



STATEMENT TO THE 16th SESSION OF THE ASSEMBLY OF STATE PARTIES TO THE ROME STATUTE 2017.

The President of the Assembly of State Parties, Your Excellences, All Protocol observed,
Ladies and Gentlemen.

It is my great pleasure and unique opportunity to address you on behalf of Human Rights Network- Uganda (HURINET-U) and the Uganda Coalition for the International Criminal Court (UCICC). HURINET-U is a network of 63 organisations and hosts 8 national platforms including Uganda Coalition for the International Criminal Court. HURINET-U has been active on issues of International Criminal Justice and the International Criminal Court (ICC) since 2005. Allow me address you on two issues of grave concern namely, on the one hand State cooperation and on the other withdrawal or threats to withdraw by African states.

The International Criminal Court (ICC) continues and remains an important court of last resort for trying international crimes more so where a state is unable or unwilling to do so. Its effective functionality is being undermined by non-cooperation by African States who continue to flagrantly host and consort with fugitives of the court, neither arresting nor surrendering such fugitive in the jurisdiction of state parties to the court. Notably, we are deeply alarmed and concerned by the continued hosting of President Omar Al-Bashir of Sudan on official State Visit by the Government of Uganda, more recently, from the 13th -15th of November 2017, despite two outstanding warrants of arrest against President Omar Al-Bashir, which were issued by the International Criminal Court (ICC) on March 4, 2009 and July 12, 2010 for the alleged perpetration of crimes against humanity, genocide and war crimes in Darfur.

It should be noted that, following the first visit of President Omar Al-Bashir in May 2016 to attend the Inauguration Ceremony of President Yoweri Kaguta Museveni, Uganda did not arrest President Omar Al-Bashir and surrender him to the ICC to face trial despite the clear obligations to cooperate with the Court. Consequently, the Pre-trial Chamber of the ICC found Uganda to have failed to comply with its duty to arrest and surrender Omar Al-Bashir to the Court, in accordance with article 89(1) of the Rome Statute, and referred Uganda to the Assembly of State Parties and the UN Security Council.

It is therefore disturbing that despite all that, Uganda still goes ahead to host President Omar Al-Bashir in total disregard of her obligations. As a state party to the Rome Statute, Uganda and other state parties have an unequivocal obligation to cooperate with the ICC in relation to the enforcement of warrants of arrest issued against President Omar Al-Bashir, which stems from the United Nations Security Council Resolution 1593, whereby the United Nations Security Council urged States to cooperate fully' with the ICC.

It should further be noted and stressed that Article 27 of the Rome Statute disregards the official capacities of Heads of state and states that immunities of Heads of States are of no consequence to the court's processes. The Pre-trial Chamber of the ICC in proceedings to determine whether [Uganda](#) had contravened its obligations, under the Rome Statute by failing to arrest Bashir when he was in its territory in May 2016, reiterated that the UN Security Council, acting under Chapter VII of the United Nations Charter, had effectively lifted the immunities of President Omar Al-Bashir in Resolution 1593(2005), and therefore a State (Uganda) could not invoke immunities as a justification for failure to arrest and surrender Bashir to the ICC.

Secondly, the other significant issue continuing to affect the Court is the withdrawal or threats to withdraw from the Rome Statute system by some state parties owing to political concerns as witnessed most recently with Burundi and South Africa respectively. The African states should be reminded of their commitment and instrumental role in the coming into force of the Rome statute and the significance of the Court in the fight against impunity.

We wish to encourage that:

1. State parties should fully cooperate with the court and desist from negative actions that undermine the efficient and effective functioning of the Court.
2. African states that have initiated withdrawal procedures or threaten to withdraw should be constructively engaged with the view of addressing the genuine concerns in a manner that preserves the integrity of the Rome Statute.
3. Victims should be put at the centre of every decision by the state parties agitating for withdrawal from the Rome Statute System.

We wish you fruitful deliberations in the 16th session of the Assembly of State Parties.



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