OHCHR comments on Sri Lanka's draft Protection of the State from Terrorism (PSTA) Bill

24 February 2026

I. Introduction

This submission by the UN Office of the High Commissioner for Human Rights (OHCHR) to the Government of Sri Lanka contains preliminary comments on elements of the draft Protection of the State from Terrorism (PSTA) Bill, as published on 13 December 2025, and its compliance with Sri Lanka's obligations under international human rights law. It is not intended to be a comprehensive analysis or a complete listing of concerns, but rather a basis for technical exchanges and to inform public debate.[1] These comments should be considered alongside earlier observations by the OHCHR, UN human rights treaty bodies,[2] and UN Special Procedures mandate holders regarding the current Prevention of Terrorism Act (PTA), its previous amendments, and earlier drafts of proposed counter-terrorism legislation, in particular the 2023 draft Anti-Terrorism Bill.[3]

OHCHR welcomes the Government's intention to replace the PTA with legislation that complies with international human rights norms and standards as recommended by the High Commissioner and UN Human Rights mechanisms. The draft bill contains some improvements, including the removal of a provision which allows confession made to a police officer while in custody as admissible as evidence. However, the draft bill contains multiple provisions that are contrary to the State's obligations under international human rights law and domestic constitutional guarantees and risks the recurrence of serious human rights violations observed under the existing PTA. The draft Bill reproduces and expands deficiencies previously identified in the PTA, while introducing new risks and concerns of:

- overcriminalization through vague and expansive definitions and prohibited acts;
- suppression of protected freedoms of expression, assembly, association, media, resulting in an increasingly restricted civic space;
- broad executive powers with limited safeguards and oversight;
- arbitrary arrest and prolonged detention without effective judicial oversight and review;
- exposure to torture, other forms of ill-treatment and enforced disappearance; and
- inadequate due process and fair trial protections.

Substantive redrafting of the PSTA Bill is required to ensure that Sri Lanka's counterterrorism framework conforms to international law principles of legality, necessity and proportionality and that it does not perpetuate the serious rights violations associated with the implementation of the PTA, including arbitrary detention, ill-treatment and torture and enforced disappearances.

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[1] The analysis is grounded in Sri Lanka's obligations under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR) and other major human rights treaties ratified by Sri Lanka (https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=164&Lang=EN) as well as key "benchmarks" highlighted by the UN Special Procedures mandate holders for Sri Lanka's counter-terrorism legislation to be human rights compliant (OL LKA 7/2021).

[2] For example, see the concluding observations of the UN Committee on Enforced Disappearances on the report of Sri Lanka of 3 November 2025; CED/C/LKA/CO/1

[3] OHCHR preliminary comments on Sri Lanka's draft Anti-Terrorism Bill, 3 May 2023, www.ohchr.org/sites/default/files/documents/countries/sri-lanka/OHCHR-sri-lanka-preliminary-review-ATB.pdf

OHCHR urges the Government to substantively overhaul the current draft and engage in a genuine and inclusive consultation process with civil society and other stakeholders to ensure the proposed law is fully compliant with Sri Lanka's international human rights obligations and it does not replicate the structural and operational flaws identified in the Prevention of Terrorism Act.

Further, since the Government has continued to use the PTA,[4] OHCHR reiterates its call for the repeal of the PTA and for a moratorium on its use.

OHCHR stands ready to provide technical assistance, legal advice and comments in accordance with international human rights standards.

II. Definition of Offences

A. Definition of terrorism

There are several concerns with the relationship between section 3 of the draft bill and article 15 of the International Covenant on Civil and Political Rights (ICCPR), to which Sri Lanka is a State Party. The PSTA fails to narrow sufficiently the definition of terrorism or acts of terrorism, as repeatedly recommended by OHCHR. Instead, Section 3 of the draft bill provides a definition of terrorism that covers a broad range of alternative intent and conduct requirements, many of which rely on broad and ambiguous criteria that go beyond the elements of the crime of terrorism as provided in Security Council resolution 1566 (2004) and the model definition of terrorism recommended by the UN Special Rapporteur on Counter Terrorism and Human Rights (SR CT) and OHCHR guidance note on defining terrorism in domestic criminal legislation.[5] The proposed definition of terrorism incorporates a broad purpose element that goes beyond international standards and guidance. These limit the terrorist crime to intentional violent acts that result in serious outcomes, namely death, serious bodily injury or hostage-taking, with the purpose to provoke a state of terror in the general public or compel a government or an international organization to do or to abstain from doing any act.

