



Law Council
OF AUSTRALIA

*From the Office of
the President*

16 January 2013

Senator the Hon Bob Carr
Minister for Foreign Affairs
Department of Foreign Affairs and Trade
R.G. Casey Building
John McEwen Crescent
BARTON ACT 0221

Joseph J Catanzariti
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Dear Minister,

IMPEACHMENT OF SRI LANKAN CHIEF JUSTICE

I am writing to express the Law Council of Australia's concern regarding reports of threats and intimidation against the legal profession and judiciary in Sri Lanka, and to request that the Australian Government encourage the Sri Lankan Government to respect the important roles that an independent legal profession and the rule of law play in democratic societies. The Law Council is particularly concerned about recent reports that the Sri Lankan President, President Rajapakse, has dismissed Chief Justice Shirani Bandaranayake based on a process which does not appear to have been conducted in a fair or transparent manner.

The Law Council's request follows recent correspondence that the Law Council has received from the Young Lawyers' Association of Sri Lanka (YLA) which outlined concerns in relation to steps that the Sri Lankan Government had taken to impeach the Sri Lankan Chief Justice, and requested that these concerns be raised with the Commonwealth Ministerial Action Group (CMAG).

The Law Council considers the existence of an independent, impartial and competent judiciary to be an essential component of the rule of law. The Law Council also considers that any impeachment process regarding judges must involve strict observance of the rule of law. Based on the information available to the Law Council, it does not appear that the process that the Sri Lankan Government has relied on to date to impeach the Chief Justice has involved such strict observance.

The Law Council is aware that the International Bar Association, the Bar Association of Sri Lanka, the Canadian Bar Association, the International Commission of Jurists, Commonwealth Lawyers' Association, LAWASIA and the Bar Human Rights Committee of England and Wales have expressed concern about the impeachment proceedings against the Chief Justice. The United Nations Special Rapporteur on the Independence of Judges and Lawyers, has raised similar concerns in this regard.

I look forward to hearing from you in relation to the matters raised above.

Yours sincerely,

Joseph J Catanzariti