

# Prevention of Terrorism Act:

History, Context, and  
Current Usage

Right to Life Human Rights Center

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HUMAN RIGHTS CENTRE

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Researcher  
**Attorney Dhanushka Silva**

Research Consultation  
**Attorney Dulan Dasanayaka**

Project Management  
**Dinithi Pelithanthrige**

Printing  
**adARTS - Maharagama**  
011 3103181

Although the Prevention of Terrorism Act was introduced to suppress terrorism, the law itself has emerged as a tool of terror.



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## **1. Introduction**

The Prevention of Terrorism Act (PTA), initially introduced as a temporary measure by the legislature in July 1979, has been in force as a permanent law for 45 years. At the time of its enactment, the country was not engaged in a civil war; however, a civil conflict erupted just four years later. Despite the war's conclusion in May 2009 after 26 years of fighting, the PTA remained in effect during the post-war period. In other words, the law has been operational for 19 years after the war's end, even in the absence of a clear definition of terrorist activities or an ongoing civil conflict.

When the Prevention of Terrorism Act (PTA) was presented to Parliament, the ruling party at the time sought to justify the need for such an extraordinary law by highlighting a specific context. This context involved a series of events within Sri Lanka that were perceived as exceeding the scope of ordinary criminal law, leading to the creation of a powerful legislative tool. However, rather than addressing the root causes behind the organized actions perceived as threats to state authority, the government did not attempt a scientific or comprehensive analysis of these issues. Instead, repressive laws were enacted, further legitimizing state repression and aggravating the underlying socio-economic issues, ultimately resulting in a significant crisis.

Given this context, it is crucial to question why the PTA remained largely unchanged during the post-war period, despite the absence of the chaotic circumstances that initially justified its introduction. Another pressing issue is whether the continued enforcement of the PTA has deepened public mistrust, particularly among certain segments of society.

This study aims to examine the application of the PTA after 2009 and its continued enforcement by the Sri Lankan state, drawing on existing data. The Right to Life Human Rights Center has compiled this report to analyze the implementation of the PTA since its inception. It highlights that many provisions of the PTA conflict with international standards to which Sri Lanka is bound under international law. The study also focuses on key issues such as arrests, long-term detentions under detention orders, prolonged trials, violations of detainees' fundamental rights, the release of suspects without charges, and the rehabilitation process under the PTA. By analyzing these critical aspects during the post-war period, the report aims to provide valuable insights into how the PTA has been utilized.



Right to Life Human Rights Center believes it is essential to share this information with civil society and other stakeholders to raise awareness about the need for democratic reforms, the rule of law, and the protection of human rights. The data and analysis in this report indicate that the ongoing enforcement of the PTA, from its drafting to its current application, has had a detrimental effect on the rule of law, fundamental rights, and human rights protection. These findings also contribute to the existing body of literature, offering a clearer understanding of how the PTA has functioned in practice during the post-war era.

One of the key challenges faced by the public in the post-war period was the normalization of extraordinary laws, which were introduced under a wartime legislative framework. Over time, the distinction between extraordinary and ordinary laws becomes blurred, leading to public indifference toward these issues. It is the responsibility of civil society to continuously raise awareness among the public, which remains a significant and ongoing challenge.

### **1.1 Objectives of the Report**

The primary objective of this study report is to critically examine the use of the PTA. This study analyzes the post-war application of the PTA by looking at statistical data on arrests, long-term detentions, failure to file charges, and rehabilitation processes under the Act. Additionally, the report reviews special court rulings, amendments to the Act, and regulations issued periodically, highlighting the human rights violations that have emerged. Finally, the report aims to broaden public awareness of the oppressive nature of anti-terrorism laws and stimulate discussions on the need for democratic reforms.

### **1.2 Methodology of the Study**

The methodology followed in this report consists of three phases. In the first phase, extensive data was collected from both state and non-state organizations. This included reviewing data systems from the Sri Lanka Police Department, the Prisons Department, the Terrorism Investigation Division, and the Human Rights Commission of Sri Lanka. Information was also requested, both in writing and verbally, from relevant state institutions under the Right to Information Act, No. 12 of 2016. Additionally, research reports, articles, and case summaries from non-governmental organizations were examined.

In the second phase, a critical review of the legal literature related to the PTA was conducted. In the third phase, interviews were held with legal experts, human rights activists, state officials, and individuals impacted by the PTA. A

total of 15 stakeholders were interviewed, and the methodology for the study was formulated based on the data obtained in these three phases.

### **1.3 Structure of the Report**

This report consists of five chapters. The first chapter focuses on the key aspects of the parliamentary process leading to the adoption of the Act. It examines how the Act was passed, the reasons behind its adoption, the legislative perspective of the time, the local and international laws that influenced the creation of the Act, and how amendments turned it into permanent legislation within the country's legal framework.

