

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.