



**STATEMENT BY**

**HON. KIRYOWA KIWANUKA**

**THE ATTORNEY GENERAL**

**OF THE**

**THE REPUBLIC OF UGANDA**

**AT THE**

**TWENTIETH SESSION OF THE ASSEMBLY OF STATES PARTIES  
TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL  
COURT**

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**THE HAGUE, THE NETHERLANDS**

**(Check against delivery)**

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The President of the Assembly of States Parties

Heads of Delegations and Representatives of States Parties

Judges of the International Criminal Court

The Prosecutor of the International Criminal Court

Officers of the International Criminal Court

Distinguished ladies and gentlemen

Madam President

On behalf of my delegation, I take this opportunity to salute you for the excellent manner in which you have steered the business of this Assembly since your election last year, and to assure you of my country's support and cooperation during this session.

I also take the opportunity to congratulate Mr. Karim A. A. Khan on his election as Prosecutor of the International Criminal Court and to pledge my country's support to his work, in the same way we have supported all his predecessors in office. In the same vein, I take the opportunity to pay tribute to the immediate past Prosecutor, Ms. Fatou Bensouda, for her long and dedicated service to the Court and to wish her success in her future endeavours.

Madam President

Allow me to begin my remarks by reiterating to this Assembly Uganda's unwavering commitment to the fight against impunity within her borders, and beyond. As we have previously done, we wish to remind this Assembly that Uganda was the first State in January 2004 to make a referral to the International Criminal Court following the coming into existence of the Court less than 2 years before, in 2002. By making that referral, Uganda afforded the Court its first opportunity to put the Rome Statute to the test and to perfect its *modus operandi*. From the time of the referral to this date, Uganda continues to work closely with the Court in performing its mandate both within the country and elsewhere on the African continent. We hope to remain a reliable committed partner of the Court in the pursuit of its mandate.

Madam President

As we have also informed this distinguished Assembly on several previous occasions, Uganda remains steadfast in its efforts to lift the complementarity principle from the pages of the Rome Statute and of hundreds of academic journals out there to reality. The International Crimes Division of the High Court of Uganda, about which we have had the opportunity to address this Assembly on previous occasions

is now a solid pillar of our judicial set-up and we appreciate the interest that partners from across the globe, including the Court, have had in its operations.

The Division's jurisdiction as well as its rules of procedure mirror those of the ICC and this has established the Division as a capable and credible alternative to the Court, which is what the Rome Statute, which establishes the ICC only as a court of last resort, is all about. Presently, there are 34 cases pending before the Court, which is testimony to its institutional crystallization over the last 10 years. The Division is well on its path to creating international criminal law precedents by its decisions and presently offers a platform for internship for scholars and students of international criminal law. Thus, Uganda now has capacity to domestically deal with any matters falling under the jurisdiction of the Court on the basis of the same standards as those of the Court.

Madam President

Allow me to use this opportunity to remind the Court of its cardinal role, which is ensuring that victims of atrocity crimes receive justice. Key to this is the strict adherence to the gravity threshold principle which article 17(1)(d) of the Rome Statute embodies. This requires that the relevant organs of the Court promptly dismiss frivolous, usually politically-informed complaints that every now and then find their way into the institution. By doing that, the ICC will be

able to maintain its due gravitas and to remain the court of last resort that it is designed to be.

Madam President

We welcome the conviction by the Court in February 2021 of Mr. Dominic Ongwen, one of the first persons to be indicted by the Court in 2005 for atrocities committed against our people in northern Uganda for 18 years. We believe the conviction is a victory for the victims and a milestone for the Court. However, we must remind ourselves that the main architect of the atrocities, Joseph Kony, remains at large outside the borders of Uganda and that his continued evasion of the law represents a major failure on the part of the international community. It is our hope that he too will be held to account, and soon.

Madam President

Allow me to observe that Uganda welcomes the fact that the Court has, as we are informed, opened investigations in places outside of Africa, which we believe will enhance the credibility of the Court. It is no secret that for a long time, the Court has not been successful at dispelling the notion in some quarters that it is not a global court, but a court designed to target Africa and Africans. Even its most ardent advocates have had a hard time countering this accusation

in the face of the statistics, and yet there has never been a shortage of cases outside of the continent that merit the attention of the Court. If the Court can ensure that investigations outside of Africa result in indictments and trials; and that the decision to prosecute is reached without partiality, it will serve the Court and the entire Rome Statute system well.

With regard to the prosecutions that have been pursued in the Court, there is need to address the issue of bias in the choice of whom to hold accountable. There are instances where parties to a conflict have committed atrocities and only one side, in some instances the side that reacted in defence, is prosecuted while the instigator is not held to account. This portrays the system as biased and unprincipled.

Madam President

Allow me to conclude by reiterating my country's keenness on a continued close relationship with the Court and by wishing everyone here great deliberations over the next 6 days.

I thank you.