

By Taddeo Bwambale

Court of Appeal judge Justice Solomy Balungi Bossa has been voted to a coveted post as a judge of the International Criminal Court (ICC).

The elections took place yesterday at the 16th session of the Assembly of States Parties at United Nations headquarters in New York, which opened on Monday and closes on December 14.

Bossa was nominated to the ICC bench by Uganda's Permanent Mission to the United Nations, which described her as a 'skilled trial lawyer' and 'outstanding human rights activist' in its citation. She was competing against 15 candidates from across the world. Six judges with the highest votes were needed to join the bench of 18 judges at The Hague-based court. By press time, four, all women, had been elected, including Alapini-Gansou Reine Adelaide Sophien from Benin, Akane Tomoko (Japan) and Ibáñez Carranza Luz del Carmen (Peru). The judges are elected for nine-year terms by the member countries of the court.

President Yoweri Museveni assigned a team headed by the Attorney General, William Byaruhanga to drum up support for Bossa's candidature and not leave New York until after elections. The other members of the team include Uganda's permanent representative to the UN, Adonia Ayebare and Uganda's ambassador to Brussels, Mirjam Blaak Sow. Others are John Bosco Suuza from the Attorney General's chambers, and Ambassador Duncan Muhumuza Laki, a member of the UN Sixth Committee on Candidatures and Elections.

"She (Bossa) has won. We had to do four rounds of voting. We did a lot of lobbying, on the fourth round, she and a judge from Benin, went through," Byaruhanga told *New Vision* on phone immediately after the voting.

"We are very happy for the international exposure. We now have a judge at the ICC. It goes to show that our legal international profile is very high."

Before the elections, the head of public diplomacy at the foreign affairs ministry, Margaret Kafeero, described the race as tight and involves multiple rounds of voting that could last three days.

# Justice Bossa voted ICC judge



Byaruhanga, Bossa and Blaak at the 16th session of the Assembly of States Parties at United Nations headquarters in New York

Candidates for the post are required to be nationals of member countries and must possess the qualifications required in their respective states for appointment to the highest judicial offices.

Byaruhanga is slated to address the Assembly of States Parties today. "I lobbied the Canadian minister, Belgian and Mongolian ministers. The British were with us and most of the African countries. Bossa got 81 out of the 120 who voted. She needed 80 votes to win. You can see how tight the race was," he explained.

## Who is Bossa?

Born on April 14, 1956, Bossa holds a Bachelor of Laws degree from Makerere University, a Diploma in Legal Practice from the Law

Development Centre (LDC), Uganda and several post-graduate qualifications.

She wields over 20 years of judicial experience at the international, regional and national level and has prior experience of 10 years as practicing advocate and human rights activist.

She started out as a lecturer at LDC, a position she held between 1980 and 1997, while working as practicing attorney from 1988 to 1997.

She was appointed Judge of the High Court of Uganda (1997-2013) and later served as Judge of the East African Court of Justice between 2001 and 2006.

For 10 years between 2003 and 2013, Bossa served as Judge of the United Nations International Criminal

## NOMINEES

### African

- Alapini-Gansou Reine
- Adelaide Sophie (Benin)
- Bossa Solomy Balungi (Uganda)
- Majara Nthomeng Justina (Lesotho)
- Mensa-Bonsu Henrietta Joy
- Abena Nyarko (Ghana)

### Asian and Pacific States

- Akane Tomoko (Japan)
- Chagdaa Khosbayar (Mongolia)

### Eastern European States

- Durdevic Zlata (Croatia)
- Vukoje Dragomir (Bosnia and Herzegovina)

### Latin American and Caribbean states

- Ibáñez Carranza Luz del Carmen (Peru)
- Peralta Distéfano Ariela (Uruguay)

### Western European

- Aitala Rosario Salvatore (Italy)
- Prost Kimberly (Canada)

Tribunal for Rwanda (UNICTR).

In 2013, Bossa was appointed Judge of the Court of Appeal/Constitutional Court of Uganda, a position she still holds.

She also currently serves as a Judge of the United Nations Mechanism for International Criminal Tribunals and at the African Court of Human and People's Rights.

She describes herself in her application for the post as a bar leader and human rights activist who has founded, chaired or belonged to several non-profit human rights and governance organisations since 1990, among them, International Bar Association Human Rights Institute, the East African Law Society, the Uganda Network on HIV/AIDS, Ethics

and the Law, the East African Centre for Constitutional Development (Kituo cha Katiba) and legal aid projects of the Uganda Law Society.

Her profile submitted by Uganda to the ICC describes her as a person of 'high moral character, impartiality and integrity.'

"She possesses established competences in criminal law and procedure. Her election to the post will offer Africa and female judges fairer representation in the principal legal systems of the world while promoting gender balance at the ICC," Uganda's submission reads.

As an advocate in Uganda, she represented accused persons in criminal trials before superior and subordinate courts from 1988 to 1997.

## ICC mandate

The ICC was created by the Rome Statute in 1998, which came into force in 2002 after it was ratified by 60 states, including Uganda.

ICC judges have issued 31 arrest warrants, held eight people at its detention centre and still pursues 15 high profile suspects who remain at large. Dominic Ongwen, one of the former commanders of the Lord's Resistance Army (LRA) rebels in northern Uganda, is currently facing trial before the ICC.

President Uhuru Kenyatta of Kenya and his deputy, William Ruto are some of the high profile figures who have been tried, but acquitted by the court.

However, many African leaders including President Yoweri Museveni, have voiced concern about the court's perceived bias against African leaders, and threatened to withdraw from it. Burundi became the first country to pull out of the ICC this year.

Yesterday, Byaruhanga clarified that: "We (Uganda) have never wanted to pull out of ICC. We have been telling the UN that we need a robust discussion on the rules of engagement."

Another Ugandan judge Justice Julia Ssebutinde is a member of the International Criminal Court that mainly handles disputes among member states