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25 July, 2019

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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

Mr. Kalinga Indatissa P.C.
President
Bar Association of Sri Lanka
Mihindu Mawatha
Hulftsdorp Street
Colombo 12.

Dear Mr. Indatissa,

I write in relation to your response (1st June 2019) and that of the Secretary of the BASL (6th June 2019) to my letter dated 2019.05.30 on the subject of unprofessional and unethical conduct of certain members of Regional Bar Associations. We thank BASL for same. The Commission, having studied your responses, wishes to make the following observations in that regard.

BASL's responses stated that there have been no formal resolutions by any identified regional branch resolving to refrain from representing suspects arrested in relation to the terror attacks on 21st April.

We wish to reiterate that what the HRCSL letter dated 2019.05.30 stated is that "members of certain regional Bar Associations have refused to appear on behalf of members of the Muslim community arrested in the backdrop of the post-April 21st violent attacks". We did not refer to the adoption of formal resolutions. In fact, our observation was that certain regional branch associations had informal understandings amongst their members, or at least some of their members, not to appear for that category of suspects. Such practices were observed in several regions.

For instance, in the Magistrate's Court of Marawila, all the regular practitioners refused to appear on behalf of six people who were arrested under the Prevention of Terrorism Act in the aftermath of the April 21st attacks. In fact, when a visiting lawyer had agreed to appear for the limited purpose of requesting bail (the most standard work of a Magistrate's Court Practitioner), the regular practitioners were very hostile to her as well. Currently, the two remaining suspects (four were released) are represented by practitioners who do not usually practice in Marawila. This pattern is being reported from several other areas too where those charged under the PTA or Emergency Regulations following the April 21 attacks are compelled to seek representation from outside the area at great cost because the regular practitioners of the relevant court are refusing to represent them.

While we recognize that many members of the BASL will not resort to such unprofessional and unethical practices, nonetheless it is the bounden duty of the BASL to take necessary action to ensure rectification even where a single member engages in such unethical conduct. It concerns us and the public when any member of the Bar engages in such unprofessional and unethical conduct. As we stated in our previous letter, such conduct has serious implications for the Rule of Law.

We once again thank the BASL for its responses and for expressing assurances of its commitment to upholding the Rule of Law and maintaining high standards of professional conduct. Therefore, given the transgressions we have observed we trust that you will conduct more in-depth inquiries into recent media and other reports of unprofessional and unethical conduct of certain members of the Bar and take necessary action in that regard.

Sincerely,



Dr. D. Udagama
Chairperson

Dr. N. D. Udagama

Chairperson
Human Rights Commission of Sri Lanka

Human Rights Commission of Sri Lanka