

I am the 43rd Chief Justice of the Democratic Socialist Republic of Sri Lanka. As the Chief Justice, I have an obligation and an unwavering duty towards the judges, lawyers and the citizens at large of my country.

I stand here before you today having been unjustly persecuted, vilified and condemned. The treatment meted out to me in the past few weeks, was an ordeal no citizen let alone the Chief Justice of the Republic should be subjected to. The 32 years of continuous service at the University of Colombo and the Supreme Court, during my 54 year lifespan, I have rendered in varying capacities towards my motherland, is rewarded unfortunately, in this unjust manner.

Though I was accused and arbitrarily convicted by the Parliamentary Select Committee, I have been vindicated in the bastions of the law. I take solace in the fact that, the due process and the rules of natural justice of which I was and continue to be an advocate and a firm believer, have been upheld by the superior courts of this country. The Supreme Court, acknowledged by the Hon. Speaker as having the sole and exclusive jurisdiction in interpreting matters relating to the Constitution, in its recent interpretation, unequivocally declared that the PSC and its proceedings therein were unconstitutional and illegal. Moreover, a Writ of Certiorari was issued by the Court of Appeal quashing the findings of the PSC. Therefore, the decisions of the PSC are ultra-vires, null and void and have no force or validity in law.

In the circumstances, in my country which is a democracy, where the rule of law is the underlying threshold upon which basic liberties exist, I still am the duly appointed legitimate Chief Justice.

It is not only the office of Chief Justice, but also the very independence of the judiciary, that has been usurped. The very tenor of rule of law, natural justice and judicial abeyance has not only been ousted, but brutally mutilated.

I have suffered because I stood for an independent judiciary and withstood the pressures. It is the People who are supreme and the Constitution of the Republic recognizes the rule of law and if that rule of law had prevailed, I would not have been punished unjustly.

The accusations levelled against me are blatant lies. I am totally innocent of all charges and had there been a semblance of truth in any allegation, I would not have remained even for a moment in the august office of the Chief Justice. I can stand before you today as the Chief Justice, a citizen and a human being, purely because of that very innocence.

Since it now appears that there might be violence if I remain in my official residence or my chambers I am compelled to move out of my official residence and chambers particularly because the violence is directed at innocent people including judges, lawyers and committed members of the public.

The 16 years I have spent in the Supreme Court have been dedicated to uphold the rights of the people in this country. I have always considered it my solemn duty to protect, to the best of my ability, the life and liberty of human beings and the rights of children and their education. I have always acted to that end.

I thank all those who stood with me and the greater cause to fight for the independence of the judiciary.

Even though I have not been meted out with justice today; time and nature will justify what I have done and what I and others who shared my beliefs have stood for.

Many will come and many will go. What matters is not the person who is the incumbent custodian of this position. What matters is the continued existence of an independent judiciary.

Thank you.

Dr. Shirani A. Bandaranayake

The 43rd Chief Justice of the Democratic Socialist Republic of Sri Lanka

15th January 2013