

ATTACKS ON JUSTICE – UGANDA

Highlights

The administration of justice lacks both human and financial resources to enable it to function properly. The judiciary is generally independent, although it is constantly subjected to attacks from the executive. In addition, corruption within the judiciary is rampant and widespread and damages its public perception. In an effort to combat this, accountability mechanisms have been set up to enhance judicial integrity. Advocates' freedom of expression has been restricted and access to justice remains limited. Counter-terrorism legislation has undermined respect for the right to a fair trial.

BACKGROUND

President Yoweri Museveni, head of state since 1986, continues to lead the “Movement System of Government”, a “no-party democracy” system where the only political party allowed to participate in the elections is the movement (formerly the National Resistance Movement) from which individual candidates run for election based on their personal merits. Other political parties are allowed to maintain a minimum presence through national offices, but their activities are severely restricted.

Since February 2001, Uganda has engaged in a process of constitutional review. The *Constitutional (Amendment) Bill* was presented to Parliament in February 2005. It was divided into three bills (one with the amendments that have to be adopted by referendum, one with those that have to be approved by district councils and one with those that have to be approved by Parliament) in March 2005. On 28 June 2005, Parliament adopted the amendment of Article 105(2) of the 1995 Constitution that limited the presidential term to two terms. On 28 July 2005, following a national referendum, a multi-party political system, under which the forthcoming 2006 presidential, parliamentary and local government elections will be held, was adopted to replace the “Movement System”.

During the 18 years of ongoing internal conflict with the Lord's Resistance Army (LRA) in northern Uganda, rebels have committed widespread and systematic attacks and human rights violations against civilians. According to UNICEF, between 2003 and 2004 they abducted around 15,000 children to use as combatants and sex slaves. The conflict has claimed thousands of lives and has displaced more than 1.5 million people. The national army, the Ugandan People's Defence Forces (UPDF) have also committed grave abuses against civilians on suspicion of rebel collaboration, including arbitrary detention, torture, rape and theft.

More than 15,000 former LRA combatants are reported to have surrendered since the [Amnesty Act 2000](#). Through this act, extended upon numerous occasions, the government granted amnesty to members of the LRA if they voluntarily surrendered. The Amnesty Law grants the director of public prosecutions the power to grant amnesty and, therefore, immunity from prosecution. An Amnesty Commission has

been created to oversee the demobilization and reintegration of the persons amnestied. After having surrendered, the ex-rebels are sent to reception centres for rehabilitation and counselling in order to reintegrate them into civil society.

Impunity for crimes committed during the war with the LRA in northern Uganda is an important problem. UPDF soldiers are rarely punished for their crimes or for human rights abuses against civilians, generating amongst the public a sense of injustice. The judiciary and the Uganda Human Rights Commission are aware of it and have taken steps towards providing better protection for the rights of civilians, such as reporting and investigating complaints and abuses, however they are hindered by limited resources.

Since 1997, the Uganda Human Rights Commission been an independent body monitoring the government's compliance with its international and regional human rights obligations and dealing with violations of human rights by state agencies through reporting and investigating these abuses.

THE JUDICIARY

Legal reforms

Ongoing legal and judicial reforms on a sector-wide basis are taking place within the judiciary and the justice, law and order sector (J/LOS). The J/LOS is composed of the Ministry of Justice and Constitutional Affairs, the Ministry of Internal Affairs, the Judiciary, the Uganda Prison Service, the Uganda Police Force, the Directorate of Public Prosecutions, the Judicial Services Commission, the Uganda Law Reform Commission, the Ministry of Gender, Labor and Social Development, the probation services, the Ministry of Local Government and Local Council Courts. Its goal is "to promote the rule of law, increase public confidence in the criminal justice system and to enhance the ability of the private sector to make and enforce commercial contracts" (see, <http://www.justice.go.ug/jlos.htm>).

