



**STATEMENT BY**

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**OF THE**

**THE REPUBLIC OF UGANDA**

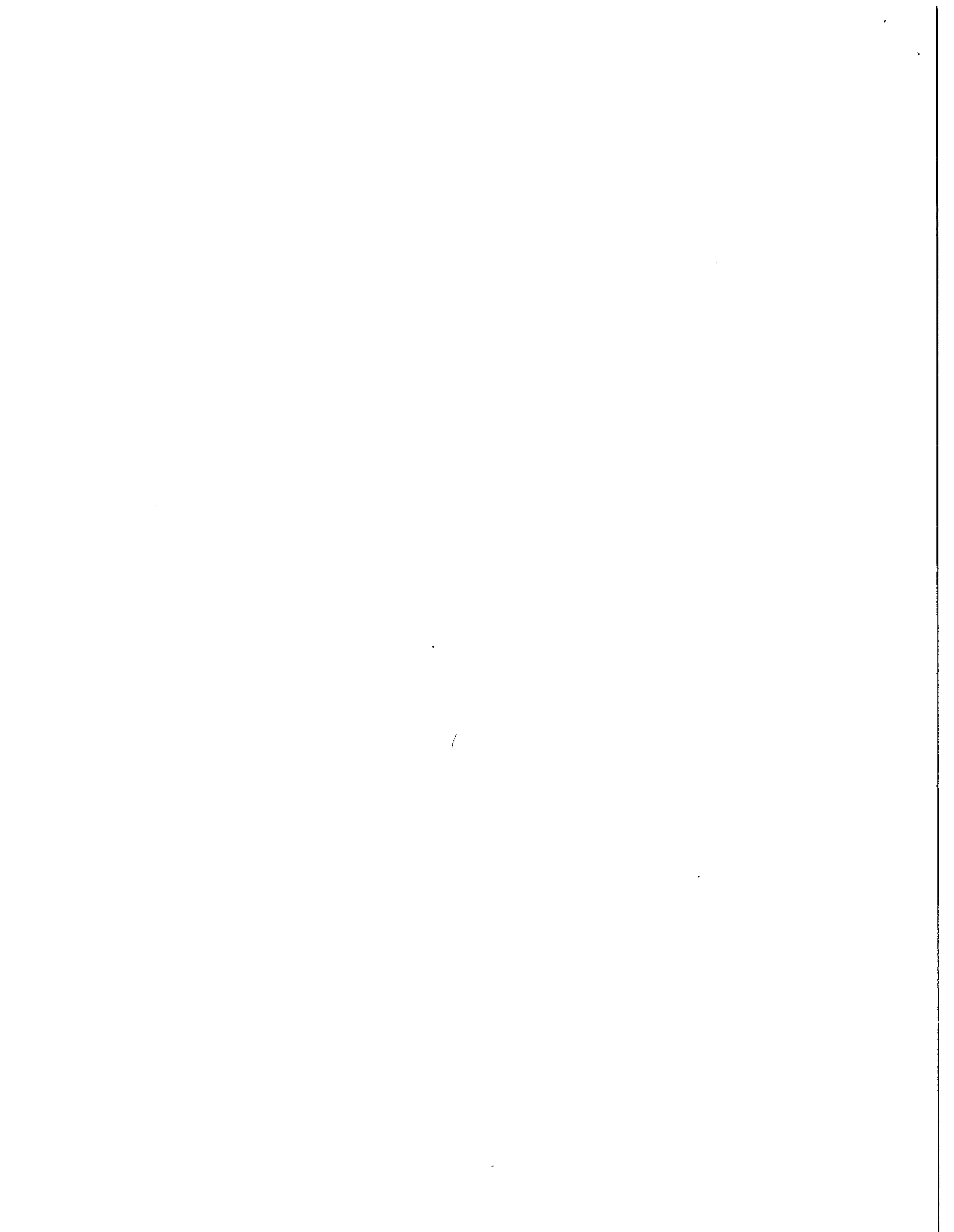
**AT THE**

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

**6<sup>TH</sup> DECEMBER 2017**

**UNITED NATIONS HEADQUARTERS, NEW YORK, USA**

**(Check against delivery)**



The Vice-President of the Assembly of States Parties to the Rome Statute of the International Criminal Court

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

Mr. Vice-President

I take this opportunity to salute you and the President for your excellent stewardship of the business of the Assembly of States Parties over the last three years and to assure you of my country's support and cooperation during this session. I also take the opportunity to heartily congratulate His Excellency Mr. Kwon O-gon on his election as the incoming President of the Assembly and to assure him of Uganda's unreserved support during his tenure. I also use this opportunity to congratulate my compatriot Lady Justice Solomy Balungi Bossa upon her election as a judge of the International Criminal Court and also to congratulate all the other judges who have been elected over the last three days and to thank the Assembly for making this most excellent choice of judicial officers. We wish her and the other judges-elect every success in their new, highly esteemed assignment.

