

His Excellency, the Hon. Mahinda Rajapaksa
President of the Democratic Socialist Republic of Sri Lanka
Office of the President
Temple Trees
120 Galle Road
Columbo 3
Sri Lanka

Brussels, 17th of April 2013

Re: Concerns regarding the impeachment and removal of the Chief Justice, Ms Shirani Bandaranayake

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law, which includes the principles of independence of the legal profession and of independence and impartiality of the judiciary.

The CCBE writes to express its serious concern over the impeachment and replacement of the 43rd Chief Justice, Ms Shirani Bandaranayake, who has served in the Supreme Court for 14 years.

The CCBE has been informed that by a decision of the Sri Lankan Parliament, endorsed by you, MS Bandaranayake was moved from her functions and duties after she presided over two Supreme Court panels that gave rulings against the government.

Especially worrisome is that according to the information we received, the enquiry against Ms Bandaranayake evidenced a failure of due process, a lack of independence and a denial of a fair hearing. In addition, the decision against the Chief Justice was given in contravention of unequivocal rulings by Sri Lanka's Court of Appeal and Supreme Court.

In this context, the CCBE wishes to draw your attention to the fact that the decision to oust the Chief Justice Ms Bandaranayake is incompatible with a number of fundamental principles, such as respect for the separation of powers, the rule of law, good governance and human rights.

The CCBE believes that the dismissal of the Chief Justice seriously threatens the independence of the judiciary and undermines public confidence in Sri Lanka's rule of law.

In view of the above, the CCBE respectfully urges you to take immediate and effective steps to reverse the impeachment and replacement of Chief Justice Shirani Bandaranayake. The CCBE also urges you to take all necessary measures to guarantee the full independence of the judiciary and legal profession in your country.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'E. Tsouroulis', written in a cursive style.

EVANGELOS TSOUROULIS

CCBE President