A Key –Note address by Hon. Justice Moses Mukiibi, Head of the International Crimes Division of the High Court of Uganda at a Parliamentary Conference

TO GIVE FULL EFFECT TO THE PRINCIPLE OF COMPLEMENTARITY IN UGANDA AND THE DEMOCRATIC REPUBLIC OF CONGO,

held on Thursday, 17th July, 2014 at

Parliamentary Conference Hall, Parliament of Uganda.

IN COMMEMORATION OF INTERNATIONAL JUSTICE DAY.

TOPIC: COMPLEMENTARITY IN PRACTICE IN UGANDA.

COMPLEMENTARITY IN PRACTICE IN UGANDA

1) The Background to Impunity:

There was armed conflict between the Lord's Resistance Army (LRA) a rebel organization, and the Uganda Peoples Defence Forces (UPDF), the Government Forces, in Northern Uganda. This armed conflict was protracted. In 2006 Peace talks started.

Three Mechanisms were agreed upon in the Juba Peace Process.

(i) a formal Mechanism, comprising a full-fledged Court of law to try the major perpetrators.

(ii) An informal Mechanism comprising local traditional methods of dispute resolution; and

(iii) a Truth-Telling and Reconciliation Mechanism, to put to an end the cycle of violence, rebellion and War in Uganda.

There were Major considerations to ponder before the establishment of the proposed War crimes Court. These were:

(1) Domesticating of the Rome Statute.

(2) Establishing a Court of Law under Uganda's Constitution.

There was a challenge of establishing a New Court equal to the High Court. The Process was bound to be protracted. The solution was found in Article 133 of the Constitution which Confers on the Chief Justice wide administrative/management mandate to administer and supervise all the Courts of Judicature. The Mandate of the Chief Justice includes the

creation of administrative Divisions, Circuits and Panels of the Courts of Law, deploying Judicial personnel thereto, and issuing Orders and directions necessary for the proper and efficient administration of justice. It was, therefore, decided to establish the War Crimes Court as a new Division of the High Court of Uganda. This was effected through the issuance by the Chief Justice of the High Court (War Crimes Division) Practice Direction of 2008.

It was imperative to Consult the general Public concerning the design, structure and establishment of the three dispute resolution Mechanisms proposed at the Juba Peace Talks. The People were the victims of the atrocious War as individuals and Communities. Their own children formed the rebel forces. The returning rebels would be coming to re-join the same people or communities. The people would be the complainants or witnesses to come before the proposed War Crimes Court. It was, therefore, of the utmost importance to make Consultations with the people on the Preparation, establishment and implementation of the formal and informal mechanisms as tools for conflict resolution. The people had to be sensitized and requested for input for the proposed mechanisms.

A key intervention has been the development of a National transitional Justice Policy. The Policy addresses matters of legal and institutional framework for investigations, prosecutions and trial within the formal Justice System, reparations and alternative Justice approaches.

The Policy emanated from a Consultative, Participatory and inclusive process undertaken by the Justice Law and Order Sector (JLOS). A JLOS transitional justice working group (TJWG) was established to consider issues of transitional justice and to make recommendations. A Study in 2009 on Transitional Justice in Northern, Eastern and some Parts of West Nile regions highlighted the justice needs of the affected communities, including the need for truth telling, traditional justice, reparations and conditional amnesty. There was a study in 2009 on the use of formal criminal prosecutions in addressing impunity. In 2011 there was a study on the use of traditional justice and Truth Telling in Promoting accountability and Reconciliation. This Study resulted into the Proposals for traditional Justice and truth telling policy.

The Parties to the Juba Peace Process signed an accord on Reconciliation and Accountability. In an annexture to the said accord signed on 29th June, 2007 was found Clause 7 which provided for Legal and Institutional framework to implement the final Agreement.

Clause 7 provides:

> **" A Special division of the High Court of Uganda shall be established to try individuals who are alleged to have committed serious crimes during the Conflict."**

In Order to implement the accord on Reconciliation and Accountability the Ugandan Judiciary established the **War Crimes Division (WCD)** in 2008. Under Legal Notice No. 10 of 2011 issued on 17th May, 2011 Clause 3 provided that the Division established in 2008 as the War

Crimes Division " is hereby re-designated the International Crimes Division."

