

Sri Lankan government continues to use draconian terror laws

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Sri Lanka continues to use the Prevention of Terrorism Act (PTA) to torture detainees and extract confessions under President Maithripala Sirisena's administration, according to *Locked Up Without Evidence*, a report by Human Rights Watch (HRW).

The report, published in late January, is based on interviews with 34 former PTA detainees, the family members of seven current detainees and the lawyers and human rights defenders working on these cases. The detainees are victims of Colombo's 26-year war against the separatist Liberation Tigers of Tamil Eelam (LTTE), which ended in the Sri Lankan military's victory in 2009, and its aftermath.

The PTA was enacted in 1979, supposedly to curb the LTTE and other militant Tamil groups. Before it unleashed full-scale war against the separatists in 1983, Colombo used the law to repress Tamils, workers and youth.

Police and the security forces have extensive powers under the PTA to arbitrarily arrest people, detain them without charge for up to 18 months and obtain forced confessions. The laws provide immunity for government officials responsible for torture and other acts.

During his 2015 election campaign against incumbent president Mahinda Rajapakse, Sirisena exploited the widespread popular opposition to Rajapakse's human rights violations. The PTA, however, remains in effect under Sirisena and, according to the HRW, has been used to arrest and detain people.

In 2016, for example, police claimed to have found a suicide jacket and arrested 11 youth from Chavakachcheri, about 14 kilometres south of Jaffna. They were held without trial for several months before six were released and three others were granted bail. Two youth remain in jail, pending charges and trial.

All the detainees mentioned in the HRW report have been kidnapped and arrested without due process and incarcerated without charge for lengthy periods.

The only option for most of those held is to plead guilty in order to end the indefinite detention. Vivodhani Givoshan, for example, was arrested under the PTA in 2010. He told HRW how his brother, who was also held under the PTA for long period and tortured, was forced to take that decision.

"In six out of his eight cases, the ones that actually went to court, we decided that it would be easier for him [my brother] to plead guilty, so there was actually no trial, even we know the prosecution had no evidence, or at least none that my brother's lawyers could see," Givoshan said. His brother is still in custody.

A majority of those incarcerated under the PTA have been tortured. This has included assaulting detainees with poles and sticks, hanging them by their hands, and forcing them to breathe through plastic bags that contain kerosene. Those not subjected to physical brutality were mentally tortured.

Gurupharan Gurudharan, who was arrested in 2008, told HRW he was hung by his hands and beaten by Special Task Force (STF) members until he fainted. Denied drinking water during this torture, he even checked the toilet for water but STF officers had emptied it. He was released in February 2017 but is still under police surveillance.

Locked Up Without Evidence reveals that all those released are still attempting to recover from physical and psychological damage. Gurudharan's health, for example, has not fully recuperated. He cannot stay in sunlight and has no strength in his right arm.

Angela Croos, who taught English at a school in Kandy, never recovered her health and died two years

after her release. Murali Rajalechchami, a former student who had done well at school, is still traumatised by the treatment he endured in police custody.

The report also reviews the experiences of “Sinhala Tigers”—ethnic Sinhalese accused of supporting Tamil separatists.

Sudesh Nandimal, secretary of the railway trade union, was kidnapped by state authorities in April 2007. He was beaten, made to breathe through plastic bags containing kerosene and had a high-pressure water hose put in his mouth. He was incarcerated for 18 months and then released without charge.

Sahan Kirthi, another ethnic Sinhalese, who, according to the HRW, worked for a trade union newspaper, was arrested in February 2007 and beaten until he confessed to being a “Sinhala Tiger.” Kirthi lost the hearing in his left ear as a result of the beatings. Terrorist Investigation Division (TID) officers told him that his sister would be raped unless he confessed.

Kirthi’s testimony to HRW reveals how these draconian methods are enforced throughout the entire state apparatus. “When I was produced before the magistrate, I started telling my story,” he said. “She called us into her chambers instead and scolded me for saying that the TID had tortured me. I showed her my wounds and scars and she said, ‘You must have hit yourself.’”

With the assistance of some lawyers who heard him shouting in the courtroom, Kirthi was brought before a Judicial Medical Officer (JMO). But the JMO “didn’t listen to me,” he said. “There is a network between the JMO, magistrate, and the TID, I am certain of that. They protect each other.” Kirthi was incarcerated for seven years and then released without charge.

The government is proposing new “counter-terrorism” laws in an attempt to deflect mounting opposition to the PTA. The legislation could result in various political activities or protests defined as terrorist actions.

The report notes that the term “terrorist act” vaguely and broadly “includes ‘intimidating a population’ and threatening ‘the unity, territorial integrity, sovereignty of Sri Lanka, or the national security or defense of Sri Lanka.’”

The HRW warned that the legislation would “facilitate human rights violations.” In fact, the new laws indicate that the ruling class is preparing for even

more ruthless measures.

The HRW report insists that the government has made positive steps. But, as the WSWS has explained, the new act goes far beyond the PTA. It provides the framework for a police-state regime being prepared by the ruling elite as it confronts growing opposition and political struggles by the working class.



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