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## **Criminalising Dissent: Sri Lanka's Prevention of Terrorism Act and Its Use in Suppressing Social Movements - 2022**

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### **Abstract**

*After its independence in 1948 from the colonial rulers, Sri Lanka witnessed the worst economic crisis and political instability in the country. As a response to the persistent pressures of the economic crisis, mass protests broke out all over the country in March, 2022. Consequent to the mass demand, president Gotabhaya Rajapaksha and the regime had to resign, and Ranil Wickramasinghe became the new president. Initially, the political regime in power used military forces to suppress these protests and the current president has been using the Prevention of Terrorism Act (PTA) alongside the armed forces and the police to control social movements. Activists who led the protests have been arrested under PTA without trial. Hence, the objectives of this study were to examine how the authoritative regime uses the PTA to criminalise dissent and how it discourages the social movement in 2022, and how the act violated the fundamental rights of the activists. This is a qualitative study and the primary and secondary data has been collected from national and international reports, journal articles, web articles, and books to analyse the main purposes of the study. The Gramscian critical theory of 'hegemony' has been used as the theoretical framework since it elaborates how the states employ certain tools consciously or unconsciously to restrict dissents, and how dissents are not welcome in liberal democracies. It was evident that the use of PTA violates the fundamental rights of the activists, and harms the democracy in the country, further discouraging the social movements of the citizens.*

**Keywords:** *Criminalising, Protests, Social movements, Sri Lanka, Terrorism*

## **Introduction**

On August 18<sup>th</sup> 2022, several student activists were arrested under the PTA for their involvement in organising anti-government protests against the violation of citizens' rights mainly due to the corruption of the authoritative political regime, economic crisis, and current political instability in Sri Lanka (The International Federation for Human Rights, 2022). By using a counter-terrorism act to arrest the activists, the authoritative government has criminalised them and suppressed the social movement by warning the citizens who protest. Given this situation prevailing in the country, this paper discusses how Sri Lanka's authoritative political regime criminalised dissents using the PTA and suppressed social movements in 2022. This paper proceeds by providing details of the situation in Sri Lanka due to the economic crisis and political instability, how the social movement - 2022 triggered as a response to the given situation, and the use of the PTA to suppress the protesters by the government. To analyse the given situation, Gramscian's critical theory of 'hegemony' is used to show how to criminalise dissent and suppress the social movement, in addition to the violations of the fundamental rights of activists, as well as human rights.

## **The Economic Crisis and Political Instability**

People in Sri Lanka are currently facing a disastrous economic crisis experiencing shortages in basic necessary items, i.e. medicine, food items, cooking gas, and fuel. The cost of living has also sharply increased amid the situation. The economic crisis has affected several rights such as the right to education, health, and adequate standards of living to name a few. The reason behind the crisis is a serious balance of payments (BOP) problem, which caused the rapid depletion of foreign exchange. It eventually affects importing consumer goods, and the country is unable to repay past debts as well (Ramakumar, 2022). As the crisis affected almost all the main sectors, the government cancelled school examinations for millions of students due to the lack of printing papers (The Guardian, 2022b). Additionally, due to the significant increase in the prices of sanitary napkins, many schoolgirls are unable to attend school on the days they are menstruating, and this is also affecting aspects such as their education, mental and physical health, and personality (De Alwis, 2022; Samaraweera, 2022).

Sri Lanka imports nearly eighty-five percent of its medicine in foreign currency, and at least five percent of drugs were not in stock in April 2022 (The Guardian, 2022b) which directly affected the free healthcare system of the country by leaving many serious patients at risk. The prominent discussion of the economic crisis was drawn around the fertiliser policy in 2021 - an experiment in organic agriculture that affected the domestic food production of the country, such as rice production, which fell by thirty to thirty-five percent, the tea production by about fifty percent, maize production by fifty percent, potato production by thirty to fifty percent, sugarcane production by thirty to forty percent, and cinnamon

production by twenty-five percent, amongst many others (Weerahewa, Senaratne & Babu, 2022). Even though the government tried to justify the crisis as a result of the Covid-19 pandemic, there is adequate evidence that the crisis has arisen due to the corruption and irresponsibility of the authorities. The country has already been showing the signs of an economic crisis before the pandemic, such as restrictive trade regimes, weak investments, and loose financial policies like tax cuts in 2019. These have contributed to a rapid growth in debt to unsustainable levels (The World Bank, 2019). The Rajapaksha regime is mostly responsible for the crisis because Gotabhaya Rajapakshawas the president during the crisis from 2019-2022, his elder brother was the prime minister, and the third brother, Basil Rajapaksha, was the finance and economic minister during his brothers' presidencies (Pande, 2022). However, with the irresponsibility of authorities, there was a series of violations of rights to education, health, and an adequate standard of living in Sri Lanka.

