

Commonwealth Lawyers Association (CLA)
Commonwealth Legal Education Association (CLEA)
Commonwealth Magistrates' and Judges' Association (CMJA)

RESOLUTION ON THE RULE OF LAW AND JUDICIAL INDEPENDENCE
IN
SRI LANKA

REFERRING to the Statements we have previously issued expressing our grave concern about the flawed impeachment process by which Chief Justice Bandaranayake was removed from the office of Chief Justice in defiance of the judgements of the highest courts in Sri Lanka

REFERRING also to the statements of concern issued by the UN Special Rapporteur on the Independence of Judges and Lawyers;

RECALLING:

the Commonwealth (Latimer House) Principles on the proper relationship between the Executive, the Legislature and the Judiciary;
the Commonwealth Declarations of Principles and Values as recently embodied in the Commonwealth Charter;
Sri Lanka's commitment, as a Member of the Commonwealth, to these values;

NOTING:

that Membership of the Commonwealth is seen as a badge of respectability but that badge is being tarnished by repressive actions in Sri Lanka:
- the continued erosion of the independence of the judiciary through the impeachment of the Chief Justice and the subsequent relocation of magistrates and judges in Sri Lanka;
- the Executive's failure to abide by court orders; and
- the gross and persistent harassment of members of the legal profession and others who are seeking to defend these values in Sri Lanka.

THE CLA, CLEA AND CMJA, representing three branches of the profession, assembled at the 18th Commonwealth Law Conference, in Cape Town, South Africa:

1. Call upon the Members of the Commonwealth, through the Commonwealth Ministerial Action Group to place Sri Lanka on the agenda of its next meeting on 26 April 2013 and suspend it from the Councils of the Commonwealth for serious and persistent violations of the Commonwealth fundamental values. This suspension would not preclude the people of Sri Lanka from participating in non-governmental Commonwealth activities; and

2. Exhort Members of the Commonwealth to reconsider the holding of the next Heads of Government Meeting in Sri Lanka as to do so will:

a) tarnish the reputation of the Commonwealth especially given that the Sri Lankan

Head of State will thereby assume the role of Chair - in - Office;

b) call into grave question the value, credibility and future of the Commonwealth;

c) be seen as condoning the action of governments who violate its principles and by its silence will undermine the moral authority it purports to have in protecting and promoting fundamental values of the rule of law and human rights

Notwithstanding this resolution, the CLA, CLEA and CMJA affirm their support to those seeking to uphold the rule of law in Sri Lanka.

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17 April 2013

NOTE TO EDITORS:

The Commonwealth Lawyers Association is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth.
www.commonwealthlawyers.com

The Commonwealth Legal Education Association is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK. www.clea-web.com

The Commonwealth Magistrates' and Judges' Association is a not for profit organisation, registered in the UK, whose aims are to promote judicial independence, advance education in the law, the administration of justice the treatment of offenders and the prevention of crime in the Commonwealth. It brings together judicial officers of all ranks from all parts of Commonwealth and provides a forum for the promotion of the highest judicial standards at all levels. www.cmja.org