

PRESS STATEMENT
for immediate release

Issued by: **The Coalition for an Effective SADC Tribunal**
Date: **14 August 2015**

On the eve of the SADC Heads of State Summit on Sunday 16th August the **Coalition for an effective SADC Tribunal** calls on heads of state to uphold the rule of law and human rights in the region by reinstating the SADC Tribunal.

In August 2014, contrary to the SADC Treaty of which Article 23 provides that decisions concerning the community and any affected persons or citizens must be made in consultation with them, the SADC Heads of State adopted a new Protocol on the SADC Tribunal, without any consultation. The SADC did not act in accordance with its own Treaty's amendment procedures. As such the suspension lacks legality, "inter alia" because the SADC Treaty does not allow for suspension.

The new Protocol removes access to the Tribunal by individuals and legal persons, and removes its human rights mandate. To date the Protocol has been signed by nine member states, but will enter into force thirty days after ten countries have ratified it. It is not yet clear as to whether any country has actually ratified the Protocol through their national parliaments.

The **Coalition for an effective SADC Tribunal** is committed to championing efforts and advocacy to reinstate the Tribunal as it affects every single citizen and person in the region. The reinstatement would provide legal recourse to people seeking justice once they have exhausted existing legal remedies at the national level.

The disbandment of the old Tribunal and the adoption of the new Protocol effectively disregards the independence of the judiciary, separation of powers and the rule of law. It also impacts negatively on human rights and business confidence across the region.

We urge each SADC head of state to consider the merits of the SADC Tribunal in its original form and the positive impact it will have in the region - socially, economically and in terms of international best practice.

Coalition partners supporting this call include:

NGO Policy Forum - Tanzania
Law Society of South Africa (LSSA) - South Africa
Council of Churches – Swaziland
Centre for Mozambican and International Studies (CEMO) - Mozambique
Human Rights Institute of South Africa (HURISA) - South Africa
Transformation Resource Centre (TRC) - Lesotho
Association for Justice Peace and Democracy (AJPD) - Angola
Media Institute of Southern Africa MISA - Regional
Tanganyika Law Society - Tanzania
Centre for Human Rights, University of Pretoria - South Africa
SADC Lawyers' Association - Regional
Southern Africa Litigation Centre (SALC) - Regional
SADC CNGO Forum - Regional
Crisis in Zimbabwe Coalition - Zimbabwe
Citizen Engagement Platform Seychelles (CEPS) - Seychelles
Centre for Human Rights and Rehabilitation (CHRR) - Malawi
Open Society Initiative for Southern Africa (OSISA) - Regional

African Centre for Justice Innovation - Regional
International Commission of Jurists (ICJ) - Global

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Call to action:

Support the petition to reinstate the SADC Tribunal at the link

<https://www.change.org/p/sadc-heads-of-state-and-government-don-t-deprive-me-of-my-right-to-take-leaders-of-southern-africa-to-court>