



PRESS RELEASE

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LAW SOCIETY ALARMED AT CONTEMPT FOR RULE OF LAW IN SWAZILAND

The Law Society of South Africa (LSSA) adds its voice to the utmost alarm expressed by the SADC Lawyers Association (SADCLA), the Law Society of Swaziland and other civil society organisations at the clear contempt for the rule of law and the debasement of Swaziland's judicial system, signaled by King Mswati III removal of High Court Judge Thomas Masuku from office last week.

It is also understood that Swazi Minister of Justice and Constitutional Development, David Matse, has been suspended.

The LSSA calls on the South African Government to take diplomatic steps to highlight the serious assault on judicial independence and the rule of law in Swaziland and, if necessary, consider some form of sanction.

Last month, the LSSA joined other legal organisations calling on the Judicial Service Commission of Swaziland to hear the charges brought against Judge Masuku by Swaziland's Chief Justice Michael Ramodibedi in public, which was not done. It was widely believed that the charges brought against Judge Masuku were vague, unsubstantiated and spurious.

As pointed out by the organisations observing the hearing, the disciplinary hearing itself was not conducted in compliance with fundamental principles of justice and fairness. The Chief Justice refused to recuse himself, notwithstanding the fact that he acted both as accuser and judge; the application for the hearing to be held in public was denied and the opportunity to cross-examine deponents to the affidavits attesting to Judge Masuku's alleged misconduct was also refused. No reasons were provided for these decisions.

In addition and as has been done by the SADCLA, the LSSA supports Swaziland's lawyers who recently took the unprecedented step of marching through the streets of Mbabane to highlight their frustration at the JSC's unwillingness to receive their complaint against Chief Justice Ramodibedi. The march follows an instruction by the Chief Justice to the magistrate courts to proceed with criminal cases despite the lawyers' current boycott of the courts which has resulted in the convictions of unrepresented accused.

The Law Society of Swaziland has complained about several directives issued by the Chief Justice. The most controversial one determines that no summons may be issued against the King's office. This leaves several parties, including those who have engaged in commercial transactions with the King's office, without remedy.

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'.