[The Inspectorate General of Government Act, 2002](#), which received the President's assent on 5 March 2002, provides for an independent institution, the Inspectorate General of Government –(IGG), to ensure general fairness and legality in public administration, to promote and foster adherence to the rule of law and principles of natural justice in administration, to eliminate corruption, abuse of authority and of public office, to enforce the [Leadership Code Act](#), to inquire into the methods by which law enforcement agents and the state security agencies execute their functions, to investigate the conduct of any public officer connected with an abuse of authority, neglect of official duties or economic malpractice, and to take the necessary measures for the detection and prevention of corruption in public offices (see, Article 8). The inspectorate may investigate these matters on its own initiative or following a complaint from an individual or body. Its jurisdiction covers officers and leaders from, among others, the Cabinet, government departments, statutory corporations, Parliament, courts of law, the police and the military (see, Article 9). Since 2002, the inspectorate has been strengthened to fulfil its mandate and has increased the number of investigations and prosecutions of corruption cases. The IGG possesses the power to arrest and prosecute when presented with cases of corruption.

Leadership Code Act 2002

The [Leadership Code Act](#) was passed by Parliament on 4 April 2002 to replace the 1992 Leadership Code and sets a minimum standard of conduct for leaders, including political leaders such as the President or members of parliament, the Attorney General, all judges of the Courts of Judicature, all Magistrates, the registrars of the courts of judicature, the inspectors of courts, the president and deputy president of the Industrial Court and all officers in the Uganda People's Defence Forces. It requires leaders to declare their incomes, assets and liabilities and introduces sanctions for non-compliance including job loss and confiscation of any property acquired as a result of abuse of office. This act is implemented mainly through the Inspectorate General of Government.

Code of Judicial Conduct 2003

The *Code of Judicial Conduct*, signed by all judicial officers on 20 June 2003, was formally launched on 28 October 2003 to replace the *July 1989 Code of Conduct for Judges, Magistrates and other Judicial Officers of Uganda* adopted by the Judges of the Supreme Court and the High Court. It contains a number of principles – independence, impartiality, integrity, property, equality and competence and diligence enforcement – and rules used as guidance to regulate judicial conduct. It lays down that a judicial officer shall “at all times conduct himself or herself in a manner consistent with the dignity of the judicial office, and for that purpose must freely and willingly accept appropriate personal restrictions” (Article 4.1). It also states that “a judicial officer shall refrain from conduct and from associating with persons, groups of persons or organizations which in the mind of a reasonable, fair-minded and informed person might undermine confidence in the judicial officer's impartiality or otherwise with regard to any issue that may come before the courts” (Article 4.4). Peer committees within the judiciary and the Plan of Action introduced through the Judicial Integrity Committee (see below) form a mechanism to monitor standards of integrity in the judiciary at all levels and to enforce the Code of Judicial Conduct, as does the Judicial Service Commission, which is the body responsible for the disciplinary process.

Independence of the judiciary

The judicial structure is composed of the Supreme Court, the Constitutional Court, the Court of Appeal, High Courts, Magistrates' Courts and Local Council Courts. Article 128 of the [1995 Constitution](#), under the title “Independence of the Judiciary”, provides that the courts shall be independent and shall not be subject to control or direction by any person or authority. Nonetheless, the President still has extensive constitutional powers of judicial appointment and removal (Articles 142 and 144 of the 1995 Constitution), and the judiciary is reportedly seen to be dependent on the executive. Article 128(5) of the Constitution provides that “the administrative expenses of the judiciary [...] shall be charged on the Consolidated Fund” and Article 128(6) stipulates that “the judiciary shall be self-accounting and may deal directly with the ministry responsible for finance in relation to its finances”. Judicial officers are not liable for actions or omissions committed in the exercise of their duties.

The judiciary is confronted with deficiencies that lead to the limitation of due process rights and of the right to a fair trial. The lack of financial resources and the limited number of judges results in delays in proceedings, a large backlog of cases and in lengthy pre-trial detention. There is a lack of legal aid. Lower courts are understaffed, inefficient and reliant on under-trained judges.

