

Lacille de Silva  
Former Secretary to the SPECIFAC  
91/3B, 6<sup>th</sup> Lane, Parakrama Mawatha,  
Thalahena,  
Malambe.

The Chairman  
Commission to Investigate Allegations of Bribery or Corruption  
36, Malalasekara Mawatha  
Colombo 7

18<sup>th</sup> July 2017

### **Complaint on judicial corruption against the Chief Justice, Priyasath Dep**

I submit herewith a written complaint by way of an affidavit containing credible evidence of Judicial Corruption of the incumbent Chief Justice Priyasath Dep, emanating from the abuse of judicial office for improper purposes of conferring favours for himself or other members in the Judiciary or the Executive, which falls within the offence of corruption as defined in the Section 70 of the Bribery Act and has resulted in the deterioration of the public trust placed in the judiciary.

Public spirited citizens who are concerned of democratic rights of the people are fully aware that corruption in the judiciary has already pushed Sri Lanka into a very embarrassing situation in the global stage and the United Nations Human Rights Council, compelled the Government of Sri Lanka to concede that people of Sri Lanka have no trust and confidence in its justice system and therefore to co-sponsor a resolution (A/HRC/RES/30/1) on 01<sup>st</sup> Oct 2015, to set up a judicial mechanism with international dimension to try cases of violations of rights of the citizens recognised by the Constitution.

It is pertinent to note that even after the election of a new President and a new government in 2015, the Bar Association of Sri Lanka, the professional body of lawyers, was compelled to issue a press statement on 28<sup>th</sup> Nov 2015 (copy marked **X1** enclosed), affirming that *‘the existing judicial system in this country has not met the confidence of the people and that it is an undeniable fact that over a period of time the independence and credibility of many of these institutions have suffered, resulting in an erosion of the confidence in the system as a whole’*.

I also understand that the Public Interest Litigation Activist Nagananda Kodituwakku, Attorney-at-Law & Solicitor, too has initiated an action (copy marked **X2** enclosed) on the interference with the administration of justice by the Executive and the abuse of office by the Chief Justice Priyasath Dep, apparently under moral duress, denying the activist’s right to support the case SC/Writs/05/2015 initiated against the appointment of candidates defeated at the General Election – 2015 as Members of Parliament before a Fuller Bench of the Supreme

Court. Further I understand that the activist has presented a submission to the Bar Association, urging it to convene a Special General Meeting to discuss the state of the Judiciary that seemingly functioning under the Executive and a copy of the document has been sent to the UN High Commissioner of Human Rights.

Therefore, with a view to restore the public trust and confidence in the judiciary, without which the norm of representative democracy becomes unworkable, and no other law enforcement bodies including CIABOC could perform their constitutional mandate, I request the Commission to initiate a credible and independent investigation into this complaint in terms of Section 4 of the Act No 19 of 1994.

**Lacille de Silva**

Former Secretary to the Presidential Commission of Inquiry into the Serious Frauds and Corruption (SPRECIFAC)