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Rudrakumaran: What is the US stand on a US citizen, subject to Federal Laws being involved with the LTTE and its leader Prabakaran?

# Rudrakumaran: What is the US stand on a US citizen, subject to Federal Laws being involved with the LTTE and its leader Prabakaran?

Posted by Shenali D Waduge On October 05, 2014 0 Comment

LTTE was not only composed of Prabakaran and his ground troops. LTTE had and continues to have a very large international network of people who had been throughout funding, aiding and abetting, providing tangible and intangible support directly and indirectly and these people were not only Tamils but foreign and Tamils holding foreign passports. Their links and association with the LTTE over the years makes them liable to be charged under domestic and international laws for their crime in being part of a designated foreign terrorist organization. Rudrakumaran is a US citizen but US citizens are prohibited from providing material support to FTOs. LTTE was declared a FTO in 1997 by the US making Rudrakumaran liable for association with the LTTE since that date under US laws. If the US has declared 'we will continue to locate and prosecute those who fund and support terrorist organizations, wherever they reside' we feel it is now time the US keep to its word and went after V Rudrakumaran, a US citizen who has been providing material support to the LTTE and who functioned as its legal advisor and is now continuing the LTTE movement under the name TGTE.

Can a naturalized US citizen, working as an immigration attorney, heading an unusual 'government' calling itself the 'transnational government of Tamil Eelam' with not many people aligned to it BE INVOLVED AND BE HELD ACCOUNTABLE FOR HIS ASSOCIATION WITH AN INTERNATIONALLY PROSCRIBED TERRORIST MOVEMENT?

Visuvanathan Rudrakumaran, is the naturalized US immigration attorney based in New York and his TGTE was formed after the demise of the LTTE leader. His association with the LTTE should now be in focus. Rudrakumaran is demanding accountability from Sri Lanka. In turn we demand accountability of Rudrakumaran for his association, links and involvement with the LTTE.

## EVIDENCE OF RUDRAKUMARAN PROVIDING LEGAL AND POLITICAL SUPPORT FOR THE LTTE

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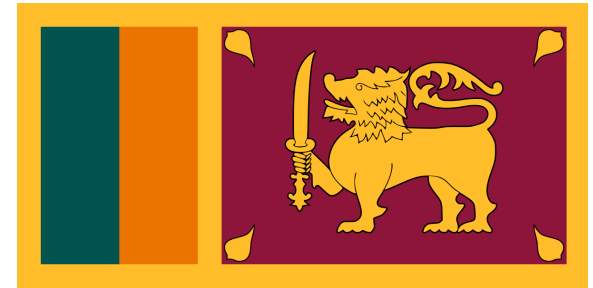


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- Rudrakumaran functioned as peace maker, legal counselor and political advocate for the LTTE, an organization designated as a foreign terrorist organization and internationally banned by 32 countries – a violation of US federal laws given he holds a US passport
- Rudrakumaran participated in many high level deliberations on behalf of the LTTE and associated with its leadership in decision making even after US designated LTTE as a FTO in 1997.
- The US State Department report of December 2009 by its Office of War Crimes Issues admitted the LTTE culpability of massacres of civilians – Rudrakumaran as a citizen of the U.S. is subject to Federal Laws because of his close and intimate association with the LTTE and its leader Prabhakaran for the human carnage the outfit unleashed in Sri Lanka.
- Web sites and online publications of the LTTE itself and front organizations of the Tamil Tigers are testimony to his intimate working relationship with the LTTE – he has on no occasion denied, refuted or even taken legal action if these publications were publicizing falsehoods.

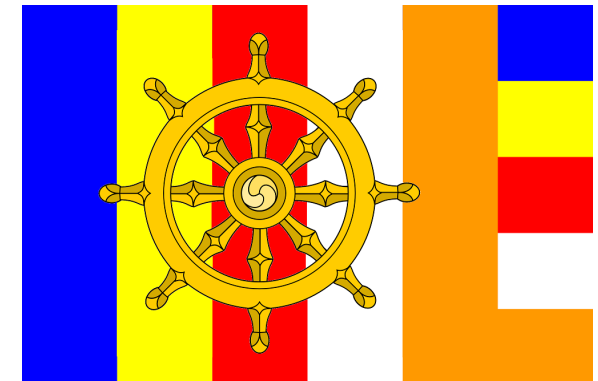
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Evidence of US citizen Rudrakumaran links to LTTE

