

Canada Border
Services AgencyAgence des services
frontaliers du Canada

Pacific Region Enforcement Centre
Hearings and Appeals Unit
Suite 700 - 300 West Georgia Street
Vancouver, B.C.
V6B 6C8

Your file Votre référence

Our file Notre référence

s.19(1)

October 29, 2009

C-1

Immigration and Refugee Board
Immigration Division
Suite 1600 - 300 West Georgia Street
Vancouver, BC
V6B 6C9

**RE: Detention Review for
 currently scheduled for 30 October 2009 at 1400 hrs.**

I enclose copies of the following documents for service upon you, pursuant to Rule 3(p) and Rule 26 of the Immigration Division Rules. The Minister's Representative may seek to enter these documents into evidence at the hearing.

The disclosure documents are identified as follows:

1)	Report by Dr. Rohan Gunaratna	Pages 1 - 3
2)	Lloyd's MIU	4 - 8
3)	Curriculum Vitae: Rohan Gunaratna	9 - 22
4)	Statutory Declaration from BSO Scott Abrahamson	23 - 24
5)	Photographs and layouts of M.V. Princess Easwary	25 - 30
6)	Statutory Declaration from BSO Chantal Lee	31 - 35
7)	Public Safety Canada - Listed Entities	36 - 41
8)	News Article from "The Australian" - There are Tigers Among Boatpeople	42 - 43
9)	News Article from "The Australian" - Tamil Tigers join Race for asylum	44 - 45
10)	News Article from "globaltvbc.com" - Migrant ship owned by Tamil Tigers, says terrorism expert	46 - 48

Please be advised that identity has been established but the Minister is seeking his continued detention pursuant to section 58(1)(c), in that, the Minister is taking the necessary steps to inquire into a reasonable suspicion that he is inadmissible on grounds of security.

Yours truly,

Hearings Officer

CC: Immigration Division: delivered in person on October 29, 2009
 Counsel: Narinder Kang - delivered by facsimile at (604)-572-6127.

