

Sri Lanka's new anti-terror law grants sweeping state powers to suppress social dissent

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On October 6, Sri Lanka's Justice and National Integration Minister Harshana Nanayakkara presented the Protection of the State from Terrorism Bill (PSTA) to parliament, which will replace the 1979 Prevention of Terrorism Act (PTA).

The Janatha Vimukthi Peramuna/National People's Power (JVP/NPP) government presents the PSTA as democratic reform of the notoriously draconian PTA. In fact, the new proposed law retains the PTA's repressive features and grants the executive and military sweeping powers against social and political opposition, which in some respects go further than the existing law.

Introduced by President J.R. Jayawardene's United National Party (UNP) government in 1979, the PTA initially targeted Tamil militant organisations including the separatist Liberation Tigers of Tamil Eelam (LTTE). After the communal war erupted in 1983, it became a central instrument of repression against Tamils. It was also used against JVP members and rural youth during the unrest of 1988–90, and against other political opponents and workers' struggles.

Successive governments promised to repeal the PTA but retained it. The JVP/NPP's 2024 election manifesto pledged the "[a]bolition of all oppressive acts including the Prevention of Terrorism Act," however at least 12 people have reportedly been arrested under the PTA since President Anura Kumara Disnayake was sworn in on September 23, 2024.

The JVP/NPP government began drafting the PSTA in early 2025 and published its first draft in December that year. Following widespread opposition to the draft, an "expert committee" was appointed to revise the bill, dropping some of the clauses but keeping its repressive content.

On October 7, former Bar Association president Saliya Pieris, who served on the expert committee, revealed "major deviations" in the tabled bill from agreements reached with the committee on detention limits and magistrates' bail powers. Foreign Minister Vijitha Herath acknowledged discarding the committee's report but did not explain why.

Several international organisations—including the UN Office of the High Commissioner for Human Rights, Amnesty International, Human Rights Watch and the World Organisation Against Torture—have criticized the PSTA. They warn that its vague definition of terrorism, and provisions for prolonged detention, military arrest powers and inadequate judicial safeguards could reproduce PTA-era abuses, enabling arbitrary detention, torture and repression of minorities, journalists, activists and political opponents.

Clause 3(1) of the PSTA defines terrorism to include acts intended to "unduly" compel a government or international organisation to act or refrain from acting "in order to advance a political or ideological objective."

The next clause provides a sweeping definition of harms caused by terrorist acts, which include death, injury and hostage-taking, as well as serious damage to public property, transport, "any infrastructure facility," public health and electronic systems. Crucially, the definition of harm includes "substantial economic loss."

Clause 3(4) states that an act of protest, advocacy, dissent or industrial action is not "by itself a sufficient basis" for inferring terrorism—which does not prevent authorities from prosecuting such acts as terrorism. Strikes disrupting transport, ports, energy or health services, road-blocking protests and campaigns against austerity could be portrayed as attempts to "unduly" compel the government through "substantial economic loss."

Terrorism causing death carries a maximum sentence of life imprisonment; other terrorist acts carry up to 20 years' rigorous imprisonment and fines of up to 20 million rupees (about \$US60,000). Under Clause 5, attempts, abetment, conspiracy and preparation carry up to 15 years, even when no terrorist act occurs.

Section 6 criminalises joining, recruiting for, funding or participating in any activity of a proscribed organisation. Although "mere expression of opinion, belief or sympathy" is exempted, these sweeping prohibitions could be directed against workers' and students' organisations, left-wing groups and community organisations if they are deemed to be associating with a proscribed body.

Someone who conceals an alleged terrorist's whereabouts from police faces up to seven years' imprisonment—a clause that could be used to target journalists who conceal their sources.

Section 9 criminalises statements, words or signs that "directly or indirectly" induce terrorism. This extremely broadly defined offence is punishable with up to 15 years' rigorous imprisonment, a 15 million rupee fine, or both. The next section criminalises possessing, distributing or enabling someone to access a "terrorist publication." This could be used to prosecute social-media administrators, platforms and internet providers.

People can also be imprisoned for sharing information about "any official activity" of the police or armed forces, while having "reasonable grounds to believe" this will help others commit an offence. Someone who makes social media posts exposing troops being deployed against strikers, for instance, could be prosecuted under the PSTA.