In the northern regions affected by the internal conflict, the administration of justice does not function properly as some judges, prosecutors and lawyers have fled the regions and have not been replaced.

The Constitutional Court and the Supreme Court are reported to be independent. Despite the tense political climate, these courts have ruled on the unconstitutionality of laws adopted by the current Parliament and Government. As a consequence, the President and members of Parliament have repeatedly verbally attacked and intimidated the judiciary in public, challenging its competences, undermining its independence and eroding public confidence in it.

White Paper on constitutional review

The Government's [White Paper on the constitutional review](#) threatens the independence of the judiciary in that it affects the role of the Constitutional Court and the Judicial Service Commission. Under its proposals, the Constitutional Court could not any more declare a law passed by Parliament inconsistent with or in contravention of a provision of the Constitution if that law is spent, repealed, expired or has had its full effect at the date of delivery of judgment. This means that the courts could not give retroactive effect to a law's unconstitutionality. This proposal is a response to the situation created by the 25 June 2004 Constitutional Court ruling (see below, under [Cases](#)). The Judicial Service Commission could not review the conditions of service for judges and other judicial officers, nor prepare and implement programmes for the education of, or dissemination of information about public law and the administration of justice to, judicial officers. The Ministry of Justice in consultation with the judiciary would be empowered with these responsibilities.

The White Paper covered the Constitutional Review Commission's recommendations that the judiciary should intensify efforts "to educate the people about the court procedures", that judicial proceedings should become more sensitive to the needs of disabled people, that the government should make operational the Qhadis Courts (Islamic courts for marriage, divorce, inheritance of property and guardianship as provided for in Article 129(1)(d) of the 1995 Constitution) and that the Judicial Service Commission should have the power to appoint, supervise and discipline court clerks and interpreters in the service of the judiciary.

Corruption

Corruption is still endemic in Ugandan society as a whole and impunity remains widespread, although since 2002 investigating and prosecuting acts of corruption has been the task of the Inspectorate General of Government. Equally, corruption within the judiciary is rampant and widespread and damages its public perception. Most corruption cases occur among court staff and the police, as well as within the magistrates' courts and the registrar. Cases of corruption of judges are less common.

In cases of corruption, complaints against judicial officers can be lodged with the leadership of the judiciary or the Inspector of Courts as well as with the Judicial Service Commission, on the basis of the *Code of Judicial Conduct*. Where judges, magistrates and registrars are concerned, the Inspectorate General of Government also investigates and prosecutes cases of judicial corruption under the *Leadership Code*.

An internal Judicial Integrity Committee (headed by a Justice of the Supreme Court and composed of eight judicial officers) was set up in June 2000 in order to actively strengthen judicial integrity and ethics. It has an advisory role. In May 2002, it presented a Plan of Action for Strengthening the Judiciary addressing matters of judicial conduct, corruption within the judiciary and delays in the disposal of cases, execution of court orders and decrees and the administration of estates.

Cases

There are countless reports of attacks on judges and the judiciary by President Museveni. In February 2004, President Museveni promised to “shake up the judiciary” after the Government lost a number of cases in the courts. In December 2002, the Constitutional Court nullified Sections 18 and 19 of the [Political Parties and Organizations Act](#), which prohibited political parties from sponsoring or providing a platform or campaign for or against a candidate in any election, following a petition from President of the Democratic Party Paul Ssemogerere. In addition, on [29 January 2004](#), the Supreme Court nullified the *First Constitutional (Amendment) Act No 13 of 2000* as its procedural enactment was unconstitutional, once again following a petition from Paul Ssemogerere. This nullification had implications for any future attempts to amend the Constitution.

