

## **Kony Lawyers to Seek Local Trial**

**Author:** [Henry Wasswa](#)

New legal team say they will challenge ICC's indictment against LRA leader.

Lawyers representing Lord's Resistance Army, LRA, commander Joseph Kony say they aim to press the International Criminal Court, ICC, to drop its indictment against their client so that he can be tried in Uganda instead.

The ICC warrants have become a critical factor in the halting peace talks which began in July 2006 to end a vicious conflict that has displaced nearly two million people and claimed the lives of an estimated 100,000.

Kony is holed up in the Garamba Park in the northeast corner of the Democratic Republic of Congo, and refuses to submit to the ICC. His rebel negotiators have insisted that the charges be dropped before a peace pact is penned.

In an apparent effort to challenge the warrants and seek a local trial, Kony recently hired two new lawyers. "The first task is to ensure that the ICC indictments are suspended or dropped," said one of the new lawyers, Caleb Alaka of Kampala.

The other member of the new legal team, Jane Anywa, could not be reached by IWPR.

Alaka told IWPR that Kony is willing to be tried by local courts, but only after the ICC indictments are dropped.

"We are pushing for the trial of our client within Uganda," explained Alaka. "Kony does not fear a trial, but wants it in Uganda. He will be willing to come out freely once the indictments are dropped."

Alaka disagreed with the contention made by others that the Ugandan courts are unprepared for Kony because of the severity and extent of his crimes.

While the ICC was established to conduct trials for war crimes and crimes against humanity, Uganda's court system is not. Uganda has laws against murder, rape, and child abduction, but not against the mass killings, mutilations, and abductions that have characterised the 20-year conflict.

"Our court system is competent," insisted Alaka. "We have good judges and there is proper jurisdiction within Uganda. We are strongly opposing the ICC trial and our client will challenge the ICC jurisdiction."

The ICC is an independent body and it is questionable how or why the court would drop or dismiss the charges it issued following an extensive investigation during 2004 and 2005 of the crimes committed by the LRA.

As a result several LRA leaders were indicted. Kony was charged with 33 counts, including "enslavement,

sexual enslavement, inhumane acts of inflicting serious bodily injury and suffering, murder, cruel treatment of civilians, intentionally directing an attack against a civilian population, pillaging, inducing rape, and forced enlisting of children”.

“There are ways in which an ICC indictment [against] the accused can be challenged,” said Alaka. “We can challenge the statute over the administration and jurisdiction of the case. We will challenge the ICC jurisdiction and admissibility of the case against Kony.”

The success of that challenge is doubtful. Ugandan president Yoweri Museveni asked the ICC to investigate the war in the north in December 2003, since Uganda was among more than 100 nations that have signed the Rome Statute that established the court.

Alaka explained his position by saying, “the Rome Statute which set up the ICC makes it clear that you can challenge the ICC jurisdiction in favour of the local courts.”

Alaka also said he and his colleagues will call on the Ugandan government to request the United Nations Security Council to authorise the dropping of the indictments.

“Our other option is to petition the Security Council to suspend the indictments,” he said.

Kony’s lawyers flew recently to the peace talks in Juba, South Sudan, to begin their fight.

Despite the enthusiasm of Kony’s new legal team, other lawyers are sceptical whether they can convince the ICC to drop the indictments.

Lad Rwakafuzi, a Kampala lawyer, told IWPR, “Kony’s lawyers may argue their case inside-out, but it’s not possible for them to overturn an indictment by the ICC.

“Their role is to defend their client and advise the judge as to whether he can be tried. It is the Security Council, possibly under the request of, or pressure from, the Ugandan government, which can overturn the indictments.”

When Museveni first approached the ICC, he explained that the government’s amnesty programme for fighters did not include the LRA’s top command.

However, in mid-2006 when the peace talks began in South Sudan, Museveni extended amnesty to Kony if he would come out of the bush. Kony refused at the time, saying it equated to a surrender.

Since then, the government has been ambivalent toward the ICC.

Once a peace deal is signed, the government has agreed to let the rebel leaders face Acholi traditional courts, which would employ the mainly forgive-and-forget Mato Oput ceremonies.

What would happen after that, however, is unclear.

“When [Kony] hires the lawyers, that is his problem, and, in any case, his right,” said government information minister Ali Kirunda Kivejinja.

“All we want from [Kony] is to come out of the bush, sign the peace agreement, and we deal with other problems later.”

When asked to explain, Kivejinja said that if Kony came out of the bush, Uganda would deal with him “in a civil way”.

Henry Wasswa is an IWPR journalist.

**Location:** Uganda  
Sudan  
South Sudan  
Democratic Republic of Congo

**Topic:** Uganda

**Focus:** ICC - International Criminal Court

---

**Source URL:** <https://iwpr.net/global-voices/kony-lawyers-seek-local-trial>