

## **The Friday Forum**

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### **A Final Chance to Honour the Constitution and Natural Justice**

The Friday Forum made a recent statement which drew the public's attention to the deeply flawed nature of the procedures adopted for investigating the charges made against the Chief Justice. This statement analyzed the procedures from the perspective of the Constitution and other legal provisions. We recommended that in the absence of essential safeguards, the impeachment proceedings should be terminated.

Our worst fears have been confirmed by the manner in which the Select Committee of Parliament has conducted the investigation and arrived at its conclusions. The public is aware that the basic requirements of a fair investigation have been flouted by the members of the Select Committee representing the government, who constitute the majority on the Committee. From the very first sitting of the Committee, there appears to have been an arrogant disregard of the laws and standards of natural justice and fair procedure that ought to be followed according to Sri Lankan law as well as International law and practice. The members representing the opposition parties on the Select Committee also failed in their duty to ensure that the basic elements of fair investigative procedures were in place before the Chief Justice was summoned before the Committee, and she and her lawyers attended its sittings. This appears to have resulted in confrontational arguments during the sittings, vain protests on their part, and an eventual withdrawal from the proceedings by the Chief Justice and her lawyers.


Even worse the Chief Justice and her team of lawyers are alleged to have been subjected to attempts to intimidate them at every sitting they attended, two members of the government on the Committee even resorting to vituperative abuse. That legislators and senior government officials who have acted in this way in their interactions with the public in the recent past have not been held accountable for such conduct has encouraged the unimaginable behaviour of the present Parliamentary Select Committee.

The Select Committee's report and findings were arrived at in unseemly haste, after the withdrawal of the Chief Justice and her team of lawyers and the representatives of the opposition parties. They were all protesting against the arbitrary and unfair manner in which the proceedings were conducted. In these circumstances it is fair to surmise that the findings and report are seriously flawed, and indicate unjust, unfair and discriminatory investigative procedures.

We wish to remind parliamentarians that the proceedings of the Select Committee are being challenged before the courts on the basis that they are ultra vires the Constitution.

The public has a right to expect its elected representatives to act with decorum and dignity. We ask that the Chairman of the Select Committee and those who abused the Chief Justice tender, to the Chief Justice, her team of lawyers, the judiciary, Parliament and the people of Sri Lanka, a public apology for their conduct.

We call upon the Speaker to advise Parliament that the report is not acceptable, and persuade the House not to base an address to the President on the Report. We also call upon the President not to act on any address of impeachment based on this report, even if presented to him by Parliament.



Jayantha Dhanapala  
On behalf of The Friday Forum;

Professor. Savitri Goonesekere

Jayantha Dhanapala, Professor Savitri Goonesekere, Rt. Rev. Duleep de Chickera, Professor Arjuna Aluwihare, Anne Abeysekera, Dr. Jayampathy Wickremaratne, Tissa Jayatillaka, Professor Ranjini Obeysekere, Shanthi Dias, Damaris Wickremasekera, Dr. Deepika Udagama, Sithie Tiruchelvam, Lanka Nesiah, Dr. A.C.Visvalingam, Dr. Camena Gunaratne, Suriya Wickremasinghe, D. Wijayanandana, Radhika Coomaraswamy, Faiz-ur Rahman, Manouri Muttetuwegama, Daneshan Casie Chetty, Rev. Dr. Jayasiri Peiris, J. C. Weliamuna, Dr U.Pethiyagoda, Ranjit Fernando, Dr. Devanesan Nesiah, Ahilan Kadirgamar, Javid Yusuf, Mahen Dayanada, Chandra Jayaratne.