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GOVERNMENT NOTICE NO. 18 OF 2025

**CODE OF ETHICS FOR JUDICIAL OFFICERS
OF SUBORDINATE COURTS, 2025**

FOREWORD

Judicial officers of Subordinate Courts are at the coalface of the administration of justice. Theirs is a sacred constitutional duty whose discharge demands absolute integrity, efficiency and humility. Society expects no less from them. This Code of Ethics is an endeavour to help them to perform their duties with honesty, integrity and efficiency.

The publication of the Code serves to bring awareness to judicial officers and society at large of the requisite conduct and to guide judicial officers in both their professional and personal lives. More importantly, judicial officers shall be held accountable for conduct that constitutes a breach of the Code.

S.P. Sakoane
Chief Justice and Chairman,
Judicial Service Commission

GOVERNMENT NOTICE NO. 18 OF 2025

**CODE OF ETHICS FOR JUDICIAL OFFICERS
OF SUBORDINATE COURTS, 2025**

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PREAMBLE

WHEREAS the Constitution has vested the Judicial Authority of the Kingdom of Lesotho in the Judiciary and has further entrenched the universally accepted norm of Independence of the Judiciary;

AND WHEREAS it is recognised that a competent, independent and impartial judiciary is an indispensable and essential ingredient for good governance and the maintenance of the rule of law;

AND WHEREAS it is recognised that public confidence in the judicial system and in the moral authority and integrity of judicial officers is of utmost importance in a democratic society;

AND WHEREAS it is essential that judicial officers, individually and collectively, respect and honour the judicial office as a public trust and strive to enhance and maintain confidence in the judicial system;

AND WHEREAS it is recognised that it is primarily the responsibility of judicial officers to promote and maintain high standards of judicial conduct;

AND WHEREAS the judicial officers of the Kingdom of Lesotho individually and collectively need a Code of Ethics to be the beacon of judicial conduct now and in the future;

NOW, THEREFORE, it is hereby notified that the Judicial Service Commission has, in terms of section 22 of the **Administration of the Judiciary Act No. 16 of 2011**, make the following Code of Ethics for judicial officers of subordinate courts.

PART I - PRELIMINARY

Title

1. This Code may be cited as the Code of Ethics for Judicial Officers of Subordinate Courts, 2025 and shall come into operation on the date of publication in the Gazette.

Interpretation

2. In this Code:

“disciplinary committee” means a disciplinary committee appointed under Part III;

“family member” or “associate”, in relation to a judicial officer, means the following, as may be appropriate to the context:

- (a) any member of the judicial officer’s family, that is, the judicial officer’s spouse, son, daughter, son-in-law or daughter-in-law or any other close relative;
- (b) any friend of the judicial officer, being a person with whom the judicial officer interacts socially on a regular or frequent basis, or a person to whom the judicial officer is emotionally close and includes a cohabitant;
- (c) any person the nature of whose social, business or other association with the judicial officer may, in certain contexts, be regarded by any fair-minded person as pro motive of potential conflict between the judicial officer’s private interests and judicial duties;

“head of court” means any of the following, as may be appropriate:

- (a) the Chief Magistrate;
- (b) the Senior Resident Magistrate who is designated head of a district;

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- (c) the President of Labour Court;
 - (d) Senior Judicial Commissioner;
 - (e) President of a Central or Local Court.

“immaterial grounds” in relation to equality provided for in section 9 includes but is not limited to, race, colour, gender, religion, national origin, disability, age, marital status, social and economic status, and other like causes;

“judicial officer” means any of the following, whether appointed in a substantive or acting capacity:

- (a) Chief Magistrate;
- (b) Magistrate;
- (c) President and Deputy President of the Labour Court;
- (d) Judicial Commissioners;
- (e) President of Central and Local Court.

“subordinate court” means court subordinate to the High Court.

Application

3. (1) This Code applies to every judicial officer.

(2) For the avoidance of doubt, it is declared that no minimum standard prescribed in this Code shall be taken to derogate from the highest standards of ethics and propriety expected of judicial officers.

