



Statement in support of the Samoa Law Society.

On 1st October 2025, the Samoa Law Society published a Statement concerning Ministerial Roles and the Rule of Law. The Statement noted the circumstance of the Honourable Prime Minister of Samoa, who is responsible for the Ministry of Police and Prisons and Office of the Attorney General, being himself a defendant in ongoing proceedings. The Statement also noted that police operational matters are the responsibility of the Police Commissioner.

The Samoa Law Society welcomed a statement from the Honourable Prime Minister that he would let the current proceedings to take their course and would accept the outcome of the proceedings. The Samoa Law Society respectfully called for systems to be put in place to ensure that the case involving the Honourable Prime Minister, and other pending cases, are handled independently of the political process.

These are uncontroversial and balanced observations about the operation of the rule of law in a democracy that are expected of any Law Society or Bar Council. Reported official reaction to the Statement underscores the public importance of the issues raised in the Statement. Media reported that the Government of Samoa commended the President of the Samoa Law Society for raising concerns and indicated it valued constructive viewpoints as it worked to strengthen the justice sector.

The Honourable Attorney General of Samoa also issued a statement respecting the role of the Samoa Law Society in advocating for the rule of law and assured that the court proceedings would take their course.

Under Section 5 of the Lawyers and Legal Practice Act 2014, the functions of the Samoa Law Society are described, and Section 5 (f) categorically states that one of those functions is *“to promote and encourage the maintenance of the rule of law and the development of the laws of Samoa.”* The Statement was therefore issued pursuant to the statutory mandate of the Samoa Law Society and within the remit of its duties and functions.

Against this background, the CLA considers the recent attacks in the press and social media on the Council of the Samoa Law Society and its President to be wholly inappropriate, ill-informed and unjustified.

The CLA strongly supports an independent legal profession which must be able to speak robustly and sincerely on issues concerning the rule of law and draw attention to areas of public concern. The Commonwealth (Latimer House) Principles on the 3 Branches of Government state at Principle VIII (3): *“An independent, organised legal profession is an essential component in the protection of the rule of law.”*

Further, the Council of any Law Society or Bar Council must act promptly and decisively where an area of concern is identified. Some criticism has been directed at a lack of consultation of members. However, not every issue requires consultation as otherwise there would be inertia

and paralysis of action. Moreover, given the express statutory mandate of the Samoa Law Society in Section 5(f), no consultation would be required to make observations concerning the rule of law – and in this regard, it is noteworthy that the Government and the Attorney General took no exception to the Statement of the Samoa Law Society.

The Honourable Attorney General of Samoa also reminded the media to report more responsibly and not to fuel unnecessary and misinformed discourse on social media. It is appalling and deplorable that the President and Council of the Samoa Law Society have been attacked and subjected to online abuse and criticism for the Statement.

- The CLA stands in solidarity with the Samoa Law Society, its Council and its President. They have acted resolutely and courageously in upholding, promoting and defending the rule of law in Samoa, in the finest traditions of an independent legal profession.
- The CLA supports the right of the Samoa Law Society to issue Statements and comment on issues involving the rule of law, including independence of the Judiciary and independence of the legal profession, and to identify areas where concerns about such independence may arise.
- The CLA also notes and welcomes the formal statement made by the Honourable Attorney General.
- The CLA urges the media to report responsibly and fairly, and the CLA unreservedly condemns personal and politically motivated criticism, abuse and attacks, which should cease forthwith.

Lawyers have a vital role to speak truth to power and to advocate for the rule of law. This noble role must be respected and not denigrated.

Commonwealth Lawyers Association (CLA)

3rd October 2025

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