Provisions under Section 3(2), paragraphs (b), (d), (e), (f), (g), (h), (i), (j), and (k) are, in OHCHR's judgment, excessively broad. These provisions:

- lack objective thresholds (e.g. "serious risk to the health and safety of the public"), which carries the potential for misuse of the terms and inconsistent application of the law
- include low-gravity outcomes such as "hurt," conflating conducts of different gravity;
- risk of overreach into crimes that are non-terrorist in nature, such as robbery, unlawful possession of arms, and damage to property; and
- risk criminalizing conduct protected under international human rights law, including peaceful assembly, expression, association, and political participation.

For example, the list of acts in the draft bill includes unidentified terms such as such as "hurt," "obstruction," "interference," and "damage", which do not of themselves meet the serious-harm threshold inherent to the crime of terrorism. The inclusion of such vague terminology also creates

[4] A/HRC/60/21, paras 21 and 22.
[5] A/HRC/16/51; See e.g. OHCHR Guidance note: Defining 'Terrorism' in National Criminal Legislation, https://www.ohchr.org/en/documents/tools-and-resources/guidance-note-defining-terrorism-national-criminal-legislation

uncertainty as to the scope of prohibited conduct, thereby undermining legal certainty and hindering individuals' ability to regulate their conduct in accordance with the law.

The draft bill also conflates ordinary crimes with serious acts of terrorism and duplicates offences already addressed under existing criminal legislation, such as the Penal Code and other statutes enacted to give effect to international counter-terrorism conventions. For example, conduct covered under Section 3(2) is already criminalized in relation to murder and attempted murder (Penal Code ss. 294–300), culpable homicide (s. 293), and hurt and grievous hurt (ss. 311–316), including offences involving weapons, with enhanced penalties under the Offensive Weapons Act.[6] Likewise, offences such as robbery, extortion, and theft are already comprehensively addressed under domestic law. Creating parallel offences risks undermining the principle of legality, generating inconsistencies in criminal enforcement, and granting excessive discretion to law enforcement authorities regarding the selection of legal frameworks.

Additionally, there is an overarching concern regarding the reduction of the mental element applicable to the crime of terrorism to "knowingly". Terrorism offences should not include a lesser standard of liability than specific intention, given the gravity of the crime and the stigma it carries. Specifically, knowledge, negligence, or recklessness should not be used as a standard of liability. hence granting undue interpretation power to those entrusted in executing the law. This undermines the principle of legality and creates a risk of arbitrary and discriminatory enforcement.

While the exclusionary clause introduced in Section 3(4), which excludes protest, advocacy, dissent, and participation in any strike, lockout or other industrial action is a welcome step, the strength in practice of such safeguard remains questionable given the overly broad and vague definition of terrorism proposed in the PSTA, that even exceed the definition of the PTA.

B. Speech-related offences (Sections 2, 8–11, 15, 78)

i) Overbroad Definition of "Confidential Information" (Section 78)

Section 78 (Interpretation) defines "confidential information" to include information relating to the "functions, movements, or whereabouts" of a specified person, as well as "any secret code, word, password or encryption detail relating to national security." The definition further extends to information "likely to have an adverse impact on national security and defence," rendering it excessively broad and

