



No. 329/2021

Ref: HR/50

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 the Office of the United Nations High Commissioner for Human Rights (OHCHR) and has the honour to refer to the latter's Note Verbale OL LKA 3/2021 dated 09 August 2021 forwarding a joint communication from seven special procedure mandate holders.

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

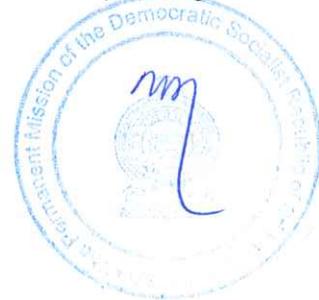
The Permanent Mission requests that the attached GoSL comments, sent within the period of 48 hours, be published along with the joint communication of the special procedures, as indicated in the penultimate paragraph of the joint communication, when the Special Procedures Branch proceeds with such publication on the communications reporting website, as well as in any other report that would contain the joint communication.

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 United Nations High Commissioner for Human Rights (OHCHR), the assurances of its highest consideration.

Geneva, 11 August 2021

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



Government of Sri Lanka response to the Joint Communication received from seven UN Special Procedures Mandate Holders concerning Prevention of Terrorism (De-radicalisation from holding violent extremist religious ideology) Regulations No. 01 of 2021

1. The Government of Sri Lanka (GoSL) wishes to refer to the Joint Communication (OL/LKA/3/2021) dated 09 August 2021, submitted by seven Special Procedures Mandate Holders, seeking clarifications and information concerning Prevention of Terrorism (De-radicalisation from holding violent extremist religious ideology) Regulations No. 01 of 2021.
2. 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. This unfortunate practice is a matter of concern to Sri Lanka.
3. In this context, without prejudice to the above, the following may be noted:-
 - a. The Prevention of Terrorism (de-radicalization from holding violent extremist religious ideology) Regulations No. 2021 published in the Gazette Extraordinary No. 2218 /68 dated 12.3.2021 have been challenged by Fundamental Rights Applications before the Supreme Court of Sri Lanka. The cases are due to resume for Leave to Proceed on 24th August 2021. Pending leave to proceed on these cases, the Supreme Court has made an interim order to stay the operationalization of the Regulations.
 - b. It is recalled that in the aftermath of the three decades conflict against terrorism in May 2009, the Sri Lankan government decided on the more humane path of rehabilitating and releasing of thousands of former LTTE cadres instead of prosecuting them. Due to the Government's progress and true commitment with regard to its children and the former child soldiers and considering Sri Lanka's successful completion of Security Council- mandated programmes to end the recruitment and use of children in armed conflict, Sri Lanka was delisted from the SG's list of shame (Annex II of the UN Security Council Resolution 1612 on Children and Armed Conflict) in June 2012. The purpose of the regulations issued in Gazette No. 2218/68 is to similarly rehabilitate the suspects being arrested in this latest investigation into terrorism, instead of prosecuting them.
 - c. Furthermore, the Government of Sri Lanka has undertaken a commitment at multilateral level to revisit the provisions of the Prevention of Terrorism Act (PTA) with a view to making the appropriate amendments in line with international best practices and human rights norms and standards. A Cabinet Sub-committee, and an Officials Committee to assist the Cabinet Sub-Committee, were appointed on 21 June 2021 to revisit the PTA in order to ensure that Sri Lanka's counter terrorism legislation balance national security concerns with Sri Lanka's international human rights undertakings. The Officials Committee has commenced its work and mandated to produce a report in due course.