

International Refugee Rights Initiative



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In this issue:

SPOTLIGHT

What About Us? The Situation of Displaced Persons in the Great Lakes Region – NY event

ACTION AND ADVOCACY

Kakuma Refugee Camp Residents Launch Newsletter and Blog

Negotiating the Way Home: A Difficult Path for Returning Burundians

FEATURES AND ANALYSIS

Can the ICGLR IDP Protocol Help Reduce the Impact of Development-Induced Displacement in Uganda?

LAW AND POLICY DEVELOPMENTS

ASP Selects Kampala as Venue for Review Conference and Elects Judges

PUBLICATIONS

The Lubanga Trial Online

The Open Society Justice Initiative, working in partnership with WITNESS and the Institute for War and Peace Reporting has launched Lubanga Trial.org. This online resource provides up-to-date information on the progress of the Lubanga trial and creates a forum for reader commentary. To find out more visit: www.lubangatrial.org.

SPOTLIGHT

What About Us? The Situation of Displaced Persons in the Great Lakes Region – NY event

On 13 January, the International Refugee Rights Initiative (IRRI) hosted a film screening and panel discussion addressing challenges faced by displaced communities in the Great Lakes region. Close to 80 human rights activists, refugee advocates and lawyers joined us at the Church Center in New York for an evening of discussing the numerous ways in which organizations focusing on refugees tackle the issues at hand.

The Great Lakes region of Africa has been the site of violent conflict and massive violations of human rights for more than a decade, from the genocide in Rwanda to the war in the Democratic Republic of Congo (DRC), which since 1998 has claimed more than three million lives and left more than a million displaced. Approximately 30,000 people fled DRC the final months of 2008 following renewed hostilities. Violence perpetrated by the rebel Lord's Resistance Army and government policy in northern Uganda has

forced nearly two million from their homes and has torn apart the lives of thousands of children who were forcibly recruited by rebels.

Removed from their homes, their communities and, in some cases, the only livelihoods that they have ever known, the displaced often struggle to survive. In camps, they face inadequate assistance, while in urban areas they often receive no assistance at all.

The evening was co-presented by [The Refugee Law Project](#) at Makerere University in Uganda and [Asylum Access](#), a non-profit organization dedicated to making refugee rights an on-the-ground reality in Africa, Asia and Latin America.

Asylum Access first showed the audience a 15-minute film entitled "A Refugee's Testimony." The film, produced by Asylum Access, illustrates, through the words of one refugee, the importance of legal aid. Although refugees are, on paper, accorded a wide variety of rights from protection against forcible return to freedom from discrimination, the right to work, and freedom of movement in practice these rights are often not reality in the Great Lakes region and elsewhere in the Global South. Often the rights of refugees are not recognized unless refugees have assistance to assert them. Refugee families often need legal assistance to help them move beyond dependence on humanitarian aid to actively build new lives in a safe home.

Subsequently, the Refugee Law Project (RLP) presented an advocacy-oriented documentary film entitled "What About Us?" The film, produced by the RLP's Beyond Juba Project, is about members of the Acholi ethnic group who fled northern Uganda and found themselves struggling to survive in the slums of Kampala and other major Ugandan cities. These displaced Acholi share their stories, their feelings on being treated as foreigners in their own country and their hopes of returning home now that a semblance of peace has returned to northern Uganda. The video further addresses the inability of government and humanitarian agencies to design interventions for those displaced to urban areas.

On behalf of [The International Refugee Rights Initiative](#) Olivia Bueno launched its latest report "[The Great Lakes Pact and the Rights of Displaced Persons: A Guide for Civil Society.](#)" The Guide discusses how new international mechanisms recognize new rights for the displaced and how these can be leveraged by advocates working on the ground with the displaced. The Great Lakes Pact is the first legally binding instrument to deal particularly with the rights of internally displaced persons. It also provides new guidance on the rights of the displaced to recover property left behind, an emerging issue in northern Uganda.

