

POAC Upholds UK Home Secretary's Proscription of the LTTE - TGTE Will Decide Its Next Move in the Coming Days

Recognition of Tamil Eelam National Flag is Strengthened

LONDON, UNITED KINGDOM, June 24, 2024 /EINPresswire.com/ -- The Proscribed Organisations Appeal Commission (POAC) upheld the proscription of the Liberation Tigers of Tamil Eelam (LTTE) as a "terrorist organisation" following a legal challenge brought by the *Transnational Government of Tamil Eelam (TGTE)--- Arumugam & Others (LTTE) vs. SSHD PC/06/2022, in a decision dated June 21, 2024.

Link: <https://www.sundaytimes.lk/240623/news/uk-ban-on-ltte-stays-pro-eelam-groups-appeal-fails-561860.html>



The case was the second legal challenge brought by the TGTE against the proscription of the LTTE by the UK Secretary of State for the Home Department (SSHD).

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Despite the fact that, as the chairman himself said, the case was a close one, that it was "... finely balanced...", the POAC decided to uphold the SSHD's decision."

Transnational Government of Tamil Eelam (TGTE)

In the first, the POAC found the SSHD's decision to have been flawed and remitted the matter back for re-determination, whereupon the SSHD decided to maintain proscription. This case was an appeal against that decision.

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The POAC repeatedly noted that the legal challenge against the SSHD's decision was not a "...merit-based appeal..." and it was not for the POAC to say "...whether it was reasonable to continue to proscribe the LTTE, but only to ensure that there was no material flaw in the process".

In upholding the SSHD's decision, the POAC found that she was entitled to rely upon reports of certain incidents, in concluding that the LTTE prepared for terrorism. Those incidents included an explosion from an IED by a former LTTE intelligence operative in Kilinochi on 4th July 2020, the arrest of a couple who allegedly had in their possession a claymore mine hidden in a bag on a bus on 2nd December 2020 and a separate alleged cyber-attack on a Sri Lankan Government website by the Tamil Eelam Cyber Force on May 18th.

The TGTE argued that the evidence from Sri Lankan sources and/or the findings of a legal system in an authoritarian state are neither credible nor trustworthy. However, the POAC stated that the TGTE had "...failed to establish a sufficient legal flaw to require exclusion of those documents from account."

The TGTE also argued that contrary to the advice given to the Home Secretary, the LTTE is proscribed in only in 6 countries (Sri Lanka, India, Malaysia, UK, USA, and Canada). This, out of 193 in the United Nations. A further 27 other countries (26 member states of EU) have LTTE on their list of sanctions.

The POAC acknowledged that mistakes were made by the SSHD but held that those mistakes would not have made material difference in the SSHD's decision.

Moreover, the POAC felt that the advice of the Foreign, Commonwealth, and Development Offices (FCDO), premised on "the UK government's Indo-Pacific tilt" that the de-proscription would damage bilateral relations with India and Sri Lanka had to be viewed in the context of "the need to strengthen co-operations against globally proscribed terrorist and terrorist groups".

Concerning the impact of proscription on the right of those who advocated a separate Tamil state in Sri Lanka to advance their cause in the UK and display the insignia of Tamil Eelam, the POAC accepted the possibility for confusion between the LTTE flag and the Tamil Eelam national flag and acknowledged that not all police officers understand the nuances. "The way forward is continuing community engagement with the police in order to reduce the possibility of misunderstandings", stated the POAC which also noted that while the TGTE also has the same ideal of a Tamil state in the North East of Sri Lanka as the LTTTE, the Secretary of State has taken no action against the TGTE.

TGTE is indebted to its counsel, Mr. Peter Haynes, KC and Ms. Shanti Sivakumaran and solicitor Paul Heron of Public Interest Law Centre (PILC) for their exemplary and extraordinary legal representation.

Given the important role of the law in international order and accountability, the TGTE will continue the lawfare to pursue justice on behalf of Eelam Tamils.

TGTE will decide its next move with respect to the POAC decision in the coming days.

* ABOUT THE TRANSNATIONAL GOVERNMENT OF TAMIL EELAM (TGTE):

The Transnational Government of Tamil Eelam (TGTE) is a democratically elected Government of over a million strong Tamils (from the island of Sri Lanka) living in several countries around the world.

TGTE was formed after the mass killing of Tamils by the Sri Lankan Government in 2009.

TGTE held four internationally supervised elections among Tamils around the world to elect 132 Members of Parliament. It has two chambers of Parliament: The House of Representatives and the Senate and also a Cabinet.

TGTE is leading a campaign to realize the political aspirations of Tamils through peaceful, democratic, and diplomatic means and its Constitution mandates that it should realize its political objectives only through peaceful means. It's based on the principles of nationhood, homeland and self-determination.

TGTE seeks that the international community hold the perpetrators of war crimes, crimes against humanity, and genocide against the Tamil people to account, by Referring Sri Lanka to International Criminal Court (ICC) and to the International Court of Justice (ICJ).

TGTE calls for an internationally conducted and monitored referendum to decide the political future of Tamils.

The Prime Minister of TGTE is Mr. Visuvanathan Rudrakumaran, a New York based lawyer.

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