Sri Lankan government introduces draconian organised-crime bill

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The Sri Lankan government is advancing a sweeping regime of police and executive repression through its Prevention of Organised Crimes Bill (POCB), presented to Parliament on October 20, following the Protection of the State from Terrorism Act (PSTA) on October 6.

Brought forward under the pretext of combating "terrorism" and "crimes," both bills constitute a serious attack on the democratic rights of working people, further strengthening the repressive powers of the capitalist state.

The draconian nature of the POCB has attracted significant criticism from local and international human rights organisations. Amnesty International is demanding the immediate withdrawal of the new bill, calling it "the most alarming in a string of repressive laws" proposed by the Janatha Vimukthi Peramuna/National People's Power (JVP/NPP) government.

Amnesty warned that the legislation "entrenches impunity and risks reviving the conditions that enabled arbitrary detention, torture and other ill-treatment under the PTA [Prevention of Terrorism Act], including use of coerced statements to secure convictions." It added: "It allows what effectively amounts to secret trials and it removes virtually all the safeguards designed to prevent the abuse of police power."

The government claims that the POCB conforms to UN standards on organised crime and is necessary to combat drug trafficking, criminal gangs and racketeering. This is a fraud. UN "standards" are an alibi used worldwide to justify police-state laws, while Sri Lanka's drug networks are protected by politicians, businessmen and the police themselves. The real target is the working class: criminalising poverty and building a repressive apparatus against the growing struggles of the working class against austerity and anti-democratic attacks.

The PSTA's broadly defined terrorist offences could criminalise workers' strikes and industrial actions against austerity, war and international agreements, particularly when they cause "substantial economic loss."

The POCB opens another route to repression. Offences already criminalised under Sri Lankan law—including intellectual property violations and Penal Code offences such as obstructing public servants and secretly and wrongfully confining individuals—could be prosecuted with far fewer procedural safeguards if committed by an organised criminal group.

An "organised-crime group" is loosely defined as three or more people acting together over time to commit serious offences for "financial or other material benefit."

Courts can allow a range of circumstantial evidence, such as "style of dress, hand signs, language or tattoos used by known members of the organised criminal group," or whether a person visits places known to be used by organised criminal groups, to determine whether individuals are members.

These vague and broad formulas and wordings could potentially can be interpreted to target political parties and opponents as criminal activities. "Obstructing public officials" is an offence that could be applied to workers' industrial actions and protests by a range of organisations.

Journalists and media organisations could face criminal penalties, including imprisonment, for publishing information relating to court proceedings covered by the bill without prior permission from the court.

Under Section 3, offences including obstructing or

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using criminal force against public servants carry carrying sentences of up to four years. Under Section 4(1), offences for individuals found to be group members and conspiring to commit serious crimes face jail terms of five to 20 years and fines of up to Rs. 1 million ($US3000).

The Bill provides a wide range of police-state powers that could potentially be used against political parties, protest groups and other legitimate organisations. These include:

• Warrantless entry and searches, together with the seizure of connected documents and items.

• A magistrate can restrict travel, communication and association.

• Police can detain suspects for 72 hour before they are presented before a court with a possible extension of 24 hours.

• Suspects can be subject to an initial two-month executive detention order without indictment with extensions by the High Court for up to a year.

• Bail in cases involving serious charges can only to be granted "in exceptional circumstances" and only by the High Court.

• Confessions obtained by police are to be admissible in court, risking the admission of coerced evidence.

• The disclosure of some types of information and also failure to report suspected offenders are to be criminalised.

Opposition parties have objected to aspects of the bill and are seeking to pressure the government to amend it. Sajith Premadasa, leader of the Samagi Jana Balawegaya (SJB) has supported the need for anti-terrorism and organised crime laws, he called for judicial oversight and safeguards against executive abuse and warned that could jeopardise EU GSP+ tax concessions. The SJB has met with various diplomatic missions, seeking their intervention.

The SJB's objections are completely hypocritical. The party, which formed in a split with the United National Party (UNP) has never renounced the UNP's long record of anti-democratic abuses during the country's bloody communal war using emergency rule, the PTA and anti-strike measures. It has no principled opposition to the government's repressive agenda but is simply calling for cosmetic amendments.

The pseudo-left Frontline Socialist Party (FSP) is posturing as an opponent of the legislation and held a protest outside parliament against the bills. Its call for a "mass movement" amounts to appealing to opposition parties and trade union bureaucrats to form an alliance. Its argument, however, is that existing laws, including draconian Emergency Regulations, the Penal Code and other repressive laws, are adequate to deal with terrorism and other crimes. In other words, it supports the current repressive state apparatus, which is directed against workers and the oppressed masses.

The JVP/NPP government intends to rush this legislation through parliament as it is well aware that its austerity agenda cannot be imposed on working people democratically. Already anger and opposition is rising over deteriorating living conditions and the destruction of jobs mandated by the IMF. Moreover, the trade unions aided by fake left groups such as the FSP that have contained protests and strikes are increasingly discredited.

The Socialist Equality Party is the only party that not only unequivocally opposes the POCB and PSTA but demands the repeal of all anti-democratic legislation including emergency regulations and anti-strike laws.

We call on workers to form their own democratically-elected action committees in every workplace and institution, independent of the trade unions and all capitalist parties as the basis for mounting a political struggle for basic social and democratic rights.

The struggle for democratic rights is bound up with the struggle for a socialist and internationalist program and the establishment of a workers' and peasants' government to restructure society to meet the needs of the majority not the profits of the super-wealthy.



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