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PRESS RELEASE

16 December 2008

Outcomes of a workshop for Bar and Law Society leaders on 'International criminal justice in southern Africa: relevance, lessons and prospects'

The Institute for Security Studies (ISS), SADC Lawyers Association (SADC LA) and the Monitoring and Outreach Programme of the International Bar Association (IBA) convened a workshop for Bar and Law Society leaders in southern Africa from 5-6 December in Pretoria. Funded by the Open Society Initiative for Southern Africa (OSISA), the meeting aimed to build understanding about international criminal justice and discuss how best to support the involvement of lawyers in related efforts in the southern African region. The 31 lawyers participating in the workshop, which included law society leaders from 11 SADC countries, agreed on the following outcomes statement.

Workshop Outcomes

We, the participants of the abovementioned workshop on international criminal justice in southern Africa, and as representatives of the Southern African Development Community (SADC) Lawyers Association and African civil society:

1. *Express support* for the role of international criminal justice and the rule of law in promoting peace, justice and accountability for serious human rights violations in Africa.
2. *Call on African countries to support* the work of the International Criminal Court (ICC) on the African continent as a crucial component of broader efforts to end impunity for international crimes, which complement national, sub-regional and regional justice efforts.

3. *Reaffirm the importance* of upholding the rule of law, due process and human rights, and promoting the protection of the rights of victims and the accused in all international criminal justice efforts in Africa, including ICC investigations and prosecutions.
4. *Call on sub-regional, regional and international leaders* to take urgent action on Zimbabwe to end the current crisis and ensure that impunity does not prevail.
5. *Call on SADC member states* that have not yet done so, to ratify as a matter of urgency, the Rome Statute of the ICC. We commend the actions by Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Namibia, Republic of South Africa, Tanzania and Zambia which have already ratified the Statute.
6. *Request SADC member states* that are party to the Rome Statute to adopt implementing legislation and develop specialised capacity among the legal profession and government agencies to give effect to the legal and related obligations stemming from the Rome Statute.
7. *Call on all SADC member states* to support the ICC by entering into cooperation agreements that facilitate judicial proceedings, including those that allow for the implementation of provisional release of suspects or accused, and/or the relocation of witnesses.
8. *Express concern about the extent* of the myths and misconceptions around the work of the ICC in Africa. In particular we reject the notion that the ICC is a Western creation, and as African lawyers and civil society organisation representatives, we affirm African involvement in the creation and functioning of the Court.
9. *Offer support to the Southern African Litigation Centre (SALC)* initiative calling on the South African National Prosecuting Authority (NPA) to comply with its obligations under the Rome Statute and South Africa's ICC implementation legislation to institute investigations against perpetrators of international crimes in Zimbabwe.
10. *Applaud the SADC Tribunal's Campbell decision* on land issues in Zimbabwe, express concern regarding the Zimbabwean Government's contemptuous response to the decision, and call on SADC member states to demand compliance by the government of Zimbabwe with the rule of law more generally, and the Campbell decision more specifically.

11. *Recognise the role* of lawyers' associations, civil society and regional/sub-regional organisations in supporting specialised capacity building of criminal justice officials and legal practitioners at a national level.
12. *Request the United Nations Security Council* to respect the independence of the ICC and its judicial processes and to exercise caution in the use of article 16 of the Rome Statute relating to deferrals of proceedings in current and future cases.
13. *Welcome initiatives by the ICC Registry* to reach out to legal professionals and lawyers' associations across the globe to promote better standards for the defence and legal representation for victims in the context of ICC proceedings.