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## **Anti-Terror Laws in the War Against Tamils**

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The Campaign Against Criminalising Communities has relevance to this event because CAMPACC was originally founded in early 2001 to oppose the UK Terrorism Act 2000, the basis for banning the Liberation Tigers of the Tamil Eelam (LTTE) as a 'terrorist' organisation.

In June 2007 the ban was used to arrest two Tamil activists, Chrishanthakumar (also known as 'AC Shanthan') and Goldan Lambert.<sup>1</sup> Shanthan was charged with materially supporting the LTTE. Golden Lambert was accused of organising a Hyde Park rally in July 2006, commemorating the 1983 Tamil massacre which had provoked the war in Sri Lanka; such involvement was treated as a crime under the Terrorism Act 2000.

The arrests came as a surprise because many Tamils had been openly supporting the LTTE here for a long time. Based in the UK, Anton Balasingham had been representing the LTTE in peace negotiations around the world; his trips were financed partly by the UK and US governments. After Balasingham's death in December 2006, a greater role was played by Shanthan, who attended peace talks in Geneva. As his defence lawyers argue, the UK government helped to sponsor those talks, so he has no case to answer.

Beyond the arguments in court, we should ask: Why were the two Tamil activists arrested at all? And why a year after the July 2006 rally? Peace talks broke down, the war intensified and UK government policy changed. A couple weeks before the June 2007 arrests, the UK State Minister for Foreign and Commonwealth Affairs Kim Howells visited Sri Lanka. There he reiterated that the UK would not lift its LTTE ban until the organisation renounces terrorism. A different standard was applied to the Sri Lankan government, which was criticised simply for violating human rights, especially for forcibly transporting hundreds of people to dangerous areas.<sup>2</sup>

On that state visit, apparently Howells undertook to arrange the London arrests, in return for the Sri Lankan government addressing the grievances of Tamils. Of course, the latter part of the deal never happened. It is unclear whether the UK government was politically naïve or simply pretended to support the human rights of Tamils.<sup>3</sup> In any case, it is clear that the Terrorism Act 2000 was being used selectively as an instrument of foreign policy.

Under a 2001 UK anti-terror law, the Charities Commission must ensure that charities have no involvement with 'terrorist' activity. This requirement has been used to persecute and disrupt charities. Interpal, which funds humanitarian work in the Palestinian Occupied Territories, had its bank account frozen; yet there was never any evidence that it had financed violent activities. Based in London, a former leader of the LTTE came under pressure to dissociate himself from that organisation, though he refused; consequently, the Charities Commission informed him that he could

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<sup>1</sup> Remand for 'London Tigers', 27 June 2007,  
[http://www.bbc.co.uk/sinhala/news/story/2007/06/070627\\_shanthancharged.shtml](http://www.bbc.co.uk/sinhala/news/story/2007/06/070627_shanthancharged.shtml)

<sup>2</sup> Britain not to lift LTTE ban, 12 June 2007,  
[http://www.bbc.co.uk/sinhala/news/story/2007/06/070612\\_howells\\_srilanka.shtml](http://www.bbc.co.uk/sinhala/news/story/2007/06/070612_howells_srilanka.shtml)

<sup>3</sup> The latter interpretation is indicated by UK government collusion with state terrorism elsewhere, especially in Colombia. President Uribe's government has close ties to paramilitary death squads, especially through General Mario Montoya, with whom Howells posed for a photograph (published in *The Guardian*, 11.02.08). The Colombian government regularly smears its critics for supposed links with the Revolutionary Armed Forces of Colombia (FARC) – a label which often attracts assassination. Recently Howells made similar comments maligning the UK-based Justice for Colombia (JFC) campaign, which responded: 'For JFC it will make their solidarity work in Colombia even more difficult and dangerous' (letter from Justice for Colombia in *The Guardian*, 22.03.08).

no longer serve as trustee of a Hindu temple. He was also accused of visiting senior LTTE members – who happened to be his relatives. As these examples illustrate, the ban on association with a vaguely defined ‘terrorism’ is used to attack community solidarity and family relations.

### ‘Terror’ bans: political basis and role

The persecution of the Tamil community here is not an unfair exception to anti-terror laws, but rather exemplifies their general political role. Here are some implications:

- You, the Tamil community, have been the main target of the ban on the LTTE.
- Other migrant communities are likewise the main targets of UK bans on other so-called ‘terrorist’ organisations which are based in their home countries. Like the LTTE, they have had no involvement in violent activities here.
- Unity with other communities and activists is necessary to undermine these bans.

I will explain these points by looking back at the law which authorised the government to ban organisations.

The Terrorism Act 2000 defined terrorism to include simply ‘the threat’ of ‘serious damage to property’, in ways ‘designed to influence the government’ for a ‘political cause’. Organizations could be banned here on the basis that their activities in other countries fit the broad definition of ‘terrorism’. Under the Terrorism Act 2000, moreover, it is a terrorist crime simply to give verbal or symbolic support to a banned organisation. This could include activities such as hosting a meeting with a speaker from such an organisation. In effect, that law created new crimes of association and suspicion. Thus it stigmatized a wide range of legitimate political activity as ‘terrorism’.

