



CAMPAIGN AGAINST CRIMINALISING COMMUNITIES

Briefing 1

The Tamils of Sri Lanka - oppressed at home and persecuted in the UK

In the name of preventing terrorism, the UK has banned the Liberation Tigers of Tamil Eelam (LTTE). In practice the ban colludes with the ethnic cleansing of Tamils by Sri Lanka and deters protest by the UK's Tamil community against state terror there (see box below). Nevertheless Tamils have defied this intimidation and the ban.

The UK Terrorism Act 2000, which bans any association with a vaguely defined 'terrorism', is used to attack community solidarity with movements for self-determination. For example, an activist from the Tamil Campaign for Truth and Justice has been threatened with prosecution as a supposed supporter of the LTTE, yet he continues the campaign. Restrictions on charities have been used against Tamil activists. A former leader of the LTTE, now based in London, came under pressure to dissociate himself from that organisation, though he refused; consequently, the Charities Commission prohibited him from serving as trustee of a Hindu temple. He was also accused of visiting senior LTTE members – who happened to be his relatives.

The same law was the basis for arresting two Tamil activists, Chrishanthakumar (also known as 'ACShanthan') and Goldan Lambert in June 2007. Shanthan was charged with materially supporting the LTTE. Goldan Lambert was accused of organising a Hyde Park rally in July 2006, commemorating the 1983 anti-Tamil pogrom which had provoked the war in Sri Lanka; his involvement was now treated as a crime.

Why arrests a year after the rally? The timing resulted from a change in foreign policy. During 2007-08, peace talks between the LTTE and the Sri Lankan government broke down, the war intensified and UK government policy changed. A couple of weeks before the June 2007 arrests, the UK Foreign Minister 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. When Shanthan was eventually convicted of supplying materials to the LTTE, this verdict followed from a legal framework that criminalises humanitarian aid if it goes through a banned organisation.

UK 'anti-terror' bans: supporting state terrorism

The UK government has been attempting to deter protest by migrant communities against oppressive regimes from which they have fled. A major weapon has been bans on 'terrorist' organisations. Through these bans, state terrorism abroad is represented as counter-terrorist activity, thus justifying and reinforcing the UK's alliance with those oppressive regimes. Such bans attack the right of national self-determination, as well as popular support for that right across countries. The bans are used selectively as an instrument of foreign policy.

Under the UK Terrorism Act 2000, 'terrorism' includes simply 'the threat' of 'serious damage to property', in ways 'designed to influence the government' for a 'political cause'. This broad definition blurs any distinction between military, political and civilian targets. Organisations could be banned on the basis that their activities anywhere fit

the broad, vague definition of 'terrorism'. It also became a crime to give verbal or symbolic support to a banned organisation, or even to host a meeting with a speaker from such an organisation.

Under the 2000 Act, the Home Office banned 21 organizations including the Kurdistan Workers Party (PKK) and Hamas' military wing in 2001. The Tamil Tigers (LTTE) and the Balochistan Liberation Army were added to the list in 2006. The EU 'terrorist' blacklist has generally followed the UK's lead.

More information available at:

<http://www.statewatch.org/terrorlists/terrorlists.html>

<http://campacc.org.uk/campaigns/terror-bans/anti-terror-laws-and-communities.htm>

Tamil defiance of the ban has been reflected in Parliamentary debate. Several MPs have denounced the Sri Lankan government for falsely accusing British citizens and organisations of aiding terrorists. According to one MP, 'Anyone who dares give any consideration to the prospects of genocide in Sri Lanka is described as a terrorist.' They also suggested that the UK ban on the LTTE should at least be partially lifted, to facilitate political and humanitarian work (Hansard, 19.12.08).

