



**PERMANENT MISSION OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA TO THE UNITED NATIONS OFFICE, GENEVA**



31 July 2019

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Vice-Chair of the Working Group on Arbitrary Detention

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Special Rapporteur in the field of cultural rights

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Special Rapporteur on adequate housing as a component of the right to an adequate
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**Joint Urgent Appeal from Special Procedures Mandate Holders
Response of Government of Sri Lanka (GoSL) to the Joint Urgent Appeal**

Reference our letter dated 29 May 2019 on the above subject.

The Government of Sri Lanka (GoSL) wishes to share this additional update further to its initial response dated 29th May 2019 regarding the Joint Urgent Appeal (UA/LKA3/2019) of 27 May 2019 submitted by 10 Special Procedures Mandate Holders, seeking clarifications and information on allegations regarding "communal violent attacks targeting religious minorities particularly Muslims", and requesting updates on the status of "displaced refugees and asylum seekers".

At the outset, the Government wishes to express its appreciation to all the mandate holders for engaging with Sri Lanka and refraining from any public pronouncements on the challenging situation faced by Sri Lanka following the series of horrendous terrorist attacks by persons inspired by ISIS ideology, which targeted innocent civilians at worship and celebrations on Easter Sunday, causing the death of 258, including several dozen foreign holiday makers.

As you would observe, the Government took all possible immediate measures to prevent any retributive acts of civil unrest, and immediate measures were put in place to maintain law and order and most importantly to ensure the safety and security of all peoples, particularly the Muslim community of Sri Lanka. The constructive and reconciliatory approaches and calls made by civil and political leadership of the country which helped contain the situation were widely acknowledged and appreciated. The Muslim community particularly took proactive measures to cooperate with the security agencies in their investigations and search operations.

It is in such a backdrop that the unfortunate incidents of civil unrest erupted in several places of the country in mid May, particularly targeting the Muslim community and their properties. The Government unequivocally condemns all these cowardly and politically motivated mob attacks. It is with a deep sense of responsibility and commitment towards securing the safety, security and rights of all Sri Lankan citizens that the Government has re-imposed State of Emergency, and you would recognize that this kind of extraordinary situation warrants the imposition of emergency measures to counter further escalation of violence. In such a context of dynamic security requirements, the security forces merit particular commendation for their prompt and professional action to eliminate all key elements involved in the attacks and in mitigating the further spread of violence. Hence, the Government respectfully disagrees with your inaccurate assertion that "security forces in many of the locations have been passive bystanders failing to intervene to maintain order and to ensure protection against aggressive mobs".

As assured in its previous communication, for the information of the mandate holders, the Government wishes to furnish below an account of the latest situation including measures taken to ensure peace, security and well-being of the Sri Lankan people in the aftermath of the Easter Sunday attacks:

a) The investigations following the Easter Sunday attacks and the incidents of violence on 13 May:

Nearly three months following the attacks, the country has made significant progress in taking control of the situation and in reassuring the safety and security of all Sri Lankans and visitors to the country. Through giving effect to relevant provisions of laws and setting in place necessary legal processes, order and the rule of law has been firmly re-established.

The State of Emergency was declared only with a view to guaranteeing the safety of the public and ensuring that law and order is upheld by law enforcement authorities. Emergency Regulations will be extended by the Parliament in the sole interest of public security and preservation of public order, and also to enable those suspects in custody to be retained pending conclusion of investigations. Furthermore, as a protective measure, it was felt that road checks and guarding of vulnerable locations, including schools, religious institutions and diplomatic missions was necessary, and the security forces were thus entrusted with this mandate.

It is important to acknowledge in this regard the understanding and support extended by all moderate sections of our communities, in particular, members of the Muslim community who have cooperated with the GoSL as well as the security forces in identifying terrorist elements and preventing further attacks. Sri Lanka also wishes to acknowledge the assistance provided by a number of bilateral and international partners in the immediate aftermath of the terrorist attacks, to facilitate investigations, assess any external financial support rendered to the suicide cadres and surrendering some key suspects who were hiding in their countries.

Three local organizations namely [REDACTED] and [REDACTED], inspired by the ISIS ideology have been identified as being responsible for the Easter Sunday Attacks. Sri Lanka has now proscribed these three organizations under Emergency Regulations, while action has been taken to list them under the UNSCR 1373.

In the wake of Easter Sunday, 2422 individuals have been arrested, on suspicion in connection with the attacks. Of those arrested, over 1600 individuals have been released on bail. It is important to note in this context that the Supreme Court of Sri Lanka, on 17 June 2019, issued 20 guidelines to be followed by law enforcement authorities, which strictly call on such officials to, among others, respect the principles of non-discrimination in arrests, and the non-use of torture. The Human Rights Commission of Sri Lanka subsequently issued their own guidelines on 2 July 2019, on the standards to be upheld in preventing arbitrary arrest and detention. Moreover, as per Sri Lanka's legal framework, any person deprived of liberty shall have the right to communicate with and be visited by his relatives, attorney-at-law or any other person of his choice.

It can be categorically stated that the incidents of violence that occurred 3 weeks after the Easter Sunday terrorist attacks in several places by mobs were not communally motivated but caused by unruly elements to discredit the Government. However, these mobs were speedily brought under control and have been efficaciously addressed by the Government through a number of arrests and by bringing to justice alleged perpetrators. Police curfews which were imposed in multiple areas of the country, particularly in the Western and North-Western Provinces as a temporary measure to prevent civil disturbances have hence been lifted.

151 individuals were arrested following the incidents which occurred on 13 May 2019. As of 28 June 2019, 10 suspects remained in remand and 141 have been granted bail by the Courts. In addition, on the most unfortunate incident of a Muslim man succumbing to his injuries upon being attacked by a mob in his workshop in the Puttalam district, 2 persons were arrested in connection with his death and remain in

custody. It is important to note that the ICRC has been provided full access to all detainees within 48 hours after arrest, despite the heightened security environment.

Further, a compensation scheme is being implemented to pay for the damages caused during the incidents. The payment of compensation is being processed by the newly established Office for Reparations. In addition to the above measures, the Cabinet approved a proposal to set up a Trust Fund to look after the well-being of 33 children orphaned by the Easter Sunday attacks. The Treasury has already allocated Rs.100 million towards this trust fund and another Rs. 300 million is anticipated from outside contributions.

The GoSL is making arrangements to pay Rs one million as compensation in respect of the victims of the Easter Sunday attacks and a maximum of Rs 500,000 to each injured person. Rs 185 million had been already paid as compensation for 189 persons who died and more than Rs 53 million had been paid in respect of 403 injured.

In addition, the Sri Lanka Army and Sri Lanka Navy have completed the reconstruction of the damaged Katuwapitiya St. Sebastian's Church, Batticaloa Zion Church and the Colombo Kochchikade St. Anthonys' Church.

In response to the request made by H.E. President Sirisena to the UN Secretary-General, the UNOCT and the CTED are cooperating with the Government in its efforts in countering terrorism and violent extremism.

CTED, undertook a visit to the country in early June. Sri Lanka will be working closely with the UN on adopting a Plan of Action for countering violent extremism, and also promulgating the relevant UNSCRs relating to Foreign Terrorist Fighters.

Additionally, Sri Lanka has also enhanced its dialogue with the EU on counter-terrorism cooperation, and held the first Ad-hoc Counter-Terrorism dialogue in Colombo, with the EU delegation. The EEAS counter-terrorism directorate also attended the dialogue.

The GoSL, through a Parliament Sectoral Committee, is in the process of considering proposals to finalize the Counter-Terrorism Act which is intended to replace the Prevention of Terrorism Act (1978). All stakeholders, including the Human Rights Commission of Sri Lanka, have been consulted in this context given the importance of bringing legislation that is on par with international standards and best practice.

As also acknowledged by the High Commissioner for Human Rights in her address to the ongoing 41st Session of the Human Rights Council, the independent institutions including National Human Rights Commission of Sri Lanka have made bold interventions during the present situation and the judiciary has maintained its integrity and independence.

2) Addressing hate speech:

Having suffered the scourge of separatist terrorism for nearly three-decades, the people of Sri Lanka had been enjoying their hard-won peace and freedom, and had embarked on the arduous path of reconciliation and national healing over the last decade.

