

November 6, 1997

**United States Court of Appeal
District of Columbia Circuit
Washington D.C.**

Re: Letter of Authorization for the Filing of a Legal Action and Representation of the Liberation Tigers of Tamil Eelam in the Judicial Review of the Terrorist Designation of the Organization Pursuant to Section 219 of the Anti-Terrorism and Effective Death Penalty Act of 1996. (Public Law 104-132, April 24, 1996)

Dear Honorable Judges:

On October 8, 1997, the United States Secretary of State, Honorable Madeleine Albright, pursuant to Section 219 of the Anti-Terrorism and Effective Death Penalty Act, designated the Liberation Tigers of Tamil Eelam (the LTTE defined) as a terrorist organization along with 29 other organizations.

The LTTE is a national liberation movement, which is presently involved in armed conflict with the government of Sri Lanka in order to realize the right of the Tamils of Sri Lanka for self-determination on the island of Sri Lanka.

The Rationale for Armed Resistance by the Tamils

The formation of the Tamil armed resistance movement was in response to the repression and violence of the Sinhala-dominated Sri Lankan government. It should be analyzed within the context of the historical development of the Tamil struggle for self-determination. The Tamil struggle for self-determination has an evolutionary history of nearly half a century. It is a history characterized by state repression and the ensuing resistance by Tamils. The political struggles in the early periods were peaceful, democratic, non-violent campaigns which later assumed the form of armed resistance as the military repression by the state intensified to genocidal proportions.

Following the independence of the island in 1948, Sinhala State repression against the Tamils began to manifest itself in earnest. Through discriminatory legislation, and various other unconstitutional measures, successive Sinhala majority governments unleashed a systematic form of oppression that deprived the Tamils of their linguistic, educational and employment rights. In addition, the aggressive state aided colonization, by the Sinhalese, of Tamil areas not only deprived the Tamils of

their rights to their historical lands, but also changed the national composition in the Tamil regions rendering them minority in their own traditional Tamil regions.

The Tamils took up arms when they were presented with no alternative; when peaceful forms of democratic political agitations were violently repressed; when constitutional paths and parliamentary doors were effectively closed.

The event which climaxed the constitutional process to oppress the Tamil people was the new Republican Constitution of 1972 which was adopted, in a constitutional conference outside the Parliament without the support of elected Tamil representatives.

By this unilateral action, which eliminated the protection for Tamils included in the Soulbury Constitution, Sri Lanka broke the covenant which the Tamil people made with the Sinhala people and the British when Sri Lanka became independent in 1948. The secular position of the state was changed in favor of Buddhism, the religion of the Sinhalese. Since 1961, after Satyagraha, a non-violent civil disobedience campaign by the Tamils, the Tamil areas came under army occupation.

The response of the Tamil people to these oppressive measures was to assert the inalienable right to self-determination.

This right entails the freedom as a people to determine their own political status. In the 1997 election, the last free election held in the northeast, the Tamils gave an overwhelming mandate to establish the "independence of Tamil Eelam by peaceful means, direct action or by struggle."

The LTTE emerged as a response to these conditions; and with the emergence of the LTTE, the minds of the Tamil political struggle underwent a radical change. The armed struggle became effectively institutionalized as the political struggle of the Tamil people; and also as a measure of self-defense in the face of the brutalization of the Tamils by the Sri Lankan government.

The LTTE's armed struggle is based on a clearly defined political program.

The LTTE is committed to the position that the Tamils constitute themselves as a People or a Nation that have a homeland. A well-defined contiguous territory embracing the Northern and Eastern provinces to be the historically constituted habitation of the Tamils. Since the Tamils have a homeland, a distinct language and culture, a unique economic life and lengthy history extending over three thousand years, they possess all the characteristics of a nation or a people.

The right to self-determination is a basic universal human right recognized by the international community. The international covenants of the UN charter enunciate the principle of self-determination in the following terms, "All people have the right to self-determination. By the virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Sri Lanka has consistently denied the right to self-determination of the Tamils and refused to recognize the Tamils as a people. By constitutional amendment Sri Lanka has prohibited even peaceful promotion of the Tamil demand for self-determination as unlawful.

Furthermore, it has unleashed a full-fledged war against the Tamils to suppress their struggle for political independence. The armed struggle of the Tamils is for the right to self-determination and is thus a legitimate political struggle for independence under international law.

Human Rights Violations and War Crimes by Sri Lanka

In the war to suppress the Tamils, successive Sri Lankan governments have used their security forces to commit massive human rights violations and war crimes against the Tamils. These violations have included extrajudicial killings, disappearances, torture, rape, mass arrests, detention, assault, and harassment. In addition, there has been indiscriminate aerial bombing and heavy artillery shelling of civilians. The denial of food, fuel, electricity, medicine and other essential supplies through an economic embargo since 1990, as well as the intentional disruption and destruction of agricultural production, have been used as instruments of war. These actions have caused deaths, a great deal of suffering and undue hardships for the Tamil civilian population of the North and East. The army has even desecrated the final resting places of Tamil freedom fighters in areas it invaded in 1995 and 1996.

It is gratifying that these violations are now receiving some recognition from the international community despite desperate cover up efforts by the Government through censorship and denial of access to the Northeast.

Recent reports by the U.S. State Department, the U.S. Committee for Refugees (USCR), the British Refugee Council and Amnesty International have noted the sharp deterioration in the human rights performance of the Government.