PART II - VALUES AND STANDARDS

Values attaching to judicial office

4. Every judicial officer shall, individually and collectively, uphold, maintain and promote the following values attaching to judicial office, as further elab-

orated in this Part:

- (a) personal and institutional independence;
- (b) integrity;
- (c) propriety, and the appearance of propriety;
- (d) equality, that is, equal treatment of all before the courts;
- (e) impartiality, not only in respect of particular decisions but also in respect of the process by which any decision is made; and
- (f) competence and diligence.

SUB-PART A - INDEPENDENCE

Independence

5. (1) A judicial officer shall uphold the independence of the judiciary and the authority of the courts and shall, in keeping with his judicial oath, perform all duties without fear, favour or prejudice.

(2) A judicial officer shall at all times exhibit and promote high standards of judicial conduct in order to foster public confidence, which is universally accepted as a fundamental ingredient to the maintenance of judicial independence.

(3) A judicial officer shall be faithful to and maintain professional competence in the law, and shall not be swayed by partisan interests, public clamour or fear of criticism.

(4) Use of social media by a judicial officer shall maintain the moral authority, integrity, decorum and dignity of judicial office.

(5) A judicial officer shall not engage in exchanges over social media sites or messaging services with parties, their representatives or the general public about cases before or likely to come before him/her for decision.

SUB-PART B - INTEGRITY

Integrity

6. (1) A judicial officer shall ensure that his conduct, in and outside court, is above reproach in the view of reasonable, fair-minded and informed persons.

(2) A judicial officer shall not allow family, social, political, religious or other like relationships to influence his judicial conduct or judgment.

(3) A judicial officer shall participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards, so that the integrity of the judiciary may be preserved.

SUB-PART C - PROPRIETY

Propriety generally

7. (1) A judicial officer shall avoid impropriety and the appearance of improper behaviour in all of his activities in and outside court and shall avoid any conduct that tends or may result in bringing the judiciary into disrepute.

(2) As a subject of constant public scrutiny, a judicial officer shall accept personal restrictions that might be viewed as burdensome by the ordinary citizen. In particular, a judicial officer shall conduct himself or herself in a way that is consistent with the dignity of judicial office.

(3) A judicial officer shall not use or lend the prestige of the judicial office to advance his private interests or those of any of his family members, associates or friends.

(4) A judicial officer shall refrain from indiscriminate and improper exercise of the power of contempt.

(5) A judicial officer shall not allow legal practitioners to engage in forum shopping to get favourable decisions.

Gifts and other benefits

8. (1) No judicial officer, any family member, associate or friend of that judicial officer, shall solicit or accept any bribe, gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by the judicial officer in connection with the performance of judicial duties.

(2) If during the course of judicial proceedings it emerges that the judicial officer or any of his family member, associate or friend has received or accepted any bribe, gift, bequest, loan or favour from a party to those proceedings, then, whether or not such bribe, gift, bequest, loan or favour was made in connection with those proceedings, the judicial officer shall, at the earliest opportunity during those proceedings disclose that fact to the other party or parties to those proceedings.

(3) Where a judicial officer has been offered or has received a bribe, he shall disclose that fact to the head of court who in turn shall refer the matter to the Judicial Service Commission.

Participation in extra-curial activities

9. (1) Without compromising the proper performance of his judicial duties, a judicial officer may participate in activities such as:

- (a) writing, lecturing, teaching and engaging in activities concerning the law, the legal system, the administration of justice and related matters;
- (b) appear at a public hearing before an official body concerned with matters relating to the law, the legal system, the administration of justice or related matters; and
- (c) serve as a member of a body referred to in paragraph (b).

(2) A judicial officer may receive such honorarium as may be appropriate for participating in or undertaking any activity described in subsection (1), so long, as such honorarium cannot be reasonably perceived, by fair-minded persons, as:

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- (a) intended to influence the judicial officer in the performance of his judicial duties; or
 - (b) otherwise giving rise to an appearance of partiality.

(3) A judicial officer may speak publicly on non-legal matters or participate in civil, cultural, religious, educational or charitable activities, so long, as such activities do not embroil the judicial officer in controversies and do not detract from the dignity of the judicial office or otherwise interfere with the performance of judicial duties.

Business and financial dealings

10. (1) A judicial officer may serve as an executor, administrator, trustee, guardian or other fiduciary, for the estate, trust or person of a member of the judicial officer's family, so long, as any such service does not interfere, directly or indirectly, with the proper performance of judicial duties.

