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BERGEN COUNTY ACADEMIES

INTERNATIONAL CRIMINAL COURT

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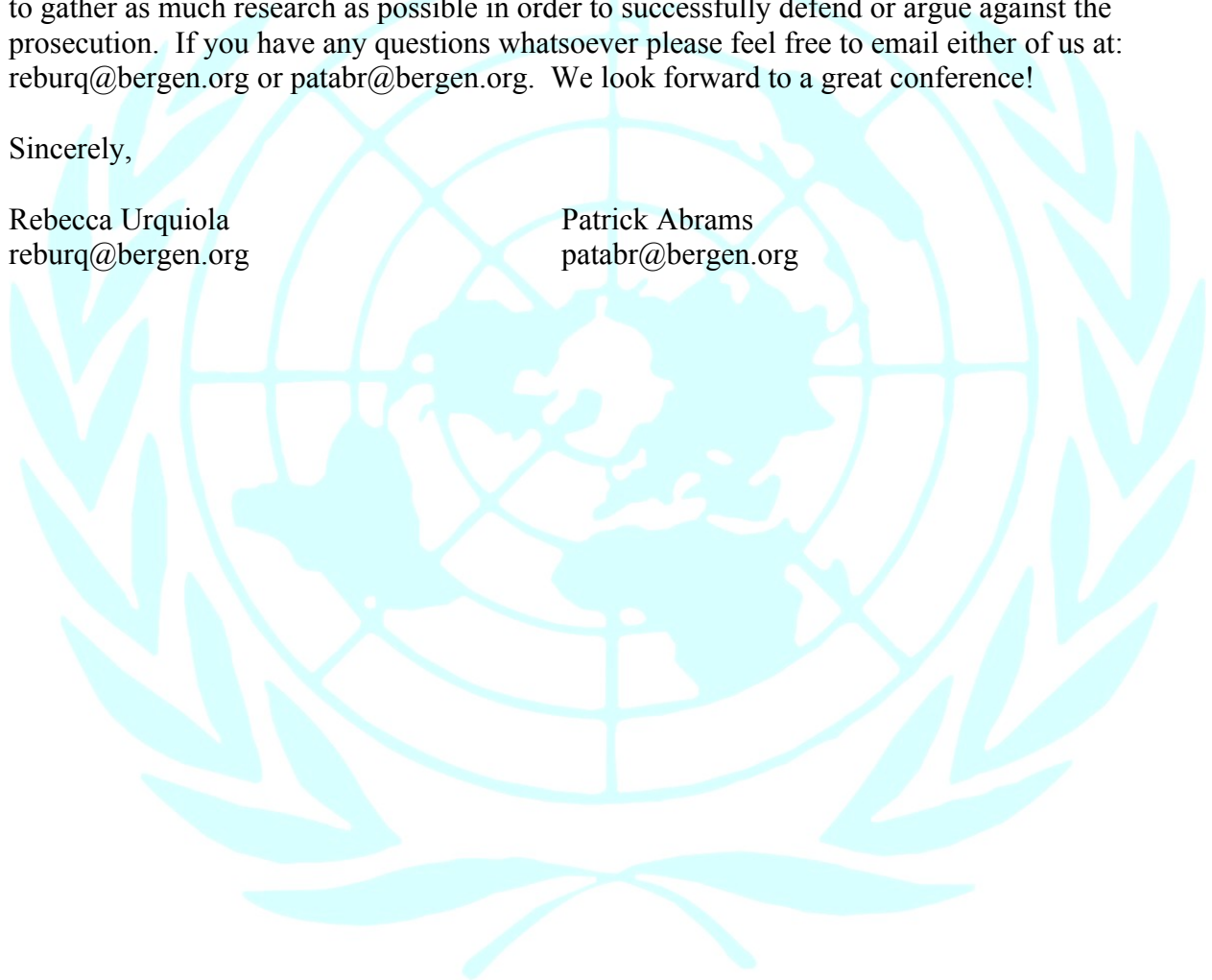
Hello delegates!

