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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

Inspector General of Police
Police Headquarters
Colombo

It has been reported that protesters have been arrested, detained, and questioned under the Prevention of Terrorism Act. It has been brought to the notice of the HRCSL that the recent iteration of the PTA has been grossly manipulated to exert tyranny through undemocratic methods and justify the wrongful arrest of protesters. The Commission is deeply concerned about the resurrection of the PTA by the police on suspects who do not fall within the definition of the Act. And informs IGP to inform the facts and circumstances under which these suspects have been dealt with under the PTA.

The Commission must be duly informed of the endangerment of the public order by elements of groups of persons such as those arrested who advocate the use of force or the commission of a crime as means of accomplishing governmental change, and whether there was reasonable cause to believe that those suspects have or may resort to acts of murder or commit any acts of terrorism such as armed robbery, damage to State property etc. as individuals with a specific intent spread fear on the civilian population and to change the system of the government by actual threats intimidation and violence. Did the police have any helpful information on these areas to identify these suspects as terrorists?

The Human Rights Commission of Sri Lanka seeks to ascertain whether there are records of acts of terrorism that have occurred throughout the country as alleged by the police since January 2022.

The Commission seeks information about their purported occurrences, among other things, as terrorists, in addition to details relating to dates and places in which these terrorist offences had occurred.

In particular, the Commission asks that the organisations or persons responsible for these acts of terrorism be identified with clarity and that due process is observed when dealing with the arrests and detention.

However, the status of those arrested under the PTA is paramount to the Human Rights Commission. The identity, name, and place of detainment of those arrested for acts of terrorism should be provided.

Information about any action taken against them must be informed in detail to the Commission.

The HRC is entitled to know what measures have been taken to protect the fundamental rights of the persons arrested.

The Commission seeks to know from the IGP whether the Commission has been duly informed of all suspects arrested under the PTA so far. And the places of detention of all these suspects.

The Commission firmly informs that no suspect exercising their fundamental rights under the Constitution should be wrongly treated as a terrorist. The IGP must be equipped with all the necessary and reasonable evidence that these persons are responsible for any act of violence committed as terrorists under the PTA. The offences enumerated in section 2 of the PTA should be viewed as those committed by suspects who could be identified as terrorists.

The reports received by the Commission so far only reiterate that these persons now arrested and detained by the Police under PTA were merely exercising their fundamental rights of protest. Suppose the police allege these suspects have gone beyond that right and caused trespass and damage to government property. In that case, it must be informed to the IGP that such suspects do not get transformed from a protestor to terrorists merely because they have caused violations of the Law enumerated in the Penal Code.

The offences enumerated in the PTA are severe. Therefore, severe methods are prescribed in the Act to deal with such persons. These protestors have been on the streets since April 2022. The sudden decision by the police to arrest and detain these suspects now under the PTA is questionable and may be made known to the HRC immediately. If there is no such reasonable information to hold such suspects under the PTA, they may be produced before a judge immediately.



Justice Rohini Marasinghe
Judge of the Supreme Court (Retired)
Chairperson
Human Rights Commission of Sri Lanka



Anusuya Shanmuganathan
Commissioner
Human Rights Commission of Sri Lanka