(2) A judicial officer shall refrain from financial and business dealings that:

- (a) reflect adversely on the judicial officer's impartiality;
- (b) interfere with the proper performance of the judicial officer's judicial duties;
- (c) exploit, or give the appearance of exploiting, the judicial officer's judicial position; or
- (d) involve the judicial officer in frequent transactions or continuing business relationships with legal practitioners or other persons likely to come before the court on which the judicial officer serves.

(3) A judicial officer shall not, for the purpose of furthering or advancing his personal financial or business dealings or those of his family members, associates or friends or for any other purpose which is unrelated to the judicial officer's judicial duties, disclose or use confidential information acquired during the course of judicial duties.

Practising law and rendering of advice on legal matters

11. A judicial officer shall not practise law whilst being the holder of judicial office, but may, without compensation and without exploiting or giving the appearance of exploiting his judicial position, be consulted by his family members on legal matters.

Promotion of collective interests as judicial officer

12. A judicial officer may form or join an association of judicial officers or participate in other legally recognised organisations representing the interests of judicial officers to promote professional training and to protect judicial independence, so long, as any such activities undertaken in connection with such association or organisation do not interfere with the proper performance of the judicial officer's duties.

SUB-PART D - IMPARTIALITY**Impartiality generally**

13. (1) A judicial officer shall perform his judicial duties without fear, favour, bias or prejudice.

(2) A judicial officer shall, so far as is reasonable, so conduct himself as to minimise the occasions on which it will be necessary for the judicial officer to be disqualified from hearing or deciding cases.

(3) A judicial officer shall not make any public comment that may affect or may reasonably be construed to affect the outcome of any proceedings or impair their fairness or make any comment that might compromise a fair trial or hearing.

Recusal

14. (1) A judicial officer shall disqualify or recuse himself in any proceedings in which the judicial officer's impartiality may reasonably be questioned, including but not limited to instances where:

- (a) the judicial officer has personal knowledge of disputed evidentiary facts concerning the proceedings; or

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- (b) subject to subsection (2), the matter in controversy:
 - (i) is one in which the judicial officer had served as a legal practitioner; or
 - (ii) involves a legal practitioner with whom the judicial officer had previously practised law, and such involvement began during the time when the judicial officer and legal practitioner were practising together; or
 - (c) subject to subsection (2), the judicial officer or any of his family members or associates has, to his knowledge, a financial interest in the subject matter in controversy or in a party to the proceedings, or any other interest that could be substantially affected by the outcome of the proceedings; or
 - (d) subject to subsection (3), the judicial officer has a fear, favour, bias or prejudice concerning a party.

(2) A judicial officer who would otherwise be disqualified in terms of subsection (1)(b) or (c) may, instead of withdrawing from the proceedings, disclose to the parties, the grounds upon which such potential disqualification may arise. If, based on such disclosure, all the parties independently of the judicial officer's participation agree that the judicial officer's basis for potential disqualification is immaterial or insubstantial, the judicial officer is no longer disqualified and may participate, or continue to participate, in the proceedings.

(3) The inability on the part of a judicial officer to overcome any fear, favour, bias or prejudice concerning a party is inconsistent with the exercise of judicial office, and a non-recusal on that ground is a violation of this Code, unless the circumstances giving rise to the fear, favour, bias or prejudice are of such a nature that any fair-minded person would not perceive that the fear, favour, bias or prejudice is unreasonable, in which event the judicial officer shall inform his head of court of those circumstances before recusing himself or herself.

(4) The head of court to whom any grounds of recusal referred to in subsection (3) are disclosed may, at the request of the judicial officer concerned

and if the head of court so deems it fit, direct that no disclosure of such grounds of recusal shall be made to the parties in the case.

Political engagement

15. A judicial officer:

- (1) (a) shall not engage in any political activities or hold any office in a political organisation or be a member of any political organisation; and
- (b) shall not solicit funds for or make a contribution to a political organisation and shall not attend political meetings.

(2) Sub-section (1) does not derogate from the judicial officer's right to vote as guaranteed by the Constitution.