The 2000 Referendum Act

A [Constitutional Court ruling](#) on 25 June 2004, resulted in President Museveni engaging in further acts of intimidation with regard to the judiciary. The Constitutional Court ruled that the *2000 Referendum Act* was invalid on the grounds of its improper procedural enactment. Since this act had been the basis of Uganda’s popular referendum to retain one-party rule, the vote on the political system was also nullified. On 27 June 2004, President Museveni rejected this ruling, warning the Constitutional Court judges that they “will not be allowed to usurp the power of the people to choose how they will be governed”. He added that “there were times when, if a judge made such a ruling, he would not live to see tomorrow”. President Museveni also declared that it seemed as though the courts were taking over the role of the legislature. Following the President’s statement, there were popular demonstrations against the Constitutional Court ruling. On 30 June 2004, the Chief Justice, Benjamin Odoki, asked the government and Ugandans not to intimidate the judiciary and urged the courts to function normally without fear or favour. The government appealed against the Constitutional Court ruling in the Supreme Court on 30 June. On 2 July 2004, the [International Commission of Jurists](#) expressed its concern at remarks made by President Museveni, by way of a press release, as they could be viewed as an attempt to intimidate the judiciary. Later, on 17 July, the president said that “the judges’ days are numbered”. On [2 September 2004](#), in a summary judgment, the Supreme Court upheld the Constitutional Court’s decision

nullifying 2000 Referendum Act, but ruled that the referendum itself was valid stating that “to declare the referendum a nullity would have far-reaching consequences”.

Judges’ tax exemption

In January 2003, tension arose between the Uganda Revenue Authority and the judiciary over judges’ exemption from taxation. President Museveni accepted in 1990 that judges would be exempt from income taxes until *Legal Notice 140 of 1997* was issued by the Minister of Finance. Judges argued that this change ran counter to the independence of the judiciary enshrined in Article 128(7) of the 1995 Constitution, which provides that “the salary, allowances, privileges and retirement benefits and other conditions of service of a judicial Officer or other person exercising judicial power, shall not be varied to his or her disadvantage”. Although the Attorney General, in his capacity as the government’s legal adviser, had stated in January 2003 that the government would not tax judges, in March 2003 the Auditor General directed the revenue authority to recover the taxes owed by the judges since 1997. This action gave rise to a public perception that the judiciary was being undermined. Indeed, Parliament’s Public Accounts Committee stated, on 16 October 2003, that Parliament should resolve the matter to avoid its being submitted to the courts, in which case “it would be difficult to pursue”. In February 2004, members of Parliament recommended that tax arrears owed by judges to the Uganda Revenue Authority should be recovered. On [23 February 2005](#), the Constitutional Court ruled that “judicial officers’ salaries, allowances, privileges and retirement benefits and other conditions of service must not be subjected to any taxation whatsoever” (this ruling includes all judicial officers and not only judges) and, in July 2005, the Uganda Revenue Authority directed the judiciary to cease taxing the salaries and allowances of judges and other judicial officers.

Following this controversy, the aforementioned government white paper proposes that Article 128(7) of the 1995 Constitution be amended so that judicial officers are not exempted from the payment of lawful tax (without being required to pay any tax in arrears arising from the amendment).

LEGAL PROFESSION

Corruption is rampant throughout Ugandan society. The Inspectorate General of Government (IGG) is reported to face complaints concerning cases where lawyers offer bribes to judicial staff in order to ensure favourable outcomes for their clients.

The function of the Law Council, established under the 1970 Advocates Act, is to exercise general supervision and control over professional legal education. It also advises and makes recommendations to the government on matters relating to the legal profession, and through a Disciplinary Committee exercises disciplinary control over advocates and their clerks. Lastly, it exercises supervision over the provision of legal aid, and determines who is eligible to practise as an advocate in Uganda.

The Uganda Law Society is a professional association established by an Act of Parliament. Its aim is a competent and independent legal profession and the promotion and protection of lawyers’ interests. Its objectives are to maintain and

improve the standards of conduct and learning of the legal profession, to facilitate the acquisition of legal knowledge by members of the legal profession, to assist members of the legal profession with regard to their conditions of practice and to assist the government and the courts on all matters affecting legislation and the administration and practice of law.

