

Uganda Refuses to Back Sudanese Leader

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History catches up with Sudan's beleaguered president as Ugandan leader fails to offer helping hand. Ugandan president Yoweri Museveni's backing for the indictment of his Sudanese counterpart Omar al-Bashir did not come as much of a surprise, but is nevertheless a major setback for the latter as he tries to rally support from fellow African leaders.

Luis Moreno-Ocampo, the chief prosecutor at the International Criminal Court, ICC, asked the Hague-based body on July 14 to indict the Sudanese president for genocide, crimes against humanity and war crimes in the western province of Darfur. That makes al-Bashir the first sitting head of state to be indicted for war crimes.

Al-Bashir is left scrambling to win diplomatic backing wherever he can.

Uganda's positive reputation both within Africa and internationally mean that its view counts for a lot. But if al-Bashir thought Museveni would forgive and forget the long history of troubled relations between the two countries, he was mistaken.

"I do not condemn the International Criminal Court indictment against Sudanese president Omar Hassan al-Bashir," President Museveni told journalists on August 2.

The Ugandan leader was speaking four days after cancelling a press conference that was supposed to follow his meeting with Egyptian president Hosni Mubarak, who has been urging African leaders to condemn the ICC's move.

Mubarak's visit to Uganda followed Moreno-Ocampo's announcement that he was asking the ICC to indict al-Bashir.

The prosecutor's request came three years after the United Nations Security Council asked him to investigate Darfur.

Moreno-Ocampo argues that al-Bashir masterminded and implemented a plan to destroy a substantial proportion of the Fur, Masalit and Zaghawa peoples who populate Darfur.

These ethnic groups have been targeted in a campaign of violence and devastation waged by the Sudanese regular army and allied militia forces known as "janjaweed", ostensibly to root out rebel guerrillas.

"His [al-Bashir's] motives were largely political," Moreno-Ocampo has said. "His alibi was a 'counterinsurgency'. His intent was genocide."

Although Museveni has spoken out against the West becoming too involved in African justice issues, his latest comments revealed his antipathy for the Sudanese leader.

The government in Khartoum was a major backer of the Lord's Resistance Army, LRA, which fought a long war in northern Uganda from 1986 to 2006.

Throughout most of the conflict, the rebels found refuge in South Sudan, establishing semi-permanent camps there. Former rebels have said they received food, medical care and military supplies from the Sudanese authorities.

As well as fighting in northern Uganda, the LRA also clashed with South Sudanese separatists who were at war with al-Bashir's government. That strengthened suspicions that Khartoum was happy to have the LRA around as a proxy force.

Following the 2005 peace agreement reached with the southern rebels, the Sudanese government stopped actively supporting the LRA, which subsequently decamped to a remote northeast corner of the Democratic Republic of Congo, where its guerrillas still remain holed up in the Garamba National Park.

Some analysts believe that Khartoum has quietly resumed its support for the group. Speculation about this surfaced as al-Bashir's government continued clashing with the South Sudanese over the disputed – and oil-rich – territory of Abyei, and as Darfur rebels attacked Khartoum earlier this year.

Phillip Kasaija, a professor at Makerere University's political science department in the Ugandan capital Kampala, said President Museveni's position was only to be expected.

"If Museveni had said anything contrary, it would have been a surprise," he said. "What moral authority does he have to discredit a court which he has dealt with in trying to solve one of his biggest political challenges – LRA?"

In late 2003, Museveni asked the ICC to investigate crimes committed by the LRA in northern Uganda. In October 2005, the ICC handed down indictments against rebel leader Joseph Kony and four of his commanders.

"Al-Bashir's possible indictment is like a heaven-sent opportunity for Museveni," said Kasaiji. "Finally, al-Bashir's sins against Uganda are catching up with him. That's what one expects Museveni to think."

Kasaija said that African support for al-Bashir comes from leaders who are themselves desperate to hold onto power.

"Most of the African leaders [backed al-Bashir] because of the fact that al-Bashir is a sitting president and many of them are leading countries in situations similar to Sudan, and some are worse," he said.

Unsurprisingly, rebels in Darfur welcomed President Museveni's statement.

Abdel-Wahid al-Nur, leader of the Sudan Liberation Movement, was quoted by The Sudan Tribune as saying the Ugandan leader's remarks "represent the true conscience of Africa".

Lina Zedriga of Advocates for International Law Uganda said it would have been illogical for Museveni to take any other position.

"In Uganda, we are using both the ICC and the traditional alternative justice mechanisms, so we shouldn't be seen to be promoting impunity by backing Bashir," she said.

The experience with LRA indictments shows that there is a long way to go before individuals can be brought to trial, however. Two of the five indicted Ugandan rebel leaders are presumed dead, and none of the others has been captured and brought to trial.

"Most of the [African] leaders are behaving as if Bashir is already convicted," said Zedriga. "Our president should know better, because he has used the ICC to bring justice to the northern conflict."

Speaking on August 2, Museveni also urged the African Union, AU, to conduct its own investigation into Darfur. He was reflecting a widely-held view that Africa should take more responsibility for justice issues, rather than allowing the ICC to become an external court passing judgement on the continent.

Paul Kagame, the president of neighbouring Rwanda, has accused the ICC of pushing a western agenda in Africa.

"President Kagame is not expected to endorse such a move [ICC indictment of al-Bashir]," said Kasaija. "He has already been indicted by the Spanish and French courts so he is opposed to universal jurisdiction."

Earlier this week, Jean Ping, who chairs the AU's commission, met President al-Bashir in Khartoum to discuss a special AU panel that will investigate Darfur.

Ping said al-Bashir supported the proposed AU legal team, and indicated that it would conduct a similar investigation to that of the ICC. At this point, though, it is unclear whether the team will conduct a full-blown investigation in Darfur, or what further action might be taken.

According to Ping, "We are going ourselves to investigate and work closely with the Sudanese government." However, no Sudanese official has commented on the scope of that cooperation.

The AU official was critical of the ICC's request to indict the Sudanese leader, saying it had poured "more oil in the fire".

The divisions already apparent in African views of the ICC prosecutor's actions would only increase if the court were to sanction al-Bashir's arrest.

According to Kasaija, if the indictment stops the Darfur conflict, “the court’s image will gain a boost in Africa”, but if the abuses continue, “the credibility of Ocampo and ICC are at stake”.

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