



CENTRE FOR POLICY ALTERNATIVES
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Initial Comment on the Proposed Counter Terrorism Bill

The Centre for Policy Alternatives (CPA) notes the improved version of the Counter Terrorism Bill to repeal and replace the Prevention of Terrorism Act (PTA) which has reportedly obtained Cabinet approval last week. While the process of preparing the Bill could have been much more transparent and inclusive, the final outcome, if enacted in the present form, would be a significant and welcome improvement on the current framework of antiterrorism powers as established by the PTA and a previous leaked draft of the Counter Terrorism Framework.

The new framework proposed by the Bill would represent a much better balance between the liberty of the individual and the powers of the state by establishing several meaningful checks and balances for the exceptional powers given to the state to combat terrorism. While CPA notes improvements can be made to the Bill to make it more consistent with national and international human rights standards, we note in particular that many of the more egregious aspects of the PTA have been removed, or at least ameliorated. These include the removal of the admissibility of confessions (which has served as an invitation to endemic torture and arbitrary convictions under the PTA) and the overbroad provisions having a chilling effect on the freedom of expression. Improvements include the access by suspects to legal counsel, magistrates, and the wider role for the Human Rights Commission, and that powers of arrest and detention are checked by stronger judicial safeguards and lesser periods of permissible detention without charge.

Despite this CPA is concerned with media reports indicating that some members of the government have expressed reservations about the more liberal provisions of the Bill, and there is a threat that retrograde features might be reintroduced into the Bill by way of committee-stage amendments. CPA has consistently raised concerns with such practices of committee-stage amendments which are beyond the scrutiny of the judiciary and citizens of Sri Lanka. We urge the government to reject these calls, and to ensure that the integrity of the Bill is not distorted or destroyed through unprincipled amendments serving the ends of authoritarianism and future human rights violations.

CPA also urges the government to publish the Bill at the earliest opportunity to enable fuller public scrutiny and debate of its contents prior to the parliamentary stage.