

Kampala Rules Out Blanket Amnesty for LRA

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Officials say they won't call on ICC to lift indictments against rebels until they've met key conditions. Uganda's top negotiator in peace talks with the rebel Lord's Resistance Army has told IWPR that the government will only ask the Hague-based International Criminal Court, ICC, to drop arrest warrants against the rebels' top commanders after the LRA renounces its insurgency.

Dr Ruhakana Rugunda, who is also Uganda's interior minister, said the LRA must also disarm, demobilise, deal seriously with issues of impunity from war crimes and sign a final peace deal before there can be any serious approach from the Kampala government to the ICC's chief prosecutor Luis Moreno-Ocampo to drop the charges

"There shall be no blanket amnesty to the indicted LRA commanders," Dr Runda told IWPR in an interview in Kampala. "The LRA commanders have to undergo accountability. The accountability will be done in accordance with both Uganda's formal national laws and with traditional [ethnic] policies that have been used to resolve conflicts.

"When the final peace agreement is signed, the rebels have disarmed and demobilised, and the issues of impunity have been dealt with, then the government of Uganda will engage the ICC to review indictments that are currently in place."

The ICC in July 2005 indicted LRA leader Joseph Kony, his deputy Vincent Otti and top commanders Dominic Ongwen, Okot Odhiambo and Raska Lukiwiya for war crimes and crimes against humanity. The LRA leaders face 33 separate charges on counts that include murder, rape, sexual enslavement, mutilation, massive killing of civilians, abduction and recruitment of children to fight as guerrilla soldiers. Lukwiya has since been killed in battle in northern Uganda.

Dr Stephen Kagoda, the top civil servant in the interior ministry and a member of Dr Rugunda's negotiating team, described the ICC as an ally of the Ugandan government because the warrants it had issued for the arrest of Kony and his top commanders had forced the LRA to the peace talks table in Juba, the capital of autonomous South Sudan.

The government and the LRA are currently engaged in on-off peace talks which began in July 2006. The negotiations are mediated by South Sudan's vice president Dr Riek Machar and overseen by the United Nations' special envoy to northern Uganda, former Mozambique president Joachim Chissano.

The talks are aimed at ending the two-decade insurgency in the north that has left over 1.7million people displaced, an estimated 100,000 killed and nearly 80,000 abducted, 38,000 of them children under the age of fifteen.

"The ICC is an ally to government," Dr Kagoda told IWPR. "The indictments and arrests warrants issued against Kony and his top commanders have helped us to hold the talks with the rebels."

Reasserting what his minister had said, Dr Kagoda insisted, "The indictments will not be withdrawn until the rebels fulfill all the conditions. If they abandon rebellion, sign a peace agreement and accept to be

integrated into the community, then government will go to the ICC and the world to say that the LRA have met all the required conditions and should be removed from the terrorist list. Thus the cancellation of the ICC warrants will follow."

Dr Rugunda said he and the Ugandan government supported the ICC's philosophy that there can be no impunity for those who have committed crimes against humanity and war crimes. He said Uganda would use domestic laws which are consistent with international laws "to ensure the issue of impunity is addressed".

Efforts by IWPR to get a comment from LRA second in command, Vincent Otti, who is often the chief spokesman for the rebels, proved futile as his satellite phone was switched off.

In a recent interview, however, Otti told IWPR by satellite phone that even if a final peace deal is reached in Juba, the LRA's fighters will remain in the bush unless the ICC indictments and warrants of arrest are scrapped.

Speaking from the rebels' main base in the Garamba National Park, in the northeast of the Democratic Republic of the Congo, Otti said, "The ICC remains a big stumbling block to peace in Uganda. If the ICC indictments are not lifted, we shall not come out. It's simple. No."

ICC officials in The Hague argue that the fledgling court's arrest warrants against have contributed to a reduction in the number of LRA attacks and have forced the rebels to negotiate.

In another interview with IWPR, the ICC's director for international cooperation, Beatrice Le Fraper Du Hellen, called upon the 105 countries that signed the treaty creating the ICC to enforce the arrest warrants. "Those arrests warrants must be executed and enforced by Uganda, the Democratic Republic of Congo and the other 103 state parties to the Rome Statute (the ICC's 1998 founding international treaty). Kony and his other indicted commanders must be arrested and surrendered to The Hague for trials," said Le Fraper.

"The ICC doesn't have its own police force. Its police force is 105 state parties. The ICC relies on the support of 105 member states. The four most wanted LRA criminals must be arrested and surrendered to the court in The Hague."

Moreno-Ocampo has consistently said the ICC's arrest warrants will not be lifted unless there is a successful legal challenge from the Ugandan government or the LRA to the ICC's judges or the United Nations Security Council.

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