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Archbishop Tutu pledges support for the “Save the SADC Tribunal” campaign

Nobel peace laureate Archbishop Desmond Tutu has added his highly respected voice to an international campaign to reinstate the regional court of the Southern African Development Community (SADC) Tribunal, a vital institution for legal redress.

The campaign is spearheaded in the SADC region by the Southern Africa Litigation Centre, the International Commission of Jurists and the SADC Lawyers' Association, supported by leading legal and human rights organisations.

On August 17 and 18, the SADC Heads of State will meet at a summit in Maputo, Mozambique, at which the Tribunal's future role, notably its human rights jurisdiction, will be decided.

A 10-minute video narrated by Archbishop Tutu and available for viewing on You-Tube, outlines the history of the Tribunal and explains its vital role when governments fail to deliver justice and are not held to account.

Without it, Tutu says, the region will lose a vital ally of its citizens, investors and future development, and victims of state-sponsored human rights abuses – notably in Zimbabwe - will have nowhere to turn.

A three-minute version of the film, created for general distribution and the social media, can also be viewed on You-Tube.

The Botswana Civil Society Solidarity Coalition for Zimbabwe (**BOCISCOZ**) has set up a

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“Save the SADC Tribunal” petition which will be launched today on the Change

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org
website, a
leading platform for social change.

The Archbishop of York, Dr John Sentamu, formerly of Uganda, who experienced human rights abuses at the hands of the late dictator, Idi Amin, has pledged his support for the campaign.

“It is now time for all communities and organisations within the southern African region to stand together as one to petition their Heads of State to reinstate and strengthen the mandate of the SADC Tribunal regional court,” he said.

“The SADC states stood together successfully to defeat apartheid in South Africa. They must now stand together to stop human rights abuses and bring an end to government-sponsored violence within member states which has led to deaths, shocking injuries and mass scale displacements,” the Archbishop stressed.

The SADC Tribunal was set up as an independent legal body to ensure that every country within SADC respected and conformed to the principles and objectives enshrined in the SADC Treaty of 1992, notably:

- Peace, security and solidarity
- Human rights
- Democracy
- The Rule of Law
- Equality
- The peaceful settlement of disputes

The Tribunal had exclusive jurisdiction where member states had disputes with SADC or its institutions.

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It also provided SADC citizens with a platform to seek justice and hold their governments to account when their human rights had been infringed upon and local legal remedies had been exhausted.

From 2007, the Tribunal ruled on 20 cases that included disputes between citizens and their governments, as well as cases between companies and governments. The majority involved Zimbabwean citizens taking the Zimbabwe government to court.

In December 2010, in their judgment on the Gondo case, the Tribunal ordered the Zimbabwe government to pay US\$17 million compensation to nine victims of organised violence and torture perpetrated by the army and police.

The victims had suffered bullet wounds, beatings and even paralysis as a result of the physical violence at the hands of the police and soldiers.

Two years earlier, in November 2008, the Tribunal had ruled that President Mugabe's land reform programme was both illegal and racist.

Following intensive lobbying by the Zimbabwe government, the SADC heads of state suspended the Tribunal in August 2011 and there is widespread concern that they will decide at the Maputo summit to remove the Court's human rights jurisdiction.

The proposal to remove the Tribunal's human rights mandate is contained in a draft amendment to the SADC Protocol, which was adopted by SADC Ministers of Justice in Angola during June.

However, pressure is growing on the heads of state to not only retain the original mandate of the Tribunal, but also to strengthen it.

As Archbishop Tutu pointed out during an interview in the film, "If you are a law-abiding head

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of state, why are you scared that people might want to go through another adjudicator, unless it is that you fear you are likely to fall foul of the law?

“What happened in Zimbabwe could happen elsewhere in the SADC region,” he cautioned.

Film links:

- 10-minute film: <http://youtu.be/jXQjggBv4tE>
- 3-minute film: <http://www.youtube.com/watch?v=rm2BgeKSMZo&feature=youtu.be>

The link to the petition is: <http://chn.ge/SaveSADCT>

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