WORKSHOP REPORT

THE IMPLICATIONS OF THE INTERNATIONAL CRIMINAL COURT INVESTIGATIONS ON HUMAN RIGHTS AND THE PEACE PROCESS IN UGANDA

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Committee Room B, Conference Centre-Kampala
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Introduction

Article 52 (Constitution) mandates the Uganda Human Rights Commission to among others monitor government’s compliance with international treaty and convention obligations on human rights and recommend to parliament effective measures to promote human rights. Uganda being a party to the Rome Statute and in the process of domesticating, the UHRC organised a one day conference with the following theme: ‘The Implications of the International Criminal Court investigations on Human Rights and the Peace process in Uganda’.

Objectives

- To understand how the international criminal court functions, crimes within its jurisdiction and the obligations assumed by Uganda
- To understand and review the applicability of the Amnesty Act and the proposed amendment and its likely implications
- To scrutinise the International Criminal Court Bill, 2004, assess its implications and enable us make recommendations to parliament
- To examine the implications of the International Criminal Court on the social, political, economic and human rights situation in Uganda

Opening Remarks- Presented by Director, Monitoring and Treaties, Uganda Human Rights Commission (UHRC)

The Director welcomed the participants and thanked them for sparing time to attend the workshop. He informed the members that one of the functions of the commission was to monitor the compliance of government with international human rights instruments and also contribute to law making through making recommendations to parliament.

In relation to the objectives of the workshop, the Director added that Uganda having ratified the Rome Statute (statute), had already drafted the International Criminal Court Bill (2004) (bill) in order to domesticate the Statute. He informed the participants that the commission was in the process of simplifying both the bill and statute and would consequently disseminate them to the general public. He added that through the workshop, both the Bill and Statute were already being disseminated to the public.

The Director finally informed the participants that when Government of Uganda (GoU) ratified the statute in 2002, it referred the Lord’s Resistance Army (LRA) and their leader Joseph Kony to the International Criminal Court (ICC) in 2003. He further noted that in 2004, the ICC prosecutor announced that he was commencing to investigate the allegations of war crimes and crimes against humanity in Northern Uganda.
He concluded on the note that in trying to build a peaceful solution to the war in northern Uganda, there was need to discuss the bill, statute and alternative ways of achieving justice without distorting the peace process and the principles of justice and human rights.

**Opening Speech**  
*Presented by Commissioner Karusoke Constantine, Ag. Chairperson (UHRC)*

The Ag. Chairperson welcomed all participants to the workshop and thanked them for taking time to attend the workshop considering the importance of the issues, which were going to be discussed. He highlighted the following issues:

- That for the last 18 years, people in northern Uganda had known nothing but war, destruction of social infrastructure, being maimed, loss of lives, abductions, with children making up the bulk, (consequently forced into the LRA as soldiers and/or sex slaves), and displacement. He further noted that the internally displaced people (IDPs) were living in deplorable conditions without the basic necessities of life like: food, clothing, shelter, and education among others.

- He noted that in response various initiatives had been taken by both international and national non-governmental organizations to provide the basic necessities of life and explore solutions to end the insurgency. The government had also taken numerous initiatives e.g. establishing the amnesty commission to persuade members of the LRA to surrender without the possibility of being prosecuted. He further noted that in 2002 Uganda ratified the statute and consequently requested the ICC to investigate the crimes in northern Uganda with the possibility of prosecuting the perpetrators.

- The Ag. Chairperson added that when the ICC was established it heralded a new era with the possibility of prosecution. He noted that the ICC was based in The Hague, Netherlands and was complementary to the national courts. He added that the ICC acts when national courts are ‘unwilling’ (e.g. shielding the perpetrators) or ‘unable’ (e.g. in the case of a weak judiciary or break down of the judicial system) to prosecute perpetrators of serious human rights violations.

- He noted that the statute had strict procedures that had to be followed. That the ICC will not have retrospective powers and cannot therefore prosecute for those crimes that were committed before the 1st July 2003. A bill is in the offing that will domesticate into our legal system the provisions of the Rome statute, which came into force on 14 June 2004. The ICC is to punish those responsible for crime against humanity. It provides for the prosecution of persons who are convicted of the crimes.

- This could have great implications on peace building. This workshop seeks to acquire recommendations for way forward. What are Uganda’s obligations to the Rome statute? Can there be an alternative form of justice system that can help resolve the conflict other than the provisions of the ICC? This is in fulfilment of one of UHRC’s
functions which is to monitor government’s compliance with international human rights treaties.

