



Concept Note for the Engagement of Victim-Centred CSOs in Transitional Justice and International Justice Mechanisms in Uganda

Relevant background

The African Youth Initiative Network (AYINET), in collaboration with the Outreach Section of the International Criminal Court (ICC, Court) and the Uganda Victims Foundation (UVF), is undertaking a joint effort to strengthen the coordination and engagement of civil society organisations (CSOs) in Uganda in the field of Transitional Justice and international criminal justice, in particular, the ICC.

This event is organised with the acknowledgment that when the Rome Statute of the International Criminal Court (Rome Statute) was adopted 16 years ago, it captured the imagination of people around the world and, especially, in Africa, raising hope for the advancement of international mechanisms for accountability. It was regarded as a milestone in the prevention of gross human right violations and as an insurance of justice for victims.

When the ICC Prosecutor began his investigations in 2003-2004, with Uganda being the first situation country, the Government of Uganda (GoU), national and international CSOs and victims and communities of northern Uganda, affected by the Lord's Resistance Army (LRA), enthusiastically cooperated with the Court with the aim to ensure that the indicted LRA commanders are brought to justice. The ICC was credited for bringing about peace and stability in northern Uganda shortly after it had issued the arrest warrants against top LRA commanders, an action which forced them to retreat to South Sudan, the Democratic Republic of the Congo (DRC) and the Central African Republic (CAR). The ICC was also seen as the organisation which put pressure on the GoU to commit to protect its citizens who were suffering from the brutal war between the LRA and GoU. Finally, it is widely believed that the Juba Peace Talks, even though ultimately unsuccessful, came into existence as a result of ICC's pressure on the warring parties.

As it was the first country to refer a situation to the ICC, to domesticate the Rome Statute, to establish an International Crimes Division to prosecute international crimes, to raise awareness of and support for the Court, to host the first Rome Statute Review Conference in Kampala in 2010, Uganda came to be regarded as a model country in Africa with a strong support for international justice mechanisms. Key to this perception has been the work of CSOs which moved eagerly to mobilise and sensitise the population about the Court's work. To-date, CSOs remains the connecting link between the ICC, the GoU and the victims.

Although the LRA has retreated to CAR, DRC and South Sudan since the ICC Prosecutor initiated proceedings against its leaders, the group continues to commit further atrocities against innocent civilians. The constant military pursuit by the Uganda's People Defence Forces (UPDF) and the on-going campaign of the international community to arrest LRA commanders have not produced all desired results, even though they have significantly limited LRA's ability to operate.

Withering hope about the ICC in Uganda

Despite the profound support by the GoU, CSOs (both local and international), victims and affected populations, the ICC is currently facing a trust deficit from its key allies, especially CSOs and victims. The lack of progress in arresting indicted LRA commanders; limited engagement of CSO partners; lack of feedback to the victims and insufficient support to the victims by the Trust Fund for Victims leaves many questioning the capacity, ability and legitimacy of the ICC. With the growing accusations that the Court is targeting African countries only, the ICC urgently needs to counter the anti-Africa image, which is eroding trust and support even among those victims at the community level who had supported and banked their hopes on it.

The Court is facing frustration on two fronts: the first are victims, who are angry that their expectations remain unmet; the second are civil society organisations who acted as intermediaries between the ICC and the victims. They feel that after earning victims' trust and support for the ICC, they are now left to deal with affected communities on their own. Expectations from and frustrations about the ICC, often overheard by CSOs in the field, were echoed at the recent National War Victims' Conference (NWVC) which was organised by AYINET in May in Kampala and which brought together over 250 representatives of victims from all corners of Uganda and representatives of victims and civil society organisations from Kenya, DRC, Mali, Nigeria, Burundi, South Africa, South Sudan, Ivory Coast and Senegal. The GoU substantially participated as did different sections of the ICC Field Office in Uganda (VPRS, Trust Fund for Victims and Field Outreach).