Since Sri Lanka was admitted as a member state of the United Nations in 1955, the state is accountable for achieving Sustainable Development Goals (SDGs) according to the government-approved draft on 02 June 2022. However, the recent situation affecting the country due to the irresponsibility of the government has shown that the SDGs are far more than achieving even the first four goals, i.e. 'poverty reduction, undernourishment, good health and well-being, and education' (United Nations in Sri Lanka, 2022). Not only the government has failed to achieve SDGs, but also to fulfil the state's fundamental duties for its citizens as included in chapter VI of the revised edition of the constitution in 2021 as follows;

“27. (2) (c) the realisation by all citizens of an adequate standard of living for themselves and their families, including adequate food, clothing, and housing, the continuous improvements of living conditions, and the full enjoyment of leisure and social and cultural opportunities.

27. (2) (h) the complete eradication of illiteracy and the assurance to all persons of the right to universal and equal access to education at all levels

27. (9) the state shall ensure social security and welfare” (Constitution of Sri Lanka, 1978: 17-18).

The negligence of the above-mentioned fundamental duties eventually led people to stand against the corrupted political regime, and hence thousands of people came into the street protesting and demanding the resignation of President Gotabhaya Rajapaksha and Prime Minister Mahinda Rajapaksha who are the creators of the situation. People from all over the country joined the struggle day by day and the struggle became a remarkable social movement in the country's history.

## **The Social Movement - 2022 in Sri Lanka**

Referring to Nancy Langton, Swain (1988: 4-5) defines the term 'social movement' as "collective behaviours engaged in by non-institutionalized groups oriented towards achieving specific goals, particularly the goal of extracting or resisting social change". Bhonagiri (2016: 1) describes it as "movements [that] are composed of multiple collective actions. Collective action involves people doing something together repeatedly or over a sustained period to achieve a shared purpose". Therefore, it is clear that social movements are collective, in which everyone fights toward one purpose. The primary purposes may vary for social movements such as reforming the current system, espousing radical and revolutionary ideas, and enhancing or circumscribing rights (Bhonagiri, 2016). Safa (2020) explains how one of the social movements in Latin America centred on human rights violations due to the cost of living and weak provision of public service. He further explains that women played a major role in this social movement and it is one of the best examples to recognize social movements as a collective behaviour of people for their rights.

Similarly, Sri Lankan people initiated a social movement for their rights to education, health, and standard of living. The growing economic dissatisfaction led thousands of people to come to the streets in protest using creative slogans, art, theatre, dance, music, and technology, displaying their demands (Amnesty International, 2022b). The protests had no segmentation, and people from every race, religion, and class participated in the struggle for justice. Information technology and advertising professionals, doctors, lawyers, engineers, academic professionals, journalists, university students, farmers, religious leaders, and labourers joined the struggle as they are one way or another affected by the economic crisis and political instability. The Left-wing political parties, such as the People's Liberation Front (*Janatha Vimukthi Peramuna - JVP*), and Frontline Socialist Party (*Peratugami Samajavadi Paksaya*) have contributed to the movement (Devapriya, 2022). The United National Party (UNP) (*Eksath Jathika Paksaya*), and Illanke Tamil Arasu Kachchi (ITAK) also supported the social movement. This uprising movement was different from the past struggles in Sri Lanka, and the majority of young people initiated protests against corrupted political regimes (Jayamaha, 2022). The author states;

The salient feature is that respect for the concept of Democracy. And another important fact is that more than thousands of youths came forward and got together without party politics, religion, ethnicity, and gender. The place where they stay together is called '*Gota Go Gama*' (Gota Go Village) and this protest is also defined as '*Adaraye Aragalaya*' (Protest of Love). Indeed, this protest was peaceful and still, they are showing their democratic values to the international society (Jayamaha, 2022: 364).

