



Office of the Prime Minister Transnational Government of Tamil Eelam

நாடு கடந்த தமிழீழ அரசாங்கம்
பிரதம அமைச்சர் அலுவலகம்

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November 17, 2015

SRI LANKA - EXPERT PANEL NOMINATED TO MONITOR TRANSITIONAL JUSTICE MECHANISMS FROM VICTIMS' PERSPECTIVE

The Transnational Government of Tamil Eelam (TGTE) has nominated a panel of five legal experts to monitor the design and implementation of the transitional justice mechanisms in Sri Lanka, including the judicial measures to investigate and prosecute war crimes, crimes against humanity and genocide (Monitoring Accountability Panel or MAP).

Following the Report of the OHCHR Investigation on Sri Lanka, dated 16 September 2015, and the UN Human Rights Council Resolution on 'Promoting reconciliation, accountability and human rights in Sri Lanka,' dated 1 October 2015, the Sri Lankan Government undertook to establish accountability mechanisms to address the crimes committed during the Sri Lankan armed conflict. These will include a special criminal court with foreign judges and prosecutors.

The MAP will provide independent monitoring, advice, and recommendations, focusing on the effectiveness of accountability measures from a victims' perspective. It will also consider issues of fair trial and due process for suspects and accused persons. The views and recommendations of the Panel will enable victims and other stakeholders to participate more effectively in the process and thus enhance the legitimacy of the measures.

The MAP shall formulate its opinions independently - irrespective of party political considerations or the agenda of any specific group (including the TGTE) – according to the interests of fair justice, applying international standards and best practices. The initial mandate of the Panel shall run from November 2015 to December 2016. Further detail of the Panel’s mandate can be found in the attached Terms of Reference.

The Members of the Monitoring Accountability Panel have been selected for their legal expertise in international criminal law and human rights, national war crimes courts, and regional criminal cases. The Panel Members (in alphabetical order) are:

- Marie Guiraud (France)
 - Peter Haynes QC (UK)
 - Richard J Rogers (UK)
 - Heather Ryan (USA)
 - Justice Ajit Prakash Shah (India)
- Geoffrey Robertson QC will act as a consultant to the Panel, providing additional independent advice.



Geoffrey Robertson QC



Justice Shah



Marie Guiraud



Richard Rogers



Peter Haynes QC



Heather Ryan

Monitoring Accountability Panel, Members' Bios:

Marie Guiraud (France) – Panel Member:

Marie Guiraud, a French lawyer, has worked on human rights and international criminal law for fifteen years. She is currently the Civil Party Lead Co-Lawyer for the victims at the UN-assisted Extraordinary Chambers in the Courts of Cambodia (ECCC). Representing the interests of nearly 4,000 victims who participate in Case 002/02, Marie serves as the co-lead court advocate. She has been heavily involved in the design and implementation of judicial reparations for victims of crimes under the Khmer Rouge regime. Prior to her current role, Marie worked at a major international human rights organization and then as a private lawyer in criminal litigation, both before French and foreign Courts: In France, she represented both defendants and victims in complex and serious criminal cases. Abroad, Marie represented victims of international crimes before Ivorian and Congolese Courts and was a Civil Party Lawyer in case 002/01 before the ECCC.

Peter Haynes QC (UK) Panel Member:

Peter Haynes QC is a British barrister with more than 30 years' experience in domestic and international criminal courts. He currently acts as the Lead Counsel for Jean Pierre Bemba at the International Criminal Court (ICC) and is the Lead Legal Representative of Victims at the Special Tribunal for Lebanon (STL). He is one of the very few practitioners who have led cases before the International Criminal Tribunal for the Former Yugoslavia (where he appeared for the defence of General Vinko Pandurevic in relation to the Srebrenica massacre), the ICC and the STL. He has appeared in cases involving genocide, war crimes, crimes against humanity and international terrorism. He has been responsible for development of the jurisprudence, practice and procedure of the representation of victims in international / hybrid courts. Peter regularly lectures on the functioning of international criminal courts and, in particular, victim representation.

Richard J Rogers (UK) – Panel Member and Secretary:

Richard Rogers, a USA (California) and UK qualified lawyer, has 20 years experience in international criminal law and human rights. He has held senior positions in the UN and OSCE: He was the OSCE's Chief legal system monitor in post-conflict Kosovo, the Principal Defender at the UN's Extraordinary Chambers in the Courts of Cambodia, and the head of legal support for the Appeals Chamber at the UN's International Criminal Tribunal for Yugoslavia.

