



Southern African Chief Justices' Forum

C/o Supreme Court of
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STATEMENT ON THE FACT-FINDING MISSION TO THE REPUBLIC OF SEYCHELLES BY A DELEGATION OF THE SOUTHERN AFRICAN CHIEF JUSTICES' FORUM



8 June 2018

The Southern African Chief Justices' Forum (SACJF) is a voluntary association of Chief Justices from countries in East and Southern Africa. It was formed in 2003 with the object of promoting contact and co-operation among the judiciaries in the East and Southern African region; promoting the rule of law, democracy and the independence of the judiciaries in the region; promoting and protecting the welfare and dignity of judges in the member countries and generally promoting the interests of judiciaries of member countries.

The Judiciary of the Seychelles is a proud and active member of the SACJF. The leadership of the judiciary of Seychelles extended an invitation to SACJF to undertake a fact-finding mission on the recent developments concerning the country's judiciary. The principal purpose of the mission was to meet stakeholders and gather information pertaining to the rule of law and independence of the

judiciary, and offer suggestions towards enhancing the rule of law, independence of the judiciary, security of tenure for judges and access to justice for all.

The SACJF delegation consisted of Chief Justice Peter S Shivute, Chief Justice of Namibia, who is also the Chairperson of SACJF and Hon. Chief Justice Andrew C.K. Nyirenda SC, Chief Justice of Malawi, who is serving as Deputy Chairperson of SACJF.

The Mission extends its profound gratitude to His Excellency, Mr Danny Faure the President of the Republic of Seychelles and the Government for the courtesies extended to the delegation. The Mission further conveys its gratitude to the Government of the Republic of Seychelles, the Leader of Opposition in the National Assembly, Hon. Wavel Ramkalawan and other stakeholders for agreeing to meet with the delegation and for their cooperation.

The delegation undertook the mission from the 4th to 8th June, 2018 and met with His Excellency, the President of the Republic of Seychelles and other members of the Executive, Leader of the Opposition, the Judiciary, the Constitutional Appointments Authority, the Bar Association and Citizens Engagement Platform Seychelles (Non-Governmental Organisation).

The SACJF affirms the principle of independence, impartiality and accountability of the judiciary without which there cannot be effective separation of powers. The principle of separation of powers provides society with the checks and balances

necessary for maintenance of a democratic system of government. The SACJF also affirms the principle of equality before the law as sacrosanct for the maintenance of public confidence in the administration of justice.

SACJF therefore urges the authorities in Seychelles to ensure that the two pending disciplinary matters concerning members of the judiciary in Seychelles are handled fairly, speedily and in accordance with the principles of natural justice and due process. Above all the matters should be handled in accordance with the law and in a way that preserves the independence, integrity and dignity of the courts and one that reinforces rather than undermines the principle of separation of powers and the rule of law. Public confidence in the judicial system and in the moral authority and integrity of the judiciary is of the utmost importance in a modern democratic society.

SACJF stands ready to offer its counsel to the authorities to help in resolving these matters and offer its professional expertise towards the necessary legal reforms.

The Mission will in due course produce a report containing its findings and recommendations.



Peter S. Shivute

**CHIEF JUSTICE OF NAMIBIA & CHAIRPERSON:
SOUTHERN AFRICAN CHIEF JUSTICES' FORUM**