



Tamils Rehabilitation Organisation

Head Office: 254 Jaffna Road, Kilinochchi, Sri Lanka

Ph/Fax: +94 (0) 21 228 3947

FOR IMMEDIATE RELEASE

TRO Headquarters Kilinochchi
19 November 2008

Re: TRO funds “forfeited”

1. Forfeited Funds

TRO is dismayed to learn, via a press release from the Financial Intelligence Unit (FIU) of the Central Bank of Sri Lanka (CBSL), that the TRO accounts frozen by the High Court on 4 September 2006 have now been “forfeited to the state”. The CBSL-FIU states that the amount in these accounts is SL Rs. 71 million (approximately: US\$ 650,000), however TRO internal accounts put this amount at SL Rs. 80,720,924.48 (US\$ 733,460)

TRO wishes to remind the Government of Sri Lanka (GoSL) that 75% of the “forfeited” funds in TRO’s accounts (See Table 1 below) were donated by the United Nations, international NGOs, foreign governments and the GoSL itself. These funds were donated for the sole purpose of providing humanitarian assistance and development to people in the NorthEast affected by the tsunami and/or the war and as such the GoSL should return these funds to the international NGOs, UN and other bodies so that they will be able to utilize the funds for their original purpose.

TRO reiterates its denial of the GoSL’s allegations that TRO funds were “mainly used to finance terrorist activities.” The GoSL has never produced any proof of these allegations in a court of law and has not brought any criminal charges against TRO. TRO has consistently been denied its day in court and the opportunity to defend itself against these allegations. After the initial freezing of the accounts, TRO engaged legal representation and spent 6 months seeking redress in the courts to no avail, the courts refused to consider the case on the grounds that they did not have the right to review the actions of the CBSL.

Despite these difficulties TRO’s 1,200 staff and volunteers in the Vanni continue to provide humanitarian assistance and emergency relief to over 300,000 IDPs. This work will continue as long as there is a need and no obstacle, either on the island or internationally, will be too high to overcome.

2. Restricting TRO’s Work

TRO is the largest, most efficient and effective national Non-Governmental Organization (NGO) in the NorthEast and has served the war and tsunami affected populations of all three communities (Tamil, Muslim and Sinhala) for over 23 years receiving commendations and praise from its donor partners, beneficiaries and the international community. The GoSL itself recognized TRO’s work building over 10,000 temporary shelters after the 2004 tsunami when President Chandrika Kumaratunga presented TRO and other national and international organizations with Presidential Awards. Since the government ordered departure of the UN and international NGOs from the Vanni on 15 September 2008, the responsibility for caring for the needs of over 300,000 IDPs displaced by the GoSL’s current military offensive has fallen to TRO. These actions by the GoSL seemed targeted at hindering the humanitarian assistance that the IDPs receive.

3. Attacks on TRO, the reduction of “Humanitarian Space” & Genocide

In January 2006, less than 2 months after the current Rajapaksa administration took office, 7 TRO staffers were abducted, tortured, raped, and extra-judicially executed by paramilitary forces working with the GoSL security forces. These paramilitary forces are now part of the governing coalition in Parliament. Later in 2006, after other attacks on TRO personnel and offices, this government continued to further restrict the humanitarian space in the NorthEast by first freezing the TRO accounts on 4 September 2006, then “proscribing” TRO on 26 December 2007 (the third anniversary of the tsunami), and now “forfeiting” TRO’s funds.

This campaign against TRO must also be seen in the context of the overall reduction of humanitarian space in Sri Lanka as a whole and in the NorthEast in particular. This has been accomplished through the introduction of severe restrictions on the UN and international NGOs operations. These include: restrictive work permits for international staff, limits on the number and length of work visas, the cancelling of visas and registration of those individuals and organizations that dare to be critical of the GoSL, the ordering of the UN and iNGOs out of the Vanni and the imposition of severe restrictions and embargoes on the transportation of humanitarian relief and other essential items to the war affected civilian populations in



Tamils Rehabilitation Organisation

Head Office: 254 Jaffna Road, Kilinochchi, Sri Lanka

Ph/Fax: +94 (0) 21 228 3947

the NorthEast. Additionally, there has been a concerted campaign of attacks on the humanitarian community and Civil Society in the state controlled media.