The two films and Guide launch was followed by a panel discussion moderated by Marina Sharpe, Legal Officer at IRRI. The panel featured Emily Arnold-Fernandez, Executive Director at Asylum Access, Daniel Neumann, Media Officer with the Refugee Law Project and Olivia Bueno, IRRI's Associate Director. Each panelist spoke briefly about their organisations' work relating to the displaced communities of their focus, and questions from the audience were addressed.

At the end of the evening, a raffle to benefit the Refugee Law Project took place. Several lucky winners went home with African arts & crafts pieces, DVDs generously donated by NY-based filmmakers and tickets to the NY African Film Festival.

ACTION AND ADVOCACY

Kakuma Refugee Camp Residents Launch Newsletter and Blog

Launched in December 2008, the *Kakuma News Reflector (Kanere)* is a new newsletter and blog written by Ethiopian, Congolese, Ugandan, Rwandan, Somali, Sudanese and Kenyan refugees living in Kakuma Refugee Camp, Kenya. Their aim is to add the voices of refugees to the "well-established voices of academia, law, and institutions," according to the introduction to the blog. The publication includes stories covering a wide range of issues such as the provision of water and health care services, child labour, drug abuse and education.

Pambazuka News has reported that the 50,000 refugees in Kakuma Refugee Camp rely on UNHCR for basic necessities such as food and water, education, movement passes and protection, but in turn have "almost no say in the policies affecting their lives." Started in 1993, the *Kakuma News Bulletin* served as the sole refugee newsletter within the camp, but it lost momentum by 2005. When a researcher arrived in Kakuma in October 2008, journalists who had formerly written for *Kakuma News Bulletin* suggested collaboration, and by January of this year *Kanere* had built up an unpaid staff of 15 representing every major camp sub-community.

Kanere's online and print versions will serve separate purposes: the online version, www.kakuma.wordpress.com, intends to raise awareness of refugee warehousing and to serve as an online forum for public debate on refugee affairs; the print version seeks to inform refugees, give them a voice, and raise awareness of human rights within the camp so that Kakuma Refugee Camp's residents can more effectively monitor their own situation and seek redress for grievances.

The maiden online issue was published on 22 December 2008. *Kanere* reports that Internet access is available through refugee-owned Internet cafes in Kakuma Refugee Camp. The first print run, projected at a thousand copies, has yet to be completed due to a lack of funds. Currently, staff members work on a voluntary basis without computers, Internet or office supplies. The group is contacting international organisations and the US embassy for funding support. *Kanere* reports that refugees rarely have access to mainstream Kenyan newspapers-- fewer than 200 copies of newspapers are supplied to the Kakuma area and most are supplied to humanitarian workers, rather than refugees.

Kakuma Refugee Camp in northwest Kenya receives a great amount of attention from researchers, journalists, diplomats and other visitors. Jeff Crisp of UNHCR's Policy Development and Evaluation Service has ascribed Kakuma's fame to Kenya's accessibility from Europe and the U.S. and its use of the English language, and Kakuma Refugee Camp's relative stability and ease of access through cooperative UNHCR officials and other authorities (see Forced Migration Current Awareness Blog (<http://fm-cab.blogspot.com>)). Dave Egger's fictionalized autobiography *What is the What* about a Sudanese "Lost Boy" also features Kakuma Refugee Camp prominently in its storyline. In spite of this attention, few refugee voices have been heard, making the newsletter particularly important.

The *Kanere* blog is an example of a "Web 2.0" application harnessing the benefits of technology to disseminate social information quickly and across wide geographic areas. Other researchers have written about the use of RSS feeds, blogs, e-mail alerts and page monitors in keeping abreast of refugee studies (see, for example, Elisa Mason, "Keeping Up with Refuge Research", *Refugee Survey Quarterly*, vol. 26, no. 3, 2007) while blogs such as Appfrica (<http://appfrica.net/blog/>) and Jackfruity (<http://jackfruity.blogspot.com/search/label/technology>) have commented on the usefulness of web technology in development on the African continent. In addition, while individual refugees maintain their own blogs (see, for example, <http://www.makaila.over-blog.com>), the *Kanere* blog seems to be among the first to feature the voices of many encamped African refugees in a blog format.

