



# Visits by ICC States Parties Delegates to Uganda

## FINAL REPORT

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## LIST OF ACRONYMS

APILU- Advocates for Public International Law

ASP- Assembly of State Parties

AYINET- African Youth Initiative Network

HURINET-U- Human Rights Network Uganda

ICC- International Criminal Court

LRA- Lord's Resistance Army

NPWJ- No Peace Without Justice

OHCHR- Office of the High Commissioner for Human Rights

RDC- Resident District Commissioner

UCICC- Uganda Coalition for the International Criminal Court

UHRC- Uganda Human Rights Commission

UNICEF- United Nations Children's Fund

UVF- Uganda Victims' Foundation



## ACKNOWLEDGEMENTS

The Human Rights Network – Uganda (HURINET-U), the Uganda Coalition for the ICC (UCICC) and No Peace Without Justice (NPWJ), as the organisers of the program of visits to Uganda for ICC States Parties delegates, would like to express our sincere appreciation for the encouragement, efforts and commitment of all State delegates who took part in the visits from January to June 2010. We were particularly honoured that we were joined for the first visit by H.E Ambassador Christian Wenaweser, President of the Assembly of States Parties of the ICC (ASP); for the second visit by H.E. Elisabeth Rehn, Member of the Board of Directors of the Trust Fund for Victims (TFV) and former Minister of Defence of Finland (later elected Chairperson of the TFV Board); for the third visit by Hon. Justice James Ogoola, Principal Judge of the High Court of Uganda; for the fourth visit by Hon. Richard Butera, Director of Public Prosecutions of Uganda, Mr. Charles Leacock, Director of Public Prosecutions of Barbados, and H.E. Ambassador Mirjam Blaak, Deputy Head of Mission of the Ugandan Embassy in Brussels; and for the fifth visit by H.E. Ambassador Zachary Muburi-Muita, Permanent Representative of Kenya to the United Nations and Vice President of the Assembly of States Parties, and by Hon. Amady Ba, Head of the Cooperation Section of the Office of the Prosecutor of the ICC.

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In the same respect, the organisers are grateful to the International Criminal Court (ICC) through its Kampala Field Office staff, whose participation and interaction with the delegates contributed greatly to the success of the visits.

Finally, but most importantly, we extend our sincere thanks and appreciation to the people of Northern Uganda, who have endured years of conflict and unspeakable crimes, and to the civil society organisations who courageously advocate for their communities' right to justice. This project aimed to support them and to support the International Criminal Court in bringing justice for them.

*Cover Image: H.E. Ambassador Christian Wenaweser at an ICC Outreach event in Tingkidi village, near Gulu.*

*Image sources: All photos in this report were taken by NPWJ staff in the course of the delegates' visits.*



## SUMMARY

Between January and June 2010, twenty-seven delegates from twenty-one ICC States Parties travelled to Uganda in advance of the May-June 2010 Review Conference of the ICC in Kampala. HURINET-U, NPWJ and UCICC organised the visits in order to allow States Parties' delegates to gain a first-hand understanding of work of the Court in one of its situation countries through meeting with a wide range of stakeholders involved in justice and accountability, peacebuilding and the fight against impunity in Uganda. By spending time in Uganda in the months preceding the Conference, delegates were able to hear directly from the people most affected by the work of the ICC. The programs of the visits were designed to allow for reflection on each of the sub-themes of the stocktaking exercise which took place at the Review Conference: complementarity; cooperation; the impact of the Rome Statute system on victims and affected communities; and peace and justice.

### *Complementarity (section 5.1)*

The visits served to highlight the important impact that the ICC has had in promoting domestic measures to end impunity for serious human rights abuses and crimes under international law. These measures include the domestication of the Rome Statute through implementing legislation in 2010 and efforts to establish a domestic transitional justice process. This process includes the establishment of the Special Division (War Crimes Division) of the High Court and is intended to include in the future a comprehensive truth telling process and to encourage communities to use traditional justice and reconciliation mechanisms where appropriate. The visits also demonstrated however that certain steps have been taken in Uganda that have created “impunity gaps”, where perpetrators and victims do not experience any form of accountability. These include the blanket amnesty established by Uganda's Amnesty Act in 2000, which is still in force today. Victims, communities and other interlocutors pointed out that when senior commanders, who ordered the commission of serious crimes against civilians, receive amnesty and a generous demobilisation package, it is perceived as rewarding criminal behaviour. Another challenge to Uganda's efforts to adhere to the principle of complementarity is the perceived lack of accountability of government forces for crimes committed during the LRA conflict, an issue which arose constantly in interactions with victims and communities.

### *Cooperation (section 5.2)*

The visits highlighted to delegates the challenges faced by the ICC in achieving the full cooperation of States both in situation countries and internationally. Throughout the visits, delegates heard repeatedly from victims and communities about the need to enforce the arrest warrants against the LRA leadership and questions as to why this has not yet been accomplished. In this way, spending time with the people of Northern Uganda demonstrated to delegates the ‘human face’ of cooperation, since the failure to arrest suspected perpetrators of mass crimes results in a lasting, tangible fear that violence will recur, which hinders ‘recovery’ at the level of both individual healing and regional rebuilding.





Communities were often aware of news reports of LRA attacks in DRC, CAR or Sudan, which exacerbated their insecurity and raised their concerns that the LRA would return to Uganda.

The failure to execute arrest warrants also has a significant detrimental effect on perceptions of the ICC in Uganda. Several interlocutors described the ICC as a barking dog without teeth, since it has issued threats but has been unable to follow through with real action. In some cases, this perception is caused by lack of understanding among the public and affected populations about the Court's necessary reliance on the cooperation of States. The failure of cooperation also contributes to the perception that the ICC is no longer involved in Uganda or that it has given up on the search for the suspects. During the fifth visit, a representative of the ICC Office of the Prosecutor offered important reassurance to the communities that the Court and States Parties are still actively pursuing the enforcement of the arrest warrants.

*The impact of the Rome Statute system on victims and affected communities (section 5.3)*

The visits accomplished the fundamental goal of giving State delegates a sense of the needs, experiences and views of victims and of their role in the ICC process as well as in other justice, accountability and reconciliation processes. During the delegates' visits and follow-up sessions with victims and affected communities in Northern and Eastern Uganda, the visits highlighted both positive and negative perceptions about the ICC's role in the country. In recent years, overall perceptions have improved in some regions where there was some initial hostility toward the Court, while in other regions, perceptions have deteriorated in recent years as people's early hopes in the ICC's potential to bring justice have been disappointed. The ICC's Outreach activities have made a difference in improving perceptions, as has the involvement of the ICC Trust Fund for Victims. In general, however, it seemed clear that outreach, communications and engagement with affected populations and the general public in Uganda did not begin early enough and were not adequate subsequently to address widespread misperceptions, negative perceptions and lack of awareness of the ICC. Some of the specific perceptions expressed by victims and affected communities were:

- In general, victims and community members were strongly supportive of the ICC's mandate to bring to justice those most responsible for the crimes they had suffered. Many victims and affected communities, however, particularly women and children, were not well aware of the ICC and the arrest warrants for Joseph Kony and other LRA leaders.
- Among those who are aware of the ICC, the failure to apprehend Joseph Kony and other indictees has created, and continues to reinforce, the perception that the Court is a weak institution. There is also a widespread perception among those who are aware of the ICC that it is not impartial and has sacrificed its independence to ensure the cooperation of the Government of Uganda.
- Most victims and communities remain in situations of hardship brought about by decades of conflict and a lack of effective rebuilding in the region. The ICC's reparations mandate and the role of the ICC Trust Fund for Victims are therefore of great importance, as is economic recovery more broadly.





- The benefits and challenges of carrying out outreach were also observed by delegates. The benefits were clear, in that perceptions of those touched by outreach events seemed generally more positive. However, it was clear that outreach efforts did not begin early enough in Uganda, were not backed up by clear communications strategies and are hindered by a range of restricting factors.
- Victims who have applied to participate in proceedings affirmed strongly that this provides them an important opportunity to have their views heard as part of the legal process. Others, who have not applied, expressed interest in participating in some way.
- The visits demonstrated the centrality of the role of intermediaries in the work of the Court and intermediaries had several opportunities to raise their concerns.
- The ICC is also seen as remote from the concerns of victims and communities since it is located in The Hague and its only presence in Uganda is in Kampala, far from where affected communities live. The need for the international criminal justice system to continue to move closer to affected communities, by strengthening the ICC's presence on the ground, was clear.

#### *Peace and justice (section 5.4)*

An overriding message that emerged from the visits to Kampala, Gulu and Lira is that the ICC has proved to have a positive impact on the process of establishing and consolidating peace and security in Northern Uganda. There was an overall agreement that the tensions that surrounded the ICC's early years in Uganda – misperceptions, efforts to undermine the Court and efforts to pitch accountability against the pursuit of peace – have abated with time. There has been a realisation that the ICC, as a justice mechanism, can contribute to peace by serving as a deterrent to those responsible for crimes, putting pressure on leaders to establish lasting peace and removing from positions of power those who bore responsibility for the violence in the first place. Victims and communities consistently stated that they will not feel secure until the perpetrators of the crimes committed against them have been apprehended or otherwise removed as threats to their existence. According to people who had been closely involved with the Juba Peace talks, the involvement of the ICC was instrumental in both bringing the Lord's Resistance Army (LRA) to the negotiating table and in ensuring that questions of justice and accountability were central to the negotiation process. The resulting agreements contain strong provisions on justice and accountability, outlining the basis for the transitional justice process currently underway in Uganda. The use of blanket amnesties in Uganda, although adopted in an effort to secure peace by providing an incentive for combatants to demobilise, has however created a situation where some Commanders of forces that were responsible for atrocities are seen by victims as being 'rewarded'. The importance of a comprehensive process of truth-telling in building lasting peace was also acknowledged as important in addressing the root causes of conflict, as was the potential of traditional accountability and reconciliation processes to contribute to reconciliation, provided they comply with international human rights standards.



## RECOMMENDATIONS

*Note: These recommendations are the views of the organisers of the delegates visits to Uganda – HURINET, NPWJ and UCICC. They do not necessarily represent the views of the delegates who took part in the visits, nor of their States.*

### To ICC States Parties

- The Assembly of States Parties should develop more robust measures to respond to and deal with the non-cooperation of States Parties in the implementation of arrest warrants, in order to respond to the hopes of victims and affected communities that the ICC will be able to bring perpetrators to account and to demonstrate that the Rome Statute system can effectively provide justice.
- States Parties on whose territory the LRA currently operates (in particular DRC and CAR) should engage in renewed efforts to mobilise the necessary international and multilateral support to apprehend the LRA leaders subject to an ICC arrest warrant, as well as to protect civilians on their territory from further LRA attacks.
- All States Parties should take every opportunity to encourage those States and international organisations to redouble their efforts to enforce the outstanding arrest warrants and to lend any possible form of support to those efforts.
- States Parties should continue to enhance the current dialogue on complementarity and ‘positive complementarity’ in order to offer assistance and support to build the capacity of States, including but not only ICC situation countries, to investigate and, where appropriate, prosecute Rome Statute crimes domestically. In the course of this dialogue, States Parties should keep in mind the role that non-judicial mechanisms such as truth telling and traditional justice processes can play in ensuring accountability.
- The ASP should adopt a policy of constant learning from situation countries to ensure that decisions made at the level of States Parties reflect the needs of the affected communities and build the ICC as an institution that responds more effectively to those needs.
- The ASP should continue to support and guide the Court in the implementation of the outcomes of the stocktaking exercise on the impact of the Rome Statute system on victims and affected communities, which specifically noted that “the Court and its staff cannot walk this road alone. They need the stewards of the Court—the State Parties—to continue their commitment, support and leadership.”<sup>1</sup> This will include ongoing dialogue with the Court on ways to implement the stocktaking findings within existing resources as well as discussion on future potential resource implications.

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<sup>1</sup> The impact of the Rome Statute system on victims and affected communities, Resolution RC/Res.2, 8 June 2010, available at [http://www.icc-cpi.int/iccdocs/asp\\_docs/Resolutions/RC-Res.2-ENG.pdf](http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/RC-Res.2-ENG.pdf)



- States Parties should, insofar as possible, make contributions to the ICC Trust Fund for Victims (TFV), while supporting the TFV in increasing its visibility and the clarity of its mandate and policies in situation countries.
- States Parties should take every opportunity to reaffirm their support for the ICC's mandate in relation to victims, including through statements at the ASP meetings and in other fora, and the continued strengthening of language in resolutions of the ASP that demonstrates support for functions such as outreach, victims participation and reparations, the Trust Fund for Victims and the field presence of the Court.

### To the ICC

#### In relation to the Office of the Prosecutor:

- Provide clarity on why no new charges have been brought with respect to the Uganda situation, including why no charges have been brought against members of the UPDF or other forces.
- Make more open and public statements that the Office of the Prosecutor is still analysing crimes potentially within its jurisdiction in Uganda and is still interested in receiving information on those crimes. Take the necessary steps to ensure that this message is heard clearly by Ugandan victims and affected communities and that they are informed as to how they can submit relevant information in their possession. Provide concrete information, if possible, on the Office's current activities in analysing crimes potentially committed within its jurisdiction in Uganda and information received, along the lines of the "Summary of submissions on whether the declaration lodged by the Palestinian National Authority meets statutory requirements", released by the Office in May 2010 in relation to the situation under examination in Palestine.
- Engage in close interaction with the Ugandan criminal justice institutions to ensure exchanges of expertise in the investigation and prosecution of crimes under international law and, where possible, to provide information relevant to cases that may be brought before the War Crimes Division.
- Continue to monitor proceedings undertaken by the War Crimes Division to determine whether they meet the admissibility criteria outlined in the Rome Statute.
- Undertake renewed efforts to mobilise the relevant States to enforce the outstanding ICC arrest warrants for the LRA leaders still at large.

#### In relation to the stocktaking on the impact of the Rome Statute system on victims and affected communities:

- In line with the final recommendation of the stocktaking on victims and affected communities, take immediate steps to strengthen the ICC's two-way dialogue with victims and affected communities; optimise outreach activities and adapt them to the needs of victims; develop a specific policy to address the needs of women and children; ensure more protective measures for victims and witnesses; finalise and implement a comprehensive policy towards intermediaries; and reinforce field operations and link them to strategic planning and the



allocation of resources. The recommendations also encourage the ICC Trust Fund for Victims to increase its visibility where prudent.

- The recommendations of the panel should be implemented through a review of the ICC's "Strategy in Relation to Victims" as suggested by the Focal Points and endorsed by The Hague Working Group for inclusion in the Omnibus Resolution of the 9<sup>th</sup> ASP meetings. The review of the "Strategy in Relation to Victims" should take account of the specific recommendations of this report, as outlined below.

In relation to outreach and public information:

- Maintain sustained outreach and public information in Uganda in order to capitalise on the positive shift in perceptions toward the Court in recent years and to demonstrate clearly that the ICC is still engaged in and committed to the situation.
- Optimise outreach activities in Uganda by:
  - Finding creative ways to make outreach relevant in spite of the lack of new judicial developments, including by arranging regular visits by high level officials of the Court.
  - Undertaking more outreach activities that specifically engage women and children and make greater efforts to have women and children speak at regular outreach events. This can be accomplished by working through existing networks of women's community leaders, local and international bodies that work with women and children and through school-based activities.
  - Ensuring that outreach messages can counter specific misperceptions of the ICC such as allegations of bias due the perceived lack of investigations of government forces, or suggestions that the involvement of the ICC has delayed peace in Uganda.
  - Encouraging more open, two-way dialogue as part of outreach events and undertake smaller, more targeted outreach activities in addition to large community meetings, with a view to creating a safe environment where open and frank discussion is possible.
  - Taking steps to boost the capacity of local actors such as civil society, victims' association, community leaders and the Uganda Human Rights Commission, and international actors such as the Office of the High Commissioner for Human Rights, to undertake outreach on the ICC in Uganda and to incorporate ICC-related material into their human rights education programs.
  - Routinely including information on how victims can interact with the ICC (e.g. by sending communications to the Office of the Prosecutor and applying to participate in proceedings) and on the Trust Fund for Victims, including how civil society actors can become TFV partners.
  - As a lesson from the Uganda situation, begin outreach at the earliest possible opportunity in future situations and, in cooperation with other organs of the Court, ensure that outreach and public information strategies for situation countries are integrated and mutually reinforcing.



In relation to the ICC Trust Fund for Victims:

- Improve the TFV's outreach and public communications strategies to ensure that accurate information is available to communities and to NGOs who may wish to apply for TFV support.
- Integrate the TFV's communications with overall ICC outreach efforts to reinforce publicly the TFV's relationship with the ICC.
- Encourage TFV partners to include information on the ICC in the course of their activities with victims (such as making information on the ICC available at their premises, including the TFV logo on project-related materials etc), so that their activities serve to increase the confidence victims and communities feel in the ICC.
- Consider the suggestions put forward by delegates during this project for expanding TFV programming, including investing in community-based projects, promoting access to education for children and formerly abducted women and girls, providing psychological and medical health counselling for the entire community, or supporting the reintegration into their communities of formerly abducted women and girls.

In relation to the Victims Participation and Reparation Section (VPRS):

- Maintain the current level of VPRS resources in the Kampala Field Office, in order to take advantage of the improved security conditions and more positive perceptions of the ICC as an opportunity to reach out to new victims and maintain contact with those already engaged.
- Continue to streamline the application process and ensure timely communications between the Court, intermediaries and victims engaged in the process.

In relation to intermediaries:

- Continue to develop the ICC 'Draft Guidelines governing the Relations between the Court and Intermediaries', in consultation with intermediaries themselves and taking into account the concerns expressed by civil society, including those identified in this report.

