

## **THE IMPACT OF PROVISIONS OF THE PREVENTION OF TERRORISM ACT OF SRI LANKA ON THE FREEDOM FROM TORTURE**

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Several laws were enforced in Sri Lanka to counter terrorism and the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 (PTA) holds prominence among them. The PTA had received severe criticism in the post-war regime based on the ground that it contravenes human rights principles. This issue has been discussed by journalists in numerous newspaper articles and it has been part of researches conducted by several non-governmental organizations on torture and the emergency laws of Sri Lanka. However, human rights could be subjected to certain limitations including public security. This research attempted to discover whether the provisions of the PTA has an impact on the freedom from torture and whether a balance between human rights and the prevention of terrorism could be achieved through reforming the PTA. The research was conducted with the objective of identifying the impact the provisions of the PTA have on the freedom from torture discovering possible reforms to be made to them in order to include safeguards against torture and the most suitable way of changing the law to achieve the abovementioned balance. A mixed methodology was employed in conducting this research, which heavily relied upon library research. The qualitative research method was used as well, where activists and legal professionals were interviewed to detect the points of tension between the provisions of the Act and the freedom from torture in the practical application of the Act. Five case studies were also conducted under the qualitative research method. The PTA was introduced as a temporary measure as the name suggests but has continued to be in force for nearly four decades. It was passed as being 'urgent in the national interest' under then Article 122 of the Constitution, thus granting the judiciary less time to determine the constitutionality of the Bill. It was discovered through the study that several provisions of the Act contradict with human rights and the principle of rule of law. For example, as per the Evidence Ordinance, confessions made to police or a forest officer is not admissible, but Section 16 of the PTA had rendered such confessions admissible for the purposes of the Act. Further, Section 9 enables long-term detention (three to eighteen months). Moreover, the PTA contains no safeguards against torture and to grant detainees access to legal counsel at the point of the arrest. Accordingly, it was evidenced by the research that although the PTA does not directly inflict any impediments on the freedom from torture, the provisions that clearly contradict with other human rights indirectly facilitate torture. It could be recommended that the provisions of the PTA should be revised or replaced to include safeguards against torture, remove the admissibility of confessions made to police officers, remove provisions that enable long-term detention without judicial oversight and grant detainees access to legal services at the point of arrest, or entirely repeal the Act to address aforementioned shortcomings.

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