

2nd July 2025

Centre for Policy Alternatives (Guarantee) Limited
6/5, Layards Road,
Colombo 5
Sri Lanka

Hon. Harshana Nanayakkara
Minister of Justice and National Integration
No. 19
Sri Sangaraja Mawatha
Colombo 10.

Dear Sir,

Urgent Reform: Establishing an Independent Public Prosecutor's Office

I write on behalf of the Centre for Policy Alternatives (CPA) in response to news reports that Your Ministry has appointed an expert committee as an initial step towards establishing an independent prosecutor's office. The CPA has consistently advocated for creation of an independent prosecutors office as a means to ensure greater accountability and confidence in Sri Lanka's justice system. The multiple and often conflicting roles of the Attorney-General's Office have been addressed previously by CPA in '[Rethinking the Attorney General's Department in Sri Lanka: Ideas for Reform](#)' and, more recently, in '[Calls for a Public Prosecutor's Office – The Urgent Need for Reforms](#)'.

Thus, an **Independent Public Prosecutor's Office** is crucial for ensuring fair, effective, and impartial prosecution of cases, especially high-profile and cases which relate to politically exposed persons. As part of the broader reform in Sri Lanka advocated for by CPA, we kindly urge you to consider the following issues and principles in establishing an independent public prosecutor's office:

- 1. Impartiality and Insulation from Influence:** The office must be non-partisan and thoroughly insulated from political bias, ensuring the law is applied equally to all. This requires robust recruitment practices and legislated tenure to protect against external influences and non-interference by the political actors regarding decisions of appointments and promotions within the office.
- 2. Independence in Structure and Function:** The prosecution department should stand structurally independent from other branches of government to reaffirm the separation

of powers. This promotes accountability, checks and balances, and transparency within the justice system, insulating prosecutorial decisions from political pressure or fear of retribution. Persons working for the office should not have any interface with the executive and political actors in the discharge of their functions. It is important not only to create an institution which is actually independent, but it has to also be seen as being independent in order to inspire public confidence.

- 3. Trust Building with the Public:** As the primary means of pursuing punishment for criminal behaviour, the office must instill public trust in the justice system. It must primarily serve public interests and proactively increase the accessibility and transparency of the justice system, including by developing a prosecutorial policy that is accessible to the public.
- 4. Sufficient Resourcing and Training:** As addressed by previous CPA reports, the office requires independent financial resources, comprehensive recruitment processes, and the logistical capacity to provide investigation services, alongside legal and administrative capabilities.
- 5. Accountability:** The office must be accountable to Parliament, particularly concerning resource utilisation. Financial oversight should be carried out by a body (of Parliament) that include a variety of political actors representing different political parties (split equally between government and opposition). Such oversight should be without any derogation of the right and ability to independent exercise of prosecutorial discretion. The office should be subject to judicial review.

CPA emphasises that the Ministry's recent initiative to appoint an expert committee towards establishing an independent prosecutor's office is only the first step in a process that needs to be transparent and inclusive, involving a process of obtaining representations from victims, lawyers, academics, civil society, and other relevant stakeholders. Such an inclusive process will foster broader discussion, engage all parties, and build public trust, demonstrating a genuine commitment to transparent and accountable reforms that strengthen the rule of law and democracy in Sri Lanka.

Thank you for your attention to this critical matter. We believe that these reforms are fundamental to upholding justice and restoring public confidence in Sri Lanka's legal system.

Sincerely,

A handwritten signature in black ink, appearing to be 'Paikiasothy Saravanamuttu', written in a cursive style.

Dr. Paikiasothy Saravanamuttu
Executive Director