The social movement initiated by the youth is a turning point in the country's political history and it encouraged people to focus on the emancipatory possibilities from a vast number of issues (Fernando, 2022).

On 31<sup>st</sup> March 2022, people held a protest at the president's residence in Colombo, the country's capital city. In response, the police used tear gas and water cannons to push back the protesters. According to a report compiled by Amnesty International (2022b), The police have arrested more than fifty persons, including journalists, a number of whom have been tortured and subjected to ill-treatment while in custody. In addition to that, they did not have their right to a fair trial and an assigned lawyer. In mid-April people created a protest in Colombo, naming it “*Gota Go Gama*,” which means “Gota Go Village.” This iconic protest place was the main anti-government affirmation place, which obtained global attention to corruption and its worst impacts on the people of Sri Lanka. The Sri Lankan authorities have unlawfully restricted their right to freedom of peaceful assembly, and freedom of expression by using military and police involvement from time to time (Amnesty International, 2022a). The Sri Lankan Police declared a curfew in Colombo and later extended it to the entire country. The military forces were deployed in the protest place in Colombo. Sri Lankan citizens remained in struggling with these barriers and continued to demand the resignation of the President and the Prime Minister, and the whole Rajapaksha regime, who are mainly responsible for the crisis (Radhakrishnan, 2022). At the same time, the hooligans with allegiance to Prime Minister Mahinda Rajapaksa and the ruling party, Sri Lanka People’s Front (SLPP) supporters attacked protesters in Galle Face and destroyed the protest place (Radhakrishnan, 2022). However, after three months, protesters succeeded in the struggle, and President Gotabhaya Rajapaksha and Prime Minister Mahinda Rajapaksha resigned. President Gotabhaya became the first president in the country's history to be forced to resign by a popular uprising (Devapriya, 2022). Gotabaya Rajapaksa has officially stepped down as the President by sending a letter of resignation, according to Article 38 of the Constitution, through the High Commission of Sri Lanka in Singapore effective from July 14, 2022. The Speaker of Parliament announced the resignation in a special statement and according to him, a Head of State is expected to be appointed within a period of seven days, pursuant to Article 40 of the Constitution and Presidential Elections (Special Provisions) Act (No. 2 of 1981) (The Ministry of Justice, 2016).

After Gotabhaya Rajapaksha's resignation effective from July 2022, the ruling party Sri Lanka People’s Front (SLPF) elected Ranil Wickramasinghe, who was the Prime Minister after the resignation of Mahinda Rajapaksha, as President with a parliamentary majority of 134 votes (Devapriya, 2022). The protest leaders refused to accept Ranil Wickramasinghe as the president due to reasons such as; seventy-three years old Wickramasinghe was a six-time Prime minister in Sri Lanka, he was responsible for the country’s economic and political crisis, and most importantly he came to power without people's firm mandate to become president. He is involved with the Rajapaksha regime, which is why he was voted by parliament members who were with the Rajapaksa regime in the first place (Pathirana, 2022). Above mentioned reasons led protesters to remain in the

struggle everywhere in the country while continuing the protests in the main place Colombo *Gota Go Gama*. The current President Wickramasinghe has also continuously used the military and police to control protests and activists. He has even been trying to suppress protests by imposing a state of emergency and sending air force helicopters over *Gota Go Gama* (Pathirana, 2022). President Wickramasinghe not only used the armed forces to suppress the protests, but also he used counter-terrorism laws to control protests.