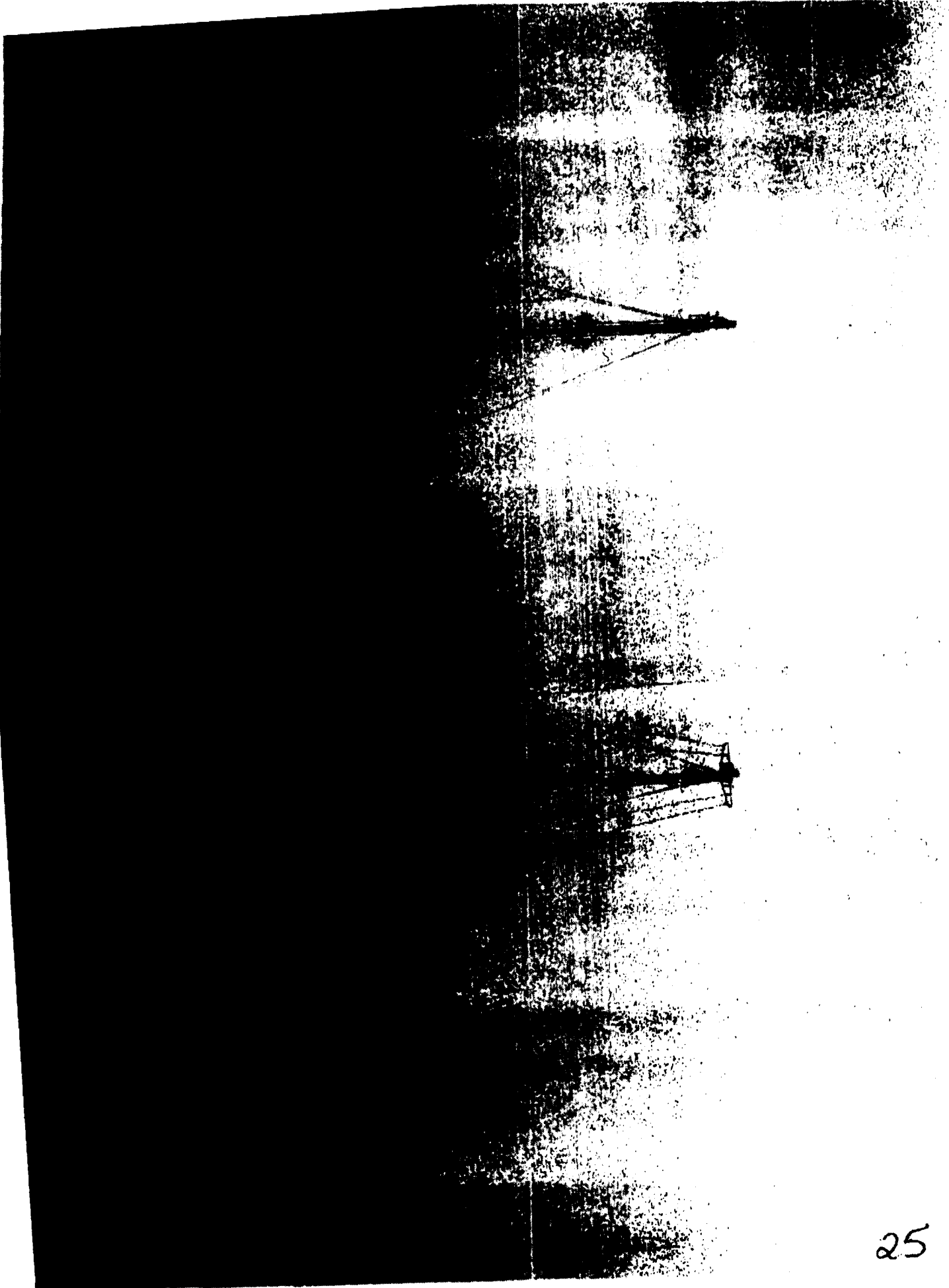
Canada

Page(s) 000002 to\à 000025

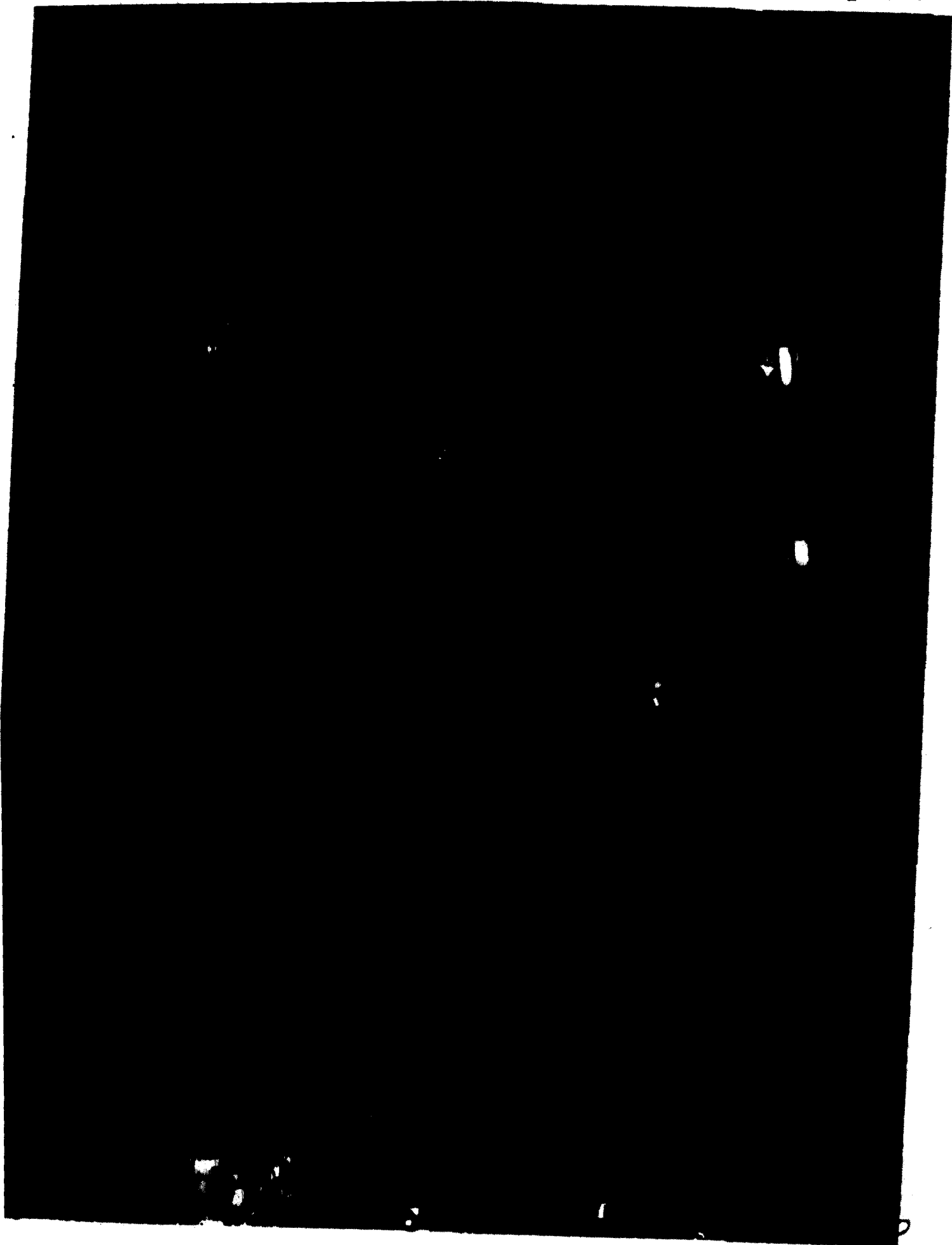
**Is(Are) exempted pursuant to section(s)
est(sont) exemptée(s) en vertu de(s)(l')article(s)**