In relation to the field presence of the ICC:

- Maintain the same level of field presence in Uganda to demonstrate clearly that the ICC is still engaged in and committed to the situation.
- Continue to optimise the Kampala Field Office to improve the level of coordination among its units and to grant Field Office staff more authority over day-to-day decisions.
- Empower the Field Office to play a greater role in building the ICC's legacy in Uganda by engaging in more regular interaction with national and local authorities and other stakeholders in the situation countries, in order



to reinforce the ICC's role and impact in Uganda, including through a potential role in positive complementarity initiatives through coordination with donor governments and agencies.

To the Government of Uganda

To the Executive:

- Re-launch a comprehensive national transitional justice process by giving all necessary support to the War Crimes Division and taking concrete steps to move forward the truth telling and traditional reconciliation strands. Take steps to ensure that the War Crimes Division upholds the same rights for victims as accorded by the Rome Statute, to participate in proceedings, to be accorded reparations and to receive adequate information about the legal process. Design other transitional justice mechanisms also in line with victims' rights under the Rome Statute. Ensure that adequate consultation is undertaken with victims and affected communities so that the transitional justice process responds to their concerns. Ensure that the truth telling and traditional reconciliation strands of the process are designed to respect international standards of human rights and due process and that they give special consideration to the needs of vulnerable groups such as children and victims of sexual violence.
- Design and implement a new, comprehensive, adequately financed, transparent and well-administered program of economic and social recovery for the conflict-affected areas of the country, to complement the transitional justice process.
- As a demonstration of its commitment to transitional justice, and as part of the transitional justice process, publicly release a full and transparent account of proceedings reportedly undertaken by the Ugandan People's Defence Forces to bring to account those responsible for war crimes or human rights abuses during the conflicts of recent decades, including the LRA conflict. This account should be the subject of public hearings in all parts of the country and victims of the crimes in question should be entitled to present their views either in public, confidentially or anonymously, within the framework of a victims and witness program as mentioned below. Moreover, the Uganda Human Rights Commission should be mandated to monitor and publicly report on all cases of crimes under international law addressed by the military courts.

To the Parliament of Uganda:

- Enact legislation to harmonise the legal framework for the various transitional justice mechanisms that are and will be available for victims to pursue justice and peace.
- Pass the National Reconciliation Bill, which lays out the modalities by which the process should be implemented and which will provide a crucial step forward in the transitional justice process. Prior to passing the Bill, however, Parliament should amend it to take into account the concerns voiced by victims' advocates, in particular to lay out a clear process for reparations to victims, specifying the source of funding for the



reparations, and to mandate the transitional justice bodies created by the Bill to undertake outreach and public information as an integral part of their activities. The amendments should also specify that the amnesty process created by the Amnesty Act of 2000 will be replaced by the participation of former combatants in the truth telling and traditional justice processes outlined in the National Reconciliation Bill and that former combatants alleged to have been responsible for serious crimes can no longer benefit from a blanket amnesty.

- Enact legislation to create a comprehensive victim and witness protection program, which will be essential to the success of the War Crimes Division and the transitional justice process as a whole.

To the JLOS institutions, War Crimes Division (WCD) and Directorate of Public Prosecutions (DPP):

- Proceed expeditiously with investigations of cases to be brought before the War Crimes Division.
- Develop and implement a process for victims to participate in proceedings before the Court and be eligible for reparations, along the lines of the provisions on victims' participation and reparations contained in the Rome Statute.
- Develop and implement a program of outreach and public information that includes information on how victims and witnesses can submit information to the DPP; regular updates on the status of cases; and details on how victims can apply to participate in proceedings, once a system for victim participation has been put in place. This program should begin as soon as possible and should include regular consultations with communities as to what kind of justice and reconciliation processes they favour.
- Engage in consultations with the ICC in order to benefit from lessons learned in investigations, victims and witness protection, victims' participation, reparations and outreach.
- Follow and take advantage of the current momentum around the topic of 'positive complementarity', in order to make known to the relevant donor agencies and coordinating bodies the capacity needs of the JLOS sector and to access available capacity-building programs.
- Provide training on the investigation and prosecution of crimes under international law to all personnel of criminal justice institutions in order to form a wide and competent base to handle cases at different levels.

To donor agencies

Participate fully in the ongoing dialogue on 'positive complementarity' in order to ensure that international criminal justice is mainstreamed throughout donor activities and rule of law programming. Provide increased support for international criminal justice-related initiatives in ICC situation countries and elsewhere.





## 1. BACKGROUND

In May-June 2010, the first Review Conference of the Rome Statute for the International Criminal Court (ICC) took place in Kampala, Uganda. The purpose of the Review Conference was two-fold: to discuss specific amendments to the Rome Statute, particularly the inclusion of the definition and trigger mechanism for the crime of aggression; and to engage in a process of ‘stocktaking’ of international criminal justice almost a decade after the founding of the ICC.

The Human Rights Network - Uganda (HURINET-U), No Peace Without Justice (NPWJ) and the Uganda Coalition for the International Criminal Court (UCICC) saw the holding of the Review Conference in Uganda – the ICC’s first situation country – as an event of great symbolic value. It presented an opportunity for delegates who normally represent their State at the Assembly of States Parties (ASP) to gain a first-hand understanding of the work of the Court in one of its situation countries by hearing the views of victims, affected communities and other stakeholders on the role and impact of the ICC in Uganda.

To maximise the unique opportunity presented by the Review Conference, HURINET-U, NPWJ and UCICC invited delegates of ICC States Parties<sup>2</sup> to come to Uganda in advance of the Conference to meet with a wide range of stakeholders involved in justice and accountability, peacebuilding and the fight against impunity. The response from States was very positive. Five visits took place between January and June 2010 and a total of twenty-seven delegates from twenty-one ICC States Parties took part, as well as several high-level Ugandan officials and representatives of the Board of Directors of the ICC Trust Fund for Victims, the ASP Secretariat and the Office of the Prosecutor (see full participant list in Annex I).

By spending time in Uganda in the months preceding the Conference, the project allowed State Delegates to begin the stocktaking process by hearing directly from the people most affected by the work of the ICC. The programs of the visits were designed to allow for reflection on each of the sub-themes of the stocktaking exercise: complementarity; cooperation; the impact of the Rome Statute system on victims and affected communities; and peace and justice. In this regard, it was of particular importance that a significant number of delegates participating in the visits were the Focal Points for the Review Conference for the various stocktaking topics (Denmark and South Africa – complementarity; Chile and Finland – impact on victims and affected communities; DRC and Argentina – peace and justice).

Another goal of the project was to bring the ICC closer to the people affected by its work by creating spaces for direct interaction between State Party delegates, victims, communities and other critical stakeholders in one of its situation countries. In this respect, the project was intended to have a long-term impact, reaching beyond the stocktaking

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<sup>2</sup> A number of non-States Parties who are supportive of the ICC were also invited, as were representatives of the ICC and from institutions such as the Board of Directors of the ICC Trust Fund for Victims.



exercise at the Review Conference. By fostering a greater understanding among States Parties of the justice needs and expectations of populations affected by the work of the ICC, and of the role and impact of the Court in situation countries, the project was intended to encourage the Assembly of States Parties to support and guide the Court in responding to the justice needs of victims and affected communities. The project therefore aimed to contribute to improving the Rome Statute system as a whole, so that the ICC can become an increasingly effective actor in the fight against impunity for the most serious crimes.

## **2. OBJECTIVES**

The organisers shared four primary objectives in inviting State delegates to visit Kampala and Northern and Eastern Uganda:

2.1. The first objective was to help the ICC become more responsive and accountable to the populations it serves by bridging the gap that currently exists between them and the Court, including its States Parties. By bringing ICC State Party delegates into direct dialogue with victims and affected communities, the project was designed to foster a greater understanding among States Parties of the justice needs and expectations of those populations.

2.2. The second objective was to ensure that victims and the communities affected by the ICC's work in Uganda had a strong presence at the Review Conference and opportunities to participate effectively in its proceedings. The project ensured that victims and civil society organisations had multiple opportunities to enter into dialogue with decision-makers at the Review Conference and to afford the local population a chance to interact with States Parties.

2.3. The third objective was to use the Review Conference in Kampala to spread awareness and understanding of the ICC in Uganda. The project had the full support of the ICC, particularly its Outreach Division, and was implemented in close collaboration with their Review Conference-related outreach and public information activities. The project created many opportunities for public and media engagement by bringing representatives of a range of States Parties to Uganda.

2.4. The final objective was to build capacity within Ugandan civil society to take effective action on ICC issues, both by boosting the impact and visibility of civil society actions related to the Review Conference in the short-term and by enhancing civil society capacity on ICC issues in the long-term.

## **3. LOCATIONS OF THE VISITS**

In addition to Kampala, the groups of delegates visited the following areas:

- January: Acholi sub-region – Gulu town, Tingkidi village, Lukodi village;



- February: Acholi sub-region – Gulu town; Lango sub-region – Lira town, Barlonyo IDP camp;
- March-April: Teso sub-region – Soroti town, Amuria town, Obalanga IDP camp;
- May: Lango sub-region – Lira town, Aboke town, Abia village, Barlonyo IDP camp; and
- May-June: Teso sub-region – Soroti town, Amuria town, Obalanga IDP camp.

***The Acholi sub-region***, of which Gulu is the main city, suffered at the hands of the Lord's Resistance Army (LRA) for several decades, since the conflict in Northern Uganda began in 1986. A history of distrust between the Acholi people of northern Uganda and southern-based tribes dominating the government contributed to the formation of the Lord's Resistance Army (LRA) in 1987, led by Joseph Kony. The LRA aimed to overthrow the government led by current President Yoweri Museveni, rebuild the Acholi nation and culture and rule Uganda in accordance with the biblical Ten Commandments. It has since caused widespread human rights violations, including massacres and the systematic abduction of children to take part in hostilities in various parts of the region and beyond the region.

In the period up to 1996, some people in the Acholi sub-region fled their villages as a direct result of LRA attacks, but the main cause of the subsequent large-scale displacement was the government's decision in 1996 to relocate civilians into IDP camps described as "protected villages". The displacement crisis worsened in October 2002, when the army, in the course of a large-scale offensive entitled "Operation Iron Fist", ordered all civilians remaining in "abandoned villages" to move to government camps. Around the same time, the area affected by displacement expanded as the LRA moved eastwards into the Lango and Teso sub-regions. Operation Iron Fist failed to defeat the LRA and in March 2004 the army launched "Operation Iron Fist II", which resulted in further mass displacement. By the end of 2005, a total of about 1.8 million people were living in IDP camps.

The LRA repeatedly attacked IDP camps, although the army was deployed to protect them. The army's failure to ensure security and the appalling humanitarian conditions in the camps further entrenched the Acholi people's sense of political and social marginalisation. An unknown number of people moved to towns and trading centres across Northern Uganda instead of camps, while others moved further away to towns and cities such as Masindi, Jinja and Kampala. No comprehensive data has ever been collected on urban IDPs in Uganda; estimates of their number range from 300,000 to 600,000.

***The Lango sub-region***, just like the neighbouring Acholi, has borne the brunt of the LRA insurgency. Abductions, massacres and wasted opportunities for development have been experienced during the two decades of conflict. One of the most notorious acts of the LRA in the region occurred in October 1996, when 139 students from Aboke Girls Secondary School were abducted in one day. More recently, on 4 February 2004, the LRA attacked Abia, a village located northeast of Lira where an IDP camp had been set up. Over 200 people were brutally killed in broad daylight. On 21 February 2004, the LRA, attacked IDPs in Barlonyo, a village and IDP camp in Lira District, killing over 700



people in a single day. At that time, Barlonyo was home to over 30,000 people who had been forced out of their homes in nearby districts. Women and children made up 68% of the total population.

***The Teso sub-region***, in the eastern part of Uganda has had a history of conflict and human rights violations resulting from conflict between the local population and the Karamojong, a predominantly cattle-keeping group who have conducted cattle raids in the region, often killing members of local communities.<sup>3</sup> In 2003 the Ugandan Government launched ‘Operation Iron Fist’, which was intended to defeat the LRA in Northern Uganda. The operation instead resulted in an expansion of LRA operations into the Teso sub-region in North-eastern Uganda. A locally organised militia known as the "Arrow Boys" was mobilised in Teso to protect the communities in response to this incursion and the LRA were driven out of Teso within a year. Several serious violations occurred during the period of the incursion, however. One of the most serious occurred at Obalanga, a camp in Amuria district that was set up to house people displaced by Karamojong attacks. On 15 June 2003, the LRA is reported to have overpowered the army barracks set up to protect Obalanga camp, killing over 350 people who were later buried in a mass grave at the trading centre in Obalanga. Other incidents that have been reported include the disappearance of children: at present over two thousand children are reported to be still missing in the region. Other reports suggest that attacks on civilians can be attributed to Ugandan government forces (mainly the Ugandan People’s Defense Forces, UPDF) in the course of their operations against the LRA in the region.

#### **4. PROGRAM OVERVIEW**

Each of the five visits included one or two days in Kampala and three to four days in different regions of Northern or Eastern Uganda. The following summarises the format and purpose of the meetings in which delegates took part in Kampala, Acholi, Lango and Teso (see Annex 2 for the full programs of the visits). The content of meetings is integrated into the ‘Analysis’ section below.

##### **4.1 Kampala**

Each visit began in Kampala and, except the fifth visit, each one kicked off with an event entitled ‘*Roundtable discussion with Ugandan Civil Society: Beginning the Stocktaking Process*’. The Roundtable was an opportunity for delegates to hear from leading Ugandan experts on international justice on each of the stocktaking topics. Interventions and discussion focused primarily on Uganda, though framed in a global context. For Ugandan civil society organisations, the Roundtables were an opportunity to interact with ASP delegates and learn about the ICC and its Review Conference.

Each group of delegates had opportunities to meet with the members of Uganda’s Justice, Law and Order Sector (JLOS) Working Group. The project benefitted on several occasions from perspectives on Uganda’s domestic



transitional justice measures from Hon. Justice James Ogoola, Principal Judge of the High Court of Uganda; Hon. Justice Akiki Kiiza, Head of the War Crimes Division; Hon. Justice Singh Chaudhry, Justice of the War Crimes Division of the High Court; and Hon. Richard Butera, Director of Public Prosecutions.

Most groups of delegates met with Members of Parliament with particular interests in the ICC. These included Hon. Stephen Tashobya, Chairperson of the Legal and Parliamentary Affairs Committee, and other Committee members, who provided information on the Ugandan ICC Bill, which was passed by Parliament in March 2010. Delegates also met with members of the Greater North Parliamentary Forum, a grouping of Parliamentarians representing conflict-affected constituencies, who provided insights on the concerns of their constituents in relation to post-conflict recovery.

The January and February visits featured public lectures as part of the project's goal of using the Review Conference in Kampala to spread awareness and understanding of the ICC in Uganda and to begin to build momentum among interested sections of the public and the media towards the Conference itself. The first lecture was given jointly by the delegates from Denmark, Kenya, Sierra Leone and South Africa who participated in the January visit; by Hon. Justice James Ogoola, Principal Judge of the High Court of Uganda; and by H.E. Ambassador Wenaweser, on the theme of *"The ICC Review Conference: What it means for Uganda, and what it means for the world"*. Organised by Advocates for Public International Law Uganda (APILU), the event was attended by approximately one hundred legal professionals, practitioners, students and others working on international justice and related issues. The second lecture was led by H.E. Elisabeth Rehn and addressed the topic of *'The Prospects and Pleading of the victims of international crimes: the impact of the International Criminal Court on affected communities and victims'*. The lecture was co-organised with the Uganda Law Students Society (ULSS) and took place at Makerere University Faculty of Law, where approximately one hundred and fifty students attended. The goal of engaging the public through the visits was also furthered through press briefings, radio talk shows and television interviews, resulting in coverage of the visits by prominent media outlets.

On each visit, delegates had opportunities to interact with staff of the ICC Field Office (either by visiting the Field Office or by meeting with staff in the field). These interactions provided delegates with insight into the work of those carrying out the ICC's work in the field on a day-to-day basis and the challenges they face.

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<sup>3</sup> Samwiri Karugire, 'A political History of Uganda.' Fountain Publishers.



Public lecture by H.E.  
Elisabeth Rehn, Chairperson,  
Board of Directors, ICC  
Trust Fund for Victims

Makerere University Faculty  
of Law, Kampala

February 2010

#### 4.2 Northern and Eastern Uganda

In Northern and Eastern Uganda, upon arrival in each District visited, delegates paid courtesy visits to the Resident District Commissioner (RDC) and the Chairman of the District Council (LC5). The RDC, as the representative of the President in the District, and the LC5, as the elected Chair of the local council, informed the groups of the concerns of their Districts and of the impact of the ICC in the District from their perspectives. They were also able to comment on the history of their interactions with the ICC as it carried out its operations in their Districts.

In each location, delegates met with representatives of the leading civil society organisations working on justice issues or providing assistance to victims and affected communities. Many of the organisations interact directly with the ICC as intermediaries, either implementing projects with support from the Trust Fund for Victims (TFV), by liaising between victims and the Victims Participation and Reparation Section (VPRS) or by disseminating information on the ICC in partnership with the Public Information and Documentation Section (PIDS).<sup>4</sup>

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<sup>4</sup> Delegates did not meet specifically with intermediaries working with the Office of the Prosecutor.





Each group of delegates had multiple opportunities to interact directly with victims and communities. In some cases, individuals who are beneficiaries of rehabilitation programs run by local NGOs were invited by those NGOs to come together and speak with the delegates. While some of the programs were supported by the TFV, others were not. On other occasions, the delegates visited communities and spoke with people in their villages. Delegates also visited sites where victims were involved in rehabilitation programs, such as at Gulu Regional Referral Hospital's Disability Rehabilitation Centre, the Gulu War Affected Training Centre and World Vision in Soroti. At each of these locations, delegates heard from both the staff and the beneficiaries of the programs. The purpose of the delegates' visit was explained to the meeting participants in advance so that they were prepared to speak about their views of the ICC and of justice more generally.

