other individual's consumption of that good....This is the property that has become known as *Non-rivalness*. In addition a *pure public good* exhibits a second property called *Non-excludability*: that is, it is impossible to exclude any individuals from consuming the good. For example, fresh air, a public park, a beautiful view, national defense.

ⁱⁱⁱ Levitt, Matthew and Michael Jacobson (2008), *The Money Trail: Finding, Following an Freezing Terrorist Finances*, Policy Focus #89, November 2008. (Washington DC, The Washington Institute for Near East Policy)

^{iv} It is noted that the latest list of individuals and entities listed as supporting international terrorism, published by the EU on 27 January 2009, includes 59 persons and 47 groups.

^v These schools, which have different names take the form of 'Sunday Schools' and are state supported. They are used as a means to gain control over the second generation of Tamils. There are more than 350 schools presently administered both directly and indirectly by the LTTE in EUROPE. As per records approximately 25,000 Tamil students between the ages of 4 and 21 years are studying Tamil language, LTTE/distorted version of Sri Lankan history, music and dancing, local languages...etc in these schools. Text books of certain subjects are designed in such a way not only to inculcate Tamil national sentiments and hatred towards Sinhalese in the minds of 2nd generation of Tamils, but also to promote LTTE interest in terms of both fund raising and propaganda. The amount collected from students as school fees varies and it depends on the number of subjects followed by each student. Most of the teachers work on voluntary basis and are funded by local governing bodies/charitable organizations. In certain cases the appointments of both the administrative head of the school and local head of the TRO are held by one person, who is appointed on the recommendation of the head of the TCC in that particular country. In time to come this network is expected to play a key role coordinating LTTE activities abroad and thus providing a strong recruitment/support base for the LTTE abroad.

^{vi} The seminar brought together representatives from 15 EU Member States, as well as from Australia, Canada, New Zealand, Sri Lanka, USA, Switzerland and Interpol, as well as representatives from other European Institutions; Eurojust and SitCen (the European Union (EU) Joint Situation Centre), for an assessment of the activities of the LTTE and its front organizations

^{vii} LTTE- fronted magazine *Hot Spring* (London,:Melrose Publications, July 1997),p.20

^{viii} <http://www.charity-commission.gov.uk/supportingcharities/terror.asp>

^{ix} www.gov.gg/ccm/cms-service/download/asset/?asset_id=7397007

^x In the US, earlier the U.S. Department of State had designated the LTTE a Foreign Terrorist Organization (FTO) on October 8, 1997. On November 2, 2001, the U.S. Department of State named the LTTE an SDGT under E.O. 13224. On 15 November 2007, in terms of Executive Order 13224 the U.S. Government designated the TRO as a terrorist entity and froze the assets of the TRO in the US. It is now listed in the SDN list of the US Office of Foreign Assets Control (OFAC) under the US Department of Treasury. In this regard, US government statements noted inter-alia:

- The TRO was acting “as a front to facilitate fundraising” and provide other support for the Tamil Tigers “Passed off its operations as charitable when in fact it was raising money for a designated terrorist organization responsible for heinous acts of terrorism”

-TRO is “the conduit of funds from the United States to the (Tamil Tigers) in Sri Lanka”

-Involved in the purchase of “munitions, equipment, communications devices and other technology” for the Tamil Tigers in Sri Lanka”

-“The LTTE oversees the activities of the TRO and LTTE linked organizations in Sri Lanka and abroad. Directives issued by the LTTE suggest that the LTTE-affiliated branch representatives are expected to coordinate their efforts with the respective TRO representatives in their locations and report on all activity to the LTTE”

^{xi} Also **the U.S.-based Tamil Foundation** was designated on 11 February 2009 under Executive Order 13224. The head of the Tamil Foundation is also president of the previously designated Tamils Rehabilitation Organization (TRO) in the United States. Over the course of many years, the Tamil Foundation and the TRO have co-mingled funds and carried out coordinated financial actions. Additional information links the Tamil Foundation to the TRO through a matching gift program. The common leadership of the TRO and the Tamil Foundation has facilitated these activities.
<http://www.treasury.gov/press/releases/tg22.htm>