Reform of Advocates Act

The *Advocates (Amendment) Act*, reforming the *1970 Advocates Act*, was passed by Parliament on 2 October 2002 and received the President's assent on 29 November 2002 (*Act No.27 of 2002*). Its purpose is to grant easier access to the Uganda Bar for advocates (lawyers) in terms of required qualifications and procedures for entry, to improve initial and continuing legal education and training for advocates and to revise disciplinary sanctions and penalties against advocates. It provides for an increase in the Law Council's disciplinary powers and includes measures such as the closing of a suspended advocate's chamber.

The act also introduces mandatory continuing legal education for all qualified lawyers. The amendments have established (new Part IIA) a Committee on Legal Education and Training, within the Law Council, to supervise professional training. This committee and the Law Society have to define training activities, which are compulsory to qualify for practice. In July 2005, Chief Justice Benjamin Odoki established a Judicial Studies Institute to provide for the training needs of the judiciary, including the legal profession, prosecutors, judicial officers, administrative and support staff and court paralegal staff.

Freedom of expression

On 22 August 2003, the Law Council issued a statement expressing its intention to enforce *Regulation 22 of the Advocates (Professional Conduct) Regulations of 1977*, which requires advocates to seek authorization from the Law Council before making any public comment of any kind on any legal or constitutional matter, thereby placing limits on their freedom of expression. According to the Law Council, actions publicizing the fact that a person is an advocate, participating in radio talk shows, making public comments, writing articles, issuing press statements or public comments on legal and constitutional matters amounts to professional misconduct and violates *Regulation 22*. Individual advocates should therefore request express permission from the Law Council before they become involved in such public activities. Advocates violating the *1977 Advocates (Professional Conduct) Regulations* are prosecuted before the Disciplinary Committee of the Law Council.

On 28 August 2003, the International Commission of Jurists issued a [press release](#) on this restriction on lawyers' freedom of expression. The ICJ addressed a letter to President Museveni expressing its concern at the 22 August statement of the Law Council. The ICJ was concerned "that enforcement of this regulation would deny lawyers their fundamental right to freedom of expression and pose unacceptable obstacles to their professional work as legal advocates". This "blanket prohibition" is "contrary to several international instruments and standards, among them the *International Covenant on Civil and Political Rights*, the *African Charter on Human and Peoples' Rights* and the *UN Basic Principles on the Role of Lawyers*".

Following the Law Council's statement, the Uganda Law Society appointed an ad hoc committee, composed of five members of the Uganda Law Society, including its president, to review the constitutionality of 1977 *Advocates (Professional Conduct) Regulations*. In February 2004, the committee's report upheld *Regulation 22* as it was intended to protect the independence of the judiciary and to avoid external influences on judicial officers. However, *Regulation 22* is reportedly still not thoroughly enforced in practice.

PROSECUTORS

Article 120 (3) of the 1995 Constitution states that the functions of the Director of Public Prosecutions (DPP) are to “direct the police to investigate any information of a criminal nature and to report to him or her expeditiously; to institute criminal proceedings against any person or authority in any court with competent jurisdiction other than a court martial; to take over and continue any criminal proceedings instituted by any other person or authority; to discontinue at any stage before judgment is delivered, any criminal proceedings to which this article relates, instituted by himself or herself or any other person or authority; except that the Director of Public Prosecutions shall not discontinue any proceedings commenced by another person or authority except with the consent of the court”. The Director of Public Prosecutions “shall have regard to the public interest, the interest of the administration of justice and the need to prevent abuse of legal process” (Article 120 (5), Constitution), while exercising his or her powers.

State attorneys and state prosecutors are both prosecutors under the DPP. State attorneys prosecute cases in the High Court, the Court of Appeal and the Supreme Court. They also prosecute the more complex cases in magistrates' courts. State prosecutors prosecute cases in magistrates' courts.

Corruption within the Directorate of Public Prosecutions occurs but is reportedly not as widespread as in other part of the judiciary. However, the IGG has also faced complaints concerning prosecutors: cases have been reported where prosecutors have received bribes to withdraw charges.