### **Using the Prevention of Terrorism Act (PTA)**

Sri Lanka's current authoritative regime is using the PTA Act to criminalise dissents and suppress the social movement. The majority of young people initiated protests against corrupted political regimes, and they led the general public to make a sociopolitical change. Sri Lanka's Inter-University Students' Federation (*Anthar Vishwa Vidyalaya Shisya Balamandalaya*) was highlighted in that case because of its contribution to the social movement throughout the country. The Inter-University Federation has about seventy student unions, which means ninety-five percent of university students in the country. Therefore, it has been playing a major role in the social movement (De Alwis, 2022). The convener of the inter-university federation, Wasantha Mudalige; the convener of the Inter-university Bikshu Federation, Rev. Galwewa Siridhamma and student activist Hashan Jeewantha were arrested on August 18, 2022, under the PTA due to their involvement as student activists in the ongoing social movement (The International Federation for Human Rights, 2022). The police stated that they need to further investigate whether these activists have involved in persuading the public to set fire to Mr. Wickramasinghe's residence, caused the assassination of a parliamentarian, incited the general public to overthrow a lawfully elected government, disobeyed a court order and other acts. President Wickramasinghe had signed as the Minister of Defence, three ninety-day detention orders against the dissents Section 9 of the PTA No.48 of 1979 (The International Federation for Human Rights, 2022). Hasan Jeewantha was released without charge by the Tangalle Magistrates Court, Southern Province on October 7, 2022, after fifty days of arbitrary detention. The Terrorist Investigations Division (TID) of the police informed the court that there was no sufficient evidence to continue to hold him under the detention order (SOS-Torture Network, 2022). At the time of this study, Rev. Galwewa Siridhamma Thero was granted bail on 23<sup>rd</sup> November 2022 by the Fort Magistrate's Court and remanded by the Kaduwela Magistrate's Court for a separate case, where he was returned to remand custody. The Venerable Thero was ordered to appear at the CID once a month, and he was prevented from travelling overseas and barred from making any comment on the legal matter to the media (Farzan, 2022), while Wasantha Mudalige remained arbitrarily detained.

The PTA (Temporary Provisions) Act No.48 of 1979 was implemented during President Jayawardene's period (1977-1989) for suppressing the Tamil movement

in Northeast areas of Sri Lanka (Coomaraswamy and Reyes, 2004). After the independence in 1948 from colonial rulers, the growing tension between Sinhalese and Tamil populations led to discriminatory government policies against Tamils, therefore as a result, Tamil youths mobilised and unleashed violence alongside birthing the Liberation Tigers of Tamil Eelam (LTTE) organisation, and the government implemented the act as a counter-terrorism method (Coomaraswamy and Reyes, 2004). The act shows excessive police powers of arrest, detention, and seizure of property issued under emergency regulations. The amendment bill in 2022 and section 9 (1) permits a minister to issue a detention order for up to twelve months if it is reasonably believed that the suspect is connected to unlawful activity. (Coomaraswamy and Reyes, 2004). The police can carry out further investigations without the continued detention of the persons and thus the detention of these activists (who were involved in the protests) under the PTA is unreasonable, unfair, and vexatious, and police investigation can be successfully prosecuted under general law (The Human Rights Commission of Sri Lanka, 2022).

### **Literature Review**

There is plenty of existing literature for examining how anti-terrorism acts have been used to criminalise political dissents around the world. Using anti-terrorism laws concerning State security against political dissents and human rights defenders, which has become a trend in many countries to assimilate human rights defenders, as well as social protest movements (Inter-American Commission on Human Rights, 2015). Saudi Arabia's political dissents were fighting with demographic changes in society and with changing political dynamics within the royal family. The Saudi government used new counter-terrorism laws to suppress peaceful political activism in the country (Azoulay, 2014). Similarly, in Brazil's history of activism, 23 activists have become public and high-profile in both 2013 against increasing bus ticket fares, and 2014 against excessive spending in Fifa's world cup. The authoritative regimes have used anti-terrorism laws such as '*Leis de orgaizações*' and '*Antiterrorismo*' to criminalise activists and suppress protests (Gomes, Cavalcanti, & Abarca, 2022). Another example is evident in Turkey, where the authoritative regime used counterterrorism laws to criminalise academics for raising their voice against state violence in Kurdish-populated areas. On 11 January 2016, 1128 academics signed a petition against state violence, while the President accused this peaceful campaign of being terrorist propaganda, and thus demanded that all of them be arrested for investigations. Hence, even academic freedom has been criminalised using counterterrorism measures (Baser et al, 2017). Hence, the above information attests to the use of anti-terrorism laws to suppress protesters or activists by authoritative regimes all around the world. The current study was inspired by the above-mentioned existing literature to examine how authoritative regimes use anti-terrorism acts in Sri Lankan context. The majority of local studies have examined the concept of

anti-terrorism with references to ethnic minorities and the specialty of the current study is, it mainly focuses on political dissents and the violation of their rights.

### **Research Problem and Research Questions**

The PTA has been used for arresting activists of the social movement 2022 in Sri Lanka and it is unlawful. This study has examined how the above-mentioned anti-terrorism law is used to criminalise dissents and how it eventually affected the violation of their rights.

