
HELD AT:
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Executive Summary

The UCICC (Ugandan Coalition for the International Criminal Court) was formed in 2004, at a time when some Ugandans had publicly criticized and threatened to undermine the work of the court in investigating the situation in Northern, HURINET (U) at that time organized a workshop to bring together various key players in civil society, government and the international community to map out as well as endorse a strategy to be used in the campaign for the ICC in Uganda. It was from this workshop that the Ugandan Coalition for the International Criminal Court (UCICC) was formed, with the following objectives:

1. To sensitize and clarify the role of the ICC and
2. Create a platform for debate on the ICC.

The Uganda Coalition on the ICC is not a mouthpiece of the ICC; it is part of the Global Independent CICC movement with head quarters in New York and as such does not take a position for or against the ICC, this is because the UCICC’s member organizations have different views on the ICC. The Ugandan Coalition mainly provides information about the ICC responds to basic queries and raises awareness.

The Ugandan Coalition is coordinated by a committee made of 7 membership based organizations and a constitutional body. These include amongst others Human Rights Network -Uganda, Uganda Womens Network, National Union of Disabled Persons of Uganda, and Legal Aid Project of the Uganda Law Society, ISIS- WICCE- Women’s International Cross Cultural Exchange, Public Defenders Association of Uganda, and the Uganda Human Rights Commission.

The steering committee’s roles include; unpacking the ICC Bill 2004 to make it user friendly, providing information to Ugandans on the role and usefulness of the ICC, lobbying and advocating in parliament for the proper enactment of the ICC Bill 2004, monitoring the implementation of the ICC Act, and compiling and disseminate reports on relevant findings relating to the ICC in Uganda.

UCICC has organized several workshops in the past in order to achieve the goals outlined above. This round of workshops, were initiated after the UCICC attended a public Information workshop in June in Gulu. During this meeting there were calls for public Information in the west Nile region by the ICC. The UCICC therefore began to organize
workshops in the west Nile region and northern Uganda in collaboration with Adjumani district and District NGO Forum and Link forums held a series of two, two day workshops under the theme understanding of the operations of the ICC.

The UCICC implements its work through carrying out several activities and in achieving its objectives, the Uganda Coalition on the International Criminal Court (UCICC) with funding support from the MacArthur Foundation organized a four day workshop, in October 2006.

The workshops were held from the 27th to the 31st October 2006. Most of the participants wanted to know whether the ICC was investigating the UPDF. In whom they claimed were also perpetrating the same crimes the LRA is accused of. Several participants wanted to know the efforts made by the ICC in arresting the LRA. Whether the Court is considering the possibility of looking at crimes committed before 2002 as these crimes form part of the larger picture of human rights atrocities committed in the west Nile region and Northern Uganda.

Whether the ICC is considering having a field presence in the region where its outreach activities will impact directly on the people of Northern Uganda.

Whether the ICC has considered giving reparations to victims as a region or race,

The UCICC and ICC staff made efforts to answer all the questions asked and also invited the participants to get back to them if they had further questions on the activities of the ICC in Uganda. Information materials were also distributed to participants and they were asked to request for more should they have need for them.

The Objectives of the sensitization workshops were to:

a) To create awareness about the relevance of the ICC and international justice in Northern Uganda, as a way of providing them with a better understanding of the ICC, listen to concerns, and collate information on the lango traditional justice Mechanisms.

a. To promote participation of CSOs in Northern and the west Nile region of Uganda and disseminate information on ICC activities and find practical ways of achieving peace in the affected regions.
Methodology
The staff from the ICC in Kampala, CICC-Nigeria and UCICC facilitated a total of two, two-day workshops. At each of these workshops, a participatory approach involving among others open sharing of knowledge and experience was applied.

The workshops targeted mainly representatives of Civil Society, cultural elders or leaders and victims, from Northern Uganda (Lira, Apac and Oyam) and the west Nile region (Adjumani, Moyo and Yumbe), in some cases a few civil servants also came for the workshops; a total of over 50 participants attended the workshops.

