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**Hizbullah’s arrest and detention: A downright denial of human rights, legal professional privilege, and fair judicial process**

Mr Hejaaz Hizbullah, Attorney-at-Law, is a high-profile human rights lawyer who has challenged those in power by calling into question their decisions on numerous occasions. He has openly condemned all forms of racism, extremism and injustice. On 14 April 2020 Mr Hizbullah was arrested and detained at the Criminal Investigations Department under the Prevention of Terrorism Act. The authorities did not provide any cause for his arrest, either to him or his family.

A few days later the Police claimed Mr Hizbullah has been arrested in connection with the 2019 Easter attacks as evidence against him has surfaced during a “fresh investigation” ordered by the new regime.

Many people, including several international organisations, have questioned the motive of the government for arresting Mr Hizbullah, who had regularly argued cases before the Sri Lankan Supreme Court concerning violations of fundamental rights of disadvantaged communities. His arbitrary and unfair arrest is believed to have been carried out to dissuade any judicial challenges that may have negative political implications to the Government.

Not long ago, Mr. Hizbullah, who is also a social activist, criticized the Minister of Health who amended the Quarantine and Prevention of Diseases Ordinance by a gazette notification, making cremation compulsory for those who have died or suspected to have died of coronavirus regardless of their customs and religious rites. This decision had been made by the Government disregarding objections raised by lawyers, medical professionals and scientific advisors. Banning the burial of COVID-19 victims ignoring their religious and cultural beliefs is callous, insensitive and aimed at cheap political point-scoring at the upcoming parliamentary elections.

It is a hitherto adopted practice for the police to inform the Attorney General and the Bar Association of Sri Lanka prior to arresting a lawyer, and this tradition too was not followed by the police.

The Habeas Corpus Petition filed by the family reveals how the Police and intelligence operatives had abused the Covid-19 surveillance operations to arrest Mr Hizbullah. Purported health officials entered his home on the pretext of making public health check––later turned to be officers of the CID–– handcuffed him, searched his chambers and took away case files relating to two court cases that he was appearing for. The Police had also ordered his wife, an Egyptian national, to place her signature on a statement written in Sinhala. No reasons were given for his arrest nor a detention order served. The CID official who supervised the arrest had insisted that the family conversed only in Sinhala, a language that is not their mother tongue. All these are clear violations of the lawyer’s human rights and professional privilege. His arrest not only invades the right of a lawyer to freely practice his profession without obstruction, fear, or favour, but also severely impinges on the principle of attorney-client privilege.

Several minors were subsequently questioned by the CID, allegedly to implicate Mr. Hizbullah for terrorist activities. Details of the questioning of the minor children have surfaced in several cases filed before the Supreme Court.

A statement issued by Mr Hizbullah’s family says that a vile and vicious media campaign is being carried out against him with the intention of prejudicing public opinion, adding “What we do not wish to see is a one-sided trial by media: one in which false and diabolical stories about Hejaaz are spun and planted by his captors, who for one month have prevented Hejaaz from even communicating with his lawyers, including material evidence which he believes would exonerate him.”

It is well known that Mr Hizbullah had challenged the dissolution of parliament in November 2018 and questioned the legitimacy of the current Gotabhaya presidency. His arrest now is seen as a conspiracy to arouse ultra-nationalist sentiments within the Sinhala community, orchestrated by a media linked to the government, for achieving political gains yet again.

At a time when the country is facing a serious health crisis, and tolerance, understanding and brotherhood must be strengthened for the good of all its peoples, government unleashing such opportunistic tactics must be strongly condemned.

AAGGSL call upon the Sri Lankan authorities to clarify the charges against Mr Hizbullah without any further delay and ensure his rights for due legal process, including full access to lawyers is guaranteed.

We request the Government of Sri Lanka to conduct any investigation against Mr Hizbullah in a fair and transparent manner, ensuring his professional privileges––under the UN Basic Principles on the Role of Lawyers–– and human rights are respected and complied with.

We call upon the Australian Government as a member of the Human Rights Council, to take note of the illegal arrest of Mr. Hizbullah and the rising hatred and hate speeches directed at the Sri Lankan Muslims since the outbreak of COVID-19, and apply diplomatic pressure to prevent the multi-ethnic nation’s descent into a dangerous politically-motivated communal strife.

As the UN Secretary-General Antonio Guterres said, one must “*act now to strengthen the immunity of our societies against the virus of hate*”.

Signed:

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