^{xii} In **Denmark**, the Freezing of assets of the **TRO** (Case 266/2008) Kendelse was handed down on 28 January 2009. Public Prosecutor for Special Economic Crime had initiated the investigation of the Association after publicity in the Danish media that the funds collected by the Association for allegedly supporting the victims of the tsunami in 2004 were transferred or were to be transferred to the organization, the Tamil Tigers, listed on the EU 's terrorist list. The public prosecutor had in this regard asked for seizure of its deposits in a number of bank accounts. City Court and the Country Court had accepted that there would be seizure. Country Court had especially emphasized that the Association was admitted to the U.S. federal government's terrorist list. The Supreme Court held that according to the information of the transfer of money from the Association there was reasonable grounds to suspect transfer of money to the Tamil Tigers, who have been admitted to the EU list of persons, groups and entities involved in terrorist acts, and that therefore the Association has reasonable grounds to be suspected of terrorist financing. Since it further was undisputed that the conditions for seizure were met the Supreme Court joined that the seizure of its bank accounts could be held.
<http://www.domstol.dk/hojesteret/nyheder/Domsresumeer/Pages/Beslaglaggelseafbankindestaenderstadfastet.aspx>

^{xiii} In **Canada**, on 13 June 2008, the Government proscribed the Toronto-based front organization of the LTTE, the **World Tamil Movement (WTM)**, under the Anti-Terrorism Act of Canada. The directive issued by the Office of the Superintendent of Financial Institutions advised banks and insurance companies to notify the Royal Canadian Mounted Police (RCMP) or Canadian Security Intelligence Service if they held any accounts linked to the WTM. The LTTE is entrenched in Canada and a 58-page RCMP document refers to the WTM as "the Canadian arm of the LTTE". Documents emerging from the investigations into the WTM have established, inter alia that the WTM is a foreign branch of the LTTE and that the WTM received direct instructions, through an „operational manual“ dated 28 July 2003, from the LTTE Leader Prabhakaran, inter alia, on raising funds for the LTTE. The manual found, also instructed that the younger generation should be taken in for the “freedom battle”. RCMP counterterrorism investigators and Canada Revenue Agency charity regulators also accuse the TRO in Canada of having ties to the LTTE. It notes, "We believe that there are reasonable grounds for concern that TRO (Canada) operates for purposes that conflict with Canadian public policy". The head of Canada's charities directorate wrote in a letter to the group. "More specifically, there appears to be reason to conclude that TRO (Canada) may be functioning as part of a support network for the terrorist organization Liberation Tigers of Tamil Eelam."

^{xiv} *Le Monde* 17 March 2009

^{xv} Ibid.

^{xvi} **Australia** arrested on 1 May 2007 and on 13 Sept 2007, 3 persons, Aruran Vinayagamoorthy, Sivarajah Yathavan, and Arumugam Rajeevan were charged for using the **Tamil Coordinating Committee (TCC)** in Melbourne to raise funds for the LTTE. Mr. J. Jeyakumar, head of LTTE in Australia/New Zealand and also a prominent member of TCC was accused for the same charges, died while the investigations continued. When they reportedly appeared for the start of their committal hearing at Melbourne Magistrates' Court. Mark Dean S.C, the Commonwealth prosecutor, told the court that US \$1.9 million was deposited in a bank account for the TCC between 2001 and 2005. He alleged that US \$1.2 million of that money was withdrawn in cash and was used to purchase electronic equipment and other items for the LTTE. He said money provided to the LTTE was collected under the guise of donations for charitable projects and included money raised after the 2004 tsunami. They have been charged for collecting funds and providing material support to the LTTE. In October 2007, at a committal proceeding held in a Magistrates Court of Melbourne, the Magistrate held that there existed a prima-facie case against the defendants. The Defendants are due to stand trial shortly in the Supreme Court of the State of Victoria.
