**Statement by Mr. Nerin Pulle, Additional Solicitor General**

**of the Attorney General’s Department**

**Fourth Cycle of the Universal Periodic Review of Sri Lanka**

**Geneva, 1 February 2023**

Thank you Ambassador for giving me the opportunity to respond to the issues raised.

Mr. President,

Excellencies,

Distinguished delegates,

Mindful of the questions and observations pertaining to **freedom of expression and peaceful assembly,** at the outset,

1. It must be noted that while the Constitution of Sri Lanka guarantees the freedom of expression and peaceful assembly, permissible restrictions are provided for in terms of the Constitution, which inter alia include interests of national security and public order.
2. Accordingly, while the rights of citizens to peaceful protest is recognized, all steps taken by the authorities have been within a democratic and constitutional framework, respecting civil and political rights.
3. Any arrests made by the authorities in instances where the protests exceeded the peaceful realm, has been so taken in the interest of national security and preservation of public order, in accordance with the laws of the country, and subject to judicial oversight.
4. The election of the incumbent President that followed the aftermath of past events, was in accordance with the Constitution and the procedure established by law.
5. The authorities have always been restrained in its action pertaining to protests even when some protestors burned down the private residence of the incumbent President (the then Prime Minister) on 9th July last year. Similarly, restrained action was taken in accordance with the law when protestors tried to forcibly enter Parliament on 13 July last year, where the leaders of the Political Parties were meeting.
6. In this context, lawful and reasonable measures were taken by the relevant authorities in the interest of national security and public order, when the protests turned violent and unlawful.
7. It is reiterated that any protests must be carried out within the framework of the law, while ensuring that no criminal or unlawful activity is committed in the process of or in the guise of such protests.
8. In this regard, it must be emphasized that the rule of law should be of paramount consideration and there should be no disruption to the effective functioning of Government and transgression upon the rights and freedoms of others.

Mr. President,

We welcome and appreciate the questions posed and comments acknowledging the positive steps taken pertaining to the **Prevention of Terrorism Act (PTA).**

1. While recognizing the importance of protecting human rights in combatting acts related to terrorism, Sri Lanka initiated the process of reviewing the PTA. In this context, following extensive deliberations with all relevant stakeholders including civil society representatives, amendments to the PTA were adopted by Parliament in March 2022.
2. It is noteworthy that these salutary amendments to the PTA took place after 43 years. It is a progressive step in advancing, securing and protecting the rights of persons. The cumulative effect of these Amendments has made a substantial improvement to and have a profound impact upon the existing law, and will further advance fundamental rights in Sri Lanka. The recent amendments to the Act have provided for investigations under PTA to be subject to enhanced judicial oversight and monitoring of places of detention by the Human Rights Commission of Sri Lanka. Further, the amendments uphold the right of the detainees to legal representation and right to communication with their relatives.
3. The process of deliberation on amendments to the PTA has taken into consideration many constructive comments and concerns expressed by domestic and international stakeholders. The amendments already adopted are an interim measure towards the promulgation of a more comprehensive anti-terror legislation.
4. Further, while the Inspector General of Police has issued instructions, whereby there is a de-facto moratorium on arrests made under the PTA, law enforcement officials have been instructed to use this legislation only in instances of extreme necessity.
5. To build on the progress made, a Cabinet Sub-Committee was appointed in September 2022, to develop comprehensive legislation on counterterrorism that balances national security concerns while considering, inter alia, international standards and best practices.
6. An Officials Committee was appointed to draft a new comprehensive counter terrorism legislation in line with international standards.

