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Sri Lanka's new parliament must drop emergency laws

Sri Lanka's first post-war parliament must get rid of draconian emergency laws that have allowed for decades of widespread human rights abuses, Amnesty International said today.

Ahead of the first sitting of Sri Lanka's first post-war parliament on 22 April, Amnesty International is calling on Sri Lanka to lift the State of Emergency that has been in force almost continuously since 1971, and to abolish the Prevention of Terrorism Act and other associated emergency security laws and regulations, replacing them with human rights-friendly laws.

The emergency laws grant state authorities sweeping powers of detention and permit the use of secret prisons, a practice that encourages human rights abuses like enforced disappearances, torture and death in custody, which could constitute crimes under international law. In the last thirty years, thousands of Sri Lankans have spent years in detention without trial.

Over the past year, the government has increasingly used these laws to crack down on journalists, political opponents, and trade unionists.

"Sri Lanka must repeal these laws and end impunity for human rights violations if it wants to move forward," said Madhu Malhotra, Amnesty International's Asia-Pacific Deputy Director. "The Prevention of Terrorism Act, the Public Security Ordinance and other emergency provisions in Sri Lanka enable security forces to systematically violate human rights."

Since the war with the Liberation Tigers of Tamil Eelam (LTTE) ended almost a year ago, Sri Lankan legislators have continued to extend the State of Emergency on a monthly basis. Successive governments have ignored calls for repeal of the Prevention of Terrorism Act.

"The war is over. Perpetuation of the emergency is now just being used as a weapon against political opposition, and as a quick fix for poor law enforcement practices and a dysfunctional justice system," said Madhu Malhotra.

Amnesty International is calling on the new parliament to press for the release of people detained under Sri Lanka's emergency laws unless they are charged with an internationally recognized criminal offence, and are tried in regular civilian courts to international standards for fair trial.

Background

The emergency laws reverse the burden of proof when it is alleged that police obtained confessions under

torture. The Public Security Ordinance, Prevention of Terrorism Act and emergency regulations also shield officials from prosecution for actions taken under these laws, provided they acted “in good faith”.

In July 2006 President Rajapaksa issued directives to the security forces aimed at protecting the human rights of persons who had been arrested or detained. Although the emergency regulations do not require the government to publish places of detention, the President ordered that a person under arrest be “afforded reasonable means of communicating with a relative or friend to enable his whereabouts being known to his family”; for the Sri Lankan Human Rights Commission to be informed of the arrest and the place of detention in each case within 48 hours, and for Commission members to visit those arrested.

These safeguards were never effectively implemented.

Beyond concerns about the nature of legislation and the government’s failure to rectify shortcomings, Amnesty International is concerned that the security forces have used the general threat of their wide ranging powers under the emergency laws to intimidate people. Because they provide for vaguely and broadly defined offences such as “terrorism,” the emergency laws have also been used to restrict freedom of expression and association, increase pressure on human rights activists, journalists, trade unionists and others holding dissenting views.