All but one group of delegates had the opportunity to attend and participate in an ICC Outreach event. This allowed delegates to witness how the Court conducts Outreach events in the field. It also provided an opportunity for Outreach staff to explain to communities the role of the ASP in relation to the ICC and, through the active participation of delegates, to show a different face of the Court. Each event began with an overview of the ICC, the ASP and the Review Conference by Outreach staff, after which delegates answered questions from the communities.

In Gulu and Soroti, the delegates visited the office of the Uganda Human Rights Commission (UHRC), where they also met with representatives of the Office of the High Commissioner for Human Rights (OHCHR). The UHRC is a governmental body charged with protecting and promoting human rights primarily by monitoring compliance with human rights standards by State actors. The UHRC and OHCHR representatives provided an overview of the general human rights situation and the impact the ICC is having, as well as suggestions on how its impact could be enhanced.

In Gulu and Kampala, delegates met with the Commissioner and staff of the Ugandan Amnesty Commission. The Amnesty Commission was established by the *Amnesty Act 2000* and is empowered to grant amnesty to people who have engaged in, supported or collaborated with an armed rebellion against the government of Uganda since January 1986.<sup>5</sup> The meetings allowed delegates to hear the Commission's views on the role of both the Amnesty Commission and the ICC in the overall search for durable peace in Uganda.<sup>6</sup>

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<sup>5</sup> Amnesty Act 2000, part II, section 2 (1), available at [http://www.ulii.org/ug/legis/consol\\_act/aa2000111/](http://www.ulii.org/ug/legis/consol_act/aa2000111/)

<sup>6</sup> Due to other programming priorities, it was not possible to meet with representatives of UHRC, OHCHR and the Amnesty Commission in Lira.





Delegates taking part in a radio talk show

Radio Unity, Lira

February 2010



Several of the visits were organised to coincide with other events related to the ICC:

- In Lira in February, the delegates, including delegates from Chile and Finland who served as Focal Points for the stocktaking exercise on victims and affected communities, attended a workshop on “*The ICC Review Conference and ‘Stocktaking’ on the impact of the ICC on victims and affected communities*”, organised by the Ugandan Victims Foundation (UVF), a network of Ugandan victims’ rights organisations, and REDRESS, an international NGO. The workshop presented the results of a survey designed by REDRESS, UVF and other members of the Victims Rights Working Group, an international network of victims’ rights organisations,<sup>7</sup> who gathered the views of victims and affected communities on the impact that the existence of the ICC has had on their lives. Between January and February 2010, the questionnaire was administered in conflict-affected regions across Northern Uganda by members of the Uganda Victims’ Foundation.<sup>8</sup>

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<sup>7</sup> See <http://www.vrwg.org/> .

<sup>8</sup> The full report of the findings of the questionnaire can be found at:

[http://www.vrwg.org/downloads/publications/05/VRWG%20Impact%20of%20ICC%20on%20victims%201%20April%202010%20\\_2\\_.pdf](http://www.vrwg.org/downloads/publications/05/VRWG%20Impact%20of%20ICC%20on%20victims%201%20April%202010%20_2_.pdf)



- In Kampala in early May, delegates participated in a Public Dialogue for civil society and politicians on the impact of the ICC on victims and affected communities, on the specific theme of *“Hear my voice for Justice and Accountability – The Plight of Children and Affected Communities in Northern Uganda”*. The dialogue addressed the continued need for protection for children in Northern Uganda and the ICC as a mechanism for justice and accountability for child victims.
- The fifth visit, which took place directly before the Review Conference, coincided with the *International Symposium on Stocktaking*, organised by HURINET, UCICC, the International Commission of Jurists (ICJ) and the Open Society Initiative – South Africa (OSISA). The symposium included workshops on the four thematic stocktaking issues and issued a communiqué addressing a set of recommendations to ICC States Parties in relation to each stocktaking theme, which was handed to Ambassador Christian Wenaweser at the conclusion of the symposium.



Colonel Walter Ocora, RDC, Gulu, with  
ASP President Christian Wenaweser and  
Ambassador Mirjam Blaak of Uganda,  
discussing a map of IDP camps and  
returnee sites in Acholi Sub-Region.

Gulu, January 2010



## 5. ANALYSIS

The following analysis reflects views heard by delegates and organisers who participated in the visits to Kampala, Gulu and Lira. They are taken from meetings with national authorities, local officials, civil society, victims and local communities, as well as from feedback received from participants, including both community members and delegates. Most of the views are not attributed to specific individuals or events, either because they were expressed by several different interlocutors or in the interests of confidentiality. They are arranged in this analysis according to the four stocktaking topics for the Review Conference and appear in the order in which those topics are listed in the Resolution on the Review Conference of the Eighth ASP.<sup>9</sup>

Some material included in the analysis is also drawn from feedback sessions in Lira and Soroti conducted by UCICC member organisations in each region (Uganda Victims' Foundation (UVF) and African Youth Initiative Network (AYINET) in Lira; Soroti Development Association and NGO Network (SODANN) in Soroti). The feedback sessions took place in late July 2010 and took the form of community meetings and radio talk shows. In each session, representatives of UCICC, UVF, AYINET and SODANN provided an overview of the outcomes of the Review Conference, particularly those most relevant to victims and communities in Northern Uganda, based in part on an internal report on those outcomes produced by No Peace Without Justice. The responses of communities during these feedback sessions are integrated into the relevant sections below.

Through the interactions delegates had throughout the visits, they learned the history and complexity of the Ugandan situation, but more importantly they came to understand better the role that the ICC has played and the impact it is and is not having. In this way, they were able to identify ways in which the Court and the Rome Statute system can be improved in order to become more effective.

### 5.1 Complementarity

The visits served to highlight the important impact that the ICC has had in promoting domestic measures to end impunity for serious human rights abuses and crimes under international law. They also demonstrated that certain steps have been taken that have created “impunity gaps”, where perpetrators and victims do not experience any form of accountability. Information and views on Uganda's efforts with regard to complementarity emerged either directly or indirectly from all of the delegates' interactions: with victims and communities; with civil society; and with national and local authorities involved in efforts to launch a national transitional justice process.

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<sup>9</sup> Resolution on the Review Conference, 8<sup>th</sup> Assembly of States Parties [http://www.icc-cpi.int/iccdocs/asp\\_docs/ASP8/OR/OR-ASP8-Vol.I-ENG.Part.II.pdf](http://www.icc-cpi.int/iccdocs/asp_docs/ASP8/OR/OR-ASP8-Vol.I-ENG.Part.II.pdf)



#### *5.1.1 Implementing legislation: The Ugandan ICC Act*

One of the crucial efforts undertaken in Uganda to help launch a national transitional justice process has been the domestication of the Rome Statute through implementing legislation. Civil society and parliamentarians who met with delegates during the visits provided insight on the history of the domestication process in Uganda. The legislation was first introduced in Parliament in 2006 as the International Criminal Court Bill, which was debated and approved by the relevant committee (Legal and Parliamentary Affairs). When it was sent to the full house for debate, however, it met with opposition from some Parliamentarians who felt that the ICC's role in Uganda could have a detrimental effect on the Juba peace talks. The Bill therefore dropped from the Parliamentary agenda. However, when the Assembly of States Parties agreed in 2007 to hold the Review Conference in Kampala, new pressure was created to pass Uganda's implementing legislation. The ICC Bill was reintroduced in 2009 as the International Crimes Bill, which featured a number of differences from the 2006 text. The Bill was subsequently debated by the Legal and Parliamentary Affairs Committee of Parliament and passed by the full Parliament on 10 March 2010. In the week prior to the Review Conference, it was signed by the President and became law in May 2010. The Act "give[s] the force of law in Uganda, to the [Rome] Statute"<sup>10</sup> and is thus a welcome step forward in Uganda's efforts to adhere to the complementarity principle (specific aspects of the Act, such as cooperation and victims' rights, are analysed in detail in the relevant sections below).

#### *5.1.2 Domestic transitional justice mechanisms*

Each group of delegates benefited greatly from the insights of Hon. Justice Justice James Ogoola, Hon. Justice Akiki Kiiza and other members of Uganda's working group on the Justice Law and Order Sector, on the domestic transitional justice process being put in place to deal with not only the LRA conflict, but the full range of crimes and human rights abuses the country has suffered in the years since its independence. This process is intended to follow three tracks. At the highest level, the Special Division (War Crimes Division) of the High Court should deal with the next level of perpetrators below those indicted by the ICC, which is likely to number between 10 and 20 persons. In parallel, the country should engage in a comprehensive, national truth telling process that would address the full scope of Uganda's decades of conflict and human rights abuses. Finally, communities will be encouraged to use traditional justice and reconciliation mechanisms to help them to overcome the legacy of conflict and to allow former combatants to re-integrate successfully.

#### *5.1.3 The War Crimes Division of the High Court*

The War Crimes Division (WCD) of the High Court was founded as a result of the provisions of the Juba Agreement on Accountability and Reconciliation. It was established by the Principal Judge of the High Court pursuant to his power, under Uganda's Judicature Act, to create new divisions of the Court without a separate Act of Parliament.



Because the ICC Bill did not become law until May 2010, the WCD began its work within the existing legal framework available to it in Uganda – the Geneva Conventions Act, the Penal Code, international conventions and customary international law. The WCD does not have a limitation on its temporal jurisdiction and as a representative of the Directorate of Public Prosecutions pointed out during community meetings on one of the delegates' visits, this allows the WCD to fill a gap in the ICC's jurisdiction, which only extends back to 2002.

The WCD began operations by putting in place a panel of judges and a dedicated team within the Directorate of Public Prosecutions (DPP), which, during the period of the delegates' visits, had begun investigating the first case to be brought before the WCD. The case subsequently opened when Thomas Kwoyelo, believed to have been fourth in command in the Lord's Resistance Army, was transferred to the WCD after being held in Gulu Central Prison since March 2009. Mr. Kwoyelo is the highest-ranking LRA commander to have been captured so far. He had previously been granted amnesty under Uganda's Amnesty Law, but after going through the amnesty process, he rejoined the LRA in eastern DRC. Mr. Kwoyelo reportedly faces 12 counts of kidnapping with intent to murder.<sup>11</sup>

There was no clear consensus among those who interacted with delegates as to whether, in the event that Joseph Kony or other ICC indictees were to be arrested, the WCD would seek to take the cases or if they would leave them in the hands of the ICC. Representatives of the Ugandan judiciary said that the decision would need to be taken if and when the situation arose. They also stated that if Mr. Kony were to be tried by the War Crimes Division of the High Court, Uganda would follow the correct procedures to ensure that domestic prosecution would meet the ICC's admissibility criteria and the High Court would expect careful scrutiny of the proceedings by the ICC.

In discussions with delegates, some of the challenges facing the WCD became evident. Judges from the Special Division explained that they intend to comply with international standards of due process but that this may create tensions in the judicial system, as international standards are often higher than those applied in regular national Courts. The WCD intends to apply rules of procedure and evidence similar to the ones of international tribunals and will apply life imprisonment as the maximum sentence. Ugandan law allows for the death penalty and even proscribes it as mandatory for some specific crimes, including murder. This creates a situation where individuals who have committed crimes of lesser gravity, such as a single murder, could be tried according to rules that are less protective for the accused than someone being tried under the Special Division for a more serious crime, such as mass murder, and they could receive a more severe sentence. Delegates pointed out however, that the solutions to these challenges might in fact result in progress in the national legal system, such as the elimination of the death penalty and improved fair trial standards.

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<sup>10</sup> *International Criminal Court Act*, Uganda Gazette No. 67 Volume XCVIX, section 2(a), 2010.

<sup>11</sup> *Reporting Linked to Progress in LRA Suspect Case*, Institute for War and Peace Reporting, 6 October 2010, available at <http://iwpr.net/report-news/reporting-linked-progress-lra-suspect-case>





Another challenge facing the WCD is to engage victims in its work and to undertake outreach and public information so that victims, affected communities and the public understand the process. In the course of the delegates' visits, the DPP stated its willingness to accept submissions of information on crimes under its jurisdiction. However, a clear process for making such submissions has not been formulated and consideration will need to be given to making such a process known to the people in possession of relevant information. Delegates and others also raised questions about how victims' participation in the WCD proceedings would be ensured and what process victims will need to follow. Despite some hopes that these questions might be answered by the ICC Act, the Act does not contain any provisions for victims' participation in proceedings related to the crimes contained therein.

In discussions on the WCD and other proposed accountability and reconciliation measures, it was clear that these efforts have faced hurdles and are imperfect. Nevertheless, the accountability and reconciliation efforts underway in Uganda demonstrate that the involvement of the ICC has created important pressure domestically for the country to engage in a process of transitional justice. Moreover, judges from the WCD pointed out that the ICC Act provides Uganda with jurisdiction over certain crimes under international law and offenses committed outside Uganda, if the perpetrator or the victim is a Ugandan citizen or permanent resident, if the perpetrator is employed by Uganda in a civil or military capacity, or if the perpetrator is present in Uganda after having committed the offense.<sup>12</sup> In the long term, the WCD could use this provision to address crimes under international law committed in other countries in the region, becoming a regional Court. Delegates stressed that this potential evolution of the WCD would expand the positive effects of complementarity even further than Ugandan territory and would be a commendable development.

#### *5.1.4 Truth telling and traditional justice mechanisms*

The second strand of Uganda's proposed transitional justice process is a truth telling exercise, the importance of which was consistently emphasised during delegates' visits, by victims, communities and those involved in designing Uganda's transitional justice process. Uganda has endured decades of conflict and human rights abuses, extending far beyond the LRA war, and a process of accounting for the past is seen as essential to promoting national reconciliation and preventing the future recurrence of violence. A truth commission or similar mechanism is envisaged by the Juba Agreement and is provided for in the National Reconciliation Bill. However, the Bill has not yet been passed and it is not yet clear how the truth telling process will be implemented, where the resources for it will be found and how the truth telling strand will interact with the other facets of the proposed transitional justice process.

The third strand of the proposed transitional justice process is the use of traditional justice and reconciliation systems. These systems are seen as playing an important role in a situation such as that of Uganda where the majority of 'perpetrators' were victims themselves, for example having been abducted at a very young age. Traditional processes can

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<sup>12</sup> *International Criminal Court Act*, Uganda Gazette No. 67 Volume XCVIX, section 18, 2010.



Delegates meeting with judges of the  
Special War Crimes Division of the High  
Court of Uganda

Kampala, May 2010



and already have been used to help former combatants to be reconciled and accepted back into their communities. It was also pointed out that traditional practices could complement criminal proceedings by helping integrate a convicted person after they have completed their sentence. A number of significant challenges were raised in relation to traditional processes, however. A primary concern raised by civil society and legal practitioners is that traditional practices are not codified and may require modification in order to comply fully with human rights standards and due process rights for accused persons; to be fully inclusive of women and children and responsive to the special needs of vulnerable victims and witnesses; and to be able to ensure protection to victims, witnesses and accused persons. In addition, Uganda is home to a wide range of different tribes and each tribe applies its own specific traditional form of justice. While each of these systems involves the same three common elements – confession, apology and punishment – there are variations, in particular with regard to the form of punishment. This must be recognised by any national effort to promote the use of these processes, since it will not be possible to achieve consensus throughout the whole country around one particular system. For this reason, the Juba Agreement specifically acknowledges the need for communities





to employ their own system.<sup>13</sup> Another consideration, however, is that some communities have remained more attached to their traditional justice systems than others. In Soroti and Amuria districts, several interlocutors, including victims, communities, civil society, local officials and traditional leaders, made it clear that the Iteso people have not used their traditional justice system of ‘Ai Luc’ for many years. The traditional system fell into disuse during the colonial period and was never really revived; instead, the Iteso people became highly respectful of formal justice processes. Ai Luc is still used in some instances, but it is not codified and is therefore difficult to implement. It is therefore important that the system of transitional justice does not assume that all tribes will employ traditional practices and that in cases where these practices are not utilised, the community has access to alternative means of accountability. Moreover, the victims of LRA crimes are spread far beyond Uganda’s borders, where traditional practices used in Uganda will not be relevant. All of these considerations also need to be taken into account as Uganda moves forward in setting up its transitional justice processes, in particular in determining how truth telling, traditional processes and the formal justice process interact with each other.

Several other overall considerations for Uganda’s system of transitional justice were raised in the course of the visits. The vital importance of reparations was repeatedly emphasised, as was the need for reparations to be fully integrated as part of the transitional justice process (see section 5.3.2 below on reparations for more detail). The importance of credible criminal proceedings, to ensure that victims have a sense that justice has been fully done, was also raised. Equally, the importance of ensuring that transitional justice mechanisms are meaningful to the population was emphasised and, in this connection, the need to ensure adequate public knowledge of the process and its results. Finally, it was noted that widespread consultations with victims and affected communities on what kind of transitional justice process they would prefer would benefit the process as a whole. In the course of the delegates’ visits, several representatives of Uganda’s judicial system took the opportunity to spend time interacting directly with victims and affected communities, civil society, local officials and traditional leaders. Victims, civil society and local leaders appreciated the opportunity to present their views directly to those with key roles in determining government policy and their presence gave the community the sense that the government is responsive to their needs, expectations and concerns.

#### *5.1.5 Documentation of human rights abuses*

During the two visits to Soroti and Amuria districts, delegates heard of the existence of a number of local initiatives to document war crimes and human rights violations committed in the districts. The most comprehensive of these was the Amuria Verification Commission, an initiative led by the District Council under the Chairmanship of Mr. Julius Ochen. The Commission’s report describes its justification as follows:

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<sup>13</sup> Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord’s Resistance Army/Movement, Para. 3.1.



