



## COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION

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### STATEMENT ON THE SUSPENSION OF THE CHIEF JUSTICE OF LESOTHO

The CMJA General Assembly expressed their deep concern that the Chief Justice of Lesotho was suspended from office whilst attending the Chief Justices Meeting and 18<sup>TH</sup> CMJA Triennial Conference attended by over 40 Chief Justices and 400 judicial officers of all levels in Brisbane, Australia. The General Assembly was particularly concerned as two interim court orders prevented the Prime Minister from proceeding with any suspension pending the finalisation of the constitutional challenges filed by the Chief Justice.

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 and due process. Furthermore these Principles require that judges should be subject to suspension or removal **only** for reasons of proven incapacity or misbehaviour that clearly renders them unfit to discharge their duties. The Association urge the Government of Lesotho to abide by the constitutional provisions, natural justice and due process in relation to the Chief Justice of Lesotho. 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

#### **The Commonwealth Magistrates' and Judges' Association**

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*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](http://www.cmja.org).*