

Your ref:

Our ref: International Law and Relations Committee 2100325/2

11 January 2013

Mr Wijedasa Rajapakse  
President's Counsel  
Bar Association of Sri Lanka  
Hulftsdorp Street  
Colombo 12  
Sri Lanka

Dear Mr Rajapakse

### **Impeachment motion against the Honourable Chief Justice Dr Shirani Bandaranayke**

We write on the advice of the Queensland Law Society's International Law and Relations Committee, to express concern over the pending impeachment proceedings in respect of the Hon (Dr) Shirani Bandaranayke, Chief Justice, before a Parliamentary Select Committee (PSC) and in support of the LAWASIA statement on concern for independence of the judiciary in Sri Lanka.

With respect to the issue of judicial independence, we refer to the internationally agreed United Nations Basic Principles on the Independence of the Judiciary ("Basic Principles"). These rules were formulated to assist States in their task of securing and promoting the independence of the judiciary. The principles hold that judges should be respected by governments within the framework of their national legislation and practice. We urge you to bring this document to the notice of the legal profession as well as the public to create a greater awareness of the independence of the judiciary. We note in parti

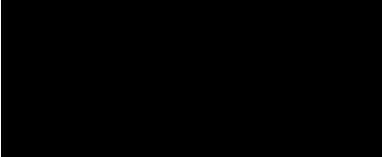
cular, several relevant provisions in the Basic Principles which are relevant:

- the independence of the judiciary shall be guaranteed by the State and enshrined in the law of the country. Further it is the duty of all governments and other institutions to respect and observe the independence of the judiciary (article 1)
- 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 (article 2)
- there shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision (article 4); and
- the principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected (article 6)

We also draw your attention to the Beijing Statement of Principles of the Independence of the Judiciary and the Bangalore Principles of Judicial Conduct which offer relevant guidance.

Both as a professional body and as members of the legal profession in a nation that is party to several international Human Rights' instruments that promote the independence of the judiciary, with an unwavering commitment to the rule of law and natural justice, we remain most concerned over the proceedings against the Chief Justice of Sri Lanka. We offer you our support and solidarity in these troubled and challenging times.

Yours faithfully



Annette Bradfield  
**President**