**Sri Lanka: UN expert concerned about reprisals against judges urges reconsideration of Chief Justice’s impeachment**

GENEVA (14 November 2012) - The United Nations Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, today expressed serious concerns about reported intimidation and attacks against judges and judicial officers, and warned that they might form part of a pattern of attacks, threats, reprisals and interference in the independence of the justice system in Sri Lanka.

“I urge the Sri Lanka Government to take immediate and adequate measures to ensure the physical and mental integrity of members of the judiciary and to allow them to perform their professional duties without any restrictions, improper influences, pressures, threats or interferences, in line with the country’s international human rights obligations,” Ms. Knaul said.

According to reports received by the independent human rights expert, most cases of attacks and interference against the judiciary in Sri Lanka are not genuinely investigated, and perpetrators are not held to account.

“The irremovability of judges is one of the main pillars guaranteeing the independence of the judiciary and only in exceptional circumstances may this principle be transgressed,” the Special Rapporteur underscored, expressing her uneasiness with the procedure of impeachment of the Chief Justice of the Supreme Court, Dr. Bandaranayake, launched before the Parliament on 1 November 2012.

“Judges may be dismissed only on serious grounds of misconduct or incompetence, after a procedure that complies with due process and fair trial guarantees and that also provides for an independent review of the decision,” she stressed. “The misuse of disciplinary proceedings as a reprisals mechanism against independent judges is unacceptable.”

In her view, the procedure for the removal of judges of the Supreme Court set out in article 107 of the Constitution of Sri Lanka allows the Parliament to exercise considerable control over the judiciary and is therefore incompatible with both the principle of separation of power and article 14 of the International Covenant on Civil and Political Rights.

“I urge the authorities to reconsider the impeachment of Chief Justice Bandaranayake and ensure that any disciplinary procedure that she might have to undergo is in full compliance with the fundamental principles of due process and fair trial,” the UN Special Rapporteur added.

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*Gabriela Knaul took up her functions as UN Special Rapporteur on the independence of judges and lawyers on 1 August 2009. In that capacity, she acts independently from any Government or organization. Ms. Knaul has a long-standing experience as a judge in Brazil and is an expert in criminal justice and the administration of judicial systems. Learn more:*[*http://www2.ohchr.org/english/issues/judiciary/index.htm*](http://www2.ohchr.org/english/issues/judiciary/index.htm)

*OHCHR Country Page – Sri Lanka:*[*http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/LKIndex.aspx*](http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/LKIndex.aspx)

*Check the UN Basic Principles on the Independence of the Judiciary:*[*http://www2.ohchr.org/english/law/indjudiciary.htm*](http://www2.ohchr.org/english/law/indjudiciary.htm)

*For more information and****media requests****, please contact Amanda Flores (+41*79 752 0485*/**aflores@ohchr.org**) or write to**SRindependencejl@ohchr.org*

For **media inquiries** related to other UN independent experts:
Xabier Celaya, UN Human Rights – Media Unit (+ 41 22 917 9383 begin\_of\_the\_skype\_highlighting            + 41 22 917 9383      end\_of\_the\_skype\_highlighting / xcelaya@ohchr.org)