

VICTIMS RIGHTS WORKING GROUP

ADVOCATING FOR THE RIGHTS OF VICTIMS AT THE INTERNATIONAL CRIMINAL COURT

UGANDAN PEACE TALKS: VICTIMS' RIGHTS MUST BE RESPECTED

STATEMENT OF THE VICTIMS RIGHTS WORKING GROUP

3 AUGUST 2006

Amidst renewed efforts to secure peace for the protracted conflict in northern Uganda, the Victims Rights Working Group reminds all parties to the negotiations of the importance of ensuring that victims' rights are fully respected and their interests are fully taken into account.

Everyone involved in Uganda has an interest in peace. In fact, many of the strongest voices have called for peace at all costs. However, denying justice does not achieve sustainable peace. It undermines victims' rights to an effective remedy and reparation that address their suffering. Impunity might serve as a quick, short-term solution, but it cannot root out the seeds that led to the conflict nor deter future crimes. Indeed, denying justice can lead to further human rights violations. For example, reports from northern Uganda indicate that amnestied rebels continue to mete out abuses on victims even when they have been released from captivity in the bush. We are also concerned by projects such as Labora farm in Gulu, where senior amnestied LRA commanders are in charge, effectively able to command and exploit the very women and girls whom they abducted, raped and held in captivity. International obligations to ensure justice for crimes under international law should be upheld.

With the calls for "peace at all costs", the VRWG reminds all parties to the negotiations that victims have a right to justice and reparations which must not be bargained away. Because victims' voices are often not the strongest or the loudest, their perspectives on implementing peace, justice and reparations must be specifically solicited, considered and reflected in current negotiations.

1. Politicians, the Government of Uganda and traditional and religious leaders from all conflict affected areas should commit to ensuring that the rights of victims to justice and reparation will be fully respected in peace negotiations. They should not undermine these rights by establishing a new system of impunity.
2. Politicians, the Government of Uganda, the Prosecutor of the International Criminal Court, and traditional and religious leaders from all conflict affected areas should take further steps to consult with the wide range of victims' communities of the Acholi, Langi, Teso and Madi, including women and children, to determine their views and perspectives and keep them regularly informed about issues and policies that impact upon them. Broad consultations with all those affected will avoid stigmatization of any particular group and will limit the potential for further marginalization of communities.

3. The African Union Peace and Security Council should ensure accountability for international crimes in accordance with international legal obligations, as well as Security Council Resolution 1674 regarding the contribution of regional bodies to protect civilians, and should ensure that the peace process does not undermine accountability for war-related crimes and the right of victims to justice.
4. As part of the process of promoting justice and reparation for victims, the Government of Uganda and other actors, including traditional and religious leaders from all the conflict-affected areas, should also encourage mechanisms for truth-telling, public acknowledgement, commemoration, education institutional reforms, and assistance programmes for victims.
5. Victim representatives should be present with full participatory rights at the peace negotiations, to ensure that victims' views and concerns are specifically taken into account, giving effect to the UN Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims (see below).
6. Politicians and the Government of Uganda should ensure that the rights of victims to a remedy and reparation should be implemented into Ugandan domestic law, including effective implementation of the Rome Statute of the International Criminal Court that was ratified by Uganda on 14 June 2002.
7. All members of the international community should cooperate fully with the ICC to arrest and transfer persons charged with genocide, crimes against humanity or war crimes, including the five LRA leaders charged or other parties to the conflict.

Excerpt

UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

Adopted 16 December 2005

III. Gross violations of international human rights law and serious violations of international humanitarian law that constitute crimes under international law.

4. In cases of gross violations of international human rights law and serious violations of international humanitarian law constituting crimes under international law, States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations and, if found guilty, the duty to punish her or him. Moreover, in these cases, States should, in accordance with international law, cooperate with one another and assist international judicial organs competent in the investigation and prosecution of these violations.

10. Victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families. The State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation.

VII. Victims' right to remedies

11. Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim's right to the following as provided for under international law:

- (a) Equal and effective access to justice;
- (b) Adequate, effective and prompt reparation for harm suffered;
- (c) Access to relevant information concerning violations and reparation mechanisms.

For the full text of the UN Basic Principles and Guidelines on see:
<http://www.ohchr.org/english/law/remedy.htm>

The Victims' Rights Working Group (VRWG) is a network of over 200 civil society groups and individual experts created in 1997 under the auspices of the NGO Coalition for an International Criminal Court. Affiliated organisations include NGOs from Uganda, DRC and Sudan as well as international NGOs. The VRWG works to ensure that victims' rights are effectively protected and respected, and that their needs and concerns are met throughout the judicial process of the ICC. Particular attention is paid to the need to ensure that the Court will render not only retributive, but also restorative justice that will aim, *inter alia*, to prevent re-victimization, to break cycles of violence and war, and to provide reparations and rehabilitation for victims. The VRWG advocates for fair and effective structures and procedures at the Court to facilitate victims' full and active participation. For a list of affiliated organisations see our website See <http://www.vrwg.org>