

The Implementation of the Rome Statute on ICC in Tanzania

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Tanzania historically is a peace loving country. It plays active roles for reconciliation and preservation of peace in our neighbouring countries and beyond. Tanzania in 1994/5 hosted the largest refugee population in the world from Rwanda and continues since independence, hosting many refugees from various countries.

Tanzanian concerns

Tanzanians have gravely been concerned to see occurrence of heinous crimes in various countries around the world in particular Genocide, Crimes Against Humanity, War crimes that keep generating refugees and badly undermine development efforts for Africa and beyond. Tanzania hosts the International Criminal Court for Rwanda (ICTR) in Arusha and some perpetrators of such kind of heinous crimes have been arrested in Tanzania and transferred to the ICTR for investigation and prosecution.

Tanzanians fears

Tanzania is or can therefore be used by perpetrators of international crimes to come and hide. The ICTR deals only with international crimes that were committed in Rwanda and it has been difficult, before coming into force the ICC Statute, for Tanzania to take part in investigating, prosecuting or transferring other perpetrators to be investigated and prosecuted by an International Criminal Court.

Actions taken

The Government and the people of Tanzania strongly support and played a pioneering role for the establishment and operationalization of the Rome Statute on International Criminal Court. The Tanzania Parliament ratified the Rome Statute on International Criminal Court on 2 August 2002. The Government of Tanzania signed the Agreement on Privileges and Immunities of the Court on 27 January 2004. The Tanzania Parliament has advised the Government of Tanzania to speed up its processes to table the Agreement on Privileges and Immunities of the Court before the Parliament for Ratification.

The Office of the Attorney General has already drafted the Tanzania International Criminal Court Act and the Rome Statute on ICC is annexed thereto without reservation. The Attorney General

submitted the Act in January 2010 to the Ministry of Justice and Constitutional Affairs for the Act to be taken to the Cabinet for approval and then be tabled to the Parliament, Civil Society and the general public for debate and approval. There is a very strong political will in Tanzania to have the Act in place and operational zed as soon as possible.

The Tanzania Government is working closely with civil society to ensure effective implementation of the ICC Statute in Tanzania. Members of the Tanzania Coalition for the International Criminal Court hosted by the Children Education Society (CHESO), for example, has translated and produced a draft into Kiswahili of the Rome Statute on International Criminal Court and the Agreement on Privileges and immunities of the Court. The Tanzania Government supports and collaborates with civil society to advance implementation of the ICC Statute in Tanzania.

The Government of Tanzania attends actually all meetings concerning the ICC, recently for example, the Government sent a delegation of 5 people to the Assembly of States Parties to the Rome Statute on ICC that took place in The Hague from 17-28 November, 2009. Tanzania contributes to the ICC Budget on regular basis through the office of the Directorate of Public Prosecution (ODPP) of the Office of the Attorney Generals Chambers.

Tanzania welcomed the ICC President Song in 1/06/2009 who visited and talked with the President of Tanzania and other Ministers. The President of Tanzania offered him the Arusha International Conference Centre to be used as a seat of the ICC in Africa.

Challenges

Tanzania Parliamentarians are aware of the past and current politically motivated negative perception towards the ICC. Some people have said that the ICC is a colonialism and imperialism established to undermine African leaders. Some people undermine the ICC claiming to be practicing double standard in selecting its cases.

Conclusions

Let me take this opportunity to urge my colleague Parliamentarians here to join our efforts to ensure effective functioning of the Rome Statute on International Criminal Court and uphold our cooperation with the ICC in our countries. I am confident there is Political Will to Domesticate the ICC Statute and the process has commenced. We are happy that we have active Tanzanian Parliamentarians who members of PGA. We intend to use our experiences and best practices gained in this workshop to advice our Government to Fast track domestication of this law.

Source: http://www.pgaction.org/uploadedfiles/Comoros_Chana.pdf

Govt urged to work on Rome Statutes

BY WARYOBA YANKAMI

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The EU Ambassador to Tanzania, Tim Clarke

The European Union and civil societies have called on the government to domesticate the Rome Statutes of International Criminal Court.

The Rome Statutes of ICC came into force on July 1, 2002 and four years later formal agreement between the EU and the ICC was signed setting out a range of measures to promote co-operation.

The EU Ambassador to Tanzania, Tim Clarke told a civil society sensitisation workshop in Dar es Salaam yesterday that the EU believes the promotion and protection of human rights is the work of everyone in the society at all levels including CSOs.

He added that Tanzania promised to adopt specific national measures for implementing the Rome statutes and to start contributing to the ICC's Trust Fund for victims of international crimes.

"During the Kampala review meeting, the Tanzania government, among other things, promised to present before the parliament by the end of this year a draft law for the adoption of the resolution for ratification of the agreement on the privileged and immunities of the ICC," Clarke said.

"I myself as Head of the EU delegation and EU ambassador to Tanzania I am mandated and obliged to monitor the way in which my host country, Tanzania, implements the Rome Statute."

The envoy said many communities and individuals who are scarred by atrocities have a place and an opportunity to bring cases to or to attract the attention of the ICC.

Clarke said the EU sometimes failed to understand why several countries have yet to ratify and domesticate the statutes despite having signed it for some time now.

He said recently attempts have been seen in Kenya to avoid the jurisdiction of the ICC.

"And similarly, there have been protests over the arrest warrant issued by the ICC for Sudan President Omar Al-Bashir," said the envoy.

He said it was important to note that other than customary international laws, treaties are the primary means by which a state acquires obligations under international law.

“Once signed and ratified, they are sources of binding obligation, but other state parties to the treaty have a legitimate expectation that their co-signatories are not ratifying merely to deceive,” he said.

He said he was happy that Tanzania has signed and ratified the statute and has been supporting the ICC by attending meetings and giving budgetary contributions.

However, he said, of some concern was that the country has not domesticated the Rome Statute into national legislation.

“This is worrying. I hear that one reason for this may be the fact that Tanzania still has the death penalty on its statutes which is expressly forbidden in the Rome Treaty,” he said.

For his part, the Executive Director, International Court of Justice (ICJ)-Kenya, George Kegoro said that Africans must demand for their justice rather than depending on justice fighters from outside Africa.

Kegoro added that Tanzania must become a model by taking a lead in domesticating the statute, just as it has been a model in preserving peace and justice in the region.

The Executive Director of the Children Education Society (CHESO) Richard Shilamba said children were the main victims of grave crimes committed in violation of the international laws.

Shilamba said that more than 250,000 children are still serving in armed groups around the world.

He added that children are killed and injured and are also the main victims of wars.

“If established, the ICC will accelerate justice for children who are most affected by conflicts especially in African countries,” he noted.

SOURCE: THE GUARDIAN