To understand how the ICC functions, the crimes within its jurisdiction and the obligations assumed by Uganda:- Presented by Mr. Barney Afako of Justice Resources-Kampala.

- On July 1998, in Rome, 160 countries decided to create a permanent international criminal court (ICC) to try individuals accused of committing the most serious crimes against people. These crimes are genocide, crimes against humanity and war crimes. There is however no yet consensus on whether the crime of aggression should be tried by the ICC.

- The ICC only became effective on 1 July 2002 after enough countries had committed themselves to applying the statute. That means ICC can only investigate crimes committed after 1 July 2002. Though the court’s headquarters are in The Hague, in the Netherlands it may also choose to sit in other countries.

- That the ICC was to prosecute crimes committed with impunity on humanity. That though the international community had in the past responded to such crimes by instituting short-term tribunals (for example for Rwanda and Yugoslavia), but in too many cases, the perpetrators have not been brought to justice.

- That Uganda accepted the Statute and the ICC can therefore try crimes committed within Uganda as well as Ugandans who commit crimes outside the country.

- The UN also has within its jurisdictions the right to direct the prosecutor to investigate in a country whether or not that country has signed the Statute.

- Noted that The ICC works in complimentarily of the national courts.

- The office of the prosecutor is independent.

Uganda’s case

- That in December 2003 Uganda referred the situation in Northern Uganda to the prosecutor for investigation. The Prosecutor then announced it at the end of Jan 2004. A preliminary investigation to weigh the magnitude of the crime has since commenced.

- July 29th 2004 saw the chief prosecutor announcing the prevalence of a REASONABLE BASIS to officially open an investigation into the situation concerning northern Uganda. The investigation is now on.
That the investigation aims at collecting evidence that show that serious crimes have been committed in order to generate way forward basing on the following:

(i) Whether any crimes have been committed,
(ii) Who appears to be the most responsible for committing those crimes;
(iii) Whether it would be in the interest of justice to have a prosecution
(iv) If so, who should be prosecuted for committing those crimes

Only individuals with greatest responsibility for the most serious crimes will be prosecuted considering that there is only one court and with limited resources.

People falling below the age of 18 years cannot face prosecution by the ICC.

No one is immune from prosecution including diplomatic heads, president or officers and members of the UPDF.

The prosecutor reserves the right to stay a prosecution or to withdraw prosecution vested in the interests of justice. In our case the issues would hinge on interference with peace processes and prolong war, and the suffering of the people. Other factors would also feature in including the seriousness of the crimes, the interests of the victims, the age and physical conditions of those he proposes to prosecute.

National authorities will be expected under the ICC statute to deal with the rest of the suspects that the ICC cannot handle. In this case, GoU is instituting a law to punish crimes of genocide; crimes against humanity and war crimes. In this case, the attorney general would be empowered to permit any trial along that line. The offences can only be tried after the new law has been passed.

The Ugandan system would also guarantee space for cooperation with the ICC including transferring individuals to the custody of ICC. But its absence does not prevent Uganda to cooperate with ICC since it is already a signatory.

That a victims and witnesses unit has been created inside the registry of the ICC to provide protection and other measures that include counselling, and concealing identities of the witnesses.

Participation of victims (any person or organisation) in court proceedings is an entitlement at the initial stages when the prosecutor is considering bringing an investigation. Victims can participate directly or through lawyers. The court appoints a lawyer if a person cannot afford it. The court reserves the right to determine the best way through which victims can participate. Hence a victims’ participation and reparation unit, which looks into assistance of victims with, processes of court.
There is a trust fund for reparation of victims and their families. There is however insufficient funds to meet all the needs of victims, except some of the needs of those who are directly affected by the incidents which will be prosecuted. The funds might also make symbolic contributions to communities affected by crimes.

The Statute adheres to fair treatment of the accused persons in accordance with accepted rules.

The court cannot impose death penalty and maximum sentences are up to life imprisonment depending on the seriousness of the crime. Other sentences are payment of fine, surrendering property or assets derived from committing the crime.

That the GoU’s bare amnesty could not stop the ICC from investigating or prosecuting an individual who committed serious crimes since 1 July 2002. (Note: national laws granting immunity is not recognised by the ICC) unless the amnesty law involves other forms of accountability for crimes, which can clearly indicate that the state has already exercised criminal jurisdiction over the accused.