*“Given the above scenario [the economic decline of the district due to “persistent cattle rustling, unfavourable weather (drought), civil strife, LRA invasion and the recent flooding”] the District Council in partnership with Amuria district Development Agency and other development partners in June 2007, decided to institute a verification commission to undertake an assessment of Human Rights abuses and loss of property since 1979. The Commission was mandated to carry out an inquiry into the atrocities committed by the various fighting forces dating back to 1979. In addition, the Commission was required to quantify losses and estimate value of losses to individual and public property in the district over the same period.*

*The findings and recommendations of the verification were intended to enable the district, Amuria District Development Agency (ADDA) and other development partners undertake the following:*

- Establish and document (Data Base) Human Rights Abuses and directly attribute them to the various fighting forces something that had not been previously undertaken.*
- Establish and document (Data Base) quantities/value of personal and public property that had been destroyed or lost over the period under review.*
- Come up with a comprehensive plan for addressing and mitigating the effect of Human Rights Abuses and Violations.*
- Lobby and engage service bearers such as government, Local and the International donor community to redress/compensate the victims of Human Rights abuses/war and loss of property*
- Integrate the findings and recommendations of the verification exercise into future rehabilitation and development plans of the district and the development partners”.<sup>14</sup>*

Although the report’s factual findings were not analysed in the framework of war crimes and crimes against humanity, the findings present a cross section of the abuses committed in the district over the course of three decades by a range of fighting forces. Another such initiative undertaken in Teso Sub-Region involved the creation of Civil-Military Cooperation Centres during the LRA incursion, to receive complaints and document crimes as they were committed and attempt to coordinate responses between civilian and military authorities. The Centres aimed to prevent the commission of crimes by ensuring that a system was in place to account for wrongdoings even during the period of unrest. The initiative may have had some deterrent effect, but according to a civil society actor who was active in the Centres, they did not keep comprehensive records of the information that was gathered.

The Centers and the Amuria Verification Commission were locally-driven, systematic efforts to document and advocate domestically for redress for those affected by conflict. More documentation initiatives have been undertaken by civil society actors throughout Northern and Eastern Uganda, as well as by official bodies such as the Amnesty Commission,

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<sup>14</sup> Amuria District Verification Commission Report, 2007



Human Rights Commission and judicial actors. Such efforts have the potential to make important contributions to Uganda's overall transitional justice process and complementarity efforts.

#### *5.1.6 Challenges to implementing complementarity*

On the first visit, delegates visited the office of the Amnesty Commission in Gulu and met with the Commissioner and staff of the Gulu Office; on the fourth visit, delegates met with the Chairperson of the Amnesty Commission and other Commission members in Kampala. During these discussions, it was pointed out that the Amnesty Law has to date allowed for the demobilisation of thousands of former combatants, the majority of whom had been abducted as children and forced to serve in the rebel forces. However, the problems arising from such an unconditional amnesty were also made clear to delegates by Commission members. Under the blanket amnesty, senior commanders who ordered the commission of serious crimes against civilian communities have received amnesty and a generous demobilisation package, which effectively rewarded criminal behaviour. Victims and affected communities also highlighted this problem during interactions with delegates. When alleged perpetrators are 'rewarded' and nothing is done for the victims, victims are left angry at the failure of justice and fearful that they will again be targeted. This is especially true in instances where victims are members of the same communities to which the perpetrators return after demobilisation.

Another challenge to Uganda's efforts to adhere to the principle of complementarity is the perceived lack of accountability of government forces for crimes committed during the LRA conflict. This issue arose constantly in interactions with victims and communities, where one of the most frequently asked questions was why the ICC has not investigated crimes committed by the Ugandan People's Defence Forces (UPDF) or other government forces. This question was often linked to the perception that the ICC is working on the side of the government, in part because Uganda referred the situation to the ICC in the first place. During the fifth visit, a representative of the Office of the Prosecutor of the ICC joined the delegates' group and was in a position to provide assurance, to those with whom the group interacted, that the OTP is still monitoring the situation in Uganda and still open to receiving information on crimes under its jurisdiction, regardless of who appears to have committed them. Representatives of the UPDF and of the Government of Uganda stated, in response to these questions, that any crimes committed by the UPDF were of lesser gravity than those committed by the LRA; that those responsible were rogue elements within the armed forces who had been dealt with through the military court martial system; and that information on the military proceedings had been provided to the ICC. Communities in the LRA-affected areas, however, described their belief that UPDF forces had been responsible for incidents of considerable gravity and stated that they were not aware that any measures had been taken to bring those responsible to account. The perception of a gap in accountability is reinforced by the inability of the War Crimes Division of the High Court to exercise its jurisdiction over government actors. According to the Juba Agreement on Accountability and Reconciliation "...state actors shall be subjected to existing criminal justice



processes and not to special justice processes under this Agreement”.<sup>15</sup> The frequency with which the question of accountability of government forces arose throughout the visits demonstrates that it is vital for national complementarity efforts to establish an accurate, comprehensive and credible picture of the events and those responsible for violations. It is important that those efforts do not allow for either explicit or de-facto immunity for any actor responsible for violations, irrespective of the group to which they may belong. Avoiding the perception of impunity is also a priority. If trials are being conducted, they should be widely publicised, since if they are not, victims and the general population will not see that justice has been done. As pointed out by one senior Government representative during a community meeting, in response to questions about how crimes by Government forces would be dealt with, it is the primary responsibility of Uganda to prosecute those who have committed serious crimes in the country, and this is vital to building people’s trust in their government and legal system.

#### *5.1.7 ‘Positive complementarity’: building national capacity and expertise*

Another challenge faced in Uganda is the need to build capacity at the local and national levels to undertake investigations and prosecutions of crimes under international law. While Uganda’s judicial system is well-functioning in many respects, it is only now being adapted to address war crimes, crimes against humanity or genocide. Members of the JLOS Working Group highlighted the need for additional training for the various actors involved in implementing the new legal regime, including police, prosecutors, lawyers and judges. The imperative of capacity building was also pointed out by civil society actors working as intermediaries with the Court. Many intermediaries have never had training on legal issues and are not familiar with the intricacies of the ICC and the Rome Statute system. They often undertake their work in support of the Court voluntarily and without support, such that they develop their own interpretation of their tasks (such as assisting victims to complete application forms for participation in proceedings), which may or may not be correct and can lead to delays and inefficiencies in the process. Capacity building for these actors would support the work of the ICC by allowing them to fulfil their tasks more effectively and would also allow them to play a stronger role in implementing complementarity more broadly, by strengthening their ability to contribute to and support domestic accountability processes.

It was also pointed out that the involvement of the ICC in Uganda has already lead to a great increase in the level of interest and expertise in international criminal law that did not previously exist in Uganda. As pointed out by a leading expert on efforts to fulfil complementarity in the case of Uganda, legal practitioners in Uganda have been obliged in recent years to educate themselves on international criminal law and transitional justice. In the process, they have come

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<sup>15</sup> Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord’s Resistance Army/Movement, Para. 4.1.



to constitute a domestic lobby in favour of ending the culture of impunity for serious human rights abuses that has plagued Uganda since its independence. Courses in international criminal law are now taught at Makerere University Faculty of Law, further expanding the pool of expertise.

The involvement of the ICC can also be credited in part with prompting closer scrutiny of Uganda's broader processes of reforming its justice, law and order sector, as donor governments have designated funding to the promotion of the rule of law and the reform of the security services. However, delegates observed that these efforts can be better coordinated with transitional justice efforts and the implementation of the Rome Statute's requirements in relation to complementarity. One delegate commented that one lesson to be learned from the Uganda experience is the need for actors involved in peacebuilding, development and transitional justice to align their activities much more closely.

## 5.2 Cooperation

In terms of cooperation, the visits highlighted to delegates the challenges faced by the ICC in achieving the full cooperation of States both in situation countries and internationally.

### *5.2.1 Enforcement of arrest warrants*

Throughout the visits and during follow up sessions with communities, questions arose repeatedly as to why Joseph Kony has not yet been arrested. Delegates heard repeatedly from victims and communities the need for the arrest warrants against the LRA leadership to be enforced. In this way, spending time with the people of Northern Uganda demonstrated to delegates the 'human face' of cooperation. Cooperation is a topic that is most often discussed in terms of State-to-State, State-to-institution, or institution-to-institution relations. In Northern Uganda, however, as in many other places, cooperation, or the lack thereof, has manifold and far-reaching effects on people's lives. The failure to arrest suspected perpetrators of mass crimes results in a lasting, tangible fear that violence will recur, which hinders 'recovery' at the level of both individual healing and regional rebuilding. Communities were often aware of news reports of LRA attacks in DRC, CAR or Sudan, which exacerbated their insecurity and raised concern that the LRA would return to Uganda.

The failure to execute arrest warrants also has a significant detrimental effect on perceptions of the ICC in Uganda and the region. Several interlocutors described the ICC as a barking dog without teeth, since it has issued threats but has been unable to follow through with real action. In some cases, this perception is caused by lack of understanding among the public and affected populations of the Court's (necessary) reliance on the cooperation of States. In other cases, it is understood that the Court relies on States and the failure of States themselves is criticised. The failure of cooperation has also contributed to the perception that the ICC is no longer involved in Uganda or that it has given up on the search for the suspects. During the fifth visit, the representative of the ICC Office of the Prosecutor reassured the communities that the Court and States Parties are still actively pursuing the enforcement of the arrest warrants.



During the feedback sessions in late July, the visit of President al-Bashir of Sudan to Chad was also raised and community members asked what steps the Court can take against a State Party that fails to fulfil its cooperation obligations. This question was connected to the failure to respond to the needs and expectations of victims, whose situation remains unaddressed while leaders evade justice and State Parties fail to cooperate.

By visiting a situation country, some delegates also reported being prompted to reflect on the role of their own government in promoting cooperation in the enforcement of arrest warrants. Delegates reported that hearing how important these issues are to victims and affected communities had left them more personally motivated to look for opportunities to improve their State's role in this regard.

### *5.2.2 Cooperation between the ICC and national authorities*

The visit also provided insight into the challenges the Court faces in securing the cooperation of national institutions and local authorities in situation countries. It was generally recognised that the Ugandan Government has had strong cooperation with the ICC since it first began operations in the country in April 2005. Uganda ratified the Agreement on Privileges and Immunities of the Court (APIC) in January 2009, thus providing the effective legal basis for granting privileges and immunities to the staff and property of the Court in Uganda. There were early challenges with regard to security in the North of the country when the conflict was still ongoing and the Court faced opposition and, in some cases, hostility from local leaders and some sectors of the community. As the security situation improved, however, and as it became clear that its involvement was not prolonging the conflict, the ICC began to operate more openly and enjoy good relations with local as well as national authorities. Despite this, the Government of Uganda has on occasion appeared to waver in its support for the ICC, a stance which is seen as diminishing Uganda's credibility in calling upon other governments to cooperate in arresting those under warrant of arrest by the ICC. During the visits, several interlocutors expressed the hope that the ICC Bill would enhance Uganda's cooperation with the ICC, although some concerns existed that the Bill would provide immunity on the basis of official capacity. These concerns did not come to fruition – the 2010 Act requires Uganda's full cooperation with requests for assistance from the ICC or for the arrest or surrender of suspected persons, regardless of any immunity that may otherwise exist as a result of official capacity.<sup>16</sup>

### 5.3 The impact of the Rome Statute system on victims and affected communities

The visits to Kampala and Northern and Eastern Uganda accomplished the fundamental goal of giving State delegates a sense of the needs, experiences and views of victims and of their role in the ICC process as well as in other justice, accountability and reconciliation processes. The visits created several opportunities for delegates to hear directly from victims of atrocities committed during the LRA conflict. Victims and affected communities who met the groups of delegates welcomed the opportunity either to share their stories or to describe their experience of the ICC and their

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<sup>16</sup> *International Criminal Court Act*, Uganda Gazette No. 67 Volume XCVIX, section 27(1) (b), 2006.



views on it. Through the participation of the ASP Focal Points on the stocktaking topic of ‘The impact of the Rome Statute system on victims and affected communities’, Ms. Elena Bornand of Chile and Ms. Miia Aro-Sanchez of Finland, in the second visit, the views of victims and affected communities in Northern Uganda were reflected in the stocktaking exercise at the Review Conference and its outcomes.

The groups of delegates visited two regions of Northern Uganda – the Acholi and Lango regions – and one region of Eastern Uganda – the Teso region. In the Lango and Teso regions, delegates got a strong sense from victims, communities and civil society that the ICC and other international actors had not previously paid much attention to those regions. The LRA conflict is most closely associated with the Acholi region and indeed the Acholi region bore the brunt of the conflict for the longest period of time. As a result, international donors and outside actors have often focused on that region more than others. Civil society and communities in Lango and Teso thus expressed appreciation for the opportunity to interact with the delegates. In all locations, however, outreach events and other meetings had to be brought to a close while many hands were still raised with questions and comments for the delegates.

#### *5.3.1 Overall views and perceptions of the ICC expressed by victims and affected communities*

During the delegates’ visits and follow-up sessions with victims and affected communities in Northern and Eastern Uganda, the visits highlighted both positive and negative perceptions of the ICC’s role in the country. In recent years, overall perceptions have improved in some regions where there was some initial hostility toward the Court, while in other regions, perceptions have deteriorated in recent years as people’s early hopes in the ICC’s potential to bring justice have been disappointed. The ICC’s Outreach activities have made a difference in improving perceptions, as has the involvement of the ICC Trust Fund for Victims. In general however, it seemed clear that outreach, communications and engagement with affected populations and the general public in Uganda did not begin early enough and were not subsequently adequate to address widespread misperceptions, negative perceptions and lack of awareness of the ICC. Some of the specific perceptions expressed by victims and affected communities were:

- In general, victims and community members were strongly supportive of the ICC’s mandate to bring to justice those most responsible for the crimes they had suffered. Many victims, particularly women and children when speaking with delegates in small groups or one-to-one meetings, expressed their strong desire to see Joseph Kony arrested and tried. Some also expressed the desire for him to be punished with death, seeing this as the most appropriate punishment for the suffering he caused to them. While most did not express a preference for whether he should be tried by a national or international Court, many victims expressed the desire for the trial to take place in Uganda and close to the area most affected by the conflict, so that they could see justice being done.
- Many victims and affected communities, particularly women and children, were not well aware of the ICC and the arrest warrants for Joseph Kony and other LRA leaders. There was a high level of interest among these groups in learning about the Court and a strong enthusiasm for its efforts to arrest and try the suspects.





- Among those who are aware of the ICC, the failure to apprehend Joseph Kony and other indictees has created, and continues to create and reinforce, the perception that the Court is a weak institution. Throughout the visits and during follow up sessions with communities, questions arose repeatedly as to why Joseph Kony and other suspects, including President al-Bashir of Sudan, have not yet been arrested.

“Why is it that you say the ICC has so many member countries and yet you are still not able to arrest Kony? Why don’t you have an army?”

*Participant at a community meeting with delegates, Tingkidi village*

- There is also a widespread perception among those who are more aware of the ICC that it is not impartial and that it has sacrificed its independence in order to ensure the cooperation of the Government of Uganda. There are widespread calls for UPDF members, as well as LRA members, also to be investigated by the ICC.
- Particularly in Gulu and the Acholi sub-region, many opinion leaders in Uganda expressed the view that the ICC indictments would exacerbate violence and delay peace. The motivations of those who promoted this view are varied: some are sincere, some politically opportunistic and some apparently attempting to deflect attention from their own potential complicity. In many cases, traditional justice was offered as a substitute for international justice and the ICC was painted as a foreign force, interfering in affairs that are more appropriately dealt with at a local level.
- Most victims and communities remain in situations of hardship brought about by decades of conflict and a lack of effective rebuilding and recovery in the region (see section below on ‘Reparations’). In these circumstances, justice can be portrayed as a luxury and international justice can seem even more remote from day-to-day needs. This perception is sharpened in a situation such as that of Uganda, where international justice is seen as ineffective since those suspected of bearing the greatest responsibility for the suffering inflicted on victims and communities cannot be apprehended.
- There is widespread frustration among victims and communities affected by crimes that do not fall under the jurisdiction of the ICC (for example, pre-2002) and a common lack of understanding of why this is the case. This was particularly prevalent in the Teso region because of the long history of conflict, cattle rustling and violence by armed groups other than the LRA.
- There is a perception that the ICC is a somewhat secretive institution, since ICC operations in Uganda during the investigative phase were conducted with a very low profile. In one region, local leaders stated that they were not aware that ICC investigators had ever been there. Civil society actors also raised questions about what information the ICC had gathered, how it was gathered and where it is being held. This perception is exacerbated by the remoteness of the Kampala Field Office from the affected communities, which makes it inaccessible to them.
- The ICC is also seen as remote and insensitive to the concerns of victims and communities. Among those who are aware of the ICC, many know that the Court itself is located in The Hague. Community members who attend



outreach events are aware that there is an ‘outreach office’ in Uganda, but this too is seen as being quite remote since it is located in Kampala. In addition, no senior ICC official or figure associated with the Court had visited Northern Uganda before the visit of the President of the Assembly as part of this project in January 2010. The very high turnout at the ICC outreach event conducted in conjunction with the President’s visit (estimated at eight hundred people), as well as the media coverage the visits have attracted, demonstrate the value of high level visits to communities affected by the Court’s work. It is also important to field staff as it demonstrates that their work is supported at the highest levels.

### *5.3.2 Reparations and the ICC Trust Fund for Victims*

In each visit, delegates were faced with the issue of reparations, as victims’ rights to appropriate reparations, including restitution, compensation and rehabilitation, are far from being met in Northern and Eastern Uganda. Economic and social recovery remains an extremely pressing concern for victims and affected communities in the LRA-affected areas. It was clear that justice alone, and certainly the ICC alone, cannot ensure stable peace if it is not assisted by overall development; for people who remain without a way to provide for their own basic needs and those of their families, it was clear that the conflict that impoverished them has been kept alive even after the fighting has ended.