16(1)(c), 19(1)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

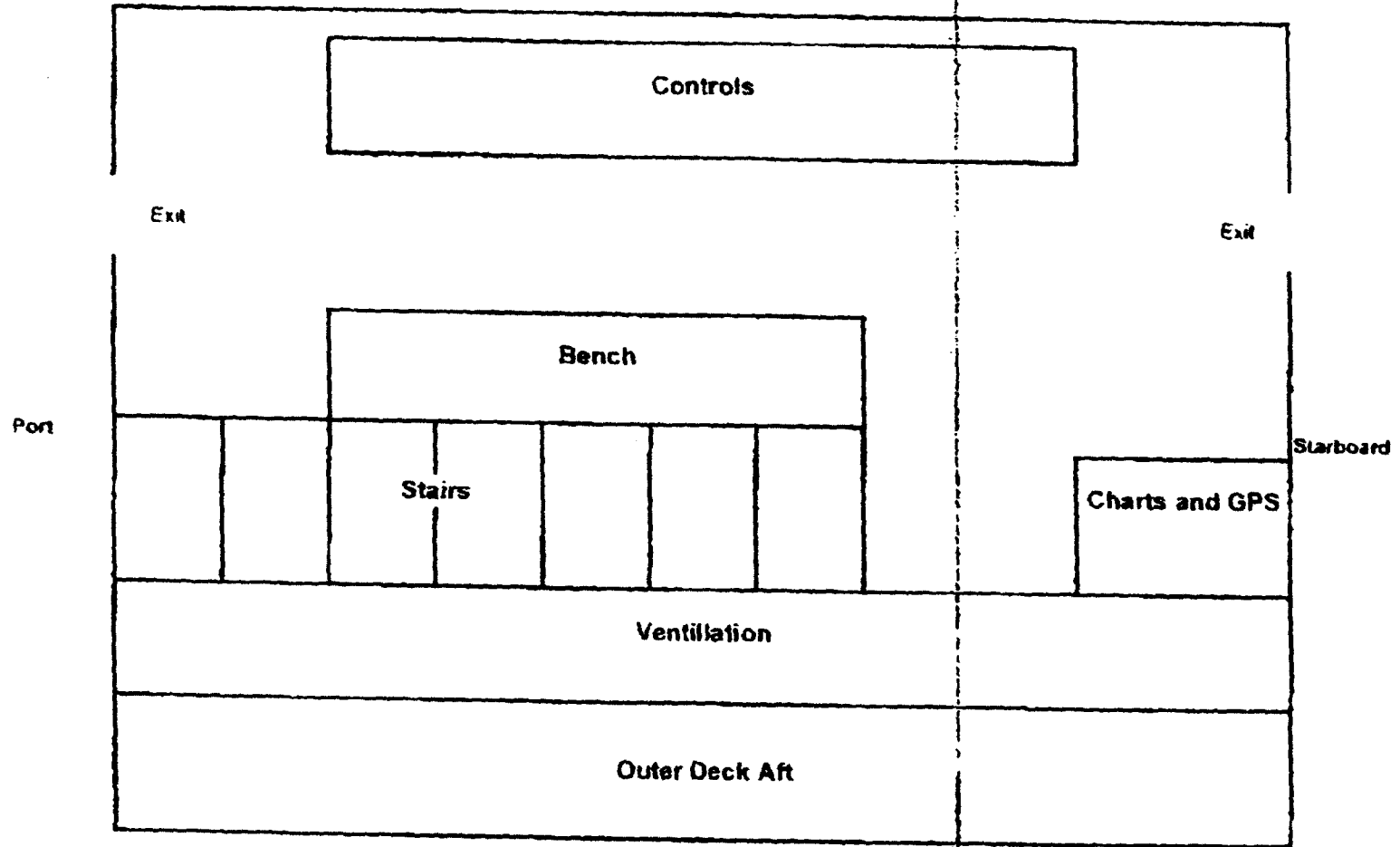


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Layout of the Super Structure

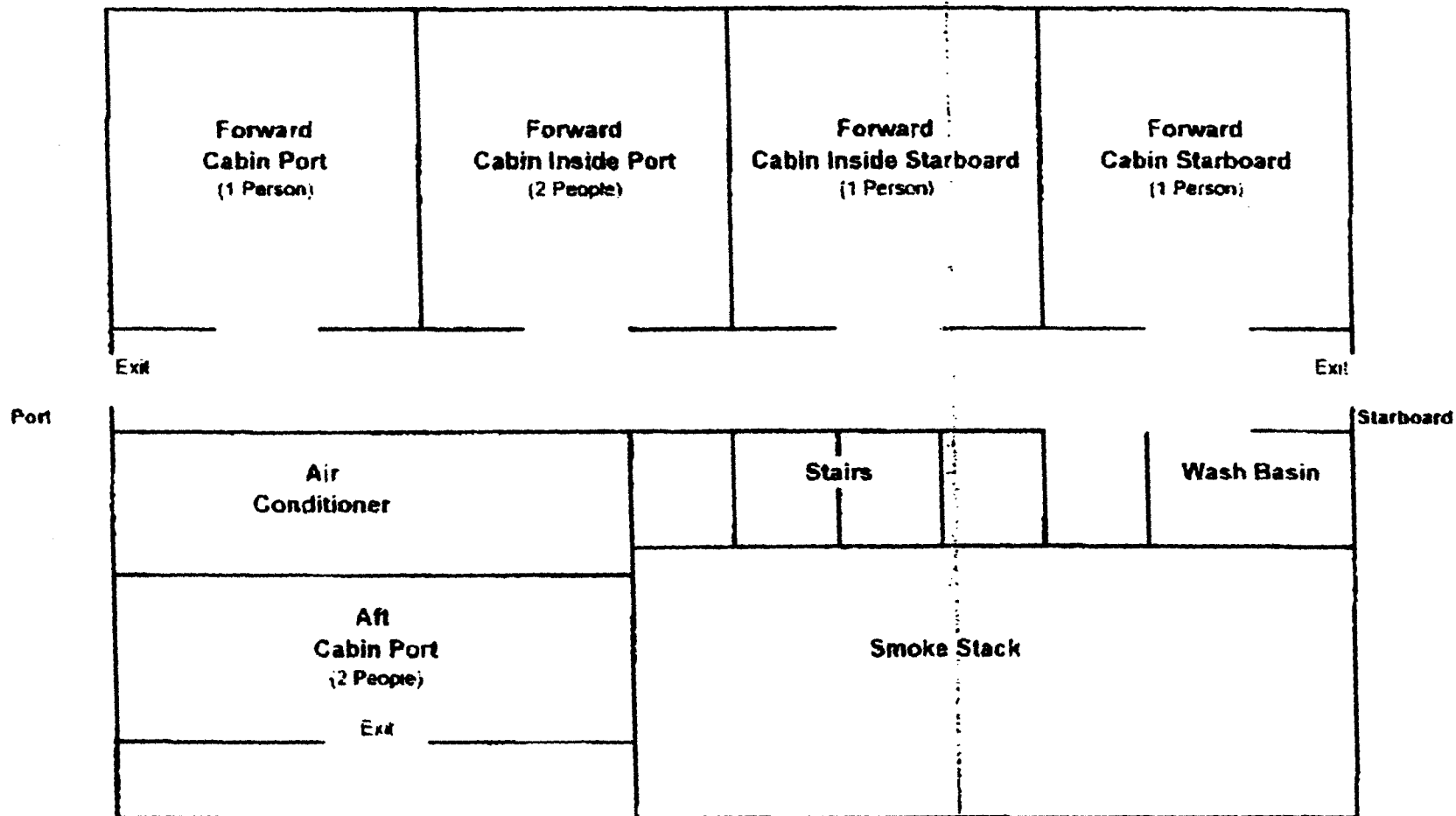
Bridge



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Layout of the Super Structure

