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A Joint Oral Statement to the 24th Session of the UN Human Rights Council by the Asian Legal Resource Centre (ALRC) and Franciscans International, non-governmental organizations with general consultative status

SRI LANKA: Signs of heading in an increasingly authoritarian direction

Thank you Mr. President,

The ALRC and Franciscans International (FI) welcome the statement delivered by the High Commissioner at the end of her country mission to Sri Lanka on the 31st of August, 2013 in which she made the following comment:

"I am deeply concerned that Sri Lanka, despite the opportunity provided by the end of the war to construct a new vibrant, all-embracing state, is showing signs of heading in an increasingly authoritarian direction".

We wish to express our appreciation of the High Commissioner's approach, which highlights the problems of human rights affecting the entire country. The authoritarianism mentioned by the High Commissioner is a result of constitutional changes made in 1972 and in 1978, which virtually displaced the rule of law in Sri Lanka. The legal system of Sri Lanka, introduced during the British colonial period, prevailed for over a hundred and fifty years, but it has now been undermined after the adoption of the 1978 constitution.

One stark feature is the displacement of the authority of the public institutions. Proposal for restoring the lost authority was adopted through the 17th amendment in 2001 but this was later abandoned as a result of the 18th amendment in 2010.

These changes seriously affected the police service of Sri Lanka, the politicisation of which has led to its incapability to play any part in the implementation of the criminal justice system. The crisis is so deep that the government has had to call on the armed forces to maintain law and order, and for that purpose a new ministry has been established. The minister in charge is the President himself.

The crisis of the police is also linked to that of the judiciary, the independence of which has been seriously undermined. The idea that the executive, legislature and judiciary should work in close cooperation undermines the very notion of the separation of powers. The removal of the Chief Justice, Dr. Shirani Bandaranayake and the appointment of a Chief Justice with close links to the government, has caused a disturbance within the entire legal system.



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We hope that the High Commissioner's intervention to have the recommendations of Lesson Learnt and Reconciliation Commission (LLRC) implemented will result in addressing this crisis of the entire legal system in Sri Lanka.

Thank you.

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***About the ALRC:** The Asian Legal Resource Centre is an independent regional non-governmental organisation holding general consultative status with the Economic and Social Council of the United Nations. It is the sister organisation of the Asian Human Rights Commission. The Hong Kong-based group seeks to strengthen and encourage positive action on legal and human rights issues at the local and national levels throughout Asia.*