

Sri Lankan government tables sham amendments to draconian anti-terrorism law

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Early last month, the Sri Lankan Foreign Minister G. L. Peiris tabled an amendment bill in parliament to the notorious Prevention of Terrorism Act (PTA) with debate to begin on March 8. Two petitions filed in the Supreme Court challenging the unconstitutionality of the amendments are yet to be heard.

The amendments, which introduce various cosmetic changes while maintaining its extra-judicial procedures, are a tactical manoeuvre to try and deflect domestic and international criticism of the government's grave and ongoing abuses of human rights.

The PTA was enacted in 1979 by the United National Party (UNP) government of President J. R. Jayawardene under the pretext of combating "terrorism"—i.e., militant Tamil groups.

Colombo systematically employed it in its anti-Tamil provocations that preceded the nearly 30-year brutal war, which erupted in 1983 against the Liberation Tigers of Tamil Eelam (LTTE). The conflict ended with the military defeat in May 2009 of the separatist organisation and the death of tens of thousands of Tamil civilians. The war was used as a communal weapon to divide the working class along Sinhala, Tamil, Muslim ethnic lines.

The hated PTA allows arrests without warrant for supposed "unlawful activities" and the detention of people for up to 18 months in places decided by the defence minister. Police have the power to use confessions by "suspects," usually extracted under torture, as evidence in prosecutions against them.

It has been used by every successive government over the past 43 years for arbitrary arrests, detentions and torture. The UNP government also used it to suppress widespread rural unrest in 1988–1990 in the island's south, in which tens of thousands of majority Sinhala youth were brutally murdered.

The Rajapakse government's main amendments, which do not in any way change the repressive character of the

PTA, include:

* Reducing the period of detention from 18 months to 12 months.

* Enabling magistrates to visit the place of detention, allowing detainees access to lawyers and relatives, allowing them to challenge their detention in higher courts, and enabling the appeals court or the high court to grant bail, pending trial. These measures are already legally available but rarely exercised.

* Removal of the clause prohibiting the publication of matters relating to offences under this law, or the incitement of violence or that which may cause violence, religious, racial or communal disharmony or ill-will. There are already other security laws that include these sweeping prohibitions.

President Gotabaya Rajapakse came to power in November 2019 on the basis of a reactionary "national security first" campaign following the Easter Sunday terrorist bombings of Catholic churches and big hotels by an ISIS-backed Islamic fundamentalist group in April that year. In the wake of the attacks, which killed 270 and injured more than 500 people, racist groups, encouraged by all the main parties, including the SLPP, launched violent attacks on Muslim communities.

In January 2020, the Rajapakse cabinet decided to abandon the Counter Terrorism Act (CTA) that had been drawn up by the previous Sirisena-Wickremesinghe government, and declared that it would continue with the PTA. Like the current amendments the proposed CTA supposedly protected democratic rights, but contained the central police-state provisions of the PTA.

Announcing the Rajapakse government's decision to abandon the CTA, Cabinet member Bandula Gunawardena declared: "The PTA is back in the statute book, empowering the police and armed forces to face any threat posed to national security from any quarter."

Along with its anti-Tamil propaganda, the Rajapakse

government intensified its anti-Muslim provocations, arresting a series of Muslims on frame up charges under the PTA. These included the detention of human rights lawyer Hejaaz Hizbullah, poet and teacher Ahnaf Jazeem, Azath Sally, a former Western Province governor, and member of parliament Rishad Bathiudeen.

Jazeem, who was arrested on false allegations of advocating Muslim extremism, was detained for one year and then remanded for another seven months. He detailed in the court and to the media, including the *World Socialist Web Site*, how he was subjected to continuous physical and mental torture, forcing him to make self-incriminating admissions until he was released in December.

In March last year, the Rajapakse announced the Prevention of Terrorism (De-radicalization from holding violent extremist religious ideology) Regulations under the PTA. In the name of “rehabilitation” and “reintegration” of detainees into society, the measure prolonged the pre-trial detention for another two years.

Along with the PTA, Sri Lankan governments have also used the Public Security Ordinance and related emergency regulations, the Essential Public Services Act, International Covenant on Civil and Political Rights Act and Computer Crimes Act, among other legislation, to intimidate journalists, writers and political opponents. Hundreds of Muslims and Tamils have been arrested under the PTA and remain in jail while some so-called LTTE suspects have been imprisoned for years.

At the end of this month, the UN Human Rights Council (UNHRC) is scheduled to review a resolution passed last year on Sri Lanka. The US-backed resolution presented by a UNHRC Core Group, including Britain, Canada, Germany and France, called for an investigation into war crimes and human right violations under the PTA and other laws.

The US and other major powers sponsoring the resolution previously backed Colombo’s communalist war and are guilty of war crimes and the suppression of democratic rights elsewhere in the world.

The real purpose of the UNHRC resolution is to pressure the Sri Lankan government to end its relations with Beijing and unconditionally support Washington’s aggressive military preparations against China.

For its part, the EU has threatened to withdraw economic concessions under the Generalized Scheme of Preferences Plus (GSP+). Last June, an EU parliamentary resolution called for the repeal of the PTA and other laws violating human rights. It also called on the EU

Commission to consider temporarily ending Sri Lanka’s GSP facility. This would be a major blow to the cash-strapped Sri Lankan government which is desperately trying to increase export incomes.

The US and EU are the largest export destinations for Sri Lanka. Colombo’s sham amendments to the PTA are a desperate and transparent attempt to deflect this international pressure.

Several civil rights organisations and a number of political parties, including Samagi Jana Balawegaya (SJB), the main parliamentary opposition party, have cynically demanded reform of the PTA or its replacement with a new “anti-terror law.”

The SJB is a breakaway party from the UNP, which originally enacted the PTA. SJB leaders, moreover, were members of previous regimes, including in the previous Sirisena-Wickremasinghe government, that suppressed basic democratic rights.

The pro-US Tamil National Alliance (TNA), the main parliamentary party of the Tamil elite, is currently involved in a public petition campaign for repeal of the PTA.

The campaign is utterly hypocritical. The TNA backed the Sirisena-Wickremasinghe government’s planned Counter Terrorism Act (CTA) and proposed amendments. Its leaders, including R. Sambandan from Tamil United Liberation Front (TULF), boycotted parliament in 1979, allowing passage of the PTA.

The TNA petition campaign has nothing to do with fighting for the democratic rights of Tamil masses but part of the organisation’s support for a US-led UNHRC rights campaign which it hopes will help secure a better deal for the Tamil elites in the north and east of the country.

The Socialist Equality Party (SEP) and its predecessor, the Revolutionary Communist League, have consistently demanded abolition of all repressive laws including the PTA and for the immediate release of all political prisoners. The struggle for basic democratic rights is bound up with the fight against the capitalist system and for a workers’ and peasants’ government based on socialist policies.



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