Negotiating the Way Home: A Difficult Path for Returning Burundians

"My father came here in 1972 and died here. I do not know my father's farm...I think the government [of Burundi] will help us by giving us land."

This refugee and others like him who were interviewed in Ulyankulu refugee settlement by researchers from the Centre for the Study of Forced Migration (CSFM) indicate that access to land upon return plays a large part in the decision-making of refugees (for more information see the Centre for the Study of Forced

Migration, the International Refugee Rights Initiative (IRRI) and the Social Science Research Council (SSRC), *“Going Home or Staying Home? Ending Displacement for Burundian Refugees in Tanzania,”* November 2008).

Although there was widespread uncertainty in the refugee community, those refugees who had chosen to return generally believed that they would be able to access land, either by reclaiming their family's plot or through government allocation. A prime reason cited by those who were opting for naturalisation was that they felt they would no longer be able to access land in Burundi.

Barriers to Accessing Land

Desk research and a brief visit to Burundi carried out by International Refugee Rights Initiative staff revealed that many returnees are having difficulties in accessing land. Indeed, almost everyone interviewed, in both government and civil society, highlighted the difficulties faced by returning refugees, particularly by those who have been in exile since 1972, and expressed concerns about their prospects. An indication of the high level of concern is reflected in the fact that UNHCR has suspended the repatriation program for these long term refugees during the first three months of 2009 in order to allow more time to deal with reintegrating those who have already returned. In contrast, the repatriation of the second large group of Burundian refugees, those who fled in the 1990s, was framed as relatively unproblematic, although a number of socio-economic issues were raised.

Accessing land is the primary difficulty cited for the 1972 refugees. UNHCR estimated in its January 2009 briefing note that 80% of returnees from the 1972 group do not have access to land upon return. These returnees have frequently found that their land was allocated to someone else in their absence and, worse still, that their prospects for reclaiming their land are hindered by Burundian law, which considers that after 30 years of occupation title is no longer contestable.

Making the situation even more tense and complex is the high level of pressure on land in Burundi generally. The land abandoned by the 1972 refugees as they fled, mainly in the southern part of the country, is particularly prized as this area is suitable for palm oil production, a relatively lucrative type of agriculture in the country. For this reason, returnees are particularly insistent on reclaiming their family's land, and the new occupants are particularly hesitant to give it up.

Further, for many returning refugees, land is critical to their identity. The working paper *“Going Home or Staying Home? Ending Displacement for Burundian Refugees in Tanzania,”* found that returnees who were born in Tanzania and never stepped foot in Burundi nonetheless wanted to go back because, “the physical claim to land is fundamental to notions of belonging and (re)integration.”

However, for those who find their land occupied, there are essentially two options: trying to reclaim their land, or resettlement on a site designated by the government of Burundi.

Reclaiming Land: Options for Returnees

For those who try to reclaim their land, mediation is the most immediately available recourse. At the government level, mediation is offered by the *Commission Nationale des Terres et Autres Biens* (CNTB or National Commission for Land and Other Property).

The CNTB, however, faces a number of challenges in carrying out its work. First, because the CNTB's mandate is focused on mediation only, it is not authorised to allocate new land to returnees or others in cases where appropriate; it must apply to another government ministry in such cases. The process of

allocation, according to government representatives, is hampered by the fact that the planned land inventory has yet to be completed, so it can be unclear where alternative land might be available. Another challenge facing the CNTB is the fact that it has a large backlog. According to the CNTB it has resolved about 3,000 of approximately 10,000 claims which have so far been brought to it. The CNTB is working on addressing this issue through internal reforms focusing on allowing decentralised decision making. Finally, where the CNTB makes a recommendation or mediates a settlement, this can be appealed in local courts, and it reportedly often is.

