

# HLG



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**Neville Hewage, Ph.D.**

Law Society of Ontario License No. P15799

By e-mail and hard copy by regular mail

Mr. Eric Rennie  
Committee Clerk  
Standing Committee on Regulations and Private Bills  
99 Wellesley Street West  
Room 1405, Whitney Block  
Queen's Park  
Toronto, ON M7A 1A2

Dear Mr. Rennie,

**Re: Submission against Bill 104, *Tamil Genocide Education Week Act, 2019***

Please find enclosed my submission against Bill 104, *Tamil Genocide Education Week Act, 2019*.

According to facts on Bill 104, the Tamil genocide claim has failed against the legal test and should, thus, not be considered for 3<sup>rd</sup> reading.

**Furthermore, the proposed, bill 104, does not pertain to the topics fall within provincial jurisdiction.** Therefore, Genocide claims against Sri Lanka, as cited on Bill 104, and Bill 104 as a whole, should be dismissed without any further hearing.

I request an opportunity to appear before the Standing Committee on Regulations and Private Bills to submit my oral deliberation. Please provide me with more details.

I look forward to hearing from you.

Yours very truly,

A handwritten signature in black ink that reads "Neville Hewage". The signature is written in a cursive style with a long horizontal stroke extending to the left.

Neville Hewage, Ph.D.  
Research Fellow – Public Policy and Governance  
International Centre for Interdisciplinary Research in Law  
Laurentian University  
Sudbury, Ontario.

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS**

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**Submission against Bill 104, *Tamil Genocide Education Week Act, 2019***

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### AUTHORITIES

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## BRIEF NARRATIVE TO THE ISSUE

01. Tamil minority living in the Northern part of the country started the armed conflict with Sri Lanka's government, demanding a separation of state which would be called Tamil Eelam.
02. Sri Lanka's main issue is the fight between its government forces and the separatist Tamil minority ethnic group; Liberation Tigers of Tamil Eelam (LTTE), a proscribed terrorist organization in many countries including Canada.
03. This armed conflict has continued since July 23, 1983 up until May 18, 2009 - over 26 years.
04. One of the world most ruthless terrorist organizations, the LTTE was defeated militarily on May 18, 2009, and their leader, Velupillai Prabhakaran, was killed in combat.
- 05. Bill 104 does not pass the "smell test".**
06. In my view, it is an attempt to commemorate the death of this ruthless terrorist leader, Velupillai Prabhakaran, and the dead LTTE cadre in the month of May.
07. Bill 104 is proposed to commemorate the event annually during a seven-day period ending on May 18.

## FACTS

08. Bill 104 has been referred to the Standing Committee on Regulations and Private Bills (Committee).
09. Bill 104 introduces **Tamil genocide** Education Week in the Month of May.

10. Bill 104 has claimed a **Tamil genocide** by the Sri Lankan government.
11. The International Criminal Court (ICC) is the relevant judicial entity in the investigation of acts of aggression such as genocide.
12. Neither State, state parties nor the United Nations Security Council (UNSC) have requested an investigation into the alleged Tamil genocide in Sri Lanka to the ICC.
13. Due to lack of reasonable grounds, Sri Lanka's claimed act of aggression towards the Tamils has not been investigated. No one has been convicted. Therefore, the ICC does not recognize it as a genocide.
14. Sri Lanka is engaged willingly and genuinely on reconciliation efforts. Additionally, the ICC does not intend to replace the national criminal system in Sri Lanka if such investigations take place.
15. The definition of genocide has specific meaning in the legal context, under Convention, on the Prevention and Punishment of the Crime of Genocide, approved and proposed for signature and ratification or accession by the United Nations General Assembly resolution 260 A (III) of 9, December 1948. Entry into force: 12 January 1951, in accordance with article XIII (Exhibit 01).
16. The word genocide cannot be used arbitrarily on matters before the Legislative Assembly of Ontario.

## LEGAL ISSUES

17. Were Tamil genocide claims against Sri Lanka investigated by the relevant jurisdiction; ICC?

18. As a result of such an investigation, has anyone been convicted for the crime of Tamil genocide and has the ICC recognized it as an act of aggression and subsequently as genocide?

19. Does the Standing Committee of the Ontario legislature on Regulations and Private Bills have authority to investigate Tamil genocide claims?

## APPLICABLE LAW AND PRINCIPLES

### **Jurisdiction**

20. The International Criminal Court (ICC) is the recognized legal authority and has the power to investigate acts of aggression such as genocide, crimes against humanity, and war crimes.

21. ICC investigates,

- that crimes were committed by a State Party national, or in the territory of a State Party, or in a State that has accepted the jurisdiction of the Court; or
- the alleged crimes were referred to the ICC Prosecutor by the United Nations Security Council (UNSC) pursuant to a resolution adopted under chapter VII of the UN charter.<sup>1</sup>

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<sup>1</sup> International Criminal Court Jurisdiction. <https://www.icc-cpi.int/about/how-the-court-works/Pages/default.aspx#legalProcess>

22. As of July 17<sup>th</sup>, 2018, a situation in which an act of aggression would appear to have occurred could be referred to the Court by the Security Council, acting under Chapter VII of the United Nations Charter, irrespective as to whether it involves States Parties or non-States Parties.<sup>2</sup>

23. In the absence of a UNSC referral of an act of aggression, the Prosecutor may initiate an investigation on her own initiative or upon request from a State party. The Prosecutor shall first ascertain whether the Security Council has made a determination of an act of aggression committed by the State concerned. Where no such determination has been made within six months after the date of notification to the UNSC by the Prosecutor of the situation, the prosecutor may nonetheless proceed with the investigation, provided that the Pre-Trial Division has authorized the commencement of the investigation. Also, under these circumstances, the Court shall not exercise its jurisdiction regarding a crime of aggression when committed by a national or on the territory of a State Party that has not ratified the relevant treaties.<sup>3</sup>

