

6 August 2024

## LAWASIA EXPRESSES CONCERN REGARDING THE THREAT TO THE RULE OF LAW AND INDEPENDENCE OF THE JUDICIARY IN SRI LANKA

LAWASIA expresses deep concerns regarding recent developments in Sri Lanka, which undermine the independence and the authority of the judiciary. LAWASIA also expresses its support of the statement issued by the Bar Association of Sri Lanka<sup>1</sup> on 27 July 2024 regarding these developments.

The recent statements by senior officials of the Sri Lankan government, as reported by the media, suggesting that the Supreme Court of Sri Lanka lacks the authority to review certain appointments undermines the authority of the Supreme Court.

On 26 July 2024, the Sri Lankan government informed the Sri Lankan Parliament that the interim order issued by the Supreme Court against the Inspector General of Police Deshbandhu Thennakoon was not legally valid.<sup>2 3 4</sup>

The independence of the judiciary and upholding the rule of law is essential, not only for the proper administration of justice, but also for maintaining public confidence in the legal system. Any erosion of this independence compromises the integrity of the judiciary and the rule of law.

LAWASIA emphasises the cardinal principle that judicial orders must be obeyed until validly set aside by a judicial forum. A failure to do so undermines the administration of justice.

The importance of the independence of the judiciary has also been enunciated in the United Nations Basic Principles of the Independence of the Judiciary, 1985<sup>5</sup> which states:

- 1. The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.*

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<sup>1</sup> <https://basl.lk/media-statement-of-the-bar-association-of-sri-lanka/>

<sup>2</sup> <https://www.ft.lk/top-story/Parliament-erupts-over-Govt-s-defiance-of-SC-order-against-IGP/26-764809>

<sup>3</sup> <https://www.ptinews.com/story/international/standoff-between-sri-lankan-government-and-judiciary-govt-defies-police-chief-suspension-order/1685608>

<sup>4</sup> <https://www.dailymirror.lk/breaking-news/Stay-order-to-bar-Deshabandu-from-functioning-as-IGP-illegal-PM/108-288102>

<sup>5</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary#:~:text=In%20accordance%20with%20the%20Universal,to%20preserve%20the%20dignity%20of>

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. ***The judiciary shall have jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence as defined by law.***

LAWASIA reaffirms its commitment to supporting judicial independence and the rule of law in Sri Lanka and strongly urges the Government of Sri Lanka to honour and uphold the principles of judicial independence to preserve democratic values and ensure fair administration of justice.

**LAWASIA, The Law Association for Asia and The Pacific**