

His Excellency, The President of Sri Lanka
President's House
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Managers

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BY RECORDED DELIVERY

Your Excellency,

I am writing to you in my capacity as the CEO of The London P&I Club, the protection and indemnity insurer of the *X-Press Pearl*, which, in a deeply regrettable incident, caught fire and subsequently sank off the coast of Sri Lanka in June 2021. In response to this incident, over US\$170,000,000 (one hundred and seventy million dollars) was spent by X-Press Feeders, our member and the former operator of the ship, in respect of clean-up costs, and compensation to impacted local communities, despite having no legal liability to do so.

As you will be aware, subject to a judgement of the Supreme Court, an interim compensation payment has been demanded in response to the environmental impact of this sinking. As part of this judgement, the local agent for the vessel, along with the former owner and operator of the ship have been held jointly and severally liable for an initial US\$1,000,000,000 (one billion dollars).

We are deeply concerned that owing to the ongoing matter of this judgement sum, it is possible that the court could subject the ship's agents and its master to indefinite detention under contempt of court regulations in Sri Lanka.

In your role as President, and mindful of your responsibility for ensuring the constitutional separation of powers, we would humbly ask that you seek to advocate that the courts make alternative arrangements, whereby neither agent nor master will be detained or remanded absent specific, individualised flight-risk assessments. The status quo, where the impacted individuals cannot leave Sri Lanka, but are not

otherwise detained, is consistent with international norms in cases like this. We respectfully request your support, Your Excellency, for such non-custodial measures, in the case of these agents and the master.

Secondly, we seek Your Excellency's guidance on how we can work with an appointed high-level representative of your choice to open a dialogue regarding the decision made by the Supreme Court, without prejudice to the ongoing legal rights of the former owner and operator of the *X-Press Pearl*. We ask for you to designate a facilitator for time bound discussions between your government, The London P&I Club, X-Press Feeders, and other representatives who you may seek to include on how we can resolve this situation.

To this date, we have struggled to open a dialogue with your government, and humbly request your support in doing so. We stand ready to meet with any official that you name to urgently resolve this situation.

Finally, we would ask that you seek to reaffirm the commitment to a presumption of innocence and fair trials in the cases of the individuals who still face legal jeopardy in Sri Lanka, and who may do so in the future. Such a reaffirmation will be, I am sure, heard positively across the global maritime community, who watch this case with great trepidation to the future of their operations in Sri Lankan sovereign waters.

The London P&I Club respects the sovereignty of Sri Lanka, the authority of its courts, and the importance of continued commitment to the highest standards of environmental stewardship, and in this spirit, urges your intervention into this case to protect the well-being of the ship's agents and master.

Many of those potentially impacted are Sri Lankan nationals, with young families, and responsibilities of care that they will not be able to meet. It is not to avoid further cooperation in the handling of this incident that I write, but to seek to protect members of the international maritime community and to open a dialogue with Your Excellency at this time.

I remain, Yours faithfully



James Bean
CEO, The London P&I Club