The prosecutor is also looking into the Congo especially in the Ituri region and we wait to see where this leads us

Emerging issues

That the ICC proceedings could disrupt the peace processes in the conflict areas. This would for instance hit back on Amnesty and traditional cleansing ceremonies as key peace building strategies already in place. Families, communities may wish to reconcile. The priority seems to be national reconciliation, which could start from the north and spread out to the rest of the country

Great concern that there is a deliberate distortion that the war was in shifts and not continuous. This is misinformation. It was one lengthy war. (1986-date). That this calls to mind dubious intentions to cover up crimes committed before 2002. (Government atrocities could be white washed, etc). Or the next government could take all proceedings back to the drawing board. There is great concern that the ICC will not bring to book crimes committed by the UPDF

Great concern also featured in the event that the LRA continuous indefinitely without top leadership arrest. That this would render the ICC effort wasted. The ICC is international so the question of interference does not arise

That the ICC option could register either unqualified support or unqualified rejection because the ICC is going to lend military legitimacy to the joy of government but contrary to civilian wishes. The common argument is that the ICC legitimacy is okay if it pursues all parties suspected to have been involved in crimes.
Issues of the IDP camps (protection, survival equipments, living conditions) should be liable for ICC jurisdiction.

July 2002 limits issues /the bulk of crimes committed. How relevant is this ‘justice’ to our case. Bulk of atrocities committed fall prior to the coming into force of the ICC statute in 2002. This means the ICC will ignore crimes committed before 1st July 2002.

The Sudan factor needs to be subjected to further scrutiny since the Ugandan case with the ICC falls under non-international conflict and yet Sudan played a big role in perpetuating the conflict, and therefore its attendant crimes.

Amnesty important for the North. There is however inadequacy in the Amnesty Act for certain perpetuators. (The procedures for getting amnesty too simple and painless and does not in its current application serve as a guarantee that a reporter has repented). May call for a review of this nine year old option in order to meet a satisfactory place as an alternative to the ICC in certain areas.

The ICC may practically handle only a handful of cases. The majority could go to the national arena. What then happens to this latter group? Amnesty could then be answerable to this. Each situation will be dissected to accommodate cases such as that of a tragedy where the respondent (perpetuator) is also an abducted (victim)person and at the same time serves as a witness of impunity committed while with the LRA.

That the magnitude of the LRA conflict requires much more than Uganda’s sole effort in bringing justice. In this light therefore it cannot be said that Uganda is unwilling but that if left on its own it is just unable as manifested in the failure to catch kony.

Conditions in Luzira worse compared to Hague. Kony would be simply accessing good life in the Hague if he was convicted there instead of Ugandan prisons.

It must be noted that the prosecutor was looking at N. Uganda even before the Government of Uganda made the referral.

Issues of reconciliation and amnesty are valid concerns. It would do damage however if it is associated with prolonged conflict. At the moment paramount is the issue of poverty eradication which is akin to conflict. And unless the state can ascertain that this prolonged conflict does not jeopardize processes including the poverty eradication processes, it would be unfair on the part of the ICC to ignore its role in Northern Uganda. Coupled with the above, Uganda can now explain its ‘alternative justice’ to the greater world: on what a genuine alternative is. It should take into account other people’s positions and preferences (Not all the affected people may disagree with the ICC option. This calls to mind the S. African one of Truth & Reconciliation system).
Clarity by Mr. Jacob Oulanya

- A member of parliament, Mr. Jacob Oulanya who sits on the Parliamentary consultative assembly on the ICC part of which is to get many more states ratify the Rome statue, reiterated the importance of the ICC:
  - That the ICC is far ahead of the UN system (of setting up adhoc tribunals), which has been understood to be a punishment to culprits. That the system only looks at the defeated (those not in government).
  - That The UN system was limited by the instinct of sovereignty. The ICC moves out of this and emphasizes that the essence of sovereignty goes hand in hand with protection of the people. If it fails then the state is brought to book. When state is unable or unwilling to bring to book these impunities, then ICC steps in.
  - And most important is that the 2002 July statute does not limit prosecution for serial criminals that could even go beyond 2002. All the ICC does is stop impunity!
  - That the ICC is not an invention of the Uganda State. It is just an international system that appeals to Uganda. Important is that the ICC recognizes national systems and traditional mechanisms and takes them into account when deciding whether to prosecute or not.

