

HUMAN RIGHTS WATCH

350 Fifth Ave, 34th Floor
New York, NY 10118
Phone: 212.290.4700
Fax: 212.736.1300
hrwnyc@hrw.org
Website: <http://www.hrw.org>

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For Immediate Release:

For more information, please contact:

In New York, Richard Dicker: +1-212-216-1248

ICC: Investigate All Sides in Uganda

Chance for Impartial ICC Investigation into Serious Crimes a Welcome Step

(New York, February 4, 2004) -- The prospect of an impartial investigation by the International Criminal Court (ICC) into serious crimes committed in Uganda is a welcome development, Human Rights Watch said today.

The ICC prosecutor, Luis Moreno Ocampo, announced in London on January 29 that he would begin an ICC investigation into crimes committed in Uganda. Moreno Ocampo made the announcement at a news conference held jointly with the Ugandan president, Yoweri Museveni, whose government referred the crimes of the Lord's Resistance Army (LRA) to the court. Uganda is the first government to refer a case to the ICC since the court began its work.

“Human Rights Watch has documented many shocking abuses by the LRA in Uganda,” said Richard Dicker, director of the International Justice program at Human Rights Watch. “But the ICC prosecutor cannot ignore the crimes that Ugandan government troops allegedly have committed.”

According to Human Rights Watch research, the LRA has committed widespread abuses against civilians in Uganda, including child abductions, summary executions, torture, rape and sexual assault, forced labor, and mutilation. Recently, LRA abductions have reached record levels, with an estimated 10,000 children abducted since mid-2002 and forced to fight, kill civilians, and abduct other children. Children who fail to comply with orders are murdered, often by other children who are forced to kill them.

Human Rights Watch has also reported on abuses by Ugandan government troops, the Ugandan People's Defense Forces (UPDF). Violations committed by the UPDF include extrajudicial killings, rape and sexual assault, forcible displacement of over one million civilians, and the recruitment of children under the age of 15 into government militias.

“President Museveni's referral does not limit the prosecutor's investigation only to crimes allegedly committed by the LRA,” said Dicker. “The prosecutor should operate independently and has the authority to look at *all* ICC crimes committed in Uganda.”

The Ugandan parliament ratified the ICC treaty on June 14, 2002. Through its referral, the Ugandan government commits to cooperate with the ICC to

investigate crimes, provide evidence, arrest and surrender persons sought by the court, and protect witnesses and victims. Such cooperation must extend to investigation by the prosecutor into UPDF crimes.

Human Rights Watch cautioned that the prosecutor should conduct his investigation in a way that does not jeopardize the security of the children who are still in LRA captivity or escalate the risk of further abductions. The United Nations Office for the Coordination of Humanitarian Assistance and the U.N. Children's Fund have recently expanded their presence in northern Uganda, but additional child protection and human rights monitors in the North should also be deployed.

Human Rights Watch also stressed the need for an immediate international strategy to secure the release of children in the LRA's hands. Renewed international pressure on all the parties involved—including the LRA and the Ugandan government—is needed to put a stop to abductions and secure the release of children in LRA captivity.

Uganda passed an amnesty law to insulate those accused of serious crimes in the conflict from prosecution. An ICC press release of January 29, 2004, states that President Museveni intends to amend the amnesty law to exclude the LRA leadership from its protection. Regardless of whether the Ugandan president takes this action, under the founding treaty of the ICC, and under international law generally, amnesties are not a bar to prosecution for such serious crimes as genocide, crimes against humanity, and war crimes.

For additional materials on crimes committed in Uganda, please see the Human Rights Watch reports:

Stolen Children: Abduction and Recruitment in Northern Uganda,

<http://hrw.org/reports/2003/uganda0303/> and

Abducted and Abused: Renewed Conflict in Northern Uganda,

<http://www.hrw.org/reports/2003/uganda0703/>