



Concerns Relating to the Recent Regulations Issued Under the Prevention of Terrorism Act

March 18, 2021, Colombo Sri Lanka: The Center for Policy Alternatives (CPA) is alarmed by the [Prevention of Terrorism \(De-radicalization from holding violent extremist religious ideology\) Regulations No. 01 of 2021](#) (hereinafter the regulations) published on the 12th of March 2021. The regulations are drafted in a manner that can further jeopardise the rights and liberties of persons, especially religious and ethnic minorities, and curtail political dissent with no effective due process guarantees. Additionally, the regulations are a clear violation of the separation of powers, with certain judicial powers being transferred to the executive arm of government. CPA also notes that this is the latest attempt to instrumentalize and entrench the draconian Prevention of Terrorism Act (PTA), a law inconsistent with Sri Lanka's Constitution. The regulations therefore, will have a chilling impact on civil liberties and the rule of law in Sri Lanka and must be immediately rescinded.

CPA is particularly concerned with the provision for 'rehabilitation' and its impact on due process standards. Whilst the regulations claim to provide for rehabilitation of particular groups, the application of such regulations would result in the deprivation of liberty of individuals for up to two years (an initial order of up to one year which can be extended for up to a year thereafter) without any legal proceedings being conducted before a competent court. Such a provision would in effect deprive individuals of their liberty without any due process guarantees.

Sri Lanka's past has witnessed the disproportionate use of the PTA to target ethnic and religious minorities and CPA has over the years called for the repeal of the PTA and reiterates this call here. With the removal of judicial oversight and effective due process standards, the regulations will create a situation where even the limited safeguards provided by the PTA are removed, posing an extremely serious risk to fundamental rights recognised by the Sri Lankan Constitution.

Additionally, the vagueness and overbroad nature of these regulations are alarming and can lead to situations of abuse. For example, little to no details are provided as to what constitutes 'rehabilitation', or what rehabilitation procedures are to be adopted at the 'Reintegration Centres', which are to be set up as per the regulation. Further, there is a lack of information as to what laws and regulations these centres may be subject to, in terms of the conditions to be maintained and monitoring mechanisms to be in place. Such concerns are amplified in a context of heightened militarized governance and weakening of independent institutions.

Finally, CPA recognises the need to integrate the processes of rehabilitation into the criminal justice system as a whole but this must be done lawfully, with respect for due process standards, and in adherence with constitutionally guaranteed rights and liberties. These are essential against the backdrop of increased arrests and detentions that take place based on charges of alleged statements to incite communal disharmony.

