



විදේශ අමාත්‍යාංශය
வெளிநாட்டு அமைச்சு
FOREIGN MINISTRY

ජනරජ මහා විනයාලය, කොළඹ 1, ශ්‍රී ලංකාව, குடியரசு கட்டிடம், கொழும்பு 1, Republic Building, Colombo 1, Sri Lanka

Media Release

The proposed amendment to the present Prevention of Terrorism Act is a progressive step towards securing, advancing and protecting fundamental rights guaranteed under the Constitution

The proposed Bill to amend the present Prevention of Terrorism Act (PTA) which the Government of Sri Lanka intends to introduce in Parliament and upon it being passed into law, would be a salutary piece of legislation that would amend the present Prevention of Terrorism Act, after almost 43 years since it was enacted and would be the most progressive step that would give persons subject to the said law, tangible protection towards securing, advancing and protecting their fundamental rights guaranteed under the Constitution.

Attempts in the past to amend the present PTA, through the Counter Terrorism Bill, did not materialize in view of strong opposition to the proposed Bill before the Supreme Court by several persons including Trade Unions and Civil Society Organizations.

The process followed to finalize the amendments to the PTA includes a Joint Cabinet Memorandum that was submitted in June 2021 by the President as the Minister of Defence, Foreign Minister and Minister of Justice, titled *Appointment of a Cabinet Sub Committee to revisit the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979*. Further, approval was granted by the Cabinet of Ministers on 21 May, 2021, pursuant to the aforementioned Joint Cabinet Memorandum, inter alia, authorizing the President to appoint a Cabinet Sub-Committee to recommend to the Cabinet of Ministers whether to amend the existing PTA or to introduce a new law, appoint an officials' committee comprising representatives of the Ministries of Defence, Foreign Affairs, Justice and Public Security and authorizing the Cabinet Sub Committee to submit its report with recommendation to the Cabinet of Ministers within three months.

Following the Cabinet approval, the Secretary to the President appointed an Officials' Committee in June 2021, comprising officials from the Ministries of Justice, Public Security and Foreign Affairs, Defence as well as Police, AG's Department, Legal Draftsman and the Chief of National Intelligence.

Further, extensive consultations were conducted among different Ministries and agencies in the context of the Officials Committee, where further expertise was called from additional institutions relating to the matters of discussion.

The Cabinet Sub Committee which was appointed by the President in October 2021 was chaired by the Foreign Minister to review the recommendations of the Officials Committee and the report of the Officials' Committee was submitted to the President and the members of the Cabinet Sub-Committee and Secretary to the President on 15 November, 2021.

Having reviewed the proposals of the Officials' Committee, the Cabinet Sub Committee conducted further consultations with selected Parliamentarians and other government agencies and experts. The Cabinet Sub Committee also conducted discussions on the proposed amendments to the PTA with the Law Commission of Sri Lanka, Bar Association of Sri Lanka and civil society groups. Proposals were received for consideration verbally and through written submissions.

At the conclusion of this process, the Cabinet Sub Committee finalized the proposed amendments to the PTA and the Cabinet granted approval on 24 January, 2022 to gazette the Bill containing the proposed amendments and thereafter to table the same in Parliament for approval. They include, reduction of the period of detention, Magistrate expressly empowered to visit places of detention of the suspects in the detention to address and eliminate allegations of torture, express recognition of Judicial review of acts under the PTA, Attorneys-at – Law to have access to a person in remand or in detention and right of the person so remanded or detained to communicate with his relatives, repeal of provisions regarding prohibition of publications, conduct of trials on a day to day basis for offences under the PTA, to ensure the expeditious disposal of cases and the introduction of a new Section 15B to make provision to grant bail to persons in remand or in detention under the PTA.

The Bill was published in the Government Gazette on 27 January, 2022. Thereafter, the Foreign Minister as the Chair of the Cabinet Sub-Committee has written to the Leader of the House in the Parliament requesting to table the Bill in the Parliament.

It may be noted that the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 has been in operations since its certification in Parliament on 24 July, 1979 and was subject to minor amendments in 1982 and 1988.

Therefore, the proposed amendment, after much deliberation, is a progressive step in advancing, securing and protecting the rights of persons subject to investigation and judicial review under the said law and is an important move towards the realization of enforcing international best practices to address counter terrorism legislation.

Foreign Ministry
Colombo

07 February, 2022