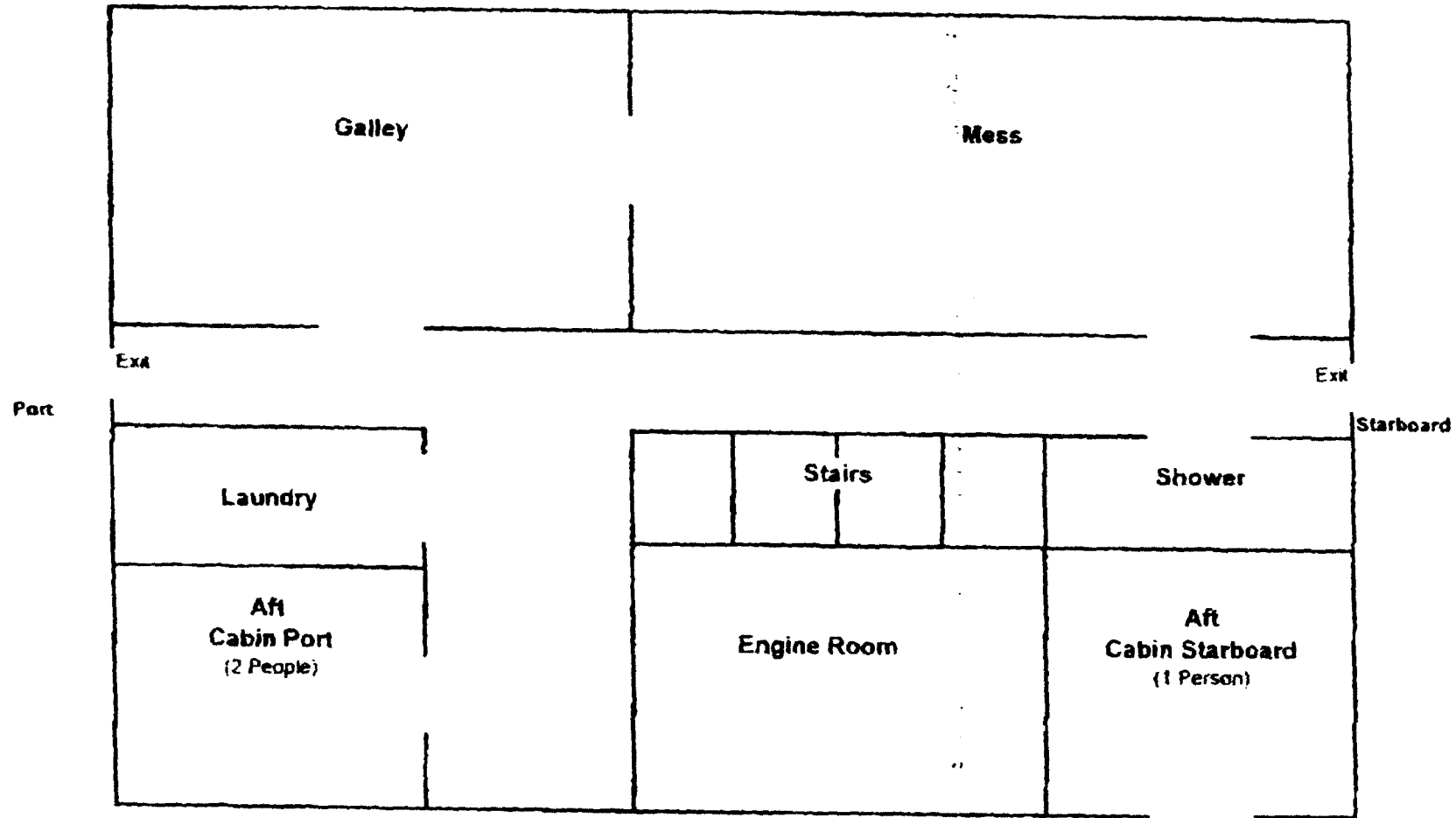
Cabin Deck (Below Bridge)



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Layout of the Super Structure

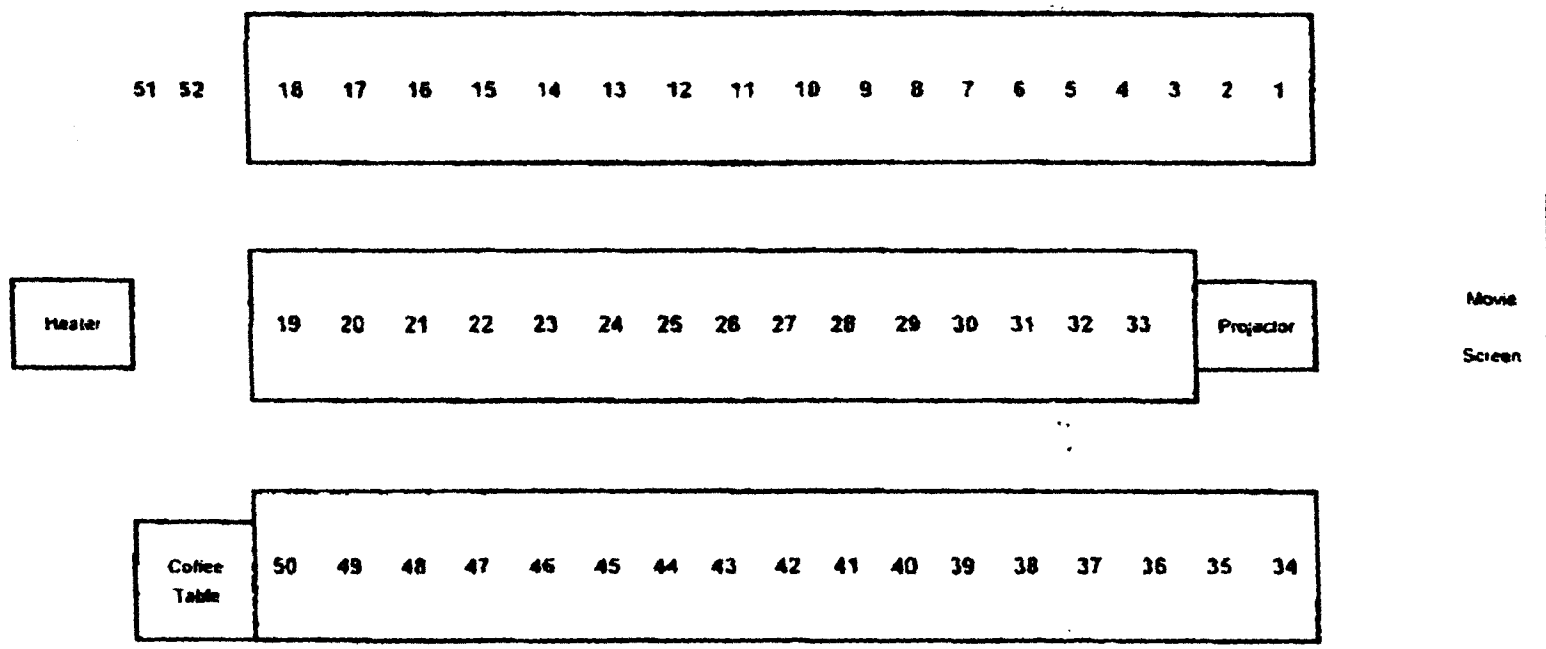
Main Deck (Below Cabin Deck)