Victims consistently expressed their concerns for the future to delegates. Children are often unable to attend school because their parents are unable to find the resources to pay for school uniforms, books or other costs, or because they are orphans who are obliged to look after younger siblings. Employment opportunities are very limited: one woman who teaches sewing to formerly abducted girls described the difficulties the girls usually face in finding work once they leave her school. One of the challenges faced by delegates throughout the visits was to explain to communities that the ICC by itself cannot solve these problems and that its purpose is to bring justice and to remove from positions of power those who bear the greatest responsibility for having brought about the conflict in the first place.

The ICC can also act as a catalyst for national efforts to address victims’ concerns: the point was made repeatedly in interactions with the relevant officials that reparations must be an integral part of Uganda’s transitional justice processes and economic recovery for the conflict-affected areas must remain a high priority. In this respect, it was noted that neither the ICC Bill nor the National Reconciliation Bill contain strong provisions for reparations for victims, either through a trust fund or any other mechanism. The final version of the ICC Act did not remedy these deficiencies, but the National Reconciliation Bill, which already mentions reparations as a component of national reconciliation, could still be strengthened in this regard before it is passed by Parliament.

The ICC Trust Fund for Victims (TFV) is one avenue through which the ICC can respond to the urgent needs of victims. Each group of delegates had the opportunity to visit projects supported by the TFV in Uganda and meet with both the civil society partners implementing the projects and the people benefitting from the services they provide. On the second visit, the group of delegates was joined by H.E. Elisabeth Rehn, Chairperson (then Member) of the TFV Board of Directors, which allowed TFV partners and beneficiaries an opportunity to engage in dialogue directly with



her. Both NGOs and beneficiaries expressed their gratitude for the vital resources the Trust Fund provides and for its recognition of their right to reparation for the crimes committed against them. Many agreed that the resources of the TFV are far too limited to respond to the overwhelming number of victims in Northern Uganda, and that the range of projects could be expanded. Some delegates also emphasised the importance of investing in community-based projects and concrete suggestions for expansion were put forward, such as programs promoting access to education for children, providing psychological and medical health counselling for the entire community, or supporting the reintegration into their communities of women and girls who were formerly abducted as ‘bush wives’. Delegates heard from a former ‘wife’ (i.e. a victim/survivor of the crime of forced marriage) of Joseph Kony, who had experienced particularly acute difficulties upon returning to her home village because of being the mother of Mr. Kony’s child. She recounted one particular story of having been insulted and having her water container stolen from her by other women while waiting in line for the water pump, which resulted in a physical fight.

A number of specific concerns about the TFV’s operations were also expressed, particularly by civil society groups. These included the widespread lack of understanding of its mandate among the public, civil society and local leadership in the regions where it operates, leading to misperceptions as to the capacity of the Trust Fund, the criteria by which implementing partners are chosen, a perceived lack of transparency and the apparent exclusion from TFV funding of NGOs who openly work with the Court on the ground. It was observed in the course of the visits that more outreach is needed by the TFV to respond to these perceptions and that an integrated communication strategy by both the TFV and the Court would allow the TFV to play an effective role in promoting the ICC during its activities. During the delegates’ visits, H.E. Elisabeth Rehn, Chair (then member) of the Board of Directors of the TFV, took part in an ICC outreach event and took the opportunity to reach out to the community at Barlonyo IDP camp, where a number of TFV-supported projects are underway.

Another concern mentioned by civil society actors in relation to the Trust Fund is that some beneficiaries of Trust Fund projects do not realise that the resources for the services they are receiving came originally from the ICC. This appears to result in part from the TFV’s policy of making grants to larger organisations who then re-grant to smaller organisations. While there are very practical reasons to operate this way, the link to the ICC seems often lost in the re-granting process, because neither organisation is required to make the link. The desirability of giving local NGOs greater autonomy in the implementation of programs was also raised, since they have a deep awareness of the needs of the community and empowering them would build trust among the community as a whole. As mentioned below, the relationship between intermediaries and the Trust Fund is also not clear to civil society actors. A TFV policy generally prevents intermediaries who work with VPRS from also being TFV partners, which many intermediaries find difficult to understand, since the TFV seems to them an obvious source of support for their work in support of the ICC.



Overall, the visits provided delegates with a stronger understanding of reparations related issues and the importance of both strengthening the ICC's mandate in this regard and, where possible, undertaking and supporting national initiatives to fulfil victims' right to reparation for the harm they have suffered.

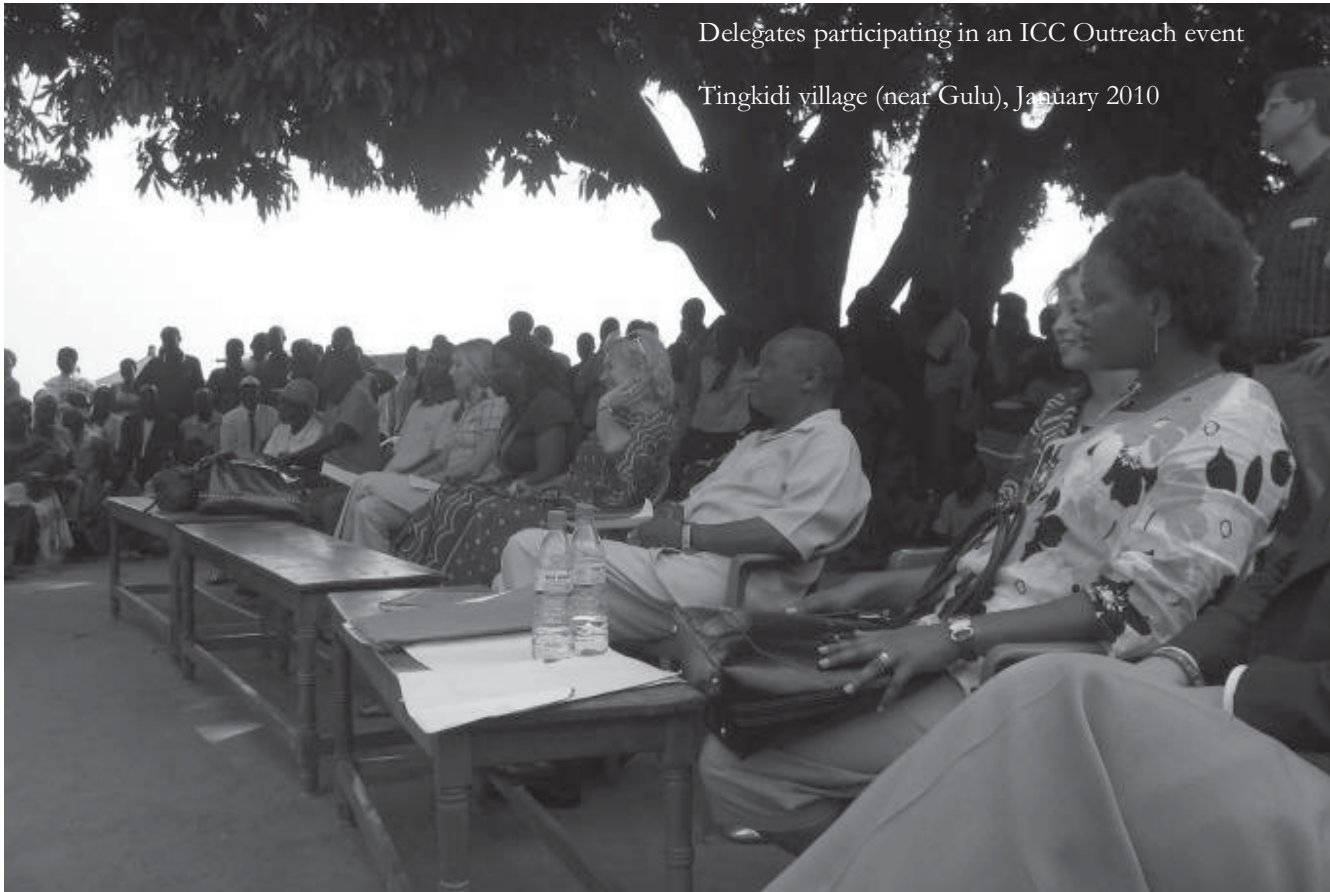
### *5.3.3 ICC Outreach*

From January to June 2010, four outreach events were organised by the Outreach unit of the ICC's Kampala Field Office in conjunction with the delegates' visits. Delegates participated fully in the events, interacting with the communities and responding to questions when possible. The events were therefore opportunities for Outreach staff to present a different face of the ICC, to explain the role of the ASP in relation to the Court and to provide information on the Review Conference. They gave affected communities opportunities to present their views directly to State Party delegates, which was appreciated as a way to have their voices heard and to create awareness of their concerns on an international level. The events also allowed delegates to see first-hand how outreach is carried out by the ICC in the field, giving them a greater appreciation of the importance of outreach and the challenges in carrying it out effectively.

The four outreach events took place in the village of Tingkidi, near Gulu, in late January; in Barlonyo IDP camp, near Lira, in mid-February; in the village of Obalanga, near Soroti, in late March; and in Abia village, near Lira, in early May. Other outreach activities in which ICC outreach staff participated during this time included a radio talk show in Lira in February and meetings with local officials, NGOs and other national and international bodies as part of the group that accompanied the delegates each month.

During the delegates' visits, outreach events were focused on the Review Conference and the role of the ASP in relation to the ICC. This information was timely and relevant, showing how holding the Review Conference in Uganda provided an opportunity to show that the ICC is still fully committed to the situation, and it became a source of news around which Outreach staff could engage with communities. This was particularly welcome in Uganda, where there are few new ICC-related developments to report, since the arrest warrants have not been executed.

Several challenges in carrying out outreach were observed by delegates and the organisers of the visits in the course of these events. The benefits of the Court's Outreach activities were clear, in that perceptions of those who have been touched by outreach events seemed generally more positive, or at least better informed, than those that have not. However, it was clear that outreach efforts did not begin early enough in Uganda and that they have never been backed up by clear, coordinated strategies for communications to and engagement with affected populations and the general public. Outreach staff are confined to carrying out outreach only in the areas of the country most affected by the conflict under investigation. They conduct events on a rotating basis, trying to cover as broad as possible a geographical



range at regular intervals. Outreach in remote areas is made far more difficult by the location of the ICC Field Office in Kampala rather than closer to the communities, since this means extensive and prolonged travel to other areas of the country. They are unable to undertake activities on a national level, which was a particular disadvantage in ensuring adequate public information about the Review Conference.

In addition, no senior ICC official or figure associated with the Court had taken part in an outreach event in Uganda before the visits of the President of the Assembly and one senior representative of the Office of the Prosecutor (OTP) as part of this project in January and May 2010 respectively. The value of high level visits to situation countries was demonstrated by the high number of attendees at these outreach events and the wide media coverage given to them. Moreover, the presence of an OTP official during an outreach event allowed the Office to engage directly with victims and affected communities on a range of issues to which victims and affected communities attach the utmost importance, such as the status of the OTP's investigation in Uganda and its approach to crimes by Government forces.

Another challenge is the difficulty of engaging women and children in outreach events and activities. Many women and children were part of the audience at each event, however, it was noted that in all events, men far outnumbered women when it came to asking questions or making comments. When women spoke, it was always older women; young women



rarely spoke and children never spoke at the events. It is also difficult, in general, to ensure that outreach involves interactive dialogue and to overcome the divide between the community and the presenters.

ICC outreach staff work closely with local leadership in the organisation of events, generally spending a number of days in the region in advance of the event to make the necessary arrangements. Outreach staff also routinely follow-up with community leaders in the weeks following each event, to inquire as to the reaction of the community and if any further issues had arisen since the event. The communities were also involved in the preparation of events through musical and drama performance. For example, in Tingkidi and Barlonyo, local musical groups and dancers performed during the events, and in Obalanga, a local women's theatre group had prepared a theatre piece related to the LRA conflict and a group of school children sang a song on the same theme.

Another imperative of outreach activities is the need to provide information to permit victims and affected communities to access the justice process. For example, communities met with in Northern Uganda were generally not well informed about the Trust Fund for Victims, including NGOs who could be potential TFV partners. The Trust Fund itself does not have strong public information and outreach capacity of its own and it does not seem well integrated with overall ICC outreach activities. Outreach events attended during the delegates' visits did not provide information on the process for victims to apply to participate in the ICC process and potentially benefit from reparations, nor did they mention how communities could send communications to the Prosecutor. However this may have been exceptional because of the presence of the ASP delegates and the focus on the Review Conference.

Overall, the outreach activities which took place during the delegates' visits helped to build momentum toward the Review Conference. The delegates' visits also entailed media outreach, through radio and television talk shows and through newspaper articles, which helped to spread information and generate some momentum in advance of the Conference. The War Victims' Football Game, which was organised by the Uganda Victims' Foundation (UVF), African Youth Initiative Network (AYINET) and No Peace Without Justice in Kampala on the eve of the Review Conference, was also broadcast widely on radio across Northern Uganda, helping to spread information and awareness of the Conference itself. After the Conference concluded, UCICC conducted feedback and evaluation sessions with victims and communities who took part in the delegates' visits and the football game, during which they provided information on how victims' issues were dealt with at the Review Conference and gathered feedback. Two further radio talk shows were also held, helping to spread awareness of the Review Conference outcomes.

#### *5.3.4 Victim participation*

Victims who have applied to participate in proceedings affirmed strongly that this provides them with an important opportunity to have their views heard as part of the legal process. Many others, who have not applied, expressed interest in participating in some way in bringing to justice those responsible for crimes committed during the LRA conflict. As mentioned above, this was related to the desire for trials to take place in Uganda so that victims could see justice being done. Several difficulties with the process of victims' participation in the ICC process were also pointed





out, particularly by civil society working as intermediaries with VPRS in Uganda. One of these is the length and level of complexity of application forms and the need for intermediaries to translate forms from English into local languages used by victims, as well as then translate it back to English for submission to the Court, which takes time and effort on the part of intermediaries. It is also difficult for victims to provide the required proofs of identity since many do not have identity documents and cannot acquire them in the rural areas where they live. In general, victims applying for participation in ICC proceedings stated that they do not receive information on the status of their applications for long periods of time, in some cases for years. This situation frustrates their expectations towards justice and complicates the work of intermediaries who assist them. Further, intermediaries are often victims themselves, but some reported having been excluded from submitting applications to participate on account of their work as intermediaries. It was clear that these problems go to the core of the ICC's interaction with intermediaries, as elaborated in the specific section below, and they demonstrate the lack of clarity on the role of intermediaries in relation to VPRS and other units of the Court in the field.

#### 5.3.5 Intermediaries

Our protection is a main problem. We are trying to raise the predicament of the victims but some intermediaries are arrested and detained. We don't know where we stand.

*Intermediary's comment during May 2010 meeting with delegates*

The concerns of intermediaries were raised in various ways throughout the delegates' visits and during the fourth visit a specific meeting was arranged between delegates and civil society activists working as intermediaries with the Victims Participation and Reparation Section of the Court.<sup>17</sup> This meeting contributed to demonstrating for delegates the centrality of intermediaries to the work of the Court, in contacting victims, informing them of their rights under the Rome Statute and assisting them with the application process to participate in proceedings. Intermediaries are also implementing partners of the ICC Trust Fund for Victims.

The concerns voiced during the meeting echo those commonly raised by intermediaries and highlighted by civil society in recent years. Intermediaries noted that there is no definition in the Rome Statute of their role and that the importance of their role is not widely recognised. Some intermediaries were of the view that an amendment of the Rome Statute would be the appropriate response, however delegates pointed out that this would be difficult to foresee

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<sup>17</sup> During the visits, delegates also interacted with intermediaries working with the ICC Trust Fund for Victims and the Public Information and Documentation Section of the Court.



in the short term and it is not necessarily the only way to address the problem. Other concerns of intermediaries include:

- The need for a system of protective measures and delineated protocols against retaliatory threats, arrest and detention for themselves and their families. Many intermediaries have been targeted by such harassment and have not been able to turn to the ICC for any form of protection.
- Currently, intermediaries work without any form of financial support for their work with the ICC. They often undertake administrative expenses, transport and other logistical costs for their activities, as well as losing other sources of earnings, for which the Court has no capacity to compensate them.
- There is a need for training and clarity on complex legal issues related to the ICC and in the functioning of the Court. Training in working with highly traumatised victims and support in how to address the needs of the most vulnerable groups, is also needed by many intermediaries.
- The need for support mechanisms in the case of traumatising or re-traumatising, whether primary or secondary, of intermediaries. Many intermediaries are also victims themselves and they do not have previous experience in working with victims who are traumatised. This leads to two risks: intermediaries might be traumatised themselves since they interact closely with victims who have endured terrible physical and psychological damage; and they may unintentionally re-traumatise victims.
- It is also necessary for the ICC to have better infrastructure (offices and staff) in rural areas so that the ICC can be closer and more accessible to affected communities, thus facilitating the work of intermediaries.



- Intermediaries also called for guidelines regarding victim expectation management, since victims often place much hope in the ICC process and it is difficult for intermediaries to keep them accurately informed.
- The relationship between the intermediaries and the Trust Fund is not clear. For many intermediaries, the TFFV would be an obvious source of support for their work in support of the ICC. However, a TFFV policy generally prevents intermediaries who work with VPRS from also being TFFV partners. This policy is not widely understood and is a source of resentment among civil society working with victims, since they feel obliged to choose between receiving Trust Fund support or working with VPRS.

Without even a bike, we used to walk from village to village. When we are not mentioned in the Rome Statute, we feel as though we are illegal. There is no budget to support us. When it comes to photocopying documents, we have to pay for that. We cannot ask the victims so we pay with our own money.

