

July 17, 2008

Hon. David Emerson
Minister of Foreign Affairs
Government of Canada
125 Sussex Drive
Ottawa, ON, Canada
K1A 0G2

By fax: 613-996-9709

Dear Minister Emerson,

As Canadian organizations and individuals dedicated to ending massive human rights violations such as torture and genocide, we are writing to express our concern about the role the Government of Canada appears to be playing in seeking a UN Security Council deferral of the cases of the International Criminal Court (ICC) in northern Uganda.

We understand that the Government of Canada has circulated a letter to members of the UN Security Council that highlights that such a deferral is an option, and states that "Canada's Foreign Minister has already indicated openness, in principle, to extending Canadian support." Such action would be in line with the view advanced by some that justice is an obstacle to peace in Uganda, a view that prevails in large part because of the threats made by the indicted members of the Lord's Resistance Army (LRA) that they will not engage meaningfully in the peace process unless the ICC's cases are halted.

It is our strong view that justice must be treated as an integral part of the process of ending the violence in Uganda. Past experience has demonstrated that lasting peace without justice is rare; allowing those involved in atrocities to escape justice will very likely lead to continuing instability and abuses and do nothing to support the healing of those who survive the atrocities.

It is very important to take into consideration that there is an alternative to a Security Council deferral that would be consistent with a commitment to justice. Under Article 19 of the Rome Statute, LRA suspects and the Government of Uganda have the option of challenging the admissibility of the ICC cases on the basis of a demonstrated commitment to competent, independent and impartial judicial proceedings at the national level. This is mentioned in Canada's letter to UN Security Council members but does not appear to be given the same emphasis.

We are very concerned about the long-term consequences of a potential Security Council deferral. The mission of the ICC and other international justice mechanisms is to end the culture of impunity for those who commit massive human rights violations. A deferral in this situation will undermine the efforts of the past two decades, led by Canada and other like-minded countries, to curtail impunity. It will send a message to those who plan and carry out massive

human rights abuses that they can escape justice, and could seriously weaken the ICC's ability to contribute to deterrence of the worst possible crimes, not only in Uganda but around the world. This is not in the interests of long-term supporters of conflict prevention and international justice like Canada, and it is not in the interests of global peace and security.

Sincerely,

Hon. Flora MacDonald

Hon. Lloyd Axworthy

Hon. Warren Allmand

Maher Arar

Dr. Bruce Broomhall, Professor, Department of Law, University of Quebec at Montreal

Dr. Penelope Simons, Professor, Department of Law, University of Ottawa

Dr. John Trent, Former Secretary General, International Political Science Association and Chair,
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