Richard is currently assisting several victim groups before the International Criminal Court and has worked with national war crimes courts in Bangladesh, Bosnia and Herzegovina, Croatia, Kosovo, and Uganda. Richard has recently provided expert testimony before the US Congress

House Committee on Foreign Affairs, and spoken to human rights issues before the European Parliament's human rights committee and the Bosnian Parliament. He is a founding partner of Global Diligence LLP.

Heather Ryan (USA) – Panel Member:

Heather Ryan, a US lawyer, has been working in the field of international law for over 15 years. She is currently a special consultant for the Open Society Justice Initiative monitoring the Extraordinary Chambers of the Courts in Cambodia (ECCC), a hybrid tribunal set up to prosecute senior leaders of the Khmer Rouge Regime responsible for mass atrocities from 1975-1979. She has been involved since 2005 in evaluating and reporting on the development and implementation of the ECCC in terms of compliance with international fair trial standards, as well as the court's effectiveness in meeting its goals with respect to the victims and public. Her experience also includes work at the Carr Center for Human Rights Policy at Harvard's Kennedy School, Global Greengrants Fund, The Coalition for International Justice, teaching international criminal law, as well as private law practice.

Justice Ajit Prakash Shah (India) - Panel Member:

Justice Shah, a renowned Indian jurist, has been practicing law as an advocate and judge for around 40 years. Following his practice as a lawyer in Bombay, Justice Shah was elevated to the bench in 1992, becoming a permanent Judge of Bombay High Court in 1994. He was promoted to Chief Justice of the Madras High Court in 2005 and Chief Justice of Delhi High Court in 2008. He retired from the bench in 2010. Until August 2015, Justice Shah was the Chairman of the 20th Law Commission of India, a body established by the Indian Government to promote legal reform throughout the justice system. He was also the Chairperson of the Broadcasting Content Complaints Council, a self-regulatory body for non-news TV channels set up by the Indian Broadcasting Foundation in consultation with the Ministry of Information & Broadcasting.

Geoffrey Robertson QC - Consultant:

Geoffrey Robertson QC is founder and joint head of Doughty Street Chambers. He has had a distinguished career as a trial and appellate counsel, an international judge, and author of leading textbooks. He has argued many landmark cases in media, constitutional and criminal law, in the European Court of Justice; the European Court of Human Rights; the Supreme Court (House of Lords and Privy Council); the UN War Crimes courts; the World Bank's International Centre for Settlement of Investment Disputes (ICSID) and in the highest courts of many commonwealth countries.

Geoffrey has, as a jury advocate, appeared in many criminal trials at the Old Bailey and libel trials in the High Court. He has appeared in several hundred reported cases in the Court of Appeal (both civil and criminal divisions) and in judicial reviews in the High Court, and in subsequent appeals. He has a large advisory practice, for clients including governments, media corporations, NGO's and local councils.

MONITORING THE IMPLEMENTATION OF TRANSITIONAL JUSTICE MECHANISMS FOR SRI LANKA

PANEL OF EXPERTS: TERMS OF REFERENCE

Background and Overview:

1. The Panel of Experts to Monitor Accountability in Sri Lanka (“Monitoring Accountability Panel” or “MAP”) has been established at the request of the Transitional Government of Tamil Eelam (“TGTE”) to provide *independent* monitoring, advice, and recommendations on the transitional justice mechanisms in Sri Lanka, following the end of the civil war in 2009.
2. The overall mandate of the MAP is to monitor, advise and report on the design and implementation of the judicial and non-judicial measures for transitional justice established by the Sri Lankan Government pursuant to the Report of the OHCHR Investigation on Sri Lanka (“OISL Report”), dated 16 September 2015, and the UN Human Rights Council Resolution (A_HRC_30_L.29) on ‘Promoting reconciliation, accountability and human rights in Sri Lanka,’ dated 1 October 2015. Whilst the MAP will focus on the effectiveness of accountability measures from a victims’ perspective, it will also consider issues of fair trial and due process for suspects and accused persons.

3. The UN Human Rights Council¹ and the UN Special Rapporteur on Transitional Justice² have called for broad participation and consultation in the design and implementation of the transitional justice measures. The views and recommendations of the MAP will enable individual victims and victims groups (the stakeholders) to participate more effectively in the process and thus enhance the legitimacy of the measures.
4. The MAP shall garner the views of victims inside and outside Sri Lanka. It shall formulate its opinions independently - irrespective of party political considerations or the agenda of any specific group (including the TGTE) – according to the interests of fair justice, applying international fair trial standards and best practices.
5. The MAP’s Legal Experts shall agree all reports prior to publication or distribution. The initial mandate of the MAP shall run from November 2015 to December 2016.