2. Ratification and Implementation of the ICC Statute.

The Rome Statute of the ICC, 1998 states in the Preamble as follows:

> " Affirming that the most serious crimes of concern to the international Community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international Co-operation."
>
> " Recalling that it is the duty of every State to exercise its Criminal Jurisdiction over those responsible for international crimes."
>
> " Emphasizing that the International Criminal Court established under this Statute shall be Complementary to national Criminal Jurisdictions."

Uganda ratified the ICC Statute in June, 2002. On 1st July, 2002 the ICC Statute came into force. Uganda is a State Party to the Rome Statute. The establishment of the ICD was a state action towards meeting Uganda's obligations under the Rome Statute.

3. Jurisdiction of the ICD

(a) The Constitution of Uganda (1995) under Article 139 (1) gives the High Court unlimited original Jurisdiction in all matters.

(b) The Judicature Act (Cap. 13) in Section 14 (1) provides that the High Court has unlimited original Jurisdiction in all matters.

(c) The Geneva Conventions Act, 1964 (Cap. 363) commenced operation on 16th October, 1964. Uganda became a State party to all four the 1949 Geneva Conventions in May, 1964.

Section 2 of the Geneva Conventions Act, 1964 provides for grave breaches of the Conventions.

The Punishment on Conviction is provided for in S. 2 (1) (e) and (f) of the Act.

Under S. 2 of the Geneva Conventions Act, 1964 it does not matter –

(i) what nationality the suspect is, or

(ii) where the Crime was Committed, whether within or without Uganda.

A person may be proceeded against, indicted, tried, convicted and punished in the High Court of Uganda for an offence which was committed outside Uganda. However, the Act in its current form provides for grave breaches in an International Armed Conflict Context. The Act grants Universal Jurisdiction to the ICD.

(d) The International Criminal Court Act, 2010 (Act No. 11 of 2010).

The date of Commencement of this Act was the 25th day of June, 2010. This Act was enacted to give effect to the ICC Statute and to provide for offences under the law of Uganda corresponding to offences within the Jurisdiction of the ICC. The Act gave the High Court in Uganda Jurisdiction to try crimes defined in the Rome Statute.

The purpose of the Act is:-

a) To give the force of law in Uganda to the ICC Statute.
b) To implement obligations assumed by Uganda under the Statute;
c) To make further provision in Uganda's law for the punishment of the international crimes of genocide, crimes against humanity and war crimes;
d) To enable Uganda to Co-operate with the ICC in the performance of its functions, including the investigation and prosecution of persons accused of having committed crimes referred to in the Statute;
e) To provide for various forms of requests for assistance to the ICC;
f) To enable Uganda Courts to try, convict and sentence persons who have committed crimes referred to in the Statute;
g) To enable the ICC to conduct proceedings in Uganda; and
h) To enforce any sentence imposed or order made by the ICC.

The ICC Act, 2010 was intended to implement Uganda's obligations imposed on it by the Rome Statute.

S. 18 of the ICC Act, 2010 provides for Jurisdiction as follows;

" For the purpose of Jurisdiction where an alleged offence against SS. 7 to 16 was committed outside the territory of Uganda, proceedings may be brought against a person if –

a) the person is a Civilian or a Permanent resident of Uganda;
b) the person is employed by Uganda in a Civilian or Military capacity;
c) the person has committed the offence against a Citizen or a permanent resident of Uganda; or
d) the person is, after the commission of the offence, present in Uganda.

Note: The jurisdiction given by S. 2 of the Geneva Conventions Act 1964 is much wider than the jurisdiction given under the ICC Act, 2010.

(e) COMPLEMENTARITY AND RETROSPECTIVITY OF THE ICC ACT, 2010.

(1) Complementarity:

The ICC is a Court of last resort. This is derived from Article 17 of the ICC Statute. In the case of Uganda the ICD has the primary responsibility to try offenders under international criminal law. It is only where a State is unwilling or unable to do so that the ICC will come in. The ICC will not initiate an investigation when a domestic Judicial system has already addressed the issue. This is the Principle of Complementarity.

When the State is unwilling or unable to genuinely carry out investigations and Prosecutions, the ICC will step in. There is need to put an end to the impunity of perpetrators of international crimes. In

order to ensure that there is effective investigation and prosecution of those crimes measures must be taken at the national level.