[6] Other examples include: hostage-taking is criminalized under the Prevention of Hostage-Taking Act (implementing the 1979 Convention) and Penal Code provisions on abduction and kidnapping with intent (ss. 355–358); abduction and kidnapping more broadly are addressed under Penal Code ss. 331–358 on wrongful restraint, confinement, abduction, and kidnapping; serious damage to public places, transport systems, infrastructure, or the environment is covered by the Suppression of Terrorist Bombings Act No. 11 of 1999, along with Penal Code offences of mischief (ss. 408–426), criminal trespass (ss. 427–450), and relevant provisions of the Explosives Act and the Offensive Weapons Act; robbery, extortion, and theft are already offences under the Penal Code; conduct creating a serious risk to public health or safety is addressed through various Penal Code offences and sector-specific public safety statutes without the need for a counter-terrorism designation; interference with automated or digital systems and networks is criminalized under the Computer Crimes Act (ss. 3–12), including unauthorized access, damage, interference, interception, and DDoS-type conduct; destruction of or serious damage to religious or cultural property is covered under Penal Code ss. 290 and 292, as well as mischief and trespass provisions; and interference with electronic, wireless, or frequency-based transmission systems is addressed under the Computer Crimes Act and telecommunications legislation.

imprecise and risking the criminalization of a wide range of legitimate activities. This could include documentation of checkpoints, troop deployments, or security operations, as well as routine reporting or social media posts relating to raids or arrests, thereby posing heightened risks to journalists, civil society actors, and documentation of militarization and other activities with broad human rights implications.

The inclusion of "any secret code, word, password or encryption detail relating to national security," when read together with section 8(2) and 55, risks criminalizing the possession, use, or transmission of encryption credentials, including in the context of secure journalistic communications, legal professional privilege, and human rights work. When combined with broad surveillance and compelled decryption powers, these provisions risk undermining the confidentiality of communications and source protection and may have a significant chilling effect on the rights to privacy and freedom of expression under articles 17 and 19 of the ICCPR. While section 8(2) regarding 'Acts associated with terrorism'[7] may not be inherently problematic, its impact creates concern when paired with the overbroad definition of confidential information in section 78.

ii) Vague Speech Crimes (Sections 9 and 10) and Overbroad "Terrorist Publication" (Section 10(3))

Overall, sections 9 (encouragement of terrorism) and 10 (dissemination of terrorist publications) create significant incompatibility with international human rights law, especially ICCPR articles 15, 19, 21 and 22, due to their breadth, vagueness, and potential for misuse to unduly restrict and criminalize freedom of expression, media freedom, peaceful assembly, and legitimate expression. As noted by the United Nations Human Rights Committee, offences such as the "encouragement" of terrorism, must be clearly defined in order not to constitute an unnecessary and disproportionate interference with the freedom of expression.[8] OHCHR and SR CT have consistently emphasized that counter-terrorism laws must be precise, necessary, proportionate, and non-discriminatory, and must not criminalize protected speech or civic space activities. The provisions in their current form fail these tests and require substantial narrowing, clearer intent requirements, and robust safeguards.[9]

Sections 9(3),10 (2) and 10 (3) include terms, such as "any person who, being reckless", "directly or indirectly encouraged" or "being useful" to "commit or prepare to commit an offence under this Act". The use of terms such as "indirectly encouraging," "being reckless," and "being useful" creates low and vague thresholds for criminal liability. It is therefore likely to restrict a broad range of speech, in a manner contrary to ICCPR art. 19 (3). For example, section 9 paragraph 3 sets a lower threshold of culpability by relying on "recklessness," in place of intent, contrary to international standards. The SR CT has noted that the offence of "incitement to terrorism": (a) must be limited to the incitement to conduct that is truly terrorist in nature; (b) must restrict the freedom of expression no more than is necessary for the protection of national security, public order and safety or public health or morals; (c) must be

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[7] Any person who knowingly or having reasonable grounds to believe that any confidential information will be used by any other person to commit, attempt, abet, conspire to commit, or prepare to commit an offence under this Act-
(a) gathers such information, having the intention of supplying such information to a person; or
(b) supplies such information to a person,
commits an offence under this Act.

[8] CCPR, General Comment no. 34, para. 46.