Evaluation of the workshop
This being the first workshop on the ICC in these regions, most of the participants confirmed that their understanding of the ICC had increased as a result of attending the workshop, they requested for more workshops and follow up mechanisms on the ICC to be organized by either the ICC or UCICC, especially for other NGOs, CBOs and district leaders who play a key role in mobilizing the community, they felt that the workshop content was excellent and that they had fully understood what the workshop was all about.
In their recommendations some asked for capacity building and funding to help with peace building initiatives and the rehabilitation and reintegration of victims into society. Some felt that two days were not enough and that more workshops should be organized. Others felt that they should have more information on the ICC especially the operations of the office of the prosecutor and training in human rights especially in relation to victims of human rights.
On the whole the workshop was a resounding success and achieved its objectives.

The UCICC would like to acknowledge the instrumental roles that were played by Mr. Sunday Mawadri District Speaker of Adjumani, Ms. Hellen Acham of NGO Forum Lira and Sam Jamara of Apac Link Forum in mobilizing the civil society organizations in their districts to participate in these workshops.
A special thank you goes out to all the facilitators who facilitated the different sessions that generated several questions and concerns.
The UCICC is also greatly indebted to the participants who attended the regional sensitization workshops and for raising their concerns.

The questions were wide ranging, participants registered their concerns in regard to the punishments meted out by the ICC to a convicted person/s arguing that a maximum custodial sentence of 30 years was too lenient if considered with the crimes committed in Uganda and even a life sentence which is served in a European jail where the standards were different from those in Uganda would not appear to have justice done.

They called upon the ICC to take advantage of radio talk shows with calling in facilities to enlighten many people about the ICC and clear the misconceptions that had been created. The lango forum a Saturday radio programme was highly recommended. The also called on the UCICC to use spot messages on their radio.

Many victims suggested that the definition of a victim as provided in Rule 85, of the Rules of Procedure and Evidence of the Court was not satisfactory to them. The definition they said should also include “a race” or “a people” who have been subjected to such crimes as are defined in the Rome Statute as well as suffering inflicted on the population.

The idea behind the above suggestion was that the conflict in the north can be traced from the time of change in government and the people of the north have lived in the terrible war circumstances and even efforts by Parliament to declare the region a disaster area and or call for a UN intervention were frustrated by government.

Other participants were concerned that the Court had limited its operations from the 1st July 2002 onwards yet there have been atrocious crimes committed with impunity in the country before the above period citing the Barlonyo, Atiak, and Kichwamba massacres, the Mukura train wagons killings and other similar crimes.

Participants stated that people of the northern region had had enough of war and wanted peace to be given a chance and comes justice later. Since the ICC had no police force or army of its own to effect the arrest warrants, it was seemingly very difficult for the Uganda government which has failed to suppress the rebellion or defeat the LRA for the past 20 years to enforce the warrants against the indicted LRA commanders. The ICC therefore should give the peace process a chance and not interfere.
This report is prepared with the help of Lloyd Kuveyat and Joseph Akwenyu; as a contribution to inform further advocacy interventions in creating of awareness on the International Criminal Court in Uganda.

We hope that this report will be useful to you
Happy reading

Stephen Arthur Lamony
Coordinator

**Recommendations to**

**The ICC.**

1. It would be useful if the IC established an outreach office in the north where victims can go and talk to their officers, this is because people are hungry for information on victim’s rights, instruction fee (pro bono services) on the side of the counsel.
2. There is need for more regional sensitisation or outreach workshops for the people who have been affected by the conflict to understand better about the ICC.
3. It’s imperative that the ICC to come out clearly and inform Ugandans on whether there will be arrest warrants for the UPDF too.
4. It would be useful if facilitators use less legal language so that participants can understand them easily.
5. There is need for the ICC, to take stock of the outreach and public information missions that they have carried out and follow up on others.
6. There is need for the ICC to broaden their data collection from Local Councilors to NGOs e.t.c.
7. It would be useful if the ICC found a way of communicating to the accused their rights because they may not know them.

**The UCICC:**

1. Follow up on the suggestion of the Madi to put them in Contact with their colleagues in Acholi and lango for dialogue.
2. There is need for the UCICC to take up the ICC of translation of understanding the ICC in Madi with the ICC, so that the victims do not feel that they have been left out.
3. There is need for the UCICC to have a field presence in the affected communities so that together with the young mobilisers they can work to clear the misconceptions about the ICC and dialogue with the communities.