The Directorate of Public Prosecutions lacks human resources, financial capacity and public confidence.

Case

Following the government's loss of a high-profile case in the Constitutional Court in December 2002 (see above, under Judiciary: Cases), President Museveni asked the Attorney General to open an investigation against the DPP's acting director of civil litigation and the deputy director of civil litigation in **August 2003**. Both officials were suspended pending the investigation.

ACCESS TO JUSTICE

Access to justice is still limited, as the government is unable to provide free legal services to everyone due to a lack of financial resources in the judiciary. A pro bono scheme is barely functional and the legal aid provided by some local NGOs and the Uganda Law Society (through its Legal Aid Project) is still limited. Furthermore, legal aid service providers are limited geographically and are therefore not available in rural areas where they are needed. The *2002 Advocates (Amendment) Act* provides for lawyers to assure pro bono services when they are so required by the Law Council. In case of refusal by them to give this legal assistance they must pay a fee to the Law Council. Article 28(3)(e) of the 1995 Constitution provides for legal representation at the expense of the state “in the case of any offence which carries a sentence of death or imprisonment for life”. However, the amounts paid by the state to lawyers in these cases are said to be too low.

Suspects are illegally arrested and detained for long periods of time without charge. Article 23 of the 1995 Constitution provides for the rights of an arrested person: *inter alia*, the right to a lawyer of his/her choice, the right to inform his/her family and the right to access to a lawyer, family member, doctor and medical treatment. Access to lawyers and doctors is reportedly denied by the security forces. The police generally permit arrested people to consult a lawyer only after the end of their initial interrogations. In May 2005, the [UN Committee against Torture](#) reported that it was concerned about “the reported limited effectiveness and accessibility of habeas corpus”.

Widespread corruption within magistrates’ courts and court’s staff hampers access to justice. The complexity of language and of court procedures is another impediment to access to justice for the general population, as well as a source of public distrust in the judicial system.

Access to laws and judgments could be greatly improved, since not all laws are published in the Official Gazette and there is no official compilation or publication of judicial decisions. In February 2005, the judiciary recommenced publishing the Uganda Law Reports, which had last been published in 1973. A legal resource centre was also opened at the Uganda Law Society in February 2005 to enable advocates to research and access legal cases and data. The judiciary’s information management system has been improved, facilitating easier access and retrieval of cases.

Anti-terrorism Act 2002

The *Anti-Terrorism Act*, [Act No 14 of 2002](#), was passed by Parliament on 20 March 2002, received the president’s assent on 21 May 2002 and came into force on 7 June 2002. Its purpose is to “suppress acts of terrorism, to provide for the punishment of persons who plan, instigate, support, finance or execute acts of terrorism; to proscribe terrorist organizations and to provide for the punishment of persons who are members of, or who convene, attend meetings of, or who support, finance or facilitate the activities of, terrorist organizations; to provide for investigation of acts of terrorism and obtain information in respect of such acts, including the interception of correspondence and the surveillance of persons suspected to be planning or involved in acts of terrorism”.

Section 7 of the act provides a broad definition of terrorism, which covers an extensive range of activities. The *Anti-terrorism Act* provides for the death penalty for terrorists and for their supporters. According to the Committee for Protection of Journalists, this law is vaguely defined and is designed to stop journalists from reporting on the war in northern Uganda, as it can also be construed as prescribing the death penalty for journalists found guilty of airing or publishing information considered to promote terrorism. On [15 September 2004](#), ICJ Commissioners Justice Solomy Bossa and Titus Mulindwa argued that the broad definition of terrorism included in the 2002 Anti-Terrorism Act “appears to cover a wide range of activities” and “runs contrary to the principle of legality”. They also underlined, among other things, that “the wide scope of the offence relating to [prescribed terrorist] organizations damages freedom of expression and freedom of assembly” and that “the Act does not provide for an appeal procedure challenging the designation of the organization or association as a terrorist organization”.

