



**HURINET-U CHIEF EXECUTIVE OFFICER'S SPEECH FOR THE 15th
SESSION OF THE ASSEMBLY OF STATE PARTIES TO THE ROME
STATUTE 2016.**

Your Excellencies, Distinguished, Ladies and Gentlemen,

It is my honor and unique opportunity to address you today. I come from Human Rights Network-Uganda an umbrella organization bringing together 63 organizations and hosting 8 national platforms including Uganda Coalition for the International Criminal Court (UCICC) which has over 150 members country wide.

The ICC remains an important court of last resort for trying international crimes where a state is unable or unwilling to do so.

In our view the greatest challenge that the court faces is on non-cooperation, this particularly is more explicit as some state parties continue to flagrantly host and consort with fugitives of the court. Neither arresting nor surrendering such fugitives in the jurisdiction of state parties to the court.

The second challenge concerns the failure by the state parties to set up meaningful and productive domestic judicial and transitional Justice Processes to sufficiently deal with the justice needs of the victims. For example, Uganda ratified the Rome Statute in 2002 and domesticated it in 2010 as the International Criminal Court Act 2010. The Act created the International Crimes Division (ICD) of the High Court in the spirit of complementarity. However its functionality has remained a challenge characterised by limited funding, capacity gaps, lack of rules of procedures and minimal opportunity for participation of victims and their communities. To date, the court has only handled one case without any logical conclusion amidst number of trial challenges. Additionally, the transitional justice framework has not yet been established due to lack of a policy and enabling legal framework. Uganda has for the last six (6) years dragged its feet on passing the transitional justice policy to enable the creation of the framework.

The third challenge is the threats to withdraw from the Rome Statute system by some state parties owing to political concerns. African states were very instrumental in establishing the court-Senegal was the first country to ratify the Rome Statute. The ICC has great potential of dealing with grave violations arising from the conflicts that dogged some parts of the continent and hold accountable those who bore the greatest responsibility for commission of the international crimes. The concern of African States is centered on immunity of heads of states. It's important to note that under Article 27 of the Rome Statute does not recognize immunity for any individual irrespective of status. It is important to note that during the Rome Conference African states were vocal in demanding that there should be no immunity for any one. There for it is incumbent upon the heads of states not to ride on the back of immunity to undermine the work of the ICC and the Rome Statute System.

We wish to encourage and appeal that:

1. State parties should fully fulfill their legal obligations to cooperate with the court.
2. That state parties should strengthen their domestic justice systems to enable the realization of positive complementarity. This should primarily be at national level but could equally be explored at the regional level.
3. That the African states that have initiated withdrawal procedures or threatened to withdraw should be constructively engaged with the view of addressing the genuine concerns in a manner that preserves the integrity of the Rome Statute
4. That the victims should be put at the centre of every decision by the state parties agitating for withdrawal from the Rome Statute System.
5. And powerful states of the United Nations Security Council, who are non-state parties to the Rome Statute, should not abuse their powers and block actions where mass atrocities have been committed.

Thank you for your attention.

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