



Refugee Law Project

## Not a Crime to Talk: Give Peace a Chance in Northern Uganda



Human Rights Focus

**Kampala, 24 July 2006.** Under the mediation of the Government of Southern Sudan (GOSS), the Government of Uganda (GOU) and the Lord's Resistance Army (LRA) began peace talks in Juba, Southern Sudan. We strongly support this effort to find peace, to end the anguish of northern Uganda and forge a path toward reconciliation. The northern Ugandan conflict has spread into Southern Sudan and the Democratic Republic of Congo, posing security and humanitarian challenges in three countries.

We welcome the mediation initiative of Dr. Riek Machar, Vice President of the Government of Southern Sudan. The weeks-long presence of the LRA delegation in Juba and the GOU's openness to engaging in talks suggest that all the parties are taking this process seriously. Yet this undertaking will not be easy. The conflict in the north has been long, involving multiple causes and actors and self-perpetuating forms of violence. Peace talks will thus require patience and persistence from the parties and all observers.

We are mindful of the International Criminal Court's 2005 indictment of five LRA leaders, but those indictments should not and do not preclude these talks from taking place. First, international law recognises Uganda's sovereign right and obligation to resolve conflict peacefully and address alleged offences. The UN Charter commits parties to settling disputes through peaceful means. The Charter also upholds the principle of self-determination of peoples; broad public support within Uganda for peaceful means for ending this conflict surely expresses this principle. Under the Rome Statute's principles of complementarity and admissibility, Uganda also has a right to assume responsibility for dealing with criminal charges.

Second, Uganda's supposed obligation to execute arrest warrants is not effective without adequate resources and support to carry out arrest. Here, because of insufficient capacity to enforce the warrants – quickly and with minimal harm to civilians – arrest is a problematic option. Insistence on prosecution would demand that Uganda jeopardise this chance for peace to pursue an even more costly and uncertain alternative. Given the international community's overriding commitment to contributing to peace, the logic of prosecution is untenable. It unreasonably devalues an opportunity to seek to end a destabilising humanitarian crisis and some of the key political factors underpinning it. Such a stance not only compromises the much-needed will of the international community to support a peaceful outcome; it also implies that ordinary civilians in Uganda are expected to add the enforcement problems of the nascent international justice system to the long list of factors perpetuating the divisions in their country.

Finally, to emphasize peace is not to ignore justice. Ugandan efforts to address the tensions between peace and justice are clearly embodied in the Amnesty Law of 2000, an instrument which involved considerable democratic consultation, was enacted by the Ugandan Parliament, and long pre-dates the ICC's intervention in 2004. Drawing from national procedures and local traditions, the people of Uganda are seeking to complement the Amnesty by developing accountability mechanisms compatible with the twin goals of peace and justice. Further procedures that integrate fact-finding, victim participation, and reconciliation are being actively pursued.

After twenty years of conflict, northern Uganda has an opportunity to work towards a non-violent resolution, an outcome which would allow displaced communities to finally go home and workable accountability options to be brought into focus. In the interests of victims and in the interests of justice, therefore, we urge the ICC and others concerned about northern Uganda and the neighbouring regions to give peace a chance.

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