1. Rudrakumaran participated representing the LTTE in the Thimpu Talks between GOSL and LTTE in 1985 .
2. He participated in the CANBERRA conference in 1996 at which supporters of the separatist movement in Sri Lanka had got together.
3. He organised LTTE Heroes Day in New Jersey in November, 1998, and delivered a special address. **(LTTE was declared a FTO by US in 1997)**
4. He made arrangements for an agreement to be signed between the LTTE and South Sudan People's Liberation movement in July 2002. **(LTTE was declared a FTO by US in 1997)**
5. He was LTTE advisor for constitutional affairs, he convened the LTTE's constitutional committee meeting held in Paris in August, 2003. **(LTTE was declared a FTO by US in 1997)**
6. He participated in the fourth round of peace talks with the Government, in Thailand, Norway and Germany from September, 2002 to February, 2003. **(LTTE was declared a FTO by US in 1997)**
7. Rudrakumaran was responsible for coordinating the defence at the Rajiv Gandhi assassination trial in India in 1997, Suresh Manikkavasagar's trial in Canada, and challenging the US designation of the LTTE as a terrorist organisation.
8. He participated on behalf of the LTTE in the failed Oslo talks with the Government in Norway in 2006. **(LTTE was declared a FTO by US in 1997)**
9. He participated in the Geneva talks on behalf of the LTTE held in October, 2006, as a negotiator. **(LTTE was declared a FTO by US in 1997)**

10. Rudrakumaran had delivered a speech in Switzerland on April 2006 about the policy statement of LTTE which was issued to coincide with the 62nd General Assembly the UN. In his speech, he stated that this is not just another statement of the LTTE but a policy statement that spells out its future strategic direction. The final section of the paper refers to the expectations of the LTTE:

- To recognise the concept of the sovereignty of the Tamil people and support the peace process in accordance with this principle.
- Provide appropriate opportunities to the Tamil people to express these aspirations as have been given to the people of East Timor and Kosovo.

11. Rudrakumaran has held a meeting with the expatriate Tamils the US in order to educate them on the establishment of Provisional Transnational Government of Tamil Eelam (TGTE) and its future plans. Further, it is learnt that he has reportedly expressed that they intend to hold political discussions with the Sri Lankan Government to seek a solution to the problem to regain their aspirations politically under the principles of Tamil homeland and rights to self-determination.

12. On September 27, 2009, Rudrakumaran visited Germany to speak to the Tamil Diaspora.

13. He issued Heroes Day statement separately on November 27, 2009.

14. Rudrakumaran was admitted to the New York bar in 1993, he has since represented an estimated 2000 to 3000 clients, mainly in pro-LTTE Tamil bogus refugee claims

15. President Rajapakse himself had asked Patricia Butenis when she went to present her diplomatic credentials in September 2009 that Rudrakumaran was a US citizen but supporting the LTTE.

16. Conciliation Resources publication 2005: [www.c-r.org](http://www.c-r.org) which carries a paper by Rudrakumaran on LTTE describes him as "Legal advisor to LTTE and an Attorney at Law in the USA"

Legal ramifications against Rudrakumaran for being involved with a terrorist movement

- In June 2010, US Supreme Court upheld the constitutionality of the 'material support' statute. 18 USC 2339B. The case actually involved the LTTE and the Kurdish Workers Party (PKK) both designated as FTOs in 1997. The case started over 10 years ago by some associated with Rudrakumaran. The case came about when 2 US citizens and 6 domestic organizations which included Nagalingam Jeyalingam a Tamil physician and 5 non-profits organizations with people of Tamil descent argued that they wished to provide humanitarian and political support to the LTTE by way of monetary contributions and other tangible aid, legal training and political advocacy but feared the prosecution under 2339B.
- It is now a crime for any person to provide 'material support or resources' to a designated foreign terrorist organization. LTTE remains designated as a FTO by the US since 1997

US Laws applicable against Rudrakumaran

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## Photo News

### Separatists Terrorists with their Masters (TNA met Indian diplomats)



### LTTE Terrorists Attack of the Month



LTTE Tamil terrorists massacred 57 Sinhala villagers in

- US Supreme Court declared **“Whether foreign terrorist organizations meaningfully segregate support of their legitimate activities from support of terrorism is an empirical question. When it enacted section 2339B in 1996, Congress made specific findings regarding the serious threat posed by international terrorism. One of those findings explicitly rejects plaintiffs’ contention that their support would not further the terrorist activities of the PKK and LTTE: ‘Foreign organizations that engage in terrorist activity are so tainted by their criminal conduct that any contribution to such an organization facilitates that conduct.’**
- ‘Material support or resources’ is defined as ‘any property, tangible or intangible, or service, including currency or monetary instrument or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identifications, communications equipment facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), transportation except medicine or religious materials”.
- The US Supreme Court even ruled that Material Support statute applied to Peace Makers. US Chief Justice in his ruling held that even benign support can benefit terrorist organizations by giving them an air of legitimacy, allowing such organizations to use negotiations to stall while they regroup from previous losses (don’t we know how well LTTE mastered that art!)
- Since 2001, US has charged close to 150 defendants with violations of the Statute, 75 people have been convicted. The law carries a penalty of upto 15 years in prison.
- 18 USC 2339B makes it a Federal Crime to ‘knowingly provide material support or resources to a foreign terrorist organization’.
- Rudrakumaran needs to be charged under the same provisions. **US proscribed LTTE as a FTO in 1997. It was on 31 January 1996 that the LTTE exploded a truck bomb filled with 1000 pounds of explosives at the Central Bank of Colombo killing over 100 people and injuring more than 1400. These were all civilians and the Central Bank was in no military war zone.**