Complementarity embodies three concepts:

i) Maintenance of State Sovereignty where a State carries out its duty of exercising its Criminal Jurisdiction over those responsible for international crimes;

ii) Enhancing or strengthening national Jurisdiction over the crimes prohibited in the ICC Statute;

iii) Perfecting a National legal system so as to promote effective investigation and prosecution of persons who commit international crimes.

The Principle of complementarity requires that a State Party is encouraged to implement the Provisions of the ICC Statute.

The Principle of Complementarity also requires that a National Criminal Justice System effectively punishes international crimes in a manner similar to that provided for in the ICC Statute.

The Principle of Complementarity recognizes that the ICC cannot Prosecute all crimes committed, and there is need for effective prosecution at the National level. If there is an allegation that international crimes have been committed the ICC leaves the State which has National Jurisdiction over the crimes to tackle the issue

first. However, if the State concerned fails or neglects to do so, the ICC has the right to exercise its own Jurisdiction over the crimes. This is the Principle of Complementarity. The ICC respects the National Judicial system of a willing and able State. The ICC only exercises its jurisdiction when a State Party fails to investigate or undertake judicial procedures in good faith.

(2) Retrospectivity:

The ICC is complementary to National Criminal Jurisdictions. In furtherance of the Principle of complementarity Uganda enacted the ICC Act, 2010 in order to implement the Provisions of the ICC Statute. In establishing the ICD of the High Court of Uganda the Judiciary aimed at strengthening the national Jurisdiction over those serious crimes defined in the ICC Statute.

The ICC Act, 2010 enables the legal system in place in Uganda to investigate and Prosecute the serious crimes prohibited in the ICC Statute.

The ICC Act, 2010 has adopted and incorporated into its Provisions Parts of the ICC Statute.

The ICC Statute is set out in Schedule I to the ICC Act, 2010.

It is intended by the ICC Act, 2010 that the High Court of Uganda conducts effective Prosecution of offenders for the international crimes of genocide, crimes against humanity and war crimes.

However, the ICC Act, 2010 (just like Article 11 of the ICC Statute) recognises the difficulty of retrospective prosecution and Punishment of crimes committed before it came into force. Uganda became a State Party to the ICC Statute on 14th June, 2002. The ICC Statute entered into force on 1st July, 2002. The ICC may exercise its Jurisdiction with respect to crimes committed after the 1st July, 2002 in the case of Uganda. In a spirit of Complementarity the Act, in Section I, provides for different forms of assistance to the ICC in the investigation, Prosecution and punishment of offences committed before the ICC Act, 2010 came into force. This Provision paved the way for Ugandan Agencies to Co-operate with the ICC in dealing with the Lord's Resistance Army offenders.

However if the armed Conflict between the Lord's Resistance Army and the Government forces is categorized as an International Armed Conflict then the crimes committed against Civilian persons could be charged under Article 147 of the Geneva Convention IV of 1949 combined with S. 2 (1) (d) of the Geneva Conventions Act, 1964 and punished under S. 2 (1) (e) and (f) of the latter Act.

On the other hand if the Lord's Resistance Army and the Government forces war is categorized as a Non-international armed conflict this poses a challenge to the Director of Public Prosecutions and the ICD.

Crimes committed during a Non-International Armed Conflict are covered by Common Article 3 of the Geneva Conventions and Additional Protocol II of 8 June, 1977.

Uganda became a State Party to Additional Protocol II of 1977 in March, 1991. Uganda has not domesticated Additional Protocol II.

Additional Protocol II applies to all armed conflicts which take place in the territory of a State between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations.

The circumstances dictate an immediate need to amend the Geneva Conventions Act, 1964 (Cap. 363) by adding Section 2A to take care of violations contravening common Article 3 of the Geneva Conventions and Additional Protocol II of 1977.

(f) Under Legal Notice No. 10 of 2011 The High Court (International Crimes Division) Practice Direction, 2011.

Parag. 6 – Jurisdiction.

" (1) Without Prejudice to Article 139 of the Constitution, the Division shall try any offence relating to genocide, crimes against humanity, War crimes, terrorism, human trafficking, piracy and any other international crime as may be provided for under the Penal Code Act (Cap. 120), the Geneva Conventions Act (Cap. 363), the International Criminal Court Act, No. 11 of 2010 or under any other penal enactment.

