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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 AL LKA 5/2020 dated 13 July 2020 forwarding a joint communication from five special procedures.

The Permanent Mission wishes to transmit herewith, for consideration, the response of the Government of Sri Lanka (GoSL) to the above joint communication.

The Permanent Mission appreciates if the attached GoSL response, sent within the period of 60 days, could be published along with the joint communication of the special procedures as indicated in para. 12 of the communication, when the Special Procedures Branch proceeds with such publication on the communications reporting website.

An acknowledgement of receipt of this note and the attached response would also be much 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 High Commissioner for Human Rights (OHCHR), the assurances of its highest consideration.

Geneva, 11 September 2020



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**Government of Sri Lanka's response to the Joint Communication received from five UN Special Procedures Mandate Holders concerning alleged acts of harassment and violation of the right to privacy of journalist Dharisha Bastians**

1. The Government of Sri Lanka (GoSL) wishes to refer to the Joint Communication (AL/LKA5/2020) of 13 July 2020 submitted by five Special Procedures Mandate Holders, seeking clarifications and information concerning alleged acts of harassment and violation of the right to privacy of journalist Dharisha Bastians.
2. The Government of Sri Lanka (GoSL) wishes to make the following observations:
3. The Criminal Investigation Department of Sri Lanka Police conducted investigation into an abduction of a local female employee of a Colombo based diplomatic Mission. The incident was said to have happened on the 25<sup>th</sup> November 2019. Having conducted the investigations, it was revealed that the phone of the said female diplomatic Mission employee had been constantly connected to the phone of Ms. Bastians, the then Chief Editor of the Sunday Observer. In the meantime, further investigations disclosed that the complaint of the alleged abduction made by the said female employee of a Colombo based diplomatic Mission was false and the complaint had been made to tarnish the image in respect of the rule of law situation in Sri Lanka.
4. Therefore, detectives were compelled to ascertain evidence of the incident and to examine the laptop used by Ms. Dharisha Bastians who had left the country with her husband by that time. The laptop was taken into Police custody from Ms. Dharisha Bastian's residence on a search warrant issued by the Court.
5. Subsequently, the laptop was produced before Magistrate's Court and it has been sent to the Government Analyst for further examination on 16.06.2020, on the order of the Court. All investigations have been conducted within the legal frame work on the orders of the competent court.
6. The Constitution of Sri Lanka explicitly guarantees the freedom of 'Speech and Expression.' Article 14 (1) (a) provides that every citizen is entitled to "*the freedom of speech and expression including publication*" and the said right is justiciable under Article 126 of the Constitution.
7. The right to privacy too is constitutionally recognized in Article 14 A (2) which provides that the right of access to information guaranteed under Article 14 A (1) is curtailed by certain specified considerations including "*for the protection of health or morals and the reputation or rights of others, privacy... for preventing the disclosure of information communicated in confidence or for maintaining the authority and impartiality of the judiciary*".

8. It is important to note that official investigations into a complaint received from an employee of a Colombo based diplomatic Mission pertaining to an alleged abduction revealed the possibility of involvement of Ms. Dharisha Bastians in the purported events complained. As such steps were taken in accordance with the law to examine material central to the investigation and necessary warrants had been obtained to facilitate the same. It is important to take cognizance of the fact that all steps taken in respect of Ms. Bastians, have been taken in accordance with law and has been in the process of a lawful investigation into criminal offences in terms of the procedure established by law.
9. The intimation that Ms. Bastians is being "targeted" is expressly refuted along with all other unsubstantiated and baseless allegations and insinuations in the communication. It is important to note that the law provides for complaints to be made to the relevant law enforcement authorities or to independent national institutions such as the Human Rights Commission of Sri Lanka where action can be taken to investigate the alleged incidents.
10. It is also notable that Articles 19 and 21 of the International Covenant on Civil and Political Rights and Article 29 of the Universal Declaration of Human Rights provide for restriction in terms of and accordance with the law. It is reiterated that the investigations pertaining to Ms. Bastians have been done in terms of law and accordance with the law and as are deemed necessary and proportionate to the criminal offences under investigation.

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