### **Complementarity**

24. The ICC is intended to complement, not to replace, national criminal systems; it prosecutes cases only when States are unwilling or unable to do so genuinely.<sup>4</sup>

### **Cooperation**

25. As a judicial institution, the ICC does not have its own police force or enforcement body; thus, it relies on cooperation with countries worldwide for support, particularly for making arrests, transferring arrested persons to the ICC detention centre in the Hague, freezing suspects' assets, and enforcing sentences.<sup>5</sup>

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<sup>2</sup> International Criminal Court Jurisdiction, *Supra* note 1

<sup>3</sup> International Criminal Court Jurisdiction, *Supra* note 1

<sup>4</sup> International Criminal Court Jurisdiction, *Supra* note 1

<sup>5</sup> International Criminal Court Jurisdiction, *Supra* note 1

26. While not a United Nations organization, the Court has a cooperation agreement with the United Nations. When a situation is not within the Court's jurisdiction, the United Nations Security Council can refer the situation to the ICC granting it jurisdiction.<sup>6</sup>

27. In accordance with article 112 of the *Rome Statute*, the ICC adopts the Rules of Procedure and Evidence and the Elements of Crime.<sup>7</sup>

28. Canada is a signatory to the United Nations treaty, *Rome Statute* of the International Criminal court.<sup>8</sup>

### ANALYSIS

- Were Tamil genocide claims against Sri Lanka investigated by the relevant jurisdiction; ICC?
- As a result of the investigation, has anyone been convicted for the claimed Tamil genocide and has the ICC recognized it as an act of aggression and subsequently as genocide?
- Does the Standing Committee on Regulations and Private Bills have authority to investigate Tamil genocide claims?

29. I will address all three legal questions together.

30. Any Private Member (i.e., a Member who is not the Speaker or a Cabinet Minister) may introduce a Private Member's Public Bill. Such a bill may pertain to any topic within provincial

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<sup>6</sup> International Criminal Court Jurisdiction, *Supra* note 1

<sup>7</sup> International Criminal Court - <https://www.icc-cpi.int/asp>

<sup>8</sup> United Nations Treaty 10 - [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-10&chapter=18&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&clang=_en)



jurisdiction, but, only in accordance with the Standing Orders of the Legislative Assembly, the *Legislative Assembly Act*, and the *Constitution Act, 1867* <sup>9</sup>

31. Bill 104 has introduced, for the proclamation of the alleged **Tamil genocide** and the education week in May, every year.

32. If any crimes (genocide) were committed by Sri Lanka, they would be investigated only by the International Criminal Court. No other institutions have legal authority to initiate actions against the sovereign state of Sri Lanka.

33. As cited on bill 104, Tamil genocide claims have not been submitted to the International Criminal Court by the United Nations Security Council pursuant to a resolution adopted under chapter VII of the UN charter.

34. In the absence of UNSC referral of an act of aggression, the ICC Prosecutor may initiate an investigation on her own initiative or upon request from a State Party. In this case Canada is a relevant state party. Canada, however, has not requested to investigate the genocide claims against Sri Lanka.

35. The ICC Pre-Trial Division has not authorized the commencement of the investigation against Sri Lanka.

36. In June 2014, the UN Human Rights Council (UNHRC) High Commissioner appointed three distinguished experts, Mr. Martti Ahtisaari, former President of Finland; Ms. Silvia Cartwright, former High Court judge of New Zealand; and Ms. Asma Jahangir, former President of the Human Rights Commission of Pakistan, to play a supportive and advisory role, as well as to provide independent verification throughout the investigation. <sup>10</sup>

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<sup>9</sup> How an Ontario Bill Becomes Law - <https://www.ola.org/sites/default/files/common/how-bills-become-law-en.pdf>

<sup>10</sup> United Nations Human Rights Council - UNHRC Investigation on Sri Lanka.  
<https://www.ohchr.org/EN/HRBodies/HRC/Pages/OISL.aspx>

37. In its report submission to the Human Rights Council, dated September 15, 2015, Sri Lanka is committed willingly and genuinely to reconciliation efforts as well as investigative action <sup>11</sup> (Exhibit 02). As such, the ICC will not investigate genocide claims against Sri Lanka. It also does not intend to replace the criminal system of the State.

38. If jurisdiction issues arise, the United Nations Security Council will refer them to the ICC granting it jurisdiction. The United Nations Security Council, however, has not granted jurisdiction to ICC to investigate the genocide claims against Sri Lanka. No such action has been taken either.

39. Finally, genocide claims against Sri Lanka have not even been submitted to the ICC, the matter has not been investigated and no one has been convicted for an act of aggression (the Tamil genocide). The Tamil genocide claim is therefore not sustained against Sri Lanka.

## CONCLUSION

40. Bill 104 is expected to become a law in Ontario and genocide claims cannot be used arbitrarily.

41. Since **Genocide claims are not established** against Sri Lanka as cited on Bill 104, the Committee **is required to investigate the validity of its claims** in order to pass the legislation.

42. The Committee is part of the Legislative Assembly of Ontario.

43. The Legislative Assembly of Ontario is not a State party to the United Nations' treaty - *Rome statute* of the International Criminal Court.

