



**Parliamentarians for Global Action
Acción Mundial de Parlamentarios
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PRESS RELEASE

**PGA EXPRESSES DISAPPOINTMENT AT REINSTATEMENT OF THE AMNESTY
ACT (2000) IN UGANDA WITHOUT AMENDMENTS**

***ERODES VICTIMS' HOPE FOR ACCOUNTABILITY AND JUSTICE FOR
INTERNATIONAL CRIMES***

Kampala, 28 May, 2013. Members of the Parliamentarians for Global Action (PGA), a global parliamentary network dedicated to the fight against impunity for serious international crimes is concerned at the recent reinstatement of Part II of the Amnesty Act, 2000. The reinstatement and extension of the Act without amendments, necessary to ensure conformity of this Act with Uganda's existing international legal obligations, seriously diminishes victims' hope for accountability and justice.

Part II of the Act - which provides for the grant of amnesty - lapsed in May 2012 following a Declaration of the lapse of operation by the Minister of Internal Affairs under Statutory Instrument No. 34 of 2012. This lapse of the operation of Part II was fundamental to pave the way for accountability and justice mechanisms. Its existence not only negatively impacts the substantial efforts of the government of Uganda to prosecute international crimes (establishing the International Crimes Division of the High Court, enacting the International Criminal Court Act (2010) and, inter alia, the ongoing development of the Transitional Justice Policy) but also dashes the deeply held hopes of victims to find redress for the devastating harm visited upon them during the protracted period of conflict that ravaged Greater Northern Uganda.

The Amnesty Act (2000) requires critical amendments, a viewpoint also long shared by senior political and executive officials, including the outgoing Minister of Internal Affairs. On the occasion of the aforementioned lapse of Part II, Hon. Eng. Hillary Onek stated that: "*We hope that after 12 months, there will be a new comprehensive law to deal with all issues that were being done under the Amnesty Act. The New law is supposed to be in conformity with Uganda's laws. As it was, it contravened both the national and international laws and conventions.*"¹ In stark contrast,, the dubious decision by Parliament on 14 May, 2013, occasioning the reinstatement of Part II and the extension of the Act for two years, is in open disregard of this previously opinion articulated at a high level of the executive branch of government.

Moreover, the quest for amnesty for child-soldiers and former child-soldiers is not justified since they do not require a pardon. Child-soldiers and former child-soldiers do not have the required *mens rea* to be convicted beyond reasonable doubt for any crime that they might have committed. Hence, there is no legal basis requiring them to receive an amnesty, in order to be exempted from

¹ See *New Vision*, 29 May 2012, available at <http://www.newvision.co.ug/news/631450-no-more-amnesty-for-lra-rebels-as-law-expires.html> (accessed 3 April, 2013).

prosecution and conviction before a court of law. These children and former children are victims and should have unfettered access to truth-seeking, judicial and reparative remedies for the horrific wrongs that they have suffered. It is the responsibility of the State to ensure that their rights are fully respected.

While we recognize that some measures of pardon or forgiveness can be granted to persons found responsible for the commission of crimes, including international crimes within the framework of a Truth-Finding and Reconciliation Mechanism, a proper investigation and prosecution, however, as well as a fair trial that respects the rights of all participants (including the victims) are rights that take precedence over such measures at the post-conviction stage (thus replacing traditional penalties such as imprisonment).

The PGA Uganda Group therefore strongly urges the government of Uganda, especially the legislative arm, to reassert unswerving political support - in their debates and actions - in the fight against crimes committed with impunity in this country. Troubling, back and forth pendulum movement in relation to Part II of the Amnesty Act not only will serve to derail the justice process but also profoundly frustrate victims who – it may usefully be recalled - form a significant percentage of voters in Uganda especially those from Greater Northern Uganda. Ending impunity is an essential pre-requisite for durable peace!

About PGA

Parliamentarians for Global Action (PGA) is the largest transnational network of Members of Parliaments from all regions of the world who, in their individual capacity, support the effective operation of the ICC and domestic jurisdictions to end impunity.

To date, Members of PGA have contributed to 76 of the 122 ratifications of, or accession to, the Rome Statute of the ICC. PGA is a member of the Steering Committee of the Coalition for the ICC.

The PGA Campaign for the Universality and Effectiveness of the Rome Statute system receives support from the European Commission, European Union and the Governments of The Netherlands, Switzerland and Liechtenstein, as well as from the Humanity United Foundation.

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