



Commonwealth Lawyers Association

Statement of support for the Bar Association of Sri Lanka in upholding the rule of law and opposing the misuse of the Prevention of Terrorism Act 1979

The Commonwealth Lawyers Association has been closely monitoring the unfolding crisis in Sri Lanka, and the rule of law issues that have arisen. We have noted the pivotal role of the Bar Association of Sri Lanka (“BASL”) in promoting the rule of law, and the efforts to protect fundamental rights under the Constitution of Sri Lanka. We are pleased to support the BASL, and stand in solidarity with the BASL, as it admirably performs its functions as an independent bar association that acts without fear or favour in upholding the rule of law.

The BASL, in its recent statement of 23rd August 2022, has expressed concerns over the use of the Prevention of Terrorism Act 1979 (“PTA”) by the government of Sri Lanka. The PTA has been invoked, and administrative detention orders (of up to 90 days) have been made against persons involved in protests against the government on 9th April 2022. The public protest was in respect of the reported mismanagement of the economy and corruption. The BASL has taken the view that the PTA has been misused to stifle the legitimate exercise of the constitutional freedoms of speech and expression, peaceful assembly, and association.

The PTA is intended to deal with the threat of terrorism. It should not be used beyond its envisaged remit. The ambiguity in the definition of terrorism in the PTA has, among others, permitted this abuse. It is noteworthy that the Supreme Court of Sri Lanka has repeatedly struck down the misuse of the PTA. It would nevertheless appear that the abuse of the PTA has continued unabated, under the guise of combatting terrorism.

The PTA must not be used for purposes unrelated to terrorism. In this regard, the scope of the PTA must be clearly specified. The PTA should not be allowed to render any constitutional freedom illusory. The exercise of powers under the PTA must therefore comply with the Constitution of Sri Lanka. The exercise of powers under the PTA cannot be at the unfettered discretion of the police or the executive. The use of PTA, if warranted, must always be subject to adequate judicial scrutiny and determination.

We therefore urge the government of Sri Lanka to:

- **Uphold the Rule of Law in use of the PTA.**
- **Refrain from relying on the PTA to restrict or negate the exercise of fundamental rights, vouchsafed in the Constitution of Sri Lanka**

- **Adhere to the Harare Declaration 1991 regarding the commitment of Commonwealth nations to protect the liberty of individuals under the law.**
- **Comply with obligations under international law, including as signatory to the International Covenant on Civil and Political Rights.**

Commonwealth Lawyers Association (CLA)

1st September 2022

NOTE TO EDITORS:

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. commonwealthlawyers.com