

**SOUTHERN AFRICAN JUDGES COMMISSION MEETING**

**Maputo, 10 - 13 August, 2006**

**MEDIA RELEASE**

**August 11, 2006**

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A meeting of the Southern African Judges Commission (the Commission) was held in Maputo, Mozambique, from 10 to 13 August 2006. In attendance were Chief Justices and Senior Judges from the Republic of Angola, the Republic of Botswana, the Republic of Kenya, the Kingdom of Lesotho, the Republic of Malawi, the Republic of Mozambique, the Republic of Namibia, the Republic of South Africa, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Uganda and the Republic of Seychelles.

The meeting held dealt with two main themes, ie, the financial and administrative autonomy of the courts and the balance between national security and human rights.

The Commission is an association of Chief Justices established to facilitate among other things closer cooperation and liaison among judges, in particular, the Chief Justices in the region. This was fourth meeting of the SAJC, the first having been held on the 21<sup>st</sup> July, 2003 in Zanzibar, where the Chief Justices agreed to the establishment of the commission.

The constitution of the commission was signed by the Chief Justices on the 7<sup>th</sup> December, 2003. Its objects include: a) the promotion of contact and cooperation among courts in the southern African region; b) the promotion of the rule of law, democracy and the independence of the courts in the region; and c) rendering assistance to and generally to promote the welfare and dignity of the judges in the respective jurisdictions.

Justice Pius Langa, the Chief Justice of South Africa, is the Chairperson of SAJC. Justice Samatta, the Chief Justice of the Republic of Tanzania and Justice Sakala, the Chief Justice of the Republic of Zambia are the other members of the Management Committee.

With regard to the first theme of the conference the Chief Justices and other Judges in attendance discussed the independence of the judiciary with specific reference to the financial and administrative autonomy of the judiciary as well as continuous judicial education.

X The second theme discussed was the balance which has to <sup>be</sup> struck between the enforcement of laws and procedures relating to national security and the protection of fundamental rights.

At the conclusion of discussions, the Chief Justices and Judges, unanimously adopted the following conclusions and recommendations:

1. We are of the view that issues of administrative and financial autonomy are of common concern in all jurisdictions.
2. There is a clear resolve on the part of the judiciary to address the subject of administrative and financial autonomy.
3. It is imperative that Governments recognize and give full expression to the doctrine of separation of powers and independence of the judiciary.
4. In the quest for administrative and financial autonomy, judiciaries are part of the tripartite system of government and therefore are entitled to appropriate allocation of resources.
5. We are fully aware that there is concomitant need for accountability on the part of the judiciary to perform their duties in accordance with high ethical requirements of their office as stated in SAJC's Windhoek Declaration of August 2005.

6. Continuous judicial education is imperative to effective service delivery and as such should be extended to each judicial officer. We recognize the principle that it is government responsibility to allocate sufficient resources to enable the judiciary to provide continuous judicial education.
7. Believing that strengthening of national structures such as the courts, the prosecution, and the police rather than resorting to measures that undermine fundamental rights, would better facilitate the process of balancing human rights and national security; and
8. Recognizing the responsibility of the government to protect the State and its inhabitants, we recommend that a balance should be struck between the government's responsibility and the duty of the courts to uphold and protect fundamental rights.

The Chief Justices and Judges expressed their deep appreciation to the Venice Commission and Irish Government for their support and commended the Supreme Court of Mozambique for convening the meeting of Chief Justices and Senior Judges of the Southern African Region. The participants expressed their deep appreciation to the Chief Justice of the Republic of Mozambique, the Honourable Mario Mangaze, for hosting the conference and to the Venice Commission for the excellent arrangement made for the meeting.

*This information is released on behalf of the Southern African Judges Commission.*

*For further information, please contact Ms. Ruth Makhambeni on +27 11 359 7537 or [makhambeni@concourt.org.za](mailto:makhambeni@concourt.org.za)*

# Programa de Trabalhos

1.º Dia - Quinta -feira, 10 Agosto 2006

8. 00 – 8. 30 h (**Hotel Avenida**) – **Registo dos participantes**

- *Secretariado da reunião*

8. 30 h – **Partida para Centro de Conferências J. Chissano**

- *Chegada dos convidados*
- *Chegada dos membros da SAJC*
- *Chegada do Chefe do Estado*

(9. 00 – 10. 00 h) – **CERIMÓNIA DE ABERTURA** (Centro de Conferências J. Chissano)

- *Entrada do Chefe do Estado e outros membros do Presidium da cerimónia na sala de reunião*
- *Mestre de Cerimónias, Juiz Conselheiro Tribunal Supremo de Moçambique, Venerando Leonardo A. Simbine:*
  - *anúncio da entoação do Hino Nacional*
- *Entoação do Hino Nacional (Grupo coral)*

9.00 – 9. 05 h – *Mestre de Cerimónias:*

- *apresentação geral dos presentes na cerimónia de abertura*
- *anuncio de uma canção*

- *Entoação de uma canção (Grupo coral)*

*Mestre de Cerimónias:* - *convite a intervenção*

- 9.05 – 9.10 h – *Intervenção do Presidente Tribunal Supremo de Moçambique, Venerando Mário B. Mangaze*

*Mestre de Cerimónias:- convite a intervenção*

- 9.10 – 9.15 h – *Intervenção do Presidente do Tribunal da SADC, Juiz Conselheiro Tribunal Supremo de Moçambique, Venerando Luís A. Mondlane*

*Mestre de Cerimónias:- convite a intervenção*

- 9.15 – 9.30 h – *Intervenção do Presidente da Comissão, Presidente do Tribunal Constitucional da África do Sul, Venerando Pius N. Langa*

*Mestre de Cerimónias:- anúncio de uma canção*

- *Entoação de uma canção (Grupo coral)*

*Mestre de Cerimónias:- convite a intervenção*

- 9.35 – 10.00 h – *Discurso de Abertura - Presidente da República de Moçambique, S. E. Armando E. Guebuza –*

#### **10.05 – 10.20 h - Apresentação de cumprimentos ao Chefe do Estado**

- *Membros da SAJC e delegados visitantes*

#### **10.20- 10.25 h – Fotografia oficial do Chefe do Estado com os membros da SAJC**

*(na escadaria da entrada do Centro de Conferências J. Chissano)*

- *Presidente da República e membros da SAJC*
- *Retirada do Chefe do Estado do recinto do Centro de Conferências J. Chissano*

#### **10.30 h – Partida para Hotel Avenida**

*1.a sessão de trabalhos (Hotel Avenida)*

#### **11.00 – 11.15 h - Apresentação e Adopção da Agenda de Trabalhos do encontro**

- *Presidente da SAJC*