

Declaration

I declare that this thesis is my own work. It is being submitted for the degree of Doctor of Philosophy in the University of the Witwatersrand, Johannesburg, South Africa. To the best of my knowledge it has not been submitted before for any degree or examination in any other university.

Candidate:

Joseph Otieno Wasonga

Signature

Date

Abstract

In December 2003, President Yoweri Museveni of Uganda referred the situation of northern Uganda in respect to the Lord's Resistance Army (LRA) to the International Criminal Court (ICC). The LRA had been wreaking havoc on the civilian population since the beginning of 1987. The LRA actions included abductions, forced conscription of child soldiers, sex slavery, rape, mutilation, torture, looting and destruction of property, among other crimes. These actions fell within the ambit of war crimes and crimes against humanity punishable under international law. In response to the referral, the ICC Chief Prosecutor, Luis Moreno-Ocampo intervened to bring the LRA top leadership to justice. The referral was an opportunity to punish the LRA for their atrocities and to bring an end to the protracted conflict which had caused so much suffering to the people living in northern Uganda. The referral was also an opportunity for the ICC to put its capacity to the test as the referral was the first for the Court, hailed at the time of its establishment in 1998 as a milestone in the fight against impunity and in the pursuit of justice, peace and stability.

However, a section of the local population, especially traditional leaders and broader civil society, questioned the ICC's appropriateness as a response to the protracted conflict. The traditional leaders and civil society proposed alternative forms of justice as being more appropriate in the context of the northern Ugandan conflict. In this respect, the Court's intervention appeared to be counterproductive. A sharp contrast was drawn between the goals of justice and the prospects for peace. This thesis, therefore, interrogates the appropriateness of the ICC's role in the situation of northern Uganda in relation to sustainable peace and stability. The thesis also assesses the effectiveness of the proposed local peace initiatives in a situation where human rights had been grossly violated. In the process the thesis examines the potential of the ICC and of the proposed alternative models of peace to achieve their respective goals in a situation characterised by massive human rights violation. In so doing the thesis seeks to identify the lacunae of these contending models of transitional justice and proposes a more holistic approach to transitional justice.

Dedication

To my wife
Violet N. Otieno
and
Son
Martin C. Omondi

Acknowledgment

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List of Acronyms

AAR: Agreement on Accountability and Reconciliation
ADF: Allied Democratic Forces
ADF: Allied Democratic Forces
ARLPI: Acholi Religious Leaders Peace Initiative,
DDRT: Demobilisation, Disarmament and Resettlement Team
DP: Democratic Party
DRC: Democratic Republic of Congo
FDR: Forum for Democratic Change
FEDEMU: Federalist Democratic Movement of Uganda
FPA: Final Peace Agreement
FRONASA: Front for National Salvation
HRW: Human Rights Watch
HSMF: Holy Spirit Mobile Forces
HURIFO: Human Rights Focus
HURIPEC: Human Rights and Peace Centre
ICC: International Criminal Court
ICG: International Crisis Group
ICRC: International Committee of the Red Cross
ICTR: International Criminal Tribunal for Rwanda
ICTY: International Criminal Tribunal for Yugoslavia
IDP: Internally Displaced Persons
IMT: International Military Tribunal
IRIN: Integrated Regional Information Networks
KY: Kabaka Yekka
LCV: Local Council Five
LDU: Local Defence Unit
LRA: Lord's Resistance Army
NASA: The National Security Agency
NRM/A: National Resistance Movement/Army
PTSD: Posttraumatic-Stress-Disorder
SCSL: Special Court for Sierra Leone
SPLA: Sudan People Liberation Army
SPLM/A: Sudan People Liberation Movement/Army

TRC: Truth and Reconciliation Commission
UCDA: Uganda Christian Democratic Army
UHRC: Uganda Human Rights Commission
UN: United Nations Organisation
UNHCHR: United Nations High Commissioner for Human Rights
UNHRC: United Nations Human Rights Council
UNICEF: United Nations Children's Fund
UNLA: Uganda National Liberation Army
UNOCHA: United Nations Office for the Coordination of Humanitarian Affairs
UNRF II: Uganda National Rescue Front II
UPC: Uganda People's Congress
UPDCA: Uganda Peoples' Democratic Christian Army
UPDF: Uganda Peoples Defence Force
UPDM/A: Uganda People's Democratic Movement/Army
USA: United States of America
WFP: World Food Programme

