



STATEMENT ON PLANS TO REMOVE THE CHIEF JUSTICE OF THE KINGDOM OF LESOTHO

The Commonwealth Lawyers Association (CLA), the Commonwealth Legal Education Association (CLEA) and the Commonwealth Magistrates' and Judges' Association (CMJA) are concerned about the recent moves in the Kingdom of Lesotho to remove the Chief Justice Nthomeng Majara for alleged misconduct as Head of the High Court and in her capacity as Chairperson of the Judicial Services Commission in Lesotho.

We support the Statement of the Southern African Chief Justices Forum of 7 May 2018. An independent and impartial judiciary is essential to ensure the rule of law. By virtue of its membership of the Commonwealth, Lesotho 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 is a matter of serious concern and will erode public confidence in the legal system as a whole.

The *Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003)*, which form part of the Commonwealth fundamental values 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 them, to be represented at a hearing, to make a full defence and to be judged by an independent and impartial tribunal.

Furthermore these Principles require that judges should be subject to suspension or removal **only** for reasons of incapacity or misbehaviour that **clearly** renders them unfit to discharge their duties.

The Associations urge upon the Government of Lesotho to abide by the constitutional provisions, natural justice and due process in order to safeguard the independence of the judiciary. In particular the Government of Lesotho is urged to respect by the provisions in the Commonwealth (Latimer House) Principles which govern the relationship between the three branches of government and are a cornerstone of the Commonwealth values.

Commonwealth Lawyers Association (CLA)
Commonwealth Legal Education Association (CLEA)
Commonwealth Magistrates' and Judges' Association (CMJA)
22 May 2018

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