The second chapter provides a summary of the key areas under the PTA, including arrests, long-term detentions, failure to file charges, rehabilitation processes, and acquittal of individuals. Statistical data is used to present an overview of the Act's application.

The third chapter examines the PTA's compliance with international human rights conventions and international legal standards.

The fourth chapter identifies the factors that influenced the continued enforcement of the PTA during the post-war period, despite it initially being introduced as a temporary law.

The final chapter presents conclusions and findings, offering insights into the PTA's practical application during the post-war era.

### **1.4 Limitations and Challenges**

The most significant challenge faced during the preparation of this report was the issue of time. Since the report was planned to be compiled and printed within three months, considerable effort was needed to gather the required data. As outlined in the methodology, the Right to Information Act was used to collect data. Although initial written information requests were made, state institutions did not have a centralized data system, causing delays. State institutions took considerable time to respond to our requests for information, with some extending the response time. Since there was no comprehensive database covering the PTA, additional time was required for data collection.

Despite these challenges, cross-referencing data from primary and secondary sources allowed us to overcome the initial inconsistencies and discrepancies observed in the data.

## 2. History:

### 2.1 Passing of the Prevention of Terrorism Act

The Prevention of Terrorism Act (PTA) was first presented to Parliament on July 19, 1979. After its first reading, the draft bill was referred to the Supreme Court by then-President J.R. Jayewardene under Article 122 (1) (a) of the Constitution, as a "bill that is urgently necessary in the interest of the nation." The matter was referred to the Chief Justice, and a written submission was made to the Supreme Court<sup>1</sup>.

On July 19, 1979, at 10:30 a.m., Chief Justice M.D.H. Samarakoon, along with a three-judge panel, convened to deliberate on whether the draft Prevention of Terrorism Act needed to be submitted to the people through a referendum. The Court ruled that as the bill did not propose any repeal or amendment to the Constitution, it did not need to be referred for a referendum. Later that day, the Supreme Court informed the Speaker of their opinion, and the first reading, second reading, committee stage amendments, and third reading of the bill were all completed on the same day, July 19, 1979. The Speaker signed the bill on July 20, 1979. Thus, within 24 hours, the Prevention of Terrorism Act became law<sup>2</sup>.

When the Prevention of Terrorism Bill was presented to Parliament, it was not described in detail by its full name, nor was it recorded in Parliament's legislative handbook. Moreover, the Cabinet of Ministers had referred to the bill as an emergency law and requested that it be passed with a special majority under Article 84 (2) of the Constitution. According to this provision, any law inconsistent with the Constitution must be passed by a two-thirds majority in Parliament. Despite being a law that was inconsistent with certain provisions of the Constitution, the government, led by the President, utilized the special powers of Parliament to pass the law. As a result, at the third reading of the bill, 131 votes were cast in favor, with none opposing<sup>3</sup>.

The constitutionality of the Prevention of Terrorism Bill, or its impact on fundamental rights<sup>4</sup> such as equality, freedom from arbitrary arrest, detention,

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1. Supreme Court Decisions on Parliamentary Bills (1978-1983), pp. 59-62.

2. Do.

3. Hansard Reports, 1979-07-19 (Vol. 5, No. 13, p. 1595)

4. Article 12 of the Constitution

and punishment without due process<sup>5</sup>, as well as the limitation of these rights<sup>6</sup> under Article 15 (7) of the Constitution, was not considered by the Supreme Court during this process<sup>7</sup>.

## **2.2 Reasons for Enacting the Prevention of Terrorism Act**

The Prevention of Terrorism Act was introduced in response to a specific context, not in a vacuum. It was not only the emergency following the April 1971 youth uprising but also the 167 incidents that occurred between March 1971 and July 1979 that influenced the introduction of this powerful law<sup>8</sup>. These incidents included the assassination or attempted assassination of national political leaders, bomb attacks, bank robberies, attacks on hospitals, schools, train stations, cooperatives, and buses, political assassinations or attempts, plane hijackings, shootings, police officer killings, and threats against judges.

When analyzed together, these incidents appeared to be orchestrated by armed groups with organized agendas, intent on unleashing violence and terror with specific goals, undermining governance, law, and peace. There were common characteristics such as suppressing dissent and directing violence against particular ethnic groups. Therefore, the ruling United National Party (UNP) felt that existing laws, including emergency laws, were insufficient to address the depth of these issues.

