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**LAW SOCIETY CONCERNED ABOUT BREAKDOWN IN RULE OF LAW AND
GOOD GOVERNANCE IN SWAZILAND JUDICIARY**

The Law Society of South Africa (LSSA) is concerned that the hearing by the Judicial Service Commission (JSC) in Swaziland against Swazi High Court Judge Thomas Masuku went ahead behind closed doors earlier this month. This was despite calls from the Law Society of Swaziland, the SADC Lawyers Association and civil society organisations such as the International Commission of Jurists and the Southern Africa Litigation Centre, to hold the hearing – that dealt with alleged misconduct on the part of Judge Masuku – in public. The SADCLA had also made funding available for outside observers to attend the hearing.

The LSSA urges the JSC in Swaziland to deliberate carefully on the matter against Judge Masuku as the outcome of the matter will have serious ramifications for the independence of the judiciary and the profession in a country which South Africa has such close ties with.

‘The LSSA joins other regional legal bodies in expressing grave concern about the turbulence and uncertainty in the judiciary in Swaziland, and what appears to be a breakdown in the rule of law and good governance. This is against the background of serious economic instability in the country,’ say LSSA Co-Chairpersons Praveen Sham and Nano Matlala.

The Co-Chairpersons highlighted the serious breach of good governance by the Chief Justice of Swaziland, who brought the complaint against Judge Masuku, himself sitting as the head of the JSC which heard the complaint. ‘Being a complainant, prosecutor and judge in the same matter goes against all norms of due process,’ they said

Also, the LSSA has taken note of the reservations and outrage expressed by lawyers in Swaziland about the suspension of and hearing against Judge Masuku. The Swazi lawyers, together with the SADC Lawyers Association, have described the charges against Judge Masuku as ‘baseless and pointing to a political motive and personal vendetta behind the Chief Justice’s actions – as well as utter contempt for due process and the rule of law’. The SADC Lawyers Association warned that Swaziland’s judicial

system will be dealt a severe blow if Judge Masuku is dismissed. The spurious charges against Judge Masuku form part of a broader assault on judicial independence in Swaziland launched from within the judiciary itself and directed by the Chief Justice.

The LSSA aligns itself with the views and concerns expressed by the SADC Lawyers Association.

ISSUED ON BEHALF OF THE CO-CHAIRPERSONS OF THE LAW SOCIETY OF SOUTH AFRICA, PRAVEEN SHAM AND NANO MATLALA

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Editor's note:

The Law Society of South Africa is a member of the SADC Lawyers Association.

The Law Society of South Africa brings together its six constituent members – the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces, the Black Lawyers Association and the National Association of Democratic Lawyers – in representing South Africa's 20 000 attorneys and 5 000 candidate attorneys.

In Afrikaans items, please refer to the 'Prokureursorde van Suid-Afrika'.