(2) Where under the ICC Act, 2010 a National Judge or the High Court is required to carryout any function, a Judge of the Division may perform the function."

This direction has broadened the scope of offences handled by the ICD.

(g) Under the Penal Code Act (Cap. 120).

As a High Court Division the ICD can entertain cases charged under the Penal Code Act such as;

j) Rape contrary to SS. 123 and 124.

ii) Defilement contrary to S. 129.

iii) Murder contrary to SS 188 and 189.

iv) Attempted Murder contrary to S. 204 (a).

v) Kidnapping with intent to Murder contrary to S. 243 (i) (a).

vi) Robbery with Aggravation contrary to SS. 285 and 286 (2).

A suspect may be charged with grave breaches under the Geneva Conventions Act (Cap. 363) which penalizes any contravention of any of the Geneva Conventions of 1949. If, for example, the Crime Committed in an armed conflict of an International Character violates the Protection of Civilian Persons in time of War the suspect may be charged with grave breaches under Article 147 of the Geneva Convention IV of 1949 and Section 2 (1) (d), (e) or (f) of the Geneva Conventions Act, 1964 (Cap. 363). Charges brought under the Penal Code Act may be Alternative Counts.

4. ICD Rules of Procedure and Evidence.

The International Criminal Court Act, 2010 sets out in Section 5 the Provisions of the ICC Statute which have the force of Law in Uganda. This includes Articles 51 and 52 of the Statute which relate respectively to the Rules of Procedure and Evidence, and Regulations of the Court.

AVOCAT SANS FRONTIERE (ASF) together with the Justice Law and Order Sector (JLOS) have been providing technical assistance to the ICD since 2012 on a project to develop Rules of Procedure and Evidence for the Division. The ASF in conjunction with the ICD are developing Rules of Procedure and Evidence which take into account our logistical inadequacies, and which fit the Ugandan circumstances.

5. The Challenge posed by the Amnesty Act (Cap. 294).

Section 2 of the Amnesty Act (Cap. 294) declares amnesty in respect of any Ugandan who has at any time since 26th January, 1986, engaged in or is engaging in war or armed rebellion against the government of Uganda. If such a person renounced and abandoned involvement in the war or armed rebellion, or surrendered any weapon in his/her possession he/she would not be prosecuted or subjected to any form of punishment for the participation in the war or rebellion for any crime committed in the cause of the war or armed rebellion. (See: SS. 2 (2) and 3 (1) (b) and (c) of the Act).

What crimes are forgiven by the Act?

(a) Actual participation in Combat;

(b) Collaborating with the perpetrators of the war or armed rebellion;

(c) Committing any other crime in the furtherance of the war or armed rebellion;

or

(d) assisting or aiding the conduct or prosecution of the war or armed rebellion. (See: S. 2 (1) of the Act).

The Power of the DPP.

Where a person is charged with an offence arising from his/her involvement in activities mentioned in S. 2 and he/she declares that he/she has renounced any such activity and his/her intention to apply for amnesty, such person shall be deemed to be granted the amnesty (See : S. 3 (2) of the Act).

However, the DPP has to certify that he/she is satisfied that –

(a) the person has renounced an activity mentioned in S. 2 of the Act.

(b) the person is not charged or detained to be prosecuted for any other offence. [See: SS. 3 (3) of the Act].

Does the Amnesty Act forgive the offences triable by the ICD?

1) Crimes Against Humanity.

Massive violations of fundamental international human rights through widespread, prolonged, systematic attacks against a Civilian population. A Modern Civilised democratic society cannot regard such activities as necessary to promote a war or an armed rebellion. However, perpetrators of such attacks may claim so and contend that the crimes committed were in the furtherance of the war or armed rebellion and therefore forgivable by an amnesty.

2) Genocide

Acts like killings committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.

It is difficult to imagine how the perpetrators of such killings may claim that they were committed in the cause of the war or armed rebellion so as to attract a pardon under an amnesty.