According to UNHCR, they are carrying out a programme intended to complement the work done by the CNTB, encouraging the peaceful resolution of conflicts in collaboration with the South African-based African Centre for the Constructive Resolution of Disputes (ACCORD) and the Association des Femmes Juristes. Another organisation, Ligue Iteka which runs a programme focused on monitoring the situation of returnees in collaboration with UNHCR, also reports engagement in mediation activities. According to Ligue Iteka, although they have no formal authority, civil society organisations are sometimes viewed as more trustworthy mediators than governmental bodies. Where they are able to facilitate agreements, they register settlements with the local authorities.

The availability of formal legal processes is not clear. The customary *bashingantahe* courts mediate land disputes between parties and seem to be the first venue of recourse for returnees. Claimants who are not satisfied with the decisions of *bashingantahe* courts can approach higher level courts, but many returnees are ignorant of their options. Many returnees cannot afford litigating before formal court mechanisms.

Where to Go? Options for Returnees Unable to Access Land

For those who can't reclaim their land, there are limited options with regard to accessing alternative land. This issue particularly affects a group of refugees referred to as "*sans-reference*", refugees who are unable to provide a destination address. Many of these refugees were born in Tanzania and cannot identify the areas from which their parents came. According to UNHCR, they constitute approximately 10% of the returning 1972 refugees (2,322 of 23,470 in 2008).

In the short term, many of those who either cannot return to their land or do not know where their parents came from are housed in transit centres. Transit centres have been set up to provide temporary accommodation for returnees when they first enter Burundi, for just enough time to issue national identification and arrange transportation to their communes of origin. The transit centres were intended for one or two day-long stays but because some of the returnees are now coming home *sans-reference*, i.e. they are the children of refugees coming back with no clear sense of where they came from and others have such difficulty in regaining access to their land, many are ending up housed there for extended periods. However, because the transit centres are intended for short stays, they lack resources needed by long term residents.

In an interview with UNHCR, one returnee is quoted in a Reliefweb article entitled "*Burundian refugees face challenges of identity, land ownership on return*" in saying "If you saw where I sleep, you would understand why I didn't come here with my four children. My room is just big enough to allow me to lie down." His family is still in Tanzania where they are waiting for him to settle with land and food before they follow.

Some centres, such as the one located in Gitega, can accommodate up to 200 persons per night, but with the high level of repatriation and the extended stays in the transit centres, resources are being stretched. The Burundi Red Cross, which manages two transit centres, reported in 2007 that it had had to construct additional temporary shelters for vulnerable populations (usually female-headed households and the elderly). In addition to stresses on accommodation, these sites usually lack adequate health facilities. The

Burundian human rights organisation *Ligue Iteka* has, for example, suggested the construction of mobile health clinics to ensure that at least basic services are available.

In an effort to move these individuals out of transit camps, the UNHCR and the government of Burundi have started to relocate people into what are called “peace villages”. These villages incorporate returnees with other vulnerable groups in need of land (including, according to government organisers, members of the Batwa ethnic group, which has been traditionally marginalised from Burundi society, and orphans) allotting them space to build homes and farm. While this is generally seen as an improvement over the dire conditions in which people had been living, serious questions have been raised as to the long term impact of such ethnic engineering as well as creating pockets of vulnerable people.

In this complex context, the Burundian government is currently considering legislative reform of its land code. In doing so, they will need to consider the provisions of the Protocol on the Property Rights of Returning Populations, which sets out a series of requirements for government structures to ensure that registration of land is accessible and lays out a broad framework for ensuring fair adjudication of land disputes relating to return (for more information, see the IRRI and the Internal Displacement Monitoring Centre, “*The Great Lakes Pact and the Rights of Displaced People*,” September 2008). However, a great deal of additional work will need to be done in monitoring the functioning of these systems in order to ensure that they are as fair and efficient as possible in practice.

