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CONSTITUTIONALLY BANNING THE LTTE AND EELAM CONCEPT AND ITS SYMBOLS IN SRI LANKA AND REST OF THE WORLD BY USING SIMILAR APPROACH APPLIED AGAINST NAZISM

Objections, History, Background, Legislation and Recommendation

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1.0 Introduction

After the Second World War the allied countries collectively and severely introduced new safeguards and legal measures eradicate concepts such as Nazism to safeguard the dignity of the mankind and human rights of the people worldwide. Nazims was clearly identified as a threat to the modern world; hence they went an extra mile to ensure that the Nazim will never be alive again.

The message given by the allies was unequivocal. "No Nazism ever again." International law started to reflect the new world order. Domestic mechanisms and new legislations were introduced and set up to counter the threat immediately.

2.0 LTTE & its Ideology

Ironically, history is being repeated. The western world has become a playing field for certain foreign terrorist groups, including the Tamil terrorists in Sri Lanka. The LTTE is responsible for hundreds of terrorist activities in Sri Lanka and abroad. They reintroduced the suicide attacks to the post-second world war society, which was quickly adopted by various Islamic terrorist groups worldwide. Murder of two state leaders, killing of one presidential candidate, attempt to kill a President of Sri Lanka and killing of numbers of intellectuals, politicians are among the hundreds of atrocities they carried out during the terror campaigns they unleashed in Sri Lanka for over thirty years.

At present Tamil terrorists and their sympathisers are trying to resuscitate the organisation in the western world with some opportunistic politicians' blessings.

This is the right juncture for the Government of Sri Lanka (GOSL) and patriotic Sri Lankans worldwide to act swiftly and appropriately without delay as the time is ticking against us.

LTTE's strategy is clear; they would not throw a lifeline to LTTE until the last minute. They

will play the rat and mouse game and take the shield from charity organisations for a period until the framework is ready for the revival. Now they have accelerated their strategy. If we do not act now, we, along with our future generations, will fail the battle; we partially won back in 2009.

It is clear to anyone who scrutinises the modern history that the western world has given us ample examples in order to tackle the situation. They defeated Nazis and later took every single step to avoid subsequent revivals of the concept and the ideology in a similar manner. Nazism was first developed in line with national socialism in Germany. German National Sozialismus Authoritarian Movement led by Adolf Hitler gave new life to the Nazi ideology, which was less popular prior to Adolf Hitler's regime.

Simultaneously, Fascism was thriving under Mussolini in Italy like two sides of a single coin.

Similarly, the Marxism and communism were thriving in other parts of the world, and the British Empire was coming to their ultimate end.

Nazism was, in fact, first evolved as a theory, and it was embedded in the mindset of German people before the second world war by Adolf Hitler's campaign. It is not a form of socialism; it has certain similarities and parallels. In order to achieve their goals, Nazis were trying to socialise the Aryan race by oppressing and persecuting the races that the Nazis deemed inferior and oppressive.

Ultimately this ideology paved the way to the total destruction and genocide of Roma and Jew's communities scattered around the mainland European continent.

Although, we are aware of concentration camps against Jews and the way Nazis operated the concentration camps, gassed and killed innocent Jews including children and women, we have little or no knowledge about the fate of the Roma people in Europe and the way they were rounded up and massacred in hundreds of thousands and their fate prior to the second world war. This is due to the fact that Roma people were not on the Western agenda

and are still not, being a weak and non-influential ethnic minority, their fate was not a western interest whatsoever. Likewise, Sinhalese face the same fate today.

The pro-LTTE Tamil terrorist camp often capitalises the 1983 riots in order to portray a different picture to the rest of the world and ultimately win the sympathy. Hardly the rest of the world is aware that Sinhalese and other communities went through and were systematically and brutally butchered. Their families loved once were killed regularly, and ethnic cleansing in Sri Lanka was unleashed against Sinhalese in hundreds of occasions in Sri Lanka by the so-called victims and their sole representatives in Sri Lanka. Nevertheless, their voice is often unheard and unnoticed.

