



**STATEMENT BY**

**RT.HON. SPEAKER OF THE PARLIAMENT OF THE REPUBLIC OF UGANDA  
AT THE COMMEMORATION OF THE 20<sup>TH</sup> ANNIVERSARY OF THE  
ADOPTION OF THE ROME STATUTE**

**AT THE**

**INTERNATIONAL CRIMINAL COURT**

**MONDAY, 17<sup>TH</sup> JULY 2018**

**THE HAGUE, THE NETHERLANDS**

## TALKING POINTS ON THE POSITION OF UGANDA REGARDING THE INTERNATIONAL CRIMINAL COURT

### Uganda's Position

- Uganda has cooperated and continues to cooperate with the court;
  - (i) On 16<sup>th</sup> December, 2003 Uganda became the first country to refer a situation to the International Criminal Court following the Court's coming into existence the previous year. Uganda as a country cooperated with the court culminating in the conclusion of the investigations of the matter within a period of eighteen months.
  - (ii) Since the surrender of Mr. Dominic Ongwen, one of the indicted leaders of the Lord's Resistance Army, in January 2015, the Government has continued to cooperate with the International Criminal Court .
- Government of Uganda is not withdrawing from the Rome Statute.

### Uganda's Reservations

- The one-size-fits-all approach to complex dynamics within and between the African countries is unhelpful. African countries have counseled that just as justice cannot be sacrificed at the altar of peace, peace too cannot be sacrificed at the altar of justice, or at the very best, a fine balance must be sought.
- The African countries have on a number of occasions called upon the Court and the United Nations Security Council to strike

this balance between the two concepts whenever circumstances so warrant but on each occasion, the continent's voice has gone unheeded.

### **Visits by the President of Sudan, His Excellency Omar Al-Bashir, to Uganda.**

- The invitation to President Al-Bashir to attend the inauguration of a new President of Uganda was no different from invitations extended to the Heads of State of all neighboring countries for the historic occasion or the invitation extended to him by the UN Secretary General, H. E. Ban Ki Moon, to come to Uganda for the ICC Review Conference in 2010.
- President Al-Bashir remains an important actor in the stability of The Republic of The Sudan and the Republic of South Sudan.
- Good relations with all countries in the region is essential to the maintenance of peace and security and that continuous engagement of all the leaders, President Al-Bashir included, is both important and unavoidable.
- The African Union (AU) Assembly of Heads of State and Government on 16th July 2010 made a request to the United Nations Security Council to defer proceedings against President Al-Bashir in order not to jeopardize peace efforts in The Sudan considering that prosecutions before peace were obviously not in the interest of the victims and of justice. Regrettably, the plea by the AU (which Uganda still associates itself with) was

ignored, and as a consequence, the 13th Ordinary session of the AU Assembly of Heads of State and Government resolved that since the request by AU was not acted upon, AU member states shall not cooperate pursuant to Art 98 of the Rome Statute.

- We continue to engage with the Court on this issue and hopefully we will find a common ground in the near future. While Uganda shall continue to be part of the ICC and to cooperate with it, it shall not hesitate to abide by any position(s) reached by the African Union in pursuit of peace and stability on the continent.

### **The enduring value of the Statute to humanity**

- The Statute keeps us in check  
The heads of state and any other person is at all times kept in check knowing that commission of the crimes enumerated in the statute results in their trial; particularly the trial of the sitting heads of State;
- Guarantees *lasting* respect for and the enforcement of international justice
- Continues to try crimes where national countries have failed

## **Challenges**

- The perception that the court has only tried cases within the African continent making the continent to believe that it is not a fair and balanced court.
- The independence of the ICC has always been compromised by external attempts to exercise control over its operations. States, while acting legally, use the ICC for political motives, and this can sometimes work against the principles of international criminal justice.