[9] See for example: https://www.ohchr.org/sites/default/files/documents/publications/fact-sheet-no-32-rev-1-rights-terrorism-counter-terrorism-web.pdf, pp 32-33; Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, "Impact of measures to address terrorism and violent extremism on civic space and the rights of civil society actors and human rights defenders", 1 March 2019, A/HRC/40/52 https://docs.un.org/en/A/HRC/40/52

prescribed by law in precise language, including by avoiding reference to vague terms such as "glorifying" or "promoting" terrorism; (d) must include an actual (objective) risk that the act incited will be committed; (e) should expressly refer to two elements of intent, namely intent to communicate a message and intent that this message incite the commission of a terrorist act; and (f) should preserve the application of legal defences or principles leading to the exclusion of criminal liability by referring to "unlawful" incitement to terrorism."[10]

Section 10 (disseminating terrorist publications) criminalises so-called "terrorist publications" in terms that are highly vague and easily amenable to abuse. It covers, for example content that is "useful in the commission of, or attempt, abetment, conspiracy to commit or preparation to commit, the offence of terrorism". The broad definition of "terrorist publication" (section10(3)) risks unduly restricting human rights and criminalizing legitimate expression, dissent, journalistic activities and human rights advocacy. Section 10 (read together with section 11 (3)(a))[11] criminalizes speech that is merely "likely to be understood" encouraging terrorism, failing the necessity and proportionality requirements under IHRL. Furthermore, provisions under Section 15 "failure to provide information to be an offence" are broad and rely on the excessively broad definition of terrorism in Section 3 "offence of terrorism". Section 2, paragraph 1 "application of the act" allows the extraterritorial application of the deeply flawed provisions, which raise human rights concerns, to even Sri Lankan citizens abroad, risking criminalization of acts by members of diaspora communities, including social media commentary on events of public interest in or related to Sri Lanka.

III. Executive and Public Order Powers

The draft bill grants substantial powers to the executive which carry real risks of violations of international human rights law. Section 63 authorizes the President to issue Proscription Orders against organizations on reasonable grounds related to terrorism or threats to national security, resulting in broad prohibitions on their membership, activities, fundraising, and publications. The provision contains no clear criteria, relying only on undefined "reasonable grounds to believe that any organization is engaged in any act amounting to an offence under this Act…" There is no provision for judicial oversight or review, while orders remain valid for an indefinite period.

Section 65 grants the President power to impose curfews nationwide, including airspace and territorial waters, without sufficient safeguards, oversight, and proportionality guarantees. The grounds ("national security," "public order," "public safety") are undefined and extremely broad. There is no obligation to state reasons and no provision for judicial review.

Section 66 enables the Secretary of Defence to declare a location a prohibited place for up to seventy-two hours, restricting entry and, where necessary, photography and recording, with any extension requiring Magistrate approval. This provision raises concerns about undue restrictions on freedoms of expression and media, especially as restrictions on entry and documentation can impede public-interest reporting and the recording of state conduct. The broad discretion and lack of clear criteria for invoking these restrictions heighten the risk of arbitrary limitations on expression and media

[10] A/HRC/16/51, para. 31

[11] 11 (3) a: 'For the purpose of sections 9 and 10, the content of a statement or publication, as the case may be, shall be taken into consideration as a whole, in determining, how a statement is likely to be understood and what members of the public could reasonably be expected to infer from it under section 9;'

coverage especially when reporting on government conduct, potentially creating a chilling effect on journalists, activists, and community groups.

Additionally, the PSTA provides several public order powers. Section 51 allows the police, with prior or urgent post-approval by a magistrate, to issue short-term directives restricting assemblies, movement, meetings, activities, and the use of vehicles or vessels where a 'clear and present danger' is identified. The threshold of "clear and present danger" provided in section 51(1) is undefined and gives police wide discretion, enabling overbroad limitations on movement, assembly, and property. Undefined and vague criteria risk arbitrary interference with ICCPR rights without sufficient foreseeability, contrary to the principles of legality. Additionally, overly discretionary policing risk misuse against civil society, protesters, and minority communities. Subsection (e) of 51 (1) - "not to congregate at any particular location" - creates a de-facto assembly ban, potentially affecting peaceful protest. In this regard, OHCHR stresses that counter-terrorism definitions and powers that affect assemblies risk criminalizing or suppressing legitimate expressions of dissent, and assemblies cannot be banned merely due to disruption or political content.

