



No. 701/2023

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. JAL/LKA 5/2023 on the 'Joint Communication from Special Procedures' dated 26<sup>th</sup> June 2023.

The Permanent Mission of Sri Lanka wishes to submit herewith the observations 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, 22 August 2023

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

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**GoSL response to the Joint Communication from UN Special Procedures  
(JAL LKA 5/2023)**

With reference to the Joint communication dated 26 June 2023 submitted by 04 Special Procedure Mandate Holders, the Government of Sri Lanka wishes to make the following observations:

The Constitution of Sri Lanka guarantees the freedom of expression in Article 14 (1) (a) and the Sri Lankan judiciary has consistently upheld this right. The ICCPR Act of Sri Lanka was enacted in 2007 with a view to giving effect to certain articles in the International Covenant on Civil and Political Rights that had not been given recognition through legislative measures. Section 3(1) of the Act mirrors the elements of Article 20 of the Covenant and makes it an offence to "propagate war or advocate national racial or religious hatred that constitutes incitement to discrimination, hostility or violence".

Ms. Nathasha Edirisooriya, a stand-up comedian, was arrested on 27.05.2023 at the Bandaranaike International Airport under section 3(1) of the ICCPR Act based on several complaints received regarding a performance. Upon arrest, she was produced before the Magistrate of Fort on 28.05.2023. An application for bail that was made was dismissed by the Magistrate as per Section 4 of the Act which makes the offence bailable only by the High Court.

Thereafter, an application for bail was filed in the High Court of Colombo in respect of Ms. Edirisooriya, which was taken up for inquiry on 05.07.2023. At the inquiry, the Attorney General did not object to bail, after apprising the evidence elicited against Ms. Edirisooriya and in view of the expression of regret by her. Having heard submissions of all parties, Ms. Edirisooriya was granted bail by the High Court of Colombo on the above date.

In its order granting bail to Ms. Edirisooriya, the High Court of Colombo has referred to the relevant national legislation as well as the United Nations Strategy and Plan of Action on Hate Speech and the Rabat Plan of Action, and noted that Section 3 of the ICCPR Act should be interpreted along with the provisions relating to freedom of expression. The Court has also highlighted the importance of ascertaining the presence of grounds for a charge of hate speech, before making arrests or taking action under the ICCPR Act.