

Speech

By

H.E. Yoweri Kaguta Museveni  
President of the Republic of Uganda

At the  
Opening Ceremony of the  
International Criminal Court  
Review Conference

*Munyonyo Commonwealth Resort  
May 31, 2010*

*Your Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania;*

*Your Excellency BAN ki-moon, Secretary of the United National;*

*Your Excellency Kofi Anan, former Secretary General of the United Nations;*

*Hon. Judge Sang-Hyung Song, President of the International Criminal Court;*

*Your Excellency Ambassador Christian Wenaweser, President of the Assembly of States Parties;*

*The Prosecutor of the International criminal court; Justices;*

*Other Dignitaries who are here.*

On this very important occasion, I want to share with you my experience, in just a few points.

### **Distinction between just and unjust conflicts**

I belong to a political organization that has been fighting impunity for the last 45 years. This was after Uganda's independence. Much of the crimes against our people were committed by Africans on Africans. In the past, we had problems with the Whites; but in the last 50 years, we have been having problems with Africans. Therefore, our contribution to this debate is to re-introduce words which I do not hear so much in the International jargon. I have not read the Rome Statute, but I do not know whether those words are there.

We, in our political tradition, we make a distinction between just and unjust wars. This war you are fighting; what war is it? Is it a just war, or is it a war of aggression? I do not know whether the Statute sorts that one out. A distinction must, therefore, be made between a just cause and an unjust one.

### **Methods**

Assuming the conflict is a just one; what methods do you use to execute that just conflict? You may have a just cause, but use terrorist methods to execute that cause. And, what are the terrorist methods? They use indiscriminate violence, as well as other methods that have been well captured in the speeches of the preceding speakers – targeting non-combatants, raping women, destroying means of sustenance like food in order to starve the opponent and all that. That is what makes a distinction between a combatant and a terrorist, between a freedom fighter and a terrorist. That is what we have been telling our brothers from the Middle East.

In the anti-colonial struggle, we used to have a group called the Afro-Asiatic solidarity group; we were together with the Asians and the Arabs and we were fighting against the European colonialists. Here I am not being sectarian, because the Europeans had brought themselves here; we had not invited them. Definitely, in fighting these colonialists, we had a just cause, because the Europeans had no business here as colonialists and we had to repatriate them back where they came from. That was a just cause we shared with the Arabs and the Middle Eastern group.

The problem, however, came on methods. I even talked to some of my comrades: *“When you hijack a plane with*

women and children and you say this is a political act, I am doing this because I am fighting for justice” that is not correct. We the freedom fighters in Black Africa, we had a problem with that. We said,

*“No; but why do you involve women and children; or why go to a bar and plant a bomb? People who go to bars are not political! They are just merry makers. I have never gone to a bar; so when you go and plant a bomb in a bar, you are not targeting Museveni, because Museveni will not be there.*

Therefore, the second point that I would like to mention to this meeting, are the methods. Use of indiscriminate violence is what distinguishes a freedom fighter from a terrorist.

In the last 40 years since independence, we in Uganda we have lost 800,000 people, killed extra-judicially; killed by political actors aiming at non-combatants, women and children. We have 33 mass graves in Uganda containing 70,000 skulls; even today, those are preserved. We, therefore, have good experience in this issue of extra-judicial or terrorist methods. Therefore, our experience is also interesting in handling this. Although we were fighting, as a liberation movement, we would ensure that our means of fighting were clearly distilled – you target combatants. You may target infrastructure that is not humanitarian-related.

I do not see this clarity even in some of the UN documents. Even in the Middle East, when I talk with some of the people there, for instance, when I talk with the Israelis, it seems they would like to attack but not be attacked – but

that is not war! War means you attack and you are attacked! Nevertheless, how are you attacked? I said, “Okay, if you are in a war situation and you attack a barracks, *that* is war! Maybe you target infrastructure, like some railway line somewhere, *that* is war. However, targeting hospitals, buses, civilian aircrafts, bars where people are just making merry, cinema halls; that, to me, is terrorism—it is not war. This is not to mention whether this war was originally just, or unjust! If the war was unjust, in the first place, that compounds your guilt, in my opinion.

### **An eye for an eye**

Here in Uganda, we believe in the Law of Moses. I do not know how many of you are Christians; the Christians have got two books – one is the Old Testament and the other is the New Testament. In the Old Testament, the Law of Moses was: “*An eye for an eye and a tooth for a tooth*”. And we say, “*What is good for the goose is good for the gander*”. If you kill somebody extra-judicially, you will also die. I hear that in the ICC you take them and put them in Five Star, hotels; and that a Five-Star Hotel is waiting for Kony! However, here, in the last 24 years, we have executed 22 soldiers for killing people. When you hear that our army is disciplined and is able to go to Somalia and stay there and do a commendable job, it is because they know the consequences of indiscipline. 22 soldiers have been executed and 127 have been condemned to death but they have not yet been executed. That, therefore, is our experience here. That is how we have built one of the most disciplined armies.

### **Immediate compensation**

I totally agree with Mr. Ocampo that compensation for the victims should not even wait for justice. It should be done now and all means should be marshaled to assist victims, to compensate them even before the criminals are caught and tried. I totally agree.

### **Provisional Immunity**

Finally, what H.E. Kofi Anan touched on -- how do you handle justice and peace? I do not, in my opinion, think the two are contradictory. In Burundi, where even the UN was involved, there was provisional immunity – that is what we did in Burundi; that was the experience. We knew that many of those fellows who had been involved had committed mistakes. We therefore said,

*“Okay, we give you provisional immunity; provided you contribute to the making of peace, we shall not arrest you as the peace process is going on. When the peace is achieved, then we shall see what to do; and we shall take into account your cooperation”.*

Why can't we look at this idea of provisional immunity?

Thank you very much.

**Speke Resort Munyonyo,  
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