



Statement on the Motion to Impeach the Chief Justice of Sri Lanka

Further to our statement of 19 November 2012, the Commonwealth Lawyers Association (CLA), the Commonwealth Legal Education Association (CLEA) and the Commonwealth Magistrates' and Judges' Association (CMJA) are concerned about the developments surrounding the impeachment of the Sri Lankan Chief Justice Shirani Bandaranayake.

Sri Lanka, as a member of the Commonwealth, is expected to adhere to the fundamental values and principles of the Commonwealth which includes the provision of an independent and impartial judiciary that can only be removed by proper process on grounds of incapacity or gross misconduct.

In monitoring reports of the impeachment proceedings the Associations are very concerned that *The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003)*, have been ignored and that as a result the judiciary and the Rule of Law have been severely damaged.

We endorse the Statement made by the International Commission of Jurists on 6 December 2012 and have made representations to the Commonwealth Secretariat General on this issue as well as the UN Special Rapporteur on the Independence of Judges and Lawyers and note the Commonwealth Secretary General's statement of 12 December 2012.

The President of the CMJA stated that: "*The independence of the judiciary is a fundamental principle supporting the rule of law. By its arbitrary actions, and its failure to follow even its own constitutional safeguards for the removal of judges, the Sri Lankan Parliament has seriously undermined that principle and called into question its adherence to the shared values of the Commonwealth.*"

The Associations urge the Government and Parliament of Sri Lanka to respect the independence of the judiciary and in particular to comply with its constitutional safeguards and the Commonwealth Latimer House Principles and international standards.

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

13 December 2012

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