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<sup>11</sup> <https://www.ohchr.org/Documents/HRBodies/HRCouncil/OISL/ResponseSriLanka15092015.pdf>

44. The United Nations Security Council has not referred the Legislative Assembly of Ontario to investigate the Tamil genocide claims against Sri Lanka. The Standing Committee therefore has no jurisdiction to investigate the these claims.

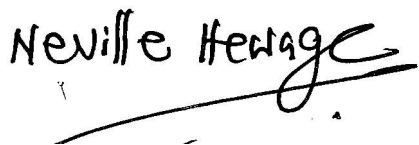
45. Furthermore, Ontario legislature shall not proceed with the unsubstantiated and patently false narrative provided in Bill 104 regarding the *Tamil genocide Education Week Act*.

46. During the armed conflict, Human Rights violations occurred on behalf of both parties and they do not meet the threshold required to establish the genocide claims against Sri Lanka.

47. Given the facts on Bill 104, the Tamil genocide claim has failed against the legal test and should, thus, not be considered for 3<sup>rd</sup> reading.

**48. Furthermore, the proposed, bill 104, does not pertain to the topics that fall within provincial jurisdiction.** Therefore, Genocide claims against Sri Lanka, as cited on Bill 104, and Bill 104 as a whole, should be dismissed without any further hearing.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**



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## **Exhibit 01**

Convention, on the Prevention and Punishment of the Crime of Genocide, approved and proposed for signature and ratification or accession by the United Nations General Assembly resolution 260 A (III) of 9, December 1948. Entry into force: 12 January 1951, in accordance with article XIII

# Convention on the Prevention and Punishment of the Crime of Genocide

Approved and proposed for signature and ratification or accession by  
General Assembly resolution 260 A (III) of 9 December 1948  
Entry into force: 12 January 1951, in accordance with article XIII

The Contracting Parties ,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world,

Recognizing that at all periods of history genocide has inflicted great losses on humanity, and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required,

Hereby agree as hereinafter provided :

## Article I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

## Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

## Article III

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

#### **Article IV**

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

#### **Article V**

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

#### **Article VI**

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

#### **Article VII**

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

#### **Article VIII**

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

#### **Article IX**

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

#### **Article X**

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

#### **Article XI**

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### **Article XII**

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

#### **Article XIII**

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a procès-verbal and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

#### **Article XIV**

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

#### **Article XV**

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

#### **Article XVI**

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

## **Article XVII**

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

- (a) Signatures, ratifications and accessions received in accordance with article XI;
- (b) Notifications received in accordance with article XII;
- (c) The date upon which the present Convention comes into force in accordance with article XIII;
- (d) Denunciations received in accordance with article XIV;
- (e) The abrogation of the Convention in accordance with article XV;
- (f) Notifications received in accordance with article XVI.

## **Article XVIII**

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

## **Article XIX**

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.



## **Exhibit 02**

Government of Sri Lanka statement to the Commissioner, United Nation Human Rights Council



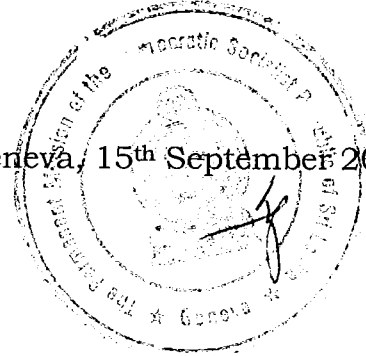
Ref: 279/2015

Ref. HR/3T

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR) and with reference to the unedited advance copy of the Report of the Office of the High Commissioner for Human Rights (A/HRC/30/61), and the Report of the OHCHR Investigation on Sri Lanka (OISL) (A/HRC/30/SRP.2), has the honour to forward herewith a copy of a Note Verbale No. UN/HR/1/30 dated 15<sup>th</sup> September 2015, received from the Ministry of Foreign Affairs of Sri Lanka, containing the comments of the Government.

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 15<sup>th</sup> September 2015.



Office of the High Commissioner for Human Rights (OHCHR)  
Palais Wilson  
Geneva.



Ref. No. : UN/HR/1/30

The Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and with reference to the latter's Note dated 10 September 2015 conveying an unedited advance copy of the Report of the Office of the High Commissioner for Human Rights (A/HRC/30/61) and the Report of the OHCHR Investigation on Sri Lanka (OISL) (A/HRC/30/SRP.2) has the honour to submit the following comments:

The Government of Sri Lanka,

- takes note of the Report of the Office of the High Commissioner for Human Rights (A/HRC/30/61), and the recommendations made by the High Commissioner;

- is pleased and encouraged by the High Commissioner's recognition of the efforts of the new Government since the Presidential election of 8 January 2015 in dealing with issues of concern for the people of Sri Lanka relating to human rights, rule of law, governance, justice, institutional and legal reform and reconciliation;

- appreciates the due recognition given to the Government's constructive engagement with the High Commissioner and OHCHR aimed at addressing post-conflict issues that impact on achieving reconciliation;

- remains firm in its conviction to take all possible measures to ensure non-recurrence in keeping with the mandate given by the people of the country twice this year, 2015, at the Presidential election in January and the Parliamentary election in August;

- will ensure dialogue and wide consultations with all stakeholders especially the victims of conflict, communities, political parties, civil society representatives, the military as well as the High Commissioner and his Office, bilateral partners, and other international organisations in putting in place mechanisms and measures that will facilitate the right to know, right to justice, reparations and guaranteeing non-recurrence with the aim of achieving reconciliation and durable peace to ensure long-term progress of all her citizens;

- takes note also of the Report of the OHCHR Investigation on Sri Lanka (OISL), recognises fully that this Report represents a human rights investigation and not a criminal investigation, and will ensure that its content as well as recommendations receive due attention of the relevant authorities including the new mechanisms that are envisaged to be set up;

-remains open to continuing its engagement with the High Commissioner and his Office as well as the systems and procedures of the Human Rights Council, aimed at taking steps to safeguard and uphold the human rights of all her citizens.

The Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the assurances of its highest consideration.

Colombo, 15<sup>th</sup> September 2015

Office of the  
United Nations High Commissioner for Human Rights  
Geneva



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Ministry of Foreign Affairs  
Democratic Socialist Republic  
of Sri Lanka.

## **Exhibit 03**

Mapping Tamil Speaking Militant Organization LTTE – Liberation Tigers of Tamil Eelam

## EXHIBIT 03

<b>Formed</b>	May 22, 1972
<b>Disbanded</b>	May 17, 2009
<b>First Attack</b>	July 23, 1983: LTTE ambush an army patrol convoy outside Jaffna; this is considered the first attack of the Sri Lankan civil war (13 dead). [1]
<b>Last Attack</b>	May 9, 2009: Attack on civilians in Mullaitivu, Northern Province, Sri Lanka [9 dead, 19 wounded]. [2]
<b>Updated</b>	July 8, 2015

This article originally published on the Stanford University, USA Mapping Militant Organization

### MAPPING TAMIL SPEAKING MILITANT ORGANIZATION LTTE:

<http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/225#note4>

### NARRATIVE SUMMARY

The Liberation Tigers of Tamil Eelam (LTTE), commonly known as the Tamil Tigers, were a separatist militant organization fighting for an independent homeland for Sri Lanka's Tamil minority in northern Sri Lanka.

Velupillai Prabhakaran founded the group in 1972 and by the late 1980s was the dominant Tamil militant group in Sri Lanka. After a number of failed negotiations, the Sri Lankan government declared an all-out offensive against the LTTE in 2006. By May 2009, government forces had defeated the LTTE and killed Prabhakaran. An estimated 70,000 people were killed during the conflict between the LTTE and the Sri Lankan government. [3]

The LTTE is recognized for having carried out a number of high-profile assassinations, including the assassination of Sri Lankan President Ranasinghe Premadasa in 1993 and the former Indian Prime Minister Rajiv Gandhi in 1991. The LTTE consisted of a highly developed military wing and a secondary political wing. The military wing had a naval group, an airborne unit, an intelligence wing, and even a specialized suicide terrorist unit. The group was also notorious for its use of women and children in combat.

The LTTE was largely supported by the Tamil diaspora overseas; although in the 1980s, the LTTE received supplies and training from the Indian Intelligence services. The LTTE was suspected of having links with a number of Islamist groups, such as the Moro Islamic Liberation Front (MILF) in the Philippines and the Taliban in Afghanistan; these links, however, were largely restricted to arms transfers and other commercial activities. The LTTE also earned a portion of their annual \$200-300 million revenue from taxation and extortion in LTTE-controlled areas in northern and eastern Sri Lanka.

The LTTE was disbanded in 2009 after their military defeat by the Sri Lankan government and some 6,000 LTTE members were rehabilitated and re-integrated into society. [4] The Sri Lankan government stated in 2011 that the international network of the LTTE was still searching to revive the organization.

## MAJOR ATTACKS

1. May 14, 1985: Gunfire attack on Sri Lankan Buddhist holy site in Anaradhapura. (146 killed (BBC) (GTD: 86 killed, 100 wounded)).[66]
2. May 3, 1986: Bomb planted on Sri Lankan Air flight carrying British, French, and Japanese tourists, at the Colombo airport set to fly to the Maldives. (14-16 killed, 23-39 wounded).[67]
3. April 21, 1987: Car bomb explodes at a bus station in Colombo, killing civilians. (113-150 killed, 200 wounded).[68]
4. June 2, 1987: Aranthalawa massacre of Buddhist monks on a bus in Eastern Sri Lanka. (33 killed).[69]
5. July 5, 1987: A soldier drove an explosive-filled truck into a Sri Lankan Army camp in Nelliady, northern Jaffna, followed by a ground attack by a group of LTTE soldiers. (40 killed (GTD: 20 dead, 27 wounded)).[70]
6. October 10, 1988: Massacre in Mahakongaskada Village of civilians. (44-45 killed, 17 wounded ).[71]
7. June 11, 1990: Massacre of Police Officers in Kalmunai in eastern Sri Lanka. (144 killed (GTD); most other sources claim over 600).[72]
8. August 3, 1990: Kattankudy mosque massacre; LTTE highly suspected but has not yet claimed official responsibility (112-150 killed).[73]
9. May 21, 1991: Assassination of Rajiv Gandhi, former Prime Minister of India, and 14-18 others by a female suicide bomber, in Sriperumbudur, Tamil Nadu. The LTTE did not officially claim responsibility. (15-19 killed).[74]
10. October 16, 1992: Motorcycle-based suicide attack in Colombo killed Chief Sri Lankan Navy Commander Vice Admiral Fernando and four other Navy personnel. (5 killed ).[75]
11. May 1, 1993: Sri Lankan President Ranasinghe Premadasa is killed by a suicide bomber along with 23 others during a May Day rally in Colombo. (24 killed).[76]
12. October 24, 1994: Female suicide bomber assassinates Gamini Dissanyake, Leader of the Opposition and United National Party candidate for the Presidential Elections, during a Colombo elections rally, (59 dead).[77]
13. October 20, 1995: Explosion in Orugodawatte crude oil company by a suicide unit of four, killing 23 soldiers and two civilians. Fourteen storage tanks were destroyed, causing \$61 million in damage. (25 killed, 32 injured ).[78]
14. October 22, 1995: Attack in Thamanagama fishing village and three other Eastern Sri Lankan villages. (50-66 killed).[79]
15. November 24, 1995: Two female suicide bombers attack the Sri Lankan army headquarters in Colombo. (16 killed, 52 wounded).[80]
16. December 23, 1995: Army ambush in Batticaloa district that killed 32 Sri Lankan troops, and a government-reported 60 rebels. (92-93 killed, 34 wounded).[81]
17. January 31, 1996: A suicide bomber detonates an explosives-loaded truck at the Central Bank in Colombo. (91 dead, 1400 injured).[82]