“It is impossible to stop terrorism through normal procedures. A special law is necessary for that, a fact recognized by all legal and social science experts in the world today.”<sup>9</sup>

The increasing terrorist activities in the country during that time, which led to the imposition of emergency rule for six years under the administration of the UNP, drew attention to the need for the Prevention of Terrorism Act. Even though the opposition Sri Lanka Freedom Party (SLFP) pointed out weaknesses in the bill, they did not strongly oppose it. Instead, they requested that the law be limited to the Jaffna district. The only amendment proposed by the SLFP was as follows:

“Honorable Speaker, we intend to present an amendment related to Section 1 of the bill during the committee stage. The amendment we propose is as follows: instead of lines 28, 29, 30, and 31 on the first page, it should be

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5. Article 13 of the Constitution

6. Article 13(2) of the Constitution.

7. Weerawansa vs. Attorney General and Others (Supreme Court/Special Decision/730/96), p. 391

8. Hansard Reports, 1979-07-19 (Vol. 5, No. 13, pp. 1459-1478)

9. Hansard Reports, 1979-07-19 (Vol. 5, No. 13, pp. 1482)

stipulated that this law will be enforced only within the Jaffna district, and only as long as an emergency persists in that district. We intend to propose this amendment during the committee stage, and if the government accepts it, we are prepared to give our full support to this bill.<sup>10</sup>

Although the SLFP advocated limiting the application of the PTA to the Jaffna district, the ruling party aimed to enact the law nationwide, as terrorist incidents were observed outside Jaffna as well. Beyond these points, there was a growing view that widespread terrorist activities threatened public peace and security and that the normal criminal law of the country was inadequate to address the situation. Thus, both the ruling party and the main opposition strongly supported the need for special legislation, with the Prevention of Terrorism Act being seen as the appropriate law to tackle terrorism during that time.

### **2.3 Inspiration for the Prevention of Terrorism Act**

On July 20, 1979, the Prevention of Terrorism Act became law in Sri Lanka. Section 30 of the Act repealed the Tamil Eelam Liberation Organization and other similar organizations' prohibition under Act No. 16 of 1978. This new law transferred the power to ban organizations operating with terrorist objectives to the President. Initially, the Parliament passed this law for two years. On May 21, 1979, an amendment bill was presented in Parliament to extend the Act for another year. The Supreme Court reviewed the constitutionality of the amendment bill and stated that, while the original Act conflicted with the Constitution to some extent, the amendment bill was also inconsistent with the Constitution<sup>11</sup>.

Particular attention should be given to Section 11 of Act No. 16 of 1978. In simple terms, this section granted the Minister of Defense the authority to issue detention orders, allowing individuals arrested under the Act to be held in custody for up to one year. While the Supreme Court observed that this section violated Article 13 (2) of the Constitution, it ruled that the restriction on fundamental rights outlined in Article 15 (7) of the Constitution—especially concerning public security and state security—could apply. However, two months after this decision, Parliament passed the Prevention of Terrorism Act, and it is believed that Section 11 of Act No. 16 of 1978 served as the model for the long-term detention orders described in Section 9 of the PTA. Act No. 16 of 1978 was specifically enacted to ban the Tamil Eelam Liberation Organization and other similar groups. Still, it is evident from a study of the Act's later

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10. Hansard Reports, 1979-07-19 (Vol. 5, No. 13, pp. 1444)

11. Supreme Court Decisions on Parliamentary Bills (1978-1983), pp. 51-54

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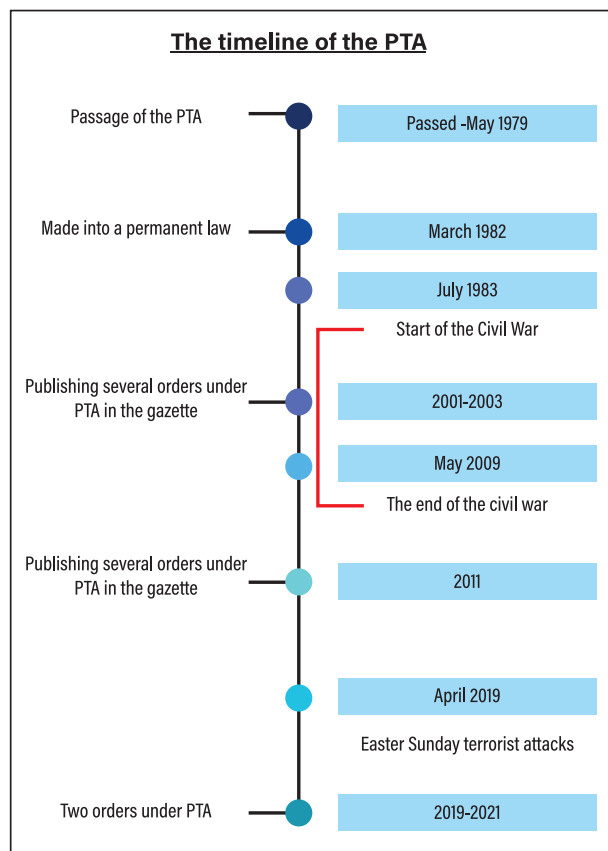
applications that its use extended far beyond its original intent, leading to the widespread suppression of organizations and individuals across the country under the PTA.

