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## EDITORIAL

The Commonwealth Magistrates' and Judges' Association (CMJA) held another successful Triennial Conference in September 2018, with over 450 participants from 49 Jurisdictions in the Commonwealth. We have published some of the papers arising from this Conference in this issue of the Commonwealth Judicial Journal. During this Conference, the CMJA General Assembly also agreed the 'Declaration on the Independence and Integrity of Judicial Officers of the Lower Courts'. This Declaration, which follows on from the work that the CMJA has been doing over the years in supporting judicial officers of the lower courts or of limited jurisdiction, reiterates the importance of securing and safeguarding the independence of the judiciary as an important prerequisite for upholding the rule of law. The Declaration emphasises, in particular, three facets of such independence – institutional independence, adjudicatory independence and administrative independence. As the preamble to this Declaration itself recognises, an independent and integrity-led judiciary at all levels plays a vital role in ensuring the realisation of the Commonwealth vision of a just and progressive society. The full Declaration is available on [www.cmja.org](http://www.cmja.org)

Unfortunately, attacks on the independence of the judiciary continue to happen within the Commonwealth and beyond. I have referred to a number of these in my previous editorials. In September 2018, the CMJA issued a statement expressing grave concern over the decision of the government of Lesotho to suspend the Chief Justice, pending an impeachment investigation. The CMJA together with the Commonwealth Lawyers Association (CLA) and the Commonwealth Legal Education Association (CLEA) had previously expressed shock and dismay at the unprecedented vitriolic verbal attack mounted by the Minister of Law in Lesotho against the Chief Justice of Lesotho. This attack had been calculated to undermine the independence of the judiciary and to diminish the authority the judiciary wields in the perception of the general public. In light of these developments, it is hoped that international and regional organisations such as the Commonwealth Secretariat and Southern African Development Community will step in to reaffirm and demand observance of

principles, such as respect for the independence of the judiciary and the rule of law, that lie at the heart of their constitutions.

Meanwhile, the next CMJA Conference will be held in Port Moresby, Papua New Guinea from 8-12 September 2019 on 'Parliamentary Democracy and the Role of the Judiciary'. For those who wish to attend, more details and registration information will be available on the CMJA website: <https://cmja.biz/>

I would also like to remind readers that I would warmly welcome letters to the editor regarding any themes relevant to the Commonwealth Judicial Journal. These will be published in future issues of the Journal. Please submit your letters to the CMJA email address: [info@cmja.org](mailto:info@cmja.org).

This issue opens with a tribute to the life of Derek Ingram, who served the Commonwealth as a journalist with special distinction. This is followed by Sian Elias' article on *Managing Modern Criminal Justice*, which focuses on three aspects of the criminal justice system in the context of 'doing justice', namely: use of audio visual technology, measures to incentivise guilty pleas and increased discretion in charging, diversion and disposals. Staying on the theme of criminal justice systems, in *Judicial Accountability in the 21st Century*, Iain Bonomy addresses what he considers to be some of the unsatisfactory aspects of the international criminal justice system. In *What is the Need for Judicial Education?*, John Carey examines the need and implications of judicial education for judicial development and justice. The next article in this issue is a reflection by Ah Foon Chui Yew Cheong and Nicola Padfield on a recent workshop on sentencing held for the judiciary in Mauritius and entitled: *A Workshop on Sentencing – Mauritian-Style*. Subsequently, Thomas S. Woods discusses whether the practice of circulating draft judgments to counsel for comment before they are made final is one that ought to be considered for adoption in Canada and other jurisdictions in the common law world in *Paragraph 168: A Cautionary Tale Concerning the Circulation of Draft Judgments to Counsel*. And in *A Privilege to Serve the Nation – Fighting Corruption and*

*Maladministration*, B. Rajendran addresses the question of how should a judge, armed with the power of judicial review, seek to vindicate the constitutional right to a corruption free government? with particular reference to India.

The Journal has collaborated with LexisNexis to publish three cases from the Law Reports of the Commonwealth (LRC). There are *Economic Freedom Fighters*

*And Others v Speaker Of The National Assembly And Another (No 2)*, *Ferguson v Attorney General*; *Outbermuda And Others V Attorney General*, and *Hyles v Director Of Public Prosecutions*; *Williams V Director Of Public Prosecutions*. These reports have been reproduced by permission of RELX (UK) Limited, trading as LexisNexis. Finally, the issue closes with a review of *Corruption and Misuse of Public Office*, written by Nicholls *et al*.

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## CALL FOR PAPERS

The **Commonwealth Judicial Journal (CJJ)** is the flagship publication of the Commonwealth Magistrates' and Judges' Association and has a readership of judges, magistrates and other legal practitioners from the Commonwealth and beyond. The CJJ invites submissions of manuscripts on various aspects of the law, in particular manuscripts focusing on the judicial function at the domestic, regional and/or international level.

Essays, book reviews and related contributions are also encouraged.

Please read the following instructions carefully before proceeding to submit a manuscript or contribution.

### Contact Details

Manuscripts sent by email, as a Word document, are particularly encouraged. These should be sent to: [info@cmja.org](mailto:info@cmja.org)

Alternatively, manuscripts may be sent by post to: CMJA, Uganda House, 58-59 Trafalgar Square, London WC2N 5DX, United Kingdom.

### Information for Authors

1. Manuscripts should ideally be submitted in Microsoft Word format.
2. Articles should include a 200-word (maximum) abstract.
3. Submissions should be accompanied by details as to whether the manuscript has been published, submitted, or accepted elsewhere.
4. Manuscripts should normally range from 2,000 to 3,500 words in length.
5. Any references and/or citations should be integrated in the main body of the

manuscript, as footnotes/endnotes will normally be removed.

6. The CJJ encourages authors to refer to material from one or more jurisdictions across the Commonwealth.
7. All manuscripts received are evaluated by our Editor in consultation with the Editorial Board. Notification of acceptance, rejection or need for revision will generally be given within 12 weeks of receipt of the manuscript, although exceptions to this time frame may occur. Please note that our evaluation process takes account of several criteria, including the need for a balance of topics, the CJJ's particular areas of interest which may change over time, etc., and this may also influence the final decision. Therefore, a rejection does not necessarily reflect upon the quality of a piece. The Editorial Board retains the discretion as to whether or not an article may or may not be published.
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