



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

Consultants 21 Limited <consultants21@gmail.com>

Wed, Feb 6, 2013 at 10:45 AM

To: "Ms. Laurel G. Bellows - ABA President" <abanews@abanet.org>, ABA Criminal Justice Section <crimjustice@americanbar.org>, ABA International <intl@americanbar.org>

Ms. Laurel G. Bellows

President

American Bar Association

Dear Ms. Laurel G. Bellows,

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

I was indeed appalled in reading in one of today's newspapers, that you had addressed a Letter dated January 24, 2013 to the Sri Lanka's President, with copies to several other persons, *expressing concerns* on the foregoing subject matter.

I had by my e-mail of January 8, 2013 forwarded to the ABA Criminal Justice Section and ABA International Law Section, copies of Letters I had addressed to UNHCR on this subject matter. Copy of my said e-mail with the said Letters to UNHCR is attached. I have to believe that you have been unaware of my aforesaid communications to the ABA Criminal Justice Section and ABA International Law Section.

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.

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 cite the following paragraphs of my Letter dated January 12, 2013 to Robert O Blake, Assistant Secretary, South & Central Asian Affairs, U.S. Department of State ;

"I draw your kind attention to a recent Report in the latest American Bar Association Law Journal, where a Michigan Supreme Court Justice had filed retirement papers, in the face of the State Judicial Tenure Commission having accused her of '*Blatant and Brazen*' misconduct, but that federal criminal investigation continues."

"I also attach copy of my Article on "*Constitutional interpretations and expeditious judicial procedure*", published in the

prestigious *Daily FT* of January 11, 2013. You would appreciate that we are bound to uphold and defend our Constitution. It is with respect that I am constrained to point out, that the US Constitution – ‘Bill of Rights’ guarantees the right to bear firearms, which we do not have in our Constitution. I have no right to express concern on your constitutional rights and freedoms.”

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.FE.

Associate Member, American Bar Association (ABA ID No. 02003518)






Individual Member, International Association of Anti-Corruption Authorities

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5 attachments

-  **1 - E-mails to ABA Criminal Justice & International Law Sections + Letters to UNHCR.pdf**
4058K
-  **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



Challenges in combating Corruption at the highest levels ! - E-mail being resent with additional last paragraph which had been inadvertently left out.

Consultants 21 Limited <consultants21@gmail.com>

Tue, Jan 8, 2013 at 4:31 PM

To: ABA Criminal Justice Section <crimjustice@americanbar.org>, ABA International <intl@americanbar.org>
 Cc: abanews@abanet.org, al.leeds@americanbar.org, alisha.cybulski@americanbar.org, betsy.adeboyejo@americanbar.org, brownjd@staff.abanet.org, carol.stevens@americanbar.org, emilie.surusco@americanbar.org, glynj@staff.abanet.org, ira.pilchen@americanbar.org, jacqueline.salmon@americanbar.org, jason.fujioka@americanbar.org, kati.rutherford@americanbar.org, maria.gutierrez@americanbar.org, meredith.josef@americanbar.org, Patricia.Gaul@americanbar.org, rabiah.burks@americanbar.org, robert.boisseau@americanbar.org

Attached Letters reveal the realities of challenges faced in combating Corruption at the highest levels, even though the UN Convention Against Corruption is pontificated upon at many a forum, particularly by legal and judicial officers, who therefore ought to act by setting an example, particularly since they are the very persons, who are called upon to prosecute and adjudicate upon cases of corruption.

Supreme Court and Court of Appeal functioned expeditiously sitting during vacation to give relief and shield the Chief Justice from allegedly faulty impeachment process. Such expeditious dispensations by Superior Courts during vacation would not be ordinarily afforded to common litigants, putting in question equality before the law - Sri Lanka's Constitutional provisions and some salient facts are set out in the 2nd Letter attached addressed to the Speaker of Parliament of Sri Lanka.

A British Citizen, adjudged bankrupt by an UK High Court in 2004 is in Sri Lanka now for 8 years continuing to enjoy the ownership and benefits of valuable Shareholdings, which had vested in the UK Trustee in Bankruptcy, and whose Lawyers appear for the Chief Justice, whilst Complaints had been made against them to the Supreme Court, referred to the Bar Association, and investigations pending by the Criminal Investigation Department.

The main Respondents out on bail and in exile in an highly controversial Case in the Supreme Court of a collapsed financial institution, which had been heard by Chief Justice, in respect of which there is a Charge, are represented by Counsel who now appear for the Chief Justice. The next most senior, a fearless and respected Justice of the Supreme Court had given evidence before the Parliamentary Select Committee to establish this Charge.

Legal processes ought not stifle and stultify combating corruption, but ought facilitate the expeditious prosecution thereof, if corruption is to be effectively combated.

In addition, the Commission to Investigate Allegations of Bribery or Corruption had instituted action in the Magistrate's Court of Colombo against the husband of the Chief Justice, which also was a Charge in the impeachment Motion, with the Chief Justice being the head of the Judicial Service Commission, which exercises administrative and disciplinary control over High Court and District Court Judges and Magistrates.

Best regards,

Nihal Sri Ameresekere, FCA, FCMA, CMA, CGMA, CFE
 Associate Member, American Bar Association
 Individual Member, International Association of Anti-Corruption Authorities (IAACA)

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