



Organization: Lawyers for Lawyers
Item: 6 - UPR Outcomes
Date: 6 July 2023
Speaker: Julia Smakman

Oral Statement to the 53rd Session of the UN Human Rights Council from Lawyers for Lawyers and the International Bar Association's Human Rights Institute (IBAHRI), NGOs in special consultative status.

Mr President,

We welcome that Sri Lanka has supported some of the recommendations related to the protection of human rights defenders, including lawyers, and the need to guarantee a safe environment for civil society.ⁱ We also welcome Sri Lanka's acceptance of recommendations relating to the need to reform the Prevention of Terrorism Act to bring it in line with its human rights obligations.ⁱⁱ

This is particularly important, considering a fundamental aspect of the rule of law and an effectively functioning justice system is access to legal representation by an independent legal profession. Lawyers must be able to carry out their professional duties without harassment, intimidation or improper interference.

In Sri Lanka, lawyers 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.

There are also lawyers who are subject 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 was arbitrarily arrested under the Prevention of Terrorism Act. Although he has been released on bail, his trial is still ongoing. We are concerned about the ongoing violations of Mr Hizbullah's fair trial rights during this trial, such as instances of witness coercion and intimidation. His case shows that human rights defenders and lawyers can be arbitrarily arrested and prosecuted under the PTA.

We urge Sri Lanka to:

- Implement the accepted recommendations on human rights defenders and the reform of the PTA without delay;
- Take effective measures to safeguard the independence of lawyers and provide protection against any form of undue interference in their work.

Thank you.

ⁱ Report of the Working Group on the Universal Periodic Review of Sri Lanka, 19 April 2023, A/HRC/53/16/Add1.
Supported Recommendations:

65.143 Guarantee freedoms of expression, peaceful assembly and association and ensure a safe environment for civil society, including human rights defenders and journalists (Italy)

65.144 Ensure that the rights to freedom of expression, association and peaceful assembly are guaranteed and that everyone, including journalists and human rights defenders, is allowed to express their opinion without fear of repercussion, through the disproportionate use of legal instruments or repressive actions (Kingdom of the Netherlands)

65.151 Adopt and implement legislation to safeguard the rights to freedom of expression, opinion, association and peaceful assembly of human rights defenders, including journalists, environmentalists, women and religious leaders (Costa Rica)

Noted Recommendations

65.137 Cease the surveillance of journalists and human rights defenders by the intelligence services, the military and the police (Czechia)

ⁱⁱ Report of the Working Group on the Universal Periodic Review of Sri Lanka, 19 April 2023, A/HRC/53/16/Add1.
Supported Recommendations:

65.72 Repeal the Prevention of Terrorism Act and ensure that any replacement legislation conforms to the best practices of international human rights standards (Australia)

65.73 Review its counter-terrorism legislation, in particular the Prevention of Terrorism Act, to bring it into line with international human rights standards (Austria)

65.74 Repeal the Prevention of Terrorism Act and release those detained under the Act (Belgium)

65.75 Repeal the Prevention of Terrorism Act and ensure that any replacement legislation is compliant with the international human rights obligations of Sri Lanka (Canada)

65.77 Repeal the current Prevention of Terrorism Act and ensure that all new legislation is in line with international obligations and does not infringe upon freedom of assembly and speech (Germany)

65.78 Apply an immediate moratorium on the use of the Prevention of Terrorism Act until its provisions are in full compliance with international human rights law (Ireland)

65.81 Continue to adapt the Prevention of Terrorism Act so that it is fully in line with international standards for the protection of human rights (Luxembourg)

65.82 Uphold its commitment to a de facto moratorium on the use of the Prevention of Terrorism Act and work to replace it in line with the international human rights obligations of Sri Lanka (New Zealand)

65.83 Repeal the Prevention of Terrorism Act and, in the interim, establish a moratorium on its use (Norway)

65.87 Consider amending the Prevention of Terrorism Act to ensure the right to a fair trial, including regular access to legal counsel at all stages of the legal process (Malta)

Noted Recommendations:

65.85 Replace the Prevention of Terrorism Act, cease arbitrary detentions for freedom of expression and ensure that legislation is aligned with international human rights standards (United States of America)

65.86 Avoid the abusive use of the Prevention of Terrorism Act of 1979 as a pretext to carry out arbitrary arrests, repeal the Prevention of Terrorism Act and enact a new law in line with international standards (Spain)

65.88 Ensure respect for the human rights of all persons detained under the Prevention of Terrorism Act, ensure fair trials and immediately release all those arbitrarily detained (Switzerland)