The Easter Sunday attacks remind us that we are fighting a common adversary in terrorism, radicalization and violent extremism, which is a global threat. Our people have lived side by side amicably despite racial and religious differences for centuries, and they continue to do so. In this instance, the Government is committed to working with all segments of society in fostering one national identity while respecting cultural inheritance, in order to avert polarization of communities.

The Government has also made conscious efforts to engage with and update the diplomatic community based in Colombo, particularly the Member States of the OIC, who have been regularly meeting the highest political leadership of the country.

The members of the [REDACTED] have engaged with the Government including with the President of Sri Lanka, where it has been assured that their concerns would be addressed with deep sensitivity and equanimity. Stringent measures were taken by the Government to contain hate speech. Further, the political and religious leadership of the Muslim community, which extended cooperation to continue investigations, has called for an "inward retrospection" of certain practices within the Muslim community to work towards strengthening the unified Sri Lankan identity.

The Government of Sri Lanka has already initiated the setting up of an inter-religious council aimed at raising awareness and solidarity, building peace and promoting reconciliation among all communities in Sri Lanka, thereby further strengthening the efforts already undertaken in this respect. Accordingly, any incidents of hate or incitement to violence are being tackled through the engagement of law, effective law enforcement as well as strengthened and informed dialogue towards building mutual understanding and accommodation of diversity.

Sri Lanka is also committed to protect freedom of religion and belief. In its progressive approach to institutionalizing all human rights, and as per the standing invitation extended to all Special Procedures Mandate Holders of the UN Human Rights Council, the Special Rapporteur on Freedom of Religion or Belief will undertake a country visit from 15-24 August this year. This visit takes place further to the visit of the Sub-Committee on the Prevention of Torture (SPT) in April 2019, and the visit of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, and the Independent Expert on Protection Against Violence and Discrimination based on Sexual Orientation and Gender Identity.

Following the Easter Sunday attacks, the Government imposed a temporary block on access to social media and made all efforts to prevent the spread of misinformation, hate speech, bigotry and blasphemy, in order to curtail the proliferation of violence. Immediate action was taken to curb the escalating tensions by temporarily limiting access to sites and communication software such as Facebook, WhatsApp, Viber, IMO and YouTube accordingly.

3) Situation of asylum seekers and refugees:

Following the incidents on 21 April 2019, the Government has guaranteed the safety and security of the displaced asylum seekers and refugees in collaboration with the UNHCR. Over 1,100 asylum-seekers and refugees were relocated to more secure venues, voluntarily, as a precautionary measure. Some have returned to their original places of residence in recent weeks. The Police and Army have provided security to

the locations, where the refugees are currently housed and the GoSL, the UNHCR and NGOs are providing food, health and other services. At present, there is no record or report of reprisals, physical attack, or any form of violence against asylum seekers and refugees. This clearly evidences the Government's commitment to ensuring the safety and well-being of these vulnerable persons, despite Sri Lanka not being a party to the 1951 Refugees Convention.

As of date, over 300 individuals have been identified for third country resettlement by expediting the UNHCR Refugee Status Determination process. In the case of any failed asylum seekers, the Government will exercise its sovereign prerogative to take steps according to its immigration and emigration laws.

In view of present space constraints at the Mirihana Detention Centre, measures have been taken to construct a new center that would address some of the logistical issues including space and facilities.

The Government wishes to reiterate its commitment to further improve the situation and we are pleased that many countries that imposed travel restrictions have either lifted or reclassified their advisories, reflecting the country's return to stability in security. While Sri Lanka is making efforts to come to terms with this unprecedented tragedy and ensure long term reconciliation and harmony, we earnestly request that the esteemed mandate holders continue to engage with the Government by sharing any good practices and experiences and reciprocating in the letter and spirit the same goodwill and engagement extended by the Government. We are of the view that any public pronouncement by the mandate holders on Sri Lanka will be counterproductive and will only embolden those politically motivated extremist elements to capitalize on such initiatives. Instead we place our trust in engaging in dialogue with your good offices.

Please, accept esteemed mandate holders, my highest considerations and personal regards.

Sincerely,



Ambassador and Permanent Representative to the UN.