

## REPORT ON ROUND TABLE DISCUSSION HELD AT HOTEL AFRICANA ON 5<sup>TH</sup> MAY 2010

The roundtable discussion for civil society organizations was organized by Human Rights Network (HURINET), Uganda coalition on the ICC (UCICC) and No Peace Without Justice( NPWJ) to discuss various stocktaking issues in regard to the ICC. It began at 9.30am with introductions by those attending and later by delegates, and was moderated by Mr. Patrick Tumwine. The delegates who attended were **Mr. Charles Leacock**, Director of Public Prosecution Barbados, **Mr El-Marouf Mohammed**, Special Counselor, Permanent Mission of the Union of the Comoros to the UN, **Ms. Wendyam Zare Kabore**, Director General of Legal and Justice Affairs, Ministry of Justice, Burkina Faso, **Ms Mija Angela Rasoarinja**, Chief of Legal Affairs and Human Rights, Ministry of Foreign Affairs, Madagascar, **Mr. Adrea Della Nebia**, Deputy Head of Mission, Embassy of Italy in Uganda and Ambassador **Mirjam Blaak**, Deputy Head of mission, Ugandan Embassy in Belgium.

APILU was represented by Ms. Philippa Bogere.

The roundtable discussion began with a presentation by Mr. **Mohammed Ndifuna**, **National Coordinator HURINET** entitled ‘**Introduction to the history, culture and politics of Uganda**’. He gave a brief background on the political situation and the civil wars in the country from the time of independence in 1962 when Muteesa II and Obote were in power to Idi Amin, Obote, and Tito Okello through to the NRM rebellion. He mentioned the tribal factor which fuelled many of the conflicts including the LRA conflict. He mentioned that the LRA conflict was started by Kony who took over from Alice Lakwena. He also mentioned that there had been several efforts to end the war which were all futile. However in December 2003, the conflict was referred to the ICC by the government of Uganda. He mentioned that in 2006 peace talks took place in Juba which led to the signing of several agreements but the final one agreement has not yet been signed.

This was followed by a presentation entitled ‘**The Impact of the Rome Statute system on victims and affected communities**’ by **Mr. Santos Labeja**, the Chair of Uganda Victims’ Foundation. He said the UVF is an umbrella organization of about 30 CSOs fighting for victims’ issues which were originally not being addressed. He mentioned that before referral of the situation to the ICC, the rebels were roaming and causing havoc at will. When the

government referred the situation, the rebels withdrew and went to Sudan and the DRC for the fear of being hunted down.

He added that the communities then began to breathe a sigh of relief and people began to return to their homes from the camps and life returned to normalcy. The government developed frameworks like the PRDP and in addition, people were being asked to forgive Kony and consider traditional justice systems. He said however these could not work out well because there was no uniformity so the UVF began to educate victims on their rights. He said people are now confident and have realized that Kony is also human and that he is now scared. He added that there is now peace and that the ICC has impressed on the perpetrators that there is a law that will follow them up.

The next presentation was given by **Hon. Betty Amongi**, MP and Chair of Amani Forum. She gave a practical presentation on the **'Impact of the Rome Statute System on Peace Processes and Peace Building'**. She mentioned that the peace talks team and politicians had quite a challenging time as they had to consider several questions on the form of justice to pursue, in whose interest it should be pursued, the views of the victims and whether the arrest warrants would bring peace.

She said that regarding the type of justice to be followed, it was hard to decide because of the different groups asking for different forms of justice. Some groups wanted restorative justice while others wanted retributive justice and yet political leaders had to balance peace and justice. She added however that the arrest warrants issued by the ICC facilitated Kony to come to the table but it is assumed that they also stopped him from signing the final peace agreement. She added that the system also led to new avenues of delivering peace for example traditional justice.

She also recommended that the ICC should have its own arresting body because state politics makes it hard for individual states and the African Union to arrest. She concluded by saying that the US also plays a huge role and they have a lot of influence as a super power on peace processes and the whole Rome Statute system.

These presentations were followed by a question and answer session and a break. There was then a presentation by **Dan Ngabirano** on ‘**State Cooperation and Complementarity.**’ He mentioned that the legal basis for state cooperation is article 87 of the Rome statute. In this regard he mentioned that Uganda opened the ICC office with full diplomatic privileges and that the Special Division of the High Court on War Crimes has been created. He added however that Uganda should cooperate with the court if she expects other states to arrest the indictees. He concluded that largely there was a lack of cooperation on Uganda’s part. On the issue of complementarity, he mentioned that there are inadequate facilities, there is lack of consensus on the most viable transitional justice option and that the issue of Amnesty act still poses many challenges to complementarity.

The roundtable discussion ended at 12pm after a question and answer session.