- All in all, Interest of Justice as a yardstick for admissibility will prevail as enshrined in the ICC statute Art 53

The International Criminal Court Bill, 2004, Contents And Implications:-
Presented by Hon. Amama Mbabazi, Attorney General and Minister for Defence

- The Rome statute was adopted on the 14th July 2002 and the government of Uganda in an attempt to domesticate it came up with the International Criminal Court Bill (2004).

- That the Bill was formulated in close comparison with the statute.

- That the bill was divided into ten parts as follows: Part 1 (preliminary), Part 2 (international crimes and offences against the administration of justice), Part 3 (general provisions relating to requests for assistance), Part 4 (arrest and surrender of person to ICC), Part 5 (Domestic procedures for other types of co-operation), Part 6 (enforcement of penalties), Part 7 (protection of national security or third party information), Part 9 (requests to ICC for assistance) and Part 10 (miscellaneous provisions).
The Bill has 2 schedules i.e. Schedule 1 (Rome Statute of the international criminal court and Schedule 2 (Agreement on the privileges and immunities of the international criminal court)

That by virtue of clause 5(2) some offences could be prosecuted even before the coming into force of the bill on the basis that Uganda had already acquired an international obligation under the statute.

That the bill contained a variety of clauses dealing with issues ranging from: international crimes. Offences against the administration of justice, consent to prosecution, requests from ICC for arrest and surrender, provisional arrest in urgent cases, bail, surrender and delivery orders, locating and identifying persons or things, temporary transfer of prisoners, facilitating the appearance of witnesses, enforcement of sentences in Uganda, national security etc.

That there was an assumption that national courts have the competence to prosecute people accused of international crimes and that the ICC would only intervene where the state was either unwilling or unable to investigate or prosecute the offenders. It was further noted that where the alleged offences were referred to the ICC then it would intervene.

That once the competence of Uganda was not in doubt, the statute would only apply on the basis of complementarily.

That Uganda referred the Lord’s Resistance Army’s crimes to the ICC being the 1st country to take this step.

That the LRA were referred to the ICC because they (LRA) operated largely in Sudan outside the jurisdiction of Uganda.

That referring the LRA to the ICC mounted international pressure on Sudan, which had continued to support LRA notwithstanding the numerous agreements signed with the government of Uganda.

That since the LRA were committing crimes against humanity, then humanity had to unite to fight the LRA. Therefore the referral to the ICC was to ensure that the international community accepted responsibility to fight the international crimes and prevent extinction.

That the impact of the above process was that those who took on arms attracted equal measure compelling government to take on arms as well.

That the government was interested in dialogue to ensure that people put an end to committing illegalities and ensure peace.
That the referral of LRA to the ICC had generated another avenue to resolve the problem in northern Uganda and that this process was beginning to register some successes e.g. Sudan had begun abiding by earlier agreements with Uganda and pledged to assist in ending the war in northern Uganda.

**Emerging issues**

That there were very important weaknesses in the ICC Bill as it is e.g. the Bill ignored other crimes under other international law instruments (Geneva Convention); That there was lack of clarity in clause 18 on whether the suspect was required to be present in Uganda before proceedings were instituted against him/her; That there was no provision that required national authorities to respect the procedures under the Statute; That government declines to implement the bilateral agreement with the U.S that excludes the applicability of the ICC to U.S. soldiers, and rebuilding the national justice system to ensure that the fullest cooperation is given to the ICC.

That much as LRA is responsible for committing international crimes, the UPDF has also been responsible for the same in some instances e.g. in the Teso region.

That notwithstanding the fact that there are people who have taken advantage of the Amnesty Act, the ICC could insist on prosecuting them. If such an instance happened what would be implications on the amnesty process under the Amnesty Act.

How would the ICC Bill be reconciled with the Rome statute in light of the fact that the Rome statute was in application before the bill could become law?

That notwithstanding the numerous laws promulgated in Uganda to solve the northern war problem there had so far been no successes.

That referring the LRA to the ICC implied that LRA had gone out of control.

That the ICC process should aim at bringing about peace in northern Uganda and not just investigations, and arrests.

The northern Uganda should be declared a disaster area to facilitate effective humanitarian flow to the region.

That there should be a mechanism to ensure that there is not a continuation of war in northern Uganda after the LRA has been dealt with successfully.

