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இலங்கைச் சட்டத்தரணிகள் சங்கம்  
BAR ASSOCIATION OF SRI LANKA

November 9, 2023

**Media Statement**

**BASL DEEPLY CONCERNED ABOUT COURT PROCEEDINGS BEING DISCUSSED IN THE PARLIAMENT**

The Bar Association of Sri Lanka is disturbed by the allegations made by a Cabinet Minister in Parliament on the 8<sup>th</sup> of November 2023, in respect of a case which relates to a matter concerning the appointment of an Interim Committee to Sri Lanka Cricket and the alleged conduct of a judge of the Court of Appeal.

The Independence of the Judiciary is a fundamental principle of the rule of law and therefore, any form of undue interference with Judicial Independence is extremely serious, and would erode public confidence in the judiciary, particularly, the matters which are subjudice, thus, should be condemned.

The BASL has always acknowledged that an Independent Judiciary is the key to upholding the rule of law in a free society, on the guarantee that judges will be free and will be perceived to be free to make impartial decisions based on the facts and the law in each case, and to exercise their role as protectors of the rule of law, without any pressure or interference from other sources, especially the Government.

The BASL strongly feels that statements being made in respect of ongoing court cases and reference to judges, purportedly taking cover on parliamentary privileges, is seen as a direct threat on the Independence of the Judiciary. The legal fraternity has continuously raised serious concerns regarding this matter.

Further, the BASL strongly believes that the Judiciary is built on a foundation of faith and confidence of the general public, and thus it is of paramount importance for judicial officers to ensure the said public trust is safeguarded.

Further, the BASL would also like to remind the relevant Hon. Members of Parliament that, the right to represent a client is a professional right which has been safeguarded by law, and any threat to the right, is an attack on the profession at large.

In the case of Wijesundara Mudiyansele Naveen Nayantha Bandara Wijesundara v Sirwardena and Others (SCFR 13/2019), the Supreme Court observed that:

*“Thus, there is no dispute that the legal profession is a sine qua non for the due administration of justice in this country and for that matter in any civilized society. The said profession is essential for the maintenance of the rule of law and maintenance of law and*



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*order and its due existence is of paramount importance to the organized functioning of the society which is primarily the basis for the smooth functioning of the country as a whole.”*

Nevertheless, in view of the nature of the serious allegations made against the alleged conduct of a Judge in the well of Parliament, the BASL is of the view that independent and impartial persons should be appointed to probe in to the truth of the allegations made, and, if the said purported allegations are proved to be true, it would undermine the integrity of the judicial system, and if the said allegations are found to be baseless, the same would undermine the independence of the Judiciary and the integrity of the justice system in our country. Any allegation made against the Judiciary are found to be untrue, the same would attract penal sanctions including Contempt of Court.

Whilst reiterating its commitment to upholding the rule of law, BASL strongly calls on the stakeholders to act within the provisions laid down in our Constitution, and protect the independence of the Judiciary at any cost.

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President

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Deputy President

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Treasurer

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Assistant Secretary