



NEWS RELEASE

INTERNATIONAL BAR ASSOCIATION the global voice of the legal profession

[For immediate release: Friday, 03 July 2009]

Mozambique should ratify the Rome Statute says country's lawyers

A conference in Maputo organised by the Mozambican Bar Association, the **International Bar Association** (IBA) and the Institute for Security Studies concluded with delegates unanimously recommending ratification of the Rome Statute by Mozambique and a call for the Mozambican Bar Association to continue working with civil society to keep the issue on the Government's agenda.

The two-day event on *the International Criminal Court: Prospects for international criminal justice in Mozambique* held on 29 and 30 June brought together 120 senior lawyers, judges and representatives of civil society to discuss advantages and disadvantages of ratification of the Rome Statute establishing the International Criminal Court (ICC).

The conference opened with remarks by the President of the Mozambican Bar, Gilberto Correia, who stated: *'Nine years is enough time to study the Rome Statute and Mozambique – as a democratic country – should join the other SADC countries which have already ratified the Statute.'* Throughout the conference the commitment of the Mozambican lawyers to international justice and the work of the ICC was evident.

Dr Mondlane, President of the Constitutional Court of Mozambique, remarked during his presentation at the conference's opening ceremony: *'Throughout history men have committed*

horrible and unimaginable crimes which made one doubt the human nature of men. The Rome Statute represents a significant step forward in the transformation of a culture of impunity into a culture of accountability and above all respect of human life.'

Also participating at the conference was Her Excellency the Minister of Justice, Bevinda Levi, who provided the meeting with a briefing on the legal issues currently being analysed by the inter-ministerial committee which is mandated to assess compatibility of the Rome Statute with the national legal framework. She reported that the government of Mozambique shares the objectives of the conference and wishes to ratify the Rome Statute. A final decision regarding ratification was said to be due soon. In her closing remarks she commented: *'The conference has met its objectives. We debated technically and without prejudice the issue of ratification of the Rome Statute which makes us conclude that lawyers in our country are eager on this issue.'*

The IBA Executive Director, Mark Ellis, commented: *'We commend the initiative taken by the Mozambican Bar and further encourage lawyers in Mozambique and in the SADC region to work together to support international justice. Ratification and implementation of the Rome Statute offers the opportunity to strengthen national legal systems and in this process the legal profession has a great role to play.'*

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Notes to the Editor

The Rome Statute is the international treaty that established the International Criminal Court (ICC). Adopted at the Rome Conference on 17 July 1998, the Rome Statute entered into force on 1 July 2002. As of July 2009, 109 states have ratified the Statute, and a further 30 States have signed but not ratified. The International Criminal Court (ICC) is the first ever international permanent court exercising jurisdiction over individuals accused of war crimes, crimes against humanity and genocide.

In the Southern African Development Community (SADC) region 10 countries have ratified the Rome Statute, but Mozambique, together with Angola, Seychelles, Swaziland, and Zimbabwe, have not. Mozambique is one of the 30 states in the world that has signed the Rome Statute but not ratified. Since its signature in 2000 the Government of Mozambique mandated an inter-ministerial committee, lead by the Ministry of Justice, to study compatibility between the Rome Statute and the Mozambican legal system.

To bring the issue of ratification to the attention of the public, the President of the Mozambican Bar Association, Gilberto Correia, publicly called for ratification of the Rome Statute by Mozambique at the opening of the 2009 judicial year on 2 March. This call was made following the December 2008 meeting by SADC bar leaders and civil society organizations held in Pretoria, where the participants agreed on a joint statement expressing support for international criminal justice, including the ratification of the Rome Statute and the adoption of ICC implementing legislation.

The 29-30 June conference was funded by the John D and Catherine T MacArthur Foundation and the Open Society Initiative for Southern Africa.

About the Ordem dos Advogados de Moçambique

The Ordem dos Advogados de Moçambique (OAM) was established in 1994 with the aim of, among others, defending the rule of law, individuals rights, freedoms and rights of the citizens while collaborating to the good administration of justice and the development of the Mozambican legal culture and improvement of its legal framework. The OAM has a membership of about 500 individual lawyers.

About the Institute for Security Studies

The Institute for Security Studies (ISS) is a regional strategic studies institute that engages on peace and security issues in Africa. The mission of the ISS is to conceptualise, inform and enhance the debate on human security in Africa in order to support policy formulation and decision-making at every level towards the enhancement of human security for all. With a staff of around 120 people, the ISS's head office is in Pretoria South Africa, and other continental offices are in Cape Town, Nairobi and Addis Ababa. The International Crime in Africa Programme (ICAP) is one of 13 programmes currently running at the ISS. Launched in February 2008, ICAP works towards enhancing peace, justice and accountability in Africa by raising awareness and building capacity to respond to international crime and terrorism. ICAP's work is motivated by the goals of durable peace building and strengthening the rule of law, both of which are threatened in Africa by the pervasive culture of impunity and the general lack of criminal justice capacity to respond effectively to these crimes, including war crimes, crimes against humanity, genocide and terrorism.

About the International Bar Association **the global voice of the legal profession**

The **International Bar Association** (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. Its membership includes over 30,000 lawyers and nearly 200 bar associations and law societies spanning every continent. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world.

The IBA's administrative office is in London; regional offices are located in São Paulo, Brazil and Dubai, United Arab Emirates.

Grouped into two divisions – the **Legal Practice Division** and the **Public and Professional Interest Division** – the IBA offers its members access to leading experts and up-to-date information across all areas of legal practice and professional interest. Through a network of specialised committees, the IBA enables an exchange of information and opinions regarding laws, practices and professional responsibilities pertaining to the practice of law globally. High-quality publications and world-class conferences further provide unrivalled professional development and networking opportunities for legal practitioners and professional associates.

The IBA's **Bar Issues Commission** provides a forum for IBA member bar associations and law societies to discuss any matter relating to law at an international level.

The IBA's **Human Rights Institute** works to promote, protect and enforce human rights under a just Rule of Law, and to preserve the independence of the judiciary and the legal profession worldwide.

In partnership with the **Open Society Initiative for Southern Africa**, the IBA created the **Southern Africa Litigation Centre**, based in Johannesburg, South Africa, to promote human rights and the Rule of Law in Angola, Botswana, the Democratic Republic of Congo, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe.

The IBA was instrumental in establishing the **International Legal Assistance Consortium** in Stockholm, Sweden. This global consortium of non-governmental organisations provides technical legal assistance to post-conflict countries.

Through a grant-funded project, the IBA also maintains an office in The Hague which manages the IBA's **International Criminal Court (ICC) Monitoring and Outreach Programme**. This office follows the work and proceedings of the ICC, focusing primarily on the fair trial rights of the accused and the manner in which the Rome Statute and other legal documents of the Court are implemented as well as promoting greater understanding of the work of the Court among the IBA membership network worldwide. It works in partnership with bar associations, lawyers and civil society organisations disseminating information and promoting debate on the ICC in different jurisdictions across the globe. The programme also produces a dynamic news magazine about the ICC called **Equality of Arms Review** or EQ which is available on the IBA website.

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