That the ICC should investigate other human rights catastrophes in Uganda prior to 2004 e.g. the incident in Kanungu, the alleged violations in safe houses etc.

There was concern on whether the government could be held accountable for gross human rights violations that occurred because of government omission.
The Attorney General’s response to the issues

- That government would take on the concerns raised by Amnesty International and would supplement the bill in those areas it was lacking. He further urged any member of the public to contact the Attorney General’s office if they needed to make any additions to the bill.

- On the bilateral agreement between Uganda and the U.S., the A.G noted that article 98 (statute) gives any state party an option to enter into such agreements. That both Uganda and U.S. had trust in each other’s justice systems to try any person accused of international crimes.

- That the UPDF had not involved itself in any crimes and any officer accused of such crimes would immediately be charged before the relevant court martial, as had been the case in the murder of the Irish priest.

- That though there were individuals who had taken advantage of the amnesty process, they were not immune from the ICC process.

- That in the case of Gen. Banya, there was no evidence that linked him to any crime, and he had joined the government and general public in condemning the atrocities committed by LRA.

- That the laws enacted by parliament to solve the northern war crisis have been effective e.g. the Uganda Human Rights Commission Act that ensures the protection and promotion of human rights.

- That the government had initiated the ICC process and it awaited the ICC to issue of a warrant of arrest. That after this was issued, the whole international community would descend on the LRA.

- That there was an agreement being signed to ensure that aiding rebels was put to an end.

Understanding the Amnesty Process in Uganda: implications of the proposed amendments of the Amnesty act and the International criminal Court Investigations: - Presented by Justice Peter Onega/Amnesty Commission

- Recounted the no. of rebellion which have been there since 1986. That a bill of amnesty then sprung up as a response culminating into a June 1988 UPDF/UPDA agreement. Still some sections broke off to continue rebellion.

- Presidential pardon then prevailed and a no of people responded. In 1997 the amnesty sprung up.
But the insurgency in Acholi region prevailed, prompting a fact-finding mission in Acholi to establish whether the people could support a blanket amnesty as they were indeed speaking of. Thus, in 2000, the bill became an act.

Amnesty has been used all over the world. The Ugandan one was passed to deliberately find a means of ending conflicts in Uganda.

The spirit of the act is that of reconciliation. The preamble importantly lays down reasons for amnesty, eligibility and the enforcement

The act is meant to reconcile with government and civilians those involved in hostilities including those committing the crime of offering support to the rebels

The criteria for eligibility is also detailed in the act

Persons living outside Uganda are also eligible if they denounce hostility, reports to any diplomatic, consulate, NGO which is in agreement with GOU, shall be granted amnesty. In this case amnesty covers all types of crimes regardless of where you are. There is therefore a blanket amnesty

But the person is not legible if he returns to rebellion and commits crime again. But if such a person proves that exceptional circumstances prevailed (person was abducted since last grant of amnesty, if person proves that the act committed was under duress, coercion, etc) to the satisfaction of court before which s/he is applying the court shall refer the case to amnesty.

Reconciliation and forgiveness are central in the functioning of the Amnesty commission. In this case the commission works in conjunction with Disarmament, Demobilization and Reintegration team as provided for in section 11 of the act.

Emerging issues

Since its passing in 2000 however the amnesty act generated a lot of debate. Some section of society wishes the amnesty act to remain blanket, others wish for limited amnesty in order to punish impunity. The Rome statute is however important and Uganda should not be seen to condone impunity. Provisions of the Rome statute (being international) override the domestic ones. The investigations assessments have been done and warrants of arrest are to be issued.

It was noted that the blanket act would be contrary to the Rome statute. The ICC bill, which is in the offing, is a domestication of the ICC in Uganda and would inform the amendment of the amnesty act to accommodate punishment of perpetuators of impunity.
Serious weaknesses however were identified in the ICC bill, which include no access to amnesty for leaders of rebellion including financiers and commanders of units. The bill seeks to introduce the requirement for applying in reasonable time (in the judgment of who) in good faith and demonstrated repentance (how can it be demonstrated).

Bill seeks to introduce an amendment of not releasing from custody a reporter unless the DPP ascertains the circumstances surrounding rebel status of the reporter (abduction, coercion, undue influence, in good time etc).

