

July 2009

Title: Bilateral Assistance to the Government of Samoa
Dates: January 2006
Location: Samoa
Unit: International Criminal Justice
Core Staff: Dr. Olympia Bekou
Funder: Canadian Department of Foreign Affairs and International Trade

Project Summary:

Following the training course on ICC Ratification and Implementation for the Asia-Pacific Region, in January 2006, Dr. Bekou undertook a bilateral assistance visit to Samoa. Whilst there, she worked with the senior parliamentary counsel of Samoa's Attorney General's Office in order to assist in their national implementation legislation drafting process. The success of this visit was demonstrated when the ICC Act was enacted into national law in November 2007.

Objectives

The aims of the Bilateral Assistance visit to Samoa included:

- To provide a general overview of the ICC regime and to supplement this with a historical synopsis of the development of international criminal law;
- To allow the Samoan drafters to take advantage of Dr. Bekou's extensive drafting experience and to provide the Samoan government with an environment that promoted an open exchange of ideas;
- To ensure that national implementation legislation was compatible with the Samoan legal system while simultaneously fulfilling the cooperation obligations under the ICC Statute.

Participants

The primary contact in Samoa was Leilani Va'a Tamati, a senior parliamentary counsel. In order to demonstrate the commitment of the Samoan government to completing their national implementation legislation and to the ICC more generally a number of staff were at the disposal of the drafters.

Activities/Content

Method

Prior to her departure, Dr. Bekou reviewed relevant pieces of legislation in order to get a feel for the Samoan legal system, including their constitution and the relevant aspects of their criminal law procedures. Over the course of this review a number of compatibility problems were recognized and possible solutions were gathered.

While in Samoa, Dr. Bekou met with the senior parliamentary counsel and the senior drafter in the AG's Office. An initial draft of the legislation was presented and upon review it was determined that a second draft would be needed since the initial draft only focused on the crimes and did not address the issues of cooperation. The second draft included detailed amendments provided by Dr. Bekou and included provisions that would fulfil the cooperation obligation while remaining compatible with the Samoan legal

system. By the end of the visit, a third and final draft was concluded and covered all relevant areas of the Statute which required implementation. The draft Bill was communicated to the AG and the Samoan Ambassador to the United Nations.

Outcomes/Outputs

- Lectures were provided by Dr. Bekou to all AG staff, prosecutors, investigators as well as practising lawyers, which outlined the main aspects of the Rome Statute. Follow-up lectures were also delivered to the AG Staff and members of the relevant parliamentary committees, which dealt with specific issues that could arise in the process of implementation and focussed primarily on the case of Samoa.
- Since a wide range of people attended the lectures they were successful in local capacity building.
- As part of legislative process, the draft ICC Bill went before the relevant Parliamentary Committee and was debated by the Samoan Parliament. In order to assist in the explanation of the Bill, Dr. Bekou and Ms Va'a Tamati identified issues that could be brought forth and Dr. Bekou drafted detailed memoranda that could be used to facilitate the explanation of the approach used by the draft Bill.
- It was agreed that Dr. Bekou would continue to act in an advisory role to the AG's Office in respect to the proposed ICC Bill and could be contacted to assist with any questions that were brought up during that parliamentary debate which was due to take place in the course of the draft legislation's adoption process.
- In November 2007 the ICC Act was officially enacted into Samoan law.