In 2013 Rudrakumaran has been publicly reprimanded by the United States Courts Committee on Admissions and Grievances for serious misconduct – [www.priu.gov.lk](http://www.priu.gov.lk)

### Rudrakumaran’s SLIM defense

Rudrakumaran will argue his case on the US 1<sup>st</sup> amendment right guaranteeing ‘Free Speech’, however the US Supreme Court has made a distinction between a person who is in close coordination with a FTO and making pronouncements and a person making the same pronouncement as an independent individual who has no links to a FTO. Clearly, Rudrakumaran cannot deny or disassociate himself from graphical links via photos and statements made on behalf of LTTE when Rudrakumaran functioned as LTTE’s legal counsel. US Supreme Court ruling says that a person will be found guilty if the ‘speaker knows to be terrorist organizations’ – Rudrakumaran was well aware of LTTE’s terror and the scores of murders, assassinations which included the killing of a foreigner Rajiv Gandhi and President Ranasinghe Premadasa amply denies Rudrakumaran to say he was not aware of LTTE’s terror ways. Knowing LTTE’s terror was it not wrong for a US citizen as

Gonagala, Eastern Province of Sri Lanka on 18th September 1999.

### Cartoon



### Writers

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Where is UNHRC? (2)

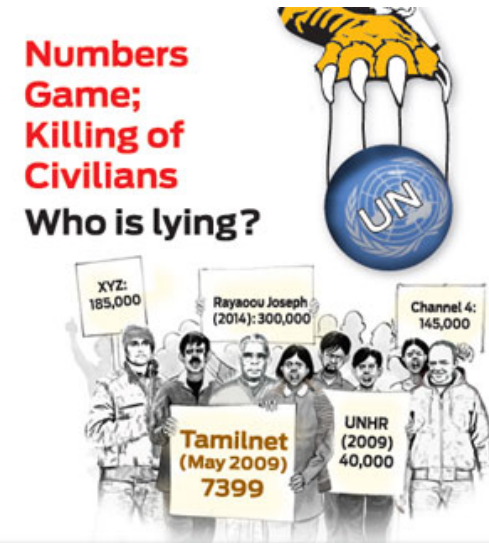
Rudrakumaran to speak on behalf of a FTO? This is what the USSC ruling implies and this is what Rudrakumaran should be pressed to respond to. US citizen Rudrakumaran being an attorney was well aware that LTTE was a designate FTO and he should not have had links to the LTTE as a result. He has the liberty to describe LTTE as a liberation organization but as a US citizen he does not have the liberty to speak on behalf of the LTTE. That is the difference and that is where Sri Lanka should hound Rudrakumaran.

Freedom of Speech is curtailed by the clause **“under the direction of, or in coordination with foreign groups that the speaker knows to be terrorist organizations.”** Rudrakumaran has thus violated USSC ruling because he knew LTTE was designated a FTO since 1997 but is advocating LTTE’s right to procure arms. US needs to take action against this violation of its Supreme Court ruling.

- On 10 July 2006 Rudrakumaran made the following statements which appeared in the TamilCanadian website
  - o “In 2003, three separate incidents at sea took 26 LTTE members. The Sri Lanka Navy sank an LTTE merchant ship in international waters. Even in spite of that, the LTTE has shown great restraint in their actions. The government has justified its action by claiming that the LTTE ships were carrying arms.”
  - o “*Arguendo*, the LTTE ships were getting arms, it does not entitle the GOSL to attack those ships.”
  - o “The relevant language of the Ceasefire Agreement (CFA) states in Section 1.2: Neither Party shall engage in any offensive military operation. This requires the total cessation of all military actions and includes, but not limited to, such acts as: (a) The firing of direct and indirect weapons, ar
    - o med raids, ambushes, assassinations, abductions, destruction of civilian or military property, sabotage, suicide missions and activities by deep penetration units; “Thus, the importation of weapons and ammunition can only be considered proscribed if such action is specifically included in the above paragraphs. Clearly the importation of weapons and ammunition is not an offensive military operation and clearly there is no prohibition in the CFA. “The fact that a prohibition on rearmament is not included in the CFA is not inconsistent with general state practice. A review ceasefire agreements and subsequent peace agreements indicates that prohibitions on rearmament are generally included in the final peace agreements as part of a comprehensive program on demobilization, disarmament, and decommissioning of weapons.
  - o **“Moreover, the LTTE is a national liberation movement. Thus, it can be argued under U.N. General Assembly Resolutions 3034 and 3314 that the LTTE has a right to import arms for the realization of the right to self-determination. Also under the international law concept of self-defense and self-help, the LTTE can import arms.”**
- **What Rudrakumaran needs to realize is that not only is he a US citizen, that in his eyes LTTE may be a liberation movement but on paper LTTE is a foreign terrorist organization and thus all laws relevant to a FTO applies including to himself.**

