

**His Excellency, the Hon. Mahinda Rajapaksa
President of the Democratic Socialist Republic of Sri Lanka
Office of the President
Temple Trees
120 Galle Road
Columbo 3
Sri Lanka**

Brussels, 1 September 2014

Re: Concerns regarding President of the Bar Association of Sri Lanka, Mr Upul Jayasuriya

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further thirteen European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to you to express its serious concern over recent threats to the personal safety of Mr Upul Jayasuriya, President of the Bar Association of Sri Lanka (BASL).

According to information we received, Mr Jayasuriya officially reported incidents of surveillance at his residence and elsewhere. The incidents involved two vehicles: a motorcycle and a three-wheeler. The drivers' faces were covered at all times. Mr Jayasuriya has filed official police complaints regarding these incidents and has provided the licence plate details of the vehicles concerned. However, the authorities have thus far failed to identify the suspects or provide any protection.

As far as we were told, these incidents of surveillance 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.

The CCBE is concerned that the reported surveillance of Mr Jayasuriya may be an attempt to intimidate him, following the public statement issued by the BASL. The CCBE is also concerned that the lack of apparent governmental willingness to investigate the incidents of surveillance in the case of Mr Jayasuriya, a prominent figure in the promotion of justice in Sri Lanka, places his personal safety in danger and gives rise to a culture of impunity, whereby individuals, including lawyers and judges, may be discouraged from speaking out in defence of the rule of law.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states that:

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

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights 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 organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE respectfully urges your Excellency to take effective steps to ensure swift and effective investigations into all incidents of intimidation against Mr Jayasuriya, and to secure his personal safety. The CCBE also asks you to take all necessary measures to guarantee that all human rights lawyers in Sri Lanka are able to carry out their legitimate activities without fear of reprisals, intimidation or judicial harassment.

I look forward to hearing from your Excellency.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo Bulgarelli
CCBE President