

**CLOSING SPEECH BY HON. HILARY ONEK,
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Dialogue: The Crossroads of Amnesty and Justice**

Friday November 11, 2011

Protea Hotel, Kampala

I take this opportunity to thank you for inviting me to close this important dialogue on the **crossroads of amnesty and justice**, which has brought together various stakeholders including representatives from the Amnesty Commission, the Justice Law and Order Sector, UN bodies, development partners, key civil society actors and representatives of victims and affected groups operating in different parts of the country to discuss the relevance and future of the Amnesty Act, 2000.

Throughout the day we have heard from different dignitaries and eminent speakers on the dynamics of applying amnesties in response to conflict and post-conflict situations and its implications on a State's duty to pursue justice, combat impunity and protect the human rights of victims of crimes committed during conflict. The discussions have highlighted inherent challenges of adopting blanket amnesties that must be taken into account when implementing transitional justice processes that meet victims' expectations for justice and accountability.

When the government introduced the Amnesty Act in 2000, it was responding to the expressed wishes of the people of Uganda – particularly those of the people of Acholi whose specific concerns were incorporated into the law. While at the time of its adoption, the Amnesty Act was intended to promote peace and encourage an end to hostilities, ten years later, and five years after the signing of the Juba Peace Agreements, key questions arise about the Act's relevance in the current context of relative peace, the absence of active hostilities and victims' continued demand for justice and accountability.

As was mentioned in the morning session, the country is embarking on a transitional justice process, which embraces principles of justice and accountability and which envisions multiple mechanisms to achieve these goals. Amnesty is one in a series of transitional justice mechanisms that can be instrumental in moving societies towards sustainable peace after conflict.

In this regard, the Juba Peace Agreements, specifically the Agreement on Accountability and Reconciliation establishes an overarching legal framework for Uganda with respect to the commission of conflict related crimes and provides us with a roadmap to achieve our national objectives of peace and justice. On the issue of amnesty, the Agreement calls for necessary amendments of national legislation or the introduction of new legislation and relevant policies to ensure implementation of the Agreement. Specifically, the Government is called to introduce *“any amendments to the Amnesty Act or the Uganda Human Rights Act in order to bring it into conformity with the principles of this Agreement”* [Clause 14.1] and *“any necessary legislation, policies and procedures to establish the framework for addressing accountability and reconciliation to any existing law in order to promote the principles under this agreement”*. [Clause 5.6]

The current Amnesty Act, adopted in the spirit of promoting peace in the region, extends amnesty to any individual who has renounced rebellion irrespective of the crimes committed, and also provides amnesty for crimes committed since the Act came into effect. The terms of the Act were necessary to achieve its goals. However, the effect of the law with its unconditional nature of granting amnesty may also serve as a license for the continued commission of grave crimes with impunity. The Act provides a mandate for the Minister of Internal Affairs to submit a list of ineligible persons to Parliament for approval, yet attempts to have a list approved by Parliament have been unsuccessful. Consequently, no individual to date has been declared ineligible for amnesty, which raises the question of whether this is not rather, a *defacto* blanket amnesty.

Uganda's national and international legal obligations to pursue accountability for crimes of the war have also been raised in today's discussions. Indeed, in May 2010, the Government of Uganda adopted the ICC Act, expressing the Government's clear commitment to investigate and prosecute international crimes in Uganda's domestic courts. Bearing in mind Uganda's international obligations to investigate and prosecute those alleged to have committed serious crimes and pursue justice for victims, a revision of the Act to address any inconsistencies with Uganda's national and international law obligations would be timely.

As discussed throughout today, the Amnesty Act will expire in May 2012. The coming months provide an important opportunity to review the Act and develop a way forward that ensures amnesty is able to exist alongside other accountability and justice processes as envisaged under the Juba Peace Agreements. It is my hope that the deliberations and recommendations arising from this dialogue will be presented to the relevant Justice Sector actors for their consideration, and that the terms of the Act and the conditions for its extension will be analysed within the context of Uganda's national transitional justice process and eventual policy. My office remains committed to working with all stakeholders to see this process through to a fruitful conclusion.

At this juncture, I wish to thank you all for your active participation. Special thanks go to the conveners of this meeting, the UN Office of the High Commissioner for Human Rights, UN Women and the Refugee Law Project, for conceiving such an important forum and allowing us to be part of it. I now declare this meeting closed and wish you a wonderful evening.