Specific Terms of Reference:

1 See HRC Resolution A_HRC_30_L.29 “*Recognizing* that mechanisms to redress past abuses and violations work best when they are independent, impartial and transparent; are led by individuals known for displaying the highest degree of professionalism, integrity and impartiality; **utilize consultative and participatory methods that include the views from all relevant stakeholders**, including, but not limited to, victims, women, youth, representatives of various religions, ethnicities and geographic locations, as well as marginalized groups; **and designed and implemented based on expert advice from those with relevant international and domestic experience [...]** Supports the commitment of the Government of Sri Lanka to strengthen and safeguard the credibility of the processes of truth-seeking, justice, reparations and guarantees of non-recurrence by engaging **in broad national consultations with the inclusion of victims** and civil society, including non-governmental organizations, from all affected communities, which will inform the design and implementation of these processes, drawing on international expertise, assistance and best practices;

2 In his recent report, the UN Special Rapporteur on Transitional Justice stated “Consistent with the idea that truth, justice, reparation, and guarantees of non-recurrence are measures intended to promote fundamental rights, **the design and implementation of these measures call for consultative and participatory methods**. This has not been the hallmark of past Sri Lankan efforts. Consultation with those affected by the violations is essential from a conceptual standpoint for rights cannot simply be foisted but need to be exercised. Citizens cannot be simply presented with ‘solutions’ in the design of which they were given no role. It is equally crucial from a practical standpoint, for transitional justice measures depend, to a large extent, on the **willingness of victims and others to participate**, for example, by sharing pertinent information with the relevant institutions. It is also necessary from the standpoint of effectiveness, for the measures, after all, **should respond to the needs and expectations of their potential beneficiaries**. And it is called for in terms of their sustainability for these are inevitably long-term projects that will likely depend on the **willingness of stakeholders to defend them over time from the contingencies of politics**. This is more likely to happen if the stakeholders can claim ownership over them.”

Re: The judicial mechanism with a special counsel:

6. To monitor, evaluate, and make recommendations on the establishment of the “judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law.”³ The monitoring shall focus on the need for full and fair accountability, victim reparations, as well as fair trial and due process.
7. Subject to available information, particular attention should be given to:
 - a. The concerns and expectations of victims;
 - b. The treatment of victims within the system, particularly victims of sexual violence;
 - c. The mechanisms for victim participation in the process and for reparations;
 - d. The participation of foreign judges and the set-up of judicial panels;
 - e. The participation of foreign prosecutors and investigators and the relationship with national prosecutors;
 - f. The selection process and qualifications of national judges;
 - g. The procedures for selecting suspects for prosecution;
 - h. The application of international standards of fair trial and due process, in particular the independence and impartiality of the process;
 - i. The mechanisms for witness protection.

RE: Other areas of transitional justice:

8. To monitor, evaluate, and make recommendations on the other judicial and non-judicial transitional justice mechanisms implemented by the Government of Sri Lanka.
9. Subject to available information, particular attention should be given to:
 - a. Non judicial processes for truth-seeking;
 - b. Institutional reform, including vetting of public employees;
 - c. Treatment of prisoners of war;
 - d. Demilitarisation and demobilization;
 - e. Security sector reforms;
 - f. The legality of measures designed to fight terrorism;

³ See HRC Resolution A_HRC_30_L.29

- g. Measures to prevent torture and sexual violence by the security forces and to address allegations;
 - h. The response to allegations of enforced disappearances;
 - i. The treatment of Tamils and Muslims within the Sri Lankan legal system.
10. The MAP will submit an interim report by March 2016 and a final report by January 2017 on those matters outlined in this Terms of Reference. It may issue press releases and position papers as the need arises.

END

For media inquiries please contact:

• Mr. Visuvanathan Rudrakumaran,
Prime Minister of the Trannational
Government of Tamil Eelam
pmo@tgte.org

• Richard J Rogers
Panel Secretary
richardrogers@globaldiligence.com

March 5, 2013

Mr. Geoffrey Robertson, Q.C.
Doughty Street Chambers
53-54 Doughty Street
London WC1N 2LS

Dear Mr. Geoffrey Robertson,

I read with much surprise in the *Daily Mirror* newspaper in Sri Lanka of March 2, 2013 a news report, that you had prepared a Report on behalf of the Bar Human Rights Committee of England & Wales (BHRC), *castigating* the impeachment of the former Chief Justice of Sri Lanka.