Summary of some of the most significant issues and concerns from the presentations.

1. There was this concern that the elders are no longer being recognized for their role in conflict resolution and yet they had a lot of knowledge and experience in conflict resolution. Added to this was the yearning to return to principles of forgiveness and reconciliation as the adversarial system of dispute resolution has failed to get rid of the social conflicts between the victims and the perpetrators.

2. Participants appreciated the role of the ICC, but their desire is to see coordinated efforts with local peace initiatives, the state, UCICC, CICC and the victims and perpetrators.

3. Participants preferred the use of the word ‘survivor’ as it had fewer stigmas than ‘victim’.

4. Whilst participants understood the objective of prosecuting Joseph Kony they felt that the government of the Republic of Uganda should also be prosecuted for human rights violations and atrocities committed in Northern Uganda. One of the victims stated that some of the villagers would be assaulted for ‘habouring’ LRA rebels and would be used as human shields whilst the UPDF soldiers tracked down the LRA. Some of the participants who were not aware of the temporal jurisdiction of the ICC were of the view that the NRM had also killed a lot of people in Luweero in the 80s and that the ICC should also prosecute them for the atrocities they committed. Some asked for the setting up of a tribunal for Uganda to deal with all the people who committed serious international crimes from the 1980s to date to hold everyone accountable, including those who have been supplying arms of war. Others felt that the Ugandan situation had been neglected especially when more people had suffered than in Iraq and Sudan.

5. Most of the participants were convinced that Joseph Kony had a case to answer but doubted the ability of the ICC to have him arrested.

6. The general concern was that the ICC had come late on the scene as affected people were now working towards a peaceful resolution of the conflict.
The people of Northern Uganda are tired of the war and fear that as long as the arrest warrants are hanging over the heads of Joseph Kony and his accomplices the war will never come to an end.

There was further concern that the ICC was not visible in its activities and that they were only learning of the ICC at the workshop.

Participants would really want the ICC to be more active and start to work with the local communities on the LRA issue.

It was suggested that the ICC should have regional offices and that ICC publications should be translated in more of the local languages so that people could read and understand documents such as the Rome Statute.

Others were concerned that victims would not be able to follow the proceedings of the ICC when Joseph Kony’s trial kicks off.

The ICC only collects information from Local councilors who are government representatives.

Women in northern Uganda should be given time to persuade their husbands to come out of the bush and lay down arms.

An elder said that the ICC Office in Uganda is a very important and the ICC is instrumental in ending impunity.

The general consensus amongst the participants was that the traditional justice systems should not be abandoned, but that there should be coordination with formal justice mechanisms and the role of the elders should be recognized.

Participants offered to work with the UCICC and ICC to disseminate information on the ICC using their young mobilisers.

An elder suggested that Joseph Kony should be treated like the tiger... lure him from the bush through the peace process, then catch him and take him to The Hague for prosecution.

A participant said that Forgiveness and reconciliation will only hold water if all the people in the affected communities accept to forgive and reconcile.

It was suggested that the way forward is for all Ugandans who have been affected by the conflict to understand that there is a need to co-exist between perpetrators and victims.

Local conflicts have undermined the role of the elders.
21. It was suggested that the LRA leader must be arrested by the ICC; if he is innocent then- he should go to court and prove it one doubt, why is he complaining about the arrest warrants?

22. Can the ICC reverse the decision to arrest Joseph Kony given that Uganda is in the middle of a peace negotiation?

23. An elder said that there has been a lot of dwelling on traditional justice as an alternative to international criminal accountability for the quagmire of crimes that have been committed over the 20 years, this he said is being advanced as an escape route for the LRA commanders.

24. It was mentioned that, the neighbors of Uganda are not cooperating in arresting the LRA; instead they are abetting their crimes.

25. Victims of the conflict called upon the ICC, to reconsider the issue of reparations first for individuals and then after that the community.

