

Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979

Enacted in 1979 as a 'temporary' security measure; made permanent in 1982; still in force in its core provisions over forty-five years later. Permits detention without charge for up to 18 months renewable, admits confessions made to police as evidence, defines terrorism in terms broad enough to encompass non-violent dissent. The principal legal instrument of the post-1979 detention, surveillance, and torture apparatus documented by HRW, Amnesty International, UN CAT, the UN Special Rapporteur on Torture, and ITJP.

The PTA institutionalised what successive UN human rights mechanisms have described as the structural pre-condition for the post-1979 record of enforced disappearance, torture in custody, and the chilling of Tamil civil society. Repeated formal undertakings to repeal or replace it — most recently in connection with EU GSP+ compliance and the 2015 Geneva commitments — have not been fulfilled. As of the current era (Aarambam) the PTA remains operative.

§1 What it permits

Detention without charge for up to 72 hours by any peace officer, extendable to 18 months on the Defence Minister's order, renewable thereafter (s. 9). Detention 'in any place authorised by the Minister', not necessarily a court-supervised facility (s. 9(2)). Confessions made to a police officer of ASP rank or above admissible as evidence — reversing the standard evidentiary rule against police-station confessions (s. 16). No bail in PTA cases except by High Court on exceptional grounds (s. 19A). A definition of 'unlawful activity' broad enough to encompass possession of literature, attendance at meetings, and association with proscribed organisations.

The Sixth Schedule lists offences under the Act, including 'causing acts of violence or religious, racial or communal disharmony' — a category that has been used post-2019 against Muslim community leaders and Islamic scholars in addition to its historical use against Tamil activists.

§2 Documented effect

Human Rights Watch (In a Legal Black Hole, 2022) documents the use of PTA detention to: hold Tamil political activists, journalists, and lawyers for months without charge; extract confessions under torture (corroborated by the UN Special Rapporteur on Torture, mission report A/HRC/34/54/Add.2, 2017); target ordinary Tamil civilians on the basis of suspected past association without evidence; post-2009, detain family members of released detainees; post-2019, target Muslim community leaders.

The UN Committee Against Torture (CAT/C/LKA/CO/5, 2017) found the PTA incompatible with Sri Lanka's obligations under the Convention Against Torture. The UN Working Group on Arbitrary Detention has issued repeated opinions finding PTA detentions arbitrary under international law. Amnesty International (ASA37/5241/2022) and ITJP (multiple reports) have documented systematic patterns of torture in PTA detention, including conflict-related sexual violence.

§3 The replacement that did not arrive

Sri Lanka has tabled a succession of replacement bills — Counter-Terrorism Act (2018), Anti-Terrorism Bill (2023), Online Safety Act (2024) — each criticised by OHCHR, the EU GSP+ monitoring process, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, and the International Commission of Jurists as either insufficiently different from the PTA, or broader still. The Anti-Terrorism Bill 2023 reproduces several PTA features (extended detention, broad definitions) and adds new powers, including over

peaceful assembly.

The continuing operation of the PTA, alongside its successor bills, is the principal item of evidence in the EU GSP+ compliance audit (see /unmai/desk/gsp-compliance) and the post-2020 OHCHR reporting on Sri Lanka.

Sources

- Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979, lawnet.gov.lk.
- Human Rights Watch, In a Legal Black Hole: Sri Lanka's Failure to Reform the Prevention of Terrorism Act (2022).
- UN Committee Against Torture, Concluding observations on the fifth periodic report of Sri Lanka, CAT/C/LKA/CO/5 (2017).
- Report of the Special Rapporteur on torture, mission to Sri Lanka, A/HRC/34/54/Add.2 (2017).
- Amnesty International, ASA37/5241/2022 — Sri Lanka: Repeal the Prevention of Terrorism Act.
- International Commission of Jurists, briefings on PTA replacement bills (2018, 2023).

What this is not

- This article does not name any serving or former Sri Lankan police, military, or intelligence personnel.
- This article does not name any PTA detainee, witness, or family member. Where named in Tier-A sources (e.g. journalists whose detention is the subject of public OHCHR communications), the article links to the Tier-A source rather than reproducing the name.
- This article does not aggregate PTA-detention counts in TLTE voice. All figures attributed to HRW, Amnesty, ITJP, UN Working Group on Arbitrary Detention, or successor mechanisms.