



EALA/011/2008

EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

A MOTION FOR A RESOLUTION OF THE ASSEMBLY URGING THE EAC HEADS OF STATE SUMMIT, THROUGH THE COUNCIL OF MINISTERS, TO ADOPT A COMMON POSITION ON ICTR COMPLETION AND ATTENDANT ISSUES

THAT THIS ASSEMBLY;

AWARE THAT, Under Article 123 of the Treaty for the Establishment of the East African Community the Partner States have undertaken to establish common foreign and security policies;

AND WHEREAS, under the provisions of Article 124(5) of the Treaty, the Partner States have agreed to cooperate in the handling of cross border crime, provision of mutual assistance in criminal matters including the arrest and repatriation of fugitive offenders and the exchange of information on national mechanisms for combating criminal activities;

RECOGNISING THAT, Under Article 124(5)(d) the Partner States agreed to adopt the United Nations model law on mutual assistance on criminal matters;

RECALLING THAT, by its resolution 955, the United Nations established the International Criminal Tribunal for Rwanda (ICTR) to track down and bring to justice the highest ranked accused persons who committed genocide in Rwanda from 1990 to 1994;

COGNISANT of the fact that in 2003, the UN Security Council under Resolution 1503 provided for completion of ICTR's activities by December 2010; and that the cases that may not be completed within the set deadlines, especially those involving the middle and low ranking suspects, should be transferred to national jurisdictions including Rwanda;

CONVINCED that the Republic of Rwanda has established a comprehensive legal regime with necessary guarantees for a fair trial of the suspects and has established the required facilities to handle the cases;

PURTURBED that despite the above said UN Security Council Resolution 1503 and the readiness by Rwanda to handle the cases, ICTR has so far rejected all the requests for transfer of suspects to Rwanda;

NOW THEREFORE, THIS ASSEMBLY do resolve to:

1. Urge the Summit of the EAC Heads of State through the Council of Ministers, to request the Republic of Uganda, now a Member of the Security Council and an EAC Partner State to table before the UN Security Council the annexed Resolution for its adoption;
2. Request the Council of Ministers through its Chairperson, to transmit this Motion and the proposed UN Security Council Resolution to the Summit of EAC Heads of State;
3. Call upon the Chairperson of the Council of Ministers to regularly inform the Assembly on the progress in submission of the proposed UN Resolution to the UN Security Council with a view to ensuring that it is passed within six (6) months.

Moved by: Hon. Patricia Hajabakiga.