18. July 18, 1996: LTTE took control of a Sri Lankan army camp in the northeastern town of Mullaitivu. (1200 soldiers killed (BBC and Guardian)/150+ troops and 34 rebels killed (Reuters)).[\[83\]](#)
19. July 24, 1996: Explosive attack on a commuter train near Colombo. (60-61 killed, 391-600 wounded).[\[84\]](#)
20. September 30, 1998: Major LTTE offensive on Sri Lankan Army at key city Kilinochchi, former LTTE base, near the Sri Lankan army's major Elephant Pass base, killing over 600-900 (varied estimates) Sri Lankan soldiers. (900 killed (varied estimates)).[\[85\]](#)
21. July 29, 1999: Neelan Thiruchelvam, a moderate Tamil MP member of TULF and involved in the government-backed peace process, was killed in a suicide attack in Colombo. (3 killed, 5 injured).[\[86\]](#)
22. September 18, 1999: Attack on three villages in Sri Lanka's Eastern Province in an apparent retaliation for Sri Lankan army attacks on Tamil civilians early that week. (50 killed).[\[87\]](#)
23. December 18, 1999: Assassination attempt on Sri Lankan President Chandrika Kumaratunga, who was injured in two bombings while campaigning for a second term during election rallies in Colombo. (15-34 killed).[\[88\]](#)
24. April 23, 2000: Tigers take control of key Sri Lankan Army base in Jaffna, Elephant Pass, which they had been fighting to seek control since the Army takeover of the former LTTE stronghold in the Jaffna peninsula in 1995. ( 79 soldiers killed, 400+ injured, and 150 LTTE members injured).[\[89\]](#)
25. June 7, 2000: Senior Sri Lankan Industry Minister CV Gooneratne assassinated in Colombo by a suicide bomber. (20-21 killed).[\[90\]](#)
26. July 7, 2004: First suicide bombing in three years. LTTE female soldier in an apparent attempt to assassinate high-profile Hindu Affairs Minister Douglas Devananda, a voracious LTTE critic. (5 killed, 9 injured).[\[91\]](#)
27. October 25, 2005: Foreign Minister Lakshman Kadirgamar, a key player in the peace process and close aide of President Chandrika Kumaratunga, was assassinated at his home in a suicide attack in Colombo. (1 killed).[\[92\]](#)
28. April 9, 2006: Over 100 killed during a 2 week period, the most intensified fighting since the 2002 truce. (100+ killed).[\[93\]](#)
29. June 15, 2006: Evidence suggests that the LTTE was responsible for a bus bombing in Aduradhapura district. (64 killed, 84 wounded).[\[94\]](#)
30. October 16, 2006: Suicide bombing attack on Sri Lankan naval convoy buses in northeast region of Dambulla, one of the deadliest since 2002 peace. (95 killed).[\[95\]](#)
31. May 9, 2009: Attack on civilians in Mullaitivu, Northern Province, Sri Lanka. (9 killed, 19 wounded ).[\[96\]](#)

## LEADERSHIP

The LTTE's leadership was divided between the group's military wing and its secondary political wing. A central governing committee led by Prabhakaran oversaw all activities of the LTTE, both political and military. [\[5\]](#) The military wing of the LTTE was further divided into sub-groups: the group's naval wing, known as the Sea Tigers, was led by Colonel Soosai, its airborne group, known as the Air Tigers, was led by Prabhakaran's son, a suicide bombers unit, known as the Black Tigers, an elite fighting wing, and an intelligence unit led by Pottu



Amman. [6] B. Nadesan, Prabhakaran's political advisors, was responsible for the political activities of the group.

1. Velupillai Prabhakaran (1976 to 2009): Prabhakaran was LTTE's founder and chief leader. He was the head of the central governing committee of the LTTE, which controlled the LTTE's military wing and subordinate political wing. Prabhakaran was killed on May 19, 2009 in an ambush by Sri Lankan forces as he was trying to flee the area in northern Karayamullavaikkal. His death is generally considered to mark the official end of the organization's existence and the Sri Lankan civil war. [7]
2. Shanmugalingam Sivashankar, commonly known as Pottu Amman (1981 to 2009): Amman was the LTTE Intelligence Wing Chief and was second-in-command after Prabhakaran. He was also killed in the May 19, 2009 ambush along with Prabhakaran. [8]
3. Thillaiyampalam Sivanesan, commonly known as Soosai (1981 to 2009): Colonel Soosai headed the LTTE's naval division, known as the "Sea Tigers." He was one of Prabhakaran's chief military strategists. He was killed alongside Prabhakaran on May 19, 2009. [9]
4. Balasingham Nadesan (1992 to 2009): Nadesan was Prabhakaran's chief political advisor. He was formerly head of the LTTE police force in 1992, and then named chief of the political wing in 2007. Nadesan was killed in the army ambush on May 19, 2009 along with Prabhakaran. [10]

