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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the
Office of the High Commissioner and the Secretary-General**

Letter dated 19 February 2021 from the Permanent Mission of Sri Lanka to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I write to draw your attention to a matter pertaining to the forty-sixth session of the Human Rights Council, during which the Office of the United Nations High Commissioner for Human Rights (OHCHR) is to present a report on Sri Lanka.

On 27 January 2021, the Government of Sri Lanka, upon a request made by OHCHR, shared its comments on the advance unedited version of the report of OHCHR on Sri Lanka (A/HRC/46/20), requesting, *inter alia*, that the comments be published as an addendum to the OHCHR report, with a view to upholding the integrity between the report and the comments by the State concerned and in the interest of providing equal visibility to the latter.

However, I regret to note that, only a few hours after making the above request, OHCHR proceeded to publish an advance unedited version of its report on Sri Lanka in the list of documents for the forty-sixth session of the Council, in disregard of the Permanent Mission's request to publish the Government's comments alongside the OHCHR report in the form of an addendum.

Days after the publication of the OHCHR report (and the issuance of a press release, two twitter messages and a video thereon) and pursuant to inquiries made by the Permanent Mission, OHCHR informed via email that, according to the Human Rights Council secretariat, comments and observations on reports of the High Commissioner cannot be published as addenda, and can only be published as government communications – this in spite of the existence of a precedent on publishing the comments of the State as an addendum.

You would agree that if any United Nations entity, including OHCHR, publishes a report about a Member State, such a report should be accompanied by the observations made by the State concerned as an addendum so that other Member States can read both sides of the story and form an informed opinion about the contents of the report concerned. Publishing the response of Sri Lanka on a different webpage dedicated to government communications in no way serves this objective. On the contrary, the blackout imposed on the observations made by Sri Lanka has created a situation where the narrative of only one side is disseminated to the public, while the Government's opportunity of being heard has been effectively vitiated.

Despite specific requests made even on previous occasions, Sri Lanka has not been provided with information on specific rules, if any, governing addenda and the publication of comments by the State concerned on reports of OHCHR. Clear guidance in this regard, however, exists in rules governing other mechanisms of the Human Rights Council, such as



the Manual of Operations of the Special Procedures, which requires that “comments by the Government concerned on the substance of the report should be annexed to the report in accordance with applicable United Nations documentation rules” (sect. 74).

The Permanent Mission of Sri Lanka would therefore appreciate it if you could kindly discuss this issue with the Human Rights Council Bureau as well as during the meeting of the Bureau with regional and political coordinators, with a view to seeking an equitable solution in accordance with the rules of procedure and the institution-building package.

Pending consultations by the President on this matter and without prejudice to the position outlined by Sri Lanka above, the Permanent Mission requests that:

(a) The comments of the Government of Sri Lanka be published, as an interim measure, as a government communication, with a clear indication and hyperlink thereto in the list of documents for the forty-sixth session, next to the place where the OHCHR report on Sri Lanka is published (it would be appreciated if this action could be taken immediately, given that the interactive dialogue on the OHCHR report on Sri Lanka is scheduled for 24 February 2021);

(b) A hyperlink to the comments of the Government of Sri Lanka be published in the order of the day for 24 February 2021, next to the hyperlink to the OHCHR report;

(c) The present letter be circulated as a document of the Human Rights Council, in the official languages of the United Nations.

(Signed) C.A. Chandraprema

Ambassador, Permanent Representative
of Sri Lanka to the United Nations Office at Geneva