Section 64 empowers a senior police officer to apply to magistrate for a Restriction Order of up to six months to control a person's movement, travel, communications, associations and specified activities where the person is believed to be preparing to commit an offence. The provision authorizes the imposition of far-reaching restrictions in the absence of charge or conviction, engaging multiple rights under the ICCPR, including articles 9 (liberty), 12 (freedom of movement), 19 (expression), 21 (assembly) and 22 (association). While subject to periodic judicial review, the provision does not require a determination of strict necessity or proportionality, nor does it include explicit safeguards against arbitrariness or discriminatory application. The breadth of discretion afforded risks the use of restriction orders as de facto punitive measures outside the ordinary criminal process. OHCHR recalls that preventive restrictions without charge must be exceptional, narrowly tailored, time-bound, and subject to rigorous judicial scrutiny to comply with international human rights law.[12]

IV. Law enforcement powers, deprivation of liberty and militarization

A. Extension of Powers to Police and Armed Forces

The draft bill grants members of the police and the armed forces broad powers to stop, question, enter and search any premises or land, and arrest and detain, largely dependent on whether the suspected conduct qualifies as offences under the act. Section 25 of the draft bill stipulates that a member of the armed forces or coast guard officer shall hand over the suspect to the officer-in-charge of the nearest police station or a police officer designated within 24-hours; however, the pre-handover window provided to armed forces enables coercion to unlock devices and on-device data extraction and risk of serious human rights violations, including torture and other forms of ill-treatment. Because several of the offences under the act are likely to be contrary to the requirements under international human rights law, the exercise of law enforcement powers in such cases will likely lead to arbitrary deprivation of liberty or arbitrary interferences with privacy, contrary to articles 9 and 17 of the ICCPR.

The extension of law-enforcement powers to the armed forces under the draft bill raises serious concerns regarding accountability and effective civilian oversight, as the PSTA does not clearly define

[12] See Report of the United Nations High Commissioner for Human Right A/HRC/57/29 which is focused on the use of administrative measures in countering terrorism such as administrative detention.

chains of command or lines of authority when military personnel exercise powers of arrest, search, questioning, or custody. The absence of clarity as to whether such powers are exercised under civilian police control or military command risks creating fragmented or parallel accountability structures, undermining responsibility for human rights violations and heightening the risk of impunity. OHCHR recalls that, where military personnel are deployed in law-enforcement functions, international human rights law requires that they operate under clear civilian authority, be subject to ordinary criminal jurisdiction, and be governed by precise legal frameworks ensuring accountability, transparency, and access to effective remedies.

B. Deprivation of liberty

In addition to these concerns, the draft bill provides for several restrictions to the guarantees for individuals deprived of their liberty, in a manner which is likely to result in arbitrary deprivations of liberty: For example, the Inspector General of Police (IGP) or a Deputy Inspector General of Police authorized by the IGP may obtain so-called "detention orders" from the Secretary of the Ministry of Defence which allows the accused person to be held initially for up to two months without any charge (section 29, subsection 1). Deprivation of liberty pursuant to the "detention orders" can subsequently be extended to a total of 12 months upon approval by a magistrate. The draft bill also allows up to one year of remand and up to two years of cumulative detention before trial. This is excessive and heightens the risk of arbitrary detention.