3). War Crimes

Grave breaches of the Geneva Conventions of 12 August, 1949, through acts against persons or property such as:

(i) Wilful killing;

(ii) Torture or inhuman treatment;

(iii) Extensive destruction and appropriation of property not Justified by Military necessity;

(iv) Taking hostages;

(v) Intentionally directing attacks against the civilian population or objects;

(vi) Committing rape, sexual slavery or enforced prostitution or forced pregnancy;

(vii) Intentionally directing attacks against Mosques, Churches, Schools, Universities, Hospitals etc –

It baffles the mind to imagine that acts such as the above were intended to be pardoned or forgiven under S. 2 of the Amnesty Act. A Modern civilized and democratic society cannot forgive such acts upon the

reasoning that they were committed in furtherance of war or armed rebellion against the government.

The accord on Reconciliation and Accountability provided for the establishment of a Special Division of the High Court of Uganda to try individuals who are alleged to have committed serious crimes during the LRA conflict.

Under the Agreement on Accountability and Reconciliation –

Item 3.9: It was provided that accountability procedures should address the full extent of the offending conduct attributed to an individual.

Item 4.1: It was provided that formal Criminal justice measures shall be applied to any individual who is alleged to have committed serious crimes or human rights violations in the Course of conflict.

Item 5.1: It was provided that modifications may be required within the national legal system to ensure a more effective and integrated Justice and accountability response.

Item 5.6: It was provided that Government would introduce necessary legislation, policies and procedures.

The Government shall introduce amendments to any existing law in order to promote the principles of this Agreement.

Item 6: It was agreed that formal Courts would exercise Jurisdiction over individuals who are alleged to bear particular responsibility for the most serious crimes, especially crimes amounting to international crimes, during the course of the conflict.

Formal Courts and tribunals established by law shall adjudicate allegations of gross human rights violations arising from the conflict.

Item 14.4: The Government of Uganda undertook to introduce amendments to the Amnesty Act in Order to bring it into Conformity with the Principles of the Agreement.

On the other hand the Principal Objective of the Rome Statute is to end impunity of the perpetrators of the most serious crimes of concern to the international community by ensuring their effective Prosecution.

The Amnesty Act was intended to exclude perpetrators of crime from Criminal liability. The Ugandan Amnesty law is evidently incompatible with the primary objective of establishing both the ICD and the ICC.

States are under a duty to prosecute genocide and grave breaches of international humanitarian law under both treaty law and Customary law.

Customary international law entitles all States to Prosecute perpetrators of other serious violations of the laws and customs of war and crimes against humanity. Therefore, a blanket amnesty in Uganda which offers

Pardon to any individual who renounces and abandons war or armed rebellion against the government is in direct conflict with Customary international law.

The fundamental purpose for the existence of the ICC, much like the ICD, is to try perpetrators of international crimes. The stated purposes of the ICC Act, 2010 include making provision in Uganda's Law for the Punishment of the international crimes of genocide, crimes against humanity and war crimes. Therefore, an Amnesty law which grants a blanket pardon for all crimes committed in the furtherance or cause of the War or armed rebellion undermines the existence of the ICD and the ICC Act, 2010.

Amnesty is seen as a Political incentive by the State to a rebelling faction to end rebellion. Amnesty laws are often used to help end conflicts and broker peace deals. However, a blanket amnesty law is an impediment to the implementation assumed by Uganda as a State Party to the Rome Statute.

Uganda assumed an obligation to ensure the effective Prosecution of international crimes. Uganda took measures at the National level towards the satisfaction of this obligation by establishing the ICD. The impact of Uganda's Amnesty Act is a frustration of the ICD in all its efforts to exercise its Criminal Jurisdiction over those responsible for international crimes. Uganda has thus failed in this duty which it owes to the international community. To put it crudely the Amnesty Act has made the ICD walk naked – without work – and the International

Community is Watching with sympathy: " Cry the beloved young Nation."

Amnesty focussed on the needs of the UPDF fighters and the rebel perpetrators. It did not consider the needs and concerns of the victims.

The Government has facilitated the reintegration of the Pardoned perpetrators at the expense of their victims.

The Amnesty law does not consider the nature and gravity of the crimes committed by the perpetrators.

Amnesty does not require the alleged perpetrators to confess to the atrocities/crimes they committed, to admit or to apologise.

Amnesty does not disentitle from pardon those who do not voluntarily abandon rebellion.

Amnesty today may prove to be an impediment to communal reconciliation, acceptance and re-integration.

