

Repeal Only, Do Not Replace, the Prevention of Terrorism Act

Collective

We, as concerned peoples of Sri Lanka, respond to the newspaper notice published in the Lankadeepa Newspaper on 16th May, 2025, providing the public with an extremely narrow two weeks to submit recommendations, comments or suggestions on repealing the **Prevention of Terrorism Act (PTA) No. 49 of 1979 (PTA)** and new anti-terror laws.

At the outset, we are extremely disappointed in and concerned over the Government's decision to draft a new anti-terror bill. The public of Sri Lanka were assured by the National People's Power (NPP), prior to being voted into a majority in Parliament, that the PTA would be repealed. There was an explicit undertaking that extraordinary and oppressive laws such as the PTA would not be maintained by this Government. The various public statements on the necessary nature of the PTA, and the appointment of a Committee to consider a new anti terror law, is a breach of the promise to the People. The unqualified promise to repeal the draconian PTA by the NPP, is being hedged now that the Party is in Government.

We further state that the composition of the Committee betrays an ignorance of how such laws are implemented by a Sri Lankan majoritarian administrative apparatus, and instrumentalised by racism. The Committee is not representative of key interests - it includes largely state officials, military and Ministry of Defence personnel and does not include victims/victim families, or Tamil or Muslim community representation. As such, it has no legitimacy in the eyes of the People, as a body that will consider what is in the best interests of the People, especially the most vulnerable in our society.

We call on the Minister of Justice to seriously consider the wide scale destruction of human life and potential, caused by the heinous PTA, disproportionately to Tamil and Muslim communities, but also to southern

youth during the 88/89 insurrection, student leaders during the recent people's struggle, and on alternate/dissident political voices in Sri Lanka. **The political intolerance bred by the use of the PTA, and the harm caused to our political culture by the maintaining of this oppressive law, is irremediable. It is time to break away from the history of State oppression, State violence and divisive identity politics engaged by successive governments since independence. Our experience is that this law has only been used for protecting authoritarian interests of the State and never in the interest of the people. It is also time to reflect on the sovereignty of the People, repair the damage done, and forge a new political culture based on human rights and real security for the People founded on freedom and dignity.**

The Prevention of Terrorism Act (PTA) 1979 is a dangerous anti-terror law. It is extraordinary in nature (no judicial oversight at the first instance or parliamentary oversight) and unjustly operates permanently alongside ordinary criminal law. The provisions on admissibility of confessions (often extracted by way of torture) made to the police, administrative detentions and Presidential powers to prohibit publications, are all abhorrent to democratic rule of law and human rights. The excessive powers under the PTA have been abused for over 40 years, and victims and their families continue to suffer devastating personal consequences at the hands of this law. There is widely recognised and long-standing local and international condemnation of the PTA. The Sri Lanka Government has also made repeated commitments to repeal the law, including in the UN Human Rights Council Resolution 30/1 of 2015. In 2022, the Human Rights Commission of Sri Lanka (HRCSL) called for the "complete abolition of the PTA" and that "terrorism should be investigated under the General Law of the country."

On the other hand, Sri Lanka has laws and institutions for countering terrorism. Sri Lanka's scheme of criminal law that addresses terror

offences include at least 15 laws as well as various provisions under the Penal Code that creates offences. Sri Lanka has also ratified UN conventions and adopted them into anti-terror specific laws. The country has a National Intelligence Service, a Counter Terrorism Investigation Division (CTID) and a Financial Intelligence Unit (FIU) of the Central Bank of Sri Lanka. This general legal system, subject to **full judicial oversight**, must form the response of the Sri Lankan state to the 'threat of terrorism'.

It is in this backdrop that we strongly recommend the following:

- 1. Repeal of the Prevention of Terrorism Act No. 49 of 1979 (PTA) immediately** and not attempt delaying tactics through the Committee working on another version. **The Government should also impose a moratorium on the application of the PTA, until its repeal.**
- 2. There are at least 15 laws in the existing criminal justice system including Penal Code provisions to address issues relating to 'terrorism'. Therefore, there is currently no necessity for any special law on terrorism.**
- 3. Ensure that NO laws are enacted that empower the police / Executive to restrict the freedom of movement, conducting meetings, ability to congregate, to have a rally or procession, or to make demands by any form of protest. Debate and dissent are essential features of a democracy, and in recent years, numerous oppressive laws have eroded these basic rights. Individuals' and peoples' pursuit of legitimate aspirations through democratic means should not be infringed upon in any manner by way of terror laws.**
- 4. Take measures to expedite justice to all currently detained under the PTA through political and legal interventions, including Presidential Pardons, withdrawal of charges if no evidence, or if only/primary evidence is through confessions and release of those not charged yet.**
- 5. Ensure reparations by state for those who were detained under PTA and not convicted** including acknowledgement, apology, compensation, physical and mental health care and livelihood support. Reparations should also be provided to the families of those who died in custody when detained under the PTA.

29 May 2025.

Endorsements by individuals:

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