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Layout of the Hold

Port



Starboard

Note: These bed numbers do not correspond with the migrant numbers. These were provided for evidence purposes. It was unknown what bag belonged to each migrant.

Page(s) 000032 to\à 000036

**Is(Are) exempted pursuant to section(s)
est(sont) exemptée(s) en vertu de(s)(l')article(s)**

16(1)(c)

**of the Access to Information Act
de la Loi sur l'accès à l'information**



[Home](#) > [Programs](#) > [National security](#) > [Listed entities](#)

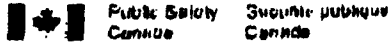
Listed entities

The listing of an entity is a very public means of identifying a group or individual as being associated with terrorism. The definition of an entity includes a person, group, trust, partnership or fund, or an unincorporated association or organization. The *Anti-Terrorism Act* provides measures for the Government of Canada to create a list of entities.

It is not a crime to be listed. However, one of the consequences of being listed is that the entity's property can be the subject of seizure/restraint and/or forfeiture. In addition, institutions such as banks, brokerages, etc are subject to reporting requirements with respect to an entity's property and must not allow those entities to access the property nor may these institutions deal or otherwise dispose of the property. It is an offence to knowingly participate in or contribute to, directly or indirectly, any activity of a terrorist group. This participation is only an offence if its purpose is to enhance the ability of any terrorist group to facilitate or carry out a terrorist activity.

- [About the listing process](#)
- [Currently listed entities](#)

Date Modified: 2008-09-11



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About the listing process

The *Anti-Terrorism Act* provides measures for the Government of Canada to create a list of entities that:

- have knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity
- knowingly acted on behalf of, at the direction of or in association with an entity that has knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity

How it works

The legislation provides for the Governor in Council to establish by regulation a list on which, on the recommendation of the Minister of Public Safety, any entity may be placed.

The process of listing begins with criminal and/or security intelligence reports on an entity disclosing the reasonable grounds to believe that the entity has knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity; or the entity is knowingly acting on behalf of, at the direction of or in association with, an entity involved in a terrorist activity.

The criminal and/or security intelligence reports are submitted to the Minister of Public Safety for consideration. If the Minister has reasonable grounds to believe that the above test is met, the Minister may make a recommendation to the Governor in Council to place the entity on the list.

If the Governor in Council is satisfied that there are reasonable grounds to believe that the above test has been met, then the entity may be placed on the list of entities. The listing of an entity is published in the *Canada Gazette* and on this website under *Currently listed entities*.

Date Modified: 2009-06-05

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Currently listed entities

This webpage has been prepared for reference only. Users should consult the Acts as passed by Parliament, which are published in the "Assented to" Acts service, Part III of the *Canada Gazette* and the annual Statutes of Canada. Users should also consult the regulations, as registered by the Clerk of the Privy Council and published in Part II of the *Canada Gazette*, available in most public libraries.

Several of the listed entities are known under different names. As well, some spellings of names may differ. Click on the name for a description of the entity, all different names and spellings, and the date when the entity was added to the list.

- Abu Nidal Organization (ANO)
- Abu Sayyaf Group (ASG)
- Al Jihad (AJ)
- Al Qaida
- Al-Aqsa Martyrs' Brigade (AAMB)
- Al-Gama'a al-Islamiyya (AGAI)
- Al-Ittihad Al-Islam (AIAI)
- Ansar al-Islam (AI)
- Armed Islamic Group (GIA)
- Asbat Al-Ansar ("The League of Partisans")
- Aum Shinrikyo
- Autodefensas Unidas de Colombia (AUC)
- Babbar Khalsa (BK)
- Ejército de Liberación Nacional (ELN)
- Euskadi Ta Askatasuna (ETA)
- Fuerzas Armadas Revolucionarias de Colombia (FARC)
- Gulbuddin Hekmatyar
- Hamas (Harakat Al-Muqawama Al-Islamiya) ("Islamic Resistance Movement")
- Harakat ul-Mudjahidin (HuM)
- Hezb-e Islami Gulbuddin (HIG)
- Hizballah
- International Sikh Youth Federation (ISYF)
- Islamic Army of Aden (IAA)
- Islamic Movement of Uzbekistan (IMU)
- Jaish-e-Mohammed (JeM)
- Jemaah Islamiyyah (JI)

