



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

COVERING LETTER

The Bar Human Rights Council of England and Wales (BHRC) has been gravely concerned about the impeachment of the Chief Justice of Sri Lanka and has recognised the need for an objective account and analysis of the proceedings leading up to her removal.

When the Sri Lankan government refused entry to an International Bar Association fact-finding mission led by a former Chief Justice of India, the BHRC invited distinguished international jurist, Geoffrey Robertson QC, to undertake that task.

His report is an authoritative and devastating indictment of those government ministers and Members of Parliaments who set out to destroy judicial independence by removing a judge whose decision, on a constitutional case was conscientious and correct, but nonetheless had displeased the President and his government.

The BHRC believes that this report will have a lasting impact. It is a fair, objective and expert study of the evidence and procedures used to effect the removal of the Chief Justice. It is, further, and more generally, a clear authority on the appropriate procedures for putting judges on trial for allegations of misconduct in any circumstance.

Geoffrey Robertson Q.C. brings to his report, which he has undertaken *pro bono* on behalf of the BHRC, his experience as First President of the UN Court in Sierra Leone and his service as a ‘distinguished jurist’ member of the UN Justice Council, responsible for selecting and disciplining UN judges. He was counsel in *Rees v Crane* (1993), the leading Privy Council authority on judicial removal, and defended the Chief Justice of Trinidad and Tobago at his impeachment proceedings in 2007.

No one who reads this report can put it down without thinking that something must be done to hold accountable those politicians who have acted to remove a Chief Justice simply because of her insistence that she remain independent of government.

Furthermore, the BHRC notes that in light of this report, it is now beyond doubt that the government of Sri Lanka has breached the Latimer House Principles. In these circumstances, Sri Lanka should not be permitted to hold the Commonwealth Head of Government meeting scheduled for Colombo in November 2013.

We believe the Robertson Report confirms that the removal of the Mrs Bandaranayke was a contrived attack on the independence of the judiciary. The BHRC hopes that, armed with this information, responsible organs of the UK Parliament, and of the Commonwealth, and Bar Associations throughout the world, will be step up to their international responsibilities and take appropriate action.

Kirsty Brimelow Q.C.
Chair, Bar Human Right Committee