



Statement on the removal and deportation of Magistrate Law and the revocation of the Chief Justice's visa by the Nauru authorities

The Commonwealth Magistrates' and Judges' Association (CMJA) is concerned about the recent removal and deportation of Magistrate Peter Law, the disregard for the Chief Justice's injunction on this matter and the revocation of the entry visa into Nauru of its own Chief Justice, Justice Eames. It supports the Statement issued by Lawasia on 20 January 2014.

The existence of an independent and impartial judiciary is one of the cardinal features of any country governed by the rule of law. By virtue of its membership of the Commonwealth, Nauru 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 or Legislature which is capable of being seen as eroding the independence and impartiality of the judiciary is a matter of serious concern and is in danger of eroding 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 judicial officers should be subject to suspension or removal **only** for reasons of incapacity or misbehaviour that **clearly** renders them unfit to discharge their duties.

At their meeting in Sydney in July 2011, the Commonwealth Law Ministers agreed to "to consider taking appropriate steps to strengthen their domestic legal frameworks and other measures for assuring the independence and integrity of their magistracy in compliance with the Commonwealth fundamental values, having due regard to the suggested Guidelines [for Ensuring The Independence And Integrity Of Magistrates drafted by the CMJA in 2011]". (Paragraph 8 of the Communiqué). Copies of these Guidelines can be found on the CMJA's website at: www.cmja.org

The Associations therefore urge the Government of Nauru to respect the independence of the judiciary by ensuring that due process is followed in relation to any disciplinary measures taken in relation to Magistrate Peter Law and ensuring that the Chief Justice is able to fulfil his duties and functions without hindrance and to comply with the Commonwealth (Latimer House) Principles which govern the relationship between the three branches of government and are a cornerstone of our Association's values.

22 January 2014

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

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