Under the Terrorism Act 2000, the Home Office banned 21 organizations in early 2001. A few others have since been added. Predictably, the bans have been used to attack free speech and criminalize activists. Here are three examples:

- In 2002 campaigners for Kurdish rights were prosecuted for ‘terrorist’ links, on grounds that they had held placards listing several banned organizations. In reality they had been among 6000 demonstrators ridiculing the ban on various organizations, e.g. by wearing T-shirts which said ‘I am PKK’ (Kurdistan Workers Party). The defendants were invited by MI5 to become police informers, with an implicit offer of assistance in dropping the charges and granting refugee status.
- Distributors of the Turkish-language magazine *Vatan* have been harassed since 2000. In January 2003 they were arrested on grounds that the magazine was ‘terrorist property’, i.e. promoting and financing a banned organization. In the run-up to their trial, Special Branch officers visited over a hundred shops to induce shopkeepers to give false evidence against the defendants. This suppression of dissent illustrates political motives for the arrests.
- When a Sikh resident of Germany visited this country, he was arrested for membership of a terrorist organisation –the International Sikh Youth Federation (ISYF) – which was not banned in Germany.

Why are so many organisations banned as terrorist? Some engage in attacks on civilians abroad, but this is not the reason for banning them. Many such organisations are based in countries whose governments carry out far more widespread, systematic terrorism than the banned organisations. Consider the following examples: compare Hamas with Israel’s terrorist activities in Palestine, the PKK with Turkey’s terrorism in Kurdistan, the ISYF with India’s terrorism in the Punjab, the FARC with the Colombian government’s terrorism, etc. Organisations are subjected to the broad definition of terrorism because they oppose regimes allied with Western imperialism. Such regimes protect access to their country’s resources by multinational companies and Western governments, especially by terrorising opponents.

The UK bans play several roles: Given the vague definition of both terrorism and support for it here, the bans deter free expression by migrant communities – such as support for resistance to oppressive regimes abroad, exposure of state terrorism there, discussion about how to find a peaceful solution, and even cultural activities. The bans here also give a green light for governments abroad to continue or intensify their terrorist attacks on civilian populations, by labelling them as terrorist supporters.

In the name of preventing terrorism, the UK bans help to protect state terrorism, such as the war against Tamils in Sri Lanka. Bans block any peaceful resolution. Bans also impede open discussion of oppressive regimes abroad and of the resistance from so-called terrorist organisations. In the case

of Sri Lanka, The bans limit efforts by exiled communities to influence political developments in their country of origin – e.g. efforts by Tamils in relation to Sri Lanka.<sup>4</sup>

Bans in Western countries also have negative international effects, as in the failed negotiations a few years ago. Under pressure from LTTE and Norway, the Sri Lankan government removed the LTTE ban before peace talks began. Despite that fact, the ongoing peace process and ceasefire in effect, the US government invited only the Sri Lankan government to attend the Washington donor conference in April 2003 that was meant to address post-conflict resettlement, rehabilitation and development. The LTTE was effectively running 70 per cent of the north east – the area most affected by war – yet was not invited. This conference was supposed to be preparatory seminar for the main Tokyo donor conference in the same year.

As the US government's rationale for not inviting the LTTE, the US anti-terrorism legislation did not permit LTTE members to enter the US because they were a designated a 'foreign terrorist organisation'. At the first round of that process in 2003, the LTTE suspended its participation and boycotted the Tokyo conference. The impasse continued until military provocations on both sides ended the peace process.

### Oppose the bans through unity

For all those reasons, our campaign has supported efforts to undermine, defy and ridicule the bans. At our conference in December 2006, 'Reclaiming Our Rights', we held a session on 'Freedom of Expression and Association'.<sup>5</sup> This featured speakers from several migrant communities being intimidated and persecuted by bans. A speaker from the Tamil Campaign for Truth and Justice told us how he had been exposing the state terrorism of the Sri Lanka government. He was threatened with prosecution under UK anti-terror laws, as a supposed supporter of the LTTE. This illustrates the deterrent effect on other Tamils here.

'Terror' bans form part of the wider 'anti-terror' legislation. This is based on several unjust principles: imposing punishment without trial, treating 'suspects' as guilty, generating disinformation about terrorist threats, creating more and more 'terror suspects', and intimidating migrant and Muslim communities. That's why our T-shirts have the slogans, 'Terror suspect?' and 'We are all terror suspects'. Everyone targeted by these laws become potential allies in the struggle against injustice.

I would like to conclude with some practical proposals:

- Oppose the ban on the LTTE through challenges in court and wider defiance, as Kurdish groups have done.<sup>6</sup>
- Unite with other migrant communities in opposing bans on organisations which likewise resist state terrorism and foreign domination in their countries of origin.
- Oppose the current attempt to extend UK anti-terror laws, again based on the broad definition of 'terrorism'.<sup>7</sup>

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<sup>4</sup> 'Recently the Tamil Diaspora has been instrumental in shaping the Srilankan political landscape due to the growing interest among scholars, professionals, academics and political analysts on the historiography of the conflict', according to K. Kunabalasingam, President of the Global Peace Support Group, UK, speaking at this conference, <http://www.globalpeacesupport.com/8.html>

<sup>5</sup> Publicity announcement at <http://www.londonmet.ac.uk/research-units/hrs/events/conferences/reclaiming-our-rights.cfm>; for a brochure summarising the results, contact CAMPACC.

<sup>6</sup> For Europe-wide information on such bans, including court challenges, see <http://www.statewatch.org/terrorlists/terrorlists.html> under 'Latest News' and 'EU Case-Law'.

<sup>7</sup> A model letter to MPs can be downloaded at [http://www.campacc.org.uk/Library/MP\\_letterCTB08\\_260208.doc](http://www.campacc.org.uk/Library/MP_letterCTB08_260208.doc)