These actions have all been part of the GoSL's genocidal war against the Tamil people of the island. Since the return to war in 2006 and the unilateral abrogation of the Cease Fire Agreement (CFA) by the GoSL in early 2008, the GoSL has conducted a genocidal war of attrition against the Tamil people. There has been indiscriminate bombing and shelling of civilians, denial of humanitarian assistance, usage of food and medicine as a weapon of war, forced displacement, extrajudicial killing – including more than 60 humanitarian / human rights workers (17 ACF staff, 7 TRO staff), disappearances, torture, rape and other severe human rights abuses.

4. TRO's Accountability & Transparency

TRO has met or exceeded international standards of accountability and transparency regarding project reporting and accounting.

All TRO accounts and projects during the 2002-2006 CFA / Post-Tsunami period were audited and inspected by an independent Colombo-based (Sinhalese) certified public accounting firm and an "Audited Financial Statement" was published every year. Additionally, TRO provided all required financial and narrative reports to the relevant GoSL ministries as required.

TRO accounts and projects have also been audited and inspected by its donors and partners:

- The United Nations (UNICEF, UNDP) has performed continuous reviews of project finances and progress for all projects it has funded;
- The UK Charity Commission investigated projects funded by UK based charities and found that funds had been spent on projects that were "humanitarian in nature";
- ECHO, the European Commission's Humanitarian Aid Office, audited demining projects implemented by TRO;
- Several other international NGOs, foreign Governments and other donors have audited, reviewed and investigated TRO projects and have found that their donations have been utilized for legitimate humanitarian relief, development and emergency aid;
- An analysis of Table 1 (below) shows that the majority of the funds in the accounts frozen by the GoSL are from the UN, international NGOs, and the Government of Sri Lanka itself. All of these organizations conducted through investigations of their projects and found that all funds had been used for appropriate humanitarian and development projects.

Table 1: Analysis of accounts frozen by the CBSL (as per TRO accounts)			
	Cash in TRO accounts	Percentage (of total excluding Endowment Deposits)	Percentage (of total including Endowment Deposits)
United Nations / international NGO / GoSL donations	35,851,464.55	75%	44%
Other donations – Tamil Diaspora and others	12,207,030.15	25%	15%
Endowment deposits*	32,662,429.78		40%
Total	80,720,924.48		

* Deposits are TRO's endowment – designed to be a bulwark for use during times of emergency

5. TRO Donors

Please see Number 7 below for a description of each of TRO's donors.

Table 2: UN / international NGO / GoSL Income Details 2005 (Tsunami and non-tsunami)		
Organization	Rupees	
Norwegian Government Funding	249,785,167.60	
NECORD (Government of Sri Lanka & ADB)	236,705,360.15	
DRC (Danish Refugee Council)	173,971,233.00	



Tamils Rehabilitation Organisation

Head Office: 254 Jaffna Road, Kilinochchi, Sri Lanka

Ph/Fax: +94 (0) 21 228 3947

FOURT (Scandinavian NGO)	78,583,776.60	
Emergency Italy	50,331,268.70	
Operation USA	49,849,500.00	
ActionAid International	32,559,380.59	
Malteser (German NGO)	32,003,788.75	
Save the Children in Sri Lanka (Tsunami & non Tsunami)	29,607,948.00	
OXFAM	27,381,940.00	
Asian German Sports Exchange Program	26,109,375.00	
CARE International	20,112,978.00	
Asian Development Bank (ADB)	16,013,663.90	
HOMSA UK	14,559,372.60	
GTZ (Government of Germany)	12,998,044.25	
ABC Foundation (Italian NGO)	10,948,763.50	
UNICEF (Tsunami & non-Tsunami)	6,617,146.10	
SJAMO (Italian NGO)	4,420,523.79	
CISS (Italian NGO)	4,268,840.05	
Consortium of Humanitarian Agencies (CHA)	3,346,000.00	
IOM	3,064,500.00	
UNDP	2,221,532.20	
ZOA Refugee Care	2,000,000.00	
Room to Read (US NGO)	1,600,979.00	
Georj Beck	1,276,278.00	
Norwegian Refugee Council	1,200,000.00	
Christian World Service	1,110,978.00	
Bridge Asia Japan (BAJ)	720,000.00	
NEIAP (Government of Sri Lanka & ADB)	680,800.00	
Sarvodaya (Sri Lankan NGO)	489,050.00	
Sondreborg, DK	249,500.00	
UN / international NGO / GoSL Total	1,094,787,687.78	86%
other organizations, individuals & Tamil Diaspora Total	182,149,554.24	14%
Total income 2005	1,276,937,242.02	
Note: 2005 was the last full year that the independent auditing firm was able to perform an audit prior to the freezing of TRO accounts on 4 September 2006 by the CBSL/High Court.		