Hence, the study focuses on two main research questions as follows;

(i) to examine how the authoritative regime has criminalised dissents using the Prevention of Terrorism Act (PTA), and hence how it discourages the social movement in 2022.

(ii) to examine how using the Prevention of Terrorism Act caused a violation of the rights of the activists of the social movement in 2022.

### **Materials and Methods**

To examine the aforementioned research questions of the study, primary and secondary data have been collected from books, reports, journal articles, web articles, and previous studies. The collected data from texts have been analysed using Critical Discourse Analysis and Gramscian Critical Theory of Hegemony has been used as the theoretical framework.

### **Theoretical Framework**

The criminalization of dissent is currently being discussed from a variety of ontological, epistemological, and methodological vantage points. This study makes use of the Gramscian critical theory of 'hegemony' to discuss criminalising dissents and suppressing the social movement 2022 in Sri Lanka. As Gramsci explains in his book *Prison Notebooks* in 1971, the law is the repressive and negative aspect of the entire positive, civilising activity undertaken by the State, and the state represents the coercive and punitive force of juridical regulation of a country (Gramsci, 1971: 506-517). The law is also an integral element of civil society and performs an educative role 'turning necessity and coercion into "freedom"' (Gramsci, 1971: 506-517). Brabazon (2006: 4) states that the Gramscian theory suggests that "the states have employed certain tools, and these tools consciously or unconsciously restrict dissents, and dissents are not welcome in liberal democracies". Hence, the Gramscian critical theory is essentially important in the discussion of criminalising dissents and protestors using PTA concerning social movements.

Gramsci's definition of hegemony is generally understood to represent the process by which a class or group in society attempts to establish its domination/power over subordinate classes or groups through a combination of consent and coercion (Simon, 1982: 24-32). Consent (or the masses) depends on belief in certain claims



of legitimacy. The domination is commonly associated with coercive (or the ruling class) state action by the courts, the police, the army, and the national guard (Litowitz, 2000: 515). A hegemonic project must appear to benefit the dominated and to be the only option. A challenge or threat could take the form of opposing groups that share a worldview and expand power gradually, the most effective resistance to a hegemonic project is to develop a counter-hegemonic project which delegitimizes the legitimating claims of the hegemonic project (Simon, 1982: 24-32). When the hegemony is faced with a “crisis of legitimacy” due to a serious threat, coercive mechanisms and all available resources are employed including instruments of the state apparatus such as institutes, budgets, communications campaigns, public consultations, and law. Therefore, quoting Habermas and McBride, Brabazon (2006: 4) explains that dissent is thus permitted in a liberal democracy, but only until it truly threatens the dominant hegemonic project. In light of this theoretical background, I will now examine how using the PTA criminalised dissents and suppressed the social movement 2022 in a broader context, causing violations of fundamental rights in the Sri Lankan context.

## **Results and Discussion**

This paper primarily concerns the identification of protesters as terrorists and their detention under the prevention of terrorism. Even though it is clear that the protesters and activists have not committed any ‘terrorist’ activities, why did the government of Sri Lanka systematically construct their image as terrorists and used the PTA? This presupposes the underlayer of a hegemonic power in addition to the intended suppression to keep the control of the public to retain power by the authoritarian regime. In exploring this matter, the following section discusses under two sections i.e. (i) criminalising dissents using the PTA and discouraging the ongoing social movement, and (ii) using the PTA and fundamental rights violations of activists. There are both international and national human rights criticisms of the PTA, which will be further addressed alongside the analysis with Gramscian critical theory of hegemony.

### **Criminalising Dissents and Suppressing the Social Movement**

Sri Lankan authorities justified their cause to investigate the student activists, who were arrested under the Prevention of Terrorism Act (PTA) in different ways using responsible parties as the mouthpiece. The country's public security minister Tiran Alles stated in his parliament speech on 24th December 2022 that investigations have uncovered that struggle activists inciting terror and investigations are ongoing and many revelations will be made in the coming days (2022). The police media spokesman has justified the arrest of activists under the Prevention of Terrorism Act in media discussions. Attorney-at-Law and human rights activist Nuwan Bopage stresses that the police produced a B report on the

protesters but did not mention any action related to an act of terror or toppling the government (Farzan, 2022). The HRCSL (2022) defines ‘terrorism’ as;

Any person by the use of threat or use of force and violence by unlawfully targeting the civilian population or a segment of the civilian population with the intent to spread fear thereof in furtherance of a political, ideological, or religious cause commits terrorism (The HRCSL, 2022: 2).

