

# Independence of Judiciary Inspector General of Police & The Presidential Election

Sri Lanka Brief Update | 01 August 2024



*Just 6 weeks to the ninth Presidential Election, Sri Lanka is entangled in an unprecedented rule of law crisis. Appointed President Wickremasinghe continue to ignore a Supreme Court (SC) directive on the Inspector General of Police (IGP). He has refused to appoint a suitable person to fill the position of IGP as directed by the SC. He has put forward pseudo political-legal arguments to justify ignoring the SC directive. His Cabinet and Prime Minister has have taken a bizarre position not to accept the SC interim order against the IGP Deshabandu Tenennakoon. In the meanwhile, Elections Commission has requested the president to resolve the issue as soon as possible.*

*This SLB update captures the government arguments, legal and political responses concerning the developing rule of law crisis in chronological order.*

1. On 24 July, the [Supreme Court of Sri Lanka issued an interim order](#) preventing Deshabandu Thennakoon from performing the duties of Inspector General of Police (IGP). It also ordered the President appointed to act in the post of IGP as soon as possible. The interim order will apply until the final determination of the 19 fundamental rights petitions challenging the appointment of Deshabandu Thennakoon. The next court date is 19<sup>th</sup> November 2024.
2. On 19 July, six days before the said SC order the National Police Commission (NPC) placed Senior Deputy Inspector General of Police Nilantha Jayawardene on compulsory leave, to facilitate a disciplinary inquiry against him concerning the Easter Sunday terror attack. He was the Senior DIG in charge of Administration, the no 2 position of the Sri Lanka police.
3. On 26 July, [Election Commission informed](#) that the presidential election will be held on 21 September 2024 and nominations will be accepted on 15<sup>th</sup> August 2024. At the, time there was no IGP or SDIG in charge of administration.
4. On the day of SC order (24 July), [an urgent Cabinet meeting convened by President](#) Ranil Wickremesinghe decided to study the Supreme Court's interim order and to announce the

Cabinet's decision within the next two days. The government refused to accept the Supreme Court's interim order preventing Inspector General of Police (IGP) Deshabandu Tennakoon from functioning in his post.

5. On 26 July, making a special [statement in Parliament, Prime Minister](#) Dinesh Gunawardena called on the Speaker to intervene in the matter to affirm the supremacy of Parliament, and to declare the SC's interim order to be null and void. He stated that there is no legal provision for President Ranil Wickremesinghe to appoint an Acting IGP, as ordered by the SC. The PM further added that Mr Tennakoon continues to occupy the post of IGP as it has not fallen vacant. The Speaker did not act on PM Gunawardena's advice.

6. On 26 July, Speaking at the parliament [Leader of the Opposition Sajith Premadasa](#) called on the president to resign if he cannot appoint an acting IGP. "His responsibilities do not cease even if he becomes a Presidential candidate. His responsibility is to appoint an Acting IGP when there is no IGP".

7. On 26 July, [National People's Power \(NPP\) leader Anura Kumara Dissanayake](#) (MP) challenged PM Gunawardena to deliver the speech he made in the parliament against the Supreme Court, outside Parliament and Deshabandu to sign off on one telephone call, a circular or any message as IGP,". If they do so, he promised to charge them on Contempt of Court.

8. On 26<sup>th</sup> July, Commenting on the Government position on SC order that Constitutional Council decisions cannot be challenged by the Court Presidential Council and rights advocator Saliya Peries stated that the claim by the Government that the Constitutional Council is not subject to the jurisdiction of the Supreme Court is not true and [explained it in detail](#).

9. On 27 July, issuing a statement Bar Association of Sri Lanka emphasised that the [decisions of the Supreme Court cannot be overruled](#) by any other forum; neither the Prime Minister nor the Speaker have any authority to override the decisions of the Courts. It is essential for the Rule of Law and the independence of the judiciary that the executive and legislature respect the judgments of the courts of the land.

10. On 28 July, President Ranil Wickremesinghe called upon [Speaker of Parliament and the Chief Justice to engage in discussions](#) and address the crisis regarding the IGP position following the Supreme Court's (SC) interim order which bars Deshabandu Tennakoon from functioning as the IGP. The [president said that he has asked both](#) the Speaker and the Chief Justice discuss and resolve this issue. The Speaker sent a letter to

the Attorney General and said he is ready to talk to the Chief Justice. The president said that he would also inform the Chief Justice to discuss this.

11. On 29 July, issuing a statement [Colombo based think tank CPA warned](#) that “if the President does not make an acting appointment, that is a choice he makes and he would be fully responsible for the consequences of that choice. Wilful violation of the Constitution, including by refusing to do what the Constitution requires him to do, is a ground on which a President can be impeached. As seen in several recent cases, a person holding the office of President can also be held liable in his individual capacity even after the conclusion of his term of office for such violations. In such a context, any action to subvert and/or undermine the Constitution by the individual holding the office must be monitored and necessary legal action pursued.”

12. On 30 July, the [Election Commission wrote to President](#) urging for a prompt solution to the issue concerning the post of the IGP. In response, the President's Secretary instructed Secretary of the Ministry of Public Security, to coordinate the deployment of police officers to ensure election security.

13. On 31 July, a small group of [politically motivated Buddhist monks and a Islamic clergyman](#) held a demonstration calling for the reinstatement on Deshabandu Thennakoon as IGP disregarding the SC directive.

14. On 31 July the [Election Commission announced](#) that the Secretary of the Ministry of Public Security, has agreed to provide the necessary police officers for the upcoming Presidential Election. Still there is the IGP position is vacant.

15. On 31 July, in [a joint statement Sri Lanka civil society called on the President](#) and government to cease these tactics of creating confusion, of misleading the public on the law, destabilising democratic process, undermining the Supreme Court and the judicial power of the people; Disrespecting the rule of law and signalling tacit intent to wilfully not comply with the law. Father is said that the President by deliberately delaying taking steps to appoint an Acting IGP can be said to be provoking a constitutional crisis that undermines the rule of law and public security.

16. On 31 July, asserting that uncertainties have emerged over the opportunity for people to elect a new President, the People's Action free and Fair Elections, [PAFFREL requested Ranil Wickremasinghe as the Executive President](#) and the appointing authority of the IGP, to fulfil your responsibility. The conducting of elections may be affected in the absence of an Inspector General of Police. As the incumbent President it is your responsibility not to allow anyone to deprive the voting rights of the people of this country on account of any possible inadequacies of the Constitutional Council, the Speaker or any other party.”