Furthermore, the foundational ideas and foreign laws that were used to design the original Prevention of Terrorism Act, along with the justification for its provisions, are summarized in the table below.

<b>Section</b>	<b>Content</b>	<b>Inspiration from Law/Justification</b>
Section 1	Offenses under the Act	Australian Crimes (Internationally Protected Persons) Act (1976)
Section 2	Procedure for investigating offenses	Section 12 of the UK Prevention of Terrorism Act
Section 3	Rules for detention and restriction	Orders for detention issued by the Minister of Defense concerning national security
Section 4	Advisory Board	N/A
Section 5	Prohibition of publications	Prevention of the further transmission of ideas through publications that may harm national security or ethnic harmony
Section 6	Trials	Irish Prevention of Terrorism Bill
Section 7	Trials without a jury, before a single judge of the High Court, without preliminary inquiries, based on charges	Jury members are subject to threats and influence
Section 8	Miscellaneous provisions	Not specified
Section 9	Interpretation of terms	Not specified

## 2.4 Development into Permanent Law

The Prevention of Terrorism Act was initially introduced as a temporary provision, as stated in Section 29 of the original Act. However, with the first amendment on March 15, 1982, Section 29 was removed, and the Act became a permanent law. To date, it has been in effect for 45 years. The original Act has been amended on three occasions: the Prevention of Terrorism (Temporary Provisions) (Amendment) Act No. 10 of 1982, the Prevention of Terrorism (Temporary Provisions) (Amendment) Act No. 22 of 1988, and the Prevention of Terrorism (Temporary Provisions) (Amendment) Act No. 12 of 2022.



Under Section 27 of the Act, the Minister of Defense has the authority to issue orders to implement its provisions. During the civil war, orders were issued to designate certain high-security zones<sup>12</sup>, restrict fishing activities in specific areas<sup>13</sup>, and detain individuals who voluntarily surrendered to the government under police custody<sup>14</sup>.

Even after the conclusion of the war, further orders were issued under the Act. These included the designation of detention centers for those arrested, the care and rehabilitation of individuals who surrendered, the extension of prior orders for detainees and remand prisoners, and the continued prohibition of the Liberation Tigers of Tamil Eelam (LTTE).

Additionally, following the Easter Sunday attacks, further orders were issued to ban extremist organizations and to combat the spread of extremist religious ideologies.

12. Prevention of Terrorism Order No. 3 of 2001

13. Prevention of Terrorism Order No. 7 and 8 of 2001

14. Prevention of Terrorism Order No. 11 of 2001

### **3. Information Under the Prevention of Terrorism Act**

This section analyzes and summarizes the available data regarding individuals arrested, charged, detained without trial, and referred to rehabilitation under the Prevention of Terrorism Act (PTA) after the end of the civil war in 2009. It also focuses on the contents, provisions, enforcement, and evolving conditions of the PTA.

#### **3.1 Arrests**

Chapter 1 of the Prevention of Terrorism Act outlines the offenses and penalties under the law. All offenses listed under the PTA are deemed serious, allowing for arrests without a warrant. According to Section 6(1) of the Act, any police officer not below the rank of Assistant Superintendent of Police (ASP), or any officer of a rank authorized in writing, can arrest a person without a warrant under the PTA, regardless of what other laws may state.

However, for an arrest under Section 6(1) of the Act to be lawful, it must be executed properly and in a valid manner. Arresting an individual constitutes a limitation on their fundamental rights as outlined by the Constitution, and therefore must follow the prescribed legal procedure. The proper procedure for taking someone into custody is outlined in Chapter 4 of the Code of Criminal Procedure. As such, when arresting an individual under the PTA, it is essential to follow the procedure set out for lawful detention in the Code of Criminal Procedure. Whether the arrest is made under the PTA or general criminal law, the legality of the arrest process is what is primarily scrutinized<sup>15</sup>. Key factors considered include how the individual was arrested, the reasons for the arrest, whether those reasons were properly communicated, the identification of the arresting officer, and whether there were sufficient grounds for the detention.

According to the law, an individual arrested in this manner can be held in custody for up to 72 hours. After this period, they may be detained until the conclusion of the trial, provided that a magistrate issues the necessary orders. If the arrest does not comply with the prescribed legal standards, both the arrest and detention become unlawful, constituting a violation of fundamental rights<sup>16</sup>.

