

4 April 2023

## **LAWASIA EXPRESSES CONCERN OVER POSSIBLE THREAT TO THE INDEPENDENCE OF THE SRI LANKAN JUDICIARY**

1. LAWASIA supports the concerns raised by the Bar Association of Sri Lanka by its Statement of 11<sup>th</sup> March 2023 highlighting statements made in Parliament by a State Minister and a Member of Parliament in relation to an Interim Order granted in Supreme Court Fundamental Rights Application bearing No. 69/2023 in relation to the Local Authority Elections.
2. The concept of judicial independence is recognised in the international context, as well as in many domestic contexts. In the international context, the *UN Basic Principles on the Independence of the Judiciary* sets out as its first two principles the following:
  - “1. The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.
  2. The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason”.
3. It is fundamental to a democratic nation such as Sri Lanka which is governed by the rule of law, that it has a judiciary that is independent and appears to be independent. This means that judges and the judiciary as a whole must be, and must appear to be, independent of all external pressures and influences, whether exerted by the other branches of government, other judges, individual litigants, the media, the public or otherwise. Judges must also be independent of their own internal influences.
4. LAWASIA understands that the Parliamentary Committee of Privileges is presently looking into whether there has been any breach of Parliamentary Privilege by the said Supreme Court proceedings.
5. LAWASIA cautions all stakeholders to ensure that no action or steps whatsoever would be taken to undermine or that would be perceived to undermine the Independence of the Judiciary in Sri Lanka.

### **The Law Association for Asia and the Pacific (LAWASIA)**