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## Challenges in combating Corruption at the highest levels !

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Thu, Jan 10, 2013 at 1:58 PM

To: Sam Zarifi-ICJ Asia-Pacific Regional Director &lt;sam.zarifi@icj.org&gt;, Sheila Varadan-ICJ Legal Advisor &lt;sheila.varadan@icj.org&gt;, Wilder Tayler-ICJ Secretary General &lt;info@icj.org&gt;

I have perused the Statement you have issued today. I verily believe that you have done so without having been apprised of the salient facts.

In this context, I attach Letters, which 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.

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.

I have likewise forwarded the said documentations to several other international institutions / agencies / associations.

I am sending separately the documents attached to the aforesaid Letters.

Best regards,





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

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### 5 attachments

-  **Letter to Mrs. Gabriela Knaul - 7.1.13.pdf**  
1218K
-  **1Letter to Hon. Speaker 5.1.13.pdf**  
2254K
-  **2Letter to Ms. Navanethem Pillay - 29.11.12 .pdf**  
405K
-  **3Letter to Mrs Gabriela Knaul-20.12.12.pdf**  
1770K

 **4Letter to Mrs Gabriela Knaul-16.11.12.pdf**  
605K