3.0 Anti-Semitism

Anti-Semitism is a behaviour hostile towards Jew people because of their ethnic origin. Hitler did not invent the hatred of Jews. Jews of Europe have been victims of discrimination and persecution since the middle ages. Hitler was inspired by the antisemitism and teachings of George Ritter Von Schonerer and Carl Lueger. Hitler learnt how anti-socialism and social reforms could be successful in Mein Kampf. Hitler praised Lueger as the most influential German politician at all times.

After coming to power in 1933, Hitler and the Nazi camp put ideas in to practise. The Nazis started to round up Jews from their Ghettos in Germany and later in the mainland of Europe and started to annihilate the Jews because of their race. The ethnic cleanse and genocide against Jew people started in Germany, and later it was widely spread all around mainland Europe.

4.0 Applicability to LTTE

The LTTE Tamil tiger terrorists later adopted similar tactics in Sri Lanka towards the Tamil speaking Muslims and the Sinhala community living in border villages and Jaffna peninsula. The Sinhalese and Muslims living in the Jaffna Peninsula were given 24 hours to leave, and they were not allowed to carry their properties with them. They were later put

into refugee camps and their resettlement process has never been implemented fully even after the war, particularly for the internally displaced Sinhala people.

Whether it is a coincidence or a very well calculated list of events, Tamil terrorists used a similar approach towards Sinhala speaking people and Muslims that Nazis used against the Jew community in the Second World War.

Both the Nazis and Tamil terrorists were expected to develop a mono-ethnic future Tamil state while both the organisations have surprising similarities in their DNAs and operational systems.

5. Similar techniques by LTTE

As Nazis did back in the 1930s, the LTTE also adopted techniques of same nature. Both the organisations were strategically similar in achieving their goals; they were supposed to implant an ideology in their respective societies, to begin. LTTE took all the measures to eliminate opponents and threats, leaving no voice to alternative opinions. At the beginning of the elam project, Tamil terrorists also adopted the Nazi techniques, including a similar salute. They started their campaign with the same ideology that promoted hatred towards other ethnic groups and introduced a new Tamil supremacy theory in Sri Lanka, later his was spread throughout the other Tamil speaking states and societies of various which eventually led to unleashing violence against Sinhalese and Muslim people. To justify their cause, they eventually cited the riots that took place in 1956 and 1983. However, they used the above riots to carry out hundreds of cold-blooded, brutal attacks and ethnic cleansing against other ethnic groups. While they promoted the ethnic cleansing and Nazi principles, their propaganda machine played a vital role to portray them as the ultimate victims.

Although they tried to portray them as a liberation organisation, LTTE frequently used innocent civilians to prevent them from being attacked on many occasions. Schools were destroyed, places of worship were destroyed, and they regularly massacred opponents and the members of other ethnic groups in cold blood, and even killed pregnant women, men

and children regardless. On certain occasions, they even went to the brutal extent, cut bellies of pregnant women before killing them, and took foetus out and cut into pieces. This is very similar to the tactics Nazis used during the Second World War and before that. However, Sinhalese side of the case was less heard, and their brutality was not capitalised by the parties, including GOSL.

6. Nuremberg Trial - beginning of a new Era

Germany's defeat and the signing of unconditional surrender in May 1945 brought an end to the Second World War in Europe. However, Japan was waging its war against the allied forces. The Hiroshima and Nagasaki tragedy brought Japan to its knees, and later imperial Japan surrendered, and it was announced on the 15th August and formally signed on the 02 September 1941 to bring hostilities of world war to a close. Later in 1945, a Nuremberg trial was set up to bring Nazi war criminals to justice. Article 06 of the charter describes the authority and jurisdiction of Tribunal;

Crimes against Peace: namely planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a standard plan or conspiracy for the accomplishment of any of the foregoing War Crimes: namely violations of the laws or customs of war. Such violations shall include, but not be limited to murder, ill-treatment of prisoners of war or persons on the seas, killing of hostages, the plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

