



Law Society
of Ontario

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June 2, 2021

Sent by email to: ps@presidentsoffice.lk

Gotabaya Rajapaksa
President
Democratic Socialist Republic of Sri Lanka
Janadhipathi Mawatha,
Colombo 00100
Sri Lanka

Your Excellency:

Re: Arrest and detention of lawyer Hejaaz Hizbullah

I write on behalf of the Law Society of Ontario to voice our grave concern over reports regarding the arrest and ongoing detention of lawyer Hejaaz Hizbullah. When reports of serious issues of injustice to legal professionals and the judiciary come to our attention, we speak out.

Mr. Hejaaz Hizbullah is a prominent minority rights advocate and lawyer in Sri Lanka. He is a respected human rights defender, and has been an outspoken voice in Sri Lanka on issues of reconciliation and minority rights for many years.

Mr. Hizbullah was arrested on April 14, 2020 under the Prevention of Terrorism Act, and the detention order that led to Mr. Hizbullah's arrest came directly from your office. He has been detained for almost a full year, without any credible evidence of wrongdoing. While in detention, he has contracted COVID-19, and had limited access to his lawyer and family.

Prominent human rights groups have been critical of your Government's treatment of Mr. Hizbullah and have stated they believe he is being deliberately targeted due to his work on reconciliation issues. Additionally, recent reports by Amnesty International and the UN Office of the High Commissioner for Human Rights have concluded that your government continues to wage a campaign of fear and intimidation against human rights defenders and lawyers who challenge government policy.

In light of these circumstances, the Law Society urges the Sri Lankan Government to comply with its obligations under international human rights laws, including the United Nations' *Universal Declaration of Human Rights* and *The Basic Principles on the Role of Lawyers*.

Article 9 of *The Universal Declaration of Human Rights* states:

No one shall be subjected to arbitrary arrest, detention, or exile.

Article 7 of the *Basic Principles on the Role of Lawyers* states:

Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention.

Article 8 states:

All arrested, detained, or imprisoned persons shall be provided with adequate opportunities, time, and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception, or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their duties.

Furthermore, Article 23 states:

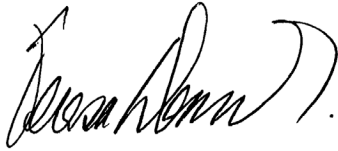
Lawyers like other citizens are entitled to freedom of expression, belief, association, and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or 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.

The Law Society urges Sri Lanka to:

- a. immediately and unconditionally release lawyer Hejaaz Hizbullah;
- b. immediately and unconditionally withdraw all charges against lawyer Hejaaz Hizbullah;
- c. ensure that all lawyers, paralegals, judges, law students and human rights defenders in Sri Lanka can carry out their professional duties and activities without fear of reprisals, physical violence, or other human rights violations; and

- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,



Teresa Donnelly
Treasurer

**The Law Society of Ontario is the governing body for more than 55,000 lawyers and 9,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest, and the Law Society has a duty advance the cause of justice and the rule of law.

Copies: Kapila S. Jayaweera, Consul General
Consulate General of Sri Lanka
36 Eglinton Ave W
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The Honourable Marc Garneau, Minister of Foreign Affairs

His Excellency, the Honourable Bob Rae, Canadian Ambassador to the United Nations

Ketty Nivyabandi, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Sophie de Graaf, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Mary Lawlor, Special Rapporteur on the situation of human rights defenders, Office of the
United Nations High Commissioner for Human Rights

Diego García-Sayán, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales