EDITORIAL

Deepest apologies for the tardiness of this CMJA News. We have been working hard on the CMJA’s Triennial Conference which will take place in Accra, Ghana from 4-9 September 2022. We are pleased to inform you that preparations are going very well for the Conference. We hope to see many of our members at the Conference and look forward to meeting you once again in person. Already judicial officers from 39 jurisdictions have registered to attend. There are still places available and you can find out more on the CMJA’s conference website at: www.cmja.biz. Don’t miss out!

The CMJA will be holding its Regional Elections during the Regional Meetings in Accra, Ghana as well as its General Assembly. The notice for the Regional Meetings and General Assembly was sent out in May 2022. See further details below.

The CMJA has also been busy on a number of projects. In February 2022, the CMJA and the Judicial Office of England and Wales undertook their first foray abroad following the pandemic to the Gambia to progress the work undertaken since 2019 with the Gambian Judiciary on sentencing guidelines and since 2020 on capacity building of the registry.

In March 2022, the Judicial Case Management and Ethics Course run jointly with the UK Civil Service College took place virtually. We are grateful to the Commonwealth Secretariat for providing funding for 5 participants to attend this course.

In March 2022, the CMJA Secretary General attended the Commonwealth Day Service at Westminster Abbey, held for the first time in person since the pandemic. The Queen’s Commonwealth Day Message below outlines how she has dedicated her life to serving in the Commonwealth.

We were also delighted in March to welcome our first delegation since the pandemic hit and to welcome the Hon. Chief Justice of Kenya, Hon Chief Justice Martha Koome and her delegation to the CMJA for a discussion about developments in Kenya in the run up to the elections there in August 2022. We were also happy to welcome the new President of the Kenya Magistrates’ and Judges’ Association, Mr Derrick Kuto, to the office. The CMJA Secretary General also represented the CMJA at the Commonwealth Secretariat’s Dialogues with election candidates Riala Odinga and William Ruto held in March. Both candidates were urged to respect the independence of the judiciary, the enforcement of judgements and to provide the funding required for the judiciary to operate at full capacity, something that has been denied since 2017.

The CMJA Secretary General was also invited to the Royal Commonwealth Society in Bath, UK by former Council Member Anita St John Grey in March 2022 to speak about the work of the CMJA.

As members are aware the CMJA has been concerned for a number of years about the funding of the judiciary. At the last Chief Justices’ Meeting held virtually in September 2021, the idea was mooted that the CMJA might organise a taskforce to look at funding the judiciary. The CMJA is currently trying to assess how judiciaries are funded across the Commonwealth before trying to put together a plan of how to assist judiciaries in the Commonwealth going forward.

In May 2022, the CMJA was represented by the Secretary General at the Commonwealth of the Whole Meeting of Senior Officials for the Heads of Government Meeting. The CMJA contributed to papers presented by the accredited organisations on Governance and the Rule of Law in the joint session with Senior Officials on 10 May 2022. The Commonwealth Latimer House Working Group also made a submission to the Meeting encouraging governments to implement the Commonwealth Latimer House Principles. The submission also encouraged governments to work towards respecting freedom of expression and in particular towards the adoption of a set of Principles based on the Commonwealth Principles on freedom of expression and the role of the media in governance produced (2018) by the Commonwealth Working Group on Media and Good Governance, with input from the CMJA and other organisations.

In June 2022, the CMJA celebrated the Platinum Jubilee of the Her Majesty The Queen, Head of the Commonwealth and CMJA Patron. The CMJA sent a message from the President to the Patron on her Official Birthday on 6 June 2022. It was also invited to send representatives to the pre-CHOGM reception at Buckingham Palace.

The CMJA also sent a message of congratulations to the Her Excellency Sandra Mason, former Judge of the Supreme Court on becoming the new President of the Republic of Barbados in November 2021.

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*Editorial note: This issue of CMJA News includes an editorial and content contributed by various members and organisations. The contents are organized in a clear and concise manner, with each section and article being easily identifiable. The editorial reflects on the CMJA’s recent activities and upcoming events, highlighting the organisation’s commitment to the Commonwealth’s judicial and legal affairs. The contents section provides an overview of the topics covered in this edition, including contributions from the Queen’s Commonwealth Day Message, discussions on capacity building in the Gambia, judicial independence issues, and UNESCO resource tools. The newspaper edition also features a section dedicated to new members and events, ensuring that members and interested parties are informed about the CMJA’s ongoing activities and upcoming meetings.*
In this year of my Platinum Jubilee, it has given me pleasure to renew the promise I made in 1947, that my life will always be devoted in service.

Today, it is rewarding to observe a modern, vibrant and connected Commonwealth that combines a wealth of history and tradition with the great social, cultural and technological advances of our time. That the Commonwealth stands ever taller is a credit to all who have been involved.

We are nourished and sustained by our relationships, and, throughout my life, I have enjoyed the privilege of hearing what the relationships built across the great reach and diversity of the Commonwealth have meant to people and communities.

Our family of nations continues to be a point of connection, cooperation and friendship. It is a place to come together to pursue common goals and the common good, providing everyone with the opportunity to serve and benefit. In these testing times, it is my hope that you can draw strength and inspiration from what we share, as we work together towards a healthy, sustainable and prosperous future for all.

And on this special day for our family – in a year that will include the Commonwealth Heads of Government Meeting and the Commonwealth Games – I hope we can deepen our resolve to support and serve one another, and endeavour to ensure the Commonwealth remains an influential force for good in our world for many generations to come.

Elizabeth R.

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THE PLATINUM JUBILEE OF OUR PATRON

From 2-5 June 2022, Her Majesty the Queen, CMJA Patron, celebrated Her Platinum Jubilee. She issued the following Message prior to the celebrations. Some photos of the celebrations in London can be found below.

Thank you to everyone who has been involved in convening communities, families, neighbours and friends to mark my Platinum Jubilee, in the United Kingdom and across the Commonwealth. I know that many happy memories will be created at these festive occasions.

I continue to be inspired by the goodwill shown to me, and hope that the coming days will provide an opportunity to reflect on all that has been achieved during the last seventy years, as we look to the future with confidence and enthusiasm.

ELIZABETH R
CAPACITY BUILDING IN THE GAMBIA

In early February 2022, the CMJA together with the Judicial Office of England and Wales and the Judicial Education and Research Institute of the Gambia, were able, for the first time since the pandemic hit in 2020, to visit Banjul to further the projects which the CMJA commenced in 2018. The Group included the CMJA Secretary General, Dr Karen Brewer and the Director of Programmes, Judge Shamim Qureshi, His Hon. Justice Robin Knowles, His Hon. Judge Martin Picton and His Hon. Judge Michael Cullum and Miss Grace Karrass. The Group were privileged to attend the Opening of the Legal Year at the invitation of His Hon. Chief Justice Hassan Jallow as well as the Admission to the Bar ceremony of recent graduates.

The Gambian Sentencing Council led by the Hon. Justice Mary Mamayassin Sey and representatives from the CMJA, and the Judiciary of England and Wales held in person sessions on the Sentencing Guidelines already developed in 2019 and revised virtually in 2021 and undertook training of the magistrates on the existing guidelines on assault and theft. A further guideline, on rape, was developed during the visit and has been reviewed and revised since January by the Sentencing Council with the assistance of the CMJA and Judiciary of England and Wales. During their visit to Banjul, the Group also worked with Justice Defenders (Gambia) and were able to visit Mile II Prison to see the work that Justice Defenders have been doing in the Gambia since 2021 to provide paralegal support to prisoners. The Group also attended the Conference on Women Children and the Law organised by the Female Lawyers of the Gambia (FLAG).

The CMJA has also been able to build on the work that it had undertaken jointly with EUNOIA to assist the Gambian Judiciary in Developing Their Capacity In Case Management And Court Records Management. In October 2020, EUNOIA, led by Mr Neil McCallum, had undertaken a project to develop the capacity of the Judicial Registries to deal with case and court administration through two linked training programmes separated by a practical records enhancement assignment. In 2022, Mr Neil McCallum and Mrs Tanya Karlebach visited the Gambia. The objective of Phase two of the project was to:

- present the road map developed in the first tranche of work;
- agree the criteria to identify a registry suitable for a pilot for new systems;
- present a workshop on the creation of a Court User (Stakeholders) Group;
- develop a project plan for the pilot including assessment criteria.

We are deeply grateful to the British High Commission for funding the programmes with the Gambia and in particular His Excellency David Belgrove, the British High Commissioner and Miss Jainaba Faye for all their help and assistance in ensuring these programmes continue to benefit the development of the Gambia justice system.
JUDICIAL INDEPENDENCE AND HUMAN RIGHTS ISSUES

Southern Africa

In May 2022 the Democratic Governance and Rights Unit of the University of Cape Town issued a report on the *State of the Judiciary in Malawi, Namibia and South Africa*. The report generally provides a positive view of the judiciary in the three countries. The report is based on the surveys undertaken by Afrobarometer on public opinions on a variety of issues as well as surveys of the court users and legal profession. 77% of people who responded believed that people from diverse backgrounds were treated fairly, 74% believed that men and women were also treated fairly. The full report is available on the DGRU website at: [State of the Judiciary in Malawi, Namibia and South Africa - Judges Matter](https://www.dgru.org).

England and Wales

The CMJA is currently monitoring two pieces of legislation which will affect the independence of the judiciary and citizens rights in the jurisdiction.

The Judicial Review and Courts Act was given Royal Assent on 28 April 2022. On its final reading the Government agreed to amend Clause 1 which would have created a statutory presumption requiring quashing orders to be suspended until the public authorities are given time to correct an unlawful decision or requiring judges to issue only prospective-only quashing orders (which would have no retroactive effect). Following lobbying, the Government agreed to amend the clause and remove the statutory presumption in relation to quashing orders.

Clause 2 of the Act, however, did go through and removed the jurisdiction of the High Court to review the Upper Tribunal’s decisions on applications for permission to appeal against certain decisions made by the First-Tier Tribunal.

In June 2022, the European Court of Human Rights (ECHR) issued a decision to suspend the deportation to Rwanda of an Iraqi asylum-seeker although the Supreme Court of the United Kingdom had rejected a request to suspend the deportation. The ECHR indicated that the agreement signed by the United Kingdom and Rwanda violated the European Convention on Human Rights. Following this decision, the Minister of Justice is now pushing forward the idea of replacing the UK’s Human Rights Act with a Bill of Rights that would remove the ECHR, which is the Court of the Council of Europe whose existence pre-dates the European Union and which was set up in 1949 to protect democracy and human rights and promote unity by fostering co-operation on legal, cultural and social issues*. The controversial Bill of Rights would remove any obligation on the UK to follow the decisions of the ECHR and makes the Supreme Court the ultimate decision-maker on issues of human rights. The House of Lords Joint Committee on Human Rights, in its report on the proposal issued in April 2022 stated that it was concerned that proposals were contrary to the principles of human rights law and concluded that the Government hadn’t made a case for replacing the Human Rights Act which is based almost entirely on the European Convention on Human Rights which the UK was instrumental in drafting back in 1949.

Gambia

In December 2021, the Truth, Reconciliation and Reparations Commission published its report which has taken over two years to complete. Over 193 witness testimonials were submitted to the Commission responsible. The report covers the period when the former President Yayha Jammeh was in power (1994-2017). The main objective of the TRRC was to:

The main objectives of the TRRC, pursuant to Section 13 of the Act, are to:

(a) create an impartial historical record of violations and abuses of human rights from July 1994 to January 2017, in order to –

(i) promote healing and reconciliation,

(ii) respond to the needs of the victims,

(iii) address impunity, and

(iv) prevent a repetition of the violations and abuses suffered by making recommendations for the establishment of appropriate preventive mechanisms including institutional and legal reforms;

(b) establish and make known the fate or whereabouts of disappeared victims;

(c) provide victims an opportunity to relate their own accounts of the violations and abuses suffered; and

(d) grant reparations to victims in appropriate cases.