FEATURES AND ANALYSIS

Can the ICGLR IDP Protocol Help Reduce the Impact of Development-Induced Displacement in Uganda?

Although refugees receive international protection and help under the 1951 Refugee Convention and its 1967 Protocol, states are not under the same legal obligations to protect and assist internally displaced persons (IDPs), people who have been forced to flee their homes but have not crossed an international border. It is national governments, therefore, which have the primary responsibility for the security and well-being of all displaced people on their territory, but often they are unable or unwilling to live up to this duty.

A new legal instrument which has come into force in the Great Lakes region is the first legally binding effort to mend this weakness in the international framework. The International Conference of the Great Lakes’ (ICGLR) Protocol on the Protection and Assistance to Internally Displaced Persons (IDP Protocol) has been agreed by eleven states in the Great Lakes region¹ with the objective of ensuring legal protection of the physical safety and material needs of IDPs in accordance with the United Nation’s 1998 Guiding Principles on Internal Displacement.

Non-Conflict IDPs: An Often Forgotten Group

The IDP Protocol is also progressive in that it addresses a group of IDPs who are often forgotten in discussions on displacement – non-conflict IDPs, including those displaced by development. Non-conflict IDPs are individuals displaced by factors other than armed conflict, for example developmental projects, natural disasters and climate change.

¹ The eleven states are Angola, Burundi, the Central African Republic, the Republic of Congo, the Democratic Republic of Congo, Kenya, Rwanda, Sudan, Tanzania, Uganda and Zambia.

The IDP Protocol includes a particular focus on handling displacement due to development projects and natural disasters. It commits member states to prevent and eliminate the root causes of displacement and to give attention and care to those displaced no matter the cause of displacement. The Protocol was signed in Nairobi in December 2006 by all eleven Great Lakes states and entered into force in June 2008.

Uganda: The Situation of Non-Conflict IDPs

In Uganda, attention has been focused on the IDPs in northern Uganda displaced by the conflict with the Lord's Resistance Army (LRA) in that region. These IDPs have been encamped for two decades and the issue of development-induced IDPs has been largely ignored. Development projects that have caused internal displacement in Uganda include the Bujagali Dam Project and conservation of Bwindi Impenetrable National Park.

Protecting the Environment at the Expense of the Batwa?

For the past three decades, there has been an expansion of "protected areas," locations that are protected due to their environmental value. The growth of protected areas in Africa has been particularly rapid causing a large number of people who depended on natural resources in those areas to be displaced.

In Uganda, the Bwindi and Mgahinga Forests were established as National Parks in 1991, displacing the indigenous Batwa people from the forests where they had lived. The government did not give early notice to the Batwa and did not give compensation or allocate any land. The local council has indicated to Uganda and the United Organisation for the Batwa Development that 81 acres of land are available for the resettlement of the Batwa, but negotiations to formalise this arrangement with the government are still ongoing. The government gives 20% of revenue collected from the tourism to local communities, including the Batwa, for education and improved health facilities. Unfortunately, the Batwa haven't benefited from this.

The Batwa, who number in the thousands, are one of a number of hunter-gatherer peoples collectively known as the "forest peoples" or "pygmies." Principle 9 of the Guiding Principles on IDPs pertains especially to the Batwa and states that all countries are "under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands."

As a result of their displacement, the Batwa suffer from a lack of access to education, land, food, health care and security. The rate of school dropout, for example, is very high. NGOs have provided education for some Batwa individuals. Sixteen youths have attended secondary school, and one young woman is now in Bugema University. The United Organisation for the Batwa Development is seeking to build health facilities and provide land and shelter for the Batwa. The government of Uganda has given the Batwa a small share of national funds earned through the operation of the national parks. Now that the Protocol is in force, however, Uganda will have to examine carefully whether it has, in accordance with Article 5 of the Protocol, taken "all necessary measures" to "mitigate the adverse effects of development induced displacement" in the case of the Batwa.

