



# Tamils Rehabilitation Organisation

TRO is a registered charity (Number L 50706) with the Government of Sri Lanka (GoSL)

Head Office: 254 Jaffna Road, Kilinochchi, Sri Lanka

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## FOR IMMEDIATE RELEASE

4 September 2007

### TRO Sri Lanka Bank Accounts Frozen for the Past 1 Year

On 4 September 2006 the Central Bank of Sri Lanka filed a petition in the High Court of Colombo to “freeze” all Sri Lanka based bank accounts of the Tamils Rehabilitation Organization (TRO) “for 6 months for investigation”.

TRO’s bank accounts in Sri Lanka have now been frozen for one (1) year and **none** of the “investigations” by the Central Bank’s Financial Investigation Unit (FIU), the Attorney General’s Office and the Police’s Criminal Investigation Division (CID) have resulted in any charges being filed in any court of law. TRO has thus far been denied its “day in court” and the opportunity to defend itself against the false allegations perpetrated by the representatives of the government and state sponsored media.

The freezing of the TRO bank accounts for the past year without any charges being filled is a violation of the **Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief** proclaimed by the United Nations General Assembly’s Resolution 36/55 of 25 November 1981, which states in Article 6 that “*the right to freedom of thought, conscience, religion or belief shall include...*” the right “*...to establish and maintain appropriate charitable or humanitarian institutions.*” The Government of Sri Lanka (GoSL) is bound to observe the spirit of this Declaration and permit TRO to operate without hindrance or harassment.

### Accountability & Transparency

TRO has met or exceeded local and international standards of accountability and transparency and has consistently met all the legal requirements of an NGO or charity operating in Sri Lanka. Since registering with the GoSL as a Charity in 2002, TRO has responded to all requests for financial and project information from the Ministry of Social Services, the Ministry of Foreign Resources, and the Parliamentary Select Committee on NGOs promptly and exhaustively. All annual reports, progress reports, and financial reports have been submitted to the relevant authorities and TRO has had its projects and accounts audited and certified each year by an independent Colombo based auditor. Additionally, many of TRO’s numerous donors such as the European Union (ECHO), United Nations (UN) agencies, international NGOs and foreign governments have performed exhaustive audits of the projects and programs that they have funded.

The frozen accounts contain approximately Rs. 80,000,000 (US\$ 707,000; £350,000) and were targeted for Tsunami related projects which would benefit the Tamil, Muslim and Sinhala communities of the NorthEast. Eighty percent (80%) of the funds frozen were project funds provided by international NGOs, UN Agencies (UNICEF, Save the Children, Operation USA, the Nippon Foundation) and the GoSL for projects that TRO is implementing to rehabilitate tsunami and war affected populations. The remaining twenty percent (20%) of the funds were donated by the Tamil Diaspora. TRO has thus far implemented over US\$ 20 million in tsunami related projects which have benefited all three communities (*Please visit the TRO website for more details on TRO tsunami projects and the “18 Month Tsunami Report” [www.troonline.org](http://www.troonline.org)*).

TRO continues to be a registered charity in Sri Lanka and is not banned or proscribed in any other country in the world. All of the independently registered and operated international TRO offices continue to maintain and operate their bank accounts without any restrictions.

### TRO Legal Challenge

In the months after the initial freeze TRO’s legal team filed numerous petitions in the High Court in Colombo requesting that the Judge “vary or vacate” his original judgment. These requests were rejected by the court (see timeline below for details). Due to TRO’s inability to access its bank accounts and the resulting lack of available funds in Colombo it became impossible for TRO to continue its legal challenge of the freeze. The TRO Colombo office remains open but is unable to operate due to a lack of accessible funds and the Sri Lanka Police having removed all computers and files on 8 January 2007.



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## **Impact of the TRO Account Freeze**

As a result of the freezing of the TRO bank accounts by the Government of Sri Lanka (GoSL), humanitarian assistance and emergency relief to the 350,000 internally displaced persons (IDPs) displaced in 2006 and 2007 was severely hampered. TRO has an extensive grassroots network and in some parts of the NorthEast is the only organization delivering vital humanitarian assistance. Throughout the post-Ceasefire Agreement and post-tsunami period TRO has been recognized by the International Humanitarian Community, the beneficiaries and the Government of Sri Lanka (the previous President honoured TRO with an award for building over 9,000 tsunami temporary shelters) as being one of the most effective and efficient aid organizations in the NorthEast.

## **Humanitarian Situation & Difficulties faced by Humanitarian Organizations**

The humanitarian situation in the NorthEast has reached a critical level and the human suffering has reach crisis levels. The freezing of the TRO bank accounts and other actions by the GoSL has severely limited the amount of humanitarian relief and emergency aid reaching the war and tsunami affected communities.

As a result of the extraordinary levels of need and the continuous displacement of the civilian population due to GoSL military operations and despite the freezing of the TRO bank accounts, TRO has continued to implement projects in the LTTE controlled areas of the NorthEast via local NGOs (LNGOs) and Community Based Organizations (CBOs). In the East, due to the lack of a secure environment in GoSL controlled areas, and the freezing of the TRO bank accounts, TRO has handed over its tsunami rehabilitation projects to CBOs, LNGOs, and international NGOs to continue to implement.