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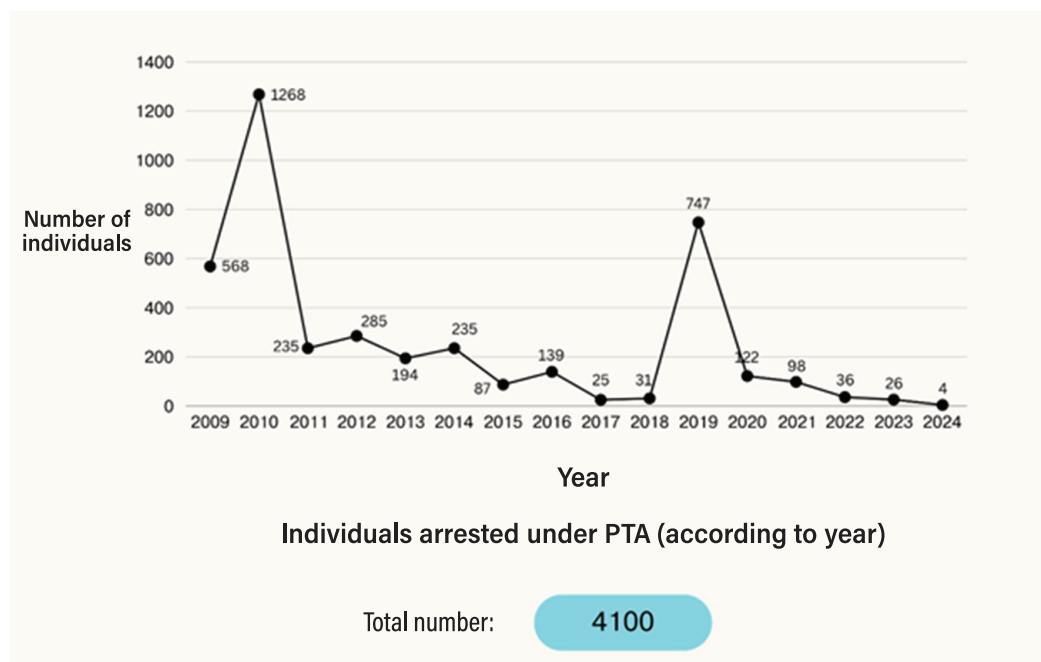
15. Mahara Prison Superintendent and Others vs. Dissanayake

16. The Supreme Court ruled in the Coleman vs. Attorney General case that arresting an individual in violation of the procedure prescribed by law constitutes a violation of fundamental rights.



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The following section presents data on individuals arrested under the PTA from 2009 until the time this investigative report was compiled.



The data analysis reveals that a significant number of individuals were arrested under the Prevention of Terrorism Act (PTA) primarily during two periods: from May 2009, at the end of the civil war, to 2010, and following the April 2019 Easter Sunday attacks. Notably, 63% of those arrested under the PTA were taken into custody during these two post-event periods. According to data from the Terrorism Investigation Division (TID), it is also significant that, in connection with the 2022 protests, only three individuals were arrested under the PTA.

### **3.2 Long-term Detention**

The procedure for arresting a person under the Prevention of Terrorism Act (PTA) is detailed in Section 6 of the Act. A person taken into custody can be detained for a period not exceeding 72 hours. As such, the general requirement to present an arrested individual before a magistrate within 24 hours does not apply here. According to Section 7(1) of the Act, within 72 hours, a police officer not below the rank of Assistant Superintendent of Police (ASP) must submit a written request to the Minister for a detention order. If the Minister issues a detention order under Section 9(1) of the Act within 72 hours, there is no need to present the individual before a magistrate.

