



**Statement on
the arrest warrant for the Chief Justice of Swaziland, Justice Mathealira Michael Ramodibedi
and the arrest of Justices Simelane and Annadale.**

The Commonwealth Lawyers Association (CLA), the Commonwealth Legal Education Association (CLEA) and the Commonwealth Magistrates' and Judges' Association (CMJA) are concerned about the manner in which the recent arrest warrants issued against the Chief Justice Mathealira Michael Ramodibedi and Justices Annadale and Simelane have been executed.

Where members of the judiciary are accused of criminal conduct the State is entitled to charge them with the relevant crimes, but the manner in which they are charged and arrested must be consistent with the rule of law and the Constitutional safeguards that are afforded to everyone in the country concerned. The judiciary like other members of society may not be subjected to violations of their fundamental human rights no matter what the charges are against them.

The existence of an independent and impartial judiciary is one of the cardinal features of any country governed by the rule of law. By virtue of its membership of the Commonwealth, Swaziland is committed to the shared fundamental values and principles of the Commonwealth, at the core of which is a shared belief in, and adherence to, democratic principles including an independent and impartial judiciary. Any measure on the part of the Executive which is capable of being seen as eroding the independence and impartiality of the judiciary, or the fundamental rights that they are entitled to as citizens or residents of the Swaziland, is a matter of serious concern.

The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003) state that 'Disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness' that is to say, the right to be fully informed of the charges against him, to be represented at a hearing, to make a full defence and to be judged by an independent and impartial tribunal. The Associations urge the government of Swaziland to respect the Constitution in relation to removal of senior judges

In addition, we would urge the government of Swaziland to respect the human rights of the Chief Justice and his family in accordance with the Constitution, in particular the right to be protected against inhumane and degrading treatment by the government having the local utilities to his residence cut off.

Commonwealth Lawyers Association (CLA)
Commonwealth Legal Education Association (CLEA)
Commonwealth Magistrates' and Judges' Association (CMJA)

23 April 2015



NOTE TO EDITORS:

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. www.commonwealthlawyers.com

The **Commonwealth Legal Education Association** is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK. www.clea-web.com

The **Commonwealth Magistrates' and Judges' Association** is a not for profit organisation, registered in the UK, whose aims are to promote judicial independence, advance education in the law, the administration of justice the treatment of offenders and the prevention of crime in the Commonwealth. It brings together judicial officers of all ranks from all parts of Commonwealth and provides a forum for the promotion of the highest judicial standards at all levels. www.cmja.org



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