The Bujagali Dam

According to the draft final environmental impact assessment conducted in 1999, the construction of the Bujagali Dam was projected to displace 820 people, and affect an additional 6,000. Despite the fact that people were given some compensation, some are still seeking help today due to the fact that they are not

satisfied with their new living conditions. Many of those displaced were left permanently poorer as a result of the project.

The Ugandan government has made some efforts to compensate and relocate residents of areas surrounding the Bujagali Dam, but it has been reported that some of the people who were moved in 2002 were not given enough compensation. Article 5(5) of the IDP Protocol provides that member states will “provide adequate and habitable sites of relocation and shall ensure to the greatest practicable extent that proper accommodation is provided to persons displaced by large scale development projects and that their displacement is effected in satisfactory conditions of safety, nutrition, health and hygiene.”

Going Forward?

With the IDP Protocol in place, it now remains to be seen whether the legal obligations set forth for the internally displaced will extend to those who may be displaced as a result of development projects in the future. There are conflicting views, for example, as to whether oil exploration in the western Uganda may displace those living near Lake Albert. The government of Uganda and civil society will have to pay close and careful attention to the possible consequences of this development.

LAW AND POLICY DEVELOPMENTS

ASP Selects Kampala as Venue for Review Conference and Elects Judges

The annual meeting of the Assembly of States Parties (ASP) of the International Criminal Court (ICC) was held from 14 to 22 November in The Hague and resumed in New York during the week of 19 January, and from 9 to 13 February. This was the seventh gathering of the body mandated by Article 112 of the Rome Statute to supervise and observe the Court.

The ASP includes all countries that have ratified the Rome Statute. It has a Bureau consisting of a President, two Vice-Presidents and 18 members elected to three-year terms. Its broad mandate includes overseeing the administration of the Court; creating and voting on necessary texts to ensure the effective functioning of the Court; establishing the Court's budget; electing Judges and Prosecutors; and establishing bodies to ensure the optimal functioning of the Court.

In addition to oversight-related activities, the major action items on the Assembly's agenda for its seventh session were the adoption of the budget for the ICC's seventh fiscal year; the election of the ASP Bureau's two vice-presidents and 18 members; deliberations of the Special Working Group on the Crime of Aggression, which is working on a definition of the crime for inclusion in the Rome Statute; matters related to the Court's permanent premises; the Review Conference; and judicial elections. This article will focus on the latter two agenda items: the Assembly's venue selection for the conference at which states parties will review the Rome Statute, and the election of judges.

Rome Statute Review Conference

The Review Conference, mandated by Article 123 of the Rome Statute, is a special meeting of states parties to the ICC to review the Rome Statute and consider amendments to it. It will take place during the first half of 2010 for between five and ten days. There is not yet an agenda for the conference, however it will likely focus on adopting a definition for the crime of aggression (which was included in the Rome Statute subject to an agreement by states at a later date of a definition). In the words of Joseph Manoba of

the Ugandan Coalition for the International Criminal Court, “[t]he Review Conference will be an opportunity to demonstrate that member states are concerned with the crime of aggression and considerable efforts have been made to criminalise it.”

The review conference will also likely review Article 124, an optional protocol allowing states not to subject their nationals to the ICC’s war crimes jurisdiction for seven years from ratification. Finally, pursuant to a recommendation of the 1998 Rome Statute drafting conference, the Review Conference may consider the addition of terrorism and drug crimes to the list of crimes within ICC jurisdiction. The Review Conference will also be an opportunity for taking stock of the progress of the Court as a whole.

