



ශ්‍රී ලංකා නීතිඥ සංගමය
இலங்கை சட்டத்தரணிகள் சங்கம்
BAR ASSOCIATION OF SRI LANKA

HONOURING OUR LEGACY, BUILDING OUR FUTURE

07th February 2025

His Excellency Anura Kumara Dissanayake,
President of the Democratic Socialist Republic of Sri Lanka,
Presidential Secretariat,
Colombo 01.

Your Excellency,

REVIEW OF DECISIONS OF THE ATTORNEY GENERAL

The Bar Association of Sri Lanka (BASL) is deeply concerned about media reports that the Cabinet of Ministers may be considering to review a decision of the Attorney General in connection with the discharge of three suspects in the Magistrate's Court of Mount Lavinia case bearing No. B 92/2009 relating to the assassination of Mr. Lasantha Wickrematunge.

Whilst the Attorney General is a public functionary and as such is accountable to the public for his decisions, it must be noted that the Attorney General performs a quasi-judicial role in respect of criminal matters. As such, the Attorney General has to decide whether or not to charge a suspect based on the material available and submitted to him by the investigating authority. In doing so, he will be required to consider whether such material is admissible in law and whether based on such material there exists a reasonable prospect of a conviction.

It has been held by the Supreme Court that decisions of the Attorney General are amenable to review. Such a review can be done either by way of exercise of writ jurisdiction or by way of the exercise of the fundamental rights jurisdiction. As such any decision to either discharge or prosecute a suspect would be subject to review by the apex courts according to law.

The BASL is firmly of the view that decisions of the Attorney General in criminal matters should not be reviewed by the political authorities including the Cabinet of Ministers as that would undermine the independence of the office of the Attorney General, which is crucial to uphold the rule of law.

President
Anura B. Meddegoda, PC

Deputy President
Razik Zarook, PC

Secretary
Chathura A. Galhena

Treasurer
Chamath Jayasekara

Assistant Secretary
Mokshini Jayamanne

No. 153, Mihindu Mawatha, Colombo 12, Sri Lanka.

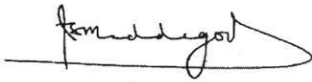
Telephone : +94 11 2447134, +94 11 2331697 Fax: +94 11 2448090 E-mail: basl.lawnet@gmail.com / info@basl.lk Web: www.basl.lk

Whilst public debate on decisions made by any public functionary is a vital element of a democratic society, the need to safeguard the independence of these functionaries is equally important. It must be understood that judicial officers and quasi-judicial officers have to take decisions according to law, which sometimes may not necessarily reflect the popular view.

In the case of **Victor Ivon v. Sarath N. Silva, Attorney-General and Another (1998) 1 Sri.L.R. 340** at 349, it was observed by Justice Mark Fernando that –

“A citizen is entitled to a proper investigation – one which is fair, competent, timely and appropriate – of a criminal complaint, whether it be by him or against him. The criminal law exists for the protection of his rights – of person, property and reputation – and lack of a due investigation will deprive him of the protection of the law. “

As such, we urge Your Excellency to ensure that there is no unwarranted interference with the exercise of the powers of the Attorney General and we trust Your Excellency will continue to protect the independence of key institutions including that of the office of the Attorney General which is essential to protect the rule of law in our country.



Anura B. Meddegoda PC
President
Bar Association of Sri Lanka



Chathura A. Galhena
Secretary
Bar Association of Sri Lanka