With respect to administrative and security detention, the UN Human Rights Committee has noted that such detention presents severe risks of arbitrary deprivation of liberty. States are under an obligation to show that such detention does not last longer than necessary, that the overall length of possible detention is limited and that they fully respect the guarantees provided for by article 9 in all cases.[13]

Further, the initial two-month "detention orders" issued by the Secretary of Defence is not subject to judicial review. Magistrates lack discretion to release detainees when evidence is absent or even if the detention appears unjustified and instead may only grant bail. When a suspect is produced before a magistrate (section 26), the magistrate's role is largely passive, verifying the welfare of the detainee rather than probing the legality or necessity of arrest and detention. The 48-hour production period sits at the outer limit of what the Human Rights Committee considers compatible with article 9 of the ICCPR, which requires that detainees be brought before a judge "promptly," ordinarily within a few days, with forty-eight hours deemed generally sufficient only in normal circumstances. Treating forty-eight hours as a routine timeframe in counter-terrorism cases may therefore fall short of the ICCPR standard.

Section 35(2) raises due-process concerns because it permits extended detention on the basis of an undefined "confidential report," allowing broad discretion to officers and limiting disclosure of the evidence relied upon. This lack of transparency undermines the detainee's ability to challenge the legality and necessity of continued detention and facilitates repeated extensions of custody for up to two years prior to trial, increasing the risk of arbitrary detention. These shortcomings may be inconsistent with article 9 of the ICCPR, which requires that any deprivation of liberty be subject to clear legal standards, access to reasons, and meaningful judicial review.

Right of access to legal representation and to next of kin (family visits) is restricted due to need for prior permission from the officer in in charge of the detention site, according to section 32(1); however, section 40 frames access as a right, limited only by conditions in written law (e.g., Bail Act, Prisons

[13] CCPR, General Comment no. 35, para. 15

Ordinance), and not by discretionary permission. This creates inconsistency and is open to interpretation and abuse. Under international human rights law, access to counsel for detainees in criminal cases should be granted from the outset of their detention. The individual is entitled to legal assistance during police interrogations and in all hearings in which a judge assesses the legality or necessity of detention, which should in principle be by counsel of his/her choice, a qualified independent lawyer or free legal aid. It requires that prompt and regular access should be given to independent medical personnel, lawyers, and family members. These safeguards are designed to protect against torture, arbitrary detention, and infringement of personal security and are not dependent on prior permission.[14]

Section 33 (1) of the draft bill adds a requirement to notify the Human Rights Commission of Sri Lanka (HRCSL) of PSTA arrests "soon as practicable" or within 72 hours from the time of detention. Notification of detention up to 72 hours is too long and inconsistent with the HRCSL Act.[15] The HRCSL Act already includes a requirement that HRCSL must be notified of any PTA-related arrest or detention within 48 hours 'from the time of such arrest or detention'.[16]

Additionally, there is no reference to a centralized register and/or a database of arrests, detainees and places of detention that would make information accessible to next of kin, attorneys, and the HRCSL. Under international human rights law a centralized official register should be kept of the names and places of detention, and times of arrival and departure, as well as of the names of persons responsible for their detention, and made readily available and accessible to those concerned, including relatives.[17]

Sections 56 and 57 raise serious due-process concerns because they permit the Attorney-General (AG) to defer or suspend prosecution for up to an extraordinarily lengthy period of twenty years, subject to conditions such as apologies, reparations, rehabilitation, or undertakings, even before a judicial determination of guilt. This decision is taken by the AG by prior consensual agreement with the suspect and is to be approved by the High Court. Deferment/suspension could amount to a violation of the presumption of innocence and/or denial of justice; alternatives to prosecution must avoid coercion or implied guilt prior to adjudication.

Under section 58, there is no explicit mention of detainee's custody/release on bail post indictment. Under international human rights law, pre-trial detention should be the exception and not the rule. Detention pending trial must be based on an individualized determination that it is reasonable and necessary considering all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime. The relevant factors should be specified in law and should not include vague and expansive standards such as "public security". Additionally, there is no statutory provision in the proposed bill for legal aid or compensation for wrongful arrest or detention.