In this context, I am led to believe that you have been unaware of or had chosen to ignore for reasons best known to you, the contents of my Letter dated January 3, 2013 to Ms. Illari Aragon, BHRC Project Co-ordinator, with relevant documents attached and copies of further documents *via* E-mail of the same day, copies of which are annexed. Ms. Illari Aragon promptly responded by her E-mail of the same day stating – “*Dear Nihal, Many thanks for sending your Letter and further communications. I will share it with colleagues monitoring the situation in Sri Lanka. With best wishes, Illari*”

Subsequently, on concerns expressed by Ms. Kirsty Brimelow Q.C., Chairperson, BHRC reported in the *media*, I addressed my Letter dated February 6, 2013 to her, attaching further documents thereto, copies of which are also annexed.

The foregoing documentations would reveal that I had put in issue before the Supreme Court of Sri Lanka, as far back as February 9, 2012, the matter of *judicial bias and disqualification* on the part of the former Chief Justice, citing the House of Lords Judgments *re – Pinochet, on grounds of much lesser gravity*.

In the foregoing context, I am intrigued, as to whether the facts adduced in the foregoing documentations had been reviewed by you in making your Report *castigating* the impeachment of the former Chief Justice of Sri Lanka.

I also attach my Letter of March 1, 2013 to Mr. Robert Blake, Assistant Secretary, South & Central Asian Affairs, US Department of State on a similar stance, in identical circumstances of *curiously* apparently not having taken cognizance of previous communications I had addressed to him *on the very same subject*.

Trust that in upholding the rule of law, you would take cognizance of the facts adduced in the aforesaid documentations, and *re-consider* the Report you have caused to be released to the *media*, without having heard me and/or dealt with the matters set out in my documentations submitted, which also dealt with the *Bangalore Principles of Judicial Conduct* and the *Latimer House Principles*, and which were of relevance to the subject matter you had reported on as per the aforesaid news report.

Yours truly,



Nihal Sri Ameresekere, F.C.A., F.C.M.A., C.M.A, C.G.M.A., C.F.E.
Associate Member, American Bar Association
Member, International Association of Anti-Corruption Authorities



Re - Impeachment of Chief Justice, Dr. Shirani A. Bandaranayake

Consultants 21 Limited <consultants21@gmail.com>

Wed, Feb 6, 2013 at 11:11 AM

To: "Ms. Kirsty Brimelow-Chairperson-BHRC" <k.brimelow@doughtystreet.co.uk>

Cc: "Mr. Joseph Catanzariti-President-Law Council of Australia" <mail@lawcouncil.asn.au>,

Ms. Kirsty Brimelow QC

Chairperson

Bar Human Rights Committee

England & Wales

Dear Ms. Kirsty Brimelow,

Re - Impeachment of Chief Justice, Dr. Shirani A. Bandaranayake

I was indeed surprised in reading in one of today's newspapers, on concerns expressed by you on the above subject. I had already forwarded Letter dated 3rd January 2013 to Ms. Illari Aragon, BHRC Project Coordinator, UK on this subject matter.

As far back as February 9, 2012, I had put in issue before the Supreme Court of Sri Lanka, the matter of '*perceived judicial bias and disqualification on the part of Chief Justice, Dr. Shirani A. Bandaranayake*' and to be a person requiring enhanced scrutiny of financial affairs, as a '*politically exposed person*' in terms of Article 52 of the UN Convention Against Corruption, upon her husband having accepted political office.

The same aforesaid Newspaper Report had reported that the Law Council of Australia had written in regard to the foregoing subject to the Foreign Minister of Australia and hence I am copying this e-mail also to the President, Law Council of Australia. One of the major Charges in the said impeachment Motion had been the remittances of monies from Australia. In the given circumstances the same would warrant enhanced scrutiny in terms of Article 52 of the UN Convention Against Corruption.

In the context of the foregoing, I forward the attached documents for you to be apprised of the salient facts, *vis-à-vis*, the impeachment of Chief Justice, Dr. Shirani A. Bandaranayake.