David Cameron (15)

## Numbers Game



## 13th Amendment

- IT IS TIME THE US READ OUT ITS SUPREME COURT VERDICT AND FILED CHARGES AGAINST V RUDRAKUMARAN FOR 'ANY CONTRIBUTION' UNDER MATERIAL SUPPORT IN THE SC RULING 2339B PROHIBITS RUDRAKUMARAN FROM PROVIDING 'MATERIAL SUPPORT' TO THE LTTE DESIGNATED AS A FTO.
- Moreover as legal counsel to the LTTE, Rudrakumaran has specifically violated USSC 2339B which says that if speech to those groups (FTOs) imparts a 'specific skill' or communicates advice derived from 'specialized knowledge' for example training on the use of international law or advice on petitioning the United Nations – then it is barred. Rudrakumaran and coterie have lobbied the UN, even US representatives and politicians to promote LTTE and these instances now need to be brought out as evidence against him.
- US, charged Suresh Sriskandarajah, a Canadian citizen for attempting to obtain various equipment for the LTTE. He was convicted by a Federal Court in New York in December 2012 under the Material Support Law. He pleaded guilty.



### The US laws applicable to V. Rudrakumaran

1. USSC 2339B (a) (1): **“Unlawful Conduct.—**

***“Whoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization . . . , that the organization has engaged or engages in terrorist activity.”***

2. USSC 2339B : 'Free Speech' under 1<sup>st</sup> Amendment of the US Constitution:

Plaintiffs claim Congress has banned their 'pure political speech'. However, plaintiffs can speak and write freely about PKK / LTTE... 'the statute does not prohibit independent advocacy or expression of any kind',



## Archives

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Cartoon (66)

plaintiffs can even become members of the PKK /LTTE BUT Congress prohibits 'material support' which does not constitute any form of speech.

3. USSC 2339B: contacts with FTOs criminal even to promote peace

Material Support 'meant to promote peaceable, lawful conduct' helps terrorism in multiple ways. It gives legitimacy to foreign terrorist groups – making it easier for them to recruit members, raise funds and facilitate more terrorist acts. Even benign support benefits terrorist organizations.

4. USSC 2339B : Does not require any proof the defendant intended to further any act of terrorism or violence by the FTO. The example of Suresh Sriskandarajah's conviction

5. (h).***It clarifies that section 2339B(a) criminalizes providing "personnel" to a foreign terrorist organization only where a person, alone or with others, "works under that terrorist organization's direction or control or . . . organizes, manages, supervises, or otherwise directs the operation of that organization."***

Pro-LTTE websites and publications describe V Rudrakumaran as being the legal advisor to the LTTE – Rudrakumaran has not dismissed or taken legal action against any of these publications if they had been lying.

**Example of Rudrakumaran publicly speaking on behalf of the LTTE:** [tamilnation.co](http://tamilnation.co)

*International Seminar: Envisioning New Trajectories for Peace in Sri Lanka  
Organized by the Centre for Just Peace and Democracy (CJPD)  
in collaboration with the Berghof Foundation, Sri Lanka  
Zurich, Switzerland 7 – 9 April 2006 / Session 5 Process Analysis of the Peace Process*

LTTE's Flexibility in the Current Peace Process

by Viswanathan Rudrakumaran  
Attorney at Law, New York, Participant in Norwegian Sponsored Peace Talks

**Photo evidence**

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Sinhala News (28)

Archives – සිංහල Articles

Sinhala Articles (62)



The links to V Rudrakumaran with the LTTE and Prabakaran are not merely ties of association. Rudrakumaran held posts in the LTTE and functioned as a legal advisor and was a key player in all discussions held with foreign nations on behalf of the LTTE. These examples make him directly tied to the US Supreme Court ruling on 'material support' where he was well aware that, he as a US citizen was doing wrong to function on behalf of the LTTE designated as a FTO by the US since 1997.

We now need for the US to keep to its word, follow its own legal rulings and immediately take legal action against V Rudrakumaran for his role in material support to the LTTE, a FTO while being a US citizen.

**Shenali D Waduge**

*1350 Viewers*

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