



LAWASIA STATEMENT
CONCERN FOR INDEPENDENCE OF THE JUDICIARY IN SRI LANKA

LAWASIA, the Law Association for Asia and the Pacific, has observed with considerable concern developments in Sri Lanka with regard to the impeachment of the Chief Justice.

It notes the view of its member organisation, the Bar Association of Sri Lanka, that the Parliamentary Select Committee appointed to investigate the charges was unconstitutional and that the Chief Justice was denied natural justice by the process of investigation that has now concluded that she is unfit for office.

It notes the United Nations *Basic Principles on the Independence of the Judiciary* adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985 which, at *Article 17*, indicate:

17. *A charge or complaint made against a judge in his/her judicial and professional capacity shall be processed expeditiously and fairly under an appropriate procedure. The judge shall have the right to a fair hearing. The examination of the matter at its initial stage shall be kept confidential, unless otherwise requested by the judge.*

LAWASIA makes no comment on the charges brought against the Chief Justice, nor any observation about how or why these charges arise. However, it records its concern for circumstances that appear to indicate inappropriate procedures and a lack of fairness in the proceedings against her.

Where impeachment is faced by the senior-most judicial officer in any democracy, it indicates a very serious development and one that must be dealt with by the authorities with the utmost caution to ensure that the rule of law is strictly observed.

LAWASIA observes that developments in Sri Lanka lead the international community to conclude that there is a serious challenge to the independence of the judiciary. It urges the Sri Lankan government to take all steps to ensure scrupulous and fully transparent adherence to due process in this matter without compromise, in order to dispel such conclusions.

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