



Sri Lanka  
Oral Statement from Lawyers for Lawyers

**Human Rights Committee's review of the sixth Periodic Report of Sri Lanka  
Formal NGO briefing – Geneva (online) – 6 March 2023  
Speaker: Ms. Julia Smakman**

Dear Chair, Excellencies, members of the Human Rights Committee, Ladies and Gentlemen,

Lawyers for Lawyers<sup>i</sup> wishes to bring to the Committee's attention the failure of the authorities of Sri Lanka to uphold the necessary guarantees for the proper functioning of the legal profession in practice.

Lawyers play a vital role in the protection of the rule of law and human rights. It is the responsibility of lawyers to protect and establish the rights of citizens in whatever quarter they may be threatened. Their work is indispensable for ensuring effective access to justice for all. To fulfil their professional duties effectively, lawyers should be able to practice law freely and independently, without any fear of reprisal.

Lawyers in Sri Lanka are increasingly the subject of harassment and intimidation. This is in particular the case for lawyers working on politically sensitive cases, such as protesters' rights or minority rights. Over the past year, lawyers in Sri Lanka have played a crucial role in safeguarding the right to assembly of peaceful protesters. During the protests in April 2022, a large number of lawyers came together to represent arrested protesters. The lawyers also represented peaceful protesters in opposing applications from the police to forcefully remove them from the protest site. After the protests turned violent in May 2022, certain parties started spreading negative rhetoric blaming the legal community for hindering the police and allowing the violence to happen. As a result of this negative rhetoric, which is still continuing, lawyers started getting harassed. Consequently, lawyers in Sri Lanka have become more careful in monitoring the protests and taking up cases of protestors.<sup>ii</sup>

There are also lawyers who are subjected to arrest, criminal investigations and proceedings in connection with their legitimate activities as attorneys. An example of a lawyer being arrested and prosecuted is Hejaaz Hizbullah. Mr Hizbullah acted as legal counsel for Muslim victims of human rights violations. He was arrested under the Prevention of Terrorism Act (PTA) on 14 April 2020 and later charged with several offences relating to national security<sup>iii</sup>, despite a lack of evidence. Mr. Hizbullah was held in custody for almost two years until his release on bail on 9 February 2022. The charges against Mr. Hizbullah have not been dropped, even though still no credible evidence has been brought forward against him. The example of Mr Hizbullah, who was the first lawyer to be prosecuted under the PTA, shows how the vague wordings of its provisions allow for arbitrary arrest and prosecution.<sup>iv</sup>

Another issue of concern is that lawyers have difficulty accessing their clients when they are detained. This is especially the case with clients from minority backgrounds, clients who have been arrested under the PTA, and clients who have been arrested in relation to protests. Lawyers have also reported not being able to have confidential meetings with their clients in prison and have shared strong concerns regarding surveillance of their personal and professional communications.<sup>v</sup>

Lawyers for Lawyers calls on the Human Rights Committee to call on the Sri Lankan authorities to immediately take steps to provide, in practice, effective protection to lawyers, and refrain from taking any measures that may constitute harassment or persecution or undue interference in the exercise of their work.

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<sup>i</sup> For more information about Lawyers for Lawyers, please visit: [www.lawyersforlawyers.org](http://www.lawyersforlawyers.org)

<sup>ii</sup> Submission for the Review of the State report of Sri Lanka by the Lawyers for Lawyers Foundation for the Human Rights Committee Consideration of the 6<sup>th</sup> Periodic Report of Sri Lanka, 30 May 2022, available at: [https://lawyersforlawyers.org/wp-content/uploads/2022/06/Final-Report-Sri-Lanka\\_L4L.pdf](https://lawyersforlawyers.org/wp-content/uploads/2022/06/Final-Report-Sri-Lanka_L4L.pdf), par. 18-22.

<sup>iii</sup> Specifically, Hejaaz Hizbullah was charged with ‘inciting communal disharmony’ under the PTA law, for “advocating national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” under the ICCPR Act of 2007 and for conspiracy and abetment charges under the Penal Code.

<sup>iv</sup> Submission for the Review of the State report of Sri Lanka by the Lawyers for Lawyers Foundation for the Human Rights Committee Consideration of the 6<sup>th</sup> Periodic Report of Sri Lanka, 30 May 2022, available at: [https://lawyersforlawyers.org/wp-content/uploads/2022/06/Final-Report-Sri-Lanka\\_L4L.pdf](https://lawyersforlawyers.org/wp-content/uploads/2022/06/Final-Report-Sri-Lanka_L4L.pdf), par. 23-24.

<sup>v</sup> Submission for the Review of the State report of Sri Lanka by the Lawyers for Lawyers Foundation for the Human Rights Committee Consideration of the 6<sup>th</sup> Periodic Report of Sri Lanka, 30 May 2022, available at: [https://lawyersforlawyers.org/wp-content/uploads/2022/06/Final-Report-Sri-Lanka\\_L4L.pdf](https://lawyersforlawyers.org/wp-content/uploads/2022/06/Final-Report-Sri-Lanka_L4L.pdf), par. 25-28.