Map of Uganda

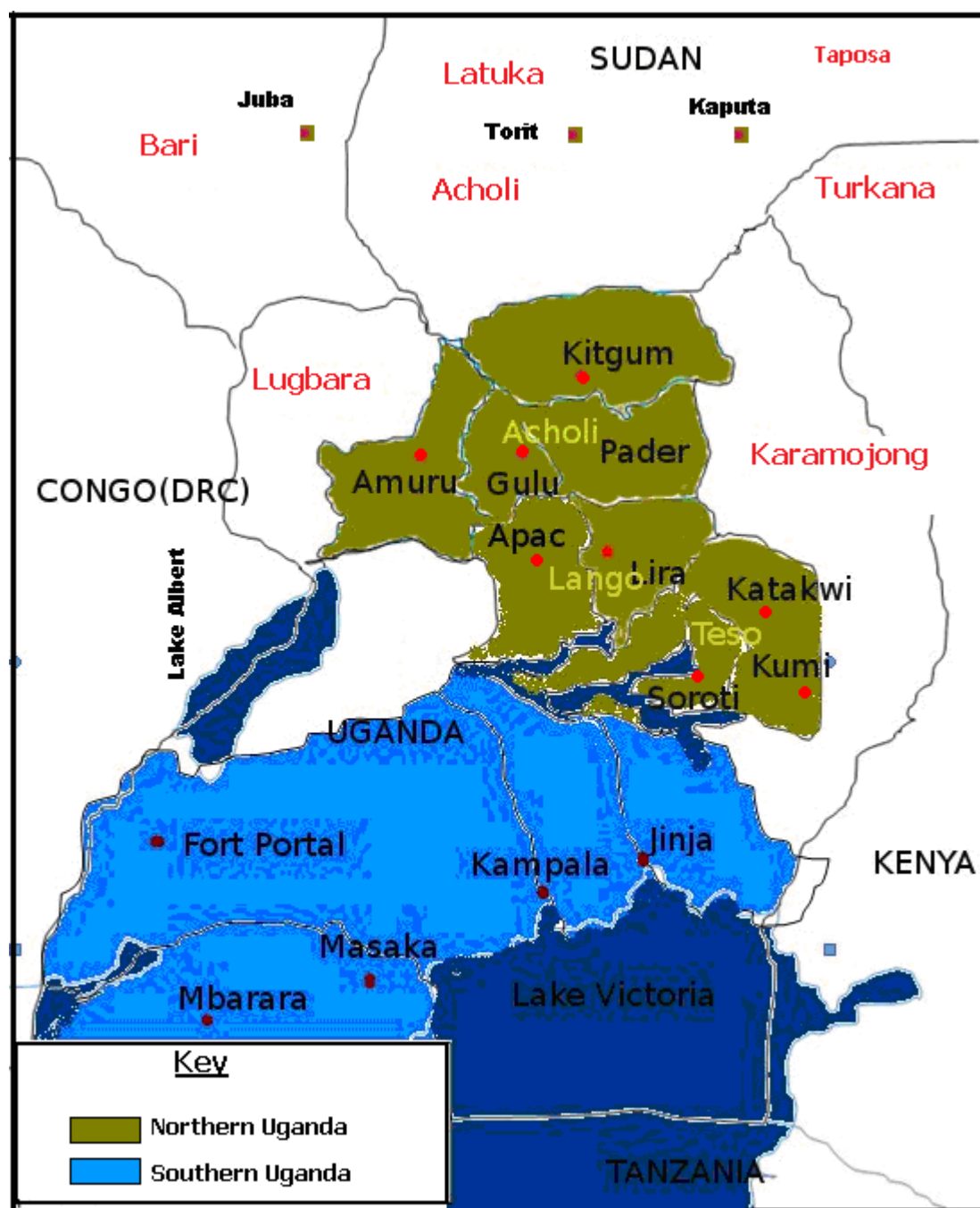


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