

## Background

In 2006, The Government of Uganda (GoU) and the Lord's Resistance Army (LRA) commenced peace talks to end the conflict in Northern Uganda.

In June 2007, the GoU and the LRA signed an annexure to the final peace agreement on Accountability and Reconciliation, which required the Government to establish both formal and non-formal justice mechanisms to address accountability and reparations for atrocities committed in Northern Uganda.

In line with the Juba Peace Agreement calling for the establishment of accountability mechanisms for crimes perpetrated during the conflict, the Government of Uganda established the War Crimes Division in 2008, now the International Crimes Division of the High Court, to try individuals suspected of committing war crimes in the country.

### 1. What is the International Crimes Division?

The International Crimes Division (ICD) is a permanent division of the Ugandan High Court; it was established in 2008, under the 1995 Constitution of the Republic of Uganda. Originally it was called the War Crimes Division. The ICD is a national court and shall not be confused with the International Criminal Court (ICC) which is situated in The Hague, Netherlands.

### 2. Is the International Crimes Division the same as the International Criminal Court?

No. The International Crimes Division is a Division of the High Court of Uganda.

The International Criminal Court is an international court that handles cases dealing with serious international crimes, specifically the crime of genocide, crimes against humanity and war crimes. The ICC was established by the Rome Statute in 2002. Uganda ratified and domesticated the Rome Statute in June 2010 by enacting the International Criminal Court Act 2010, meaning that it is obliged to respect the obligations in this treaty. Specifically, Uganda has the duty to prosecute the listed crimes when they are committed in its territory. If Uganda is unable or unwilling to do so, the International Criminal Court may bring charges against offenders of such crimes, especially when the offenses were committed in Uganda after 2002.

### 3. Where is the International Crimes Division located?

The ICD is located at Plot 8 Mabua Road, Kolo-lo, Kampala. However, the court may also sit in any other place in Uganda as the Chief Justice and the Principal Judge may decide.

### 4. Which crimes are handled by the International Crimes Division?

The ICD has jurisdiction over serious international crimes as prescribed in the Practice Directions of the ICD (Legal Notice No. 10 of 2011, gazetted 31 May 2011). The offenses include: Any offense relating to genocide, crimes against humanity, war crimes, terrorism, human trafficking, piracy, and any other crimes as prescribed by the Law.

### 5. How many Judges does the International Crimes Division have?

The Principal Judge in consultation with the

Chief Justice posted four Judges of the High Court to the International Crimes Division. They sit in a panel of three Judges at war crimes proceedings. The Head of the Division is Hon. Justice Dan Akiiki-Kiiza, the Deputy Head of Division is Hon. Justice Elizabeth Nahamya Ibanda. The other Judges are Hon. Justice Alfonse Owinyi Dollo and Hon. Justice Ezekiel Muhanguzi. His Worship Tadeo Asimwe is the Registrar of the Division.

### 6. How are charges brought before the International Crimes Division?

According to the Constitution of Uganda (Art 120 (3)) it is the Director of Public Prosecutions, on behalf of the people of Uganda.

### 7. What is the role of the International Crimes Division?

The role of the ICD is to hear the evidence presented by the Prosecution and any case presented by the Defense to raise serious doubt about the case presented by the Prosecution. Thereafter the ICD has to decide whether the accused is guilty or not guilty.

### 8. What is the role of the Registry of the International Crimes Division?

The ICD Registry provides administrative support to the International Crimes Division and coordinates all aspects of the trial. The Registrar is the Head of the Registry.

### 9. What is the role of Prosecutors?

Prosecutors guide the police in investigating a crime. If prosecutors think there is sufficient evidence to prove that someone committed a crime, they institute a criminal case in a court. At trial,

prosecutors try to convince Judges that the accused committed the crimes. Prosecutors must prove their case beyond a reasonable doubt.

#### **10. What is the role of the Criminal Investigations Department (CID) of the Police?**

The CID investigates the cases, summons witnesses at the hearing stage, produce exhibits in Court, and testify as investigators in the case.

#### **11. What is the role of the defense?**

The Defense speaks on behalf of the accused. They also try to convince the Judges that the accused did not commit the crimes and they help to ensure that the rights of the accused are protected.

#### **12. What kind of protection measures can be provided to witnesses?**

Existing protection measures include: physical protection, internal relocation, external relocation, change of witness' contact details. Protection of the witness' identity, including withholding names from the press, shielding witnesses' faces during testimony, and presenting sensitive testimony in closed court sessions. These measures can apply before, during and after the trial.

#### **13. How can victims participate in criminal trials?**

Current practice in Uganda is that victims can participate as witnesses if called by the Prosecution or defense to help the court decide whether the accused is guilty or not. Victims can also attend the hearings as members of the public.

#### **14. Can decisions of the International Crimes Division be appealed?**

Yes, to the Court of Appeal and thereafter to the Supreme Court.

#### **15. How long do international crimes trials last?**

Depending on how complex the case is and how many witnesses will testify, war crimes trials can take many months to conclude. There is no time limit, however, trials must be conducted without undue delay.

*International Crimes Division  
Plot 8 Mabua Road, Kololo, Kampala  
P.O. Box 7085 Kampala, UGANDA  
Tel.: +256 (0) 414 233 420/1/2  
Website: [www.judicature.go.ug](http://www.judicature.go.ug)*

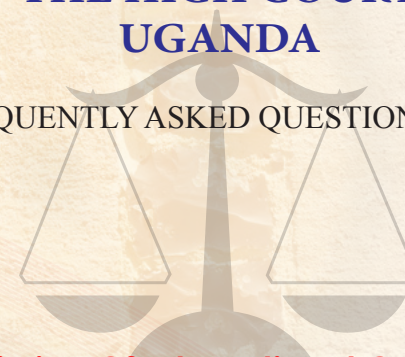
**Published with support of  
DANIDA**



## **COURTS OF JUDICATURE**

### **INTERNATIONAL CRIMES DIVISION (ICD) OF THE HIGH COURT OF UGANDA**

#### **FREQUENTLY ASKED QUESTIONS**



#### **Mission Of International Crimes Division**

*To fight impunity and promote human rights,  
peace and justice.*

#### **Mission Of The Ugandan Judiciary**

*An independent, competent, trusted and accountable  
Judiciary that administers justice to all.*

#### **Vision Of The Ugandan Judiciary**

*Justice for all.*