



From the President

His Excellency Mr Mahinda Rajapaksa
President of the Democratic Socialist Republic of Sri Lanka
Presidential Secretariat
Colombo 01
Sri Lanka

21 August 2014

Your Excellency

Sri Lanka – Mr Upul Jayasuriya

The Law Society is the professional body representing more than 145,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

The Law Society is gravely concerned over the reported surveillance of Mr Upul Jayasuriya, President of the Bar Association of Sri Lanka (BASL) and a senior human rights lawyer in Sri Lanka. The Law Society understands that Mr Jayasuriya officially reported incidents of surveillance on at least two occasions and threats made against him on three occasions. The surveillance incidents involved two vehicles: a motorcycle and a three-wheeler. Mr Jayasuriya filed official police complaints regarding the incidents and requested police protection. However, we understand that the authorities have thus far failed to identify the suspects. We are however pleased to see that the Chief Magistrate in Colombo has ordered the police to provide security for Mr Jayasuriya. That pleasure is tempered by the statement by Mr Jayasuriya that although Senior Deputy Inspector General of Police Anura Senanayake told the court that adequate steps had been taken to provide necessary security for him, the security is not adequate or effective.

The Law Society understands that these reported incidents of surveillance and threats took place shortly after the BASL issued a public statement criticising a Sri Lankan National Secretariat for Non-Governmental Organizations (NGOs) communiqué, issued on 7 July 2014, that prohibits NGOs from conducting press conferences, workshops and journalism training, and from disseminating press releases. We are concerned that the reported surveillance of Mr Jayasuriya may be an attempt to intimidate him, following the public statement issued by the BASL and we remain concerned that there has been no thorough and transparent investigation into the reported incidents. This could give rise to a culture of impunity in Sri Lanka, whereby individuals, including lawyers and judges, may be discouraged from speaking out in defence of the rule of law.

In relation to these matters the Law Society recalls that Article 14 of the Constitution of Sri Lanka, which enshrines the right to freedom of speech, assembly, association and movement.

These rights are also protected in international law under Article 19 of the **Universal Declaration of Human Rights (1948)** which states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 19 of the **International Covenant on Civil and Political Rights (1966)** (ICCPR)

To which Sri Lanka acceded 11 June 1980 and which Sri Lanka is bound to uphold states:

(1) Everyone shall have the right to hold opinions without interference

(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Furthermore, Principle 23 of the **United Nations Basic Principles on the Role of Lawyers (1990)** stipulates:

23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

Finally, the Law Society wishes to draw attention to the **United Nations Basic Principles on the Role of Lawyers (1990)**, which states at Principle 16:

Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

And at Principle 17:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

The Law Society urges the relevant Sri Lankan authorities to ensure that all suspected incidents of intimidation or surveillance are swiftly and effectively investigated, and that Mr Jayasuriya will be provided with the necessary effective protection to ensure his personal safety.

The Law Society also urges the relevant authorities to protect the right to freedom of expression in Sri Lanka, as afforded under domestic and international law provisions.

Yours sincerely



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President

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