The GoSL over the past 20 months has pursued a premeditated and deliberate policy of restricting and denying humanitarian aid and relief to the Tamil people of the NorthEast. The freezing of the TRO bank accounts in Sri Lanka is a major part of the GoSL's policy to restrict access, aid and relief to the affected populations. Other obstacles and impediments faced by humanitarian organizations:

- The abduction, rape, and execution of 7 TRO humanitarian workers in January 2006 by paramilitary forces affiliated to the GoSL;
- Execution of 17 ACF humanitarian workers by GoSL armed forces (as alleged by the independent Sri Lanka Monitoring Mission);
- Harassment of aid workers via physical attacks, including the killing of 57 humanitarian workers, almost all of whom are Tamils, without any investigation, arrests, prosecution or convictions which has reinforced the prevailing culture of impunity that exists in Sri Lanka;
- The imposition of excessive and restrictive permit procedures & processes imposed by the GoSL on all humanitarian organizations operating in the NorthEast;
- The restrictions on the transportation of building materials for projects to benefit tsunami and war affected IDPs;
- Denial of permission by the GoSL for international agencies and the United Nations to access affected populations;
- Restrictions and impediment imposed by the GoSL on access by local and international humanitarian organizations to areas controlled by the LTTE;
- The use by the GoSL of food and medicine as a weapon of war, an example of which is the starving of the civilian population of Vaharai for four months (only the ICRC & the UN were allowed limited access);
- The deliberate and indiscriminate bombardment and shelling of Tamil villages and civilians designed to "get them moving" out of LTTE controlled areas;
- The shelling of TRO IDP camps in the Vaharai area – which resulted in the deaths of over 80 IDPs;
- Denial of visas and renewal of visa of international staff;
- Attacks on the humanitarian community in general and specific organizations in particular via the state media, government representatives and Members of Parliament.



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## Timeline of case

- 28 August 2006: TRO learns that its bank accounts have been “frozen” by the Central Bank of Sri Lanka (CBSL).
- 4 September 2006: *Ex parte* hearing in High Court in Colombo. CBSL petitions for an extension of the freeze for 6 months. Petition was granted by the court without TRO having the opportunity to respond to the petition. Approximately Rs. 80,000,000 (US\$ 800,000) frozen. TRO never received any formal notice of the freeze.
- 11 September 2006: TRO counsel Mr. Abdur Rahim requests a copy of all documents relating to the case from the Court Registrar. He is told that he needs a letter from TRO stating that he is authorized to act on TRO’s behalf.
- 14 September 2006: Mr. Abdur Rahim submits the TRO authorizing letter to the Court Registrar and is told that he must file an official “proxy” with the High Court before the case documents will be released to him or TRO.
- 16 October 2006: Mr. Gammi Sennanayake submits a proxy to the court to represent TRO and requests a certified copy of all court documents relating to the case.
- 18 October 2006: TRO counsel receives a certified copy of the CBSL’s 4 September petition and supporting documentation. TRO has to date still not received any formal notice from the court or the Attorney General’s Department regarding the case.
- 16 November 2006: TRO files a petition and supporting documentation with the High Court requesting that the court “vary or vacate” its order of 4 September 2006.
- 20 November 2006: Case is to be heard in court but Attorney General’s Department raises objections to the High Court’s jurisdiction. Both parties are asked to submit arguments on this “point of law” and return to court on 29 November.
- 29 November 2006: Written submissions from TRO and Attorney General submitted to the High Court. Attorney General’s submission is only a one page document and he requests additional time to submit further responses to TRO’s extensive written submission on the point of law regarding jurisdiction.
- 11 December 2006: Attorney General once again requests more time to submit written responses. Judge sets 15 December as “final” date for submission.
- 15 December 2006: No show by the presiding judge. Case put off to 26 January 2007
- 5 January 2007: Criminal Investigation Division (CID) of the Sri Lanka Police raid TRO Trincomalee and TRO Vavuniya offices and remove all computers, project files, accounts details, documents and take four (4) TRO staffers in to the Police Station for “questioning”.
- 6 & 8 January 2007: CID raid Colombo TRO office and remove 17 computers, files, account, documents etc. All TRO staff in the office at the time were videotaped and photographed and their home addresses were recorded.
- 18 January 2007: Police deliver “summons” for TRO Executive Director Mr. K.P Reji, TRO President Mr. Sivanadiya, & Colombo Accountant Mr. Ramanan to TRO Colombo Office. The summons are delivered to the TRO Colombo office are in the Sinhala language only (not Tamil or English). Requested date of appearance is 22 January 2007
- 22 January 2007: TRO legal representative in Colombo informs court that persons named in the summons are either not in Sri Lanka or are not in GoSL controlled areas and are thus not able to respond to the summons. The summons were also not personally served on the individuals.
- 26 January 2007: Judge rules that he does not have the jurisdiction to review, vary or vacate his decision of 4 Sept 2006. His ruling states that TRO must seek relief from the Appeals Court.
- 4 March 2007: Original “6 months freeze” expires. Financial Investigations Unit (FIU) of the Central Bank files an “*ex parte*” petition to the High Court for an extension of the freeze for an additional six months. Extension is granted.
- 4 September 2007: One year since originally freeze of bank accounts.  
No charges have been filled against TRO or any TRO personnel in any court of law.

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