



## STATEMENT ON THE CHIEF JUSTICE OF THE SEYCHELLES

The Commonwealth Lawyers Association (CLA), the Commonwealth Legal Education Association (CLEA) and the Commonwealth Magistrates' and Judges' Association (CMJA) are concerned by the decision of the recently reconstituted Seychelles Constitutional Appointments Authority to set up a Tribunal of Inquiry to investigate the question of the removal from office of Chief Justice Mathilda Twomey, the first woman Chief Justice of the Seychelles, for alleged misbehaviour.

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, the Seychelles 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 Seychelles government is urged to ensure that the Constitutional requirements regarding the composition of the Constitutional Appointments Authority are respected and that any Tribunal of Inquiry in relation to the Chief Justice is constituted strictly in accordance with the Constitution so as to ensure its independence and integrity.

The *Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003)*, recently re-affirmed by the London Commonwealth Heads of Government Meeting as an integral 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 judges should be subject to suspension or removal **only** for reasons of incapacity or misbehaviour that **clearly** renders them unfit to discharge their duties.

The Associations urge upon the Government of the Seychelles to respect the independence of the judiciary and in particular to comply with the Commonwealth Latimer House Principles which govern the relationship between the three branches of government and are a cornerstone of the Commonwealth values.

**Commonwealth Lawyers Association (CLA)**

**Commonwealth Legal Education Association (CLEA)**

**Commonwealth Magistrates' and Judges' Association (CMJA)**

**2 May 2018**

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