Uganda Selected as Host for ICC Review Conference

On 21 November 2008, the Assembly selected Kampala, Uganda as the venue for the Review Conference. Uganda had mounted its bid to host the Review Conference at the sixth session of the ASP in 2007. It noted that holding the Review Conference in Uganda would represent an opportunity to conduct outreach in Great Lakes region of Africa, where all of the ICC’s current situations are located. The bid itself highlighted Uganda’s capacity – in terms of, among other things, accommodation, facilities, security and transportation – to host the conference, citing the 2007 Commonwealth Heads of Government Meeting successfully hosted by Kampala as precedent. While Uganda certainly has the infrastructural and logistical capacity to host the conference, some actors have voiced concerns about the choice of Kampala as venue, because Uganda has yet to domesticate the Rome Statute, and because it is the site of an ongoing ICC investigation.

Uganda’s bill to domesticate the Rome Statute has been pending in parliament since 2006. The Assembly therefore runs the risk of hosting the Review Conference in a country that has not operationalised the principle of complementarity, one of the core elements of the ICC system. According to Article 17 of the Rome Statute, a case is inadmissible before the ICC where it is “being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable to genuinely carry out the investigation or prosecution.” Complementarity is based on respect for the primary jurisdiction of states and is designed to promote the ability of national jurisdictions to stamp out impunity. Complementarity encourages states to adopt legal mechanisms to prosecute international crimes domestically. Until Uganda’s ICC Bill is adopted, it will not have that ability. There is thus the possibility that the conference to review a key legal instrument in the fight against impunity will take place in a legal climate tolerant of it.

It is possible, however, that the choice of Kampala as venue for the Review Conference will motivate Uganda to domesticate the Rome Statute, as may have been the case with respect to the country’s ratification of the Agreement on Privileges and Immunities of the ICC (APIC) on 21 January. The APIC provides officials and staff of Court with privileges and immunities necessary for them to perform their duties in an independent and unconditional manner. It is a separate international treaty open for signature and ratification by all states, not just states parties to the Rome Statute. Uganda’s ratification will provide ICC officials traveling to Uganda for the Review Conference with the privileges and immunities conferred by the APIC. Furthermore, proponents of Kampala argue that holding the Review Conference in a situation country represents an opportunity to bring the Court closer to the victims it is meant to serve.

A further concern related to holding the Rome Statute Review Conference in Uganda is the possibility that the ongoing ICC investigation there may be perceived as further compromised by critics of the investigation. The perception that there is a close relationship between the ICC and the government of Uganda has already been cited as an explanation for why the Court has so far not indicted any Ugandan government officials. The announcement of the opening of the investigation in Uganda was made, for example, at a joint 2004 London press conference with the government of Uganda. ICC Prosecutor Luis

Moreno-Ocampo and the President of Uganda Yoweri Museveni appeared together, creating concerns that there was a close relationship between the Court and the government which could preclude any meaningful investigation of government crimes. While the ICC Prosecutor has explained that Ugandan officials have not been indicted because their alleged crimes do not meet the Rome Statute's gravity threshold and/or because they have already been brought to justice in military tribunals, holding the Review Conference in Kampala may further the perception that Uganda and the ICC have a special relationship and that the ICC's work in Uganda is politically biased. States parties at the seventh session of the Assembly must have been mindful of such concerns. The election of Kampala came with a caveat: it will host only as long as it "does not constitute a risk to the operations of the Court or the success of the conference," in which case the conference will be held in an alternative venue, likely in Argentina.

Reacting positively to the choice of Kampala, Joseph Manoba of the Ugandan Coalition for the ICC said:

the Uganda Coalition for the ICC applauds the decision by the ASP to nominate Kampala as the host of the first ever Rome Statute review conference. The decision obligates the government of Uganda to domesticate the Rome Treaty and thus may act as a stimulus factor in the process of domesticating the Statute. The Review Conference also presents an opportunity for civil society groups and the population to engage at several stages. For example, the UCICC hopes to see organizations participating in activities akin to the People's Space at the Commonwealth Heads of Government Meeting. The People's Space was a space within the civil society Commonwealth Peoples' Forum for less formal interaction among peoples of the Commonwealth through music, drama, dance, exposition and discussions. The space hosted cultural performances, mini-workshops, films and other multi-media presentations. It is equally an opportunity for the population to appreciate that the ICC is not a Western imposition but a community of states, the majority of which are African, and independent of political interferences in contrast to the local judiciary. The negative perceptions associated with the Court may be addressed with good outreach at the occasion. The definition of the crime of aggression is another important aspect of the Review Conference.

