

Sri Lankan government to tighten police-state laws

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After posturing as a proponent of “good governance” and democratic rights, the Sri Lankan government is moving to introduce a range of repressive new anti-terror laws. Last month, Prime Minister Rani Wickremesinghe’s cabinet approved a new draft of its Counter Terrorism Act (CTA) that will soon be submitted to parliament for approval.

The CTA legislation—a slightly modified version of a previous draft that came under heavy international and domestic criticism—is even more repressive than the Prevention of Terrorism Act (PTA). The PTA was enacted by President J. R. Jayawardene’s government in 1979 as part of its crackdown on the separatist Liberation Tigers of Tamil Eelam (LTTE) and an escalation of Colombo’s repression of the working class.

During the January 2015 presidential election campaign, Maithripala Sirisena promised to replace the hated PTA. His government’s alternative legislation, the CTA, however, extends the anti-democratic provisions of the previous laws, providing a range of deeply repressive powers to the state, the police and the military. Under bogus claims of curbing terrorism, the new laws are aimed at suppressing the developing struggles of workers, the poor and young people, and laying the foundations for a police state.

The draft law states that it will “prevent, detect, investigate and counter terrorism and associated offences, protect the security of Sri Lanka and its people and other sovereign countries.” Its aims include:

- * Protecting the unity, territorial integrity, and sovereignty of Sri Lanka
- * Preventing, combating and responding to attacks and threats against the interests of Sri Lanka
- * Preventing attacks and threats against other countries

* Preventing the use of Sri Lanka for terrorism on other sovereign nation.

“Offences of terrorism” are defined as any act of violence, endangering the life of any person, serious damage to Sri Lankan private and public property, and obstruction of essential service and supplies. It also includes any act used to “intimidate a population” or wrongfully or unlawfully compel the government to abstain from carrying out any action, or prevent the state from functioning. Other so-called terrorist offences involve causing harm to the unity, integrity and sovereignty of Sri Lanka or any other sovereign state.

These definitions are so broad that they could be used to arbitrarily suppress political or industrial action against the government, including strikes or demonstrations by workers and the poor by, branding them a terrorist act, or as aiding and abetting terrorism.

Protection of the unity, territorial integrity, and sovereignty of Sri Lanka, and national security, are catch phrases that have been regularly used by successive governments to suppress the democratic rights of political parties, the media, the Tamil population and the entire working class. Socialists seeking to mobilise the working class in defence of their jobs, working conditions and basic rights will be clear targets.

One section of the draft, entitled “Exclusion from criminal culpability,” declares that no action will be taken against anyone if their writings or speeches are made in “good faith and with due diligence.” But the final arbiters of this “good faith” clause will be the government and state authorities.

An earlier draft of the CTA defined the collection of confidential information—i.e., whistleblower exposures—as “espionage.” The new version of CTA

drops the word espionage but restates the same offences: gathering confidential information “for the purpose of supplying such information to a person who is conspiring, preparing, abetting, or attempting to commit terrorism or any terrorism related acts.” In other words, the unearthing and exposure of illegal activities and actions by the government and the state apparatus, including the military and police, will be deemed an act of terrorism

The CTA also gives Sri Lankan police and the armed forces virtually unlimited powers of arrests, interrogation and detention. The planned law states: “Any police officer or any member of the armed forces or a coast guard officer, may arrest without a warrant any person who commits an offence.” It continues, “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.

Suspects could be detained for up to six months through an order from a deputy inspector general of police on the request of an officer in charge of a police station. The detainee does not have to be brought before a magistrate if he or she is taken into custody under the terrorism laws. The place of detention can be determined by police.

After arrest, suspects would have no right to seek legal advice for 48 hours or until the individual is brought before a magistrate. This is a further tightening of the existing law and creates the conditions for confessions to be obtained through torture. Sri Lankan police are notorious for torturing “confessions” from so-called suspects. Admissions of guilt obtained through torture were commonly used to convict hundreds of people arrested during the war against the separatist Liberation Tigers of Tamil Eelam.

The CTA contains severe penalties for those found guilty of terrorism offences, including up to 20 years’ imprisonment, fines and possible confiscation of property. Anyone who fails to provide information about those “committing, abetting and preparing” terrorism or related offences can be imprisoned for three years and fined.

Unsurprisingly, former President Mahinda Rajapakse and his supporters in the “joint opposition,” who are attempting to bring down the current administration, are silent about the new laws. Rajapakse regularly used

the PTA and Emergency Laws against Tamils during the long-running communal war against the LTTE and in suppressing the democratic rights of the working class and the poor.

The Sri Lankan pseudo-left, who previously denounced Rajapakse and promoted Sirisena and Wickremesinghe as democrats, has said nothing about the “anti-terror laws.”

The government, which faces a deepening economic crisis, is ruthlessly imposing austerity measures dictated by the International Monetary Fund that place the burden on the backs of working people. This social assault has produced a wave of strikes and student protests.

Confronted with this growing popular opposition, President Sirisena recently suggested that Sarath Fonseka leave his current ministerial position and resume his role as Sri Lankan army chief, or take up another senior position in the state apparatus, in order to “discipline the country.”

When this proposal drew sharp criticism, Sirisena claimed that he planned no such appointment. Notwithstanding Sirisena’s denial, the new CTA makes clear that the Sri Lankan ruling class and its government are preparing for ruthless class war against workers and the poor.



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