1. My Written Submission dated February 9, 2012 tendered to the Supreme Court, which was returned without being accepted
2. My final Petition to the Supreme Court dated October 18, 2012 - I particularly draw attention to paragraph 13 on pages 26-40 thereof
3. My Affidavit to the Hon. Speaker of Parliament dated January 5, 2013, which, *inter-alia*, discloses the *ex-parte* Minutes made in Chambers by certain Justices on my aforesaid Petition, without having heard me
4. An Article published in the Media by me titled - "*Constitutional interpretations & expeditious judicial procedure ?*"; which discloses the *perverseness* of the Supreme Court interpretation of January 1, 2013, and *based upon which* the Court of Appeal issued a Writ on January 7, 2013

I have just completed a series of Books on real case studies on fraud and corruption, economic crime, public finance and rule of law, published and marketed by US publisher AuthorHouse. For more particulars, you are welcome to visit : www.consultants21.com/publications and www.consultants21.com .

I am copying this Letter to those your aforesaid Letter has been copied to.

Yours truly,

Nihal Sri Ameresekere, F.C.A., F.C.M.A., C.M.A, C.G.M.A., C.F.E.

Associate Member, American Bar Association

Individual Member, International Association of Anti-Corruption Authorities

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Consultants 21 Ltd.

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5 attachments



1 - Letters to UNHCR.pdf

3996K



2 - Further Writtten Submissions - 9.2.2012.pdf

235K



3 - Review Petition - 18.10.12.pdf

687K



4 - Affidavit to Hon. Speaker- 5.12.12.pdf

200K



5 - Constitutional interpretations & expeditious judicial procedure.pdf

367K



Consultants 21 Limited <consultants21@gmail.com>

Re - "Sri Lanka: Impeachment of Chief Justice" - "UK Bar expresses concern over impeachment on Lankan CJ" – DailyFT, January 3, Sri Lanka

Illari Aragón <coordination@barhumanrights.org.uk>

Thu, Jan 3, 2013 at 4:44 PM

To: Consultants 21 Limited <consultants21@gmail.com>

Dear Nihal,

Many thanks for sending your letter and further communications. I will share it with colleagues monitoring the situation in Sri Lanka.

With best wishes,

Illari

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Illari Aragón

Project Coordinator

Bar Human Rights Committee of England and Wales

Garden Court Chambers

57-60 Lincoln's Inn Fields, London WC2A 3LJ

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[Quoted text hidden]

BY E-MAIL / COURIER

3rd January 2013

Ms. Illari Aragón
BHRC Project Coordinator
Garden Court Chambers
57-60, Lincoln's Inn Fields
London
WC2A 3LJ
UK.

Dear Ms. Illari Aragón,

“Sri Lanka: Impeachment of Chief Justice”
“UK Bar expresses concern over impeachment on Lankan CJ” – DailyFT, January 3, Sri Lanka

I write with reference to the above Statement issued by you in London dated 2 January 2013, copy of which I have downloaded from your website. It is evident from the Statement that a biased narration of events had been provided to you. I am forwarding the following, which had been forwarded by me previously to other international institutions / agencies / associations, who had issued statements expressing concerns.

I am forwarding separately my initial Letter forwarding copy of my Petition dated October 18, 2012 referred to in this Letter.

I attach copies of the following:

1. My Petition dated 18th October 2012 to the Supreme Court, whereby I put in issue the very grave and serious matter of ‘perceived judicial bias and disqualification’ on the part of the Chief Justice and two other Justices of the Supreme Court, who in my view had acted *without jurisdiction* and *ultra-vires* the Constitution. I cited the Judgment in Appeal in the House of Lords *re – Pinochet vide* paragraph 13 of my said Petition. *I intimated that the response I received was even more appalling*, but did not disclose the same in my said Letter.

Hence, I attach hereto my Affidavit dated 5th December 2012 addressed to the Hon. Speaker of Parliament, *inter-alia*, setting out the aforesaid responses I received, which are *lucidly self-explanatory*. Attached to my Affidavit was my further Written Submission, which I had tendered, *as far back as 9th February 2012*, to the Supreme Court on the same matter of ‘perceived judicial bias and disqualification’, on the part of Chief Justice, also setting out other pertinent facts, which however was not entertained, but returned to me by the Supreme Court. I urge you to cause a close examination and study of the facts contained in my said Affidavit of 5th December 2012 and my further Written Submission of 9th February 2012, and reach your conclusions thereon, *as to whether such conduct could in anywise be condoned and/or ignored?*

2. My Letter dated 5th November 2012 to the Attorney General, with attachments thereto, which reveals the conduct on the part of the Supreme Court, *vis-à-vis, illegal contracts* pertaining to which, citing international authorities, I had sought *anti-suit injunctions*. As a consequence of such conduct, Sri Lanka faces Claims of around SL Rs. 40 billion (US \$ 315 million) – *a cognizable sum of money*.

