The Black Lawyers Association (BLA) is seriously worried by the recent developments in our country in as far as the displayed attitude by our government on the controversy surrounding the case of President Omar Al Bashir and the rule of Law in our country. The flagrant disregard of the Rome Statute of the International Criminal Court and the interim court order of the North Gauteng High Court, Pretoria is a clear indication that the government of South Africa does not accord our Constitution the respect it deserves.

The Constitution of the Republic of South Africa, Act 108 of 1996, amongst others, declares that the Republic of South Africa is one, sovereign, democratic state founded on supremacy of the Constitution and the Rule of Law. The rule of Law is a founding value based on accountability, openness and responsibility. As such the rule of law is one of the important cornerstones of our democratic order. In an open democratic order, as opposed to the oppressive government, the rule of Law requires the government to be subjected to the laws of the country including the judgments from the courts of law and the international binding statutes and agreements. In not adhering to the judgment by the North Gauteng High Court the government of the Republic of South Africa violated the principle of legality in two folds, namely:

1. The Republic of South Africa is a signatory to the Rome Statute of the International Criminal Court. By virtue of the Republic of South Africa being a signatory to the statute it has domesticated same. Consequently it is, by law, obliged to arrest people who contravene the provisions of the statute. In a clear contrast to what is expected of the Republic of South Africa, to arrest President Omar Al Bashir, they paraded him on national TV as a hero disregarding their international obligation in as far as the Rome Statute is concerned; and

2. The government of the Republic of South Africa, undermined the valid court order by allowing President Al Bashir to leave the country when the High Court has ordered that he should not leave the country pending finalisation of the case on whether he should be arrested or not.

The action by the government is a serious cause of concern. As the Black Lawyers Association we find it highly depressing that our government openly disregarded the rule of law seemingly with impunity.
Further, BLA is particularly concerned by continued reluctance on the part of our government to support the Regional, continental and international tribunal structures which are meant to protect the lives and rights of the peoples of Africa. The people of Sudan must be afforded Justice by the international structure if their National justice systems do not protect them. In this regard the government of South Africa failed the people of Sudan and the continent as a whole.

We call upon the government of South Africa to urgently comply with the court order which requires it to file an affidavit to explain the circumstances under which president Al Bashir left South Africa in contempt of the court order.

Issued by **P.B. MABUNDA**

*(President on behalf of the Black Lawyers Association)*

19 June 2015