Hence, it is evident that the ruling regime had an intention of criminalising political dissents and controlling social movements. The Fundamental Rights petitions filed in the Supreme Court challenging the legality of using the PTA by President’s Counsel Saliya Pieris with M.A. Sumanthiran and Attorney-at-law Manjula Balasooriya appeared for the petitioners (Sooriyangoda, 2022). The Supreme Court has given the permit to name Western Province Senior Deputy Inspector General of Police, D. Tennakoon as a respondent in a Fundamental Rights petition filed on behalf of Wasantha Mudalige, who was arrested and detained under the PTA (Sooriyangoda, 2022). The Supreme Court further observed that until now, there is not an iota of evidence placed before the Court to support the detainee's engagement in terrorist activities (Sooriyangoda, 2022). The authoritative regime’s decision for using the PTA proved the Gramscian theory, which explains that the state has employed certain tools and these tools are used to restrict dissents, and domination is commonly associated with coercive state action (Litowitz, 2000, p:515). Apart from them, the responsible persons act as a mouthpiece to justify the cause of arbitrary detention of activists under PTA also related to the state tools used for domination and restrictions referred to in this theory.

The student activists have appeared for the rights of citizens which were violated by irresponsible politicians in Sri Lanka. Thousands of people were inspired by these young student activists and participated in protests with a common objective. The police have arrested activists using a selective application of the law (SOS-Torture Network, 2022). For Gramsci, the most effective resistance to a hegemonic project is to develop a counter-hegemonic project which delegitimizes the legitimating claims of the hegemonic project (Simon, 1982: 24-32). Therefore, activists are playing an important role in protecting the rights of citizens as well as changing the corrupted system by becoming a counter-hegemonic project. Now Sri Lankan political hegemony has faced a “crisis of legitimacy” due to the threat of this counter-hegemony initiated by political dissents. Hence, hegemony, represented through the use of the law, specifically the Prevention of Terrorism Act, to control the dissents, is trying its best to implement different types of tools to suppress both dissents and social movements. Therefore, the use of the PTA is, in its intent as a legal instrument, one of the most powerful hegemonic tools the corrupt regime has used. Still, it is utilising not only to suppress but also to criminalise the ongoing social movement in Sri Lanka.

In pointing out the misuse of PTA, Lawyer C. Galappatti of Lawyers for the Rule of Law explains that the PTA should really be used to protect people from terrorists, but what Sri Lanka's president is doing is now using the law to protect terrorists (the ruling class) from the citizens. He further adds that 'terrorists are political rogues who have robbed the country's wealth from ports and airports' (UCA News, 2022). In relation to Gramsci's definition of hegemony which highlights a class or group domination over a subordinate class or group, in the Sri Lankan context, two classes can be identified: corrupted political elites, and citizens. No matter the political party the citizens belong to, the corrupted politicians are in the same class or group, and citizens belong to the other class whose rights are violated by corrupt politicians. This was evident in the instance in which the current president Ranil Wickramasinghe was elected as the president with a majority of votes of his opposing political party. Now, with the support of the politicians in power, the president tries to implement different types of tools to control and suppress political dissents. When the hegemony is faced with a crisis of legitimacy, it deploys all available resources, such as budgets, communications campaigns, and public consultations. Now the authoritative ruling regime has labelled activists as terrorists or criminals in Sri Lankan society by using a counter-terrorism law (Collective, 2022). Hence, the main purpose of using a counter-terrorism law is to criminalise dissents while preventing citizens from gathering with activists for their rights. The government uses all faithful media such as newspapers, Television, and Radio to spread negative news about activists to retain the hegemonic power of the ruling class.

