

Sri Lanka: Women victims of the Prevention of Terrorism Act

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Nearly three years have passed since the deadly 2019 Easter Sunday bombings. While failing to prosecute the actual perpetrators, the state has single-handedly used the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 (PTA) as a cudgel to persecute the entire Muslim minority. As was experienced by Tamils during the civil war; women are uniquely victimised by the state's overreach - either as collateral damage of arrests under the PTA, or targeted themselves because of family ties with detained men.

The vast majority of recent PTA detainees are Muslim men from Batticaloa and Mawanella, arrested for dubious links to the suicide bombers or to the banned National Thowheeth Jama'ath (NTJ) group. In Kattankudy, one three-wheeler driver was arrested for delivering food once for NTJ leader and suicide bomber Zahran Hashim's class, another man for having booked bus seats for the bombers, and still another for fixing a television antenna in one of the suicide bombers neighbourhoods. A man who bought a motorcycle belonging to Zahran's brother has been arrested, as has a person whose van was suspected of being used for unspecified "extremist activities" - when the insurance company tried to seize that detainee's van due to the non-payment of instalments, the brother-in-law who helped the family salvage the van was also arrested. Some have been arrested for unwittingly attending Zahran's training in Nuwara Eliya and Hambantota, when they believed that they were simply going for a trip. Many were daily wage labourers in shoe making shops, small restaurants, and roadside boutiques. They have been swept up in mass arrests and have been locked up for over 34 months, longer than the 18 months allowed under the PTA. One wonders whether the amendments proposed to the PTA to reduce detention from 18 months to 12 makes any sense to these detainees. And whenever they are finally released, they will have lost their livelihoods and suffered reputational damage and psychological trauma because of their prolonged arbitrary detention under the PTA.

Now the PTA advisory board is releasing some of those wrongfully detained; but interestingly, the terms and conditions of cancelling their detention orders are very harsh. For the rest of their lives, these men and their families will be under the grip of the state intelligence apparatus, similar to Tamil "rehabilitated" men and women. The conditions of the suspension of the detention order include informing the Officer-In-Charge (OIC) of the Counter Terrorism and Investigation Division (TID) of a change of residence, any plans for local travel with requirements to report back on return, monthly reporting to its Colombo office, reporting to the OIC within 72 hours of notification, and obtaining prior written approval from the Director of Counter Terrorism for any travel abroad.

Mohamed was arrested for allegedly having connections with local and foreign Muslim extremists and sharing extremist videos while he was just a school student. Mohamed's mother Ismiya was happy to see her son who has been detained for almost 11 months returning home unexpectedly. Now, on his return, he should abide by the above conditions. Ismiya is a single mother who has three girls and lives in a rented house. She hoped to send Mohamed to the Middle East once he finished his General Certificate of Education Advanced Level (GCE A/L) examination so that she could build a

house and give her daughters in marriage. Mohamed now cannot even travel to other districts without the TID knowing, let alone go abroad.

What often goes unnoticed is that women bear the brunt of these mass arbitrary detentions. The cost they pay is heavy in a patriarchal society when their breadwinners are detained by the state. Often, arrest receipts are not promptly issued, leaving spouses unaware for days (and in some cases, weeks) of where their loved ones are detained. Most families are too poor to travel to detention centres outside their districts and are able to visit their loved ones only when the International Committee of the Red Cross provides a travel allowance. Many lawyers are reluctant to offer counsel, afraid of facing surveillance and harassment themselves. Filling this void, some unscrupulous lawyers swoop in and extort vulnerable families, promising to secure bail without explaining that bail is only available to pre-trial PTA detainees with the Attorney General's consent. Desperate to secure the release of their primary breadwinners and unaware of the legal landscape, many poor families fell into this trap, and some also sold jewellery – the only asset they had. One young lady sold her house to pay the legal fee and settle a loan since her husband's business collapsed after his arrest.

When a primary breadwinner is detained, those left behind have to pick up the pieces. Some women in conservative households have ventured out to work for the first time. A woman named Jaziya started weaving fishing nets after her husband was detained. She makes just Rs. 300-350 per day – not enough to send her teenage son to a different school after his school was closed. Other women have reported selling household items, valuables, and land to survive.

As they struggle to keep their households running, wives of detainees are visited by security agencies and summoned to the police stations. Security personnel obtain information from the families and then write statements in Sinhala that they cannot understand. Women report feeling unsafe with these frequent visits by male security forces, and fearful of the community censure these visits bring. Just last month, a TID officer went into the home of one PTA detainee and confiscated the sewing machine belonging to his wife, claiming that her husband had used this sewing machine to stitch clothes for suicide bombers and thereby stripping her of her sole source of income to look after her three children. That woman filed a complaint with the Human Rights Commission of Sri Lanka, but many are afraid to travel alone to seek assistance from different entities.

