

**His Excellency, the Hon. Mahinda Rajapaksa
President of the Democratic Socialist
Republic of Sri Lanka
Office of the President
Temple Trees
Colombo
Sri Lanka**

Brussels, 22 September 2014

Re: Concerns regarding death threats against Mr Namal Rajapakshe and Mr Manjula Pathiraja, human rights lawyers

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 express its serious concern over death threats against Mr Namal Rajapakshe and Mr Manjula Pathiraja in connection with their work as defence lawyers who represent victims of human rights violations across Sri Lanka. The CCBE has been informed that on 13 September 2014, at around 18:20, two unidentified men wearing jackets and helmets entered Mr Rajapakshe and Mr Pathiraja's legal offices in the Kelaniya district of Colombo. One of the men, armed with a gun, cornered and then threatened Mr Rajapakshe by saying that Mr Rajapakshe and Mr Pathiraja would be killed if they defend any more "unnecessary cases". Mr Rajapakshe subsequently registered a complaint (number CIB/III – 230/123) with the Peliyagoda Police Station.

According to the information that we received, this is not the first time that Mr Rajapakshe and Mr Pathiraja have been the targets of death threats. On 4 August 2014, they were harassed while exercising their duties as lawyers on behalf of clients at the Maradana Police Station. On that same day, Mr Rajapakshe, Mr Pathiraja, and another lawyer were harassed by a group of unknown people, allegedly in front of the local inspector. The next day, Mr Rajapakshe made a complaint to the Maradana Police Station regarding this incident, but no action has reportedly been taken.

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

Principle 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.

Moreover, principle 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.

In view of the above, the CCBE respectfully urges you to investigate the death threats against Mr Rajapakshe and Mr Pathiraja, and to take all necessary measures to guarantee the physical and psychological integrity of these lawyers. In addition, the CCBE asks you to take all necessary measures to guarantee that all lawyers in Sri Lanka are able to perform their professional duties without fear of reprisal, hindrance, intimidation or harassment.

I look forward to hearing from your Excellency urgently.

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
President