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இலங்கைச் சட்டத்தரணிகள் சங்கம்
BAR ASSOCIATION OF SRI LANKA

05th January 2024

BASL Media Statement

OUR ADHERENCE TO DUE PROCESS AND THE RULE OF LAW MUST NOT BE COMPROMISED

The Executive Committee of the Bar Association of Sri Lanka (BASL) observes a rise in arbitrary arrests and, criminal activity in recent times.

Our legal system provides for investigation, inquiry, trial, and punishment by proper authorities which is the base of democracy and the Rule of Law, and, the credibility and transparency of such process, must be diligently and fiercely preserved.

The BASL firmly condemns the regrettable shooting incident that transpired in Weligama, resulting in the tragic demise of a Police Sergeant and the injury of a Sub Inspector from the Colombo Crimes Division (CCD). This incident purportedly occurred within the context of an operation aimed at apprehending a group allegedly engaged in illicit drug activities.

BASL underscores the utmost significance of adhering to due process and upholding the rule of law. The police raids, including the demolition of property carried out without valid search warrants and/or valid search orders, whilst flagrantly violating established legal protocols, render them unlawful. Such actions not only undermine the bedrock principles of justice, but also erode public confidence in the integrity of law enforcement agencies.

In terms of Article 13 (4) of the Constitution, no person shall be punished with death or imprisonment except by order of a competent court. Hence, even a convicted criminal has a right not to be arbitrarily deprived of his life except in accordance with procedure established by law.



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The prospect of extrajudicial killings and arbitrary arrests presents a deeply disconcerting opportunity for the abuse of power. Our collective legacy will harshly judge us if we remain silent in the face of such grave transgressions. It is imperative that the authorities act in full accordance with the law, ensuring that justice is served for both the victims and the accused parties involved.

Moreover, we express deep concern over recent statements made by the Minister of Public Security, which implicate certain lawyers as conspirators with drug offenders. The absence of police accountability and the grant of unchecked impunity create an environment where no individual can feel secure. BASL underscores the urgent need for transparency, accountability, and the protection of the rights of all individuals engaged in legal proceedings.

In light of these disconcerting developments, BASL calls upon the authorities to promptly rectify these issues, hold the responsible parties accountable, and restore public trust in the justice system. It is only by steadfastly upholding the principles of due process and ensuring the primacy of the rule of law that we can establish a society that is equitable and just for all its members.

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Secretary
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