6. History of the Case:

- 28 August 2006: TRO learns that its bank accounts have been “frozen”
- 4 September 2006: *Ex parte* hearing in High Court. CBSL petitions for an extension of the freeze for 6 months. Court grants petition without giving TRO the opportunity to respond to the petition. Approximately Rs. 80,000,000 frozen.
- 11 September 2006: TRO never received notice of the case. 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. Mr. Abdur Rahim is told that he must file an official “proxy” with the High Court before the case documents will be released to him / 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 Central Bank’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 and or CBSL regarding this case.



Tamils Rehabilitation Organisation

Head Office: 254 Jaffna Road, Kilinochchi, Sri Lanka

Ph/Fax: +94 (0) 21 228 3947

- 16 November 2006: TRO files petition and supporting documentation with High Court.
20 November 2006: Case is to be heard in court but Attorney Generals 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: High Court rules that it does not have jurisdiction on the case and that TRO must seek redress in the "Appeals Court"
1 February 2007: TRO closes Colombo office due to lack of available funds (accounts frozen), harassment of TRO staff by security forces and telephone and faxed death and bomb threats. The TRO Colombo Office was opened in 2002 after the Cease Fire Agreement between the GoSL and the LTTE.
4 September 2007: CBSL renews petition to freeze with High Court
15 November 2007: US Treasury under Executive Order 13224 freezes TRO-USA assets, no criminal or civil charges have been filed to date.
26 December 2007: On the 3-year anniversary of the 2004 Tsunami the GoSL publishes a "Gazette Notification" "proscribing" the TRO.

7. DESCRIPTION OF TRO DONORS

The followed are a sample of the TRO donors and partners prior to the freezing of TRO accounts and subsequent banning.

UNICEF

UNICEF is a United Nations agency that works with governments, civil society organizations and other partners worldwide to advance children's rights and is guided by the Convention on the Rights of the Child and the convention on the Elimination of All Forms of Discrimination against Women.

UNDP (United Nations Development Program)

The UNDP is the United Nation's global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life.

UNHCR (United Nations High Commissioner for Refugees)

UNHCR is the United Nations agency mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.

WFP (World Food Program)

WFP is a United Nations' agency. It is the world's largest humanitarian agency, is the food aid branch of the United Nations.

NECORD (North East Community Restoration and Development Project)

NECORD is a project funded by the **Government of Sri Lanka** (17.5%) and the Asian Development Bank (62.5%) The project is implemented through existing Government of Sri Lanka structures and procedures at the national, provincial district, division, and local levels. The Ministry of Nation Building and Development is the executing agency and the NorthEast Provincial Council is the implementing agency.

NEIAP (North East Irrigated Agriculture Project)

NEIAP is a GoSL (13%) and World Bank (65%) funded project. It is executed by the Sri Lanka Ministry of Nation Building and Development and implemented by the NorthEast Provincial Council. The Project aims to help conflict-affected communities in the NE Province and adjoining areas to restore livelihoods, enhance agricultural and other production and incomes, and build capacity for sustainable, social and economic reintegration.



