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CONFRONTING FALSE DICHOTOMIES - PART 3:

## Terrorist front organization phenomenon in Europe



*Keynote Address by Ravinatha P. Aryasinha, Ambassador of Sri Lanka to Belgium, Luxembourg and the EU*

**Continued from yesterday**

Such extortion by the 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.

### Use of personal data

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.

s 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".

s in Australia, three 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 It is alleged that US \$1.2 million of that money was withdrawn in cash and was used to purchase electronic equipment and other items for the LTTE.

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s 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:

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GOVERNMENT GAZETTE

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.

#### **Obligation**

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.

#### **Mischannelling of funds**

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 June 5, 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:

As 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.

#### **A global threat**

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.



Action is required to curb fund raising campaigns of the LTTE in Europe

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.

**To be continued**

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