SUB-PART E - EQUALITY

Equality

16. (1) A judicial officer shall strive to be aware of to understand, and be sensitive to diversity in society and differences based on various grounds that are not (except in strict compliance with the express terms of any law) material or determinative of any issue arising in connection with his performance of judicial duties, including (but not limited to) differences on the grounds of race, colour, gender, religion, national origin, disability, age, marital status, social and economic status and other like grounds (hereinafter referred to in this section to as "immaterial grounds").

(2) A judicial officer shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice based on immaterial grounds towards any person or group.

(3) A judicial officer shall carry out his duties with due or proper consideration for all persons such as the parties, witnesses, legal practitioners, court staff and judicial colleagues, without unjust differentiation on any immaterial ground.

In this subsection “unjust differentiation” means differentiation that is irrelevant to the proper performance of the duties of a judicial officer.

(4) A judicial officer shall not knowingly permit court staff or others subject to the judicial officer’s influence, direction or control to differentiate between persons on any immaterial ground in any matter which is before the judicial officer.

(5) A judicial officer shall require legal practitioners in proceedings before the court to refrain from manifesting, by words or conduct, bias or prejudice based on immaterial grounds:

Provided that this requirement does not preclude legitimate advocacy where any such grounds are legally relevant to an issue in the proceedings.

(6) A judicial officer shall accord to every person who is legally interested in the proceedings, or the legal practitioner of that person, a full right to be heard according to law, and, except as authorised by law, shall neither knowingly initiate nor consider ex parte or other communications concerning a pending proceeding.

SUB-PART F - COMPETENCE AND DILIGENCE

Diligence

17. (1) A judicial officer shall perform all judicial duties efficiently, fairly and with reasonable promptness.

(2) The judicial duties of a judicial officer take precedence over all other activities.

(3) A judicial officer shall devote his professional activity to judicial duties.

(4) Without derogating from the generality of subsection (3), a judicial officer’s duties are not only limited to the performance of judicial functions and responsibilities in court and the rendering of decisions but, include other tasks relevant to the court’s operations or to the judicial office.

(5) A judicial officer shall come to work on time and not knock off

early.

(6) A judicial officer shall not be absent from duty without a valid excuse and permission of the head of court.

Competence

18. (1) A judicial officer shall take reasonable steps to maintain and enhance the judicial officer's knowledge, skills and personal qualities necessary for the proper performance of judicial duties.

(2) A judicial officer shall keep himself informed about developments on national law and relevant international law, including relevant international conventions and other instruments establishing human rights norms.

In this subsection "relevant" means capable of application by courts within the jurisdiction of Lesotho in accordance with the Constitution.

Reserved judgments

19. (1) Where a judgment is reserved to be delivered on notice, the judicial officer shall use his best efforts to ensure that such judgment is delivered within the next forty-five days, except in unusual and exceptional circumstances, that should be fully explained. No judgment shall be delivered later than sixty days from the date when it is reserved.

(2) Where a judicial officer reserves judgment in any case and has reason to believe he will not be able to render judgment within the forty-five-day period referred to in subsection (1), he shall inform his head of court of that fact in writing explaining the reason.

(3) Upon receiving the information referred to in subsection (2), the head of court shall, with reasonable promptness, give such appropriate directions as will enable or assist the concerned judicial officer to deliver judgment within forty-five days from the date of reservation or no later than sixty days thereafter.

(4) Where the head of court reserves judgment in any case and has reason to believe that he will not be able to render judgment within the forty-five day period referred to in sub-section (1), he shall inform the Chief Justice through the Registrar of that fact in writing explaining the reason.

(5) Upon receiving the information referred to in subsection (4), the Chief Justice through the Registrar shall, with reasonable promptness, give such appropriate directions as will enable or assist the concerned head of court to deliver judgment within forty-five days from the date of reservation or no later than sixty days thereafter.

(6) The Chief Magistrate, the President of the Labour Court and the Senior Judicial Commissioner may, by a circular, reduce the maximum periods within which judgments shall, in terms of this section, be delivered.