<http://www.publicsafety.gc.ca/org/ns/le/cle-eng.aspx>

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- Kahane Chai (KACH)
- Kurdistan Workers Party (PKK)
- Lashkar-e-Jhangvi (LJ)
- Lashkar-e-Tayyiba (LeT)
- Liberation Tigers of Tamil Eelam (LTTE)
- Mujahedin e Khalq (MEK)
- Palestine Liberation Front (PLF)
- Palestinian Islamic Jihad (PIJ)
- Popular Front for the Liberation of Palestine - General Command (PFLP-GC)
- Popular Front for the Liberation of Palestine (PFLP)
- Salafist Group for Call and Combat (GSPC)
- Sendero Luminoso (SL)
- Vanguard of Conquest (VOC)
- World Tamil Movement (WTM)

Abu Nidal Organization (ANO)

Also known as

Fatah Revolutionary Council, Revolutionary Council, Revolutionary Council of Fatah, Al-Fatah Revolutionary Council, Fatah-the Revolutionary Council, Black June, Arab Revolutionary Brigades, Revolutionary Organization of Socialist Muslims, Black September, Egyptian Revolution, Arab Fedayeen Cells, Palestine Revolutionary Council and Organization of Jund al Haq

Description

Established in the 1970s, the Abu Nidal Organization (ANO) is an international terrorist organization founded by Sabri al-Banna (a.k.a. Abu Nidal). The main goal of the ANO is the destruction of Israel and the creation of an independent Palestinian state. The ANO has utilized many methods to further its cause, including bombings, hijackings, assassinations and armed attacks against civilians. In total, it has carried out over 90 terrorist attacks in 20 countries, killing approximately 300 people and wounding hundreds more.

Date listed

2 February, 2003

Date reviewed

20 November, 2008

Abu Sayyaf Group (ASG)

Also known as

Al Harakat Al Islamiyya (AHAI), Al Harakat-ul Al Islamiyya, Al-Harakatu:-Islamiya, Al Harakat Al Islamiya, Abou Sayaf Armed Band (ASAB), Abu Sayaff Group, Abu Sayyef Group and Mujahideen Commando Freedom Fighters (MCFF)

Description

<http://www.publicsafety.gc.ca/prg/ns/lc/cle-cng.aspx>

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Liberation Tigers of Tamil Eelam (LTTE)

Also known as

The Tamil Tigers, the Eellalan Force, the Ellalan Force, the Tiger Movement, the Sangilian Force, the Air Tigers, the Black Tigers (Karum Puligal), the Sea Tigers, the Tiger Organization Security Intelligence Service (TOSIS), the Women's Combat Force of Liberation Tigers (WCFLT)

Description

Founded in the 1980s, the Liberation Tigers of Tamil Eelam (LTTE) is a Sri Lankan-based terrorist organization that seeks the creation of an independent homeland in the north and northeastern part of Sri Lanka, a region it has called "Tamil Eelam". Its war against the government of Sri Lanka has been fought on three fronts: a political campaign, guerrilla warfare, and a terrorist campaign. The LTTE uses a variety of terror tactics in order to achieve its objectives, including armed attacks on political, economic, religious and cultural targets. The LTTE's campaign has included plans to create Tamil-only northern and eastern provinces, and to this end it has violently expelled non-Tamils from these regions. The LTTE also endeavours to eliminate moderate Tamils and other Tamil militant groups that compete with it for influence and power within the Sri Lankan Tamil community.

Date listed

8 April, 2006

Date reviewed

20 November, 2008

World Tamil Movement

Description

The World Tamil Movement, created in 1986, is the leading front organization for the Liberation Tigers of Tamil Eelam (LTTE) in Canada. The various offices of the WTM in Canada transfer funds to bank accounts in Sri Lanka destined to support the terrorist activities of the LTTE. The leadership of the WTM acts at the direction of leaders of the LTTE. WTM representatives canvas areas in Canada with large Tamil populations demanding large donations on behalf of the LTTE. Refusals to contribute often lead to threats and intimidation.

Date listed

13 June, 2008

Date reviewed

20 November, 2008

<http://www.publicsafety.gc.ca/prg/ns/le/cle-en.asp>

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AN

October 28, 2009 12:04am AEDT

There are Tigers among boatpeople

Sergei DeSilva-Ranasinghe | October 28, 2009

Article from: [The Australian](#)

THE debate in Australia over the influx of Tamil refugees from Sri Lanka should take into consideration the nature of the Liberation Tigers of Tamil Eelam and the Sri Lankan conflict that ended on May 19.

Since the LTTE's defeat, the Sri Lankan government has been weeding out hardcore LTTE fighters to ensure that the group cannot regenerate. So far, according to Sri Lanka's Ministry of Defence, out of nearly 272,000 internally displaced persons, 9818 LTTE fighters have been identified and interned. Nonetheless, the government remains cautious, as suggested by Disaster Management and Human Rights Minister Mahinda Samarasinghe: "There are still some persons among the IDPs who have not disclosed their former affiliation with the LTTE."

In early August, the Sri Lankan government suspected that about 10,000 unidentified LTTE fighters were hiding in IDP camps, posing as civilians. However, in early October the leader of the Tamil United Liberation Front, Veerasingham Anandasangaree, claimed that most, if not all, of the remaining undetected LTTE fighters had fled overseas.

Sri Lankan military officials believe that two categories of refugees are fleeing: those who are fighters or who have collaborated with the LTTE; and those who are fleeing for economic reasons. Many of these civilians are known to have been strong supporters of the LTTE and constitute maveerar (war hero) families whose children fought in elite LTTE units.

In September, reports emerged that since May about 20,000 IDPs have escaped from dozens of these camps; many of them are suspected by the Sri Lankan government of being former LTTE fighters.

Conditions in these camps have been the subject of considerable media debate, but recent visits by senior foreign officials suggest that significant improvements have been made. For example, IRIN News quotes Walter Kaelin, the UN Secretary-General's representative on the human rights of internally displaced persons, as saying: "Certainly people do get food, they do get medical assistance and there is education in the camps. So from that perspective, the government and international community have done a lot."

