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Fédération internationale des ligues des droits de l'Homme
International federation of human rights
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الفدرالية الدولية لحقوق الانسان



Foundation For Human Rights Initiative

Press release

ICC / UGANDA Security and protection of victims must guide the Prosecutor's intervention

The prosecutor of the International Criminal Court announces the opening of an investigation on the “situation” in Northern Uganda

Paris, July 29 2004 – The International Federation for Human Rights (FIDH) and its member organization in Uganda, the Foundation for Human Rights Initiative (FHRI) takes note of the announcement made today that an investigation has been opened by the International Criminal Court (ICC) on the situation in Northern Uganda.

In December 2003 the Ugandan President had triggered the ICC on the « *situation regarding the Lord Resistance Army* ». Uganda being a State Party to the Rome Statute, the Prosecutor of the ICC, Luis Moreno Ocampo, « *has determined that there is a reasonable basis to open an investigation into the situation concerning Northern Uganda* »¹. Today's announcement may be linked to the military operation led yesterday by the governmental forces to capture Joseph Kony, the leader of the Lord Resistance Army (LRA) on the territory of Sudan.

Firstly, the FIDH and the FHRI recall that the Prosecutor is not obliged to await a State referral to investigate into the crimes committed on a State party's territory or by its nationals nor is the Court bound by the scope of the State referral.

The FIDH and the FHRI urges the Office of the Prosecutor to conduct its investigation impartially, taking due account of all the parties in the conflict– including the governmental forces.

“*The Prosecutor's investigations and prosecutions must aim at demonstrating the responsibility of all the perpetrators of Human rights violations committed on the Ugandan territory or by Ugandan nationals*” said Livingston Sewanyana Executive Director of the Kampala based FHRI.

It is to be noted additionally that some Ugandan citizens might be directly or indirectly connected to the ongoing ICC investigations in the Democratic Republic of the Congo (DRC) which was recently opened. The involvement of Uganda in the eastern regions of DRC is evidenced and recognized, notably by the Report of the Group of experts on the DRC appointed by the UN Security council and published on 15 July 2004.

While the FIDH and the FHRI welcome the opening of an investigation which aims at prosecuting one of the most cruel armed groups in the past years they strongly reaffirms their wish that these will be done in conformity with fair and impartial standards of justice. Furthermore, « *to be understood and accepted, the intervention of the ICC Prosecutor must absolutely be articulated with the ongoing peace process* » has declared Sidiki Kaba, president of the FIDH.

¹ <http://www.icc-cpi.int/newspoint/pressreleases/33.html&l=en>

Secondly, the FIDH and the FHRI urge the Prosecutor to take special care in assessing the risks of reprisals on the victims, which may follow the ICC intervention into the country. It is the responsibility of the Prosecutor to guarantee that the ICC intervention will not create situations of re-traumatization for the victims.

The FIDH and FHRI recall that the LRA has abducted thousands of children to fight in its army and it is therefore feared that a large number of Ugandan victims will refuse to testify and cooperate with the ICC until the fate of their children be clarified.

The methods of the LRA add to the fear that the intervention of the ICC may accentuate threats on the physical and psychological well being of the victims and their families. This is reinforced by the fact that the Ugandan authorities have demonstrated no capacity to protect the victims and that they are in many cases feared by the population.

FIDH AND FHRI RECOMMEND

- To the ICC Registry : to establish a specific victims and witnesses protection programme and to inform the victims of their rights to be represented, to be protected, to participate in the proceedings and to apply for reparation before the ICC.
- To the ICC Office of the Prosecutor : to implement a regional strategy, linking the individual criminal responsibilities of the perpetrators of crimes committed in Uganda and in neighbouring countries, in particular in DRC.
- To the ICC Registry and the Office of the Prosecutor : to coordinate their activities and their public communication strategies on the northern Uganda situation, and to pay special attention to the information directed to the victims and witnesses.
- To the Ugandan authorities, to urgently ratify the Agreement on Privileges and Immunities of the Court, in order to facilitate the investigations in the field.

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