Detention of a loved one brings community censure, further isolating already marginalised women. For example, one woman named Fathima explained how the detention of her brother had affected not only her family's income – forcing her and her mother to weave mats for subsistence – it also affected her marriage prospects and ended her engagement. Although she is married now, she keeps her husband separate from anything connected with her brother, fearing that even accompanying her during prison visits could result in her husband being detained.

Those who assist families of detained persons are likewise placed under surveillance and interrogated, further isolating affected families from social support. For example, one woman who distributed food rations from a civil society organisation came under surveillance. Well-wishers and local charities are harassed when they offer support, and are called in for questioning by intelligence officers as to their connections with the detainees or on made up accusations that they are part of the banned NTJ. On top of this, the society permanently ostracises the relatives of detainees for being “menaces”. Thus, although the state might detain only the head of the household, women who are left behind are themselves treated as security threats and denied the care and services they need to sustain basic family life.

Resisting global calls to repeal the PTA, the Government has tried to strengthen it with proposed “deradicalisation” regulations while recently proposing mere window dressing reforms. Concerned

that the deradicalisation proposal mirrored China's Uyghur policies, the European Parliament recommended suspending the General Scheme of Preferences-Plus (GSP+) trade status with Sri Lanka last June. The Supreme Court has stayed the operation of the deradicalisation regulations pending the conclusion of fundamental rights petitions, and additional challenges may be raised against the half-hearted PTA reforms recently proposed. Last year, we heard many desperate families being pressured to sign statements agreeing to send their loved ones to rehabilitation. These families fear that unless they agree to rehabilitation, their loved ones could be placed in remand custody for several years. Rehabilitation thus seems to be the only way to limit arbitrary detention to two years and a secure release.

The problems are only compounded where women are the ones detained. In Batticaloa, 16 "B" reports have been filed against 66 persons, of whom six are women. The state has successfully kept these individuals in remand custody without any mention of the charges, saying simply that investigations into the Easter attacks are ongoing. Most of the women in custody are detained for being related to the Easter bombing suspects or for listening to a sermon of the now-banned NTJ. Hailing from poor, religiously-conservative backgrounds, these women barely stepped outside their homes, much less kept abreast of what their male relatives did. One 57-year-old woman is detained because her daughter is married to a suspect who allegedly gave technical support to the Easter Sunday bombers. Suffering from breast cancer for the last 10 years, she has not received adequate medical care. A 22-year-old was arrested in December 2021 because she was married to a bombing suspect - her one-year-old baby is now growing up without a mother. The same is true for two other mothers, aged 38 and 25, who were arrested under the PTA purely because of their marital ties to the alleged Easter Sunday attack suspects. In both cases, the children are staying with frail and elderly grandmothers, who struggle on a subsistence wage to raise the children.

Like their Muslim sisters, Tamil women continue to be arrested under the PTA, based on nothing more than their contact with male suspects. One middle aged housewife was detained by the TID after unwittingly paying Rs. 300,000 to an agent with hopes of going to New Zealand, not knowing that the "agent" was wanted in connection with terrorism-related money laundering. Three years after her arrest, she still remains in remand custody. Due to financial difficulties, her teenage daughter was forced to wed. Another Tamil woman was arrested on suspicion of being in contact with a wanted suspect. She was forced to sign a document without knowing its contents and has been separated for three years from her 10-year-old daughter, who has had to grow up in a children's home. Another woman was arrested after trying to visit her younger brother in police custody; she remains in remand custody almost for three years now, leaving her feeble mother-in-law to look after her disabled husband and two children.

Over 25 women are currently detained under the PTA. These women all come from poor families and are being held almost entirely due to their relationships or contact with male suspects. Because of their poverty, they lack access to effective legal representation. They all have children or dependents who rely on them for subsistence and support. After years in jail without access to each other, family bonds are shattered, and new traumas are formed. One detainee has reported being tortured to sign a confession while in remand custody. While many of these women languish in detention for almost three years, no charges are brought nor clear reasons given for their arrest.

Ultimately, the same story repeats. Having failed to stop the Easter attacks or deliver justice to its victims, the state has committed to persecuting an entire community to show the Sinhala majority that it is taking action. Trampled in this tough guy approach of mass arrests and prolonged arbitrary detention are women from poor communities who are either collateral damage or face arrest themselves based purely on whom they know. The stark reality of these increasingly isolated women receives scant attention as the state consciously destroys their lives and families with no due process nor reparation in sight.

Shreen Saroor is a Co-Founder of the Women's Action Network

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