SUB-PART G - EFFICIENT AND EXPEDITIOUS CONDUCT OF JUDICIAL BUSINESS

Conduct of judicial proceedings generally

20. (1) A judicial officer shall maintain order and decorum in all proceedings in which the judicial officer is involved. He shall be patient, dignified and courteous in relation to litigants, assessors, witnesses, legal practitioners and others with whom the judicial officer deals in an official capacity. The judicial officer shall require similar conduct from legal practitioners, court staff and others subject to the judicial officer's influence, direction or control.

(2) A judicial officer shall attend to matters set-down in chambers and those set-down in court, timeously and in such manner as is necessary and appropriate to ensure the due and diligent performance of all judicial duties.

(3) A judicial officer shall not cause the Clerk of Court to assign or allocate work to him or her and no litigant or prosecutor shall have a right to choose the judicial officer who will preside or deal with their matter.

PART III - ENFORCEMENT PROCEDURE

Disciplinary inquiry

21. (1) Subject to the Constitution and any other law, if Judicial Service Commission receives a complaint that a judicial officer has conducted himself in a manner that appears to violate any provision of this Code, the Judicial Service Commission shall cause an inquiry to be made in accordance with the Judicial Service Commission Rules, 1994 to investigate the acts or omissions allegedly constituting the violation. The findings and recommendations of the enquiry

shall be submitted to the Judicial Service Commission for its consideration and action.

Disciplinary measures

22. (1) Subject to the Constitution and any other law, the following disciplinary measures may be imposed on a judicial officer whose conduct is found to be in violation of this Code, according to the gravity or frequency of the violation:

- (a) reprimand;
- (b) severe reprimand;
- (c) removal from office.

(2) Nothing contained in this Code shall be construed as taking away or derogating from the right of the Attorney-General or the Director of Public Prosecutions or any member of the public to institute civil or criminal proceedings against the judicial officer concerned, arising out of the conduct complained of.

PART IV - JUDICIAL OFFICERS' ETHICS ADVISORY COMMITTEE

Establishment of Ethics Advisory Committee

23. (1) Subject to the Constitution and any other law, there shall be established a committee on standards of conduct for judicial officers, to be known as the Judicial Officers Ethics Advisory Committee.

(2) The Ethics Advisory Committee shall consist of not more than five and not less than three members, appointed by the Judicial Service Commission who shall be serving or retired judicial officers.

Functions of Ethics Advisory Committee

24. (1) The Ethics Advisory Committee shall render advisory opinions not inconsistent with this Code to inquiring judicial officers relating to the propriety of contemplated judicial and non-judicial conduct, but all opinions shall only be advisory in nature.

(2) No judicial officer sitting as a member of the Ethics Advisory Committee shall participate in any matter before the Committee in which he has a direct or indirect interest.

(3) All opinions rendered by the Ethics Advisory Committee shall be in writing, and a copy of each opinion, together with the request, therefore, shall be filed with the Chief Magistrate, or President of Labour Court or Senior Judicial Commissioner and the Judicial Service Commission.

(4) The Judicial Service Commission may, at its discretion, circulate the opinions of the Ethics Advisory Committee for the benefit of other judicial officers:

Provided that all references to the name of the requesting judicial officer shall be deleted.

Interface of Ethics Advisory Committee with adjudicators

25. No opinion of the Ethics Advisory Committee shall bind an adjudicator appointed in any proceedings properly before him and any determination of the propriety or impropriety of particular conduct by an adjudicator shall supersede any conflicting opinion of the Ethics Advisory Committee, but an adjudicator shall give such opinion due weight when arriving at any finding or making any recommendation, in particular:

- (a) such opinion may be considered as evidence that the judicial officer subject to the investigation endeavoured to comply with this Code in good faith;
- (b) but an opinion issued to one judicial officer shall not be authority for the conduct, or evidence of good faith of another judicial officer, unless the underlying facts are identical.

PART V - TRANSITIONAL PROVISIONS

Transitional provisions

26. (1) Section 19 shall not apply to any judgment that was reserved prior to the coming into operation of this Code. However, any such judgment

still outstanding on the forty fifth day from the date of promulgation of this Code, shall be notified by the judicial officer concerned to his head of court and in the case of the head of court, to the Chief Justice through the Registrar.

(2) Upon receipt of such notification the head of court or the Chief Justice as the case may be, shall give such appropriate directions as are reasonably necessary to ensure the due and speedy delivery of the judgment not later than sixty days thereafter.