Sri Lanka's terror against Tamils

Colonisation and disempowerment

Indigenous Tamils have inhabited the Island of Ceylon (now Sri Lanka) for over 2500 years. Before European colonialism, the island was shared by two different peoples – distinguished by religion, language and culture. Sinhalese inhabited the south, the west and central uplands; Tamils inhabited the north and the east. When the Portuguese occupied the Island in 1505, there were separate kingdoms for the Tamils and the Sinhalese. Later the Dutch (1658 - 1796) maintained this status quo.

Persecution of Tamils has origins in British colonial rule. Having occupied the island from 1796, the British merged the Tamil and Sinhala nations into one unit for administrative convenience in 1833.

Independence leads to oppression of Tamils

Ceylon gained independence in 1948 with a Westminster-style political representation – despite protest from the Tamils, who comprised almost 30% of the population. Tamils were relegated to a permanent minority.

Within months of independence, the Government passed the Citizenship Act, which rendered stateless more than a million Tamils of Indian origin. The British had indentured them as cheap labour to work on tea plantations in the 19th century, especially in the up-country areas. The 1948 Act established a Sinhalese electoral majority there.

In 1956 Prime Minister Bandaranaike came to power on the twin platform of making Sinhala the official language and Buddhism the state religion. This language policy attacked Tamil livelihoods and achievement because English education had been a passport for social mobility into the professions and administrative services. Peaceful protests were crushed by the police; any attempts at reconciliation were suppressed by the Sinhalese reaction. There were widespread killings and dispossession of Tamils.

From then on the pattern of Tamil subjugation was set: racist legislation followed by Tamil resistance, followed by conciliatory government gestures, followed by Opposition rejectionism, followed by anti-Tamil riots instigated by Buddhist priests and politicians, escalating

Tamil resistance, and so on – except that the mode of resistance varied and intensified with each tightening of the ethnic-cleansing screw and led to armed struggle and civil war (Sivanandan, 2009; see also 1984).

In 1971 the university system abandoned admission based on merit and substituted 'standardization' through examination results – with lower marks required for Sinhalese than for Tamil students. Under the directions of two Sinhalese Ministers, in June 1981 the army and the police set fire to the Jaffna Public Library. This destroyed 95,000 volumes and rare manuscripts of historic Tamil literature, considered to be the centrepiece of Tamil cultural heritage.

As each new policy of racist discrimination was introduced, the Tamil people organised dignified protests based on *Satyagraha*, civil disobedience in the Gandhian manner. These non-violent actions continued for thirty-five years after independence and were regularly crushed with repressive measures by the police and army on government orders. Tamils' socio-economic structures were also damaged by government sponsored arson, vandalism and looting.

These reached genocidal proportions in 1983, losing thousands of lives and property worth many millions. Since then, Tamils have suffered more of the same: abductions, torture, rape, killings, disappearances and arbitrary arrests. These abuses have been carried out with impunity by the armed forces, special task forces, police, home guards and paramilitary forces.

Successive Sinhalese governments have carried out demographic changes in the Tamil homelands. State-aided colonization has settled Sinhalese, specifically placed between the Northern and Eastern provinces of the Tamil homeland, in order to break up the contiguity between them. Names of places and streets are changed to Sinhalese names; new Buddhist temples are built and new Buddha statues are erected.

Struggle for Tamil self-determination and its denial

In 1972 a new constitution was adopted. Ceylon was renamed Sri Lanka. All ties to Britain were severed and Sri Lanka was declared a Republic. Buddhism was given foremost recognition. In 1976 all Tamil parties joined together to form the Tamil United Liberation Front (TULF), proposing an independent state for Tamils in the Homelands of the earlier Tamil Kingdoms. Frustrated by the lack of progress through politics, diplomacy and non-violent protest, Tamil youths started to form militant groups, including the Liberation Tigers of Tamil Eelam (LTTE).

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In the elections held in July 1977 the Tamil people gave the TULF an overwhelming mandate for establishing an independent, sovereign, secular, socialist state of Tamil Eelam. Following the election, another pogrom was engineered against the Tamils. The 6th Amendment to the Constitution, enacted by the majority Sinhalese government in 1983, rendered the TULF mandate illegal and criminalised any speech about Tamil separation.

