



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

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PRESS RELEASE

A report by Geoffrey Robertson QC published this week by the Bar Human Rights Committee of England and Wales (BHRC) concludes that the Chief Justice of Sri Lanka was innocent of the misconduct charges which brought about her removal from office last month, which was in reality a reprisal for her “careful and correct” decision in a case where she had ruled against the government. The report calls for the UK to subject the seven Sri Lankan cabinet ministers who convicted her, and 117 government MPs who signed a “false and fabricated” impeachment motion, to be refused entry visas and to have their bank accounts in Britain frozen. It wants Sri Lanka suspended from the Commonwealth, and urges the Queen not to attend the November Heads of Government meeting (CHOGM), scheduled for Colombo.

The Report, by eminent human rights lawyer Geoffrey Robertson QC, who was the First President of the UN Court in Sierra Leone and a ‘distinguished jurist’ member of the UN Internal Justice Council which disciplines UN judges, concludes that Mrs Bandaranayke, Sri Lanka’s first woman judge, was forced out because her “careful and conscientious” rulings had displeased the government and the family of President Rajapakse. Mr Robertson’s report analyses the charges against her and says that they are not based on evidence and that some of the allegations – such as the use of her title in bank statements – could not conceivably amount to ‘misconduct’. He accuses the government of further subverting the independence of judges by organising its supporters to demonstrate against her with abusive slogans and by paying for firework displays and other celebrations of her dismissal.

Mr Robertson says that the most basic rights of a defendant were denied by a “Star Chamber” of seven government ministers who put her on a secret trial. They were all biased against her because of a judgement she had given against the government, and they refused to allow entry not only to the public but to distinguished international observers. They gave her no time to prepare a defence and told her there were no witnesses to be called when this was not the position. As soon as she withdrew they called sixteen, whom she was thus prevented from cross-examining.

Mr Robertson concludes that:

“Sri Lankan political leaders treated the head of their judiciary as if she were public enemy number one, abusing the democratic process to put her through an unfair trial as punishment for doing her constitutional duty and then celebrating her unjust removal with feasting and fireworks.”

He recommended that the 117 MPs who signed the impeachment motion, and the 7 government ministers who convicted her, should all be subject to international measures now available for use against human rights violators, called the “Magnitsky Act”. This is the law that President Obama drafted last December (and which caused President Putin in reprisal to ban US adoption of Russian babies!). Mr Robertson says:

“the Magnitsky Act is a new tool to name, shame and actually punish those human rights violators who fall within the class of “train drivers to Auschwitz” – they do not order an atrocity, but it would not have happened without their help. These 117 tame MPs started the impeachment process by making false accusations against the Chief Justice. Some are likely to want to visit the UK, other have funds in UK banks. All democracies should act to protect judicial independence as a core value, and there should be a stigma attached to those that have destroyed it in Sri Lanka.”

Mr Robertson also said

“Given the blatant breach of the rule of law, for which the government purports to stand it would make a mockery of the Commonwealth as an organisation if it permits

the Rajapaske government to showcase its destruction of judicial independence by presiding over CHOGM.”

He said the UK should ensure that the Queen did not attend, her presence in Colombo “would provide a royal seal of approval for the propaganda interests of President Rajapaske”.

NOTES FOR EDITORS

1. The Bar Human Rights Committee of England and Wales (“BHRC”) is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with protecting the rights of advocates, judges and human rights defenders around the world. The Committee is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. The remit of BHRC extends to all countries of the world, apart from its own jurisdiction of England & Wales. This reflects the Committee's need to maintain its role as an independent but legally qualified observer, critic and advisor, with internationally accepted rule of law principles at the heart of its agenda.

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