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978-1-107-06947-3 - The International Criminal Court in Ongoing Intrastate Conflicts:  
Navigating the Peace-Justice Divide

Patrick S. Wegner

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## THE INTERNATIONAL CRIMINAL COURT IN ONGOING INTRASTATE CONFLICTS

In recent decades, international courts have increasingly started investigating armed conflicts. However, the impact of this remains under-researched. Patrick Wegner closes this gap via a comprehensive analysis of the impact of the International Criminal Court in the Darfur and Lord's Resistance Army conflicts. He offers a fresh approach to peace and conflict studies, while avoiding the current quantitative focus of the literature and polarisation between critics and supporters of applying justice in conflicts. This is the first time that the impact of an international criminal court has been analysed in all its facets in two conflicts. The consequences of these investigations are much more complex and difficult to predict than most of the existing literature suggests. Recurrent claims, such as the deterrent effect of trials and the danger of blocking negotiations by the issuing of arrest warrants, are put to the test here with some surprising results.

PATRICK S. WEGNER works for the German Federal Foreign Office. He researched this book while completing a PhD at the University of Tübingen, Germany.

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Literature and media sources were systematically included in this book until January 2012. Probably my biggest regret is that I was not able to cover some of the more recent and interesting political events surrounding the ICC, including the motion of the Kenyan Parliament to cease being a Member State to the Rome Statute. Time constraints did not allow for a comprehensive update of the book.

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## ABBREVIATIONS

ACP	African, Caribbean and Pacific states that cooperate with the EU
AI	Amnesty International
AL	Arab League
ARLPI	Acholi Religious Leader Peace Initiative
ASP	Assembly of the States Parties (ICC organ)
AU	African Union
AUPD	African Union High-Level Panel on Darfur
CAR	Central African Republic
CoH	Cessation of hostilities
CPA	Comprehensive Peace Agreement signed between the Government of Sudan and the Sudan People's Liberation Army in January 2005
CSCE	Conference for Security and Cooperation in Europe
DPA	Darfur Peace Agreement signed in May 2006 in Abuja
DPP	Department of Public Prosecutions of the Republic of Uganda
DRC	Democratic Republic of Congo
DUP	Democratic Unionist Party, Sudanese opposition party from the north
EDF	Equatoria Defence Force, a militia group in Sudan, initially made up of ex-UNLA cadres
FARDC	Forces Armées de la République Démocratique du Congo, the army of the DRC
FIDH	Federation for Human Rights
GCC	Gulf Cooperation Council
GoS	Government of Sudan
GoSS	Government of Southern Sudan, Government of South Sudan if used post July 2011
GoU	Government of Uganda
HRC	Human Rights Center of the University of Berkeley (NGO)
HRW	Human Rights Watch
HSM	Holy Spirit Movement, spiritual rebel movement in Uganda during the late 1980s
ICC	International Criminal Court
ICD	International Crimes Division of the Ugandan High Court

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## LIST OF ABBREVIATIONS

ICG	International Crisis Group
ICID	International Commission of Inquiry on Darfur, Commission created by the UNSC to investigate war crimes and crimes against humanity in Darfur
ICRC	International Committee of the Red Cross
ICTJ	International Center for Transitional Justice (INGO)
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IRIN	Integrated Regional Information Network, a UN news agency
JEM	Justice and Equality Movement, Darfurian rebel movement
JLOS	Justice Law and Order Sector of the Government of Uganda comprising, e.g. the Ministry of Justice, the Department of Public Prosecutions and the different courts
LJM	Liberation and Justice Movement, Darfurian rebel group, JEM splinter
LRA	Lord's Resistance Army (Northern Ugandan rebel group)
MSF	Médecins Sans Frontières
NAM	Non-Aligned Movement
NCHR	National Commission for Human Rights in Sudan
NDA	National Democratic Alliance, Sudanese opposition umbrella group from east
NISS	National Intelligence and Security Service, Sudanese internal intelligence agency
NRA/M	National Resistance Army/Movement, former rebel group and now government party in Uganda
NRF	National Resistance Front, alliance of JEM, SLA factions and SFDA created after Abuja signature of SLA-MM
NRM	The political wing of the NRA
NSF	National Salvation Front, Darfur rebel splinter group
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organisation of Islamic Conference, multilateral organisation
OTP	Office of the Prosecutor (ICC Organ)
PFA	Popular Forces Army, Darfur rebel group of Arab tribes
PTC	Pre-Trial Chamber of the ICC
RDC	Resident District Commissioner, representative of the President in Uganda's districts
RLP	Refugee Law Project of the Makerere University School of Law
RPF	Rwandan Patriotic Front (the party in government in Rwanda)
SAF	Sudanese Armed Forces
SCCED	Special Criminal Court for Events in Darfur
SCSL	Special Court for Sierra Leone, hybrid court created by UN and Sierra Leone

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SFDA	Sudanese Federal Democratic Alliance, former Darfur governor Ahmed Diraiqe's party
SLA	Sudanese Liberation Army (Darfurian rebel group)
SLA-AW	SLA splinter around Mohamed Abdel Wahid
SLA-MM	SLA splinter around Minnie Arka Minawi
SLA-Unity	SLA splinter
SPLA	Sudanese People's Liberation Army
SPLM	Sudanese People's Liberation Movement
SPLM-N	Sudanese People's Liberation Movement – North SPLM forces in regions that remained with Sudan after Southern Sudan's independence
SRF	Sudan Revolutionary Front, umbrella group of northern Sudanese rebels including Beja Congress, JEM, SLM-AW, SLM-MM and SPLM-N, founded November 2011
TDRA	Transitional Darfur Regional Authority, an institution created after the signing of the Darfur Peace Agreement to implement the provisions of the Agreement
TFV	ICC Trust Fund for Victims paying for rehabilitation projects in areas affected by the crimes of ICC indictees
TJ	Transitional justice
UFLD	United Front for Liberation and Development
UHRC	Uganda Human Rights Council
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Council in Geneva
UNLA	Uganda National Liberation Army, the army of the Obote II regime
UNMIS	United Nations Mission in Sudan
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
UPDA	Uganda People's Democratic Army, northern Ugandan rebel movement
UPDF	Ugandan People's Defence Forces, Ugandan Army
VRWG	Victims' Rights Working Group
WHO	World Health Organisation