

The Failure to Arrest President Omar Al-Bashir of Sudan is a breach of Uganda's International Obligations

Press Release

13 May 2016

On Thursday 12 May 2016, President Omar Al-Bashir of Sudan was in Uganda to attend the swearing in ceremony of President Yoweri Kaguta Museveni. President Omar Al-Bashir is currently wanted by the International Criminal Court (ICC) as a result of atrocities committed in the Darfur region, for which he stands accused. Uganda as a state party to the ICC was under obligation to arrest him.

President Al-Bashir was not arrested on his visit to Uganda. On an unfortunate note, Uganda's President Yoweri Kaguta Museveni also went ahead to describe the ICC as 'a bunch of useless individuals'.

The Foundation for Justice and Development Initiatives (FJDI) would like to express disappointment at this turn out of events, and the unfortunate statements made by President Yoweri Kaguta Museveni.

This is because Uganda is a State Party to the ICC and was one of the first countries to ratify the Rome Statue on 14 June 2002. Uganda went on record as one of the first countries to make a referral, when on 16 December 2003 it referred the situation of the Lord's Resistance Army (LRA) to the Office of the Prosecutor. Thereafter Uganda cooperated with the ICC to conduct investigations leading to the issuance of arrest warrants against five top commanders of the LRA in 2005. Uganda hosted the first review conference of the ICC in 2010. When Ex-LRA Commander Dominic Ongwen surrendered on 16 January 2015, Uganda again cooperated with the ICC and handed him over for trial. The Confirmation of Charges hearing of Dominic Ongwen, held on 21-27 January 2016, also showed an active government cooperation, with much of the evidence produced by the Office of the Prosecutor coming from the Ugandan security forces and police in the form of radio intercepts.

Uganda's failure to arrest President Omar Al-Bashir is therefore a breach of its international obligations under the Rome Statue as well as of its obligations towards the people of northern Uganda and their post-conflict plight. The comments by President Yoweri Kaguta Museveni are also most unfortunate, as they come at a time when the ICC is about to commence the trial of Dominic Ongwen in The Hague.

The Foundation for Justice and Development Initiatives (FJDI) calls upon the Government of Uganda to arrest President Omar Al-Bashir in the event that he visits Uganda again. We also urge the President of Uganda and other Government representatives to support the ICC in its endeavor to fight impunity and achieve global justice. We finally urge the Government of Uganda to maintain a consistent approach to its already existing and embraced commitments to international justice and to the people of Northern Uganda. We note to this end that in addition to the Ongwen trial at the ICC, the Government of Uganda is currently prosecuting LRA Commander Thomas Kwoyelo at the domestic International Crimes Division (ICD). His trial is due to commence on 18th July 2016.

The Foundation for Justice and Development Initiatives (FJDI) works with children, youth, women and communities to promote justice, development and economic recovery in northern Uganda. FJDI seeks solutions to the long-term impacts of the conflict which ravaged northern Uganda by advocating for redress of human rights violations and atrocities committed during the conflict, implementation of sustainable development initiatives, and promotion of economic empowerment through livelihood programs.

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