*Intermediary's comment during May 2010 meeting with delegates*

As mentioned in the section on victims' participation above, intermediaries facilitating victims' participation raised a number of additional concerns, such as the length and complexity of the application form; the lack of translation of the form in local languages; the requirement for victims to present proof of identity, which is often difficult in rural areas where such documents are hard to come by due to cost and distance from relevant urban-based offices dealing with identity documents; the need for documentary evidence to demonstrate victim status, which is difficult to obtain without financial assistance; and the length of proceedings before the Court on participation of victims. Delays in providing intermediaries with information on the status of proceedings render intermediaries' work even more complicated since they are not able to provide victims with information on the status of their application, sometimes for years on end.

In addition, all delegates recognised the importance of the role of intermediaries and the different challenges they encounter in carrying out work which is indispensable to the success of the Court and expressed the firm intention to bring these messages to the attention of other States Parties of the ICC in the context of the Assembly of States Parties. One delegate also suggested that intermediaries form a national umbrella organisation to strengthen their voice and try to take advantage of local resources to build their capacity. It was also pointed out that many problems experienced by intermediaries should be addressed at the national level, through support from national and local authorities, potentially involving bar associations for legal training.

### *5.3.6 ICC Field presence*

Throughout the events and interactions that took place during the visits, the need for the international criminal justice system to continue to move closer to populations in situation countries was abundantly clear. The ICC's presence on the ground in Uganda, its oldest situation country, has improved greatly in recent years and, according to civil society in Kampala and Northern Uganda, these improvements have helped to create more positive perceptions of the ICC as an



institution. The Uganda situation shows how the ICC is obliged to operate in highly complex situations and how it must become increasingly adept at managing those situations. This is necessary not only to facilitate its work in the short term, but also to ensure that the ICC has the most positive impact possible in the longer term. This is particularly evident in Uganda where the ICC has been involved for several years and questions inevitably emerge as to what legacy it should leave and how that legacy will be ensured.

Upon meeting with ICC Field Office staff, some delegates were struck by the large volume of activities performed by Field Office staff in Kampala with the limited resources at their disposal and by the vast needs and the challenges of their work in Uganda. Over the years since its establishment, the Kampala Field Office has become a sort of regional hub, providing support to other situation countries as well as Uganda. The VPRS section in Kampala is composed of only one Field Officer, who also covers the Darfur situation, and one Field Assistant and operates with a budget of €7,000 Euros per year. The limited human resources of VPRS compounded with these budgetary constraints render the role of intermediaries particularly crucial in reaching victims. However, training of intermediaries is hampered by the absence of adequate funding for this purpose, which in turn obstructs the ability of intermediaries to carry out their functions effectively. It was acknowledged by delegates that under these circumstances, it is difficult for VPRS to have a meaningful impact in Uganda and Darfur. The Kampala office also provides support to the Court's operations in Eastern DRC, since flights to Bunia depart from Entebbe airport rather than Kinshasa, which is a longer distance away.

The resource constraints of the Field Office are made worse by the location of the office in Kampala, far away from where victims and affected communities live. Not only does this create the impression that the ICC is remote and inaccessible to affected communities, it also means that Field Office staff must travel long distances in order to interact with victims and communities. This is time consuming for Field Office staff and resource intensive for the Court, given that it requires staff to drive long distances and stay several days at a time in hotels in towns closer to the communities.

Delegates also noted the current lack of authority and coordination that characterises the structure of Field Offices and how this impairs the work of the Court in the field. In particular, Field Office staff are generally not empowered to interact with the host government and in general with the diplomatic community in the field, which limits the impact of the Court on many issues. For example, there has been limited contact between the ICC Field Office and the JLOS Working Group on Transitional Justice, while members of the JLOS Secretariat said that they would welcome the exchange of information and expertise with the ICC in a number of areas. Similarly, the Field Office is not empowered to interact with members of the diplomatic community in relation to the promotion of donor initiatives that would facilitate the Court's work or assist the national transitional justice process. Notably, some partner organisations of the Trust Fund for Victims have begun to initiate this kind of cooperation with national authorities, for example, through discussions with the Ministry of Health about the possibility of the Government providing work space or allowing for duty-free procurement. They have also discussed possible technical training for local officials in the areas where projects are implemented. These contacts are undertaken by the TFV partners, but the ability to initiate them stems in part from the TFV utilising a more de-centralised model of management than other units or organs of the Court.



As mentioned above, many people with whom delegates interacted during the course of the visits did not feel a sense of connection to the ICC. Some expressed support for the institution in principle but felt it was very remote from their lives, an impression which is certainly exacerbated by the failure to execute the ICC arrest warrants. For many people, the commencement of projects supported by the ICC Trust Fund for Victims in 2008 was their first exposure to the ICC. The Trust Fund and increased outreach and VPRS activities have helped to bridge this gap in recent years, but overall, the impression remains that the ICC is not accessible to victims and affected communities and has not fully exploited its potential to have a positive impact on the fight against impunity in the country. The suggestion that the Kampala Field Office should be scaled down in 2010-11 was therefore a matter of some concern to those who were aware of it, since it would indicate that the ICC is no longer engaged in Uganda, long before it has reached its objectives. This would damage the ICC's reputation in its oldest situation country and could also damage the credibility of the Court in other situation countries, particularly in neighbouring countries. In Uganda, the environment is now much more positive toward the ICC than it was at first, as people are more inclined to think holistically about their needs, including for justice. The Court should be taking advantage of this positive trend. This is connected to the need for greater authority in Field Offices, since in order for the Court to adapt and respond to changing environments in this way, it needs to have a figure of authority who can speak on its behalf in the country.

If Kony came here today, I would want to deal with him myself, to ask him why he did what he did.

*Community member's comment during meeting with delegates*

#### 5.4 Peace and justice

An overriding message that emerged from the visits is that the ICC has proved to have a positive impact on the process of establishing and consolidating peace and security in Northern Uganda. There was also widespread consensus that impunity for the kinds of violations suffered by the people of Northern Uganda is not compatible with assuring sustainable peace.

Nowhere was the controversy more apparent than in Gulu, the capital city of the Acholi region, where the LRA insurgency began and unfolded for more than three decades. Interlocutors in Gulu elucidated the complex relationship of the Acholi people to the LRA, being for Joseph Kony both his native people and his principal victims. People there expressed a range of views on how the crimes against them should be addressed. However there was an overall agreement that the tensions that surrounded the ICC's early years in Uganda – misperceptions, efforts to undermine the Court and efforts to pitch accountability against the pursuit of peace – have abated with time. There has been a realisation that the ICC, as a justice mechanism, can in fact contribute to peace by serving as a deterrent to those responsible for crimes, putting pressure on leaders to establish lasting peace and removing from positions of power those who bore responsibility for the violence in the first place.



It was also very clear that victims and affected communities continue to demand accountability for the crimes committed against them and that those calls have become stronger as stability has returned. Several stated that they would like to have a chance to be involved personally in the process of bringing their former persecutors to account. Victims and communities also consistently stated that they will not feel secure until the perpetrators of the crimes committed against them have been apprehended or otherwise removed as threats to their existence. Many expressed support for the ICC in its pursuit of Joseph Kony and other leaders of the LRA, but disappointment with the continued failure to arrest them. In their minds, this greatly weakens the ICC as an institution capable of ensuring justice.

#### *5.4.1 The ICC and the Juba peace process*

The visits demonstrated how Northern Uganda provides an emblematic case study on the relationship between justice and peace, or even more specifically, the relationship between the ICC and peace. The Juba peace process has been the first peace negotiation to take place against a backdrop of an ICC investigation. The LRA leadership has consistently refused to reach a final agreement unless the indictments are withdrawn. Understandably therefore, the role of the ICC in Uganda was highly controversial.

According to people who had been closely involved with the Juba talks, the involvement of the ICC was instrumental in both bringing the Lord's Resistance Army (LRA) to the negotiating table and in ensuring that questions of justice and accountability were central to the negotiation process. The resulting agreements contain strong provisions on justice and accountability, outlining the basis for the transitional justice process currently underway in Uganda. They thus contributed in a practical sense to the implementation of the principle of complementarity in Uganda.

#### *5.4.2 Amnesty as an obstacle to both peace and justice*

Several victims' advocates and community representatives expressed anger at the granting of amnesty to high level perpetrators of serious crimes. The Ugandan Amnesty Act was adopted in 2000 in an effort to secure peace by providing an incentive for combatants to demobilise. Since then, thousands of former LRA fighters have gone through the amnesty process, which involves reporting on their activities to the Amnesty Commission, receiving a grant of amnesty and a reintegration package, spending a period of time with an agency providing treatment and rehabilitation support and finally, where possible, returning to their communities. Many of those combatants were children when they were abducted into the rebel ranks and many were still children when they returned. However, in accordance with the blanket amnesty created by the Ugandan Amnesty Act, Commanders of forces that were responsible for atrocities were also granted amnesty and allowed to go free. They received reintegration packages that were often quite generous,





Children at Obalanga performing a song about peace and justice during an ICC outreach event.

April 2010



creating the perception, particularly among their victims, that they had been ‘rewarded’ in exchange for their agreement to disarm. This leaves their victims, who are often members of the same communities to which the perpetrators return, angry at the failure of justice and fearful that they will again be victimised. The case of Thomas Kwoyelo, now the highest ranking LRA commander to have been apprehended and the first suspect before the War Crimes Division of the High Court is illustrative of the pitfalls of blanket amnesties. Mr Kwoyelo was granted amnesty under Uganda’s Amnesty Law but subsequently rejoined the LRA in eastern DRC, where he was later arrested.

#### *5.4.3 Judicial and non-judicial accountability mechanisms in the pursuit of peace and justice*

Most interlocutors viewed criminal justice as the appropriate way to deal with the highest level perpetrators and acknowledged that formal justice processes would serve as a deterrent to those who may seek to acquire power in Uganda through violent means. Delegates, some of whom came from countries that have themselves undergone long periods of conflict or violent authoritarianism, saw criminal justice as being crucial to building a peaceful, law-based society in the long run. A comprehensive process of truth-telling would also contribute in this regard since it would establish the root causes of Uganda’s conflicts and upheavals, thus allowing them to be addressed at the local and national levels. Traditional accountability and reconciliation processes, provided they comply with international human



rights standards, were also suggested as a way for the majority of low level perpetrators to be brought to account but at the same time, reconciled and reintegrated into their communities. This is particularly appropriate for the large number of low level perpetrators of crimes during the LRA conflict who are in fact victims themselves, having been forcibly recruited into the LRA as children. The successful combination of these measures could contribute greatly to reconciling communities, taking violence out of politics and building durable peace in Uganda.

Perhaps one of the most powerful expressions of the interrelation between peace, justice and reconciliation came from one government official who spoke in relation to the Ugandan Amnesty Commission. The official described the Commission's work in demobilising former combatants, many of them children who had endured abduction and forced conscription into hostilities. She spoke of the importance of forgiveness and reconciliation in this process. However, she was strongly in favour of the ICC's pursuit of charges against senior LRA figures as a critical step towards restoring the rule of law in the country. In her view, Joseph Kony should be forgiven, but forgiveness does not make him any less of a threat to peace. This threat can only be removed by bringing him to justice.

## **6. CONCLUSION AND RECOMMENDATIONS**

This report on visits by ICC State Party delegates to Uganda is intended to provide an overview of the messages, views, perceptions and lessons received by delegates and organisers in the course of the visits. Delegates participating in the visits generally acknowledged that the impact of the ICC in its situation countries and the complexity of the environment can only be fully appreciated by spending time in the country and in dialogue with the relevant stakeholders. They also noted the importance of bringing the ICC closer to victims and affected communities, and ensuring the fullest possible implementation of its mandate with respect to victims, is much more vivid when heard directly from victims, communities, civil society or ICC staff who work in situation countries. As States Parties, several observed that the views they were hearing on the ground gave an alternative perspective from reports received every year at the ASP. For some, it gave the Court's functions in relation to victims much higher priority than before, while for others who have pushed for more resources in these areas in the past, it added fuel to their arguments. They were appreciative that future visits would result in a cadre of delegates who could see the value of improving connections between the ICC with victims and affected communities and would encourage their States to support these functions in the future.

The overall conclusion reached by the organisers – HURINET, NPWJ and UCICC – is that the ICC has had a positive impact in Uganda, but that its impact could and should still be further improved. In any situation country, the ICC, by the simple fact of its opening an investigation, will have an impact and in general, despite many challenges and obstacles, the impact will be positive in terms of promoting accountability and ending impunity. The question that remains is how to make the most of that impact and whether the Court should simply accept the limited impact it



creates by the mere fact of its involvement, or whether it should take a more pro-active role in shaping and promoting its own legacy. It is the view of the organisers that the ICC should seek to play a more pro-active role, looking at creative ways to increase its role within its existing resources while, at the same time, entering into a dialogue with its States Parties on how they can support it to play a greater role and bolster its legacy in the future.

The organisers have also developed the following concrete recommendations for ICC States Parties, for the Government of Uganda and for the ICC as an institution. It is hoped that these recommendations will prove helpful in efforts to build on the stocktaking process at the Review Conference and ultimately, enhance the role of the ICC in promoting justice, accountability and lasting peace in its situation countries.

*Note: These recommendations are the views of the organisers of the delegates visits to Uganda – HURINET, NPWJ and UCICC. They do not necessarily represent the views of the delegates who took part in the visits, nor of their States.*

#### To ICC States Parties

- The Assembly of States Parties should develop more robust measures to respond to and deal with the non-cooperation of States Parties in the implementation of arrest warrants, in order to respond to the hopes of victims and affected communities that the ICC will be able to bring perpetrators to account and to demonstrate that the Rome Statute system can effectively provide justice.
- States Parties on whose territory the LRA currently operates (in particular DRC and CAR) should engage in renewed efforts to mobilise the necessary international and multilateral support to apprehend the LRA leaders subject to an ICC arrest warrant, as well as to protect civilians on their territory from further LRA attacks.
- All States Parties should take every opportunity to encourage those States and international organisations to redouble their efforts to enforce the outstanding arrest warrants and to lend any possible form of support to those efforts.
- States Parties should continue to enhance the current dialogue on complementarity and ‘positive complementarity’ in order to offer assistance and support to build the capacity of States, including but not only ICC situation countries, to investigate and, where appropriate, prosecute Rome Statute crimes domestically. In the course of this dialogue, States Parties should keep in mind the role that non-judicial mechanisms such as truth telling and traditional justice processes can play in ensuring accountability.
- The ASP should adopt a policy of constant learning from situation countries to ensure that decisions made at the level of States Parties reflect the needs of the affected communities and build the ICC as an institution that responds more effectively to those needs.
- The ASP should continue to support and guide the Court in the implementation of the outcomes of the stocktaking exercise on the impact of the Rome Statute system on victims and affected communities, which specifically noted that “the Court and its staff cannot walk this road alone. They need the stewards of the



Court—the State Parties—to continue their commitment, support and leadership.”<sup>18</sup> This will include ongoing dialogue with the Court on ways to implement the stocktaking findings within existing resources as well as discussion on future potential resource implications.

- States Parties should, insofar as possible, make contributions to the ICC Trust Fund for Victims (TFV), while supporting the TFV in increasing its visibility and the clarity of its mandate and policies in situation countries.
- States Parties should take every opportunity to reaffirm their support for the ICC’s mandate in relation to victims, including through statements at the ASP meetings and in other fora, and the continued strengthening of language in resolutions of the ASP that demonstrates support for functions such as outreach, victims participation and reparations, the Trust Fund for Victims and the field presence of the Court.

### To the ICC

In relation to the Office of the Prosecutor:

- Provide clarity on why no new charges have been brought with respect to the Uganda situation, including why no charges have been brought against members of the UPDF or other forces.
- Make more open and public statements that the Office of the Prosecutor is still analysing crimes potentially within its jurisdiction in Uganda and is still interested in receiving information on those crimes. Take the necessary steps to ensure that this message is heard clearly by Ugandan victims and affected communities and that they are informed as to how they can submit relevant information in their possession. Provide concrete information, if possible, on the Office’s current activities in analysing crimes potentially committed within its jurisdiction in Uganda and information received, along the lines of the “Summary of submissions on whether the declaration lodged by the Palestinian National Authority meets statutory requirements”, released by the Office in May 2010 in relation to the situation under examination in Palestine.
- Engage in close interaction with the Ugandan criminal justice institutions to ensure exchanges of expertise in the investigation and prosecution of crimes under international law and, where possible, to provide information relevant to cases that may be brought before the War Crimes Division.
- Continue to monitor proceedings undertaken by the War Crimes Division to determine whether they meet the admissibility criteria outlined in the Rome Statute.
- Undertake renewed efforts to mobilise the relevant States to enforce the outstanding ICC arrest warrants for the LRA leaders still at large.

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<sup>18</sup> The impact of the Rome Statute system on victims and affected communities, Resolution RC/Res.2, 8 June 2010, available at [http://www.icc-cpi.int/iccdocs/asp\\_docs/Resolutions/RC-Res.2-ENG.pdf](http://www.icc-cpi.int/iccdocs/asp_docs/Resolutions/RC-Res.2-ENG.pdf)



In relation to the stocktaking on the impact of the Rome Statute system on victims and affected communities:

- In line with the final recommendation of the stocktaking on victims and affected communities, take immediate steps to strengthen the ICC's two-way dialogue with victims and affected communities; optimise outreach activities and adapt them to the needs of victims; develop a specific policy to address the needs of women and children; ensure more protective measures for victims and witnesses; finalise and implement a comprehensive policy towards intermediaries; and reinforce field operations and link them to strategic planning and the allocation of resources. The recommendations also encourage the ICC Trust Fund for Victims to increase its visibility where prudent.
- The recommendations of the panel should be implemented through a review of the ICC's "Strategy in Relation to Victims" as suggested by the Focal Points and endorsed by The Hague Working Group for inclusion in the Omnibus Resolution of the 9<sup>th</sup> ASP meetings. The review of the "Strategy in Relation to Victims" should take account of the specific recommendations of this report, as outlined below.

