

Sri Lankan government prepares new anti-terrorism laws

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The Sri Lankan government's Counter Terrorism (CT) Bill, which was approved by the cabinet last September, is expected to be soon presented to parliament, following final scrutiny by a special committee. If approved, the law will mark a significant step by the crisis-ridden United National Party-led government and President Sirisena towards a police state.

Under the bogus banner of "fighting terrorism," capitalist governments around the world are imposing repressive measures to suppress the working class, the poor, refugees and asylum seekers, and political opponents, targeting socialists in particular. In the US, Trump has branded immigrants as invaders and terrorists and is deploying the police and the military. In France and the United Kingdom, laws are used to deploy armed forces against anti-government protests.

The official purpose of Sri Lanka's CT Bill is to replace the infamous Prevention of Terrorism Act (PTA), which was enacted in 1979 on the pretext of combatting Tamil militant groups. It was widely used during the almost 30-year communal war against Liberation Tigers of Tamil Eelam (LTTE), leading to arbitrary arrests, protracted detentions without trials and torture. Colombo also used it to suppress rural unrest in the period 1988–1990 during which tens of thousands of youth were killed.

Attempting to capitalise on the widespread opposition to the PTA during the 2015 presidential election campaign, Maithripala Sirisena promised to repeal the hated law if he came to power.

In 2016, the Sri Lankan cabinet approved a new counter terrorism bill. The bill, however, was even more repressive than the PTA and was denounced by civil liberties groups and other organisations, forcing the government to withdraw it.

According to human rights groups, the latest version of the bill is little different from the previous one and, in fact, bans virtually all activities and propaganda against Sri Lankan governments.

According to section 3 of the CT Bill, anyone found guilty of terrorism will be punished with 20-year or lifetime jail terms.

"Terrorism offences" include:

- * intimidating a population;
- * wrongfully or unlawfully compelling the government of Sri Lanka, or any other government, or an international organisation, to do or to abstain from doing any act;
- * preventing any such government from functioning;
- * causing harm to the territorial integrity or sovereignty of Sri Lanka or any other sovereign country.
- * causing serious damage to public or private property
- * obstruction to essential services

These vague clauses could be used to ban and punish any political party or group within or outside Sri Lanka.

The Sri Lankan president already has the power to declare any service or industry an essential service and ban strikes. Under the planned CT measures, strike action, protests and demonstrations by workers, students or the poor could be defined as "terrorist" offences.

The new bill can also limit or ban "freedom of expression." According to section 10, "intentionally and unlawfully distributing or otherwise making available any information to the public, having intent to incite the commission of the offence of terrorism" is an offence. Under this sweeping provision, any anti-government literature could be deemed to be

abetting terrorism.

It is an offence to “gather confidential information” in an “unauthorised manner” and “for the purpose of supplying such information to a person who commits an offence under this act.”

All these clauses are wide open to interpretation and could be used by the government to punish and imprison anyone it chooses. Hence political exposures, investigative journalists and whistle blowers will be easily targeted.

Section 13 of the bill states that those who fail “to provide information or provide false or misleading information in response to a question put to him by a police officer conducting an investigation under this Act” will be punished with up to two years imprisonment and fines.

“Any police officer, an officer or member of the armed forces or a coast guard officer” can take any one into custody without a warrant if the officer “receives information or a complaint which he believes to be reliable that a person has committed or concerned in committing an offence under this Act.”

In other words, the police and armed forces will have the power to arrest anyone at any time on suspicion of committing an offence. This is a direct violation of the fundamental rights supposedly guaranteed by Sri Lanka’s constitution.

Police officers and armed forces personnel will also have the right to “stop and search any person, vehicle, vessel, train or aircraft; question any person; enter and search any premises or land; and take into custody any document [related to committing an offence].”

Those arrested can be held for two days without being brought before a magistrate, which implies that they will not be permitted to get prior legal assistance. The magistrate can keep suspects in remand for up to six months, which can be extended indefinitely on an application by the Attorney General to the High Court.

Senior police officers can authorise “the detention of the suspect in an approved place of detention under approved conditions of detention.” This detention can be renewed every two weeks and for up to eight weeks. Sri Lankan police are notorious for maintaining torture chambers in their detention facilities.

Police authorities are also empowered to appoint teams of investigators and to establish a specialised Counter Terrorism Agency to maintain records which

could be used and manipulated against anti-government political tendencies, including socialists.

Cosmetic changes have been made to the CT Bill in a crude attempt to make it appear less repressive than the PTA. Under the PTA, confessions from suspects—often extracted through torture—can be used against the accused. Under the new law, the burden of proof falls on the prosecuting authorities.

The media have nervously voiced concerns about the CTA. *Sunday Times* columnist Kishali Pinto Jayawardena on March 10 stated: “These [small changes] are ingenious traps set by ‘deep state’ security agents who have learnt to survive governments and political regimes with consummate ease. Flippant assessments of the gazetted draft CTA are a deadly mistake. Unquestionably this is an aggravation of the existing counter-terror regime, not a reduction, as blissfully believed by some.”

Former president and current opposition leader Mahinda Rajapakse told the media chiefs on April 1 that the CT Bill would “destroy democratic rights of people and lead the country to a repressive ‘police state.’”

Rajapakse’s attempts to posture as a democrat are utterly cynical. His government ruthlessly prosecuted the communal war against the separatist LTTE and used the reactionary PTA and emergency laws to the hilt. He is desperately attempting to exploit the mounting opposition against the UNP-led government, in a bid to return to power.

The current cash-strapped UNP-led government has been slavishly implementing the International Monetary Fund (IMF) austerity measures and suppressing the protests of workers, students and farmers on a daily basis. If Rajapakse and his political supporters come to power they will continue these attacks.

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