

IR 4(d)

Colombo  
Telegraph

SUPPORTING THE FIGHT FOR A FREEDOM

World Peace Newsletter

www.worldpeacenewsletter.com

World peace, global peace, national peace, local peace &amp; inner peace.



All Channels &gt;

HOME NEWS OPINION ANALYSIS VIDEO EDITOR'S CHOICE ABOUT US

Active

Search in site

## Rajapaksa's Second Choice: Corrupt Justice Hettige

January 21, 2013 | First Under Colombo Telegraph Opened/Published | Posted by: COLOMBO TELEGRAPH

0 0 0 0 0 0

Rajapaksa's Second Choice: Corrupt Justice Hettige As Acting CJ?

By [Udaya Kumudasingha](#)

"The independence of the Judge is dependent on and is linked to the question of his moral integrity, his knowledge of the law and his skills in legal reasoning and analysis in the process of adjudication, though very desirable, are in a sense secondary and of less importance. An honest mediator is to be preferred to a clever crook when it comes to the art of judging. Intellectual dishonesty in adjudicating though often hard to demonstrate is to be deplored, while moral depravity and corruption of any sort are wholly outside the pale and must be condemned without equivocation." - President's Council H. L. de Silva addressing the Conference of the Independence of the Judiciary, August 25, 1998 -BBC



Udaya Kumudasingha

There is currently a prevalent sense of grave concern and apprehension, one may even say an angst, among a section of the legal community. Not the deeply cherished values of judicial independence and moral integrity among judges are under serious threat and in a state of crisis. Over the years the firestormed danger have increased in intensity and have now reached a critical point.

Sometime back, we raised serious issues affecting the integrity of the Sri Lankan judiciary. We asked the issue of the appointment of retired Chief Justice [Anura Kumara Dissanayake](#) as Senior Legal Advisor to the President. Today the Chief Justice, formerly an advisor to a controversial head of the state, What does this imply? Where is the integrity of Sri Lanka's judiciary?

We raised the serious [question of interest based hearing](#) to the present Chief Justice. We warned the Chief Justice to answer how her husband was appointed Chairman of Sri Lanka Insurance Corporation, and to the Lanka Hospitals Corporation PLC as a member of its Board of Directors. How was he also appointed as Chairman of the National Savings Bank? Had he applied for the job? Was he interviewed? Who were the other applicants? Were there qualified applicants other than her husband?

At the end, Chief Justice [Sallya Hettige](#) inspected unimpaired, without giving her a fair trial. Tonight or soon she will be replaced by [Sallya Hettige](#). Rajapaksa's first choice is to appoint corrupt former AG Mohan Perera as C.J. To do this he is going to appoint his second choice CJ as acting CJ. The plan is to appoint [Sallya Hettige](#) as acting CJ, then [Mohan Perera](#) as the Chief Justice. The Colombo Telegraph has already exposed Mohan Perera's misconduct.

Sallya Hettige, who had changed her name after leaving the university, was nominated for an appointment as a Court of Appeal, but on both occasions, the Constitutional Council rejected it on the basis of ineffectiveness. However when the Constitutional Council was abolished, he was directly appointed as the President of Court of Appeal by the President. This is the Supreme Court.

He invited President Rajapaksa to his daughter's wedding, where the President signed as a witness and stayed more than one hour at the wedding ceremony. When [Sallya Hettige](#) challenged his Court Martial in the Court of Appeal, this matter came to light, and Perera's counsel [Eshwar De Silva P.C.](#), objected to Hettige sitting in the case, since the President appointed the Court Martial against Sallya Hettige. But the objection was overruled and Sallya Hettige's wife applications were also rejected.

The International Bar Association's minimum standards on judicial independence, at clause 44 says, "A judge shall not sit in a case where there is a reasonable suspicion of bias or potential bias."

Hettige has also been the subject of serious criticism over accepting ruling party nomination papers despite alleged procedural errors, and rejecting opposition nomination papers for local government elections.

We drew attention to the [new tradition of judges inviting politicians to parties](#). Justice Sallya Hettige invited President [Mahinda Rajapaksa](#), his brother-in-law [Sudath Rajapaksa](#), and the Prime Minister [D.M. Jayaratne](#) and some other politicians to celebrate his promotion to the Supreme Court.

Hettige is also a [Judge of the Supreme Court of Fiji](#), which is under a military dictatorship. The main issue here is the impact the Fiji job has on Justice Hettige when he is sitting in the Supreme Court of Sri Lanka. Can we expect justice and independence from someone of military dictators? What is their judicial mentality? What is their ethical compass in relation to the judicial function? What principles of judicial independence do they adhere to? Do they make a distinction between their Sri Lanka and Fiji judicial roles? Can someone serving under a foreign military dictatorship, legitimately and credibly, sit at the same time on the bench of the Supreme Court of Sri Lanka? What can be expected of judges in Sri Lanka who serve a military dictatorship elsewhere?

Some would say there is no difference between a military dictatorship in Fiji and an elected dictatorship in Sri Lanka. But others still have a hope about Sri Lanka's Supreme Court and the judiciary, because there are still judges who have been torturing and dispensing justice without fear or favour.

GO SOCIAL



FOLLOW US ON FACEBOOK

Page Error



LATEST COMMENTS

[viewer on 20: The Future Of The Tamils In Sri Lanka And Holding Of A Referendum On Ethnic](#)

[Horagolla, Ch on Buddha Monk Led Government Group Sabotaged Senior De](#)

[Horagolla, Ch on One Blander After The Other In Foreign Policy](#)

[Maha Gilesha of The Wigneswaran Factor: Sampath's Master Stroke](#)

[Pisiris on The Wigneswaran Factor: Sampath's Master Stroke](#)

[Haran P. on Sri Lanka Files With Three Regulations](#)

[Aelo on The Wigneswaran Factor: Sampath's Master Stroke](#)

[UK on The Trinco-5 And The Malala Mass Grave: Behind The Facade Of Accountability](#)

[Real Peace or Justice C/V Wigneswaran As Chief Minister](#)

[Dr Mahinda Wigneswaran of Justice C/V Wigneswaran As Chief Minister](#)