



No. 647/2023

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 United Nations Office of the High Commissioner for Human Rights (OHCHR) and has the honour to refer to the communication No. AL/LKA 3/2023 on the 'Joint Urgent Appeal from Special Procedures' dated 19 April 2023.

The Permanent Mission of Sri Lanka wishes to submit herewith the response provided by the Government of Sri Lanka on the issues raised.

The Permanent Mission of Sri Lanka would appreciate an acknowledgment of the receipt of this communication by the Special Procedures Branch at the earliest.

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

Geneva, 30 June 2023

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

Email: ohchr-registry@un.org



**GoSL response to the Joint Urgent Appeal from UN Special Procedures
(AL LKA 3/2023)**

With reference to the Joint communication dated 19 April 2023 submitted by 04 Special Procedure Mandate Holders, the Government of Sri Lanka wishes to make the following observations:

1. The Supreme law of the country is the Constitution of the Democratic Socialist Republic of Sri Lanka.

Further, Article 12(1) of the Constitution provides as follows;

12. (1) All persons are equal before the law and are entitled to the equal protection of the law.

In addition, Article 12(2) states;

12. (2) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds:

Provided that it shall be lawful to require a person to acquire within a reasonable time sufficient knowledge of any language as a qualification for any employment or office in the Public, Judicial or Local Government Service or in the service of any Public Corporation, where such knowledge is reasonably necessary for the discharge of the duties of such employment or office: Provided further that it shall be lawful to require a person to have a sufficient knowledge of any language as a qualification for any such employment or office where no function of that employment or office can be discharged otherwise than with a knowledge of that language.

2. It may also be noted that At 14(1) inter alia provides that;

14. (1) Every citizen is entitled to –

(a) the freedom of speech and expression including publication;

(b) the freedom of peaceful assembly;

(c) the freedom of association;

(d) the freedom to form and join a trade union;

(e) the freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice and teaching;

(f) the freedom by himself or in association with others to enjoy and promote his own culture and to use his own language;

(g) the freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise;

(h) the freedom of movement and of choosing his residence within Sri Lanka;

and

(i) the freedom to return to Sri Lanka.

3. All laws are enacted, in terms of the provisions of the Constitution and as such the fundamental rights guaranteed in terms of the Constitution are adhered to and secured, advanced and protected.

4. It may also be noted that the fundamental rights enshrined in the Constitution are subject to such restrictions provided for in Article 15 and in this context Article 15 (7) specifically provides as follows;

15 (7) The exercise and operation of all the fundamental rights declared and recognized by Articles 12, 13(1), 13(2) and 14 shall be subject to such restrictions as may be prescribed by law in the interests of national security, public order and the protection of

public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society. For the purposes of this paragraph "law" includes regulations made under the law for the time being relating to public security.

5. In the communication under reference, concerns have been raised regarding the arrest of Mr. Sepal Amarasinghe. An investigation was conducted by the Criminal Investigation Department (CID) following a complaint made by the Commissioner General of the Department of Buddhist Affairs and the [REDACTED] against Mr. Amarasinghe who runs a YouTube channel and who had released a video clip containing statements made on the Sacred Tooth Relic of the Buddha.
6. The statements contained in the video clip were found to incite religious hatred. Considering the offences committed under Section 3(3) of the International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007, Section 15(d) and Section 31(b) of the Antiquities Ordinance, No. 09 of 1940 as amended by Act, No. 24 of 1998, and under Section 31(b) of the Penal Code, Mr. Amarasinghe was arrested on 5 January 2023. On 6 January 2023, he was presented to the Additional Magistrate of the Chief Magistrate's Court and the court case was called on 14 February 2023.
7. Having regard to offences committed, and the request made by the suspect to tender an apology to all Buddhists worldwide and to the Buddhist Clergy and with the assurance that such statements that cause religious disharmony will not be made in the future the Attorney General positively considered the request made by Mr. Sepal Amarasinghe. Accordingly, Mr. Sepal Amarasinghe provided an unconditional apology in court and considering the same he was released on 21 February 2023.