

Human Rights & Policy Analysis Report

Report No:	GHRF/2026/PR-SL12
Title:	Evolution of Counter-Terrorism Laws in Sri Lanka: Human Rights Impact Analysis from the Prevention of Terrorism Act (PTA) to the Proposed Protection of the State from Terrorism Act (PSTA)
Data Source:	BBC Sinhala News Reports (Published January 06, 2026) & Official Statements of the Centre for Policy Alternatives (CPA)

1. INTRODUCTION

The Prevention of Terrorism Act No. 48 of 1979 (PTA) operating in Sri Lanka has historically faced immense domestic and international criticism as a repressive law. Critics have repeatedly pointed out that this Act has been systematically weaponized by successive regimes to suppress political opponents, trade union leaders, and civil activists under the guise of targeting terrorists.

Although the incumbent National People's Power (NPP) government explicitly promised in its election manifesto ("A Rich Country, A Beautiful Life") to repeal all repressive laws including counter-terrorism legislation, it has shifted its policy trajectory. Instead of a total repeal, the state is moving to introduce an alternative legislation titled the "Protection of the State from Terrorism Act" (PSTA). This report analyzes the evolutionary legislative background and its systemic impact on fundamental human rights.

2. A TEMPORARY LAW SOLIDIFIED FOR OVER FOUR DECADES (THE PTA HISTORY)

The historical context and institutionalized framework of the existing Prevention of Terrorism Act (PTA) are outlined below:

- Inception:** The existing PTA legislation was originally enacted in 1979 as a temporary emergency measure intended to operate for a limited duration of only a few months.
- Transformation into Permanent Law:** Despite its temporary design, the regime in 1982 solidified the Act into a permanent law of the country three years after its initial passage.
- Historical Amendments:** Throughout its operational history, the Act was amended under Act No. 10 of 1982, Act No. 22 of 1988, and most recently in 2022 under Act No. 12 amid severe international pressure.
- Extraordinary Executive Powers:** The law bypasses ordinary criminal procedure, granting law enforcement and defense forces sweeping powers to conduct search operations, execute arrests without warrants, and enforce prolonged preventive detention on citizens.

3. FAILED ALTERNATIVE FRAMEWORKS: THE CTA AND THE ATA

Under UN Human Rights Council Resolutions 30/1 and 31/1—co-sponsored by Sri Lanka—the state bound itself to repeal the PTA and substitute it with legislation aligned with international best practices. Consequently, multiple regimes attempted to introduce alternative frameworks:

- **Counter Terrorism Bill (CTA - 2018):** Introduced during the Yahapalana administration, this draft bill faced multiple Supreme Court petitions on the grounds that it violated fundamental constitutional rights. While the apex court ruled that a simple majority was sufficient for passage except for four specific clauses, the bill was never passed in parliament due to subsequent political instability. (Subsequent PTA reform attempts under former President Gotabaya Rajapaksa similarly collapsed).
- **Anti-Terrorism Bill (ATA - 2023):** Gazetted in March 2023 under the Ranil Wickremesinghe administration, this bill drew over thirty constitutional challenges in the Supreme Court. The court determined that several clauses required a special two-thirds majority and one clause necessitated a national referendum. The draft met fierce domestic and international resistance due to severe human rights concerns.

4. THE INCUMBENT BILL: PROTECTION OF THE STATE FROM TERRORISM ACT (PSTA)

According to the Minister of Justice, Hon. Harshana Nanayakkara, the newly formulated PSTA draft has been compiled by a specialized committee comprising 17 experts, headed by Rienzie Arsecularatne, President's Counsel.

4.1 Public Consultation Window and Resistances from the CPA

The PSTA draft is currently open for public review and submission of feedback until February 28, 2026. However, the Centre for Policy Alternatives (CPA) has raised formal objections, emphasizing that Sri Lanka is presently navigating multi-faceted natural disasters and socio-economic challenges following Cyclone 'Ditva'. Consequently, the CPA stresses that the current timeline is completely inadequate for meaningful civil participation and demands an immediate extension.

5. SEVERE APPREHENSIONS FROM CIVIL SOCIETY AND MEDIA COLLECTIVES

The Sri Lanka Working Journalists Association has issued a strong statement condemning the draft bill in the absolute terms. Civil society networks and press freedom organizations have highlighted the following critical human rights risks:

- **Threat to Democratic Space:** The proposed legislation introduces severe threats to fundamental liberties, risking pulling the nation back into an era of authoritarian state suppression.
- **Suppression of Free Speech:** The definition of terrorism within the PSTA remains overly broad and ambiguous, creating expansive avenues for the executive to arbitrarily stifle journalism, dissent, and freedom of expression.
- **Militarization of Civil Law Enforcement:** By granting explicit powers to the armed forces and coast guard to execute civilian arrests, enforce curfews, and issue prohibition orders, the bill effectively militarizes the civilian law enforcement matrix.

- **Abuse of Executive Powers:** Through prolonged detention orders and broad executive privileges, the bill prioritizes state power retention at the expense of constitutional liberties and international human rights treaties.

6. GHRF CONCLUSIONS AND POLICY RECOMMENDATIONS

The Research & Analysis Division of the Global Human Rights Front (GHRF) emphasizes that despite electoral promises or regime shifts, the underlying "state pattern of suppression" that compromises basic human liberties in the name of national security remains unchanged.

Our Policy Recommendations:

1. **Extension of Consultation Window:** In light of the disaster situation left by Cyclone 'Ditva', the public consultation period must be extended by at least three additional months to facilitate thorough civic evaluation.
2. **Alignment with International Standard Metrics:** Terrorism must be strictly and narrowly defined in total compliance with ICCPR (International Covenant on Civil and Political Rights) metrics. Explicit safeguards must be inserted to insulate political protests, civil agitations, and legitimate trade union actions from counter-terrorism classification.
3. **Restriction of Military Powers:** The jurisdiction to arrest and detain civilians must remain restricted to the civil police operating under ordinary law. Provisions enabling the military forces to execute civilian arrests directly must be entirely expunged from the draft.

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Document Source: BBC Sinhala News Service and Official Communiqués of the Centre for Policy Alternatives (CPA).