## IDEOLOGY & GOALS

- Nationalist  
The LTTE's primary goal was to attain an independent state for Sri Lankan Tamils, known as "Tamil Eelam", in the Northern and Eastern Sri Lanka, where the majority of Sri Lankan Tamils reside. [11] The majority of Sri Lankans are Sinhalese Buddhists; a 2001 census revealed that 82% of Sri Lankans are Sinhalese, 9.4% are Tamil, and 7.9% are Sri Lankan Moor. [12] After Sri Lanka became independent from the British in 1948, the majority Sinhalese practiced discrimination towards the Tamils, who were favored by the British during colonial rule. For example, in 1972, the Sinhalese declared Buddhism as Sri Lanka's national religion. [13]

Prabhakaran, the group's leader, stressed that "a struggle for Eelam is a demand of the Tamil people", not only of the LTTE. Although separatist ideology has dominated the LTTE's characterization, Prabhakaran stated in a 2002 press conference that the LTTE's desired self determination entailed autonomy and self-rule, not necessarily statehood and cessation from the rest of Sri Lanka. [14]

## NAME CHANGES

- May 22, 1972: Tamil New Tigers. Prabhakaran founds the Tamil New Tigers, the LTTE's predecessor, in 1972.

- May 5, 1976: Liberation Tigers of Tamil Eelam. Prabhakaran establishes the Liberation Tigers of Tamil Eelam in 1976 and disbands the Tamil New Tigers.

### SIZE ESTIMATES

- Unknown: 11,664 (Commissioner General of Rehabilitation Maj. Gen Sudantha Ranasinghe)[15]
- February 1, 2002: 6,000-9,000 (Presidential spokesperson Harim Peiris, stating estimated LTTE strength before the February 2002 ceasefire)[16]
- December 31, 2002: 16,000 (Presidential spokesperson Harim Peiris, stating estimated LTTE strength by the end of 2002 ceasefire.)[17]
- January 8, 2004: 18,000 (Sri Lankan President Chandrika Kumaratunga's Office)[18]
- December 29, 2007: 3,000 (South Asia Terrorism Portal)[19]
- January 11, 2008: 4,500 (South Asian Terrorism Portal)[20]

### DESIGNATED/LISTED

Over 32 different states have listed the LTTE as a terrorist organization, including Malaysia, the US, India, the UK, the EU, Canada, etc. [21] The LTTE was designated a "foreign terrorist organization" by the US government under the Anti-Terrorism and Effective Death Penalty Act of 1996. The LTTE was re-designated in October 2003 and currently maintains this status. [22] The LTTE is listed as a "proscribed terrorist group" by the UK government under the Terrorism Act of 2000. [23]

The EU has also listed LTTE on their list of terrorist organizations as per the Council Common Position 2009/67/CFSP. [24] It was re-listed in 2011 after a review of its listed terrorist organizations. [25]

Since 1992, the LTTE has been included in a list of terrorist organizations by the Indian government under The Unlawful Activities (Prevention) Act, 1967. [26]

In 2006, Canada listed the LTTE as a terrorist organization pursuant to its criminal code. [27]

- Indian Ministry of Home Affairs: 1992 to Present
- British Outlawed Foreign Groups: 2000 to Present
- U.S. State Department Foreign Terrorist Organizations: October 2003 to Present
- EU Designated Terrorist Organizations: 2006 to Present

### RESOURCES

The LTTE had an annual budget of around \$200-\$300 million, most of which was obtained from the global Sri Lankan diaspora. [28]

The main financial body of the LTTE is the Aiyanna Group, responsible for monitoring financial flows and revenue, including donations from overseas Tamil communities and LTTE supporters. In 2009, overseas Sri Lankans sent an estimated \$2.8 million to the LTTE. [29]

The LTTE also secured a significant amount of its funding from criminal activities, including piracy, human and drug trafficking, arms smuggling, and other petty crimes. The Sri Lankan Ministry of Defense reported that the LTTE hijacked several ships in the waters just outside Sri

Lanka, such as the Irish Mona (2005), the Athena (2007), Princess Kash (1998), and MV Farah III (2007). [30] The LTTE also controlled the majority of smuggling of Tamil people to Western countries; for example, it generally costs between \$10,000-40,000 for a Sri Lankan Tamil to get to Canada illegally. [31] The LTTE was also known to levy an “exit tax” for individuals trying to leave Tamil-controlled areas. The Sri Lankan Ministry of Defense also reported that the LTTE was actively involved in the illicit drug trade and smuggled heroin from Burma and other Southeast Asian countries to Western Europe. [32] Other petty crimes committed by the LTTE include passport forgery, credit card fraud, and the theft of aid donations to Tamil-controlled areas. [33]

Around 20% of the LTTE’s funding came from internal sources, including extortion, taxation, and payments for protection. [34] One of the main sources of internal revenue for the LTTE came from custom duties passing through areas controlled by the LTTE. These customs duties ranged from 10-30% of the cost of the items. [35] The LTTE also engaged in commercial ventures with little success. [36]

The Office of Overseas Purchases, also known as the KP Department, functions as the main procurement body of the LTTE, and is believed to obtain arsenal from various countries as well as operate a fleet of deep-sea vessels. Captured weapons from the Sri Lankan army constitute approximately 60-70% of the LTTE’s arsenal. Additional high tech weaponry is purchased using overseas funds. [37]

Although the LTTE was officially disbanded in 2009 after the death of its leader Prabhakaran, a US State Department report in August 2011 claims that the LTTE’s international network of financial support continues to exist, and that its overseas divisions continue to acquire weapons. [38]

## EXTERNAL INFLUENCES

Overseas funding is mainly provided by the large Sri Lankan diaspora, which has continued to grow since Sri Lanka's 1948 independence. [39] During the 1970s and 1980s, the LTTE's main financial support came from the Tamils who fled Sri Lanka to India, Malaysia, Europe, and North America. [40] The Indian state of Tamil Nadu became a crucial transit point for low-technology arms, narcotics, contraband, and more, given its geographic closeness to Sri Lanka and control of the regional waters by the LTTE Sea Tigers.