Crimes against humanity: namely murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in the execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

Although Nuremberg trials were right, the Nazis were convicted of non-existing charges

before the trial. Hence, they were not a fair trial. However, this trial's basic principle was based on international law and the law of armed conflicts. Mainly the European governments identified the future threats imposed by Neo-Nazism. Therefore, they laid down certain principles to tackle the crimes that do not impose a penalty under the internal laws which are as below;

Principle I

Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

Principle II

Internal law does not impose a penalty for an act that constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

Principle III

The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible government official does not relieve him from responsibility under international law.

Principle IV

The fact that a person acted according to an order of his Government or of a superior does not relieve him from responsibility under the international law provided a moral choice was, in fact, possible to him.

Nuremberg trials destroyed the modus operandi of Nazism. The principles of international law and new lines were drawn to develop new international law principles and its broader aspects. However, Neo-Nazism started to spread in Europe with a new face.

Like LTTE propaganda used globally, neo-Nazism also operated in disguise sometimes with another organisation's face. They hid their objectives and motives, but they used the same

symbols used by the Nazis. Therefore, it was a hard battle for the European governments to prevent neo-Nazis from spreading their propaganda; therefore, European governments had to individually and severally fight another battle to bring Nazi theories to a complete end. Certain governments introduced different legislation to hold subsequent popularity of Nazism, propaganda and its activities.

7.0 German Legislation

The German Strafgesetzbuch (Criminal code) in section 86a outlaws "*use of symbols of unconstitutional organisations*" outside the contexts of "*art or science, research or teaching*". The law does not name the individual symbols to be outlawed, and there is no exhaustive official list. However, the law has primarily been used to outlaw Nazi, Communist, and Islamic extremist symbols. During the Cold War, the law was adopted and notably affected Germany's Communist Party, which was banned as unconstitutional in 1956, the Socialist Reich Party (banned in 1952) and several small far-right parties.

The law prohibits the distribution or public use of symbols of unconstitutional groups – in particular flags, insignia, uniforms, slogans and forms of greeting.

Banning Materials related to Nazism and Anti-Semitism and Nazi Memorabilia.

Certain countries in Europe, including France and Germany, have gone to the extent of banning, possession, selling/reselling of Nazi memorabilia and materials related to the Nazism and anti-Semitism. Anti-Semitism is a crime in the United Kingdom, so makes the denial of the Holocaust. Therefore, especially the European countries, including Germany and Northern America, have gone to the extent of the resurrection of Nazism by all possible means.

LTTE and its similarities to Nazi Propaganda and their tactics to disguise themselves by taking a shield from other organisations and institutes.

Although LTTE was proscribed in the UK as a foreign terrorist organisation and subsequently in Europe, LTTE carefully use the loopholes to carry out their propaganda in

Europe and North America. Although the organisation was banned, the displaying of symbols makes it less effective.

8.0 Cut-outs of LTTE leader, Prabhakaran

LTTE leader's cut-outs are widely displayed during commemoration events in different countries. Although, the LTTE is banned under the same legislation used to ban ISIS, Al Qaida, Hamas and Nazis, most western policing institutes have a soft corner. Therefore, such acts often go unnoticed, and they often enjoy the impunity.

9.0 Displaying the LTTE Flag.

Although, the LTTE was banned in the early 2000 in most western countries the related materials and memorabilia are not listed anywhere as symbols of proscribed organisation. Therefore, they used the argument in order to slip through the legal loopholes. The LTTE flag is widely being displayed very frequently, and sympathisers manipulate the flag as a traditional Tamil flag used by the Chola dynasty thousand years ago.

The above justification of the LTTE flag (with a head of a tiger, rifle bullets and two rifles images) and being applied, as a shield and never challenged (taking the shield as the Chola dynasty flag,).