Mr. President,

As you would recall, Sri Lanka experienced a **heinous suicide terrorist attack on Easter Sunday of 2019.**

1. In this regard, extensive investigations have been carried out, and several suspects were detained and interrogated. Investigations were carried out by law enforcement agencies, under judicial oversight. On 04 October 2021, Colombo High Court-at-Bar served charges on 25 suspects accused of involvement in the Easter Sunday terror attacks. The Attorney-General has preferred several indictments to several other High Courts and trials in this regard are proceeding.
2. On 12th January this year, the Supreme Court of Sri Lanka delivered its judgment on several Fundamental rights petitions that was filed against the former President, former IGP, former Director of State Intelligence Service, former Defence Secretary and former Chief of National Intelligence, who had held such office at the time of these attacks.
3. The Supreme Court inter alia made order that these persons who held such office at the time of those attacks, should make payment of compensation to the victim fund maintained at the Office for Reparation, out of their personal funds.
4. In terms of the Order of the Supreme Court, a Victim Fund must be established at the Office for Reparations, which must formulate a scheme to award the sums ordered as compensation in a fair and equitable manner to the victims and families.
5. A progress report on the scheme of payment and the details about payments made by persons referred to above and any benefactors must be made available to the Supreme Court within 6 months from the date of Order.
6. The Attorney General was directed to coordinate and liaise with the Office for Reparation in giving effect to this order.
7. The Supreme Court also directed that the State take appropriate disciplinary action against the former Director, SIS.

Mr. President,

With regard to **questions pertaining to allegations of Torture,** it must be emphasized that we remain firmly committed to take all steps to have any allegations of torture investigated.

1. Since the last Review, Sri Lanka acceded to the Optional Protocol to the Convention against Torture on 05 December 2017 and the HRCSL was designated as the National Preventive Mechanism.
2. The Constitution of Sri Lanka and numerous other laws guarantees freedom from torture or cruel, inhuman or degrading treatment or punishment. These laws inter alia empower Magistrates and the representatives of the Human Rights Commission of Sri Lanka to visit the suspects in custody. Provision is also made for the suspects in custody to obtain legal assistance. Further, in 2021 and 2022, laws were enacted requiring Magistrates to visit the Police and other remand facilities within their judicial division to ensure that the suspects under custody are protected to the extent provided for in the CAT Act No. 22 of 1994.

Mr. President, issues were raised with regard to **the death penalty,**

1. Sri Lanka has guaranteed the ‘Right to life’ through its judicial pronouncements, and in several FR Applications pending before the Supreme Court, interim orders have been made staying the execution of the death penalty. Through the recent amendment to the Penal Code in 2021, a sentence of death shall not be pronounced on or recorded against any person who is under the age of eighteen years, at the time of the commission of an offence by such person.
2. Sri Lanka practices a policy of “Abolitionist in practice”, and a moratorium on death penalty has been maintained since 1976. The incumbent President has stated that where any offender has been condemned to suffer death by the sentence of any court within Sri Lanka, he would not sign the warrant to execute the death sentence of such offender. Further, the Government of Sri Lanka has voted in favour of the United Nations General Assembly (UNGA) Resolutions on the universal moratorium on death penalty.

Mr. President,

1. There were several observations made in relation to non-discrimination and the right to equality, particularly **of the LGBTIQ community**.
2. In this context, Sri Lanka continues to make progress in addressing these concerns and matters related there to.

I wish to advert to the following measures:

1. In the **legislative sphere**, a Private Member’s Bill was submitted to Parliament in 2022 seeking to bring about reforms to the Penal Code, with the aim of protecting the rights of the LGBTIQ communities in Sri Lanka.
2. In the **executive sphere**, in December 2022 consultations were held with civil society representatives working on LGBTIQ rights and the Inspector General of Police along with officers of the Ministry of Women, Child Affairs and Social Empowerment. Following the said consultations, the IGP took a decision to appoint a DIG to take measures on issues in this regard and a senior DIG to act directly on behalf of the IGP. Furthermore, the DIG in charge of Legal Range was given necessary instructions to extend the support required.
3. In the **judicial sphere**, apart from a judgment of the Supreme Court in SC/Appeal/32/2011, which this forum was appraised at the 3rd cycle of the UPR on Sri Lanka, pursuant to a case filed in the Court of Appeal in 2021, (CA/WRIT/425/2021) with regard to concerns on LGBTIQ rights, a circular was issued by the IGP addressing such concerns. Upon the Petitioners consenting to the contents of the said circular filed of record in the Court of Appeal, proceedings were terminated on 26th January 2023.