



No. 395/2021

Ref: HR/50

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office at 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 No. AL LKA 4/2021 dated 17 August 2021 forwarding a joint communication from communication from five special procedures 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 60 days, could be published along with the joint communication of the special procedures, as indicated in the text 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 at 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, 14 October 2021

Office of the 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 five UN Special Procedures Mandate Holders concerning the alleged arbitrary detention, threats and intimidation against Mr. Suresh Nandimal Silva, Mr. Senaka Perera, Mr. Tharindu Jayawardhana and Mr. Joseph Stalin**

1. The Government of Sri Lanka (GoSL) wishes to refer to the Joint Communication (AL/LKA 4/2021) dated 17 August 2021, submitted by five Special Procedures Mandate Holders, seeking clarifications and information concerning the alleged arbitrary detention, threats and intimidation against Mr. Suresh Nandimal Silva, Mr. Senaka Perera, Mr. Tharindu Jayawardhana and Mr. Joseph Stalin.
2. The Government of Sri Lanka (GoSL) wishes to make the following observations:
  - i. The Government is committed to protecting and promoting freedom of expression and civil society space. NGOs have over the years made a significant contribution towards the development and community enrichment of Sri Lanka. The Government is maintaining vigorous engagement with civil society to obtain their insights and to harness their expertise experience and support in achieving reconciliation and development.
  - ii. All parties alleged to have experienced harassment submit their complaints to the different national mechanisms that have the competence and jurisdiction to receive and investigate such claims. These include the law enforcement authorities as well as independent institutions such as the Human Rights Commission of Sri Lanka or the National Police Commission, so that action can be taken to investigate the alleged incidents.

**Peaceful protests/arrests or detention of demonstrators:**

- iii. The spreading of the COVID-19 virus has been significantly impacting Sri Lanka during the recent months. With the view of containing this rapid spreading of COVID-19, health authorities have issued guidelines from time to time.
- iv. Any action taken to disperse unlawful public gatherings were taken in order to ensure the right to health of the general public in the context of the COVID-19 pandemic. As in many parts of the world, regulations are in place to prevent large public gatherings including funerals, weddings and in the conduct of government offices.
- v. Legal action was initiated against those persons identified as responsible for organizing these protests, due to violation of prevailing COVID-19 pandemic related health restrictions. No excessive force was used by the police when arresting or detaining such persons.
- vi. The fundamental jurisdiction of the Supreme Court has been invoked with regard to the arrests and several cases are pending adjudication by the Supreme Court.

**Protection of Victims of Crime and Witnesses:**

- vii. In Sri Lanka, victims of crime and witnesses have a wide array of rights and entitlements recognized under Section 3 and 4 of the Assistance to and Protection of Victims of Crime and Witnesses Act No. 04 of 2015.
- viii. As per the provisions stipulated in the said Act, a powerful and strong institution called the National Authority for the Protection of Victims and Witnesses was established in 2016 to protect the witnesses in ongoing trials by investigating or inquiring into an alleged or an imminent infringement of a right or entitlement of a victim of crime or witness.
- ix. The process of reviewing the present Victims & Witness protection Authority Act No. 04 of 2015 has been completed. Section 31 of the principle enactment has already been amended in terms of Assistance to and Protection of Victims of Crime and Witnesses (Amendment) Act, No.27 of 2017 by incorporating the necessary provisions to record any evidence or statement of any victim of crime or witness from any remote location outside Sri Lanka at the diplomatic mission in the country from where such victim of crime or witness seeks to testify or make the statements through contemporaneous Audio-Visual Linkage. The Assistance to Protection of Victims of Crime and Witnesses Act No. 4 of 2015 as amended provides for adequate legal protection for victims and witnesses and currently the said provisions has been thoroughly reviewed for the purpose of introducing new safeguards, to be on par with international best practices and norms.
- x. Further, a draft Bill was prepared assuring the provisions of the Act to be in par with international best practices and standards. The proposed new Legislation to replace the Assistance to and Protection of Victims of Crime and Witness Act mainly focuses on the following:-

The purpose of the Bill is for the setting out of rights and entitlements of victims of crime and witnesses and their protection and promoting such rights and entitlements, to give effect to appropriate international norms, standards and best practices, relating to the assistance and protection of victims of crime and witnesses. In addition for the purpose of establishing the National Authority for the Protection of Victims of Crime and Witnesses and to provide for the creation of the victims and witnesses assistance and protection fund and for the payment of compensation.

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