Botswana Stands By International Criminal Court
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KAMPALA, July 28 - Botswana has no intention of disregarding its obligations to the International Criminal Court (ICC), says Vice President Lt Gen. Mompati Merafhe.

Addressing African heads of state at the AU summit yesterday, Lt Gen. Merafhe said "Botswana cannot associate herself with any decision which calls upon her to disregard her obligations to the International Criminal Court." African leaders are divided on the issue of the warrant of arrest issued by the ICC against Sudanese President, Omar Hassan Al Bashir, who is accused of committing atrocities in the Darfur region. Countries that have signed the Lome Convention are obliged to arrest the Sudanese leader when he visits theirs country and to hand him over to the ICC. Botswana has long stated that she will arrest President Al Bashir should he set foot in the country. Lt Gen. Merafhe said while Botswana respected the call by other African states for parties to balance their obligations, "Botswana intends to comply with its obligations and to cooperate with the ICC."

He noted that there are no contradictions between the legal instruments of the African Union and the Rome Statute that established the ICC. "In our view the obligations to the two bodies are not at all in conflict." He said when Botswana ratified the Rome Statute, she was well aware of her commitment to the African Union. The obligations to the two bodies, he said, were not at all in conflict. "The heads of state and government have made a commitment to fight impunity, and to protect our constituents against various crimes including crimes against humanity," he said. Lt Gen. Merafhe said his explanation of Botswana's position was not directed at any particular case, but was addressing the issues of principle. The sudden change of heart by some African states on arresting Mr Al Bashir was perhaps best exemplified by Chad which recently, despite having said it would arrest the Sudanese leader, allowed him to officially visit the country without arresting him. Since the AU summit began this week, it has been clear that Mr Al Bashir's arrest warrant was going to be a hot potato. Sources close to the high level meetings say there was even a suggestion that those countries which would be seen to be placing more commitment to the ICC than to the AU agreement on the issue be punished - a proposal vehemently opposed by those countries who believe that the ICC route is the way to go in order to place the continent on a path of credible leadership. After overnight discussions, sources say, a softer tone was adopted which was then passed to the heads of states for approval. The compromise position calls on AU member states to "balance" their commitment to the AU against any other commitment they may be having to other international conventions. With 30 members, Africa makes up the majority of the ICC members. AU commission chairman, Mr Jean Ping told reporters that some African countries had begun questioning the way the court was implementing the Rome Statute, the ICC law. [BOPA].