

# Applauding the Decision Confirming Charges and Committing Dominic Ongwen to Trial

&

## Calling upon the Court to Strengthen Legal Representation for Victims

---

We the several members of civil society in Uganda and persons working with victims of crimes perpetrated in the “Greater Northern Uganda” which constitutes of the following areas: Acholi, Lango, West Nile and Teso Sub-Regions.

**RECALLING** that the LRA/UPDF conflict in the greater north ravaged entire communities and led to unimaginable suffering in Internally Displaced Peoples’ (IDP) camps, deaths, abductions of children, sexual violence, pillage, destruction of property, culture and way of life including socio-economic and cultural well-being of the peoples of the Greater Northern Uganda;

**NOTING** that over 30 years since the conflict in the greater north started and close to 10 years since the LRA left Ugandan territory, minimal efforts have been undertaken to recognize the suffering of civilian populations of the greater northern Uganda and to establish steps to provide reparations for the majority of victims whose perpetrators are unknown;

**AWARE** that some African leaders have been unfairly critical of the ICC for the prosecutions it has undertaken despite the fact that the Court presently offers victims of serious crimes the best and only avenue to realize justice particularly in situations where states have been either unable or unwilling to genuinely investigate and prosecute perpetrators of serious crimes;

**UNWAVERED** in recognizing that the ICC decision confirming the charges against DOMINIC ONGWEN is symbolic in as far as it provides the opportunity for all victims of the LRA’s violence to see justice;

**DELIGHTED** to observe that the decision confirming charges sets an important precedent for Ugandan Courts and state actors including the UPDF to follow in the pursuit for accountability following the crimes that were committed in the Greater North;

**MINDFUL** that prior to its decision confirming charges against the now accused Dominic Ongwen, the Single Judge recognized the right of victims to appoint their own legal representative **BUT** in the same breath denied the victims' chosen legal representatives access to the Court's legal aid, well aware that victims in the greater north of Uganda, having endured years of violence at the hands of the LRA and UPDF, lack the resources to support the work of their chosen legal representatives in representing them in proceedings before the Court;

**WE HEREBY APPLAUD** The Pre-Trial Chamber II of the International Criminal Court (ICC) for its 23<sup>rd</sup> March 2016 decision in which it confirmed 70 charges brought by the Prosecutor against Dominic Ongwen and committed him to trial before a Trial Chamber.

**WE HOWEVER DECRY** the decision by ICC to deny the victims' chosen legal representatives access to the Court's legal aid.

**WE HEREBY RECOMMEND** as follows;

- 1) THAT states, regional bodies such as the African Union and civil society actors recognize the undeniable contribution of the ICC to the fight against impunity and the realization of justice for victims of serious crimes. Innocent and unprotected civilians in Africa deserve the right to life and livelihood as well as protection against all threats to their lives by state and non- state actors.
- 2) THAT states provide financial and other support towards domestic efforts to bring suspected perpetrators of serious crimes to book in order to complement the work of the ICC and thereby provide alternative avenues of justice for victims.
- 3) THAT the Registry and the Judges of the ICC upon recognizing the right of victims to choose their own legal representatives, take steps to ensure their effective participation in the court's proceedings by granting their legal representatives access to the court's legal aid. Such access to legal aid should not be perceived as a luxury or benefit for the legal representatives but rather a necessity to ensure that despite the inability of victims to remunerate their legal representatives, they can still fully enjoy their participatory rights by counsel of their choice.

For legal representation to be both effective and meaningful, legal representatives and their teams have to dedicate a substantial amount of time particularly in cases such as that involving DOMINIC ONGWEN which has numerous participating victims and voluminous evidence. If legal representatives are required to carry out their victims' related work *pro bono* and earn a living from other legal work, this may impact on the time they are able to devote to the representation of victims.

FURTHERMORE, the court has to recognize that effective legal representation involves a number of high logistical expenses. Expecting victims' legal representatives to expend their own funds on such costs is both unsustainable and unrealistic. Facilitation from legal aid funding allows for lawyers to carry out sufficient and timely consultations with their clients on developments at the court and also provide them with informational updates on the case.

- 4) THAT Judges of the ICC appreciate the importance attached to the court's jurisprudence on effective victim participation by national jurisdictions. Witnessing a system that grants victims' legal representatives equitable access to the Court's legal aid and the excellent legal representation work that follows therefrom, provides national jurisdictions such as Uganda's own International Crimes Division, which intends to carry out similar legal proceedings, a good precedent to allow for victims in national proceedings to be consulted and their views presented in the course of proceedings before courts.

Dated this 22 day of April 2016

Endorsed by;

1. Foundation for Justice and Development Initiatives (FJDI)
2. Centre for Reparations and Rehabilitation (CRR)
3. Northern Uganda Transitional Justice Working Group (NUTJWG)
4. Amuria District Development Agency (ADDA)
5. Platform for Social Justice (PSJ)
6. Foundation for Human Rights Initiative (FHRI)
7. Human Rights Focus (HURIFO)
8. North East Chili Producers Association (NECPA)
9. Gulu Women's Economic Development and Globalization (GWED-G)
10. Human Rights Activists and Monitoring Organization Uganda (HURAMO-Uganda)
11. Uganda Victims Foundation (UVF)
12. Soroti Development Association and NGO's Network (SODANN)
13. Lukodi Memorial Site Committee/ Community Reconciliation Team
14. Mukura Memorial Development Initiative - MUMEDI (Ngora District)
15. Atiak Massacre Survivors' Association (AMSA)
16. Obalanga Human Rights and Healthcare Association (Amuria)
17. Koch Goma Landmine Survivors' Association
18. West Nile Kony Rebel War Victims' Association (West Nile).

*For comments and feedback, contact the Foundation for Justice and Development Initiatives (FJDI): [info@fjdi.org](mailto:info@fjdi.org)*