



No. 273/2020

Ref: HR/50 & HR/77

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva and other International Organizations in Switzerland presents its compliments to the Special Procedures Branch of Office of the United Nations High Commissioner for Human Rights (OHCHR), and has the honour to refer to the latter's note OL LKA 9/2020 of 10 December 2020 forwarding a joint communication from the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

The Permanent Mission wishes to transmit herewith the comments of the Government of Sri Lanka on the above joint communication.

The Permanent Mission appreciates if the attached GoSL comments, sent within the period of 48 hours, could be published along with the joint communication of the special procedures, as indicated in the penultimate paragraph of the joint communication, when the Special Procedures Branch proceeds with such publication on the communications reporting website.

An acknowledgement of receipt of this note and the attached comments would also be appreciated.

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Special Procedures Branch of the Office of the High Commissioner for Human Rights (OHCHR), the assurances of its highest consideration.

Geneva, 12 December 2020



Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights
Geneva

Response to the Joint Communication received from two UN Special Rapporteurs

It is noted that the Government of Sri Lanka has been provided only 48 hours to comment on the communication. It would be appreciated if the special procedures afford adequate time to the States to engage and respond to lengthy commentaries of this nature particularly where the matter pertains to legislation that has already been enacted in accordance with the Constitutional provisions of the State concerned. In this context, without prejudice to the above, the following may be noted:-

1. The Bill titled "20th Amendment to the Constitution" was published as a supplement to Part II of the Gazette of 28th August 2020 in accordance with Article 78 (1) of the Constitution of the Democratic Socialist Republic of Sri Lanka.
2. The said Bill was duly placed on the order paper of Parliament by the Minister of Justice on 22 September 2020.
3. Several petitioners in special determination no. 1-39 of 2020 invoked the jurisdiction of the Supreme Court in terms of Article 121(1) of the Constitution of the Democratic Socialist Republic of Sri Lanka in respect of the said Bill. A number of petitioners also sought to intervene in these proceedings under Article 134 (3) of the Constitution.
4. The said Bill was taken up for deliberation by Supreme Court on 29, 30 September and 1 October 2020.
5. The Supreme Court submitted its determination in relation to the Bill titled "The 20th Amendment to the Constitution" to the Parliament of Sri Lanka. (A copy is annexed herewith.)
6. Having considered the determination of the Supreme Court, amendments were moved at the Committee Stage of Parliament and the said Bill was passed with a 2/3 majority of the Members of Parliament voting in its favour. As such, it may be noted that the 20th Amendment to the Constitution was passed in full compliance with the Constitutional procedure set out under the Constitution of the Democratic Socialist Republic of Sri Lanka.