

Proscription as Evidence · Periodic Review of UK Schedule 2 Listing of the LTTE — MP Evidence Pack

Citation-only audit framework on the UK Schedule 2 periodic review of the LTTE listing, anchored in POAC PC/06/2022 Arumugam v SSHD (21 June 2024) — which dismissed all four grounds but expressly noted the Ministerial Submission had overstated the number of states proscribing LTTE. Asks FCDO / Home Office four procedural questions consistent with the Lord Alton [2008] EWCA Civ 443 standard. TLTE does not lead deproscription litigation and does not call for delisting. Pack does not invite, support, or glorify any proscribed organisation (UK Terrorism Act 2000 §12). The question is procedural: whether the periodic review meets the standard the proscribing state set itself.

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Audience

- UK MPs
- Lords
- FCDO South Asia
- Home Office
- APPG for Tamils
- Independent Reviewer of Terrorism Legislation

Best used for

- Home Office written questions on the disposal of the Ministerial Submission errors identified by POAC at PC/06/2022 (21 Jun 2024)
- FCDO written questions on the comparator international record (US 8 U.S.C. §1189 5-yr cycle, EU CFSP 2024/1580, Canada s.83.05, India UAPA Tribunal Dec 2024)
- Home Office written questions on what factual change would satisfy the s.3(5)(d) test at the next Schedule 2 review
- Independent Reviewer of Terrorism Legislation submissions on the Schedule 2 review architecture in light of the PMOI 2007–08 precedent

Tier-A evidence anchors

- POAC · Arumugam v SSHD PC/06/2022 (21 Jun 2024)
- POAC · PMOI PC/02/2006 (30 Nov 2007)
- Lord Alton v SSHD [2008] EWCA Civ 443
- EU General Court · T-208/11 + T-508/11 (16 Oct 2014)
- CJEU · Council v LTTE C-599/14 P (26 Jul 2017)

- US · FTO designation 1997 (Federal Register Vol. 62 No. 195)
- Canada · Criminal Code s.83.05 listing (8 Apr 2006)
- India · UAPA Tribunal confirmation (Dec 2024)
- KK and RS v SSHD [2021] UKUT 130 (IAC)
- Home Secretary letter to HASC Chair (31 Aug 2021)
- R v Vinayagamoorthy & Ors [2010] VSC 148
- UK Home Office · CPIN Tamil Separatism v9.0 (20 Aug 2025)
- UNHRC Res 60/1 — OSLap renewal through 2027
- OHCHR · 'We Lost Everything' (13 Jan 2026)

Policy asks

- UK Government (Home Office): Set out the steps taken to remedy the factual errors in the Ministerial Submission to the most recent Schedule 2 review of the LTTE listing identified by POAC at PC/06/2022 (Open Judgment of 21 June 2024), in particular the overstated number of states proscribing the organisation.
- UK Government (Home Office): Confirm what factual change in respect of the matters set out in section 3(5)(d) of the Terrorism Act 2000 the Secretary of State would consider would be capable of satisfying the next Schedule 2 review, having regard to the standard described by the Court of Appeal in Lord Alton of Liverpool & Others v SSHD [2008] EWCA Civ 443 at §43.
- UK Government (FCDO): Publish the FCDO's assessment of the comparative state of proscription review records across the United States (8 U.S.C. §1189 five-year cycle), the European Union (CFSP 2024/1580 six-monthly cycle, post Council v LTTE C-599/14 P), Canada (Criminal Code s.83.05 biennial review), and India (UAPA Tribunal December 2024 finding), in respect of the Liberation Tigers of Tamil Eelam.
- UK Government (Home Office / FCDO): Identify whether any international or independent monitoring architecture analogous to the OSCE / UN presence at Camp Ashraf, on which the People's Mojahedin Organisation of Iran (PMOI) successfully relied in POAC PC/02/2006 (30 November 2007), is presently available to the Home Office or FCDO in respect of the post-2009 status of the Liberation Tigers of Tamil Eelam international network.

Draft parliamentary questions

- [Home Office] To ask the Secretary of State for the Home Department, what steps her Department has taken to remedy the factual errors in the Ministerial Submission to the most recent review of the Schedule 2 listing of the Liberation Tigers of Tamil Eelam identified by the Proscribed Organisations Appeal Commission in its Open Judgment of 21 June 2024 in Arumugam & Others v Secretary of State for the Home Department (PC/06/2022), in particular the overstated number of states proscribing the organisation.
- [Home Office] To ask the Secretary of State for the Home Department, what factual change in respect of the matters set out in section 3(5)(d) of the Terrorism Act 2000 the Secretary of State considers would be capable of satisfying the next Schedule 2 review in respect of the Liberation Tigers of Tamil Eelam, having regard to the standard described by the Court of Appeal in Lord Alton of Liverpool & Others v Secretary of State for the Home Department [2008] EWCA Civ 443 at paragraph 43.
- [FCDO] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what assessment her Department has made of the comparative state of proscription review records in respect of the Liberation Tigers of Tamil Eelam across (a) the United States under the five-year cycle in 8 U.S.C. §1189(a)(4)(C), (b) the European Union under Council Decision (CFSP) 2024/1580, (c) Canada under section 83.05 of the Criminal Code, and (d) India following the December 2024 finding of the Unlawful Activities (Prevention) Act Tribunal.
- [Home Office] To ask the Secretary of State for the Home Department, whether her Department is presently

aware of any international or independent monitoring architecture, analogous to that of the OSCE or United Nations presence at Camp Ashraf on which the People's Mojahedin Organisation of Iran successfully relied in the Proscribed Organisations Appeal Commission case PC/02/2006 (30 November 2007), in respect of the post-2009 status of the international network of the Liberation Tigers of Tamil Eelam.

Civic remembrance

This pack does not assert that the LTTE was not, in law, concerned in terrorism within the meaning of the proscribing statutes. It does not invite, support, or glorify any proscribed organisation. UK Terrorism Act 2000 §12 applies on every page. The pack records what the proscribing state's own legal architecture says about periodic review — Lord Alton [2008] EWCA Civ 443 §43, EU General Court T-208/11 (2014), the PMOI 2007–08 precedent — and asks what the live review record currently consists of in light of that architecture. The strength of the document is procedural.

Pack rules

- Never invites, supports, or glorifies any proscribed organisation (UK Terrorism Act 2000 §12).
- Never asserts that the LTTE was not, in law, concerned in terrorism within the meaning of the proscribing statutes.
- Never instructs counsel or names any specific firm or chambers; instruction is a matter for those who would be applicants.
- Never names a serving JTAC analyst, intelligence officer, or Home Office official.
- Always frames the question as procedural — whether periodic review meets the proscribing state's own legal standard — not as a campaign to delist.
- Always pairs at least one named UK Tier-A source (POAC, CA, UTIAC, Hansard, Home Office CPIN) with one named international Tier-A source (UN, EU General Court, US Federal Register, Indian UAPA Tribunal).
- Never names a person who is, or claims to be, a member of any proscribed organisation. Karuna and Pillayan are named only because both are publicly named in UNSG CAAC annex reports, UK Crown Court records (Karuna), and Sri Lankan court records (Pillayan); the same naming exception does not extend to any other person in this pack.

Transparency

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