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Statement by H.E. Ravinatha Aryasinha Ambassador and Permanent Representative of Sri Lanka at the International Counter-Terrorism Focal Points Conference on Addressing Conditions Conducive to the Spread of Terrorism and Promoting Regional Cooperation - Geneva, 13 June 2013

Sri Lanka reaffirms its commitment to the Global Counter Terrorism Strategy and is pleased to participate in this International Counter-Terrorism Focal Points Conference which is part of the CTITF Global Initiative on implementing the UN Global Counter Terrorism Strategy of 2006, which serves as a blueprint embraced by all member states of the United Nations in providing a comprehensive and integrated approach to counter terrorism.

As observed in the UN Secretary General's report dated 4 April 2012 on *United Nations Global Counter-Terrorism Strategy: Activities of the United Nations system in implementing the Strategy*, "Addressing the challenge of international terrorism is integral to the delivery of international peace and security. Terrorism can only be prevented and defeated if the international community takes comprehensive, effective and coordinated action to counter it".

For the Government and the people of Sri Lanka the need for countering terrorism has hardly been an academic exercise. For nearly 3 decades my country has been the victim of terrorism at the hands of the Liberation Tigers of Tamil Eelam (LTTE), one of the most ruthless terrorist organizations the world has seen, which was proscribed by India, the US, Canada and the 27 EU member states. At the height of its activities, the LTTE had 42 offices across the globe with a global network functional in the areas of propaganda, fund raising, money laundering, arms procurement, arms trafficking and illicit shipping. Its main charitable organisation the Tamil Rehabilitation Organisation or the TRO, remains banned and funds frozen by United States Treasury in 2007 for covertly financing terrorism and attempting to procure arms, ostensibly to supply them to the LTTE.

Since the military defeat of the LTTE in Sri Lanka in May 2009, besides the radicalized activism of LTTE front organizations in several European capitals, and the arrest of 32 LTTE activists in Germany, the Netherlands, Norway and Switzerland and the conviction of a further 28 in France, the Netherlands and Belgium, its known activists continue to advocate mono-ethnic separatism in Sri Lanka while espousing the ideology of the LTTE, using its money and being manipulated by its surviving military leaders, who are primarily domiciled in Europe. The continuance of the LTTE's activities and its network of front organizations in Europe was also manifest in an appeal filed on behalf of the LTTE in the European Court of Justice on 11 April 2011 for the de-listing of the LTTE from the EU list of terrorist entities. While the TE-SAT 2011 report of Europol noted that "Separatist terrorist groups such as the PKK/KONGRA-GEL and LTTE are involved in the trafficking of drugs and human beings to raise funds for their terrorism activities", the US Global Terrorism Report of 2012 confirms continuing concerns regarding the LTTE, noting that the "the LTTE's financial network of support continued to operate throughout 2011" and that "the group employed charities as fronts to collect and divert funds for their activities". Recent incidents in Tamil Nadu too are indications of the continuing attempts by the LTTE to regroup overseas.

The challenge terrorism poses and the necessity for international cooperation to eradicate it was fully understood by Sri Lanka well before the events of 9/11 and the UN Security Council Resolutions 1373 and 1267. Notwithstanding the Government of Sri Lanka successfully eradicating terrorism in the country a little over 4 years ago, we have not forgotten the damage terrorism causes not only to life and property but also the manner in which it undermines financial systems, cripples communications networks and exploits the generosity and decency of civic minded people.

It is for this reason that Sri Lanka has continued to give effect to the evolving international legal regime relating to countering terrorism and in meeting its international obligations in this regard.

