

ICC Warrants Threaten Peace Deal

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Peace talks still deadlocked by rebel demands that international court indictments be dropped. The Ugandan government has never been more intent on using peace talks to end a devastating insurgency that has been simmering in the north of the country for 20 years.

But, in the same vein, it has probably never felt its hands more tied. Nearly a year since the peace negotiations began, the Lord's Resistance Army, LRA, guerrillas are insisting that the International Criminal Court, ICC, drop indictments it issued for its five top leaders to stand trial for crimes against humanity and war crimes.

The talks began under the mediation of neighbouring Sudan in July 2006 to end a 21-year rebellion that has resulted in more than 100,000 deaths and the displacement of more than 1.7 million people from their homes. A landmark ceasefire agreement was signed a month after the talks began.

"We are not fighting the ICC because this is an established institution," the LRA's delegation head at the talks, Martin Ojur, told IWPR. "What we are only saying is that the indictments should be dropped so that the LRA leaders can go back to the community."

Appalling atrocities have been inflicted on the civilian population in northern Uganda during the LRA insurgency, mostly at the hands of the rebels but also by the Ugandan army.

Many hundreds of civilians have had their hands, lips, noses and ears chopped off and more than 20,000 children have been abducted by the rebels who forced them to fight and sometimes kill their own relatives. Captured girls have been shared out as "wives" among the rebels and they have given birth to many children in the guerrillas' bush bases.

As the military solution to the war dragged on and on and looked ever more impossible, the Ugandan government requested the ICC to indict the LRA for war crimes. The Hague-based court issued arrest warrants for the top five LRA leaders in July 2005. They are Joseph Kony, his deputy Vincent Otti and Okot Odhiambo, Dominic Ongwen and Raska Lukwiya. None have so been arrested although Lukwiya, the movement's number three, died in a gun battle last year with Ugandan army soldiers deep in the forests of northern Uganda.

Having persuaded the ICC to issue charges and arrest warrants, the Ugandan government then sprang a surprise by offering amnesty to the LRA in June 2006 and announcing that it was ready to talk peace in a bid to end the war.

The LRA now insists that it will not sign a final peace agreement until the ICC drops the warrants of arrest against its leaders.

The LRA is also demanding that the Ugandan government approach the ICC to drop the warrants. The government, however, says that it will heed the LRA demands only after a final peace agreement is signed, and meanwhile it is threatening to return to war if the rebel position remains inflexible.

"The government position is still the same; in the interest of peace, reconciliation and security in northern Uganda, we are committed to the peace talks but at the same time we cannot ignore the ICC indictments," Barigye Ba-Hoku, spokesman for the government negotiating team, told IWPR.

"The indictments were given in accordance to the Rome agreement [the ICC's founding 1998 Statute of Rome, whose clauses set out the court's operating rules]. It is difficult for us to go to the ICC at this point and tell them to drop the indictments because there is nothing tangible out of the talks yet. The issue of the indictments is not in the hands of Uganda. Once the agreement is signed, there are arrangements to pass through the UN and engage the ICC into dropping the indictments."

According to a recent addendum to the interim warfare truce reached between the rebels and the government in August last year, LRA fighters are supposed to begin assembling west of the river Nile, in the Sudanese village of Ri-Kwangba where the borders of Sudan, Uganda and the Democratic Republic of Congo, DRC, meet. There they would be documented and screened for future resettlement, but by June 12 not one LRA fighter had assembled at Ri-Kwangba, with the current truce agreement due to expire at the end of June.

The rebel leaders are themselves holed up in the 4920 square kilometre Garamba National Park in the north east of the DRC where they fled in late 2004 from their former bases in southern Sudan. The Garamba's vast grasslands, savannahs and forests are a UNESCO World Heritage site and form the last refuge in the wild of the critically endangered northern race of the African White Rhino. The rhinos have been heavily poached by the LRA and other marauders. At the last count, only five of the animals remained, down from an estimated 1200 in 1960, meaning the species is almost certainly doomed to extinction.

The UN peacekeeping mission in the DRC - Monuc (Mission des Nations Unies en République Démocratique du Congo) - is establishing a unit near the LRA's Garamba base. The aim is to "convince the LRA to assemble in Ri-Kwangba", Uganda 's defence minister Ruth Nankabirwa told reporters in Kampala, Uganda 's capital. "This will also help in protecting the population surrounding Garamba National Park."

It is difficult to say how the deployment will turn out, but when a Monuc peacekeeping contingent from Guatemala attempted to dislodge the LRA from the Garamba in January 2005, Kony's men fought back, killing eight Guatemalans and wounding 16 others. Conservationists have accused the Ugandan rebels of killing 12 Garamba game rangers to date.

The rebel negotiators in the southern Sudan capital of Juba are also questioning the legitimacy of the ICC arrest warrants, arguing that Ugandan government forces should also take the blame for atrocities against northern civilians during the civil war.

"We are going to discuss the accountability item of the peace agreement, but what we are going to ask is that when the LRA began fighting, did they have a genuine cause?" the LRA's delegation head Ojur told IWPR. "What forced them to go to war? We are saying that since the LRA and the UPDF (Uganda People's Defence Forces) have been fighting each other for 20 years, you cannot say that the LRA committed atrocities and the UPDF did not.

"We should look for a healing process so that the indictees are excused because they are the leaders of the LRA which is at the same time engaged in peace talks. The Ugandan government took the case to the ICC and it should go to the ICC and tell them to drop the warrants."

Although the talks have not broken off over the question of the ICC indictments, it is not yet clear what would happen if the rebels refuse to sign the final peace agreement on the grounds that arrest warrants remain outstanding.

However, the Ugandan government is already indicating what it will most likely do in the event that the LRA remains intransigent. Information minister and government spokesman Ali Kirunda Kivejinja told IWPR, "The rebels should be more objective. If they insist on dragging in the indictments issue, that would be their problem. That would be the end of the road and government will look for other options.

"First we would remain vigilant and protect the people so that they are not attacked by the rebels. Another thing we will do is get in touch with the international community so that the rebels are ostracised."

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