The country has been under emergency rule for most of the time since the early 1980s. The security forces have been effectively authorised to terrorise and subjugate the Tamils. A third of the Tamil population has fled the island and another third have been displaced from their homes, often many times. A hundred thousand Tamils have been killed or disappeared. The Tamil areas are now the poorest on the island and are ruled by military or ex-military governors with the help of the armed forces.

State terror has made life intolerable for the Tamils; the security forces have committed crimes with legal impunity. The LTTE has been the only force to assert the right of national self-determination of the Tamil people, while providing some protection against the Sri Lankan state's mono-ethnic campaign by defending the territory under its control. The LTTE developed an efficient civil administration for the *de facto* State – including a judiciary, police force, central bank, and research and development units in agriculture, industrial expansion and infrastructure development.

Banning the LTTE, preventing peace

As the Tamil people suffered ever-increasing brutality, they gave greater support to the liberation movement and its armed struggle. The legitimacy of the LTTE lies in the Tamils' right to self-determination under international law. The LTTE was the sole representative of the Tamils at the 2002 Ceasefire Agreement (CFA) with the Government of Sri Lanka, as facilitated by the Norwegian government.

In February 2006 the Sri Lankan government and LTTE renewed their commitment to the peace agreement at talks in Geneva. Four Presidents before Rajapaksa had tried a combination of military action and negotiation against the LTTE. Within a year of his presidency, Rajapaksa abandoned talks and staked everything on military force. By calling this a 'war on terror', the government sought to cover up its own brutality and to gain support from Western governments, according to a report by Human Rights Watch (2007).

Sri Lanka had lifted its ban on the LTTE in order to enable the 2002 peace talks, but the US government kept its

own ban. When the CFA broke down in 2005-2006, the Sri Lankan Government asked other governments to proscribe the LTTE; the UK and EU did so in 2006. In this way, the government aimed to suppress any movement for Tamil self-determination, to destabilise any peaceful resolution to the conflict and to justify a military solution. The identity of Diaspora Tamils is inextricably linked to the conflict, so the proscription of the LTTE criminalises the entire Tamil community and its aspirations.

In January 2008 the government announced that it was unilaterally abrogating the 2002 CFA and launched a massive offensive against the LTTE. President Rajapaksa appealed to Sinhalese nationalism to recruit soldiers; he also promised them good salaries, pensions and respect. The costs were high: the military attacked and killed thousands of civilians in the battle zone

By February 2009 thousands of civilians were trapped there, prompting calls for a temporary cease-fire. This was rejected by the Sri Lankan government, saying it was on the verge of destroying the LTTE. A proposed UN resolution calling for a ceasefire was not supported by the UK government. Fighting became confined to a small area near Mullaitivu, where hundreds of thousands of civilians were cornered into a government-designated 'no fire zone'. On May 19 the government declared victory over the LTTE as they reported the capture of remaining rebel-held territory and the death of LTTE leader Velupillai Prabhakaran.

The military conflict resulted in thousands of deaths, large-scale violations of international humanitarian law, war crimes in the final stages and over 300,000 internally displaced persons (IDPs). They were initially detained at camps, though they have been permitted freedom of movement since December 2009. Many IDPs have since returned to their home districts, staying with host families. Only a small fraction have been resettled in their homes; most have been left to fend for themselves. By mid-2010 around 68,000 IDPs still remained within the camps.

By banning the LTTE, Western governments helped to undermine any peaceful solution to the conflict. The bans encouraged the Sri Lankan government to abrogate the 2002 CFA, to pursue its major offensive operation in 2009 and to commit war crimes with impunity under international law. The bans also vilify humanitarian efforts undertaken by Diaspora Tamils to alleviate the suffering of Tamils in Sri Lanka. Moreover, 'The Sri Lankan government is using the propaganda of "the war on terror" as a fig leaf to dismantle any semblance of democracy in the country', argues Arundhati Roy (2009). Thus proscription helps to protect state crimes.