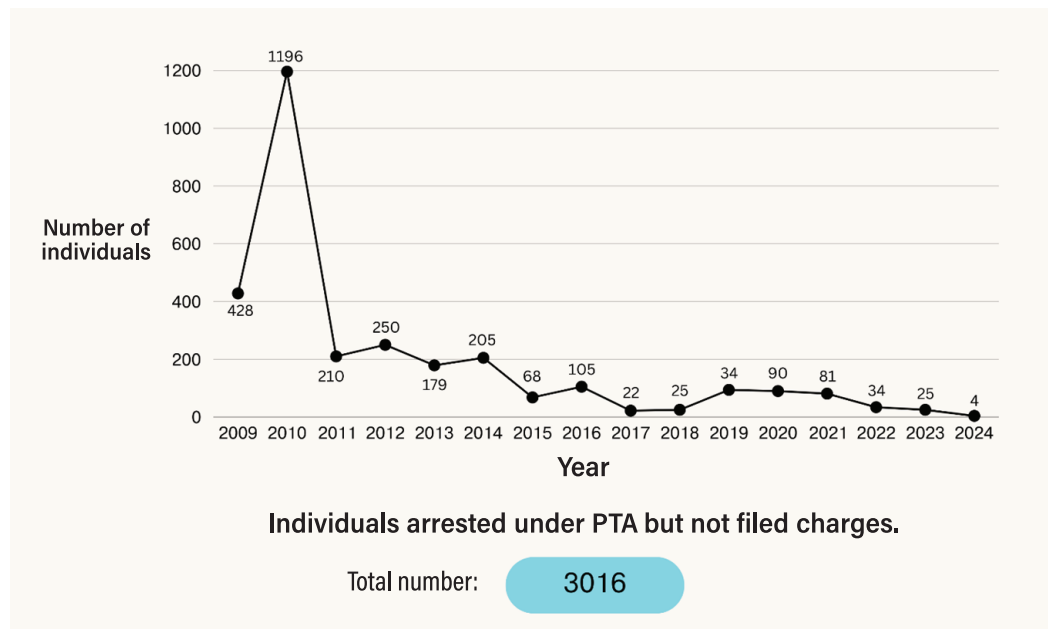
If a detention order is not obtained within the first 72 hours, the arrested individual must be brought before a magistrate before the end of the 72 hours. A police officer not below the rank of ASP must make the request in writing, and based on that request, the magistrate must order the individual's remand until the conclusion of the trial. In such instances, the magistrate does not have the authority to grant bail. The individual can only be released before the end of the trial if the Attorney General consents.

When issuing a detention order under Section 9(1) of the PTA, the Minister is vested with broad discretionary powers. Before issuing such an order, the Minister must carefully consider all relevant circumstances. The Minister must evaluate whether further detention is necessary based on the evidence presented and whether the individual has committed an act falling under the "prohibited acts" defined by the Act. The Minister is also required to assess the individual's involvement in such acts. Thus, the powers conferred on the Minister when issuing detention orders go beyond a purely ministerial role and resemble the responsibilities of a judicial officer.

An initial detention order is valid for a period of three months and can be extended for up to one year. According to Section 10 of the Act, once a detention order is issued, it cannot be challenged in any court, and the validity of such orders is entirely exempt from judicial review.

### **3.3 Non-Prosecution and Reasons for Not Filing Charges**

From 2009 onwards, a total of 342 suspects arrested under the Prevention of Terrorism Act (PTA) have been charged as of August 16, 2024, the period analyzed in this study. When considering the percentage of suspects charged under the Act, this amounts to 8.3%. During this same period, 3,016 suspects were arrested but were not prosecuted. Consequently, 73.5% of those arrested under the PTA were either released or sent for rehabilitation before charges were filed by the Attorney General.



According to the data revealed in this study, several reasons have emerged for the non-prosecution of individuals arrested under the Prevention of Terrorism Act (PTA). These reasons are as follows:

1. Suspects were released based on instructions from the Attorney General before the indictment.
2. Suspects were referred to rehabilitation based on the Attorney General's instructions.
3. Although suspects were initially arrested for involvement in a terrorist act, they were released by the Magistrate's Court before the indictment due to a lack of evidence uncovered during investigations.
4. Release based on the restrictions outlined in Section 11(1) of the PTA<sup>17</sup>.
5. Delays in filing charges due to ongoing investigations<sup>18</sup>.

### 3.4 Rehabilitation

Suspects arrested under the Prevention of Terrorism Act (PTA) have been referred to rehabilitation without being formally charged, based on instructions from the Attorney General. The goal of the rehabilitation process

<sup>17</sup> Restrictions include limitations on travel outside the place of residence, restrictions on residence or place of employment, restrictions on travel within or outside Sri Lanka, limitations on participation in certain organizational activities, and prohibitions on involvement in political activities

<sup>18</sup> As of August 16, 2024, there are 12 suspects still in detention pending further investigation.

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is to reintegrate individuals involved in terrorist activities back into civilian life. Rehabilitation programs are part of counter-terrorism strategies globally, designed to prevent individuals from re-engaging in terrorist activities.

After the end of the civil war in May 2009, the Sri Lankan government implemented a rehabilitation plan aimed at reintegrating former LTTE combatants who were in detention at the time. This plan was carried out under the regulations published in Gazette No. 1716/5, dated August 29, 2011, under the PTA. Approximately 1,542 former LTTE combatants were rehabilitated and reintegrated into society during the four years from 2009 to 2012.

The chart below presents the number of suspects arrested under the PTA who were referred to rehabilitation each year, along with the percentage of these individuals relative to the total number of those arrested.



