INTERNATIONAL ASSOCIATION OF JUDGES
UNION INTERNATIONALE DES MAGISTRATS
UNIÓN INTERNACIONAL DE MAGISTRADOS
INTERNATIONALE VEREINIGUNG DER RICHTER
UNIONE INTERNAZIONALE DEI MAGISTRATI

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IAJ Statement on Sri Lanka

The International Association of Judges ("IAJ") was founded in Salzburg, Austria in 1953 and is the world's largest and most prestigious organization of national associations of judges, representing 93 such associations from five continents around the globe.

The IAJ's primary objective is to safeguard the independence of the judiciary, which is essential to the proper functioning of the judiciary, to strengthening human rights and freedoms, and to promoting respect for the rule of law.

From time to time, the IAJ must speak out against potential threats to the independence of the judiciary, wherever and however they may occur.

The current situation in Sri Lanka provides one such opportunity.

The Government of Sri Lanka has recently announced its intention to introduce legislation that would amend the Constitution in order to extend, by two years, the retirement age of the judges of the Supreme Court and the Court of Appeal.

On this proposed legislation, the IAJ shares the serious concerns expressed by, among many other entities and commentators, the Judicial Service Association of Sri Lanka and the Commonwealth Lawyers Association.

From the perspective of the IAJ, it is (i) the timing of and the manner of introduction of, and (ii) the widely perceived reason for this proposed legislation, that causes us to be very concerned, rather than the concept, generally, of making changes to the mandatory retirement age of judges.

First, the timing and the manner of introduction of such proposed legislation ought not to be on the bases of an arbitrary, ad hoc, and peremptory announcement, as here, but should rather be on the bases of a reasoned, principled, consultative, and robust procedure of constitutional amendment. Otherwise, the independence of the judiciary is threatened.

Second, where it is perceived by many knowledgeable observers that such proposed legislation is designed to benefit a specific judicial officer, or officers, as here, regardless of whether that was, in fact, the Government's intention or not, the independence of the judiciary is undermined.

In light of these serious concerns, the IAJ respectfully calls on the Government of Sri Lanka to reconsider the proposed legislation, as it has been put forward.

We will continue to closely monitor the situation in Sri Lanka.

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