Domestically, Sri Lanka being a State Party to 12 International Conventions aimed at preventing the spread of terrorism and to give effect to these international instruments having promulgated legislation including the Convention on Suppression of Financing of Terrorism Act No. 25 of 2005 which established the Financial Intelligence Unit (FIU) in 2006 and the Prevention of Money Laundering Act 5 of 2006 (amended by way of Amendment Act No. 40 of 2011),

complimented by the Financial Transactions Reporting Act no 6 of 2006 which established the Financial Intelligence Unit. The GOSL has also gazetted the regulations pertaining to UNSCRs 1373 and 1267 in Extra Ordinary Gazette Nos: 1758/19 dated 5th May 2012 and 1760/40 dated 31st May 2012 respectively. These gazettes tabled in Parliament on 10th January 2013, provides for establishment of a Competent Authority comprising of the Secretary / Ministry of Defense, Chief of National Intelligence and the Governor of the Central Bank, who can make recommendations to the Minister of External Affairs to designate persons / entities under UNSCR 1373. The Sri Lankan Cabinet of Ministers at its meeting held on 22 August 2012, also approved the revision of the Convention on the Suppression of Terrorist Financing Act No 25 of 2005, to bring it in line with the recommendations of the Financial Action Task Force (FATF) and to address deficiencies identified by both the Asia Pacific Group on Money Laundering and the Legal Review Committee (LRC) approved by the Advisory Board of the Financial Intelligence Unit of the Central Bank of Sri Lanka. Following this amendment, by way of Amendment Act No 3 of 2013, providing assistance on humanitarian grounds to a terrorist or terrorists or to a terrorist group will not be possible. The FIU has so far entered into 13 Memorandums of Understanding with its counterparts in other countries to share financial intelligence. It is also a member of the Asia/Pacific Group on Money Laundering and the Egmont Group. Sri Lanka also continues to improve its local capacity to fight terrorism by providing training for law enforcement and judicial officers in the areas of sharing intelligence and information, investigation skills, gathering and analyzing financial intelligence etc.

Conscious of the need for a comprehensive approach in countering terrorism, it would be recalled that successive governments of Sri Lanka had engaged in direct or facilitated peace negotiations with the LTTE on more than 6 occasions, before Sri Lanka decided to engage the terrorists militarily in 2006 following their persistent refusal to return to the negotiating table and deliberate escalation of the conflict. Since the ending of the terrorist conflict in May 2009, Sri Lanka has made a concerted effort to understand better the circumstances that led to the conflict and put in place mechanisms that ensures speedy reconciliation. The National Plan of Action towards the implementation of the recommendations of the Lessons Learnt and Reconciliation Commission (LLRC), the home-grown reconciliation mechanism in Sri Lanka, seeks to probe specific concerns relating to accountability, address issues of rehabilitation and reintegration of ex-combatants of the LTTE, as well as operationalisation of mechanisms to provide redress to those affected by the conflict including the families of the victims. In addition to the resettlement

of just under 300,000 IDPs displaced due to the conflict, and the restoration of livelihoods to those returning, re-democratization of the former conflict affected areas where Provincial Council elections to the Eastern Province has already been completed and that of the Northern Provincial council is scheduled to be held in September 2013, a significant testimony to the commitment of the GOSL towards reconciliation has been that of approximately 12,000 ex-LTTE combatants who were arrested or surrendered at the end of the conflict, as of 15 May 2013 11,551 persons, which included 594 child combatants, have been rehabilitated and reintegrated into society. 374 ex-combatants including 18 female ex-combatants are undergoing rehabilitation, while legal proceedings have been instituted against 194 ex-combatants who are under judicially mandated custody, remanded or enlarged on bail by Court.

Regionally, Sri Lanka has played a pivotal role in ensuring that South Asia was one of the first to overcome definitional barriers and as early as in 1987 entered into the SAARC Regional Convention on the Suppression of Terrorism, which was ratified in 1988. The SAARC Convention on Narcotic Drugs and Psychotropic Substances was signed in Male on 23 November 1990 & came into force in September 1993. The Additional Protocol to the SAARC Regional Convention on Suppression of Terrorism was thereafter signed in January 2004 and it came into force in January 2006, with the Ratification of the Agreement by all Member States. The SAARC Convention on Mutual Assistance in Criminal Matters was signed during the Fifteenth SAARC Summit held in Colombo in August 2008. This Convention has so far been ratified by Bangladesh, Bhutan, India, the Maldives and Sri Lanka. The SAARC Terrorism Offences Monitoring Desk (STOMD) and SAARC Drug Offences Monitoring Desk (SDOMD) established in Colombo, Sri Lanka and the SAARC Cooperation in Police Matters continue to provide the machinery for the effective implementation of the relevant SAARC Conventions.