As a whole, from 2009 until the time this research report was prepared, 41.9% of suspects arrested under the Prevention of Terrorism Act (PTA) were referred to rehabilitation.

According to the data revealed by the sources used for this study, no significant rehabilitation programs under the PTA were implemented after the end of the civil war in May 2009. However, following the April 21, 2019, Easter Sunday attacks, then-President Maithripala Sirisena issued Emergency Regulations No. 1 of 2019 under Section 5 of the Public Security Ordinance, and suspects were arrested under these regulations. In addition, 747 individuals were arrested under the PTA in connection with the Easter Sunday attacks.

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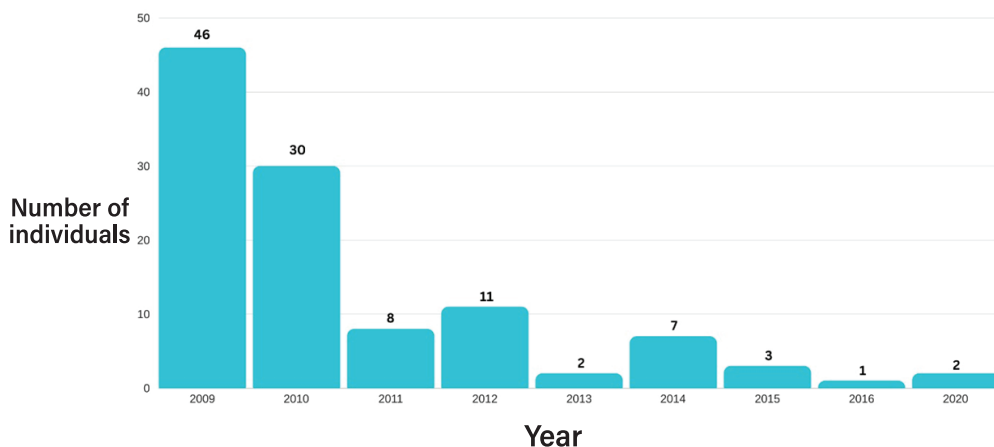
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On March 21, 2021, the government issued Gazette No. 1 of 2021, which detailed the regulations for detaining individuals arrested or who had voluntarily surrendered under the PTA or Public Security Ordinance in the aftermath of the Easter attacks. The regulations extended the detention period to up to two years in rehabilitation centers without a formal trial for individuals suspected of spreading religious or ethnic discord or inciting negative sentiments among communities.

However, the Supreme Court declared these regulations null and void as they violated fundamental rights enshrined in Articles 10, 12, and 13 of the Constitution<sup>19</sup>.

### **3.5 Acquittal and Release**

According to data from the Terrorism Investigation Division, from 2009 up to the time this research report was prepared, 110 suspects arrested under the Prevention of Terrorism Act (PTA) have been acquitted and released. The data is presented in the chart below<sup>20</sup>.



**Individuals arrested under PTA and later acquitted.**

Total number: 110

In the study of how the Prevention of Terrorism Act (PTA) has been enforced over the past decade, it was found that several suspects arrested under the Act were released without charges based on the instructions of the Attorney General. Some suspects were acquitted during the trial after the Attorney

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19.

20. The author observes that this data is not entirely accurate.

General withdrew the indictments due to certain technical issues, or after High Court judges reviewed the indictments and other evidence presented, leading to the acquittal of suspects arrested under the Act.

Examples include:

- On June 12, 2024, former Customs officer Kandaiya Yogarajan was acquitted and released by the Colombo High Court after being detained for 20 years under the PTA.
- In May 2020, poet Ahnaf Jaseem, who was arrested under the PTA, was acquitted and released by the Puttalam High Court on December 12, 2023, after being incarcerated for approximately one and a half years.
- On July 30, 2021, a university professor, K. Kannadasan, was acquitted and released by the Vavuniya High Court after being detained for seven years.
- Chandrabose Selvachandran was acquitted and released in 2019 after being imprisoned for 15 years.
- Vasanthi Ragupathi Sharma, who was arrested in December 1994 under terrorism charges, was acquitted and released in 2015.

## **4. Factors Contributing to the Continued Existence of the Prevention of Terrorism Act**

Initially introduced as a temporary law, the Prevention of Terrorism Act (PTA) became a permanent part of the country's legal system three years after its introduction and has been in continuous operation for over 25 years. Despite both local and international criticism, the law has persisted for over four decades without any significant reforms or being entirely repealed. This fact draws attention to the reasons behind its prolonged existence in the legal framework.

This section examines the factors that have contributed to the PTA's stability in domestic law for such an extended period. The chapter presents an analysis based on structured interviews conducted with key stakeholders. These interviews provided insights that helped further study and understand the primary reasons for the PTA's continued enforcement over the last four decades.