Persecution since the war

Sri Lanka announced early presidential and parliamentary elections in 2010 to capitalise on the popularity of defeating the LTTE. Tensions arose in the government ranks as army chief Fonseka, who had led the military operations against the LTTE, unsuccessfully stood for election against the popular President. Calls for an independent investigation gained impetus from video footage showing government soldiers killing rebel prisoners, evidence of rebel leaders being executed after having surrendered, emerging evidence of war crimes, and General Fonseka's intention to testify on war crimes committed during the final stages.

The post-war conditions have not been much improvement for Tamils in Sri Lanka. The Government continues to block international monitors, journalists and NGOs. There has been no political response to the Tamils' grievances that led to the conflict in the first place, so the Diaspora still needs to speak for their suppressed kith and kin in Sri Lanka. The Sri Lankan government has continued its mono-ethnic agenda with the support of the Sinhala-Bhuddist majority. State-aided colonisation, arbitrary detention and abuses with impunity all continue to terrorise the Tamils of the island.

The continued criminalisation of the Tamil Diaspora is aiding and encouraging the Sri Lankan government's attacks against the Tamils of Sri Lanka. After the LTTE's defeat, the continued proscription of a non-existent body serves only to suppress Tamil aspirations, which can now be taken forward only by political means. For that reason, Rajapaksa has been asking the UK and its other allies to intensify persecution of the Tamil Diaspora under anti-terror laws there.

Challenging the ban

In sum, by banning the LTTE, the UK government has sided with the Sri Lankan government's terror campaign against the Tamils. Nevertheless Tamil activists have defied the UK ban, especially its 'terrorist' stigma on political activity. They have continued their protest against Sri Lanka's genocide and demands for national self-determination. The 2009 protests in London attracted hundreds of thousands of Tamils. Many protesters signed a petition to the UK Prime Minister; the text concluded, 'As a law-abiding citizen of this country, I demand HM's Government de-proscribes the Liberation Tigers of Tamil Eelam (LTTE) immediately.'

Such defiance undermines the 'terrorist' ban in practice and helps deter state persecution of Tamil political activity here. We should support this defiance, as well as demands to remove the LTTE from the banned 'terrorist' list. Such demands defend free speech, sovereign political representation and the right of national self-determination.

Sri Lanka still persecutes Tamils by....

- Intimidating Tamils from speaking out against the terrorist activities of the government and human rights violations by the security forces, thus attacking free speech.
- Labelling any expression of Tamil aspirations as support for terrorism.
- Discrediting any organisations speaking for Tamils as an 'LTTE front'.
- Criminalising provision of funds and materials required for rehabilitation and development projects in Tamil areas.
- Dislocating the Tamil communities of the north and east of Sri Lanka by criminalising their shared history and identity.
- Racially profiling the Tamil community and isolating them from mainstream society.
- Perpetuating anxiety about the safety of Tamil relatives, friends and civilians in Sri Lanka.
- Urging Western states to ban the LTTE and to use the ban against Tamil activists.

More information about Sri Lanka's terror against Tamils

Human Rights Watch (2007) *Return to War: Human Rights under Siege*.

Roy, A. (2009) 'This is not a war on terror. It is a racist war on all Tamils', *Guardian*, Comment is free, 1 April.

Sivanandan, A. (2009) Ethnic cleansing in Sri Lanka, <http://www.irr.org.uk/2009/july/ha000021.html>

Sivanandan, A. (1984) Sri Lanka: racism and the politics of underdevelopment, *Race & Class* 26(1): 1-37.

Tamils: <http://www.tamilsforum.com> and <http://www.tamilnet.com>

The Campaign Against Criminalising Communities (CAMPACC) opposes all 'anti-terror' bans and special powers.

Our aims include: To oppose crimes against humanity, regardless of who (or what government) commits them.

For more information: <http://campacc.org.uk/>

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