



Commonwealth
Lawyers Association



Statement on the Elections in Malawi

The Commonwealth Magistrates' and Judges' Association (CMJA), The Commonwealth Legal Education Association (CLEA), the Commonwealth Lawyers Association (CLA) and Rechters Voor Rechters (Judges for Judges) recall their Statements of 9 and 15 June 2020 urging all parties in Malawi to respect the authority of the judiciary and ensure that due process is followed in line with the Malawi constitution and its international obligations.

They are pleased to note that following the judgment of the High Court which was upheld by the Supreme Court of Malawi of 8 May 2020, a Presidential election was duly held on 23 June 2020. They also note that the people of Malawi have shown, in the words of the Malawi Human Rights Commission, that it was possible to hold peaceful and transparent elections, even in these difficult times of COVID 19.

Chapter I of the Commonwealth (Latimer House) Principles (2003) states: *"Each Commonwealth country's Parliaments, Executives and Judiciaries are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability."*

The Commonwealth Charter states in Chapter VI that: *"We recognise the importance of maintaining the integrity of the roles of the Legislature, Executive and Judiciary. These are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and adherence to good governance"*

We commend the Judiciary and Parliament of Malawi for fulfilling their duties to the constitution, to their international obligations and to democratic principles.

30 June 2020

Commonwealth Magistrates' and Judges' Association (CMJA)

Commonwealth Legal Education Association (CLEA)

Commonwealth Lawyers Association (CLA)

Rechters voor Rechters (Judges for Judges)

NOTE TO EDITORS:

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

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

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

Rechters voor Rechters (Judges for Judges) is an independent and non-political foundation set up by judges to support fellow judges abroad who have run into problems or risk problems on account of their professional practice. These problems are mostly related to (presumed) violation of their professional independence. J4J also concerns itself with judges, who have been discharged for disturbing reasons, have been arrested and imprisoned, put under pressure, are threatened or even assassinated. Website: <http://www.rechtersvoorrechters.nl> or www.judges4judges.nl
Twitter: twitter.com/judges4j