

# Sri Lankan government moves to extend the police custody period

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The Sri Lankan government, supported by leaders of the opposition United National Party (UNP), is seeking to push legislation through parliament to double, to 48 hours, the period in which police can hold people in custody without any appearance in court.

The proposed amendments to the Criminal Procedure Code will make significant changes to the law covering arrests without warrants, and detention by police. At present, section 37 of the Code permits a suspect to be kept in police custody for 24 hours before being produced before a magistrate.

In 2007, during President Mahinda Rajapakse's intensified civil war against the Tamil minority, the police custody period was extended for some listed offences, mainly related to so-called terrorism. This provision lapsed after two years, on May 31, 2009, in the immediate aftermath of the government's military victory over the Liberation Tigers of Tamil Eelam (LTTE).

The new legislation, proposed more than three years since the end of the war, is unprecedented—it makes the 48-hour period permanent and extends it to cover all police detainees. It is another step by the government to entrench the police-state measures adopted during the war, in gross violation of fundamental legal and democratic rights.

UNP parliamentarian Wijedasa Rajapakse, who is president of the Bar Association of Sri Lanka (BASL), declared the Bar Association's backing for the amendment. "Our delegates met and decided to extend our support for the Bill in order to combat the rising wave of crimes," he told *Lakbimanews*.

In recent years, the UNP has postured as a defender of democratic rights, a charade supported by various pseudo-left groups. But Rajapakse's comments displayed the true colours of the right-wing big business party.

"Not all police are crooked," Rajapakse told the *Daily Mirror*. "The police are combating crime for the betterment of all of us. Therefore it is our duty to help." In the same interview, however, he admitted that torture was a customary police tool. He cynically argued that "even if the amendments were not brought and the law stayed as it is, the torture would not stop."

The use of torture, as well as the extra-judicial killing of detainees, has been widespread under the Rajapakse government. The amendments will provide another legal cover for such practices, before the commencement of any formal investigation into an alleged crime.

A report titled *Sri Lanka –Torture Cases 1998-2011* issued by the Asian Human Rights Commission last year, documented 1,500 cases of police torture of suspects in custody during the previous dozen years. Deaths in custody are common. Last November, thousands of people protested after police in Dompe killed 29-year-old Gayan Rasanga.

There are reports of torture being widely used against Tamil detainees who have been held indefinitely in police and military custody, during and after the war, under the draconian Prevention of Terrorism Act and Emergency Regulations. Last August, the government formally lifted the emergency laws, but the security

forces and pro-government thugs exercise *de facto* control over much of the country, particularly in the north.

Increasingly, it has become clear that Rajapakse's authoritarian regime, initially directed against Tamils, is being mobilised to suppress opposition to the government's austerity program. The government's measures include drastic cuts to public services and subsidies, and sharp price rises without any wage increase for working people. These are being implemented to meet the orders of the International Monetary Fund and World Bank to slash the budget deficit by the end of 2012.

During the past year, the government has used the courts several times to obtain restraining orders against strikes and protests by workers and students. Court orders barred any speeches at the funeral of Roshen Chanaka Ratnasekera, a worker who was shot dead by police during last year's Katunayake Free Trade Zone strike. In February, a Chilaw magistrate restricted the funeral service for fisherman Antony Fernando Warnakulasuriya, another victim of police shooting.

The Rajapakse government's moves parallel anti-democratic and draconian measures being taken in countries around the world in the face of deepening working class resistance to the assault on living and working conditions unleashed since the outbreak of the global financial crisis.



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