However, it is noted that every flag with tiger emblem does not become LTTE flag, vice versa. The LTTE flag is significantly different from the Chola dynasty's flags, and the present LTTE flag carries 33 bullets around the pouncing tiger. Although, the pouncing tiger emblem has been adopted from the Chola flag, the LTTE flag is significantly different and possesses unique characteristics to distinguish and differentiate it from the Choloa flag. The bullets and colours LTTE has used to make it distinct and unique to the LTTE. However, there is no legal barrier to display or possess the material as it was not banned anywhere along with the organisation's proscription. A recent controversy came to light when LTTE displayed their symbol in the Westminster parliament. By doing so, they tried to get attention and popularity to their course. However, they carefully considered all the legal

repercussions before carrying out the said act, and the wording was carefully selected and displayed. They have not committed any crime under the law of the land, although this will remain controversial.

10.0 RECOMMENDATIONS

The SriLankan patriots worldwide are trying to oppose the propaganda carried out by LTTE around the globe. As there are no legal obstacles for them to display such material, such requests often end up in the vein.

Therefore, it is highly advisable that:

1. banning, creating displaying, production reproduction and the possession of related materials to LTTE and its symbols/ memorabilia in Sri Lanka would be an encouraging step for all the Sri Lankans to move forward and to start.
2. Changes to the constitution and other laws, including those governing the Parliament (to stop using them inside the Parliament)
3. and issue a special Gazette notification with the list of banned symbols (some of the LTTE symbols are noted in the Appendix “A” to this report).

Appendix –

Symbols of LTTE Tamil Terrorists

LTTE logo



https://en.wikipedia.org/wiki/Liberation_Tigers_of_Tamil_Eelam

LTTE Flag



An emblem depicting a tiger jumping through a circle of bullets, with crossed bayonets on a red background. 33 bullets around the head of tiger symbolise the historical 33 years between 1948 - 1981 before the outbreak of war with Sri Lankan.

https://en.wikipedia.org/wiki/Symbols_of_Tamil_Eelam

LTTE Flower Symbol



Elam National Anthem

https://en.wikipedia.org/wiki/Symbols_of_Tamil_Eelam

ஏறுதுபார் கொடி (Tamil)

ஏறுதுபார் கொடி ஏறுது பார்
ஏறுதுபார் கொடி ஏறுது பார் - இங்கு
ஏறுதுபார் கொடி ஏறுது பார் - தமிழ்

ஈழத்தின் வேதனை தீர்த்தகொடி - எட்டுத்
திக்கிலும் மானத்தைச் சேர்த்தகொடி
காலத்தை வென்றுமே நின்றகொடி - புலி

காட்டியபாதையில் சென்ற கொடி
(ஏறுதுபார்)

செக்க நிறத்திலே வேங்கை நடுவிலே
சீறிடும் கொடியிது – தமிழ்
மக்களைக் காத்த நம்மானமா வீரரை
வாழ்த்திடும் கொடியிது – புலி
வீரத்தின் கொடியிது – மா
வீரனின் கொடியிது (ஏறுதுபார்)

எத்தனை எத்தனை வேங்கைகள் ரத்தத்தில்
ஏறிய கொடியிது – பெரும்
சத்திய வேள்வியில் செத்தவர் மீதினில்
சாற்றிய கொடியிது – தமிழ்
ஈழத்தின் கொடியிது – புலி
ஏந்திய கொடியிது (ஏறுதுபார்)

சாதிகள் சண்டைகள் சாய்த்து விழுத்திய
சாதனைக் கொடியிது – சங்கு
ஊதி முழங்கிட ஊர்மனை யாவிலும்
உலவிய கொடியிது – சம
தர்மத்தின் கொடியிது – எங்கள்
தாயவள் கொடியிது – (ஏறுதுபார்)

ஆயிரமாயிரம் பேரென வேங்கைகள்
ஆக்கிய கொடியிது – பிர
பாகரன் என்றிடும் காவிய நாயகன்
போற்றிடும் கொடியிது – தமிழ்த்
தேசத்தின் கொடியிது – எங்கள்
தேசியக் கொடியிது (ஏறுதுபார்)

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