The latest blow came when ICC-friendly and victim-centred NGOs were informed that the ICC Field Outreach Section is closing its operations in Uganda by the end of 2014, partly due to the lack of progress on Uganda-related cases at the ICC and partly due to budgetary concerns. The shutdown of the Field Outreach Section, the face of the ICC in the community, sends a mixed signal to CSOs and victims, who are afraid that other sections (e.g. VPRS, Trust Fund for Victims) are about to exit next. For the time being, the pull-out creates a gap in partner coordination. We believe that international justice needs to stay alive in the minds of people, even though enormous contributions by different stakeholders have yielded few results.

The ICC and Transitional Justice in Uganda

The GoU is in the final stages of developing the National Policy on Transitional Justice (Policy). The Policy, which is regarded as an overarching framework, is the first of its kind in Africa. Comprehensive and holistic in nature, it incorporates victims' views and has the potential to guide Uganda in her efforts to ensure accountability for past injustices, deliver justice for victims and enable national reconciliation.

Whereas the ICC has the jurisdiction and responsibility to contribute to several Transitional Justice elements, such as reparations, criminal accountability and the strengthening of reconciliatory mechanisms in post-conflict societies, its mandate is limited to LRA-affected communities of

northern Uganda, and, even there, to crimes that have been committed after Uganda became a Rome Statute State Party in 2002. Sadly, even those communities increasingly feel that the ICC is not addressing their needs, turning towards the GoU to provide new hope with the upcoming Transitional Justice processes.

CSOs meeting in Lira

Although a number of CSOs are increasingly engaged with victims, there is a lack of consistent coordination mechanisms, which will become an even greater liability with the closure of the ICC Field Outreach Section.

In relation to the challenges stated, the meeting organised aims to:

- maintain the momentum, strengthen existing relationships and build new alliances which will invigorate the demand for accountability;
- open up a robust debate and assessment of the Court's effectiveness and its potential role in the upcoming Transitional Justice process in Uganda;
- provide a platform for CSOs to brainstorm best of their coordination and ensure voices for victims and affected communities; and
- strategise on other possible avenues that will enable CSOs and victims to ensure justice for victims and demand that national, regional and international mechanisms deliver on their obligations.

There will be specific focus on the unified role which CSOs, the GoU and communities can play to ensure that justice is delivered to victims, in particular within the Transitional Justice framework.

About the organisers

African Youth Initiative Network (AYINET): AYINET is a Ugandan national non-governmental organization which has been working since 2005 to support war victims. In that time, it has provided medical and psychosocial rehabilitation to over 4,000 direct victims from across the Greater North who suffered from mutilations, gun shots, burns, sexual abuse, and other crimes. In our efforts to complement GoU's efforts to carry out a successful Transitional Justice process, AYINET engaged in countrywide consultative victims' mobilisation and awareness creation on Transitional Justice, emphasising the roles that the victims can play and the potential which Transitional Justice has to change Uganda.

AYINET is the lead convener of this meeting, which will bring together UVF-members and other active players in the field of peace, justice, human rights and Transitional Justice. The ultimate goals are to renew and strengthen the cooperation among the CSOs who played a major role in promoting international justice mechanisms such as the ICC, and to strengthen the coordination of victim-led groups in order to enable them to participate in national Transitional

Justice processes. The meeting forms part of our post-NWVC outreach, the general aim of which is to facilitate feedback and raise awareness on Transitional Justice, develop and strengthen the consensus built at the NWVC, as well as provide a platform for dialogue between victims, development partners, CSOs, Government authorities and inter-governmental bodies concerned with Transitional Justice.

Uganda Victims Foundation (UVF):

UVF is an independent, national not-for-profit organisation, registered in April 2008. With a vision of a Uganda free of violence and violations of human rights, UVF aims to foster the end of impunity and promote remedies and reparations for victims of crime.

UVF engages in raising voices of victims of international crimes perpetrated in Uganda; enhancing access to information on victims' rights and victims' organisations; providing capacity development for its members in respect of the victims' thematic areas of treatment, access to justice, reparations, etc.; and promoting accountable actions amongst State and non-State actors.

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