The materialization of the above (ICC bill) would jeopardize the amnesty process. Leaders would develop sense of insecurity and driven into acts of desperation. And mete it on the vulnerable including victims and witnesses of impunities already committed. Thus, Acholi may go against fellow Acholi, tearing the tribe against each other. Other potential respondents could try to eliminate victims and witnesses.

Thus, if the amendment is made excluding the leaders from amnesty bitterness most likely will build up among the Acholi and also perpetuate the rebellion.

The other alternative would be the military, which is not plausible at all.

Our country needs more of national reconciliation. Would it be in the interest of justice to pursue the ICC and is the time ripe now? This is the time when we need reconciliation more.

Better still, Justice can be realised in our local context. for example, if the Acholi believe that Mato Oput is adequate why not attempt it? Due consideration be given then to local efforts for reconciliation, peace building etc.
Understanding alternative justice systems: what role in northern Uganda situation:

- presented by Commissioner Aliro-Omara

- That northern Uganda had been experiencing conflict since 1986 with gross human rights violations.

- That there had been debate on whether to end the northern Uganda conflict forcefully or through a peaceful process.

- That there were debates that the ICC would in fact jeopardise the peace process in northern Uganda.

- That given the history of war and gross human rights violations, the World had come up with international human rights instruments creating international crimes to punish the perpetrators.

- That this international system was more concerned with retributive justice than restorative justice. That this loophole increased hatred amongst the peoples.

- That restorative justice, while not condoning war, it viewed it as a break down of understating in the community. That it called on the offender and the community to reconcile.

- That the formal way of doing justice was not viewed as a way of reconciling the communities.

- That the truth and conciliation commission investigated and made recommendations on human rights issues. These provided a forum for giving evidence on human rights violations, and concluded by making recommendations and observations.

- That alternative ways of ensuring justice were reserved for lighter crimes and not for serious crimes, which would be left to courts.

- That though the mato put system of ensuring justice in Acholi was elaborate and still had some loopholes the people preferred it to any other process because it ensured that there was reconciliation within the community.

- That the weakness with the amnesty process was that it did not require a confession and the community was never involved in it.

- That there should be conditions attached to the amnesty process e.g. good conduct after amnesty is granted, and not to serve in either the army or the police.
Emerging Issues

➢ That people who committed international crime had to be held responsible and this could also be done through the reconciliation process.

➢ That arresting the LRA under the ICC had the probability of continuing the insurgency.

➢ That there was the need of balancing the alternatives systems of doing justice with the ICC process to hasten the end of the war.

➢ That government’s proposed amendments to the Amnesty Act suggested that the Act had not been effective.

➢ That shouldn’t the alternative ways of ensuring justice be applicable to the country as a whole rather than Acholi singularly?

➢ That does the ICC not shut out all other alternative ways of ensuring justice? And if so, what kind of system was the ICC that provided no other alternatives?

Responses to emerging issues

➢ That in the local system of justice, the offender and community had to be brought together and the former had to undertake not to do the repeat the crimes.

➢ That the alternative system of doing justice could be given legal backing to apply nationally.

➢ That the alternatives systems of ensuring justice could in fact be more effective.

➢ That even when the northern Uganda war ended, a process of reconciliation should continue.

➢ That the proposed amendments to the Amnesty Act were to put in place a procedure for those who had applied for the same.

➢ That when Uganda ratified the ICC, it had to sacrifice some of the traditional systems of doing justice.

➢ That there were an increasing number of people applying for amnesty under the amnesty Act.
Closing remarks: - Prof. Justice George Kanyeihamba

- That the definition of genocide should have taken into consideration both the intention and the act of causing death on a systematic and widespread scale.

- That the Uganda Human Rights Commission, Foundation for Human Rights Initiative and other human rights NGOs had to be commended for taking up the cause of human rights and explaining their importance.

- That research was important in building analysis.

- That there was one kind of justice but there were different methods of dispensing justice. So there could not be alternative justice but rather alternative means of acquiring justice.

- That all international crimes had to be defined in an internationally acceptable way.

- That due to the number of injustices committed amongst the peoples of the World, it was difficult to determine on whom to grant amnesty.

- That for the purpose of bringing an end to human rights violations, all means of resolving wars and insurgencies had to be considered.

- That human rights were better protected by international commitment than national commitment and that the ICC could be used to internationalise human rights and make them more exposed and protect the people who may be affected by the LRA.

- That both regional and international courts would be better placed to protect human rights than national courts because they were more independent, and stronger.