

REPUBLIC OF CHAD

UNITY-LABOUR-PROGRESS

OFFICE OF THE PRESIDENT OF THE REPUBLIC

PRIME MINISTER'S OFFICE

MINISTRY OF FOREIGN AFFAIRS AND AFRICAN INTEGRATION

OFFICE OF THE SECRETARY OF STATE

SECRETARIAT-GENERAL

DIRECTORATE-GENERAL OF THE ADMINISTRATION

**LEGAL AFFAIRS DIRECTORATE
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The Ministry of Foreign Affairs and African Integration of the Republic of Chad presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court in The Hague and, further to communication **No. ICC-AS/PA/12** concerning the questionnaire on the implementation and universality of the Rome Statute, has the honour to transmit to it the content of the reply set out in letter **No. 255/MJAPBG/SC/DGLCEC/DAJCOOP/12** of 13 September 2012 from the Ministry of Justice, Public Reconstruction and Good Governance.

“Concerned to protect its people against extermination, torture, persecution, forced disappearances and other forms of impunities, in 2006 the Government of Chad undertook to ratify the Rome Treaty. That ratification, which engages Chad’s responsibility to the International Criminal Court, is not without difficulties.

As regards the question whether the Government has adopted any national legislation implementing the Rome Statute, or, failing that, has enacted any legislation regarding the Statute, it should be emphasized that the Government of Chad is engaged in a comprehensive reform of its national legislation so as to bring it into line with the Rome Statute and ensure the latter’s effective implementation. This commitment is reflected in the revision of the Criminal Code and of the Code of Criminal Procedure, currently in course of adoption, which takes account of articles 5, 86 and 102 of the Statute. Moreover, on 25 May 2012 the Government organized a workshop on “the implementation of the obligations to punish crimes”.

The obstacles to effective implementation of the Statute arise from the fact that prosecutors and judges lack training in international criminal procedure, and from differences in the interpretation of articles 27 and 98 of the Rome Statute. The African Union considers that article 27 is binding as between the International Criminal Court and suspects, while article 98 is binding as between the International Criminal Court and States Parties.

In light of this disagreement, in its press release **No. 002/2012 of 09/01/2012** the African Union reiterated its commitment to the fight against impunity (Article 4 of the constituent act) and asked States Parties to the African Union to oppose the pressure from the International Criminal Court to implement article 27 of the Rome Statute.

From all of the foregoing, it follows that, in order to facilitate the task of States Parties in effectively implementing the Rome Statute, the International Criminal Court should:

- Strengthen the capacities of prosecutors and judges in relation to international criminal procedure;
- Establish a committee to monitor the implementation of the Statute through the medium of States Parties, and provide it with the necessary resources;
- Provide a clear interpretation of article 27 of the Statute, without binding effect on States Parties.

The Ministry of Foreign Affairs and African Integration of the Republic of Chad avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court in The Hague the assurances of its high consideration.

Ndjamena, 16 October 2012

SECRETARIAT OF THE ASSEMBLY OF STATES PARTIES
TO THE INTERNATIONAL CRIMINAL COURT
THE HAGUE