The Indian daily The Hindu reports that 41,685 IDPs have been released and resettled and the government is engaged in the process of resettling another 58,000 in line with its target of releasing and resettling more than 70 per cent of the IDPs by January 31.

The LTTE in the diaspora is engaged in a process of reorganisation and there are no credible indications that it will move away from terrorism, a view affirmed by Canadian terrorism expert Tom Quiggin, who says: "The LTTE has not given up its program of an independent homeland, and they will continue their campaign of violence from wherever they can re-establish themselves."

It is beyond doubt that hardcore LTTE fighters have infiltrated the Tamil refugees who have arrived in Australia, as noted by Victor Rajakulendran, who represents the Australasian Federation of Tamil Associations: "There will ... definitely ... be (LTTE) in these boats. The ex-combatants are in danger in Sri Lanka so they will have to flee somewhere."

Australia needs to be aware that many LTTE combatants were involved in serious acts of terrorism against Sri Lanka and its citizens, including suicide bomb attacks, other forms of bombing, torture and murder. For instance, there was a sustained LTTE campaign of ethnic cleansing against the Sinhalese and Muslim populations of northern and eastern Sri Lanka, which from 1984 to this year involved an estimated 257 attacks that killed 4485 civilians, wounded 5897 and displaced close to 200,000 Sinhalese and Muslims. Furthermore, according to Dharmalingam Siddharthan, leader of the anti-LTTE People's Liberation Organisation of Tamil Eelam, at least 10,000 dissident Tamils were eliminated by the LTTE during the

<http://www.theaustralian.news.com.au/story/0,25197,76268757-7583,00.html>

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conflict.

Rajakulendran claims that LTTE combatants "are not going to be fighters here. They were fighting for a cause, even if some of the tactics are unacceptable ... They are not going to fight for a cause here. They are not like Islamic terrorists." However, evidence of LTTE activities in the West suggests otherwise. For instance, a 2006 Human Rights Watch report, *Final War: LTTE Intimidation and Extortion in the Tamil Diaspora*, reported serious LTTE infringements of law and order in the West, including extortion, wanton intimidation, violent repression of dissenting Tamil voices and even homicide.

Canadian-Tamil journalist D.B.S Jeyaraj has written that "the activities of pro-Tiger elements in the West have often been provocative and blatantly defiant of Western laws governing terrorism. In spite of the LTTE being banned under anti-terrorism laws, the diasporic Tiger supporters have flagrantly flouted them."

Examples of serious LTTE infractions of the law in the West include: the murder of a French policeman; suspected murder of dissident Tamil journalist Sabaratnam Sabalingam; death threats to the dissident Tamil Broadcasting Corporation in Britain; assault and intimidation of dissident Norwegian-Tamil journalist Nadaraja Sethuraman; and, according to the Asian Tribune, alleged death threats against Selliah Nagarajah, a political columnist and law lecturer at the University of Western Sydney. In addition, dissident liberal Sri Lankan Tamil group University Teachers for Human Rights-Jaffna claims that the LTTE was responsible for the murder of Subramaniam Muthulingam, an Australian citizen who was on holiday in Sri Lanka and was known to have refused to co-operate with LTTE attempts to streamline fundraising from a Hindu temple in Perth.

Hence, based on its actions in Sri Lanka and abroad, it is not surprising that the LTTE is outlawed in 30 countries. Indeed, the US FBI website states: "The Tamil Tigers are among the most dangerous and deadly extremists in the world (and their) ruthless tactics have inspired terrorist networks worldwide, including al-Qa'ida in Iraq."

The FBI goes on to say: "(The LTTE) perfected the use of suicide bombers, invented the suicide belt, pioneered the use of women in suicide attacks, murdered some 4000 people in the past two years alone and assassinated two world leaders (former Indian prime minister Rajiv Gandhi and Sri Lankan president Ranasinghe Premadasa), the only terrorist organisation to do so."

While the Australian government ponders whether to outlaw the LTTE, as practically every other Western country has done since 2006, it should take an uncompromising view of LTTE combatants and operatives and ensure that a thorough screening process is conducted.

Clearly, not all the Tamil refugees coming to Australia fit this category, but those found to be members of the LTTE should be treated no differently from the way Australia would expect other countries to treat operatives of Jemaah Islamiah and al-Qa'ida.

Sergei DeSilva-Ranasinghe is writing his masters thesis at Curtin University on the evolution of Australia's defence policy in the Indian Ocean.

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THE AUSTRALIAN

October 26, 2009 02:08am AEDT

Tamil Tigers join race for asylum

Paul Maley and Paige Taylor | October 26, 2009

Article from: [The Australian](#)

A SENIOR member of the Australian Tamil community says former Tamil Tiger fighters are definitely among the influx of boatpeople to arrive on our shores.

Australasian Federation of Tamil Associations secretary Victor Rajakulendran said the high proportion of young men on the boats, coupled with the risks faced by the Tigers in Sri Lanka, made it certain some arrivals were members of the defeated Liberation Tigers of Tamil Eelam.

Dr Rajakulendran's remarks came as the Australian Customs vessel Oceanic Viking prepared, after a week at sea, to land today 78 Tamils at the Indonesian detention centre in Tanjung Pinang.

Home Affairs Minister Brendan O'Connor on Saturday revealed 68 adult males on board had commenced a hunger strike in protest at being kept from Australia.

Late yesterday a meeting between Indonesian immigration, police and foreign affairs officials was co-ordinating the arrival of the Viking passengers, including a 12-year-old girl requiring medical assistance.

A police source said the ship would arrive at 10am local time (2pm AEDT) in the port of Kijang, where the asylum-seekers would be loaded on to buses for the 30-minute drive to Tanjung Pinang.

The news came as the Immigration Department prepared to extend the boundaries of Christmas Island's detention centre to cope with the influx of arrivals, including 32 Tamils believed to have sailed directly from Sri Lanka.

