



Foundation for Human Rights Initiative (FHRI)

## Press release

### Uganda / ICC

# **FIDH and FHRI urge the Security Council to respect the independence of the International Criminal Court and protect the integrity of the Rome Statute**

## **Open letter to the members of the United Nations Security Council**

**Kampala, Paris – 11 April 2008**

Your Excellencies,

The International Federation for Human Rights (FIDH) and its member organisation in Uganda, the Foundation for Human Rights Initiative (FHRI), are seriously concerned about reports indicating that the Security Council might adopt a resolution requesting that the International Criminal Court (ICC) does not proceed with its case in Northern Uganda for a period of 12 months.

FIDH and FHRI recall that it was the government of Uganda who referred the crimes committed in the context of the conflict between the Ugandan army and the Lord's Resistance Army (LRA), to the ICC. As a result of the Court's independent investigation, arrest warrants for the top LRA commanders were issued. FIDH and FHRI recall that these arrest warrants remain outstanding and that Uganda is under the obligation to cooperate with the ICC by surrendering the indictees to the Court. The Security Council should not become accomplice to Uganda's failing to comply with this obligation.

FIDH and FHRI have expressed full support for peace initiatives in Northern Uganda from the outset. However, as acknowledged in the ICC Statute, there is no sustainable peace without justice. In this regard, it has been widely accepted that the arrest warrants contributed to the signing of the cease-fire agreement by LRA commanders. Moreover, any peace deal must not overlook accountability for the most serious crimes; that would violate the ICC Statute and contradict the reasons leading to the creation of the ICC. Our organisations have noted that the agreements signed between the Ugandan government and the LRA propose to hold domestic trials to satisfy the principle of complementarity. We support this initiative, as long as domestic courts comply with human rights standards of independence, fairness and efficiency. We note, however, that according to the ICC Statute, the Court might defer to national investigations or prosecutions only when the relevant state is investigating or prosecuting or has investigated or prosecuted<sup>1</sup>. Promises or unclear plans for national investigations or prosecutions do not satisfy the principle of complementarity.

The framers of the ICC Statute provided for the possibility to challenge the admissibility of the case before the Court itself. This would lead to presentation of evidence on the holding of national trials and an independent decision by independent judges as to whether such domestic initiatives are "genuine" and in accordance with international principles and the standards set in the ICC Statute. The government of Uganda should respect the judicial proceedings and avoid sidestepping judges' decisions by using political mechanisms.

Finally, FIDH and FHRI remain seriously concerned that the misuse and abuse of Article 16 of the Rome Statute deferrals in one of the first cases before the ICC could set a dangerous precedent which would

---

<sup>1</sup> Articles 17,18 and 19

seriously undermine the legitimacy of the ICC. We have repeatedly noted that the issue of peace and justice will always be present in the context of the situations where the Court operates. Our organisations invite you to take this opportunity to ensure the respect of the Court's independence and the protection of the integrity of the Rome Statute, making justice prevail as a chance for peace and not an enemy to peace.

Yours sincerely,

**Souhayr Belhassen**

FIDH President

**Livingston Sewanyana**

FHRI Executive Director

For more information, see:

FIDH Open letter to Mr Yoweri Museveni, President of the Republic of Uganda "No Sustainable Peace without Justice", 4 September 2006, <http://www.fidh.org/spip.php?article3597>

FIDH Open Letter to Mr. Moreno Ocampo, Prosecutor of the International Criminal Court , 4 December 2006, <http://www.fidh.org/spip.php?article3885>

FIDH and FHRI Press Release "Crimes committed in Uganda must not go unpunished", 17 July 2007, <http://www.fidh.org/spip.php?article4488>

FIDH and FHRI Press Release "Political agreement to try perpetrators of the most serious crimes in Uganda", 25 February 2008, <http://www.fidh.org/spip.php?article5256>

**Press contact : Karine Appy + 33 1 43 55 14 12 / + 33 1 43 55 25 18 – [kappy@fidh.org](mailto:kappy@fidh.org)**