26. The ICC is a tooth less bull dog that cannot arrest the LRA.

27. A participant suggested that negligence by the government of Uganda, to protect them from the LRA should also be considered as a crime against humanity

**29 Questions on the ICC/peace/Amnesty**

1. What can the ICC and UCICC do for the ‘hopeless and helpless’ victims of the 20 year old conflict?

2. Will countries such as Sudan and Democratic Republic of Congo cooperate in effecting the arrest warrants?

3. Will the prosecution of the LRA commanders achieve lasting peace?

4. Will the court provide reparations to individuals?

5. What is the difference between the ICC, ICJ, ICTR and (SCSL) Special Court for Sierra Leone, and do they collaborate with each other?

6. What is the difference between the national courts and the ICC especially regarding investigations, the role of the prosecutor and the appeals process?

7. In case a suspect is not satisfied with a judgement, where can he or she appeal?

8. What can the ICC do to strengthen conflict resolution and management?

9. Elders are not respected in society, may be there is a need to find out why?

10. How do the elders in madi retain their culture?

11. How do we help the families of the victims?
12. How do we help people to respond to legal issues pertaining to their rights?
13. Why are there 139 signatories and yet there are only 104 state parties?
14. Will the ICC provide protection to the people in the affected communities?
15. Will the UPDF commanders also be issued with arrest warrants?
16. Will the amnesty law be looked as unwillingness of the government of Uganda to cooperate in handing over the 5 LRA commanders?
17. If all the victims in Uganda say that the LRA should be forgiven what will the judges at the ICC do about this?
18. The execution of the ICC arrest warrants is complicated by the fact that, Uganda owes DRC billions after the Judgement by the ICJ, will the DRC cooperate with the government of Uganda in arresting the LRA commanders?
19. Who can be identified as a victim in Uganda today, when some people have suffered harm and also the government of Uganda can claim that she is a victim of the conflict as an institution under the ICC?
20. How can a victim get free legal representation from the ICC?
21. How will the ICC, investigate cases of victims who were involved in the Karuma-Pakwach ambushes and how will they be compensated?
22. Will the war end if the 5 LRA commanders are arrested?
23. How can the ICC enable people to tell the truth?
24. What is the link between the war in DRC and Sudan?
25. How is the ICC going to deal with arms dealers and financiers of the LRA?
26. It was suggested that Uganda like Sierra Leone should benefit from a special court that should look at the crimes right from 1986.
27. Is there peace building in the courts of law?
28. How do we get peace?
29. Has it been accepted that the war in northern Uganda is genocide or not?

HIGHLIGHTS OF TRADITIONAL JUSTICE IN THE MADI COMMUNITY.

The Madi people’s traditional justice system is known as Tolu. It has elements of justice, reconciliation and compensation. The proceedings are also laced up with some ritual cleansing ceremonies a keen to the biblical Jewish religion. The elders stated that there were some crimes which the traditional justice system could no longer deal with because of the
formal justice system now in place. These crimes included murder, defilement, rape and terrorism. Although the elders stated that rape was foreign to the Madi people, one of the female participants explained that there were cases of rape but women had been socialized not to make allegations of rape against a Madi man. They also stated that the traditional justice system was used in resolving armed conflicts and the whole community would be involved. The rituals included the bending of spears to end hostilities, slaughtering of bulls to be shared by the fighting clans and the slaughtering of the ram for cleansing purposes. Long back instead of killing bulls they used to kill a human being from the offending tribe but this practice was stopped as it was an injustice and did not promote human rights.

HIGHLIGHTS OF TRADITIONAL JUSTICE IN THE LANGO COMMUNITY.

The lango traditionally carry out the “Kayo Cuk” justice mechanism and or the “Culo Kwor”.

The lango participants observed that the warring parties particularly the leadership of the LRA and the commander in chief of the UPDF needed to take responsibility for the crimes that have been committed against the innocent civilian populations in the whole conflict region because it was argued it is them that started the conflict; and having done, that ask for forgiveness from the people of these communities.

Upon admitting responsibility, the traditional cleansing rituals and practices may then be applied to all involved in the conflict.

However, owing to the diverse traditional justice mechanisms amongst the tribal groups affected by the conflict, it is possible for the groups to be brought together and discuss and compromise on the minimum rituals to be adopted.

More importantly, where the traditional justice is adopted, standards have to develop to prevent other perpetrators of crime from committing crime and pleading for traditional justice to be applied.