Welcome to the International Criminal Court. Our names are Rebecca Urquiola and Patrick Abrams. We are both looking forward to some very interesting debate. Over the next couple of days, we will be simulating real court cases that are of current debate at the actual United Nations. For those of you not familiar with Model UN, we will be operating on more lenient parliamentary procedures since we are a judicial body. We will explore the heated controversy currently in Uganda. Your job as delegates and future members of the court will be to gather as much research as possible in order to successfully defend or argue against the prosecution. If you have any questions whatsoever please feel free to email either of us at: reburq@bergen.org or patabr@bergen.org. We look forward to a great conference!

Sincerely,

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TOPIC 3: UGANDA

Introduction

ICC Workings:	
<p>Office of the Prosecutor: An independent organ of the court, it investigates allegations of the commission of war crimes and determines whether to pursue prosecutions against selected alleged perpetrators. Situations can be referred to the court for investigation by member states, as occurred with the DRC, or by the UN Security Council, as is the case with the situation under investigation in the Darfur region of Sudan.</p>	<p>The Pre-Trial Chamber: Has authority to issue an arrest warrant after considering submissions by the prosecutor. When a wanted person appears before the court, the Pre-Trial Chamber holds a hearing to confirm the charges that will be the basis of the trial.</p>
<p>The Trial Chamber: If the charges are confirmed the court assigns the case to a three-judge Trial Chamber responsible for conducting fair and expeditious proceedings. After the conclusion of testimony the Trial Chamber issues its decision, acquitting or convicting the accused. If the person is convicted the Trial Chamber issues a sentence of imprisonment and may also order reparations to victims.</p>	<p>Appeals Chamber: Throughout the proceedings the parties can appeal decisions to an Appeal Chamber of five judges. The Trial Chamber's verdict or sentence may be appealed by the prosecutor or the accused.</p>

Chart Overview

This chart will help you understand the major organs of the International Criminal Court. Basically, the presidency is responsible for the overall administration of the Court, with the exception of the Office of the Prosecutor, and for specific functions assigned to the Presidency in accordance with the Statute (which you can find on the ICC website). Judicial Divisions consist of eighteen judges organized into the Pre-Trial Division, the Trial Division and the Appeals Division. The judges of each Division sit in Chambers which are responsible for conducting the proceedings of the Court at different stages. The Office of the

Prosecutor is responsible for receiving referrals and any substantiated information on crimes within the jurisdiction of the Court, for examining them and for conducting investigations and prosecutions before the Court. The Registry is responsible for the non-judicial aspects of the administration and servicing of the Court. The Registry is headed by the Registrar who is the principal administrative officer of the Court.

Topic Overview

On October 14, 2005, the ICC issued a set of indictments against the five main leaders of the Lord's Resistance Army in Uganda. The first indictments ever laid out by the court were seen as advocates for justice around the globe. The convicted are the leaders of the Lord's Resistance Army which is a spiritualist rebel group. The group has no clear intention to change government policy and has commenced wars against the Northern Uganda region for 20 years. In order to show their strength, the LRA has abducted thousands of children and adults to serve as child and regular soldiers. Back in 2003, the LRA rebels opened fire on a market place in the Ugandan town of Apac killing ten civilians. "The rebels armed with rifles attacked the market at Barrio at 1200GMT on Wednesday and killed 10 people and injured many more," Reuters news agency quoted a police officer saying by telephone from Apac district, 250 kilometers north of the capital Kampala. In a separate incident, LRA rebels attacked a refugee camp further north in Gulu district, killing three people, including a local militiaman. After these attacks Uganda blamed the Sudanese government for supporting the rebels but Sudan denied that they supported the rebels. Recently studies show that 31% of the population in Northern Uganda has had a child who has been abducted by the LRA. Many of the members of the LRA are themselves victims, having been abducted and brutalized by the LRA leadership. The reintegration of these individuals into Ugandan society is key to the future stability of Northern Uganda. This will require the concerted support of the international community – Uganda and the Court cannot do this alone. Therefore, the president of Uganda has called upon the ICC to help Uganda in this matter.

