

TGTE Awaits Decision on Remedy Regarding Unlawful Decision on Status of LTTE

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Following the decision of the Proscribed Organisations Appeal Commission ('POAC') that the Home Secretary had acted unlawfully in continuing the proscription of the Liberation Tigers of Tamil Eelam ('the LTTE') as a terrorist organization, the parties have now made submissions on remedy and await POAC's decision.

The appeal was brought by members of the Transnational Government of Tamil Eelam (TGTE) against the decision of the Home Secretary to refuse their application to remove the LTTE from the list of organisations proscribed under the Terrorism Act in the UK. The appeal was brought on the basis that the Tamil Tigers

were not involved in terrorism, and their continued proscription prevented proper public debate regarding the position of the Tamil community within Sri Lanka.

In its open judgment POAC found that the information presented to the Home Secretary when he (at the time) made his decision to maintain the LTTE on the list of proscribed organisations "materially misstated" the conclusions reached by the Proscription Review Group (the expert body whose role it is to assess the threat posed by groups who are considered for proscription under the Terrorism Act 2011). POAC also found that the submission inaccurately summarised the views of JTAC ('the Joint Terrorism Analysis Centre'). POAC therefore concluded that the decision to maintain the LTTE on the list of proscribed organisations was flawed.

The TGTE has argued that the only appropriate next step is for the Secretary of State to be required to lay an order in Parliament deproscribing the LTTE in accordance with the statutory scheme. The Secretary of State has argued, as it did during the hearing, that she should be given



another opportunity to make the decision, which would then have to be appealed again if the LTTE are not deproscribed. POAC are considering whether there will be another hearing to consider remedy or whether it can make its decision based on the written submissions.

Visuvanathan Rudrakamaran, Prime Minister of the TGTE commented:

“Tamils in the UK, and across the world have welcomed POAC's decision that the Home Secretary' s decision to continue the proscription of the LTTE was unlawful. Since it was Parliament that initially put the LTTE on the list, it must be the ultimate arbiter on the issue of whether to continue the ban or not. Removal of the ban will eliminate the negative perception of the Tamils who have come to the UK seeking safe haven, but who also continue to argue for an independent Tamil state. It will remove the chilling effect on the Tamils' freedom of speech and freedom of association in the UK in accordance with human rights law.”

- ENDS -

Notes for editors:

The Transnational Government of Tamil Eelam ('the TGTE') was formed after the end of the civil war in Sri Lanka in 2009 and advocates for the right of Tamil people to self determination in the form of an independent sovereign state of Tamil Eelam in North East Sri Lanka. It is separate from the LTTE.

The TGTE is represented in the open proceedings by Maya Lester QC and Malcolm Birdling of Brick Court Chambers with Jamie Potter and Caroline Robinson of Bindmans LLP.

In the closed proceedings the TGTE is represented by Angus McCullough QC and Rachel Toney.

The Government is represented by Sir James Eadie QC, Ben Watson and Emily Wilsdon.

The appeal was heard by Mrs Justice Laing and two lay panel members, Richard Whittam QC and Philip Nelson CMG.

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