

Parliamentary Conference and Peers' Review Roundtable: Giving Full Effect to Principle of
Complementarity Efforts in Uganda and the DR Congo
Thursday 17 July 2014, Parliament of Uganda

In the framework of its project “*Promoting Effective Complementarity in Uganda and the Democratic Republic of Congo (DRC): Putting an End to Impunity and Preventing International Crimes within the Rome Statute (RS) of the International Criminal Court (ICC) System*”, PGA convened a “**Parliamentary Conference and Peers' Review Roundtable: Giving Full Effect to Principle of Complementarity Efforts in Uganda and the DR Congo**” hosted by the Parliament of Uganda on 17 July, on the occasion of the International Justice Day. This Seminar aimed to provide a platform for Members of Parliament (MPs) from the Democratic Republic of Congo and Uganda, at the presence of PGA's Board member from the UK, to discuss how to best cooperate in fighting impunity for international crimes under the complementarity principle of the Rome Statute of the ICC. Complementarity regulates the relationship between the primary responsibility of States to put an end to impunity for international crimes and the complementary responsibility of the ICC.

The discussions brought together around 100 participants, including over 40 parliamentarians from the Parliament of Uganda and the DRC and more than 50 representatives of the Government, international organisations, civil society, the media, the academia and other relevant stakeholders. In addition, the Conference benefited from the participation of a member of PGA Executive Committee, **Mr. Mark Pritchard MP**, Co-Convenor of PGA's International Law and Human Rights Programme and Vice Chair of the UK All Party Parliamentary Uganda Group, to encourage an inter-exchange on the steps that need to be taken to give full effect to the principle of complementarity in Uganda and the DRC.

The Opening session of the Conference, was Chaired by **Hon. Stephen Tashobya, MP Uganda**, Chair of the Legal and Parliamentary Affairs Committee and PGA's Executive Board Member and National Group Chair, who explained that parliamentarians should be the voice of the victims and should take the relevant legislative initiatives and measures to ensure that full effect is given to the principle of complementarity in view to end impunity.

In her welcoming remarks, the Speaker of the Parliament of Uganda, **Hon. Rt. Rebecca Kadaga, MP**, reassured the high-level participants that the Parliament of Uganda is committed to the Rule of Law and the fight against impunity and that the principle of complementarity is the cornerstone between the ICC and its member states. She expressed the need for justice for victims of war crimes and crimes against humanity and ensured participants that the Ugandan Parliament is committed to the ICC, as can demonstrated by the enactment of the ICC Act in 2010, which implements the Rome Statute into Uganda's national legislation. “*Too much attention has been given to the protagonists of war*”, Hon. Kadaga stated, outlining the need to give more to the victims, who must be at the forefront of policy-makers' action rather than the perpetrators of atrocities, who have benefitted from a number of programmes aimed at stabilization.

With a key-note speech, the **Hon. Justice Moses Mukiibi**, Head of the International Crimes Division (ICD) of the High Court of Uganda, reaffirmed his commitment to put an end to impunity of perpetrators of international crimes and gave detailed recommendations to strengthen the application of the principle of complementarity in Uganda through effective and genuine investigations and prosecutions of international crimes, in particular in the context of the amnesty law.

As second key-note speaker, **Hon. Judge Mike Chibita**, Director for Public Prosecutions (DPP) of Uganda, expressed the necessity to give more attention to the rights of victims who are awaiting

justice as well as to better ensure the protection of witnesses. He recommended to introduce key elements to amend the current Amnesty law in order to ensure that it respects basic principles of accountability: the accused persons should be given the opportunity to genuinely confess their guilt and there should always be a conviction with sentencing by a competent Court. Hon. Judge Mike Chibita finished his presentation by calling for the conclusion of an extradition-treaty between the DRC and Uganda so as to give full of to the principle of complementarity.

The opening sessions was concluded by **Hon. Dieudonné Upira, MP, Chair PGA DRC National Group**, who shared the DRC experience on the implementation of the principle of complementarity, and called his fellow Congolese colleagues to urgently adopt the ICC implementing legislation so that complementarity may be finally applied by competent jurisdictions of the DRC and better access to justice may be given to victims of atrocities. He also underlined the need for DRC and Ugandan MPs to work together in order to bring to justice before the ICC the fugitives of the Lords' Resistance Army (LRA), who represent a constant threat to peace and stabilization in the region.

The Seminar were enriched by a presentation delivered by **Mr. Patrick Tshibuyi**, Field Public Information and Outreach Assistant at the ICC Outreach Office in Kinshasa, who gave a comprehensive overview of the guiding principles of the Rome Statute, in particular on the complementary role of the ICC with national jurisdictions. Moreover, two representatives of the victims of the conflicts in Northern Uganda intervened during the Conference to give their invaluable testimonies on the tragedies that have affected them, their families and communities, and to call on the Parliamentarians present to ensure that the necessary measures are taken to give them access to justice, protection and reparation.

Members of Parliament, representatives of the civil society, officials of the government and international organisations as well as academics participated actively during the Conference to address different aspects of the effective implementation of the principle of complementarity in Uganda and the DRC. Their discussions highlighted that this can be achieved through an appropriate political support to the fight against impunity, including for national investigations and prosecutions, as well as through the domestication of the Rome Statute and the establishment of accountability mechanisms for international crimes, the establishment of reparations and protection programmes for victims, but also the enhancement of access to justice and participation in proceedings for victims.

In addition, participants agreed that child soldiers shall always be treated as victims of crimes and not as perpetrators. Participants from the DRC and Uganda expressed their disapproval of the AU Decisions on the ICC, as both their States have ratified and committed to the Rome Statute and called their governments for continued support and cooperation with the ICC. Parliamentarians from both countries called for a commitment of partner states in the Great Lakes region to ensure that Joseph Kony is arrested and brought to justice.

MPs from the DRC insisted on the need to enable the DRC to end impunity notably by preventing the commission of international crimes through the implementation of the Rome Statute of the ICC and reaffirmed their commitment to promptly adopt the ICC bill introduced by **Hon. Boniface Balamage**, PGA Member who addressed the conference by providing a complex overview on the legal arsenal available to Congolese practitioners.

Moreover, participants emphasised the need for peace and justice to go hand-in-hand in Uganda and the DRC, as ending impunity is a precondition for the stabilization and development of the African Great Lakes region.

Finally, Participating MPs concluded with an Action Plan for a Parliamentary resolution for a bilateral extradition treaty between the DRC and Uganda for perpetrators of International Crimes that shall be tabled by PGA members in Kampala and Kinshasa.

The Conference was immediately followed, on 18 July, by a closed working session among Congolese and Ugandan MPs undertaking a Peers Review of the PGA Complementarity project for DRC and Uganda, which brought about a number of strategic action points that will constitute the basis for future action by the PGA National Groups in DRC and Uganda in the next two years.