



24th August 2022

The Centre for Policy Alternatives (CPA) is deeply concerned by steps taken by President Ranil Wickremesinghe, in his capacity as the Minister of Defense, to issue [three detention orders](#) under section 9 of the Prevention of Terrorism (Temporary Provisions) Act (PTA), permitting the detention of Wasantha Mudalige - Convener of Inter University Students' Federation, Hashantha Jeewantha Gunathilake and Ven. Galwewa Siridhamma Thera for a period of 90 days. This move to detain the three suspects for their alleged involvement in the recent protests is yet another example of the abuse of the PTA by the Executive, which there have been persistent calls for the repeal of for several decades. Moreover, this detention for the apparent involvement in the 'Aragalaya' appears to be yet another effort by the United National Party – Sri Lanka Podujana Party government to target protesters, and create a chilling effect in order to silence dissent.

Section 9 of the PTA gives the Minister of Defense the power to make detention orders for a period up to 3 months, which can be further extended for 3 months at a time thereafter, for up to 12 months. The President is at present the Minister of Defense.

Initially passed in 1979, section 29 of the PTA then provided that the law would only be valid for three years from its commencement. However, that section was abolished in 1982, thereby making the law, into a permanent piece of legislation. Four decades later, the PTA has been used by successive governments to target critics and minorities with documented cases of torture, intimidation and harassment.

CPA also notes that in 1979, when the PTA was originally passed by Parliament, it was referred to the Supreme Court as an 'urgent Bill' and with an undertaking by the then government, that it would be passed in Parliament by a 2/3 majority. As a consequence, the Supreme Court only looked into whether any provision of the PTA violated the limited entrenched provisions of the Constitution (i.e., whether the Bill also requires a referendum to become law). As such PTA became law despite [inconsistency](#) with the Constitutional provisions.

Further, CPA notes that in 2017, when President Wickremesinghe was Prime Minister, the Government of Sri Lanka announced a moratorium on arrests under the PTA. The then Prime Minister also acknowledged that *'the State is mindful of the need to ensure that, counter terrorism legislation is not abused in a manner that would impair the lawful exercise of Fundamental Rights, would be contrary to principles of democracy and good governance and would defeat the purposes of justice'* as a policy statement when presenting the proposed Counter Terrorism Bill which was never passed. Such a statement is contrary to how the PTA is now being used, including the most recent moves to target protesters and prevent dissent.

Sri Lanka has ample laws that can be used to investigate any individual who is suspected of committing an offence. As such the use of PTA to target protesters and equate their action to terrorist activities is extremely dangerous, alarming and wholly disproportionate. This is exacerbated in the context where Sri Lanka is facing an unprecedented economic crisis and it is imperative that the government take all steps to protect and promote the rights of all its citizens.

Thus, CPA calls on the President to immediately rescind the detention orders, and to repeal the PTA in adherence to Sri Lanka's international obligations. CPA also urges the authorities to desist from harassing, intimidating and targeting individuals for exercising their Fundamental Rights. This is a critical step in instilling confidence among

citizens and the international community if the new government is genuinely committed in upholding the rule of law and democratic practices and processes.