



LAW SOCIETY
OF SOUTH AFRICA
PRESS RELEASE

18 June 2015: For immediate release

LAW SOCIETY CONDEMNS COMPROMISE OF THE RULE OF LAW

The Law Society of South Africa (LSSA) raises its serious concern at the clear trend emerging of undermining the Rule of Law and disregarding court orders. Generally, this has been a concern for some time, but the clear flouting of our constitutional and international obligations and the order of the Gauteng High Court earlier this week in the events surrounding the African Union Summit, have been a glaring manifestation of this trend.

'We also express our serious concern at the trend by African leaders – including our Government – to emasculate regional and international instruments and tribunals set up to protect human rights and the victims of human rights abuses. This is evident in the attitude adopted towards the International Criminal Court and the SADC Tribunal, and the lack of progress in granting criminal jurisdiction to the African Court on Human and Peoples' Rights,' say LSSA Co-Chairpersons Busani Mabunda and Richard Scott.

They add: 'The threat to withdraw from the Rome Statute is akin to the developments that have taken place at SADC Tribunal level, where Heads of States have agreed to change the protocol to deprive members of the public from the right to approach the court for redress if their own courts do not provide such. The protocol now provides only for interstate access, namely access by states only, not individuals. These developments do not bode well for the African Court's expanded jurisdiction.'

In addition, grave concern is expressed that the Minister of Justice and Correctional Services was party to a Cabinet decision that led to the serious situation that arose this week.

The LSSA commends our judiciary for its independence and the strong stance taken in protecting the Rule of Law without fear, favour or prejudice.

'As regards the Southern Africa Litigation Centre (SALC), we point out that – like any individual or duly recognised body – it has jurisdiction and *locus standi* to bring an application before our courts, and we commend them for doing so in this case. Undermining its standing and casting unwarranted aspersions on its funding, is unacceptable and is rejected outright,' say Mr Mabunda and Mr Scott.

The LSSA urges Government to consider its stance carefully in this case and also its obligations when it accedes to and domesticates international treaties; particularly in the light of the collapse of the SADC Tribunal. This has serious ramifications for us as South African and regional citizens.

ISSUED ON BEHALF OF THE CO-CHAIRPERSONS OF THE LAW SOCIETY OF SOUTH AFRICA, BUSANI MABUNDA AND RICHARD SCOTT

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Editor's note:

The Law Society of South Africa brings together its six constituent members – the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces, the Black Lawyers Association and the National Association of Democratic Lawyers – in representing South Africa's 23 000 attorneys and 5 500 candidate attorneys.