V. Priority Recommendations

1. Redefine and narrowly tailor the definition of terrorism to satisfy the principles of legality and legal certainty, and to prevent arbitrary or discriminatory application[18] and strictly align with UN Security Council Resolution 1566, OHCHR guidance on defining terrorism in domestic

[14] CCPR/C/GC/35 and Istanbul Protocol.
[15] see Human Rights Commission of Sri Lanka Act No. 21 of 1996
[16] https://www.hrcsl.lk/wp-content/uploads/2020/01/HRC-Act.pdf, section 28 (1)
[17] CCPR/C/GC/35.
[18] A/HRC/16/51, para. 31.

legislation, and the model definition proposed by the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism. Terrorist acts should be confined to intentional violent acts with serious outcomes - namely death, serious bodily injury, or hostage taking- to provoke a state of terror in the public or compel a government or an international organization to do or to abstain from doing any act.

2. Remove vague terms such as "encouragement", "indirect inducement", "reckless", "useful", to meet legality and foreseeability standards. Amend the definition of "confidential information" and ensure that any restrictions on freedom of expression are consistent with international human rights law, in particular Article 19(3) of the ICCPR. To ensure that offences relating to incitement to terrorism do not suppress legitimate expression, the Government must comply with Article 19(3) of the International Covenant on Civil and Political Rights and should be guided by the Rabat Plan of Action, which sets out strict criteria for the criminalization of speech that amounts to incitement to violence.[19]

3. In line with the UN Special Rapporteur on Counter-Terrorism and Human Rights and "OHCHR Guidance note: Defining 'Terrorism' in National Criminal Legislation", the proposed bill should expressly exclude from the scope of terrorism: (a) advocacy, protest, dissent, or industrial action that does not result in death or serious bodily injury; (b) conduct occurring in the context of an armed conflict that complies with international humanitarian law; (c) exclusively humanitarian activities carried out by impartial humanitarian organizations; (d) acts of State military forces, insofar as they are carried out in accordance with international law; and (e) narrowly defined actions undertaken solely for the protection or restoration of democracy and human rights.

4. Comprehensively redraft public-order and proscription powers with clearly defined legal thresholds, prior judicial authorization, effective appeal and review mechanisms, and sunset clauses to prevent indefinite application. All executive measures must be accessible, transparent, and clearly articulated in law, and must be based on individualized risk assessments rather than broad or collective assumptions.

5. Remove broad powers given to the armed forces to stop, question, enter and search any premises or land, and arrest and detain and ensure explicit provisions are included in the bill to guarantee that all arrests and detention are carried out under ordinary criminal law standards, subject to immediate judicial scrutiny from the outset.

6. Clearly delineate accountability and civilian oversight for any involvement of the armed forces in law-enforcement functions, including by specifying unambiguous chains of command, placing all military personnel exercising police powers under civilian authority and ordinary criminal jurisdiction, and establishing robust reporting, oversight, and accountability mechanisms to prevent impunity.

7. Mandate torture-prevention safeguards in the bill, including, audiovisual recording of interrogations, timely notification to the Human Rights Commission of Sri Lanka (HRCSL) as required under the HRCSL Act, immediate and effective access to legal counsel, the maintenance of a centralized and accessible detention registry.

[19] The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, https://www.ohchr.org/en/freedom-of-expression

8. Reduce the mandatory production before a magistrate to 24 hours; require the magistrate to actively examine the legality and basis of the arrest and detention-not merely the welfare of the detainee - and mandate unannounced visits to detention facilities, during which magistrates must be allowed to speak privately with detainees without the presence of guards, in order to reduce the risk of torture and other forms of ill-treatment in custody.

9. Explicitly incorporate into the bill the absolute prohibition of torture, cruel, inhuman or degrading treatment or punishment, and enforced disappearance, and include an interpretive clause requiring that all its provisions be applied consistently with the international human rights treaties binding on Sri Lanka.

10. Include provisions to ensure that individuals subjected to wrongful arrest, detention, or other human rights violations under the bill have access to prompt and effective remedies, including adequate compensation and redress.