In relation to outreach and public information:

- Maintain sustained outreach and public information in Uganda in order to capitalise on the positive shift in perceptions toward the Court in recent years and to demonstrate clearly that the ICC is still engaged in and committed to the situation.
- Optimise outreach activities in Uganda by:
  - Finding creative ways to make outreach relevant in spite of the lack of new judicial developments, including by arranging regular visits by high level officials of the Court.
  - Undertaking more outreach activities that specifically engage women and children and make greater efforts to have women and children speak at regular outreach events. This can be accomplished by working through existing networks of women's community leaders, local and international bodies that work with women and children and through school-based activities.
  - Ensuring that outreach messages can counter specific misperceptions of the ICC such as allegations of bias due the perceived lack of investigations of government forces, or suggestions that the involvement of the ICC has delayed peace in Uganda.
  - Encouraging more open, two-way dialogue as part of outreach events and undertake smaller, more targeted outreach activities in addition to large community meetings, with a view to creating a safe environment where open and frank discussion is possible.
  - Taking steps to boost the capacity of local actors such as civil society, victims' association, community leaders and the Uganda Human Rights Commission, and international actors such as the Office of the High Commissioner for Human Rights, to undertake outreach on the ICC in Uganda and to incorporate ICC-related material into their human rights education programs.





- Routinely including information on how victims can interact with the ICC (e.g. by sending communications to the Office of the Prosecutor and applying to participate in proceedings) and on the Trust Fund for Victims, including how civil society actors can become TFV partners.
- As a lesson from the Uganda situation, begin outreach at the earliest possible opportunity in future situations and, in cooperation with other organs of the Court, ensure that outreach and public information strategies for situation countries are integrated and mutually reinforcing.

In relation to the ICC Trust Fund for Victims:

- Improve the TFV's outreach and public communications strategies to ensure that accurate information is available to communities and to NGOs who may wish to apply for TFV support.
- Integrate the TFV's communications with overall ICC outreach efforts to reinforce publicly the TFV's relationship with the ICC.
- Encourage TFV partners to include information on the ICC in the course of their activities with victims (such as making information on the ICC available at their premises, including the TFV logo on project-related materials etc), so that their activities serve to increase the confidence victims and communities feel in the ICC.
- Consider the suggestions put forward by delegates during this project for expanding TFV programming, including investing in community-based projects, promoting access to education for children and formerly abducted women and girls, providing psychological and medical health counselling for the entire community, or supporting the reintegration into their communities of formerly abducted women and girls.

In relation to the Victims Participation and Reparation Section (VPRS):

- Maintain the current level of VPRS resources in the Kampala Field Office, in order to take advantage of the improved security conditions and more positive perceptions of the ICC as an opportunity to reach out to new victims and maintain contact with those already engaged.
- Continue to streamline the application process and ensure timely communications between the Court, intermediaries and victims engaged in the process.

In relation to intermediaries:

- Continue to develop the ICC 'Draft Guidelines governing the Relations between the Court and Intermediaries', in consultation with intermediaries themselves and taking into account the concerns expressed by civil society, including those identified in this report.

In relation to the field presence of the ICC:

- Maintain the same level of field presence in Uganda to demonstrate clearly that the ICC is still engaged in and committed to the situation.
- Continue to optimise the Kampala Field Office to improve the level of coordination among its units and to grant Field Office staff more authority over day-to-day decisions.





- Empower the Field Office to play a greater role in building the ICC's legacy in Uganda by engaging in more regular interaction with national and local authorities and other stakeholders in the situation countries, in order to reinforce the ICC's role and impact in Uganda, including through a potential role in positive complementarity initiatives through coordination with donor governments and agencies.

#### To the Government of Uganda

##### To the Executive:

- Re-launch a comprehensive national transitional justice process by giving all necessary support to the War Crimes Division and taking concrete steps to move forward the truth telling and traditional reconciliation strands. Take steps to ensure that the War Crimes Division upholds the same rights for victims as accorded by the Rome Statute, to participate in proceedings, to be accorded reparations and to receive adequate information about the legal process. Design other transitional justice mechanisms also in line with victims' rights under the Rome Statute. Ensure that adequate consultation is undertaken with victims and affected communities so that the transitional justice process responds to their concerns. Ensure that the truth telling and traditional reconciliation strands of the process are designed to respect international standards of human rights and due process and that they give special consideration to the needs of vulnerable groups such as children and victims of sexual violence.
- Design and implement a new, comprehensive, adequately financed, transparent and well-administered program of economic and social recovery for the conflict-affected areas of the country, to complement the transitional justice process.
- As a demonstration of its commitment to transitional justice, and as part of the transitional justice process, publicly release a full and transparent account of proceedings reportedly undertaken by the Ugandan People's Defence Forces to bring to account those responsible for war crimes or human rights abuses during the conflicts of recent decades, including the LRA conflict. This account should be the subject of public hearings in all parts of the country and victims of the crimes in question should be entitled to present their views either in public, confidentially or anonymously, within the framework of a victims and witness program as mentioned below. Moreover, the Uganda Human Rights Commission should be mandated to monitor and publicly report on all cases of crimes under international law addressed by the military courts.

##### To the Parliament of Uganda:

- Enact legislation to harmonise the legal framework for the various transitional justice mechanisms that are and will be available for victims to pursue justice and peace.
- Pass the National Reconciliation Bill, which lays out the modalities by which the process should be implemented and which will provide a crucial step forward in the transitional justice process. Prior to passing



the Bill, however, Parliament should amend it to take into account the concerns voiced by victims' advocates, in particular to lay out a clear process for reparations to victims, specifying the source of funding for the reparations, and to mandate the transitional justice bodies created by the Bill to undertake outreach and public information as an integral part of their activities. The amendments should also specify that the amnesty process created by the Amnesty Act of 2000 will be replaced by the participation of former combatants in the truth telling and traditional justice processes outlined in the National Reconciliation Bill and that former combatants alleged to have been responsible for serious crimes can no longer benefit from a blanket amnesty.

- Enact legislation to create a comprehensive victim and witness protection program, which will be essential to the success of the War Crimes Division and the transitional justice process as a whole.

To the JLOS institutions, War Crimes Division (WCD) and Directorate of Public Prosecutions (DPP):

- Proceed expeditiously with investigations of cases to be brought before the War Crimes Division.
- Develop and implement a process for victims to participate in proceedings before the Court and be eligible for reparations, along the lines of the provisions on victims' participation and reparations contained in the Rome Statute.
- Develop and implement a program of outreach and public information that includes information on how victims and witnesses can submit information to the DPP; regular updates on the status of cases; and details on how victims can apply to participate in proceedings, once a system for victim participation has been put in place. This program should begin as soon as possible and should include regular consultations with communities as to what kind of justice and reconciliation processes they favour.
- Engage in consultations with the ICC in order to benefit from lessons learned in investigations, victims and witness protection, victims' participation, reparations and outreach.
- Follow and take advantage of the current momentum around the topic of 'positive complementarity', in order to make known to the relevant donor agencies and coordinating bodies the capacity needs of the JLOS sector and to access available capacity-building programs.
- Provide training on the investigation and prosecution of crimes under international law to all personnel of criminal justice institutions in order to form a wide and competent base to handle cases at different levels.

To donor agencies

Participate fully in the ongoing dialogue on 'positive complementarity' in order to ensure that international criminal justice is mainstreamed throughout donor activities and rule of law programming. Provide increased support for international criminal justice-related initiatives in ICC situation countries and elsewhere.



## ANNEXES

### Annex 1: Members of the delegations

#### First Visit, 24-29 January 2010

- H.E. Ambassador Christian Wenaweser, President of the Assembly of States Parties (25-26 January only)
- H.E. Ambassador Alieu Kanu, Sierra Leone Institute for International Law, Sierra Leone
- H.E. Ambassador Mirjam Blaak, Ministry of Foreign Affairs of Uganda (25-26 January only)
- Mr. Martin Mennecke, Professor of International Law and Member of the Delegation of Denmark to the ASP
- Ms. Stella Orina, Ministry of Foreign Affairs (Permanent Mission to the UN), Kenya
- Ms. Yolande Dwarika, Ministry of Foreign Affairs (Embassy in The Hague), South Africa
- Ms. Gabrijela Filipovic, Secretariat of the Assembly of States Parties (25-26 January only)

#### Second Visit, 12-18 February, 2010

- H.E. Ms. Elisabeth Rehn, Chairperson (then Member) of the Board of Directors, Trust Fund for Victims
- Ms. Elena Bornand, Embassy of Chile, The Hague
- Mr. Zenon Mukongo, Mission of the DRC to the UN
- Ms. Miia Aro-Sanchez, Embassy of Finland, The Hague
- Mr. Renan Villacis, Director, Secretariat of the Assembly of States Parties
- Ms. Sandra Ruppen, Secretariat of the Assembly of States Parties

#### Third Visit, 29 March – 2 April, 2010

- Mr. Martin Mainero, Legal Advisor, Ministry of Foreign Affairs, Argentina
- Mr. Moussa Djama Ali, Legal Advisor, Mission of Djibouti to the UN
- Mr. Duncan Laki Muhumuza, Legal Advisor, Mission of Uganda to the UN
- Ms. Glenna Cabello de Daboin, Legal Advisor, Mission of Venezuela to the UN

#### Fourth Visit, 4-9 May, 2010

- Mr. Charles Leacock, Director of Public Prosecutions, Barbados
- Ms. Wendyam Kabore, Legal Advisor, Ministry of Justice, Burkina Faso
- Mr. El-Marouf Mohamed, Special Counsellor, Permanent Mission of the Union of the Comoros to the UN
- Mr. Andrea Della Nebbia, Deputy Head of Mission, Embassy of Italy in Kampala
- Ms. Mija Angela Rasoarinjafy, Head of Legal Affairs and Human Rights, Foreign Ministry, Madagascar



Fifth Visit, 26-30 May, 2010

- H.E. Ambassador Zachary Muburi-Muita, Vice President of the Assembly of States Parties and Permanent Representative of Kenya to the U.N.
- Mr. Julian Guerrero, Deputy Chief of Mission, Colombian Embassy in The Hague
- Ms. Dallas Mazoori, Conflict Mapping Coordinator, Afghanistan Independent Human Rights Commission
- Mr. Phologo Gaumakwe, Mission of Botswana to the UN
- Mr. Martin Mennecke, Professor of International Law and Member of the Delegation of Denmark to the ASP
- Mr. Pal Wrangé, Consultant in International Law and Member of the Swedish Delegation to the Review Conference
- Hon. Amady Ba, Head of the Cooperation Section, Office of the Prosecutor, ICC

Ugandan participants who accompanied delegates to Northern and Eastern Uganda

- Hon. Justice James Ogoola, Principle Judge of the High Court of Uganda (3<sup>rd</sup> visit)
- Hon. Richard Butera, Director of Public Prosecutions of Uganda (4<sup>th</sup> visit)
- Hon. Justice Singh Chaudry, Justice of the War Crimes Division of the High Court of Uganda (5<sup>th</sup> visit)

NGO and other participants

- Mr. Steven Lamony, Africa Outreach Liaison, Coalition for the International Criminal Court (4<sup>th</sup> visit)
- Ms. Elizabeth Evenson, Senior Counsel, International Justice Program, Human Rights Watch (5<sup>th</sup> visit)
- Mr. Eric Sears, Program Officer for Human Rights and International Justice, MacArthur Foundation (5<sup>th</sup> visit)

Staff and organisers

- Mr. Mohammed Ndifuna, National Coordinator, HURINET-U
- Mr. Niccolo Figa-Talamanca, Secretary General, No Peace Without Justice
- Ms. Alison Smith, Coordinator, International Criminal Justice Programme, NPWJ
- Ms. Apio Joyce Freda, Coordinator, UCICC
- Ms. Niamh Gibbons, International Criminal Justice Programme, NPWJ
- Ms. Greta Barbone, International Criminal Justice Programme, NPWJ
- Mr. Chris Ongom, Coordinator, Uganda Victims' Foundation
- Mr. Victor Ochen, Director, African Youth Initiative Network (AYINET)
- Mr. Moses Omiat, Executive Director, Soroti Development Association and NGO Network (SODANN)
- Mr. Dan Ngabirano, Transitional Justice Project, HURINET-U
- Mr. James Nkuubi, HURINET-U



## Annex 2: Programs of the visits

### **Visits by ICC States Parties Delegates to Uganda** Programme 24-28 January 2010

#### Sunday, 24 January 2010

All day                      Arrival of Delegates  
18.30-22.00                Dinner, depending on arrival time of delegates

#### Monday, 25 January 2010

07.30-08.30                Breakfast with briefing for delegates for HURINET, UCICC and NPWJ  
                                      [@Imperial Royale]  
08.30-12.00                Roundtable discussion with Ugandan Civil Society: Beginning the Stocktaking Process  
                                      [@Imperial Royal]  
14.45-15.45                Rest period  
16.00-18.00                Public lecture by Ambassador Christian Wenaweser, “*The ICC Review Conference: What it means for Uganda, and what it means for the world*”, organised by Advocates for Public International Law Uganda (APILU) [@ Serena Hotel]  
18.00-21.00                Reception with Government Officials, Parliamentarians, Representatives of Foreign Governments and International Agencies, and Civil Society with Dance Performance by the Ndere Troupe [@ Serena Hotel]  
Evening:                    Optional Dinner at Imperial Royale upon return.

#### Tuesday, 26 January 2010

05.30-05.50                Breakfast [@ Imperial Royale]  
06.00-09.00                Travel from Kampala to Entebbe by bus and to Gulu by air  
09.15-10.00                Courtesy visits:  
                                      *Colonel Walter Ochora, Resident District Commissioner* [@ Office of Col. Ochora]  
                                      *Mr. Norbert Mao, Chairman of District Council (LCV)* [@ Office of Mr. Mao]  
10.00-11.30                Visit to Trust Fund for Victims Project: Gulu Regional Referral Hospital, Disability Rehabilitation Center  
                                      [@ Gulu Hospital]  
11.30-12.30                Meeting with victims, organised in cooperation with Uganda Victims Foundation [@ Acholi Inn]  
12.30-13.30                Lunch with traditional, religious and civil society leaders [@ Acholi Inn]  
13.30-17.00                Observation of outreach event and meeting with victims and local community, organised by the ICC Outreach team [@ Pabo sub-county, 45 minute drive from Gulu]  
17.00-17.30                Radio interviews with Delegates [@ Radio Mega, Gulu]  
17.30                         Amb Wenaweser leaves  
19.30                         Dinner with Col. Walter Ochora, RDC, Hon. Norbert Mao, Chairman of District Council (LCV), and other local leaders [@ Acholi Inn]

#### Wednesday, 27 January 2010

08.30-09.00                Breakfast [@ Acholi Inn]  
09.00-11.00                Visit to War Affected Training Centre and meeting with victims  
11.00-12.30                Meeting with the Uganda Human Rights Commission and the Amnesty Commission  
                                      [@ Office of the Amnesty Commission]  
13.00-14.00                Lunch [@ Acholi Inn]  
14.00-16.00                Visit to war site  
16.00-18.00                *Reserved*  
18.00-19.00                Introduction to review of the visit  
19.00-21.00                Dinner with ICC Field Office staff



#### Thursday, 28 January 2010

07.00-07.30	Breakfast [ @ Acholi Inn]
07.30-12.30	Return to Kampala
12.30-14.00	Review: lessons learned, way forward [ @ HURINET/UCICC office] Participants: <i>Delegates, HURINET, UCICC, NPWJ</i>
14.00-onwards	Departure of Delegates

### **Visits by ICC States Parties Delegates to Uganda**

#### Programme 11-17 February 2010

#### Wednesday, 10 February-Thursday, 11 February 2010

Arrival of Delegates

#### Thursday, 11 February 2010

08.30-12.00	Roundtable discussion with Ugandan Civil Society: Beginning the Stocktaking Process [ @ Imperial Royal]
12.00-12.30	Press briefing
12.30-13.30	Lunch [ @ Imperial Royale]
14.00-16.15	Public Lecture by Elisabeth Rehn, Member of the Board of Directors of the Trust Fund for Victims, and Delegates on " <i>The prospects and views of the victims of international crimes; The impact of the ICC on affected communities and victims.</i> " [ @ Makerere University, Faculty of Law]
16.30-18.30	Private Meetings [ @ TBD]
19.30-22.00	Welcome dinner [ @ Imperial Royale Hotel] Briefing for Delegates on expectations for the programme Introduction to the history, culture and politics of Uganda

#### Friday, 12 February 2010

09.00-10.15	Briefing on the impact of the Rome Statute system on peace processes and peacebuilding John Santos, Chairman, Uganda Victims Foundation [ @ Imperial Royale]
10.30-12.00	Meeting with the Greater North Parliamentary Forum and the Legal and Parliamentary Affairs Committee [ @ Members Lounge, Parliament]
12.30-14.30	Lunch and Discussion with Members of the Justice, Law and Order Sector (JLOS) Working Group [ @ Imperial Royale]
15.00-17.30	Visit to ICC Kampala Field Office and meetings with Field Office staff [ @ ICC Field Office]
19.30-21.00	Dinner [ @ Ndere Cultural Center]

#### Saturday, 13 February 2010

8.00-9.00	Breakfast [ @ Imperial Royale]
09.00-10.00	Travel to Entebbe airport
10.00-11.00	Travel from Entebbe to Gulu by flight
11.00-11.30	Check in at Acholi Inn
12.30-13.30	Simultaneous meetings with Resident District Commissioner (RDC) [ @ Office of the RDC] and the Chairman of the District Council [ @ Office of the Chairman]
14.00-15.00	Lunch
16.00-18.30	Meeting with victims, organised in cooperation with Uganda Victims Foundation (UVF) [ @ Acholi Inn]
19.30-21.00	Dinner [ @ Acholi Inn]





#### Sunday, 14 February 2010

08.00-08.30 Breakfast [ @ Acholi Inn]  
 09.00-11.00 Meeting with members of the Greater North Women's Voices for Peace Network [ @ Taks Center]  
 11.30-13.00 Travel from Gulu to Lira  
 13.00-14.00 Check in and lunch [ @ Lira Hotel]  
 14.00-17.00 Meeting with victims, organised in cooperation with Uganda Victims Foundation (UVF) [ @ Lira Hotel]  
 19.00-20.00 Radio Talk Show with delegates [ @ Radio Unity FM]  
 19.30 Dinner [ @ Lira Hotel]

#### Monday, 15 February 2010

08.00-08.30 Breakfast, briefing for delegates on programme for the day [ @ Lira Hotel]  
 08.45 Departure from Lira Hotel to RDC office  
 09.00-09.45 Meeting with Resident District Commissioner Ms. Joan Pachoto  
 Representative of the President at the district level [ @ Office of the RDC]  
 10.00-10.45 Meeting with Chairman of District Council Mr. Franco Ojur [ @ Office of the Chairman]  
 11.00-12.45 Meeting and lunch with representatives of local civil society, victims associations and community-based organisations [ @ Lira Hotel]  
 12.45-13.15 Break  
 13.15 Departure from the hotel to Barlonyo IDP camp  
 14.00-16.00 ICC Outreach Event [ @ Barlonyo IDP Camp]  
 16.00-18.00 Visit to Trust Fund for Victims Project and meetings with beneficiaries and community leaders [ @ Barlonyo IDP Camp]  
 19.30 Dinner with local traditional and religious leaders [ @ Lira Hotel]

#### Tuesday, 16 February 2010

07.00-08.30 Breakfast and review, lessons learned, way forward [ @ Lira Hotel]  
 09.00-12.30 Attendance at workshop on "*The ICC Review Conference and 'Stocktaking' on the impact of the ICC on victims and affected communities*", organised in cooperation with REDRESS and UVF [ @ Gracious Palace Hotel, Lira]  
 13.00-14.30 Lunch [ @ Lira Hotel]  
 14.30-19.00 Return to Kampala  
 19.30-20.00 Dinner

#### Tuesday, 16 February - Wednesday, 17 February 2010

Departure of Delegates

### **Visits by ICC States Parties Delegates to Uganda**

Program 29<sup>th</sup> March to 2<sup>nd</sup> April 2010

#### Saturday 27<sup>th</sup> to Sunday 28<sup>th</sup> March 2010

Arrival of Delegates, check in at Hotel Africana.