History

The 1980s marked a time of growth for Uganda in that they were able to come back from a civil war and economic depressions. However, the lives of thousands are still in jeopardy in Northern Uganda. The 1970s and the 1980s years were known for human rights abuses and dictatorship. The first military dictatorship in Uganda was from 1971 to 1979 led by Idi Amin. After this leader, Milton Obote led the country once again after he had been expelled by Amin.

The time of dictatorship marked a severe downturn in Uganda. During this period, half a million people were killed in state-sponsored violence. Since his presidency in 1986, Yoweri Museveni has started democratic reforms and has drastically improved the human rights conditions. Most importantly, he has limited the harm caused by the police and army. Western presence has also proven successful which led to economic growth in the 1990s.

Over the past two decades however, the LRA has caused massacres and mutilations. The group's leader said that he wanted to run the country in line with the 10 commandments. However, the violence caused by this group has led to the displacement of 1.6 million people and people being captured and killed. In total, the United Nations predicts that the group has taken 20,000 children. The LRA and the Uganda government signed a cease-fire in February of 2008 in order to end this 20 year conflict. Despite this progress, the leader, Joseph Kony of the LRA did not attend the signing ceremonies of this agreement.

Currently Joseph Kony is on trial for his actions with the LRA. However, despite the fact that the trial should be seen in a positive light, many of the army rebels are people

that have been captured in the army. The issue then remains exactly what sentence to give these “rebels.” Stephen Taban states, “We were told: go back and bring small children.” The twenty year old was captured by the LRA and is now being accused of being a murderer. However, the punishment for not following instructions involved a hot metal plate burning his back. Taban escaped the army in June. The UN humanitarian coordinator in Sudan, Ameerah Haq states, “there is a grave concern with these escalating attacks.” Mr. Haq stated also that the United Nations were very concerned with these attacks. The major problem then is taking these forced members of the LRA and reintroducing them into normal society.

Also, rebel leaders state that they cannot sign an agreement with the Ugandan government unless the ICC indictments are dropped. However, lifting these charges will weaken the integrity of the court.

The Charges

The ICC issued its first arrest warrant to the leader of the LRA, Joseph Kony. He is faced with 33 counts of crimes against humanity and war crimes since 2002. Joseph Kony is being charged with the following crimes against humanity and war crimes, as outlined by the Rome Statute:

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Crimes against humanity:

- (c) Enslavement;
- (f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious

injury to body or to mental or physical health.

War crimes:

(i) Willful killing

(ii) Torture or inhuman treatment, including biological experiments

(iii) Willfully causing great suffering, or serious injury to body or health

(iv) Extensive destruction and appropriation of property, not justified

by military necessity and carried out unlawfully and wantonly

(v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power

(vi) Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial

(vii) Unlawful deportation or transfer or unlawful confinement;

(viii) Taking of hostages.

Kony and the LRA have kidnapped nearly 20,000 children to be used as child soldiers or child sex slaves. As part of “initiation”, these kidnapped children are required to kill their own parents so they can never return home.

Kony and the Ugandan government sometimes issue statements to the public that peaceful negotiations are welcome; however the legitimacy of these claims is

questionable. Child soldiers are a growing issue in Africa, and the LRA is one of the leading recruiting forces.

It is a majority consensus that the citizens of Uganda agree that Kony is guilty of countless crimes against humanity. However, they are not able to come up with a way to best end Kony's murdering spree. Options range from granting Kony amnesty to prosecuting Kony to persecuting Kony. This is another aspect to remember for the prosecutors of the court.

For the defendant, Kony has reached out to the UN for peaceful negotiations. Two years of peace talks between Kampala and Kony's Lord's Resistance Army (LRA) broke down in April prompting Uganda, Sudan and Congo to threaten a joint military offensive against the guerrillas, who are now based in northeastern Congo. Additionally, is it fair that the whole conflict can be pinned to one man? It is certain that Kony was not himself carrying out the crimes, but because he was the leader of the organization, is he to be held responsible for the actions of the LRA? Also, the reason that Kony established the LRA was to protect Ugandan citizens from the controversy of the previous overthrown government and the new leaders, Museveni and the NRA.

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