



Southern African Chief Justices' Forum

**C/o Supreme Court of
Namibia**

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STATEMENT ON THE SUSPENSION OF THE CHIEF JUSTICE OF THE KINGDOM OF LESOTHO FROM OFFICE

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Recalling the statement of the Southern African Chief Justices' Forum (SACJF) on 7 May 2018, it has come to the attention of the SACJF that Chief Justice Nthomeng Majara of the Kingdom of Lesotho has been suspended as Chief Justice pending the outcome of the tribunal to be set up to investigate the question of her removal from Office of Chief Justice.

SACJF notes that on 17 May 2018 the High Court of Lesotho issued an order interdicting the Prime Minister of Lesotho from advising His Majesty the King of Lesotho to set up a tribunal as well as to suspend the Chief Justice pending the outcome of the challenge into the legality of the decision by the Prime Minister advising the King to suspend the Chief Justice and set up a tribunal to investigate her.

SACJF further notes that notwithstanding the court order of 17 May 2018, the King, on the advice of the Prime Minister, suspended the Chief Justice and decided to set up a tribunal to investigate the question of her removal from Office of Chief Justice. SACJF also notes that on 16 September 2018, without notice to the suspended Chief Justice, although cited as a respondent in the matter, the Attorney General sought and obtained a court order prohibiting the Chief Justice from accessing her office at the High Court.

SACJF therefore notes, with deep concern, the events mentioned above leading up to the suspension of the Chief Justice. SACJF states that such conduct tends to undermine the principle of separation of powers and the rule of law. SACJF further affirms that such conduct tends to erode public confidence in the independence of the judiciary, the integrity of its judicial officers, and the impartiality and effectiveness of its processes that sustain the judicial system of a democratic country.

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. SACJF also encourages the authorities in Lesotho to ensure that the Chief Justice is accorded all her rights as enshrined in the constitution of the country. 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. SACJF stands ready to offer its counsel to the authorities in the Kingdom of Lesotho to help in resolving this matter.



Peter S. Shivute

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