#### Sunday 28<sup>th</sup> March 2010

15.00-18.30 Visit to Speke Resort Munyonyo (Venue of the ICC Review conference)  
 19.30-21.00 Dinner [ @ TBD]

#### Monday, 29<sup>th</sup> March 2010

07.30-08.30 Breakfast and briefing on the program by HURINET, UCICC and NPWJ  
 [ @ Hotel Africana]



08.30-11.30 Roundtable discussion with Ugandan Civil Society: Beginning the Stocktaking Process. [ @ Hotel Africana]  
 11.30-12.00 Press briefing with HURINET, UCICC, NPWJ (with one member of delegation if possible) [ @ Hotel Africana]  
 11.30-12.00 Travel from Africana Hotel to Imperial Royale Hotel  
 12.00-13.30 Meeting with Members of the Justice, Law and Order Sector [ @ Imperial Royale.  
 13.30-14.00 Travel from Imperial Royale Hotel to ICC Field Office  
 14.00-15.30 Visit to ICC Kampala Field Office and meetings with Field Office staff [ @ ICC Field Office]  
 15.30-16.00 Travel from ICC Field Office to Hotel Africana  
 16.00-17.00 Rest period at Hotel Africana  
 17.00-18.00 Meeting with key Members of Parliament (including Legal and Parliamentary Affairs Committee)  
 [ @ Hotel Africana]  
 18.30-20.30 Reception and dinner with members of the diplomatic community, MPs and other Stakeholders in Kampala  
 [ @ Hotel Africana]

#### Tuesday, 30 March 2010

06.30-07.00 Breakfast [ @ Hotel Africana]  
 07.00-07.30 Check out from Hotel Africana  
 07.30-08.30 Travel from Kampala to Entebbe Airport  
 08.30-11.00 Travel by plane from Entebbe Airport to Soroti Airfield  
 11.00-11.30 Reception by District Leadership at Soroti Airfield; Travel to Office of RDC  
 11.30-12.00 Meeting with Resident District Commissioner (RDC), Soroti District- Ben Etonu [ @ Office of the RDC]  
 12.00-12.15 Travel from Office of the RDC to Soroti Hotel  
 12.15-12.45 Check in at Soroti Hotel  
 12.45-13.30 Lunch with Justice James Ogoola, Principal Judge of the High Court of Uganda [ @ Soroti Hotel]  
 13.30-13.45 Travel from Soroti Hotel to Office of the District Chairman  
 13.45-14.15 Meeting with the Chairman of the District Council (Local Council 5), Soroti District-Hon Steven Ochola  
 [ @ Office of the Chairman]  
 14.15-14.45 Travel from Office of the District Chairman to SODANN Offices.  
 14.45-16.45 Meeting with NGOs organized in cooperation with Soroti Development Association & NGO Network.  
 [ @ SODANN Offices]  
 17.00-19.00 Meeting with victims organized in cooperation with SODANN [ @ SODANN Offices]  
 19.00-19.15 Travel from SODANN Office to Soroti Hotel.  
 19.30-20.30 Meeting with Lillian Apio, former abductee and former spouse of Joseph Kony [ @ Soroti Hotel]  
 20.30 Dinner [ @ Soroti Hotel]

#### Wednesday, 31 March 2010

07.30-08.00 Breakfast [ @ Soroti Hotel]  
 08.00-10.00 Travel from Soroti to Amuria  
 10.00-10.30 Meeting with Resident District Commissioner (RDC), Amuria District- Mr. Max Omeda Ebron  
 [ @ Office of the RDC]  
 10.30-10.45 Travel from the Office of the RDC to the Office of the District Chairman  
 10.45-11.30 Meeting with the Chairman of the District Council - Mr. Julius Ochen [ @ Office of the Chairman]  
 11.30-12.00 Travel from Office of the Chairman to Global Restaurant  
 12.00-13.30 Lunch [ @ Global Restaurant, Amuria town]  
 13.30-14.00 Travel to Obalanga war site  
 14.30-16.00 Meeting with victims and the affected communities in an outreach event organized by the ICC Outreach office  
 [ @ Obalanga village]  
 16.00-18.30 Travel back from Obalanga to Soroti Hotel  
 18.30-19.30 Rest period [ @ Soroti Hotel]  
 19.30 Dinner with Teso Cultural Leader – Emorimor Mr. Augustine Osuban, LC Chairman and RDC  
 [ @ Soroti Hotel]



#### Thursday, 1<sup>st</sup> April 2010

07.30-08.00 Breakfast [ @ Soroti Hotel]  
 08.00-08.30 Check out from Soroti Hotel  
 08.30-9.00 Travel from Soroti Hotel to World Vision, Soroti  
 9.00-11.30 Meeting with child victims supported by World Vision [ @ World Vision Offices, Soroti]  
 11.30-12.00 Travel from World Vision Offices to Office of the Uganda Human Rights Commission  
 12.00-14.00 Meeting with representatives of the Uganda Human Rights Commission (UHRC)  
 [ @ Uganda Human Rights Commission offices]  
 14.00-14.15 Travel from Uganda Human Rights Commission to Soroti Hotel  
 14.15-15.00 Lunch [ @ Soroti Hotel]  
 15.00-19.30 Travel from Soroti Hotel to Hotel Africana, Kampala; check in at Hotel Africana  
 20.00-22.00 Dinner [ @ Hotel Africana]

#### Friday, 2 April 2010

08.30-09.00 Breakfast [ @ Hotel Africana]  
 09.00-09.30 Check out from Hotel Africana  
 10.00-12.00 Review, lessons learned, way forward [ @ Office of HURINET & UCICC]  
 12.00-13.00 Lunch [ @ Office of HURINET & UCICC]  
 13.00 Departure of Delegates.

### **Visits by ICC States Parties Delegates to Uganda**

Draft Program 4<sup>th</sup> -9<sup>th</sup> May 2010

#### Tuesday 4<sup>th</sup> May

Arrival of Delegates, check in at Hotel Africana

#### Wednesday, 5<sup>th</sup> May 2010

07.30-08.20 Breakfast and briefing on the program by HURINET, UCICC and NPWJ [ @ Hotel Africana]  
 08.30-11.30 Introduction to the history, culture and politics of Uganda by Mohammed Ndifuna, Hurinet, and Roundtable discussion with Ugandan Civil Society: Beginning the Stocktaking Process [ @ Hotel Africana]  
 11.30-12.00 Press briefing [ @ Hotel Africana]  
 12.00-14.00 Lunch meeting with Members of the Justice, Law and Order Sector (JLOS) Working Group [ @ Hotel Africana]  
 14.15-14.30 Travel from Hotel Africana to High Court  
 14.30-16.15 Courtesy Visit at the High Court with special interest in the War Crimes Division  
 16.15-15.30 Travel from High Court to Parliament of Uganda  
 16.30-17.30 Meeting with key Members of Parliament (Legal and Parliamentary Affairs Committee) [ @ Parliament]  
 17.45-18.00 Travel back to Hotel Africana  
 18.00 Free evening

#### Thursday, 6 May 2010

07.30-08.30 Breakfast and briefing on the day's programme by HURINET, UCICC and NPWJ [ @ Hotel Africana]  
 08.30-13.00 Registration and participation at the National Dialogue on the Impact of the ICC on Victims and Affected Communities with special interest on children [ @ Hotel Africana]  
 13.00-14.00 Lunch [ @ Hotel Africana]  
 14.00-14.15 Travel from Hotel Africana to the Amnesty Commission  
 14.15-15.50 Meeting with the Amnesty Commission staff



15.50-16.10	Travel from Amnesty Commission to ICC Field Office
16.10-17.15	Visit to ICC Field Office and meeting with Field Office staff
17.15-18.00	Travel from the ICC Field Office to Hotel Africana
18.00	Free Evening

Friday, 7 May 2010

06.30-07.30	Breakfast and check out from Hotel Africana
07.30-08.15	Travel from Kampala to Entebbe Airport
08.30-10.00	Travel from Entebbe Airport to Lira Airfield, Reception by District leadership (RDC, LCV, RPC) and Religious and Cultural leaders
10.00-10.15	Travel from the airfield to the offices of the RDC and District Chairman
10.15-11.15	Simultaneous meetings with Resident District Commissioner (RDC), Lira District- Ms. Joan Pachoto [ @ Office of the RDC] and the Chairman of the District Council - Mr. Franco Ojur [ @ Office of the Chairman].
11.15-11.30	Travel from the offices of the RDC and District Chairman to the Office of the District Chairman to Lira Hotel
11.30-12.00	Check in @ Lira Hotel
12.00-13.00	Lunch meeting with ICC staff of the Victims Participation and Reparation Section from the Kampala Field Office [ @ Lira Hotel]
13.00-14.30	Rest period
14.30-15.30	Travel from Lira Hotel to St. Mary's College Aboke
15.30-17.30	Meeting with the teachers and the formerly abducted girls of the St. Mary's College Aboke
17.30-18.30	Travel back from Aboke to Lira Hotel
18.30	Free evening

Saturday, 8<sup>th</sup> May 2010

08.00-08.30	Breakfast [ @ Lira Hotel]
08.30-10.30	Meeting with local NGOs working on victims issues and human rights generally [ @ Lira Hotel]
10.30-12.00	Meeting with representatives of intermediaries organized by the Ugandan Victims Foundation (UVF), a coalition of human rights and civil society NGOs in Uganda working on victims' rights issues [ @ Lira Hotel]
12.00-13.00	Lunch [ @ Lira Hotel]
13.00-13.45	Travel from Lira Hotel to Abia village
13.45-15.45	Attendance at an outreach event organized by the ICC [ @ Abia village]
15.45-16.40	Travel to Barlonyo village
16.40-18.30	Meeting with community leaders organized by AYINET [ @ Barlonyo village]
18.30-19.30	Travel from Barlonyo back to Lira Hotel
19.30-21.00	Radio Talk Show
21.00	Free evening

Sunday 9<sup>th</sup>, 2010

07.30-09.30	Breakfast, Review, lessons learned, way forward [ @ Lira Hotel]
09.30-10.00	Check out from Lira Hotel
10.00-14.00	Travel from Lira to Kampala
14.00-15.00	Lunch [ @ Hotel Africana]
15.00	Departure of Delegates



## Visits by ICC States Parties Delegates to Uganda

Program 26<sup>th</sup> - 30<sup>th</sup> May 2010

Tuesday, 25 May - Wednesday, 26 May 2010

Arrival of Delegates, check in at Africana Hotel

Thursday, 27 May 2010

- 07.00-08.00 Breakfast with briefing for delegates by HURINET, UCICC and NPWJ [ @ Africana Hotel Breakfast Room]
- 09.00-11.15 Attendance of the Opening Session of the International symposium on the stocktaking topics of the Review conference [ @ Africana Hotel]
- 11.15-11.45 Press Interviews [ @ Africana Hotel]
- 12.30-14.30 Lunch with members of the Justice, Law and Order Sector Working Group on transitional justice in Uganda [ @ Africana Hotel]
- 14.45-16.30 Visit to the ICC Field Office and meeting with Field Office staff [ @ ICC Kampala Field Office]
- 17.00-19.30 Meeting with civil society and victims' representatives from Teso sub-Region [ @ Africana Hotel]

Friday, 28 May 2010

- 08.00-08.30 Breakfast
- 09.00-10.15 Meeting with Hon. Med Kaggwa, Chair, Uganda Human Rights Commission (UHRC); Ruth Ssekindi, Registrar, UHRC [ @ Office of the UHRC]
- 10.30-12.00 Meeting with Hon. Justice P.K. Onega, Chairperson, Amnesty Commission; Nathan Twinomugisha, Legal Advisor, Amnesty Commission [ @ Amnesty Commission Office]
- 12.30-13.30 Lunch [ @ Africana Hotel]
- 14.00-16.00 Attendance of the closure of the International Symposium on Stocktaking issues [ @ Africana Hotel]
- 16.45-18.30 Reception with government dignitaries, diplomatic community and others [ @ Africana Hotel]

Saturday, 29 May 2010

- 06.30-07.00 Breakfast [ @ Africana Hotel]
- 07.00-07.45 Travel from Kampala to Entebbe Airport
- 08.00-08.45 Travel from Entebbe to Soroti by plane and Reception by Soroti District Leadership
- 08.45-09.15 Check in Soroti Hotel
- 09.15-10.30 Travel to Amuria District
- 10.30-11.30 Meeting with the Resident District Commissioner (RDC), Amuria District - Mr. Max Omeda Ebron [ @ Office of the RDC]
- Meeting with the LCV Chairman, Amuria District - Mr. Julius Ochen [ @ Office of the Chairman]
- 11.30-13.30 Meeting with victims organized in cooperation with Amuria District Development Association (ADDA) [ @ District Offices - TBD]
- 13.30-14.30 Lunch with district leadership [ @ District Offices - TBD]
- 14.30-15.00 Travel to Obalanga village
- 15.00-17.00 Visit to Obalanga with International Teams conducting exhumations in Amuria District [ @ Obalanga village]
- 17.00-18.00 Travel from Obalanga to Soroti
- 19.30-21.30 Dinner with the local traditional leadership [ @ Soroti Hotel]

Sunday, 30 May 2010

- 07.00-07.45 Breakfast and check out of Soroti Hotel
- 08.00-10.30 Visit to the World Vision Offices and meeting with children supported by World Vision, [ @ World Vision]
- 11.00-12.00 Travel from Soroti to Entebbe by Plane
- 12.00-13.00 Travel from Entebbe to Kampala
- 13.00-14.00 Lunch and Review, Lessons Learned, Way Forward [ @ Africana Hotel]
- 14.15 Departure of delegates or attendance at Victims Day Football Game



HURINET – Uganda

## Visits by ICC States Parties Delegates to Uganda

The first Review Conference of the Rome Statute for the International Criminal Court (ICC) took place in Kampala, Uganda, May-June 2010, almost a decade after the founding of the ICC. The choice of Kampala, capital city of Uganda – the ICC's first situation country – had great symbolic value. It also presented an opportunity for delegates who normally represent their State at the Assembly of States Parties (ASP) to gain a first-hand understanding of work of the Court in one of its situation countries by hearing the views of victims, affected communities and other stakeholders on the role and impact of the ICC in Uganda.

To maximise the unique opportunity presented by the Review Conference, the Human Rights Network - Uganda (HURINET-U), No Peace Without Justice (NPWJ) and the Uganda Coalition for the ICC (UCICC) invited delegates of ICC States Parties to Uganda to meet with a wide range of stakeholders involved in justice and accountability, peacebuilding and the fight against impunity.



By spending time in Uganda in the months preceding the Review Conference, the project allowed State Delegates to begin the stocktaking process that took place at the Conference by hearing directly from the people most affected by the work of the ICC. The visits were designed to allow for reflection on each of the sub-themes of the stocktaking exercise: complementarity; cooperation; the impact of the Rome Statute system on victims and affected communities; and peace and justice.

The long-term impact of the project is intended to reach beyond the Review Conference, to encourage the Assembly of States Parties to support and guide the Court in responding to the justice needs of victims and affected communities. This report outlines the findings of the delegates' visits as well as specific recommendations for ICC States Parties, for the ICC, for the Government of Uganda and for donor agencies.



Uganda Coalition on the International Criminal Court