Sources told The Australian that officials were concerned the arrival of the boat heralded a new tactic, with people-smugglers seeking to avoid the Indonesian archipelago due to the success of Australian and Indonesian authorities in interdicting asylum boats.

Were such a tactic to become routine it would render the Rudd government's "Indonesia solution" virtually redundant.

Foreign Minister Stephen Smith yesterday provided fresh details about the types of co-operation Jakarta and Canberra were considering, citing increased intelligence sharing, greater Australian support for people-smuggling disruption efforts and more funding for Indonesian detention centres.

It is understood Kevin Rudd also raised the issue of people-smuggling in the formal session of the East Asia Summit, held over the weekend in Thailand.

Dr Rajakulendran said many of the Tamils fleeing Sri Lanka had had their passage funded by sympathetic Tamil communities in the West.

Most of those fleeing were young men, some of whom would be ex-fighters, Dr Rajakulendran said.

"There will be definitely, definitely they will be in these boats," he said.

"The ex-combatants are in danger in Sri Lanka so they will have to flee somewhere."

But Dr Rajakulendran said this did not make them a threat to the Australian community.

"They have to be rehabilitated," he said. "They are not going to be fighters here. They were fighting for a cause, even if some of the tactics are unacceptable, they were fighting for a cause. They are not going to fight for a cause here. They are not like Islamic terrorists," he said.

<http://www.theaustralian.news.com.au/story/0,25197,26259186-601,00.html>

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In May the Sri Lankan government defeated the decades-old rebel movement, provoking a humanitarian catastrophe with hundreds of thousands of Tamils displaced and moved into concentration camps.

The Australian understands security agencies already suspect a number of Tamil detainees currently on Christmas Island are ex-fighters, citing the presence of battle-style wounds

But authorities stress this does not automatically make them a threat as the LTTE often press-ganged young men into military service

Dr Rajakulendran said the high price of a people-smuggler's ticket meant it was likely those Tamil boatpeople were receiving funding from the Tamil diaspora.

But he said the funding was not part of any over-arching Tamil campaign, a suggestion put by Sri Lanka's high commissioner to Australia Senaka Walgampaya.

Rather it was concerned families seeking to help relatives at risk.

"Only people who have people overseas can get the help, the financial help like this to come," he said.

"Everybody is on the same boat but people who have help from overseas will be able to pay the smugglers and come. The others will have to struggle there."

Yesterday, four of the Sri Lankans on board the Jaya Lestari 5, the wooden cargo ship moored at Merak harbour in western Java, decided to leave the standoff and be processed by Indonesian immigration officials.

The boat was intercepted following a personal request from Mr Rudd to Indonesian President Susilo Bambang Yudhoyono.

Spokesman "Alex" said there had been no pressure on the group to stay on the boat.

"We have always insisted that if anyone wants to leave the boat, they are free to do so," he said.

The Immigration Department is preparing to extend the boundaries of Christmas Island's detention centre, which yesterday morning held 903 men, despite being designed to hold up to 800 with a surge capacity of 1200.

The department is planning to place some or all 81 demountables shipped in from the Northern Territory outside the rear perimeter of the \$396 million detention centre and erect fencing around them.

The arrival yesterday of 19 male asylum-seekers on Christmas, believed to be mostly Afghans, brought the number of people in immigration detention on the territory to 1148.

Another 22 asylum-seekers are expected to arrive today, after being intercepted near Ashmore Reef on Tuesday.

Additional reporting: Stephen Fitzpatrick, Simon Kearney

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Migrant ship owned by Tamil Tigers, says terrorism expert

Ian MacLeod, Canwest News Service: Sunday, October 25, 2009

The migrant smuggling ship intercepted off the West Coast carrying 76 Sri Lankan men is owned by the outlawed Tamil Tigers and previously smuggled weapons from North Korea to Sri Lanka, says an international expert on South Asia terrorism.

It's feared the ship may be the first wave of defeated Tamil Tiger fighters fleeing for safe haven after the end of Sri Lanka's 25-year civil war, says another security expert.

Canada hosts the largest population of Sri Lankan Tamils outside of Sri Lanka, and has long been a key support base for the Tigers, on Canada's list of terrorist organizations.

In a radio interview with ABC News in Australia on Saturday, Singapore-based Rohan Gunaratna said the Ocean Lady is a rebel freighter belonging to the Liberation Tigers of Tamil Eelam, the separatist guerrillas known as the Tamil Tigers.

"It is now clear that it is a Tamil Tiger-owned and-operated ship," said Gunaratna, who heads Singapore's International Centre for Political Violence and Terrorism Research.

The Sri Lankan native has authored several books on the country's civil war that ended in May, with the government defeating the Tigers.

"Certainly, not all ships that are transporting people are managed by terrorists, but in the case of the Ocean Lady, it is a Tamil Tiger ship that had been used in the past to smuggle weapons from North Korea to Sri Lanka," said Gunaratna.

The ship was intercepted off Vancouver Island on Oct. 16 by the RCMP, the Canadian Forces and Canada Border Service Agency.

The Canadian Tamil Congress says the men are all ethnic Tamils fleeing persecution. But Gunaratna said "a number of individuals" have been identified as suspected Tigers, though he didn't elaborate.

His comments follow reports that one passenger has been identified as a 26-year-old man wanted by Sri Lanka for terrorism. It's not clear if he is the same man apparently found with the logo of the Tigers tattooed on his body.

The men are being held in Maple Ridge, B.C., and began appearing before the Immigration and

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Migrant ship owned by Tamil Tigers, says terrorism expert/... 27/10/2009

Refugee Board last week. One passenger with relatives in Canada was reportedly ordered released from custody. The others remain in custody pending interviews with border officials. Those freed are expected to make refugee claims.

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<http://www.cbc.ca/news/Canada/story/2009/10/27/migrant-ship-owned-tamil-tigers-says-terrorism-expert/> 27/10/2009

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