



Southern African Chief Justices' Forum

C/o Supreme Court of
Namibia

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STATEMENT ON PLANS TO REMOVE THE CHIEF JUSTICE OF THE KINGDOM OF LESOTHO FROM OFFICE

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 2005 with the objectives of promoting contact and co-operation among the courts in the East and Southern African region; promoting the rule of law, democracy and the independence of the courts in the region; promoting and protecting the welfare and dignity of judges in the member countries; and generally promoting the interests of the judiciaries of member countries.

It has come to the attention of the SACJF that Chief Justice Nthomeng Majara of the Kingdom of Lesotho has received a document from the Office of the Prime Minister of Lesotho containing numerous allegations of misconduct on her part as the administrative head of the High Court and in her capacity as the Chairperson of the Judicial Service Commission. The document discloses the intention to set up a tribunal to investigate the question of her removal from Office of Chief Justice.

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.

The SACJF therefore urges the authorities in the Kingdom of Lesotho to ensure that the matter involving Chief Justice Majara is handled in accordance with the principles of natural justice and due process. The SACJF also encourages the authorities in Lesotho to ensure that the Chief Justice is accorded all her rights including the right to be represented by counsel of her choice. Above all the matter needs to 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. The SACJF stands ready to offer its counsel to the authorities to help in resolving this matter.



Peter S. Shivute

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