Mr. Vice-President

Allow me to begin my remarks by reassuring this Assembly and indeed the whole world of Uganda's unwavering commitment to the fight against impunity within her borders, in her neighborhood and around the world. The distinguished Assembly will be reminded that Uganda made history when in January 2004 she became the first State Party to make a referral to the International Criminal Court following its coming into existence less than 2 years before, in 2002. From the

time of the referral until today, we continue to extend unmatched support to the Court as it seeks to bring the criminal leadership of the so-called Lord's Resistance Army to justice, the most current support being in respect of the ongoing trial of one of the indictees, Mr. Dominic Ongwen. As I said at the last session, both the Prosecutor and the Registrar can attest to my country's extensive cooperation which, although often confidential in nature, remains steadfast and robust.

Uganda, therefore, remains a committed partner of the Court in its quest to end impunity.

Mr. Vice-President

As I informed this distinguished Assembly at the 15<sup>th</sup> session, Uganda continues to lead the way in making the complementarity principle enshrined in the Rome Statute a reality. In this regard, I am happy to report that our International Crimes Division of the High Court of Uganda continues to crystallize institutionally as a noted pillar in our judicial set-up and we commend to the Court to maintain the existing cooperative arrangements with the Division.

Mr. Vice-President

Once again I deem it appropriate to make an observation or two on a question that remains topical both for the Court and for, I presume, most of the members of this Assembly; that is, the place of the Court in the African context. Uganda remains steadfast in her belief that forging a cooperative relationship and enduring goodwill on the Continent is not only important for the Court but also the future of the Rome Statute. In this regard, we regret to note that since the last session, not much progress, as far as we are aware, has been made in the direction of realizing a convergence of views between the Court and the African Union on a number of issues, particularly those relating to the situations in the Sudan and Kenya. We

pledge our support towards any future efforts towards the realization of this convergence.

Mr. Vice-President

Allow me to address the distinguished Assembly on an issue that particularly concerns Uganda. As you are aware, from 13<sup>th</sup> to 15<sup>th</sup> November 2017, President Omar al-Bashir of the Republic of the Sudan visited Uganda. The expectation of the Court and some other stakeholders was that Uganda would arrest him pursuant to the 2009 Warrant of Arrest against him.

It will be recalled that from the 1990s until recently, the Government of Uganda bore the brunt of the terror perpetrated by the then Sudan-backed Lord's Resistance Army, in the context of which the afore-mentioned Mr. Dominic Ongwen committed the crimes for which he is undergoing trial by the Court. Ultimately, it was through engagement with the Sudan and other regional partners that the terror was abated.

Uganda considers stability in the region, and in South Sudan in particular, to be of paramount importance from her foreign and security policy perspective, not least because the rogue Lord's Resistance Army for close to two decades waged war on Uganda from the then safe haven of the Sudan as already stated.

It is this scenario that has helped make Uganda host to the second largest refugee population in the world together with all the attendant disruption of the lives and livelihoods of the border communities. Accordingly, President al-Bashir's visit should be viewed as an important development in the strengthening of the bilateral relations between Uganda and Sudan and, specifically, towards forging lasting peace and stability in South Sudan and Northern Uganda. As we have noted in the past, since President Bashir remains the recognized Head of State of the Sudan, he remains an important player in any realistic efforts towards peace and stability in South Sudan and it is us who face the immediate brunt of non-engagement.

Uganda, accordingly, fully subscribes to the position held by the African Union, in terms of its communiqué of 29<sup>th</sup> August 2010 that regional peace and security are a priority and, therefore, maintains that all avenues for conflict resolution must be

explored. Where those avenues appear to be in conflict with her obligations under the Rome Statute or indeed any other international instrument, Uganda will be guided by the realities of her neighborhood and seek for constructive engagement.

Mr. Vice-President

Apart from the realities that Uganda has to contend with by virtue of the circumstances of her neighborhood, we still maintain that there appears to be a conflict between the customary international law doctrine of sovereign immunity and the non-recognition of official capacity under Article 27 of the Rome Statute. We dare say that the circumstances currently before Uganda may now warrant consultations with the Court in accordance with Articles 97 and 98 of the Statute in order to unravel our predicament as earlier explained.

We, therefore, call for continuous dialogue within this Assembly and the Court on these issues until such a time as a framework that achieves the right balance can be realized.

I thank you.

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