



POSITION PAPER FROM ICC'S INTERMEDIARIES AND LOCAL PARTNERS CONCERNING THE CESSATION OF REGULAR ACTIVITIES OF THE OUTREACH SECTION OF THE ICC FIELD OFFICE IN KAMPALA

Prepared by the African Youth Initiative Network (AYINET)
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African Youth Initiative Network (AYINET)

Plot 68/70, Police Road, Junior Quarters, Adyel Division
P.O. Box 981, Lira, Uganda

+256(0)772-539879 - uganda@africanyouthinitiative.org - www.africanyouthinitiative.org



Registry of the International Criminal Court

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The armed conflict between the Government and the Lord's Resistance Army (**LRA**) in northern Uganda was the first situation to ever be referred to the International Criminal Court (**ICC, Court**) in 2003. To support its activities in Uganda, the ICC set up a field office in Kampala, Uganda. The Outreach Section, one of the sections of the ICC Field Office, became involved with local victim-centred CSOs (**Intermediaries and Local Partners**) who believed in the work of the ICC and showed willingness to help it mobilise victims' communities and create awareness of the mandate of the Court. Over time through public engagement in awareness of mandates of ICC, many victims and conflict-affected communities came to regard the Outreach Section as the face of the Court.

Intermediaries and Local Partners were crucial in creating and nourishing acceptance of the Court in northern Uganda, which, in turn, made the work of Outreach and other sections of the Court easier and more effective.

After a decade of working with victims' communities, Intermediaries and Local Partners, the Court informed the latter in October 2014 that the Outreach Section will cease its regular activities in Uganda by the end of the year and continue to "monitor" the situation from Nairobi, Kenya. As CSOs we were encouraged to continue the Outreach Section's activities.

As it is pertinent that the ICC and we, as civil society, honour our commitment to provide accountability to victims' communities, AYINET¹ convened a follow-up meeting of all Intermediaries and Local Partners on 20 November 2014 in order to discuss challenges linked to the Outreach Section's decision and our way forward. This Position Paper includes a list of observations and recommendations for the Court.

¹ AYINET is a local, victim-centred CSO that has been providing redress to victims of war since our establishment in 2005. We are advocates of international justice mechanisms and are members of the Coalition for the International Criminal Court (CICC) and the Ugandan Coalition on the International Criminal Court (UCICC). Our current work focuses on all aspects of victims' empowerment. For additional information, we invite you to have a look at our website or visit us in northern Uganda.



OBSERVATIONS

1. Although the Court insists that the Outreach is “ceasing” its regular activities in Uganda, Intermediaries and Local Partners regard the decision as nothing less than a withdrawal of Outreach. It is inconceivable that the Outreach’s presence in Nairobi could effectively monitor the situation in northern Uganda.
2. Intermediaries and Local Partners consider the Court’s estimation that the situation in northern Uganda can be moved under the auspices of the Outreach’s office in Kenya, dangerously downplays the seriousness of the conflict in northern Uganda and its horrific aftermath, & it will decrease pressure on relevant actors to pursue Uganda’s cases with urgency, domestically and internationally.
3. The assertion that outreach activities in northern Uganda can be carried out “every now and then” from Kenya undermines the sacrifice and efforts of Intermediaries and Local Partners who dedicated themselves, demonstrated willingness to operate in a hostile environment and risked their lives to promote the Court’s acceptance among victims’ communities.
4. Recalling the vital contribution of Intermediaries and Local Partners to the Court’s work, the Intermediaries and Local Partners were surprised that the Court only *informed* them about an already made decision without consulting them prior. Should there be a development in the Uganda-related cases, this manner of operation will make it difficult for the civil society to again trust a Court that has bypassed them when making such an important decision. The same applies to the victims’ communities who were neither consulted nor personally informed about the decision.
5. The Court says that the Outreach Section is “ceasing” its regular activities, because there are no updates in the judicial proceedings. However, it is this very reason that makes it pertinent for Outreach to stay. The victims are already discouraged by the lack of arrests of indicted LRA commanders and the Outreach’s withdrawal risks sending a message that the Court has now given up as well. Victims’ fatigue might transform into a feeling of abandonment and fear that the LRA might claim victory and return to Uganda.
6. The conflict in northern Uganda was the very first case taken up by the ICC Prosecutor. The “ceasing” of the Outreach Section’s activities, feared to be the first step of the ICC Field Office’s closure, sets a troublesome precedent for the Court’s *modus operandi* with victims and CSOs in other situation countries.



RECOMMENDATIONS

1. The Court takes steps to reassure Intermediaries, Local Partners and victims' communities that it continues to enjoy the support of the Government of Uganda; and that Intermediaries, Local Partners and victims' communities are not compromising their position within Uganda by continuing to work with the Court.
2. The Court revises its decision to "cease" its regular activities in Uganda and it should maintain its (already) minimal presence. In the event that the current decision is upheld, it is our belief that the cost to the Court's image in Uganda and other situation countries will far outweigh the cost of keeping the Outreach Section in Kampala.
3. In the event that Recommendation 2 cannot be implemented, the Court initiates meetings with Intermediaries and Local Partners and should develop together with them, a strategy on how to reach out to victims' communities, present the decision and reassure them that the Field Office will continue to actively support Intermediaries' and Local Partners' activities, by, *inter alia*, providing information and financial support.
4. Finally, as the situation in northern Uganda became the very first case of the Court, its actions in regard to northern Uganda will be evaluated by victims, Local Partners and Donors in all other current and future situation countries. This will not only help or harm the Court in its future endeavours, but could also strengthen or weaken the credibility of international justice as such. The Court has a great responsibility to the citizens² of situation countries and we recommend that its manner of operation and its decisions demonstrate their awareness of this responsibility!

On behalf of the following organisations: Moyo War Victims Association, Christina Counselling Fellowship-Pader, PRAFORD–West Nile, Kumi Human Rights Initiatives, African Development Peace Initiative-Adjumani, WEID, Kitgum Women Peace Initiative, YAASA, Empowering Hands-Gulu, Northern Uganda Transitional Justice Initiative/NECPA, Corruption Break Crusade, WOFDU, OTINO OKWAR, Uganda Victims Foundation, GAPS–Centre for Governance, Peace and Security, TAP-UGANDA, GLOFAN, SOCHJAPC, KAKIKA WOMEN'S GROUP-Mbarara, Amuria District Development Association, Uganda Youth Coalition, Centre for Reparation and Rehabilitation, Teso Women Peace Association, Lango Cultural Foundation, African Youth Initiative Network, GIFACS and Ugandan Coalition of International Criminal Court. In anticipation for your feedback, we the undersigned wish you fruitful deliberations.

Victor OCHEN

Executive Director, AYINET

² p. 6 paragraph 2 in this document <http://www.iccnw.org/documents/NPWJOutreachPolicy/CCSep04.pdf>