

24 February 2017

For the urgent attention of:

Hon. Dr Mathole Motshekga, MP
Chairperson: PC on Justice and Correctional Services
c/o Mr V Ramaano (vramaano@parliament.gov.za)

Dear Sir

**IMPLEMENTATION OF THE ROME STATUTE OF THE INTERNATIONAL
CRIMINAL COURT ACT REPEAL BILL [B23- 2016]**

1. We act for the Centre for Human Rights (“**our client**”).
2. We refer to the call for comment issued on 14 February 2017 regarding the Implementation of the Rome Statute of the International Criminal Court Act Repeal Bill [B23-2016] (“**the Bill**”), which indicates the deadline for submissions is 8 March 2017.
3. We refer further to the judgment of the High Court of South Africa (Gauteng Division, Pretoria) in the matter of *Democratic Alliance v Minister of International Relations and Cooperation and Others* (case number 83145/16), in which our client was cited and participated as the ninth respondent. As you will be aware, the High Court declared, *inter alia*, that the notice of withdrawal from the Rome Statute of the International Criminal Court (“**the Rome Statute**”), signed on 19 October 2016, without parliamentary approval, was unconstitutional and invalid. (For ease of reference, a copy of the judgment is enclosed together with this letter.)
4. The content of the Bill, and the broader impact that this will have domestically and internationally (including regionally), is self-evidently a matter of significant public interest and importance. The value of hearing from a wide range of stakeholders and affected persons in this regard cannot be gainsaid. Accordingly, and particularly in light of the abovementioned judgment, our client urges the Portfolio Committee to extend the deadline for submissions at least until 31 March 2017, to ensure that a broad consultative process may be achieved.

5. We note further that, in the call for comment published on the Parliamentary Monitoring Group website¹ and on Parliament's website,² the Instrument of Withdrawal from the Rome Statute and the Declaratory Statement by the Republic of South Africa on the Decision to Withdraw from the Rome Statute do not appear to be available. However, the call for comment expressly invites submissions on these documents as well. While our client was able to obtain copies of these documents by contacting the Office of the Portfolio Committee, it is imperative that these documents be made readily accessible to the public without delay (including on these websites), and that the public be afforded sufficient time to comment thereon.
6. Lastly, we have been instructed to note that our client wishes to participate in the public hearings. As such, our client requests that it be notified of the schedule of hearings as soon as possible, and that it be afforded the opportunity to make oral submissions to the Portfolio Committee.
7. We look forward to hearing from you.

Yours faithfully



LEGAL RESOURCES CENTRE

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¹ Accessible at <https://pmg.org.za/call-for-comment/515/>.

² Accessible at http://www.parliament.gov.za/live/content.php?Item_ID=10239.