Your aforesaid concerns have been on the Resolution in terms of Article 107 of the Constitution, *which reigns supreme*, and the Standing Orders made thereunder for the process to impeach the Chief Justice, by 117 law makers of a total of 225, consequent to which, the Hon. Speaker had no option, other than to appoint a Parliamentary Select Committee to investigate into Charges contained in such Resolution. To *allay the controversy* caused, as in the famous instance in France of *Alfred Dreyfus* affair, I attach a Chart *depicting* the administrative procedure for disciplinary action against judicial and public officers, together with an Article I had caused to be published, and the relevant Articles of the Constitution. I have observed as reported in the *media*, that Article 14 of the International Covenant on Civil & Political Rights was to be extended. Nevertheless, Judges are accountable to the prevalent Constitution under which they entered upon Office, and must not usurp Parliament’s Legislative function *vide* - Latimer House Principles; whereas as revealed in my Petition dated 18th October 2012 forwarded previously the Chief Justice has violated the UN Universal Declaration of Human Rights and had overwritten Article 157 of the Constitution, which she could not !

I attach a *scanned* copy of the Report of the Parliamentary Select Committee, without the recorded proceedings of, the list of documents examined by and the oral submissions made before, the said Committee, the contents of which are *self-explanatory*. The Parliamentary Select Committee is only an administrative process, enabling the President of the Republic to remove a Chief Justice, if the Committee’s Report makes an *adverse* finding and is passed after an Address of Parliament. I

myself have appeared before Parliamentary Standing Committees, which are fact finding Committees, not exercising any judicial power, which I believe is as the same as in the House of Commons and Lords in the UK. The fact disclosed, that the Opposition Members of the Parliamentary Select Committee, after having seen the evidence, had 'walked out', without participating and writing a *dissenting* Report, with *justifiable* reasoning only *reinforces* the findings.

A *hue and cry* has been raised on the matter of natural justice, which perhaps *triggered* your concerns. On an examination of the attached Report of the Parliamentary Select Committee, it would be revealed that the facts are otherwise, and that the Chief Justice had been, in fact, afforded adequate time of one month, to respond to matters, *which were within her own knowledge*. Please do compare this with the contents of my aforesaid Affidavit, where the people and I, particularly parties affected, had been *knowingly* denied natural justice of *even having been heard*, whilst she and the other Members of the Bench had acted in my view, *without jurisdiction, ultra-vires* the Constitution, *rendering nugatory the tenet that all are equal before the law*.

Given below are two *strips* of scanned newspaper photographs of scenes, within the *precincts* of the Supreme Court, portraying organized protests, including *rituals* performed, uproars created and the demeanor of the Chief Justice, whilst leaving to attend the Parliamentary Select Committee proceedings, which alone speaks volumes, and brings into issue, as to whether such *hullabaloo* is acceptable under the Commonwealth Latimer House Principles and the Bangalore Principles of Judicial Conduct adopted by the UN. Would any ordinary litigant have been permitted to so conduct demonstrations in the Supreme Court *precincts*, to bring about undue pressure to endeavour to *stymie* and *stultify* an inquiry ?

DAY 1



DAY 2



As disclosed in my previous Letter, my interest is as an Individual Member of the International Association of Anti-Corruption Authorities, committed to promoting and facilitating the implementation of the UN Convention Against Corruption (UNCAC), which Sri Lanka ratified on 31st March 2004, whilst India ratified same only on 9th May 2011. *No doubt you are committed to support the same in the context of achieving good governance and the rule of law*. In the circumstances revealed in my aforesaid Affidavit dated 5th December 2012 and further Written Submission dated 9th February 2012 attached thereto, the Chief Justice comes within the ambit of Article 52 of the UNCAC, pertaining to category of '*politically exposed persons*' (PEPs), warranting *enhanced scrutiny* of their affairs in terms of the UNCAC.

Yours truly,

Nihal Sri Ameresekere, F.C.A., F.C.M.A., C.M.A, C.G.M.A., C.F.E.
Associate Member, American Bar Association

cc: **Mr. Paul Lachal Roberts**
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