

STATEMENT BY UGANDA IN THE GENERAL DEBATE OF THE FIFTH SESSION OF THE ASSEMBLY OF STATES PARTIES (ASP) TO THE INTERNATIONAL CRIMINAL COURT (ICC) ON THURSDAY 23 NOVEMBER 2006 AT THE HAGUE

**DELIVERED BY AMBASSADOR MIRJAM BLAAK,
HEAD OF THE UGANDA DELEGATION**

**Mr. President,
Honourable Members of the Court,
Your Excellencies,
Ladies and Gentlemen,**

I would like to express my appreciation to all members of the ICC for the accomplishments achieved in the past three years and I would like to recognize the many challenges that the Court faces in pursuing its mandate. I would like to comment on what the President of the Court and the Prosecutor have stated in reports and during their presentations emphasizing the need for a *closer more intensified state cooperation*. State cooperation is indeed an important and probably the most essential element in prioritizing the strategy of the Court, especially state cooperation in effecting warrants of arrest. During the last few months Uganda and the Lord's Resistance Army (LRA) for whom the ICC issued five warrants of arrest have been the focus of public attention. The LRA has terrorized the people of Northern Uganda and Southern Sudan for twenty years. The protracted nature of this campaign of violence is due to the lack of reliable support from regional and international partners.

In December 2003 the Government of Uganda (GoU) decided to refer the case to the ICC not because the Government was unable or unwilling to try the LRA itself but because the ICC was established specifically to deal with crimes of this magnitude and the GoU was unable to access the LRA which was operating outside its territory. We thought that the ICC would galvanize international cooperation and compel those countries harbouring the LRA to act appropriately. In September 2005, when the warrants of arrest were served, the GoU expected the UN and the States Parties to honour their international obligations to assist in giving effect to the arrest warrants.

However, even though the general whereabouts of the LRA commanders are known, their apprehension and the safe release of those women and children abducted by them remained a significant challenge to the international community. This inability to arrest factored into the decision of the Government of Uganda to enter into peace negotiations with the LRA.

I would like to provide some background information to explain why GoU has agreed to negotiate peace.

1. The warrants of arrest were served on Uganda for the five LRA commanders nearly one year ago. However, in spite of significant efforts made the GoU, the international community has not been able to give effect to those warrants. More importantly, it has resulted in a significant reduction of atrocities committed.
2. In September 2005, the LRA began to relocate to Garamba National Park in the DRC. This relocation of the LRA, was due to the military pressure of the UPDF and SPLA, as well as the pressure of the ICC which has contributed to isolating the LRA.
3. The LRA, including the five named in the ICC arrest warrants, are located in three countries, two of whom are members of the ICC and one of whom signed an agreement with the OTP to arrest. Within these three countries, there are five military forces that may be able to assist in arrest. These include the national armies of Uganda, DRC, Sudan as well as the UN peacekeeping forces of MONUC and UNMIS. Despite the tragic confrontation of the Guatemalan peacekeepers, eight of whom lost their lives confronting the LRA, none of these forces was able to arrest the five.
4. Giving effect to the warrants of arrest is the responsibility of the State Parties to the ICC. The Government of Uganda has done and is doing, all it can to fulfill its obligations. However, the GoU would like to stress that successful execution of the arrest warrants requires concerted international and regional cooperation.

Earlier this year, the President of Southern Sudan, Salva Kiir, offered to use his good offices to assist in mediating a peaceful solution between the Government of Uganda and the LRA. The LRA had become a regional security threat, which was also threatening the implementation of the CPA between the Government of Sudan and the Government of Southern Sudan.

President Museveni of Uganda has offered the LRA a “soft landing” by seeking a peaceful solution to end this longstanding conflict, once and for all. Peace talks mediated by Vice-President Riek Machar started in July this year and, as you are aware, resulted in the signing of a Cessation of Hostilities Agreement in August. The LRA fighters had not assembled in the two designated areas and, therefore, the parties have signed an addendum to the original cessation of hostilities agreement which allows more time for compliance. The people of Northern Uganda, including the victims of these crimes, want an end to the war and return home. They also want those who have been abducted by the LRA and forced to fight, to come home. Due to the current peace efforts, security has returned to Northern Uganda and thousands of people have started to resettle into their former homes, with the assistance of the GoU and the development partners. Government will ensure that security will prevail to enable the people to lead normal and peaceful life.

Uganda is continuously in touch with the OTP to keep them abreast of the developments in the peace process. I would like to emphasize that if it was not for the warrants of arrest hanging over the heads of the indictees, the LRA may not have agreed to the peace process. The ICC is thus playing a very significant role and the arrest warrants remain a constant pressure on the LRA leaders to stay committed to the negotiating process. The GoU has shown its commitment to execute the warrants of arrest, even as recently as on 12 August the UPDF engaged an LRA unit in Northern Uganda believed to be under the command of Raska Lukwiya. With the assistance of the ICC we have established that it was indeed Lukwiya who was killed in the ensuing clash.

In the interest of peace and security for the victims of crimes committed by the LRA, the Government of Uganda is committed to conclude the peace talks successfully including the disarmament and demobilization and reintegration of the LRA fighters. Many have reported that the ICC is an obstacle in the peace process because the LRA leaders have insisted that the GoU ensures a withdrawal of the warrants. Just last week a team of lawyers have visited the LRA and spoke to the leaders such as Kony and Otti in Garamba in the DRC. They explained to them the provisions of the Rome Statute and that the signing of a comprehensive peace agreement including accountability for crimes committed by the indictees, not negating the personal responsibility, could ensure that peace prevails in Northern Uganda and the region as a whole.

The Government of Uganda assures the ICC and States Parties that we are seeking a permanent solution to the violence that serves the need for peace and justice, compatible with our obligations under the Rome Statute. The talks are continuing and at this stage it is speculative to determine the outcome but please rest assured that Uganda will not condone impunity.

What Uganda has experienced serves as an example of the acute need for international cooperation to give effect to ICC arrest warrants and makes us realise even more the need for all States Parties to cooperate with the ICC in fulfilling its obligations. In addition to the ICC arrest warrants, the UN Security Council has recognized the LRA as a regional threat that cannot be resolved without the cooperation of States. I would like to call upon all States Parties to recognize that executing the ICC arrest warrants is a collective responsibility requiring intensified international cooperation. The Court cannot execute its mandate by issuing warrants to many suspects who cannot be arrested and surrendered. We do not wish to see a Court without trials.

There have been informal discussions about the possibility of establishing a Working Group or other mechanism, in New York to deal with state cooperation and could be divided into subgroups to deal with different aspects of state cooperation: sentence reinforcement, witness relocation agreements and most importantly execution of the warrants of arrest.

The State Parties involved in such Working Groups should be able and capable of rendering practical support on any of these aspects - not just a theoretical working group drafting recommendations. The cooperation objectives should be given effect and realised in practice, otherwise it all remains hypothetical. Uganda would certainly like to ensure that this type of state cooperation would render solutions to the challenges facing the Court.

In conclusion, Mr. President, the ICC's involvement has had an enormous positive impact leading to positive developments. Uganda is convinced that in close cooperation with the Court, a solution will be reached in accordance with the provisions of the Rome Statute for the furtherance of peace and justice while bearing in mind the interest of victims.

Thank you