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Uganda: International Criminal Court investigation an important step toward ending impunity

Today's announcement of an investigation by the International Criminal Court (ICC) into crimes against humanity and war crimes in northern Uganda, should be seen as only a first step towards bringing justice to tens of thousands of victims.

Amnesty International welcomes statements by the ICC Prosecutor that he will investigate the alleged crimes committed both by members of the Lord's Resistance Army (LRA) and members of government forces.

However, the organization warns that more will need to be done, especially since the ICC only has jurisdiction to investigate and prosecute crimes committed since 1 July 2002.

A long-term national action plan is urgently needed to end impunity for all crimes under international law committed in Uganda, no matter how long ago and no matter what the official status is of those who committed them. The action plan should ensure that courts can function effectively in all parts of the country, that the safety of victims and witnesses are protected, and that victims and their families can obtain the full reparation to which they are entitled under international law and standards.

In addition to the action plan, the government should take five essential steps, both to cooperate with the ICC and to fulfil its own responsibilities to investigate and prosecute crimes against humanity and war crimes.

First, it should amend the International Criminal Court Bill, 2004, which should define the crimes in the Rome Statute of the International Criminal Court as crimes under national law and provide for full cooperation with the ICC. Amnesty International today sent a detailed commentary on the bill to the Minister of Justice, welcoming the work done so far, but urging that the bill be amended to conform to Uganda's obligations under the Rome Statute and other international law and, in particular, to exclude the death penalty.

Second, the government should ratify and implement the Agreement on Privileges and Immunities of the Court as soon as possible. This Agreement is an essential tool to ensure that the ICC can conduct investigations without undue hindrance.

Third, Parliament should not ratify nor should the government implement the unlawful impunity agreement signed with the USA, which commits not to surrender US nationals to the ICC.

Fourth, the government should ensure that the Amnesty Act of 1999 does not apply to any crimes under international law.

Fifth, the government should provide the fullest possible assistance to the ICC in the protection of victims, witnesses and ICC investigators, in sharing and safeguarding evidence, and in arresting and surrendering persons indicted by the ICC without delay.

The ICC will have a particularly important role in ensuring the safety of victims and witnesses, including identifying those at risk and ensuring measures for their protection. Furthermore the ICC itself should now immediately begin the task of informing the population of Uganda about how it will work.

The investigation and prosecution of crimes under international law in Uganda are not the responsibility of the government and the ICC alone. These are crimes against the entire international community and the fabric of international law. Amnesty International calls on the international community to fulfil its responsibilities by assisting the ICC and by helping Uganda to develop and implement an effective action plan to end impunity for these crimes.

Background

Today's announcement by the ICC Prosecutor that he has opened an investigation follows a preliminary examination of crimes committed in Uganda since July 2002. The examination was conducted after the first ever state referral to ICC by the government of Uganda on 29 January 2004. The Prosecutor has received information from a wide variety of sources.

For 18 years, the conflict in northern Uganda has claimed the lives of thousands of civilians. The situation deteriorated further during 2003. The conflict has resulted in mass displacement of the population, arbitrary killings, maimings, abductions and forced recruitment. In particular, the LRA has been accused of abducting children for combatants and sex slaves, at times moving them across the border into Sudan. The treatment of children returning from their abductors has also been the subject of much controversy: allegations have been levelled at the Ugandan security forces of re-training some of them for military purposes in the fight against the LRA.

The Uganda investigation is the second investigation announced by the International Criminal Court since it was established two years ago. The first, announced on 23 June 2004, is now looking into crimes committed in the Democratic Republic of the Congo since July 2002.