Sri Lanka: New anti-terror measures lay foundations for police state

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31 October 2016

In mid-October the Sri Lankan cabinet approved the "policy and legal framework" for a new Counter Terrorism Act.

The planned legislation, which has been submitted to an all-party parliamentary national security committee to finalise, constitutes a far-reaching attack on fundamental democratic rights by widening the definition of terrorism to include practices generally regarded as normal political activity.

During his 2015 presidential election Maithripala Sirisena postured as a champion of democratic rights and promised, among many things, to repeal repressive laws such as the hated Prevention of Terrorism Act (PTA).

However, the new Counter Terrorism Act, which will replace the PTA, confers even wider powers on the government and consolidates the foundations for a police state. The real target of the new law is the working class—socialists in particular.

The act defines the following as terrorist offences:

* Threatening, attacking, changing or adversely affecting the unity, territorial integrity, security or sovereignty of Sri Lanka, or that of any other sovereign nation.

* Illegally or unlawfully compelling the Government of Sri Lanka or the government of any other sovereign nation, to reverse, vary or change a policy decision or to do or abstain from doing any act relating to the defence, national security, territorial integrity, sovereignty of Sri Lanka or any other sovereign nation.

* Illegally causing a change of the Government of Sri Lanka or of any other sovereign nation.

* Committing any act of violent extremism towards achieving ideological domination.

Under these sweeping definitions virtually any political activity can be legally suppressed.

To declare that "compelling a change of policies of the government of Sri Lanka or of any other sovereign state" is illegal means that the government can block all political or industrial action, protests and demonstrations against the government by the working class, the poor, students or any other section of the population.

Other definitions of terrorism include, "committing or threatening to commit or instigating acts of violence of any manner on any person, attempted murder, grievous hurt, wrongful confinement extortion; complete or partial destruction the state or private property; serious damage to the environment of Sri Lanka or that of any other sovereign nation, as the case may be, causing obstruction or damage to essential services or supplies."

Recruiting members for organisations proscribed by the government, being leaders or members of such organisations and withholding information on terrorism are now offences, as is "knowing" or "having reason to believe" a person is conspiring to commit an offence of terrorism but not informing the police.

Significantly, "espionage" has been broadened to cover "any person who voluntarily engages in any illegal, unlawful or unauthorised act for the purpose of gathering any 'confidential information,' for the purpose of supplying such information to a person who is conspiring, preparing, abetting, or attempting to commit terrorism." This means those involved in political exposures or investigative journalism can be targeted.

The new measures also propose the death penalty upon conviction by a High Court, if a death has occurred as a "reasonably foreseeable consequence" of oppositional activity. This is an extension of death penalty beyond the offence of murder, which involves

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conscious intent. Other punishments for “terrorism” include imprisonment for up to 20 years, heavy fines and confiscation of property.

The new Act also says that suspects have no right to seek legal advice following arrest for 48 hours or until the individual is brought before a magistrate. This changes current rights and creates the conditions for the use of torture to obtain confessions, for which the Sri Lankan police are already notorious. Hundreds of people arrested during the war against separatist Liberation Tigers of Tamil Eelam (LTTE) were convicted using the confessions obtained under police torture.

Under the proposed legislation, “a statement made by any person to a police officer holding a rank not below a Superintendent of Police either by himself or in response to questions” will be “admissible” against those arrested.

The police and the armed forces will be given wide powers of arrest, detention and investigation. To legitimise this, the act states that when members of the armed forces arrest a “suspect” he or she should be handed over to the police. Cordon and search operations can be carried out by both the police and armed forces.

Suspects taken into custody under the terrorism laws can be detained for up to six months through an order from a deputy inspector general of police and without being brought before a magistrate. The “counter-terrorism” package also covers offences committed by Sri Lankan citizens both at home and abroad, against the Sri Lankan government or a foreign regime.

The Sri Lankan Inspector General of Police is to establish a Specialised Counter Terrorism Division, tasked with the responsibility of preventing and investigating terrorism.

Sri Lanka’s planned new anti-terrorism laws are in response to growing popular opposition to the government’s austerity attacks on the living conditions of the working class and the poor and in line with its support for the US preparations for war against China.

After nearly 30 years of communal war against the separatist LTTE and the associated battery of measures to divide and suppress the working class, the Sri Lankan ruling class and its government are legislating new anti-democratic laws to establish the basis for dictatorial forms of rule. It is part of the escalating assault on the basic rights of the working class internationally.

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