At the Seventeenth SAARC Summit held in the Maldives, in November 2011, the Leaders deeply concerned about the continuing threat of terrorism in all its forms and manifestations, transnational organized crimes, especially illegal trafficking in narcotic drugs and psychotropic substances, trafficking in persons and small arms and increased incidents of maritime piracy in the region; reiterated their resolve to fight all such menaces. A meeting of the High Level Group of Eminent Experts to Strengthen SAARC Anti-Terrorism Mechanism in New Delhi on 9 – 10 February 2012 that reviewed and made proposals to further strengthen SAARC anti-terrorism

mechanisms recommended the following topics as possible themes that can be taken up for discussion in relevant SAARC fora related to terrorism in the future:

- i. the presence of extremist elements within the diaspora that continue to revive terrorist elements through various means of support such as fundraising and facilitating training and recruitment;
- ii. the challenge of simultaneously securing the democratic rights of citizens to freedom of expression and the right to information, while dealing with the misuse of the internet and social networking tools to promote terrorist ideologies and exchange information on terrorist-related activities;

The Regional workshop on the implementation of the UN Global Counter Terrorism Strategy in South Asia held in Dhaka, Bangladesh in May 2012, as well as the Sixth Regional Workshop for Police Officers, Prosecutors and Judges in South Asia on Effectively Countering Terrorism held in Kathmandu, Nepal in March 2013, are reflective of the resolve South Asian states continue to demonstrate in grappling with this issue.

At the international level, Sri Lanka which has subscribed to 12 of the International Counter Terrorism Conventions, continues to chair the UN Ad-hoc Committee on Terrorism, and is at the forefront of seeking to conclude at the earliest a Comprehensive International Convention on terrorism. Sri Lanka continues to urge all parties engaged in this process to take the necessary decisions, especially on the outstanding issues that has for many years hampered substantive progress on such an instrument.

Even as we take comfort in the many global, regional and national initiatives that are ongoing to address the menace of terrorism and its manifestations - be it terrorist financing, money laundering, human smuggling, narcotics and gun running or organized crime, there are 3 further areas where action is either lagging or else unevenly applied, which needs also to be addressed speedily in the Global Counter Terrorism Strategy, if we are to claim success in our efforts at counter-terrorism .

1) We must pay greater attention to terrorist support networks that take the form of front organizations which espouse religious, cultural, humanitarian, women, youth, student, sport and

other causes. They have the advantage to act for the parent group, without the actions being attributed to them. In the political sphere, such front organizations can increase the legitimacy of the causes they represent, neutralizing the stigma that might be attached to already discredited organizations which espouse the same cause.

2) We must also arrest the increasing challenge posed by the abuse of Information Communication Technology (ICT) for propaganda, fund raising, as well as recruitment to promote the insidious interests of terrorist groups and their front organizations. Audit and oversight mechanisms need to be evolved in this regard to halt its abuse.

3) Additionally, we must also consider the propriety of the use or display of terrorist group emblems, insignia and symbols.

All these contribute to communicating a message, purpose, history, and goals of terrorist organizations and as such contribute to the creation of an organizational culture of incitement, hatred, and radicalization, that is encouraged to be emulated.

Mr. Chairman, with respect to these 3 issues, while conscious that there remains a tension between the concepts of 'freedom of expression' and 'counter terrorism', I nevertheless commend to your consideration that these challenges be addressed squarely in earnest as part of Global Counter Terrorism Strategy, in order that we arrive at a consensus as to where freedom of expression ends and supporting or glorification of terrorism begins.

Our failure to do so, will seriously impede the fight against terrorism, and permit the perpetuation of the sense that double standards are being applied with respect to these issues, which turns a blind eye to the actions of some groups, while pursuing those of others.

I thank you