

PRESS RELEASE

REPORT OF TRIBUNAL OF INQUIRY

The Tribunal of Inquiry has today submitted its Report to the Constitutional Appointments Authority (CAA), the President of the Republic of Seychelles and the parties concerned.

The Tribunal was established by the CAA on 16 April 2018 to inquire whether, following complaints lodged with the CAA, the conduct of Chief Justice, Dr. Mathilda Twomey, amounted to misbehaviour in terms of Article 134(2) of the *Constitution of the Republic of Seychelles*. In view that the CAA does not have the power to investigate complaints, the Tribunal, with its investigative powers, was to report on the facts to the CAA and to recommend to the President whether the Chief Justice ought to be removed from office or not.

The members of the Tribunal comprised three experienced judges from the Commonwealth, namely Hon Michael Adams QC from Australia, Hon Judge John Murphy from South Africa and Hon. Justice Olufunmilayo Olajumoke Atilade from Nigeria.

The Members of the Tribunal considered all the papers which were before the CAA and the matters identified by it as requiring an investigation and distilled them into four relevant charges to be inquired into:

1. Abuse by the Chief Justice of her Authority of Office, arising out of her dealing with Judge Karunakaran when he was suspended on 10 October 2016 by then President Michel from his functions as a Judge of the Supreme Court.
2. The destruction of evidence concerning a case which had been heard by Judge Karunakaran but his judgment had not been delivered in Court as required by law.
3. The publication of the Report of 27 August 2017 of the Tribunal recommending removal of Judge Karunakaran before the President had released it.
4. The Chief Justice's communications with the then CAA in connection with her complaints about Judge Karunakaran's fitness for office and an approach made by the Chief Justice to a lawyer at the Commonwealth Office in the hope he would accept appointment as a Member of this Tribunal.

Rules of Procedure were promulgated by the Tribunal and the relevant matters identified for the proposed hearing were published in the press.

The Tribunal convened at National House, Victoria on 5 June 2018 and heard evidence from witnesses on 30, 31 July, 1 and 2 August 2018.

After hearing and examining all the evidence, the overall conclusion of the Tribunal is that the evidence, either taken piecemeal or as a whole, does not disclose any misconduct or

inappropriate conduct on the part of the Chief Justice. It follows that no action should be taken by the President under Article 134 of the Constitution in respect of the office of Chief Justice.

The Report will be placed on the CAA website www.caaseychelles.com website.

Constitutional Appointments Authority

12 October 2018