



Uganda Victims Question ICC's Balance

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Victims of Uganda's civil war have criticised international justice for being too one-sided.

By [Florence Ogola](#) [1] - International Justice - ICC



Posted by Musa

Victims of the two-decades-long conflict in the north of Uganda have been calling for justice to be applied fairly to all parties who allegedly carried out atrocities. The calls were aired as the president of the International Criminal Court, ICC, Sang-Hyun Song, toured the north late last month, in an attempt to raise the court's profile and connect with local people.

Song, whose trip took place just ahead of the Kampala Review Conference on the future of the ICC that ended last Friday, spoke to groups of people that couldn't understand why the international community was so intent on bringing members of the Lord's Resistance Army, LRA, to justice, but appeared to overlook crimes that had been allegedly committed by the other side in the twenty-year conflict.

"Why is it that the LRA are the only ones wanted by the ICC?" Christopher Okidi, a former guild president at Gulu University, demanded. "Does it mean that the UPDF (Ugandan People's Defence Force) did not commit any atrocities in northern Uganda?"

Komakech Robin, a resident of Koro Abili, some seven kilometres from Gulu town, put things even more strongly.

"If the ICC is for us, the people of northern Uganda, then why have they issued arrest warrants for the LRA only?" he asked. "The UPDF committed the worst atrocities in northern Uganda and always blamed it on the LRA. Both the LRA and the UPDF must be held accountable. This is the only way for us to feel at peace again."

Following an investigation into alleged abuses in northern Uganda, the ICC indicted five members of the rebel group: Joseph Kony, its leader, Vincent Otti, Raska Lukwiya, Okot Odiambo and Dominic Ongwen. Arrest warrants for the men were issued in 2005, but

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no arrests have so far been made. Two suspects – Otti and Lukiwya – have died while on the run.

Though the ICC claims that the LRA committed the worst atrocities during the country's conflict, there remains a widespread belief in the region that the UPDF was also guilty of crimes that should be looked at by the international court.

Suspensions were heightened by a 2007 report from the United Nations, which suggested that the Ugandan government should share some of the blame for the war.

Alleged abuses by UPDF soldiers include burying 15 youths alive in the northern village of Bur Coro; forcing dozens of people to suffocate on a crowded train in Amakura, not far from Teso in eastern Uganda; and imprisoning hundreds of people for alleged treason.

Most of these reported crimes took place in the 1980s and early 1990s, during a particularly bloody phase of the war, as President Yoweri Museveni sought to consolidate his grip on power.

This creates a problem when trying to get the ICC to take action against alleged UPDF crimes, since the court can only investigate incidents that occurred after 2002, when it was established - and those who have been pushing for steps to be taken against the military have failed to come up with concrete evidence pertaining to more recent reported violations.

Army spokesman Lieutenant-Colonel Felix Kulayigye insists there were only isolated cases of military abuses and the perpetrators have since been punished.

Moreover, he maintains that during its investigation into events in northern Uganda, the international court probed the army and came up with little.

“The ICC has investigated the UPDF, but only found isolated cases that do not measure up to the atrocities that the LRA committed in the country,” he said. “I find that these allegations [against the army] are nothing more than politicking.”

But Dennis Martins, the programme coordinator for Empowering Hands, a community support group for former child soldiers, warned that the concerns raised in the north reflect a problem that the ICC has not yet adequately addressed: that there are those it is trying to serve who question its integrity.

He says there's a feeling amongst some in the region that Museveni has used the court as a political tool, in order to help defeat the LRA.

“Justice must not only be done; it must also be seen to be done,” he said. “If the government had committed atrocities within the mandate of the ICC, would they have

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invited the ICC here? Unless care is taken, the ICC risks becoming a tool in the hands of repressive regimes.”

Alex Odong, a resident of Gulu district, urges Luis Moreno-Ocampo, chief prosecutor of the ICC, to come to northern Uganda and talk to victims for himself.

“People have now returned to the villages and can freely express themselves, not like before, when they were still in camps and were afraid of government forces,” he said.

When the ICC began its investigation into the atrocities committed by the LRA in northern Uganda, in 2005, victims hoped that justice would be swift.

But five years later, with no arrests, such hope has given way to frustration.

Kony and the other surviving LRA indictees appear to have abandoned northern Uganda – where peace is slowly returning – for the Democratic Republic of Congo and the Central African Republic, where they are alleged to have inflicted civilian casualties - though these reported abuses do not form part of the ICC's investigation.

Okello Simon, from Gulu district, welcomes the efforts that the ICC is making, but is disappointed that justice has been so slow in coming. “I know the ICC is working hard, but the problem is we are not seeing any results,” he said. “I cannot go back to my village knowing that the LRA leader is still roaming free. What if he comes back?”

Song's visit to northern Uganda was organised by the outreach unit of the ICC, in order to allow those communities that were affected by Uganda's war to find out more about the workings of the court. Song insisted that the ICC is an independent institution set up to fight impunity and to prosecute those who commit the worst crimes, regardless of which side they stand on.

“Even though it is the government of Uganda that invited the ICC to investigate the case in northern Uganda, the government has no influence on the activities of the court,” he said. On June 3, Olara Otunnu, the president of the Uganda's People Congress, an opposition party, asked the ICC to begin an investigation into abuses allegedly committed by the UPDF.

Meeting with Moreno-Ocampo on the fringes of the review conference, he handed the ICC prosecutor what he claimed to be evidence of genocide carried out by government forces in northern Uganda. It included police reports that were reportedly never followed up and letters from politicians in the region providing details of crimes that are said to have been committed.

Song pointed out, however, that the ICC was supposed to be a court of last resort and that it should be up to national courts to try lower-level perpetrators.

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“I realize others, too, have committed crimes and all who commit crimes should be held responsible,” he said. “But the ICC is only one piece of the puzzle. It is an important part, but by no means a full answer to your search for peace and justice.”

Recently, Kampala tasked a division of the High Court to try alleged war criminals that the ICC is unlikely to deal with.

Justice Akiki Kiiza, who presides over the division, says that war crimes trials held in the country will function in a similar fashion to those in The Hague, with three judges officiating each case.

The court currently has four judges capable of overseeing war crimes trials, and is searching for a fifth, which Kiiza hopes could come from the international community, in order to bring some outside expertise.

Kiiza says that the court is ready to try war crimes suspects as soon as the department of the public prosecutor refers a case to them.

“Unlike the ICC, we can try all war crimes cases, and not just those that happened after 2002,” he told IWPR. “We are simply a division of the High Court, and we can try any crime that was committed since the creation of the High Court and the High Court has been in existence for a very long time.”

Florence Ogola is an IWPR-trained reporter. Blake Evans-Pritchard, IWPR Africa Editor, contributed to this report.

This article is part of a series of articles produced by IWPR-trained reporters to coincide with the ICC review conference, held in Kampala between May 31 and June 11. This series aims to go beyond the negotiations that took place in Kampala, assessing what the issues raised during the conference mean to those communities that the ICC is supposed to serve.

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