

**INTERNATIONAL CRIMINAL COURT
FIFTH SESSION OF THE ASSEMBLY OF STATES PARTIES
THE HAGUE, 23 NOVEMBER 2006**

STATEMENT MADE ON BEHALF OF

UGANDA

**BY AMBASSADOR MIRJAM BLAAK
HEAD OF DELEGATION**

**Mr. President, Honourable Members of the Court,
Distinguished Delegates, Ladies and Gentlemen,**

I would like to express my appreciation to all members of the ICC for the accomplishments achieved in the past four years and I would like to recognize the many challenges that the office faces in pursuing its mandate. I would like to comment on what the President of the Court and the Prosecutor have stated in reports and during their presentations emphasizing the need for a *closer more intensified state cooperation*. State cooperation is indeed an essential and probably the most essential element in prioritizing the strategy of the Court, especially the state cooperation in effecting the warrants of arrest. During the last few months Uganda and the Lord Resistance Army for whom the ICC issued five warrants of arrest have been the focus of public attention. The LRA has terrorized the people of Northern Uganda, Southern Sudan and lately Eastern DRC for twenty years. The protracted nature of this campaign of violence is due to the lack of reliable support from regional and international partners.

In December 2003 the Government of Uganda (GoU) decided to refer the case to the ICC not because the Government was unable or unwilling to try the LRA itself but because the ICC was established specifically to deal with crimes of this magnitude and the GoU was unable to access the LRA who were operating outside its territory. We thought that the ICC would galvanize international cooperation and compel those countries harbouring the LRA to act appropriately. In September 2005, when the warrants of arrest were served, the GoU expected the UN and the States Parties to honour their international obligations to assist in giving effect to the arrest warrants.

However, even though the general whereabouts of the LRA commanders are known, their apprehension and the safe release of those women and children abducted by them, remained a significant challenge to the international community. This inability to arrest factored into the decision of the Government of Uganda to enter into a process to negotiate peace.

I would like to give you some background information to explain why GoU has agreed to negotiate peace.

1. The warrants of arrest were served on Uganda nearly one year ago. However, in spite of significant efforts made the GoU, the international community has not been able to give effect to those warrants. More importantly, it has resulted in a significant reduction of atrocities committed.
2. In September 2005, the LRA began to relocate to Garamba National Park in the DRC. This relocation of the LRA, was due to the military pressure of the UPDF and SPLA, as well as the pressure of the ICC who has contributed to isolating the LRA.
3. The LRA, including the five named in the ICC arrest warrants, are located in three countries, two of whom are members of the ICC and one of whom signed an agreement with the OTP to arrest. Within these three countries, there are five military forces that may be able to assist in arrest. These include the national armies of Uganda, DRC, Sudan as well as the UN peacekeeping forces of MONUC and UNMIS. Despite the tragic confrontation of the Guatemalan peacekeepers, eight of whom lost their lives confronting the LRA, none of these forces was able to arrest the five.
4. Giving effect to the warrants of arrest is the responsibility of the state parties to the ICC. The Government of Uganda has done, and is doing, what it can to fulfill its obligations. However, the GoU would like to stress that successful execution of the arrest warrants requires concerted international and regional cooperation.

Earlier this year, the President of Southern Sudan, Salva Kiir, offered President Museveni to use his good office to assist in mediating a peaceful solution with the LRA. The LRA had become a regional security threat, which was also threatening the implementation of the CPA between the Government of Sudan and the Government of Southern Sudan. Therefore, President Museveni offered the LRA a “soft landing” by seeking a peaceful solution to end this longstanding conflict, once and for all.

Peace talks mediated by Vice-President Riek Machar started in July this year and, as you are aware, resulted in the signing of a Cessation of Hostilities Agreement in August. The LRA fighters had not assembled in the two designated areas and therefore the parties have signed an Addendum to the original Cessation of Hostilities Agreement, which allows more time for compliance. The people of Northern Uganda, including the victims of these crimes, want an end to the war and want to return home. They also want those whom have been abducted by the LRA and forced to fight, to come home. Due to the current peace efforts, security has returned to Northern Uganda and thousands of people have started resettling into their former homes with the assistance of the GoU and development partners. The Government will ensure that security will prevail to enable the people to lead a normal peaceful life.

Uganda is continuously in touch with the OTP to keep them abreast of the developments in the peace process. I would like to emphasize that if it was not for the warrants of arrest hanging over the heads of the indictees, the LRA may not have agreed to the peace process. The ICC is playing a very significant role and the arrest warrants remain a constant pressure on the LRA leaders to stay committed to the negotiating process. The GoU has shown its commitment to execute the warrants of arrest as even recently on 12 August the UPDF engaged an LRA unit in Northern Uganda believed to be under the command of Raska Lukwiya. With the assistance of the ICC we have established that it was indeed Lukwiya who was killed in the ensuing clash.

In the interest of peace and security for the victims of crimes committed by the LRA, the Government of Uganda is committed to conclude the peace talks successfully including the disarmament and demobilization and reintegration of the LRA fighters. Many have reported that the ICC is an obstacle in the peace process because the LRA leaders have insisted that the GoU ensures a withdrawal of the warrants. Just last week in Garamba, DRC, the LRA leadership consulted a team of lawyers who explained to them the provisions of the Rome Statute and that the signing of a comprehensive peace agreement including accountability for crimes committed by the indictees, not negating personal responsibility, could ensure that peace prevails in Northern Uganda and the region as a whole.

The Government assures the ICC and States Parties that we are seeking a permanent solution to the violence that serves the need for peace and justice, compatible with our obligations under the Rome Statute. The talks are continuing and at this stage it is speculative to determine the outcome but please rest assured that Uganda will not condone impunity.

What Uganda has experienced serves as an example of the acute need for international cooperation to give effect to ICC arrest warrants and makes us realise even more the need for all States Parties to cooperate with the ICC in fulfilling their obligations. In addition to the ICC arrest warrants, the UN Security Council has recognized the LRA as a regional threat that cannot be resolved without the cooperation of States. I would like to call on all States Parties to recognize that executing the ICC arrest warrants is a collective responsibility requiring intensified international cooperation. The Court cannot execute its mandate by issuing warrants to many suspects who cannot be arrested and surrendered.

There have been informal discussions about possibly establishing a working group or another alternative mechanism that deals with state cooperation and could be divided into subgroups to deal with different aspects of state cooperation: sentence reinforcement, witness relocation agreements and most importantly execution of the warrants of arrest. The States Parties involved in such working groups should be able and capable of rendering practical support on any of these aspects - not just a theoretical working group drafting recommendations.

The cooperation objectives should be given effect and realised in practice, otherwise it all remains hypothetical. Uganda would certainly like to ensure that this type of state cooperation would render solutions to the challenges facing the Court.

In conclusion, Mr. President, the ICC's involvement in Uganda has had an enormous impact leading to many positive developments in the region. Uganda is convinced that in close cooperation with the Court, a solution will be reached in accordance with the provisions of the Rome Statute for the furtherance of peace and justice while bearing in mind the interest of the victims.

Thank you