

[Statement] HRN expresses concern over Sri Lanka's impeachment and dismissal of Supreme Court Chief Justice, the independence of the country's judiciary, and the overconcentration of power in the hands of the president

On 12 January 2013, the Parliament of Sri Lanka voted to impeach the country's chief justice. Human Rights Now (HRN), a Tokyo-based international human organization, condemns the impeachment and expresses grave concern over the independence of Sri Lanka's judiciary, and the overconcentration of power in the hands of the president.

On 1 November 2012, a parliamentary motion to impeach Chief Justice Shirani Bandaranayake on the grounds of misconduct was submitted by President Rajapaksa.

According to the Constitution of Sri Lanka, judges cannot be removed unless the majority of the members of the Parliament voted for the motion passed by the president. However, President Rajapaksa's ruling party, the United People's Freedom Alliance Freedom Party (UPFA) occupy more than half of the 225 seats in the parliament, thus it was expected to easily win an impeachment vote.

Further, an investigation committee was established and led by Chamal Rajapaksa, the elder brother of President Rajapaksa. On 8 November 2012, the committee found the chief justice guilty of three out of the five charges against her.

In regards to the impeachment, a fair trial was not provided and the proceedings lack transparency.

The UN Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, in a statement released on 31 December 2012, strongly expressed her concern over the impeachment. She stated, "It is of high concern to me that the procedure for the removal of the Chief Justice of the Supreme Court is extremely politicized and characterized by lack of transparency, lack of clarity in the proceedings, as well as lack of respect for the fundamental guarantees of due process and fair trial".¹

Similar concerns have been voiced within as well as outside of Sri Lanka. The International Bar Association's (IBA) Human Rights Institute chairperson, Baroness Helena Kennedy QC, submitted a letter to President Rajapaksa highlighting the fact that an independent judiciary is a 'vital' mechanism for a democratic society.² The International Court of Justice (ICJ) called on the Sri

¹ Office of the High Commissioner for Human Rights (OHCHR) 2012, 'Sri Lanka: Attacks on the independence of the judiciary must stop, warns UN expert', *Office of the High Commissioner for Human Rights*, 31 December, <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12909&LangID=E>> [Accessed 16 January 2013].

² Buncombe, A 2012, 'After Sri Lanka's war, President lines up judges as next target', *The Independent*, 1 November, <<http://www.independent.co.uk/news/world/asia/after-sri-lankas-war-president-lines-up-judges-as-next-target-8274493.html>> [Accessed 13 January 2013]; The International Bar Association (IBA) 2012, 'BBC interview with IBAHRI Co-Chair Baroness Helena Kennedy QC', *The International Bar Association*, 30 October,

Lankan government to 'adhere to international standards of due process in the impeachment'.³

In Sri Lanka, on 10 January 2013, human rights groups voiced their objections against the impeachment. They staged a protest march in the country's capital. In spite of that, fierce oppositions locally and abroad have largely fallen on deaf ears and the impeachment was carried on.

Since July 2012, threats and attacks on judicial officials and lawyers have intensified. Accordingly, the recent impeachment is viewed as an extension of the violation of the independence of the country's judiciary.

After the end of a decades-long civil war, the power of the president in Sri Lanka has been increasing.

By approving an unlawful dismissal of the chief justice, and allowing increasing attacks and threats against judges and lawyers to go unchecked, the independence of Sri Lanka's judiciary and the separation of power will be greatly undermined. Consequently, it will only promote the growth of dictatorship in the country.

Human Rights Now expresses serious concern over the situation. We demand that the Sri Lankan government withdraws its dismissal of the chief justice and ensures the safety of judges and lawyers from attacks and threats made against them,

<<http://www.ibanet.org/Article/Detail.aspx?ArticleUid=562923c8-358b-4cf1-bb25-b9e1db7ca7bf>> [Accessed 13 January 2013]
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³ International Commission of Jurists 2012, 'Impeachment of Sri Lankan Chief Justice: Government must adhere to international standards of due process', *International Commission of Jurists*, 7 November, <<http://www.icj.org/impeachment-of-sri-lankan-chief-justice-government-must-adhere-to-international-standards-of-due-process/>> [Accessed 16 January 2013].