

The President,
The Bar Association of Sri Lanka
No. 153, Mihindu Mawatha,
Colombo 12

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Forcing the lawyers to abandon practice due to politicization of the Judiciary

As the President of the Bar Association has rightly stated in many occasions, it is quite apparent that the Rule of Law of this country has been completely undermined, yet those who are more concerned about their private benefits have simply compromised with their integrity and opted to live with the failed system.

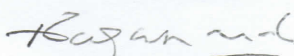
After the appointment of Mr Mohan Peiris to the Office of the CJ, by the Executive President, despite the fact that there was no vacancy existed due to the unlawful removal of the Chief Justice Shirani Bandaranayake, several lawyers including me, who refuse to compromise with integrity, have completely abandoned practice in the Supreme Court.

As the Association has raised its concerns, the interference with the Judiciary by the Executive President, has ridiculed peoples' judicial power. For instance, making improper appointments to the Superior Court system continue unabated, resulting in people losing their faith in the Judiciary.

The recent appointment of two public officers from the AG's Department to the Writ Court in the Court of Appeal by the President can be cited as a practice never being followed in other leading democracies. [In the UK, for example not a single employee from the Crown Prosecution Service is appointed to the Judiciary.] This unhealthy practice followed in this country has effectively forced the people who challenge the unlawful State actions before the Writ Court, losing their confidence, as no impartiality is ensured. A fitting example is given below.

- *In the case [(C.A. (Writ) Application No. 83/2014] filed in the Writ Court on 19th March 2014 in which alleged unlawful seizure of a consignment of goods valued over 60 million rupees by the Customs, was supported by me on 03rd April 2014. The Court, having satisfied that there were sufficient grounds, issued Notice on Respondents, returnable on 10th June 2014. Since then over 6 months have lapsed with no effective action being taken to dispense justice.*
- *This was purely due to the AG violating the Court of Appeal Rule [Rule 3 (4)(b)(i)] that requires Statement of Objections shall be filed within 4 weeks of the Issuance of Notice. In this case the AG has continuously been in the practice of making repeated requests (17th July, 05th Sep 2014 and 17th October 2014) for more time to file statement of objections, despite objections raised for the Petitioner.*
- *On 17th October, in spite of bringing to the notice of the Court that AG's said conduct was absolutely inappropriate, the Bench of two Judges (both appointed from the AG's Department) granted further time to file objections.*
- *It is obvious that AG's action has denied the Petitioner, a citizen of this country, justice.*

Therefore, as stated above, it is quite apparent that the lawyers who refuse to compromise with their integrity are being targeted and in these circumstances I have opted to stop my Court of Appeal Practice as well. And I request the Bar Association, the professional body of the Private Bar, to take effective measures to restore the Rule of Law in this country ensuring the people, the justice they deserve and whose Judicial power is being grossly abused by the Executive.


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