Tamils Rehabilitation Organisation

Head Office: 254 Jaffna Road, Kilinochchi, Sri Lanka

Ph/Fax: +94 (0) 21 228 3947

NECCDEP (North East Coastal Community Development Project)

NECCDEP is a GoSL (20%) and ADB (70%) funded projects that is executed by the Sri Lanka Ministry of Nation Building & Development and is implemented by the North East Provincial Council. The project objective is to reduce poverty and meet basic needs of coastal communities in three districts (Trincomalee, Batticaloa, Amparai). The purpose is sustainable livelihood improvement & sound management of natural resources. The project moves beyond the provisions of emergency assistance to development for people to take advantage of the economic opportunities afforded by the Peace process

CAARP (Conflict-Affected Areas Rehabilitation Project)

CAARP is a GoSL (20%) and ADB (70%) funded projects that is executed by the Sri Lanka Ministry of Nation Building & Development and is implemented by the North East Provincial Council. The project objective is rehabilitation and development of conflict-affected areas.

GTZ

GTZ is the German Governments aid agency. It is focused on international cooperation for sustainable development. GTZ provides viable, forward-looking solutions for political, economic, ecological and social development in a globalize world.

WB (World Bank)

The World Bank consists of the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA) and is focused on alleviating poverty.

ADB (Asian Development Bank)

ADB is a multilateral development financial institution owned by 66 members, 47 from the region and 19 from other parts of the globe.

ILO (International Labor Organization)

The International Labour Organization is the United Nations specialized agency, which seeks the promotion of social justice and internationally recognized human and labour rights.

IOM (International Organization for Migration)

The IOM is an United Nations affiliated organization involved in providing immediate humanitarian assistance. IOM works to help ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people.

Save the Children in Sri Lanka

Save the Children is the leading independent organization creating real and lasting change for children in need in the United States and around the world. It is a member of the International Save the Children Alliance, comprising 27 national Save the Children organizations working in more than 100 countries to ensure the well-being of children.

Nippon Foundation

The Nippon Foundation is a Japan based NGO focused on development, funds from The Nippon Foundation have been directed toward agencies of the United Nations, including the World Health Organization and UNICEF. The foundation has helped to make substantial progress in famine relief, refugee aid, and the eradication of infectious diseases.

MAG (Mines Action Group)

MAG is one of the leading mine action organisations in the world. A Nobel Peace prize-winner, MAG has operated in more than 20 countries and has a global staff of almost 1,700 employees. MAG clears landmines and unexploded bombs in communities affected by war and conflict.

CHA (Consortium of Humanitarian Agencies)

CHA is the representative organization of those who work of the humanitarian sector in Sri Lanka. TRO is a member. The Consortium of Humanitarian Agencies is an association of agencies working in and supporting work in Sri Lanka. In the past nine years the CHA has continued to function as a network of humanitarian agencies and developed a full-fledged secretariat with its own specific capabilities.

www.troonline.org



Tamils Rehabilitation Organisation

Head Office: 254 Jaffna Road, Kilinochchi, Sri Lanka

Ph/Fax: +94 (0) 21 228 3947

BAJ (Bridge Asia Japan)

BAJ is a Japan based NGO that assists socially disadvantaged people such as women, refugees and disabled people.

CARE International

CARE International is one of the world's top three aid agencies, fighting poverty and injustice in 70 countries around the world and helping 48 million people each year to find routes out of poverty.

DRC (Danish Refugee Council)

The Danish Refugee Council is a Danish NGO that receives funding from the Danish Government. DRC has been implementing humanitarian assistance activities in Sri Lanka since 1998, with a primary emphasis on facilitating the return of IDPs and refugees to war-affected areas in the NorthEast. Current activities focus on rehabilitation of village infrastructure, family and community livelihood support, IDP and returning refugee protection, and civil society development.

Norwegian People's Aid

NPA is a Norwegian NGO that receives 45 per cent of its funding from Norwegian government through the Ministry of Foreign Affairs and the Norwegian Agency for Development Co-operation (NORAD)

Norwegian Refugee Council

NRC is a private foundation, and one of the largest humanitarian organizations in Norway. NRC has specialized in international activities for refugees and displaced persons. Through our efforts we provide assistance and contribute towards the protection of displaced people.

FORUT

FORUT in Sri Lanka is a Norwegian/Swedish based Development Agency. The main focus of the organization is on Community Development, Relief and Rehabilitation with the emphasis on people's participation.

Operation USA

Operation USA is an American international NGO, which has gained international recognition as one of the world's most cutting edge relief and development organizations.