The U.S. State Department's Human Rights Report for 1996, even though it failed to use information compiled and regularly reported by the LTTE, noted the "deterioration in the human rights record of the security forces" and "the impunity for those responsible for human rights abuses." It documents the deterioration and the impunity in all categories of violations by security forces ranging from killings, disappearances, torture and rapes to mass arrests, and detention. It also notes that even the minimal safeguards built into the Emergency Regulations (ER) and Prevention of Terrorism Act (PTA) are "routinely ignored by security forces."

Tamils will continue to be a "people in distress" unless the international community intervenes. The Sri Lanka government continues to bomb and shell indiscriminately and where more than a hundred innocent Tamil civilian men, women and children have lost their lives and more than a hundred have been injured since the May 13 offensive alone, LTTE will continue to deter the Sri Lanka government from committing such atrocities and other human rights offenses against the Tamils.

The international community has a duty to prevent human rights violations by the security forces by discontinuing the supply of lethal weapons, and all other forms of military assistance, to the Government. Listing the LTTE as a terrorist organization does not help to end the war and bring peace and justice to the Tamil people in distress.

LTTE - A Proven Politico-Military Organization

As an organization committed to the principle of self-determination and engaged in a politico-military struggle over a length period, the LTTE has earned the status of a national liberation movement. Having emerged in the early seventies and having struggled for over two decades to win

the political rights of the Tamil people, the LTTE enjoys widespread popular support in Tamil Eelam and among the international Tamil community.

History has noted that guerrilla movements committed to armed struggle could not have survived without the support and sustenance of the people. The LTTE has a standing army and a naval force, its national liberation force consists of several thousand freedom fighters, a capable and responsible command structure, military training facilities, modern weapon systems, vast territories under its administrative control and the potential and efficiency to engage the Sri Lanka armed forces in a conventional mode of warfare.

The LTTE on 24 February 1988 transmitted its notice of acceptance of the Geneva Conventions I-IV of 1948 and the Protocols Additional I and II to the Geneva conventions to United Nations Headquarters and to the ICRC.

LTTE has entered into agreements with international humanitarian organizations.

LTTE believes that as a national liberation movement it should be treated as privileged combatant not as a criminal organization.

The LTTE never targets civilians who "take no active part in the conflict."

The Sri Lankan government in its zeal to demonize the LTTE and to deceive foreign governments has engaged in a concerted disinformation campaign to present a picture that belies our reality.

The LTTE has a political section with social, economic, educational and cultural organizations, and civil administrative units which implement a system of law and order. The structure of the LTTE is multifaceted and serves the needs of the Tamil people. It is oriented towards conducting an effective armed resistance and political struggle while at the same time maintaining a well-organized administrative system. It has, since 1990, operated a de-facto government in all liberated areas and continues to do so in the areas still under its responsibility.

Thus, during 1990 and 1995, even under the very difficult conditions imposed by the economic embargo and the war, the LTTE conducted an effective civil administration in the North, totally free of the corruption and nepotism which have plagued Sri Lanka. It was based on a system of participatory democracy with all segments of society from the grassroots level to professionals, having the opportunity to participate in non-military decisions. A key example was the formulation of the economic plan for rehabilitation, reconstruction and development. Another achievement of the LTTE has been the empowerment of the victims of tradition and culture-based discrimination - women, "low caste."

The LTTE remains committed to progressively broadening the system of participatory democracy and to establishing complete political pluralism once peace with security and justice is achieved.

We take inspiration from the armed struggle waged by the Representatives of the United States of America for the national self-determination movement that led to the creation of the United States of America.

We share in the belief of the oppressed contained in the Declaration of Independence, that: "But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to

reduce them under absolute Depotism, it is their right, it is their duty to throw off such Government, and to provide new Guards for their future security."

The Tamil people have suffered years of political and violent physical abuses at the hands of successive Sinhala governments of Sri Lanka, while the international community watched silently, before we took up armed struggle to claim the rights of the Tamil people.

We take this opportunity to reiterate our desire and willingness to enter into a negotiated settlement under third party facilitation, which will ensure the realization of the right to self-determination of both the Sinhala and Tamil-speaking people of the island of Sri Lanka.

Our struggle for self-determination is not a threat to the national security of any member of the family of nations, nor is our struggle a threat to the Sinhala people.

As I mentioned earlier in a 1991 open letter addressed to the Sinhala people. "(We) have no hatred towards the Sinhalese people. It is one of the fundamental principles of our struggle that we respect and safeguard the right of every individual irrespective of creed, religion, sex or ethnic origin."

It is indeed regrettable that the American Nation, which received its own independence after a violent struggle for self-determination, and has ever since championed the cause of human freedom, has chosen to characterize and discredit the legitimate struggle of the Tamil people seeking to determine their political status, as a phenomenon of terrorism. We consider this indictment by the U.S. Department of State unfair and unfounded.

We understand that Section 219(b) of the Anti-Terrorism Act provides an opportunity to challenge the designation in your Court. We feel we have a moral obligation to challenge it.

We are also mindful that the courts in the United States play an important role in defending the rights of the persecuted and downtrodden. We believe we can get justice in your Court.

In this connection, I authorize Mr. Ramsey Clark, Attorney-at-Law and Mr. Visuvanathan Rudrakumaran, Attorney-at-Law, and other attorneys appointed by them to mount this challenge and appear as legal counsels of the LTTE in challenging its designation as a terrorist organization before this Court.

Sincerely yours,

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