



MALAWI LAW SOCIETY

PRESS STATEMENT

ON STATEMENTS CONCERNING THE JUDICIAL PRONOUNCEMENTS ON THE ELECTIONS CASE

The Malawi Law Society (“the Law Society”) in exercise of its statutory mandate “*to protect matters of public interest touching, ancillary or incidental to law*”

NOTING that the rule of law is an essential protection for the people of Malawi as a whole and is an assurance of limited and accountable government under the constitutional order.

SUPPORTING an independent, impartial, honest and competent judiciary and recognising that an independent, effective and competent legal system is integral to upholding the rule of law, engendering public confidence in dispensing justice to all manner of people in Malawi.

RECOGNISING that it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary and that it is a specific duty of the State President of Malawi to uphold and defend the Constitution which includes the notion of separation of powers and independence of the judiciary enshrined in the Constitution.

ACKNOWLEDGING that Judges of High Court and the Justices of Appeal of the Malawi Supreme Court of Appeal in their respective judgments of 3rd February 2020 and 8th May 2020 duly gave reasons in writing for their decisions in the Presidential Elections Case thereby duly discharged their constitutional responsibility on the matters before them.

AND NOTING the sentiments expressed by His Excellency President Professor Arthur Peter Mutharika on Friday 29th May 2020 on MBC TV and Radio and on

Monday 1st June 2020 suggesting failure of judicial responsibility on the part of the Courts in determining the Presidential Election Case brought before them.

THE LAW SOCIETY now and hereby

1. **EXPRESSES** concern with and condemns in the strongest terms the manner and forum chosen by the State President to express disquiet against the judiciary given that the judiciary itself has no access to the political podium and political facilities to respond to the allegations thereby publicly expressed by the State President.
2. **CALLS** upon the State President and any political figures to refrain from any further direct or indirect attacks on the judiciary.
3. **CALLS** upon the State President to lead by example by at all times preserving and upholding the rule of law and promoting the respect, independence and integrity of the Malawi judiciary as separate constitutional arm of government with constitutional responsibility.
4. **CALLS** upon Parliament which includes the President and National Assembly to carefully read the full final judgment of the Supreme Court, to understand it in accordance with the principles for interpreting judgments and to implement it within the spirit of the constitutional order to ensure mutual respect and tolerance, collective security, morality and common interest of the people of Malawi as a whole.

Made and delivered this 1st day of June 2020



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