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இலங்கை சட்டத்தரணிகள் சங்கம்

BAR ASSOCIATION OF SRI LANKA

22nd May 2025

STATEMENT OF THE BASL RE: RIGHT OF ATTORNEYS-AT-LAW TO DISCHARGE THEIR PROFESSIONAL DUTIES IN A FREE AND FAIR MANNER

In the recent past the Bar Association of Sri Lanka (BASL) has received reports of several instances where Law Enforcement Agencies and Prosecuting Authorities have sought to obtain access to information in the possession of Attorneys-at-Law in relation to the professional duties they discharge.

The BASL emphasizes that Legal Practitioners act on the lawful instructions of their clients are bound by professional duties of confidentiality. These duties are firmly established under the Supreme Court Rules and the Evidence Ordinance, which prohibit disclosure of privileged communications except with clients' consent or as expressly required by Law.

The BASL considers it is inappropriate for Law Enforcement Agencies and Prosecuting Authorities to call upon Attorneys-at-Law to make statements concerning matters arising in relation to the discharge of their professional duties. Such actions risk violating ethical standards and compromising the independence of the Legal Profession.

The BASL urges all such authorities and agencies to refrain from such actions that undermine the Role of Lawyers in the system of Administration of Justice.

Interference of this nature threatens the Rule of Law and the Constitutional Protections under Article 14(1)(g) of the Constitution guaranteed to all citizens which includes Attorneys-at-Law as well. The BASL re-iterates that members of the legal fraternity should be able to discharge their professional duties without any fear or limitation subject to the provisions of Law including the Supreme Court Rules, which is an essential element to maintain a free and fair system in the dispensation of justice.

The BASL further emphasizes that any limitation imposed on Attorneys-at-Law to discharge their professional duties towards a client, will curtail the right of citizens to have due and proper access to justice, which is also an indispensable element in the justice system of the Country.

The BASL remains resolutely committed to defending the rights and freedoms of Legal Professionals and to upholding the continued Independence, Integrity, and Dignity of the Legal Profession in Sri Lanka.

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