A Joint Anti-terrorism Task Force had been set up in 1999 for preventive action and reactive arrests. Terrorism suspects and persons suspected to support their activities are illegally detained in “safe houses”, arrested without sufficient evidence, held incommunicado and for prolonged periods of time without a judicial warrant and denied access to lawyers and medical care. The *Anti-terrorism Act* provides for these suspects to be held in detention without charge for up to 360 days, in spite of the constitutional provision that does not allow any suspect to be held for more than 48 hours without charge (Article 23(4) of the 1995 Constitution). Extra-judicial executions of terrorism-related detainees by the military intelligence forces and the Joint Anti-Terrorist Task Force still occurred in 2003 and 2004. During the period, these suspects have filed complains about torture before the Uganda Human Rights Commission. They are denied fair trials and their presumption of innocence is often ignored.

Additionally, Section 10(2) of the *Anti-Terrorism Act* authorizes the Minister of Internal Affairs to declare an organization to be terrorist, which could lead to abuses against politically critical groups. The Lord’s Resistance Army, the Lord’s Resistance Movement and the Allied Democratic Front forces are characterized as terrorist organizations in Schedule 2 of the act. In its [Concluding Observations](#) on the Report submitted to the Human Rights Committee by Uganda on May 4, 2004, the Committee expressed its concern “that Section 10 of the Act criminalizes a “terrorist organization” without any reference to a particular criminal offence committed by or through such an organization” and that “Section 11 of the Act does not establish objective criteria for determining membership of a “terrorist organization”.”

Investigations of the International Criminal Court

Uganda signed the *Rome Statute* on 17 March 1999 and ratified it on 14 June 2002. In December 2003, President Museveni referred the situation in northern Uganda to the Chief Prosecutor of the International Criminal Court, Mr Luis Moreno Ocampo. On 29 January 2004, the referral was announced publicly and the Office of the Prosecutor began to conduct an analysis and to seek information on this situation. The scope of the referral embraces all crimes within the jurisdiction of the ICC – i.e. war crimes, crimes against humanity and genocide – committed in northern Uganda, including

crimes committed both by members of the LRA and members of government forces. On 5 July 2004, the presidency of the International Criminal Court decided that the situation in Uganda be assigned to Pre-Trial Chamber II and, on 28 July 2004, the ICC's Chief Prosecutor decided to open an investigation into northern Uganda. To this end, the Uganda Human Rights Commission has provided information to the International Criminal Court's officials on the situation in northern Uganda and the ICC Prosecutor's team in Uganda has started investigative steps such as interviewing persons and collecting evidence in the field. Likewise, the Ugandan Government and the ICC have signed an agreement to investigate and arrest rebel LRA war crime suspects. On 6 September 2004, the ICC Prosecutor announced that his office and the Ugandan Government had concluded a cooperation agreement to facilitate investigations and to execute arrests. In March 2005, the ICC Chief Prosecutor announced that he planned to issue an arrest warrant for LRA Commander-in-Chief Joseph Kony and several other high-ranking rebels.

On [25 June 2004](#), an *International Criminal Court Bill* was presented to Parliament in order to give effect to the *Rome Statute* and to provide for offences under the law of Uganda corresponding to offences within the jurisdiction of the ICC.

LEGAL REFORMS DURING THE PERIOD

- 5 March 2002:** *Inspectorate of Government Act, 2002*, replacing the *Inspector General of Government Statute, 1988*.
- 24 April 2002:** *Leadership Code Act, 2002*, replacing the *Leadership Code Statute, 1992*.
- 21 May 2002:** *Anti-terrorism Act, 2002*.
- 2 June 2002:** *Political Parties and Organizations Act No 18, 2002*.
- 29 November 2002:** *Advocates (Amendment) Act, 2002*, amending the *1970 Advocates Act*.
- 28 May 2004:** *International Criminal Court Bill, 2004*.
- February 2005:** *Constitution (Amendment) Bill*.
- April 2005:** *Access to Information Act 2005* adopted by Parliament.