### **Violating the Fundamental Rights of Activists**

As Gramsci's theory on hegemony explains a class disparity in society that attempts to dominate power over subordinate classes or groups, in this study, it is evident that the ruling class or the hegemonic group does not consider even the fundamental rights of dissents in the country. The hegemony's main purpose is to utilise every possible resource to control them which is also the way a hegemonic group protects itself from a counter-hegemonic group. When considering the Sri Lankan current context, the hegemonic ruling class has completely neglected the fundamental rights of activists (who represent the class of citizens). Both international and national human rights defenders, legal professionals, as well as political activists, have shown that using the PTA is unlawful and unfair since those student activists are involved in protests against corruption and irresponsible political regimes, in addition to the fact that every citizen has the right to protest, guaranteed in both national and international laws (United Nations, 2022). The police can carry out further investigations without the continued detention of these persons and detention of these activists under the PTA is unreasonable, unfair, and vexatious, and police investigation can be successfully prosecuted under general law (The Human Rights Commission of Sri Lanka, 2022).

The current president Ranil Wickramasinghe delivered a speech on 25<sup>th</sup> November 2022 in the parliament saying about his plan for controlling the upcoming protests of citizens as follows;

There are plans to initiate another ‘Aragalaya’ (struggle) to change the government. But I won’t give space for that. I will get the military and the forces and I will impose a state of emergency (Gunadasa, 2022).

This clearly shows his authoritarian approach particularly to the right to protest and citizens’ fundamental rights violation, although the rights have been established in both internationally and nationally accepted policies.

On 11 June 1980, Sri Lanka acceded to the International Covenant on Civil and Political Rights (ICCPR) (Amnesty International, 2022). As such, Sri Lanka is bound to protect the civil and political rights of its citizens. Those rights are explained in the articles such as; article 7: freedom from torture, or cruel, inhuman or degrading treatment, and Article 9: the right to liberty and security of person, all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Other articles such as article 10 have stressed that everyone shall have the right to recognition everywhere as a person before the law, and articles 16, and 19 stress the importance of both freedom of expression and peaceful assembly (United Nations General Assembly, 1966). The authorities have violated activists’ fundamental rights, such as freedom of expression, peaceful assembly, freedom of association, freedom from torture, or cruel, inhuman, or degrading treatment, and right to liberty and security by arresting them under the Prevention of Terrorism Act (The Human Rights Commission of Sri Lanka, 2022). Furthermore, the Constitution of Sri Lanka included the fundamental rights of freedom from torture, or cruel, inhuman, or degrading treatment or punishment, freedom from arbitrary arrest, detention, and punishment under Article 11, and rights to freedom of expression and peaceful assembly in Article 14 (l) (a) and (b) (Constitution of Sri Lanka, as amended in 2020). It was evident that authorities have not considered the rights established in the country's constitution, and have arrested activists under PTA (The Human Rights Commission of Sri Lanka, 2022). Hence, it is evident that the authoritative political regime in Sri Lanka has violated the fundamental rights of the political activists who were arrested under the PTA, included in both national and international policies. Many civil community organisations raise their voice while protesting against using a counter-terrorism act to arrest the activists, and the authoritative government has been using police to control them. The UN Special Rapporteur for Freedom of Association has informed that the authority should ensure the people's rights to assembly in Sri Lanka. He further explains that considering the protests planned by the Inter-University Students’ Federation in Colombo, Sri Lankan authorities must respect the right to assembly (Farzan, 2022). Hence it is clear that the authoritative regime in Sri Lanka does not even consider the fundamental rights of citizens when citizens become a

counter-hegemonic project against the corrupted hegemonic authority. In Gramscian words, ‘the ruling class implements its full potential tools to control people's uprising’.

## **Conclusion**

In conclusion, it was evident that the authoritative regime criminalised the political dissents by arresting them under the PTA, which also caused fundamental rights violations of dissents. The provisions of the PTA and its application have long been the subjects of severe criticism both nationally and internationally. On March 29, 2022, some sections of the PTA were amended, however still do not bring the legislation in line with international human rights law and standards and are thereby wholly insufficient (Amnesty International, 2022). The Human Rights Commission of Sri Lanka (HRCSL) as well as the UN High Commissioner for Human Rights (UNHCR), also denounced the reforms as insufficient. While it is evident that the way of using this act is harmful to the democracy in the country, discouraging the peaceful movements of citizens, it also violates the fundamental rights of the citizens. The article used the Gramscian theory of hegemony as a lens to highlight that the use of the PTA is a powerful hegemonic tool that not only suppresses the dissents but also criminalises them, leading to a long list of human rights violations. The counter-terrorism law has become a tool for the hegemonic ruling class to protect people's uprisings and to control alternative political mechanisms.

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