The final report is in 16 volumes covering everything from forced disappearances, unlawful killings, torture and violation of human rights by government forces, sexual and gender based violence perpetrated by the former President and members of his government; attacks on religious freedoms, attacks on freedom of expression (including attacks against journalists) as well as former President’s fake treatment of HIV/AIDS.

Volume 15 covers the interference of former President Jammeh in the work of the judiciary and in the justice sector as a whole, including amendments to the constitution that he made to strengthen his position. The TRRC in its report recommended the banning of ten judges who have been described as “mercenary judges” from holding office in the Gambia who had played their part in weakening judicial independence during the 22 years President Jammeh had been in power.

The Report also proposed a number of institutional changes to prevent the situation reoccurring.

Whilst the TRRC was not given any judicial powers, the Report has provided a number of recommendations as to how Mr Jammeh and his henchmen can be brought to justice, either through a hybrid tribunal in the Gambia comprising of Gambians and judicial officers from other countries, or to prosecute Mr Jammeh in a different country. The Commission stressed that: “The numerous crimes committed by Yayha Jammeh and his co-perpetrators include unlawful killings, sexual violence, torture, enforced disappearance, persecution including through arbitrary arrests and unlawful detentions. Gambia being the state where the crimes have been committed, naturally (it) has primary jurisdiction,” …… “the crimes committed by Yahya Jammeh and his co-perpetrators were not only committed against Gambian nationals. Some of the victims are nationals of other West African States such as Ghana, Nigeria, Senegal, Ivory Coast and Togo. Each of these states whose citizens were killed in Gambia would also have jurisdiction under their domestic laws to prosecute Yahya Jammeh for those crimes committed against their citizens in Gambia.”

Further information on the Report can be found at: [TRRC Final report: Gambia between prosecutions and amnesties - JusticeInfo.net](https://www.justiceinfo.net).

In May 2022, the Gambia Attorney General released a White Paper on the prosecutions that would take place as a result of the Report. The White paper includes a recommendation to prosecute the Armed Forces Provisional Ruling
Council Junta (AFRPC) led by former President Yahya Jammeh. Although there currently is no legislation in the Gambia to enable those responsible to be prosecuted for torture, international law will be used in the interim pending the adoption of the Gambia’s Prevention of Torture Bill by the National Assembly. A special prosecution unit within the Attorney General’s Office will be set up too. The Government is also looking to set up a court within the existing system. However, the Attorney General indicated that the so called “mercy judges” who were mostly foreign judges would not be pursued further. All of these judges had returned to their home states. A number of organisations are concerned that insufficient attention is being undertaken to deal with the crimes against the victims of sexual assault and rape by the former President.

**eSwatini**

As we reported at the time, in 2011, Justice Thomas Masaku of eSwatini was summarily dismissed by a dubious disciplinary process by the then Chief Justice, Justice Ramodebedi. Since then, Justice Masaku has been working in Namibia as a High Court Judge. In April 2022, the African Commission on Human Rights found that eSwatini violated his rights under the African Charter on Human and Peoples’ Rights following a complaint made to them by Justice Masaku. The African Commission has urged eSwatini to pay Justice Masaku in compensation for the violation of his rights. Although the Commission does not have judicial authority, the decision is an important one in relation to judicial disciplinary processes.

**Kiribati**

As previously indicated in the last CMJA News, in November 2022, it was reported that the Chief Justice of Kiribati, Chief Justice William Hastings found that “Section 5(2)(a) of the High Court Judges (Salaries and Allowances) Act 2017 (as amended by section 2 of the High Court Judges (Salaries and Allowances) (Amendment) Act 2021) is inconsistent with the Constitution” and had further recognised that Justice David Lambourne, who had brought the case to court, held “office as a judge of the High Court of Kiribati for an indefinite period, until such time as he dies, resigns or is the subject of any lawful and constitutional action terminating the appointment”. However, The Attorney General appealed the decision of the Chief Justice and this was due to be heard on 24-26 January 2022. Neither the Chief Justice nor Justice Lambourne have been able to return to Kiribati so far due to restricted travel requirements caused by the pandemic. So, the case is still pending as there is no other High Court Judge in Kiribati to hear the case. In his speech at the Opening of the Legal Year, the Hon. Chief Justice urged the re-instatement of Justice Lambourne and for extra assistance to clear the backlog of cases.

In May 2022, the CMJA learnt that Justice Lambourne had been suspended and the President of Kiribati had set up a Tribunal, to investigate “complaints and allegations from the public” against him. Justice Lambourne’s pay has also been stopped pending the outcome of the Tribunal’s investigation. However, Justice Lambourne has been unable to return to Kiribati since March 2020. The **CMJA, CLA and CLEA Statement on 25 May 2022** urges the Government of Kiribati to respect the security of tenure of the judiciary in Kiribati and to ensure that appropriate safeguards are put in place so that Justice Lambourne is fully informed of all allegations, is able to attend as well as be represented at any hearing and able to make a full defence and to be judged by an independent and impartial tribunal. The full statement is available on the CMJA website: [www.cmja.org](http://www.cmja.org)

In his article in the Judicature International in October 2021, the Chief Justice of Kiribati pointed out that: "The rule of law must prevail over external and internal stressors. The greater the stress, the more important the rule of law becomes."

**STOP PRESS:**

As we go to print on this issue of the newsletter we have learnt that the Hon. Chief Justice William Hastings has also now been suspended pending an investigation into his own inability to fulfill his functions and misbehaviours. The CMJA is monitoring the situation closely. The Chief Justice was suspended on 1 July 2022 just as he was due to hear an application challenging the setting up of the tribunal against Justice Lambourne which he has now had to adjourn due to his own suspension. The Hon. Chief Justice has been conducting his functions as Chief Justice remotely since has been unable to return to Kiribati since December 2021. As of the 4 July 2022, the Chief Justice hasn’t been notified officially the allegations against him although some of the allegations have appeared on the Facebook Page of the President of Kiribati, a clear breach of the Commonwealth (Latimer House) Principles and due process.

**Kenya**

The CMJA has been following developments in Kenya. As was reported in the CMJA News of November 2021, in August 2021, the High Court rejected In the Court the Building Bridges Initiative Bill put forward by President Kenyatta. In October 2021, the Attorney General announced he was appealing the case to the Supreme Court. The Supreme Court began hearing the appeal in mid-January 2022 and on 22 March 2022, it agreed with the previous judgements and found that the President could not initiate amendments to the constitution through a process that was reserved to ordinary citizens. The nine Supreme Court judges stated that the President had acted illegally when presenting the proposals. Prior to issuing the final judgement, the Chief Justice castigated a number of lawyers for making comments about an ongoing case on social media. She said that these actions were meant to intimidate and scandalise the court and such activity could contribute to the “erosion of the confidence and dignity of the court”, not to mention that they were unethical and unprofessional.

In June 2022 it was reported that a civil society group is challenging part of the Supreme Court Judgement on the BBI which states that the basic structure principle limiting the power to amend the Constitution is not applicable to Kenya. The Group want reassurance from the East African Court of Justice that the Kenya Constitution should only be amended through a process that requires civic education, public participation, collation of views, constituent assembly debate, and a referendum. In their decision, the Supreme Court had indicated that the High Court and Court of Appeal had erred in stating that the four steps to amendments were required for any constitutional amendment in Kenya. The civil society group want reassurances that politicians could not change the constitution without going through the four step process.

On 26 January 2022, the Chief Justice of Kenya CJ Koome said she had directed the Judiciary Police Unit to review the security situations of judges, judicial officers and staff and take necessary action to guarantee their safety. This followed an attack of court officials as they headed to Garsen town from Kipini Mobile Court in Lamu County. This was a suspected Al Shabaab attack.
Lesotho

In May 2022, it was reported that the Court of Appeal of Lesotho found that the Chief Justice should have recused himself from presiding over a treason and murder trial. They upheld the prosecution’s claim that there was reasonable apprehension of bias on the part of the Chief Justice. The Court of Appeal ordered that another judge should preside over the trial. The Chief Justice had indicated that the prosecution was taking too long to bring the case to court under the Speedy Court Trials Act and he refused the DPP’s South African lawyer, Shaun Abrahams, the right to appear in court. The prosecution asked the Chief Justice to recuse himself, but he refused. Following the Court of Appeal judgement, the Chief Justice indicated that the judiciary of Lesotho had come of age, and it was now time to use local judges rather than foreign judges in the judiciary. The Court of Appeal includes judges from South Africa and Zimbabwe.

Malaysia

In April 2022, the Malaysian Bar Association issued a statement expressing concern about the investigation started by the Malaysian Anti-Corruption Commission against Justice Y A Dato’ Mohd Nazlan Mohd Ghazali of the Court of Appeal. Justice Dato’ Nazlan was the High Court Judges who convicted former prime minister Najib Razak over the RM42 million International corruption case. The Court of Appeal upheld the High Court’s guilty verdict in February 2022 but Justice Dato’ Nazlan has been subjected to an online smear campaign ever since the decision he made two years ago in the hope that this could lead to the overturning of Najib Razak’s conviction. In its statement the Malaysia Bar Council condemned “in the strongest possible terms, the unprecedented manner in which the Malaysian Anti-Corruption Commission (“MACC”) has publicly announced the commencement of criminal investigation of a Superior Court Judge, and disclosed the name of the judge to the public, for an indefinite period and without proper closure, which is tantamount to an act of intimidation against the Judiciary” and called upon “the Attorney General, being the guardian of the public interest, to take all necessary steps to protect the institution of the Judiciary and the sacrosanct principle of independence of Judiciary from such intimidation and interference.”

Nigeria

In October 2021 it was reported that the residence of Justice Mary Odili had been invaded by security forces during the night. Whilst a search warrant had been issued, the Magistrate claimed that he had been misled in issuing the warrant. Whilst the military and police invaded her residence on the basis of the warrant, it was unclear which authority had demanded the warrant. The Supreme Court Management condemned the raid. Its Director, Press and Information, Festus Akande said that “We are deeply saddened and taken aback by this uncivilised and shameful show of primitive force on an innocent judicial officer that has so far, spent several years of her productive life serving the country she calls her own”. Whilst it is alleged that there was a genuine mistake in raiding the house of Justice Odili and that the warrant had been issued for a different address, the Chief Justice in December 2021, condemned the attack and said that the judiciary would resist any attempts to intimidate it. The invasion of Justice Odili’s house at that time was considered a way of intimidating her as she was the most senior member of the Supreme Court after the Chief Justice and would have been in line to take over as Chief Justice if she hadn’t retired in May 2022. We wish Justice Odili all the best in her retirement. In her valedictory speech she condemned the recent spate of violence which has emerged in Nigeria and called for state governors as well as the Head of State to play a more direct role to implement strategies to deal with the vast unemployment of the youth of Nigeria.

Also retiring in May from the Supreme Court was Justice Ejembi Eko who called on the Nigerian judiciary to combat corruption in the management of its budgetary resources and called for more transparency with the budget.

STOP PRESS:

As we go to print with this Newsletter, we have learnt that the Hon. Chief Justice of Nigeria, Chief Justice Ibrahim Tanko Mohammad has resigned due to ill health and following allegations from his fellow Supreme Court judges in a letter to him accusing him of corruption, nepotism and neglect of welfare of the court. The letter was leaked to the media and contains amongst others complaints about the lack of electricity supply to the courts, the lack of legal assistants for the Supreme Court judges, lack of progress in publishing the amended rules of court etc as well as the fact that judges had been on training courses or workshops abroad for a number of years etc... The Chief Justice in his reply stated that: “Judges in all climes are to be seen and not heard, and that informed why the CJN refrained from joining issues until a letter, said to be personal, is spreading across the length and breadth of the society. This was akin to dancing naked at the market square by us with the ripple effect of the said letter.” He also pointed out that the funds of the Judiciary had to be spent according to the allocated budget headings. He went on to say that the accusation against him “is that more or all ought to have been done and not that nothing has been done; which is utopian in the contemporary condition of our country.”

South Africa

Following the controversy which erupted in 2020 regarding the “political” pro-Israel pronouncements by Chief Justice Mogoeng, the Chief Justice was asked to apologise publicly for these by the Judicial Conduct Committee. He had refused to do so and appealed the decision to the Judicial Conduct Appeals Committee. Justice Mogoeng went on extended leave pending his retirement at the end of 2021 and whilst awaiting the result of the Appeal. In January 2022, the Appeals Committee agreed that he had breached Articles 12, 14 of the Code of Conduct and directed Justice Mogoeng to issue an apology for becoming involved in a political controversy. The former Chief Justice apologised in February 2022 following the appointment of his successor Deputy Chief Justice Raymond Mnyamezeli Mlungisi Zondo. Chief Justice Zondo has had to deal with criticisms of the judiciary even before his appointment. Tourism Minister Sisulu, in an article questioned the competence of black judges saying that they were “mentally colonised African who have settled with the world view and mindset of those who have dispossessed their ancestors”. At the time Chief Justice Zondo stated that it was insulting to the integrity and independence of the judiciary in South Africa to be subjected to baseless accusations and asked her to withdraw the insults of the judiciary.

Since his appointment, and despite the report by the DGRU mentioned above, the Chief Justice has indicated that there might be more unjustified attacks of the judiciary. He condemned the accusations of judicial bias circulating of being a means to intimidate and bully judges. He further stressed the importance of courts deciding cases in line with the law and the evidence presented. Judges should not make any decisions based on fear of being accused of bias.
The long-awaited resolution of the Judicial Service Commission’s case against Judge President John Hlophe was moving towards a resolution until recently. Readers may recall that Judge President Hlophe was accused in 2008 of attempting to persuade the judges of the Constitutional Court to judge in favour of President Zuma in the arms deal case involving French manufacturers Thales. Following a number of court cases brought by the judge, in August 2021, the Judicial Services Commission ruled that Judge Hlophe should be impeached for his involvement in this case, the Judicial Conduct Tribunal having found him guilty of gross misconduct. However, in April 2022, the judge appealed the JSC once again to the High Court. In June 2022, the Gauteng High Court approved the appeal. Judge Hlophe has claimed this time that the JSC was not properly constituted when ruling that the impeachment should proceed.

UNESCO LATEST RESOURCES ON FREEDOM OF EXPRESSION

Since 2013, UNESCO has trained over 23,000 judicial actors on these issues globally through training programmes targeting members of law enforcement and security forces, as well as members of the judiciary and prosecutors. Here are some of the most recent resources for Judicial Officers:

**Global toolkit for judicial actors: international legal standards on freedom of expression, access to information and safety of journalists**

This toolkit aims to reinforce the practical application of universal standards on human rights, by bringing in approaches of regional human rights courts as well as perspectives from national legal systems. See full toolkit at: https://unesdoc.unesco.org/ark:/48223/pf0000378755

**Toolkit for the judiciary in Africa on the legal standards on freedom of expression**

This toolkit aims to foster a thorough theoretical and practical understanding of the main issues and challenges linked to promoting and protecting freedom of expression and related issues, with a special focus on the African context: https://unesdoc.unesco.org/ark:/48223/pf0000366340.locale=en

**Guidelines for judicial actors on privacy and data protection**

These guidelines provide a general framework for judicial actors to assess matters of privacy and data protection in the face of other rights, such as freedom of expression and the right to privacy. They include relevant case law from various national, international and regional bodies that may inform judicial actors’ understanding of the matters at hand. https://unesdoc.unesco.org/ark:/48223/pf0000381298

**COVID-19: the role of judicial operators in the protection and promotion of the right to freedom of expression**

These guidelines provide support for judges and members of the judiciary for the protection and promotion of the right to freedom of expression during and in the aftermath of the COVID-19 pandemic. https://unesdoc.unesco.org/ark:/48223/pf0000374208

**Training manual for judges on international standards on freedom of opinion and expression**

This toolkit supports judges to take into account international human rights standards on freedom of expression in their decisions. The toolkit was prepared by the Centre for Law and Democracy (CLD) in collaboration with International Media Support (IMS), UNESCO and the Judicial Institute of Jordan, and piloted at a training of judges in Amman, Jordan in September/October 2021.

CMJA REGIONAL MEETINGS AND GENERAL ASSEMBLY

REMINDER: The CMJA will be holding the above meetings in Accra, Ghana. The NOTICE of the Meetings was circulated in May 2022 to paid up members.

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<th>NOTICE OF REGIONAL MEETINGS</th>
<th>NOTICE OF GENERAL ASSEMBLY</th>
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<td>(during which the Election of Regional Council Members and Gender Section Representative will take place)</td>
<td>(during which the Election of the Presidency will take place)</td>
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<tr>
<td>We hereby give you NOTICE that the CMJA Regional Meetings will take place on:</td>
<td>We hereby give you NOTICE that the CMJA General Assembly will take place on:</td>
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<td><strong>Tuesday 6 September 2022</strong></td>
<td><strong>Thursday 8 September 2022</strong></td>
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<td>At 15.30 hrs</td>
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**ONLY MEMBER ASSOCIATIONS AND INDIVIDUAL MEMBERS WHO HAVE PAID THEIR ANNUAL SUBSCRIPTIONS AND ARREARS SHALL BE ALLOWED TO SUBMIT NOMINATIONS FOR REGIONAL COUNCIL MEMBERSHIP, BE NOMINATED AND VOTE AT THE REGIONAL MEETING.**

**NOMINATIONS MUST BE SUBMITTED BEFORE 21 AUGUST 2022**

Information can be found on the CMJA’s website at: [www.cmja.org/generalassembly/](http://www.cmja.org/generalassembly/)

The agenda and papers for the Meetings will appear in due course on the website.
NEW MEMBERS

We welcomed the following new members and we welcome back former members who have re-joined:

Antigua and Barbuda
• Hon Mrs Charon Gardner-Hippolyte

Australia
• Hon Judge Julia Baly
• Hon Judge Patricia Cope

Bahamas
• Hon Justice Andrew Forbes

Barbados
• Hon Mr Graveney Bannister
• Hon Justice Belle Francis

Belize
• Hon Justice Genevieve Chabot

Canada
• Hon Justice David Jarvis

England & Wales
• Miss Mercy Akman
• Mr Daniel Benjamin
• Her Hon Judge Grace Amakye
• Hon Judge Ms Barbara Mills
• His Honour Judge Stephen Murch
• District Judge Michelle Smith
• His Hon Judge Geoffrey Payne
• Her Hon Judge Anna Richardson
• Deputy District Judge Araba Taylor
• Miss Christine Wong

Ghana
• His Worship Kwame Adjei Manu

Guernsey
• Mr David Knight

Guyana
• Mr Nigel Hawke

India
• Hon Justice Munuswamy Selvanathan Ramesh
• Mr Pranab Sarkar

Jamaica
• Hon Judge Ms Winsome Henry

Kenya
• Hon Anne A Amadi
• Hon Lady Justice Farah Amin
• Hon Judge Mark Emerton
• Mr Kenneth L Kandet
• Hon Chief Justice Martha Koome

New Zealand
• Hon Judge Gus Andree Wiltens

Singapore
• Mr Roy Goh

Jersey
• Jurat Kim Averty

Nigeria
• Hon Ms Kikelomo Odeyemi Ayeye
• Hon Judge Sharafa Olaitan
• Hon Justice Mark Saadatu

Pakistan
• Hon Mr Justice Vincent Emmy Mugabo

Papua New Guinea
• Hon Justice Ere Kariko

Sierra Leone
• Hon Justice Adrian Josielyne Fisher
• Hon Justice Emmanuel Roberts

Saint Lucia
• Hon Justice Thom Gertel

Tanzania
• Hon Judge Dr Eliamani Isaya Laltaika

Trinidad & Tobago
• Hon Chief Justice Ivor Archie
• Hon Justice Avason Quinlan-Williams

Uganda
• Hon Mr Justice Emmanuel Baguma
• Hon Lady Justice Catherine Betty Bamugemereire
• Hon Mr Justice Benjamin Kabiito
• Hon Mr Robert Mukanza
• Hon Mr Justice Musa Ssekaana
• Hon Lady Justice Percy Night Tuhaise

Zambia
• Hon Mr Nchimunya Simaubi

DIARY OF EVENTS 2022

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