AGSEP (Asian German Sports Exchange Program)

AGSEP is a German NGO that focuses on peace building and development through sports and the exchange of university students between communities so that mutual understanding and friendly relationships between communities can occur through sports. A.G.S.E.P. conducts sports workshops for teachers, coaches, trainers and advanced players in the North and East as well as in the other parts of Sri Lanka, with the aim of strengthening the infrastructural development of sports.

ABC Foundation

ABC Foundation is a German NGO interested in promoting Pre School and primary education in third world countries.

DDG (Danish Demining Group)

Danish Demining Group (DDG) is a non-governmental organisation established in 1998 as a joint venture between Danish People's Aid, Caritas Denmark, UNICEF Denmark and Danish Refugee Council. The main aim of DDG is quick implementation of emergency resources followed by the gradual transfer of the resources to national institutions as part of a national capacity building programme. To maximise the impact of mine clearance, DDG actively seeks co-operation with other development NGOs.

OXFAM

Oxfam International is a confederation of 13 organizations working together with over 3,000 partners in more than 100 countries to find lasting solutions to poverty, suffering and injustice.

Sarvodaya

The Lanka Jatika Sarvodaya Shramadana Sangamaya (Sarvodaya) is Sri Lanka's largest and most broadly embedded people's organization.



Tamils Rehabilitation Organisation

Head Office: 254 Jaffna Road, Kilinochchi, Sri Lanka

Ph/Fax: +94 (0) 21 228 3947

ZOA Refugee Care

ZOA Refugee Care is a Netherlands based NGO that supports refugees, internally displaced persons, returnees and others affected by conflict or natural disaster, in their transition from instability and deficiency of basic needs towards a situation in which conditions enabling a process of structural development have been (re-)established.

Action Aid International

Action Aid International is an international NGO whose objectives are to relieve poverty and distress throughout the world and to educate the public concerning the causes, effects and means of alleviation of such poverty and distress. AAI was established and registered in UK under UK charity Commission in 1972 as non governmental organization. Later ActionAid was incorporated in 2003 as a foundation called ActionAid International and was registered in 2004 in The Netherlands.

CISS (Cooperazione Internazionale Sud-Sud)

CISS is an Italian NGO that has carried out more than 50 projects of two years or more and over 250 interventions of shorter duration, co-financed by the European Union, the Italian Ministry for Foreign Affairs, United Nations Agencies and local Italian administrative bodies.

EMERGENCY

EMERGENCY is an Italy based NGO that works to bring medical and surgical assistance to the victims of armed conflict. Its aims are to enforce the respect of human rights for those suffering the social consequences of war, hunger, poverty and marginalization. And to promote a culture of peace and solidarity

GVC (Gruppo di Volontariato Civile)

GVC is an Italy based NGO founded to promote and implement humanitarian actions in developing countries. They work in 8 macro-regions and 24 developing countries, with based country representatives and offices. In Italy there are GVC support groups in the regions of Marche and Liguria, the autonomous provinces of Trento and Bolzano as well as in several Emilia Romagna towns. Their activities are multi-sectorial, diverse and implemented in different areas. This denotes our multi-faceted experience and a versatile expertise in the different regions where we operate.

LDSC (Latter-Day Saint Charities)

LDSC is an American NGO funded by the members and donors of The Church of Jesus Christ of Latter-Day Saints. LDSC is the humanitarian wing of the Ecclesiastical organization. Latter-Day Saint Charities is registered in Sri Lanka (Registration Number: FL-94 104)

HOMSA

HOMSA is a UK registered Christian charity, founded in 1986, with the aim of bringing hope and relief to disadvantaged people in Sri-Lanka and South India.

Malteser

Malteser is a German NGO working in all social sectors. The Foreign Aid Department provides relief, rehabilitation and development support to people in need worldwide.

Room to Read

Room to Read is an American NGO founded in 1998 with the mission to provide under-privileged children with an opportunity to gain the lifelong gift of education.

SJAMO (Sao Josè Amici nel Mondo)

SJAMO is an Italy based NGO that works with children and stresses the Rights of Children.

Christian World Service

CWS is a New Zealand Christian organization focuses on supporting community development, responding to disasters, and campaigning to end poverty and injustice throughout the world.

- ENDS-