Election of Judges

In addition to selecting Kampala as the venue for the Review Conference, at the first resumption of its seventh session the ASP also elected six judges to the ICC bench. The newly elected judges, who will serve for a period of nine years, will fill the vacancies left by judges whose terms will end in March. The Assembly elected, by two thirds majority for each candidate, Christine Van Den Wyngaert of Belgium, Sanji Monageng of Botswana, Mohamed Shahabuddeen of Guyana (who has since resigned for personal reasons), Cuno Tarfusser of Italy, Fumiko Saiga of Japan and Joyce Aluoch of Kenya. In addition to the candidates who were ultimately elected, candidates were also put forward by Bosnia and Herzegovina, Burkina Faso, Democratic Republic of Congo, Ecuador, Gambia, Greece, Madagascar, the Netherlands, Nigeria, Senegal, Sierra Leone and South Africa.

The seventh session of ASP gathered for its second resumption during the week of 9 February in New York. The eighth session will be held from 18 until 26 November 2009 in The Hague.

Publications

Amnesty International, "[Empty Promises on Darfur: International Community Fails to Deliver](#)," February 2009.

Amnesty International, "[Double Misfortune: Deepening Human Rights Crisis In Chad](#)," January 2009.

Feinstein International Center, "[Livelihoods, Power and Choice: the Vulnerability of the Northern Rizaygat, Darfur, Sudan](#)," January 2009.

Human Rights Watch, "[There is No Protection: Insecurity and Human Rights in Southern Sudan](#)," February 2009.

Human Rights Watch, "[The Christmas Massacres: LRA Attacks on Civilians in Northern Congo](#)," February 2009.

Human Rights Watch, "[Crisis without Limits: Human Rights and Humanitarian Consequences of Political Repression in Zimbabwe](#)," January 2009.

Human Rights Watch, "[Killings in Kiwanja: The UN's Inability to Protect Civilians](#)," December 2009.

Human Rights Watch, "[So Much to Fear: War Crimes and the Devastation of Somalia](#)," December 2008.

Human Rights Watch, "[Human Rights in Western Sahara and in the Tindouf Refugee Camps](#)," December 2008.

International Crisis Group, "[Northern Uganda: The Road to Peace, with or without Kony](#)," December 2008.

Internal Displacement Monitoring Centre, "[Eritrea: IDPs returned or resettled but border tensions remain](#)", February 2009.

Forced Migration Review, [Ten Years of the Guiding Principles on Internal Displacement – Special Issue](#), December 2008

Refugees International, "[Sudan: UNMIS Must be More Proactive in Protecting Civilians](#)," January 2009.

Refugees International, "[Central African Republic: Fragile Peace Provides Opportunity](#)," January 2009.

Women's Commission for Refugee Women and Children, "[Too Little for Too Few: Meeting the needs of youth in Darfur](#)," December 2008.

World Food Programme, "[Regional Alert: Horn of Africa Crisis](#)," February 2009.

Books:

Bellamy, Alex J. [Responsibility to Protect: The Global Effort to End Mass Atrocities](#). Cambridge: Polity, 2009.

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Sisk, Timothy D. [International Mediation in Civil Wars: Bargaining with Bullets](#). London: Routledge, 2009.

Walker, Peter and Daniel Maxwell. [Shaping the Humanitarian World](#). London: Routledge, 2009.

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Refugee Rights News is a publication of the International Refugee Rights Initiative (IRRI).

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