India’s Intelligence service, known as the Research and Analysis Wing (RAW), is believed to have provided training and weaponry to the LTTE up until the mid-1980s. RAW withdrew its support of the LTTE in the 1980s, as LTTE began to make alliances with radical separatist groups in the Indian state of Tamil Nadu. [41]

Cambodia was a crucial source for LTTE arms procurement, contributing an estimated five to ten percent towards the LTTE’s total arsenal. Thailand also served as an important source of manpower, as well as a strategic base for arms procurement.

## GEOGRAPHICAL LOCATIONS

The activities of the Tamil Tigers were primarily based in the Northern and Eastern regions of Sri Lanka, where the majority of Sri Lankan Tamils reside. However many of the group's major attacks were carried out in the capital of Colombo, and violent attacks occurred throughout Sri Lanka. [42]

The Sri Lankan Tamil Diaspora, and widespread funding sources that accompanied it, allowed the LTTE to carry out its operations in a range of countries. Tamil Nadu was a crucial transit point for low-technology arms, narcotics, contraband, and more, given the geographic closeness to Sri Lanka and control of the regional waters by the LTTE Sea Tigers. The LTTE carried out a number of significant attacks in India, including the assassination of former Prime Minister Rajiv Gandhi in 1991. [43]

The UK was a crucial component of overseas LTTE operations, via front organizations and pro-LTTE groups in the country. This includes Sri Lankan Tamil newspapers and other publications. The LTTE disseminates propaganda messages from headquarters of these various organizations in the UK to Europe and North America, primarily for fund-raising purposes. [44] Forty percent of overall LTTE funding was allegedly sourced from the United Kingdom, and its headquarters are known as the "British Tamil Association." There were biannual public pro-LTTE demonstrations, and there were allegedly a number of UK MPs supporting the group [45] Cambodia was a crucial source for LTTE arms procurement, estimated to contribute between five to ten per cent of LTTE total arsenal. Thailand, with a community of 10,000 Tamils, had a key LTTE arms shipping base. [46]

The LTTE also maintained a presence in South Africa that included propaganda, fund-raising, training camps, weapons procurement, and shipping activity. [47] South Africa has a large and politically active Sri Lankan Tamil community and hence a great deal of LTTE influence. This is believed to have led to the formation of a South African Tamil Tigers, trained by both LTTE personnel as well as military organizations from the Apartheid era. The LTTE spread their influence by highlighting commonalities between the South African Tamils and the Sri Lankan Tamils. Politically, the LTTE tried to gain the support of various important South African political leaders, including those in the ANC. [48] The LTTE did not attempt to actively mobilize the Sri Lankan Tamil community in the Middle East to the extent that it did in other overseas propaganda and fund-raising operations. [49]

## TARGETS & TACTICS

The LTTE is organized hierarchically under the leadership of the group's founder, Prabhakaran. The LTTE maintains army, navy, and air capabilities, but is most well-known for its use of suicide operations by a small, special armed group called the Black Tigers. The Black Tigers use traditional land and sea tactics, as well as guerrilla warfare and targeted bombings and assassinations, particularly in the northern and eastern areas of Sri Lanka. They are one of the first organizations to utilize suicide attacks on a large scale. For example, former Indian leader Rajeev Gandhi was assassinated in 1991 by a female suicide bomber from the LTTE. [50] According to Jane's Intelligence Review, the LTTE carried out 168 suicide attacks between 1980-2000. [51]

LTTE attacks targeted individuals and groups who did not support their overarching goal of attaining an independent Tamil state, which included the Sri Lankan military, Sri Lankan and Indian politicians, police, and sometimes various civilian populations. The LTTE also targeted Sri Lankan Tamil politicians who did not support the LTTE and their goals, as well as other rival Tamil militant groups in Sri Lanka. Some of the group's most controversial suicide attacks include the assassinations of former Indian Prime Minister Rajiv Gandhi, and former Sri Lankan President Ranasinghe Premadasa. [52] The majority of LTTE victims were Sinhalese Buddhists.

The LTTE also attacked symbols of national importance to the Sri Lankan state, such as the Sri Lankan Central Bank and the country's world-trade center. [53]

One of the LTTE's primary tactics was to create front organizations and gangs to project its influence, procure funds from these overseas Sri Lankan Tamil diaspora communities, and then use these funds to purchase arms. [54]

The LTTE also adopted guerilla tactics that were initially very effective against the Sri Lankan government. LTTE forces would often ambush government troops and attack in "waves," meaning here that the LTTE would first swarm the enemy and then engage in suicide bombings, which would often confuse and scare Sri Lankan government forces. [55]

## POLITICAL ACTIVITIES

The LTTE is one of several violent offshoots of the Tamil United Liberation Front (TULF), formerly the Tamil United Front (TUF). TUF was formed in the early 1970s from groups such as the Tamil Congress and the Federal Party. [56] When it officially called for the formation of an independent Tamil state in 1976, the group's name was changed to the Tamil United Liberation Front. Several more radical militant Tamil groups, including Prabhakaran's LTTE, emerged from the TULF. [57]

The LTTE formed its political front, The People's Front of Liberation Tigers, in 1989, during a time in which the LTTE was in negotiations with the Sri Lankan government. Yogaratnam Yogi was the party's General Secretary. It has, until recently, been a registered political party in Sri Lanka. However they have rarely been active in local politics. Although they were listed on a few local ballots in 2008, the government deregistered the party in 2011. [58]

The LTTE demonstrated its willingness to negotiate with the Sri Lankan government on several occasions; although, the LTTE often used talks and agreements to enhance its own position, re-arm, and get rid of its competitors. [59] The first set of talks with the government took place in 1985 in Bhutan, and was followed by an accord between India and Sri Lanka in 1987. The Indian government agreed to intervene in the Sri Lankan conflict and provide a peacekeeping force to ensure that the LTTE disarmed. The Indians were unable to subdue the LTTE and withdrew in 1990, giving the LTTE time to re-group and eliminate dissenters among the Tamil population. [60] Peace talks continued throughout the 1990s and were largely unsuccessful.