The International Criminal Tribunal for former Yugoslavia decided that the international Community and a state cannot take measures to absolve its perpetrators through amnesty. International law principles oblige any Country which is a party to a treaty to observe its obligations.

Uganda ratified the 1969 Vienna Convention on the law of Treaties.

Under Article 27 of the Convention Municipal law cannot be used to justify violation of international obligations.

1. Other Challenges and Recommendations.

1. The ICD has a Unique jurisdiction. It requires Rules of Procedure and Evidence which conform to international Practice and Standards. The Division requires Special funding to be able to establish a proper Registry and to put in place Measures necessary for a Court which handles international Crimes.

2. In Conformity with the principle of Complementarity Uganda needs to establish a well funded team for investigating and prosecuting international Crimes. The Agreement on Accountability and Reconciliation provided that Prosecution would be based on systematic, independent and impartial investigations. (Item: 4.2).

3. The Government needs to expedite the process of making available Legislation for Victim and Witness Protection. The Agreement on Accountability and Reconciliation required Government to take measures to ensure the safety and privacy of witnesses, protection of child witnesses and victims of sexual crimes. (Item: 3.4).

4. The Evidence Act of Uganda [Cap. 6] needs to be amended to provide for and ensure the physical and psychological well being of victims and witnesses who come into contact with Court.

5. The Prosecution Unit attached to the ICD should assist the DPP exercise his Powers under Section 3 (3) of the Amnesty Act. The Crimes forgiven under Section 2 of the Act should be defined and Care should be taken to exclude International Crimes. There is need for a clear distinction between offences which are primarily against the State (e.g. Waging War) and offences against Civilians (gross violations of their human rights).

6. Government should consider making legislation for victim participation in proceedings before the ICD and the right to Legal representation. The Agreement on Accountability and Reconciliation in items 3.8 and 8.2 required Government to promote the effective and meaningful participation of victims in accountability and reconciliation proceedings.

7. Government should expedite legislation on the award of individual and collective reparations to victims or Communities. The Scheme for reparations should provide for both direct government Programmes for Reparations and Court awards. The Agreement provided for this in Item 6.4 on sentences and sanctions and Item 9 on Reparations.

8. The DPP should be given a role in determining who should be granted an amnesty based on the quantity and quality of evidence he/she might have gathered against a particular suspect.

9. Under Section 3 (3) of the Amnesty Act the DPP should consider whether or not the offences charged constitute violations of

International humanitarian law. If that be the case he/she declines to issue the certificate for the release of the accused person from custody.

10. The Law on reparations should specifically provide for victims initiating and applying for compensation, and making representations to the Court. The law should provide for a right of reply for the accused/convict.

11. The Law on reparations should also provide for the establishment of a Trust Fund. Any awards made by the ICD could be drawn from the Trust Fund. The Agreement provided for this in Item 9.3. Reparations ordered to be paid to victims as part of sanctions in accountability proceedings.

12. The idea canvassed in Direction 5 (2) (e) of the Sentencing Guidelines should be upgraded into a substantive legal Provision in an Act. The Court should be empowered to pass a sentence which includes reparations for harm done to victims or the Community by perpetrators of international crimes. The Agreement in Item 6.4 on sentences requires perpetrators to make reparations to victims.

13. The Government has to operationalise its commitments in the ICC Act, 2010 in order for the pursuit of international criminal justice to succeed.

14. The Government should be alive to the fact that Communities which have been afflicted by war have an important stake both in the ICC and the ICD who aim to ensure that the Commission of serious international crimes does not end in **impunity** by the perpetrators. Complementarity is measured by the ability and willingness of the Government to act.

15. The Government should devote more resources and attention to the implementation of international Criminal Justice. The Government should honour its binding commitment to accountability. Making the criminal Justice system work is the only way of addressing impunity.

16. The Government should implement an integrated process of truth – telling, Justice and reconciliation. Victims should be given platforms to tell their stories. Perpetrators should be given the opportunity to Confess their wrongs and seek forgiveness. There is need for adoption and recognition of complementary alternative Justice mechanisms.

17. The Government should ensure that a Transitional Justice Act is enacted to provide for –

(i) Witness Protection and Victim participation in Court.

(ii) Formal recognition and regulation of Traditional Justice Mechanisms (TJMs) as tools for conflict resolution and protection of parties who seek redress.