### **4.1 Global Counter-Terrorism Strategies**

One key factor that influenced the prolonged enforcement of the PTA is the changes in international military strategies related to terrorism in the early 21st century. In line with the global war on terrorism that emerged after the September 11, 2001 attacks, by 2012, 140 member states of the United Nations had either introduced or strengthened their counter-terrorism laws<sup>21</sup>. The United Nations played a pivotal role in developing global counter-terrorism strategies, which provided a strong foundation for states to adopt unified approaches to combat terrorism.

As part of these strategies, the UN introduced four main principles to conceptually and operationally counter-terrorism:

1. Addressing conditions conducive to the spread of terrorism.
2. Taking steps to prevent and combat terrorism.

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21. Global: 140 Countries Pass Counterterror Laws since 9/11 Dangerous Expansion of State Powers to Investigate, Detain, and Prosecute, Human Rights Watch, <https://www.hrw.org/news/2012/06/29/global-140-countries-pass-counterterror-laws-9/11>

3. Enhancing the capacity of states to combat terrorism and expanding the UN's role in these efforts.
4. Protecting human rights and upholding the rule of law is the fundamental basis for combating terrorism.

The primary aim was for UN member states to focus on these principles when enacting domestic laws. Notably, the emphasis on human rights served as a foundation for these global strategies. Although Sri Lanka's PTA was introduced 27 years before the UN's global counter-terrorism strategy, the Sri Lankan state deemed it necessary to continue the PTA to meet the expectations set by these international standards. The key issue, however, is that the PTA has not fully adhered to the conceptual framework of these principles.

## **4.2 Executive Presidential Power**

The existence of an unchecked executive presidency significantly contributed to the continued enforcement of the PTA. One of the most controversial aspects of the Act is the power granted to the Minister of Defense to issue detention orders, a matter discussed in detail in Chapter 3 of this report. It was revealed that the Minister had significant discretion in determining detention centers and their conditions. In most cases, except in special circumstances, the President also holds the position of Minister of Defense. Since 2009, all regulations and orders issued under the PTA have been signed by presidents who held the defense portfolio. This indicates a connection between the continued operation of the PTA and the consolidation of executive power, where the PTA has been used to strengthen the authority of the executive presidency.

## **4.3 Attitudes of Security Establishments**

Interviews with security officers during this study revealed that many believe the PTA should remain unchanged in its current form. They argued that the PTA is essential for combating internationally organized crimes beyond domestic terrorism. Security officers highlighted the need to arrest individuals, hold them for a certain period, and extend investigations without the strict time limits imposed by normal criminal law. The ability to detain suspects for interrogation and gather detailed information about terrorist activities is seen as crucial for national security.

Section 9 of the PTA, which allows for detention orders, was amended in the Prevention of Terrorism (Temporary Provisions) (Amendment) Act No. 12 of



2022 to introduce mechanisms to ensure the validity of detention orders and provide additional oversight. However, there is still room for further reforms.

#### **4.4 Political Will**

Another factor influencing the continued use of the PTA is the political will to suppress alternative political views. It has been argued that the Act has been used as a tool by political groups in power to maintain control and suppress dissenting voices. Instances where the PTA has been used to silence opposition figures who criticize government actions have been observed. For example, during the 2022 protests, student activists such as Wasantha Mudalige, Hasanta Jeewantha Gunathilake, and Galwewa Sirinanda Thero were arrested under the PTA.

## **5. Conclusion**

This report aimed to examine the fundamental aspects of the Prevention of Terrorism Act (PTA), including the arrest of individuals under the Act, long-term detention under detention orders, prolonged trials leading to the extended imprisonment of individuals, the violation of fundamental rights of those arrested, the release of suspects without formal charges, and the rehabilitation process. Through the analysis of statistical data, the report provides insight into how the PTA has been enforced over this period.

The report also seeks to provide an understanding of how the key elements of the PTA have functioned in the post-war period following the end of the civil conflict. Additionally, attention was paid to the social context in which the PTA was introduced, to offer a clearer perspective on these issues.

Overall, by compiling this report, the Right to Life Human Rights Center focused on how the PTA has been utilized by the Sri Lankan state during the post-war period and examined its continued enforcement to this day.





## **Right to Life Human Rights Center**

**No. 56/2, Palitha Place, Colombo 09, Sri Lanka.**

Tel/Fax: +94 112 669100

Email: [right2lifelk@gmail.com](mailto:right2lifelk@gmail.com)

Websites: [www.right2lifelanka.org](http://www.right2lifelanka.org) [www.aithiya.lk](http://www.aithiya.lk) [www.dailyreporter.lk](http://www.dailyreporter.lk) [www.slcat.org](http://www.slcat.org)

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