During this period, the LTTE adopted "hit-and-run" tactics wherein peace talks were alternated with bouts of violence and clashes between the LTTE and government forces. [61] The most significant negotiation occurred in February 2002 when Norway, serving as a mediator, helped secure a ceasefire between the LTTE and the Sri Lankan government. However, after six rounds

of additional talks in Thailand and Japan, the LTTE announced the suspension of further talks in 2003. [62] Some experts believe this was a tactical move to garner further concessions from the Sri Lankan government. The LTTE has since cited the Sri Lankan government's exclusion of the group from an international aid conference, continued military occupation of Tamil-settled areas, and marginalization in government economic policies as the primary reasons for the breakdown of the ceasefire. [63] After the breakdown of another round of peace talks in 2006, the Sri Lankan government launched an all-out offensive against the LTTE. [64] On May 17, 2009, an LTTE representative conceded the defeat of the LTTE by government forces. Prabhakaran was killed by government forces on May 18, 2009, bringing an immediate end to the conflict and the LTTE. [65]

## RELATIONSHIPS WITH OTHER GROUPS

Tamil militant groups began to emerge in 1970s, the first of which was the "Tamil Students Movement" that protested the limited admission of Tamil students to universities. By 1972, the original student movement broke up into smaller, militant groups such as the Tamil New Tigers (TNT), the LTTE's predecessor, and the Tamil Eelam Liberation Organization (TELO). [97] By the late 1980s, there were over thirty different Tamil militant groups. The most significant groups were the LTTE, the Eelam People's Revolutionary Liberation Front (EPRLF), TELO, the Eelam Revolutionary Organization of Students (EROS), and the People's Liberation Organization of Tamil Eelam (PLOTE). By 1987, the LTTE was the dominant group. TELO especially was repeatedly attacked by the LTTE during the 1987 war against India, as well as members of PLOTE and EPRLF. [98]

In March 2004, Colonel Vinayagamoorthy Maralitharan, commonly known as "Karuna Amman," broke away from the LTTE and formed an underground organization and political party with a band of his supporters. His organization's military wing is called the Tamil National Front and its political wing is known as the Tamileela Makkal Viduthalai Pulligal (TMVP), allied with the Eelam National Democratic Liberation Front (ENDLF). By April 2004, the LTTE had essentially subdued the breakaway faction; however, Colonel Karuna escaped with a small group of supporters and regrouped in Colombo. [99] In 2006, Colonel Karuna allied with the Sri Lankan government, delivering a huge blow to the LTTE. [100]

The LTTE has developed relationships with various Islamist groups because of its criminal activities in the informal arms market, rather than any form of ideological affinity. By the 1990s, the LTTE had developed a close relationship with the Kurdish Support Group in France and had modeled their diaspora funding efforts after the Kurdish example. The LTTE's acquisition of 11 Greek surface to air missiles was reportedly a result of the LTTE's relationship with the PKK. [101] Furthermore, it is believed that Otharad Cargo, an LTTE-operated cargo company based in Dubai, received military hardware from the Sharjah network, a large Taliban weapons-procurement operation. [102] In Karachi, Pakistan, the LTTE registered a front company that obtained weapons for both the LTTE and Pakistani militant groups. An LTTE shipping fleet was also involved in providing logistical support for the Al Qaeda-affiliated Pakistani group Harakat al Mujahideen. [103]

The LTTE also established a presence in Eritrea, which is known to be a major shipment point in the informal arms market. It is suspected that the LTTE has interactions with Al Qaeda affiliated groups in the Eritrean Network. A US Senate Foreign Relations Committee report in December 2006 claims that the Eritrean government directly supports the LTTE. The LTTE also maintains relationships with the Moro Islamic Liberation Front (MILF) and Aby Ssayaf in the Philippines in activities related to fund transfers and training operations. [104]

## COMMUNITY RELATIONSHIPS

Support for the LTTE was primarily based around the disenfranchised Tamil population in the north of Sri Lanka, and later the Tamils who escaped to the south. [105] In the territory it controlled, the LTTE established some civil administration, including postal services, courts, police, banks, radio, etc. These structures collect taxes and administer the rule of law. [106] The LTTE was notorious for actively recruiting women and children from among the Tamil community. It was thought that women constituted 20-30% of the LTTE's fighting cadre and that an estimated 4,000 female members were killed during the 26 years of the Sri Lankan conflict. [107] A female LTTE suicide bomber carried out the assassination of former Indian Prime Minister Rajeev Gandhi. The LTTE also actively used children as part of their front-line troops. [108] The LTTE's recruitment of child soldiers led to discontent among the Tamil community. According to UNICEF, the LTTE has recruited over 5,800 child soldiers since 2001. Many of these children were abducted from refugee camps and orphanages in Tamil-controlled areas. [109]

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**Submission against Bill 104, *Tamil Genocide  
Education Week Act, 2019***  
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