A definition of terrorism aimed at dissent

The military as police

Whereas the PTA granted warrantless arrest, search and seizure powers only to police, Section 19 of the PSTA gives soldiers and coast guard officers the same powers. Section 20 permits them to stop and search people on “reasonable suspicion,” enter premises and seize “any document, thing or article,” including phones and laptops, without a warrant.

Section 24 supposedly restricts military arrests to “exceptional circumstances,” but these include being “deployed in an area for the purpose of maintaining public order.” Troops deployed against strikes or protests automatically acquire these warrantless powers.

Executive detention

Under the PSTA, the secretary of the Defence Ministry can order someone to be detained for two-month periods, which can be extended for up to one year with High Court approval. The Defence Secretary can also transfer a remanded suspect to police-controlled detention for up to six months. A suspect can be held “in isolation” once a High Court judge accepts that an allegation “appears to be well founded.”

The Defence Secretary can also seek detention of an indicted person “until the conclusion of the trial” on “national security or public order” grounds. Detainees can be held in police-run facilities outside the prison system, of the kind long associated with torture in Sri Lanka.

Banning meetings and collective action

Under Section 51, in “urgent” cases, a police station’s officer in charge has the ability to ban gatherings, meetings, rallies, processions or “any specified activity.” Orders can last 72 hours, enforced by the armed forces, and carry up to one year’s imprisonment for defiance. This power could be used to ban picketing and mass strike meetings.

Punishment without trial

The bill drops a notorious provision in the PTA which allows confessions made by a suspect to senior police officers to be used as evidence. However, the PSTA will allow statements recorded by magistrates to be admitted. It is ludicrous to suggest that such statements, made by a suspect detained for months in a police-run facility, will be voluntary.

Section 59 allows the president to proscribe any organisation if he claims there are “reasonable grounds” to believe it is involved in offences under the Act. A ban needs no prior court approval and “shall remain valid until rescinded,” with no time limit or periodic review; it can be challenged only by appeal to the president or through a judicial review in the Court of Appeal.

The PSTA will maintain all existing bans under the PTA—on the LTTE, the Tamil Rehabilitation Organisation and Muslim organisations banned in 2019 and 2021.

The JVP/NPP government has introduced the PSTA amid mounting

anger among workers and rural masses over its IMF-dictated austerity program—including privatisations, the restructuring of state institutions, and cuts to social spending.

As living costs soar, the ruling elite fears the eruption of mass strikes and protests, as happened in the 2022 mass uprising that forced the resignation of President Gotabaya Rajapakse. President Dissanayake’s administration is preparing by strengthening the anti-democratic powers of the state.

The limited criticisms of the bill by the parliamentary opposition parties are completely hypocritical. The opposition Samagi Jana Balawegaya (SJB), which emerged from the right-wing UNP, declared that the PSTA’s provisions would treat citizens “cruelly.” It was a UNP government that introduced the PTA, and current SJB leaders defended this repressive law for decades.

On October 7, the pseudo-left Frontline Socialist Party (FSP) accused the government of introducing the PSTA to suppress political activism. But the FSP has no principled opposition to the capitalist state and its repressive functions.

On September 30, FSP education secretary Pubudu Jayagoda appealed to JVP/NPP MPs, the trade unions and other groups to oppose the passage of the PSTA through parliament. He argued that existing laws were sufficient, including the Penal Code and the Public Security Ordinance. The latter allows the president to declare a state of emergency and deploy the military to maintain “order.”

The PSTA, like the PTA before it, is an instrument of class rule. It underscores that democratic rights are fundamentally incompatible with a capitalist system based on obscene levels of social inequality.

In country after country the ruling elites are turning to dictatorial and fascistic methods to defend their rule. Working people, meanwhile, are turning to the left and entering struggles against austerity and imperialist war. What they require is a socialist and internationalist perspective and leadership.

The Revolutionary Communist League and its successor, the Socialist Equality Party (SEP), have consistently fought for the PTA’s abolition, and to unite Sinhala, Tamil and Muslim workers in a common struggle for socialism.

The SEP demands the repeal of all repressive laws, including the PSTA and the anti-democratic powers embodied in the executive presidency. This will not be achieved by appealing to any faction of the bourgeoisie. The fight for democratic rights is inseparable from the struggle to mobilise the working class behind the program of the Trotskyist movement, to abolish capitalism and establish workers’ governments—in Sri Lanka and internationally—to reorganize society along socialist lines.



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