

Voices

Sharing victim-centered views on justice and reconciliation in Uganda

A publication of
 Justice and Reconciliation Project
Issue 1 - 2012

Linking amnesty to other TJ measures

Experts from JLOS and ICTJ weigh in

Special Feature
Surviving against all odds

One man's struggle to overcome **life after abduction** and join university

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The Amnesty Act, 2000

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A shared challenge

Victims' need for recognition by their **local leaders**

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Amnesty and reintegration of women and girls

Is Uganda's amnesty law gender just?

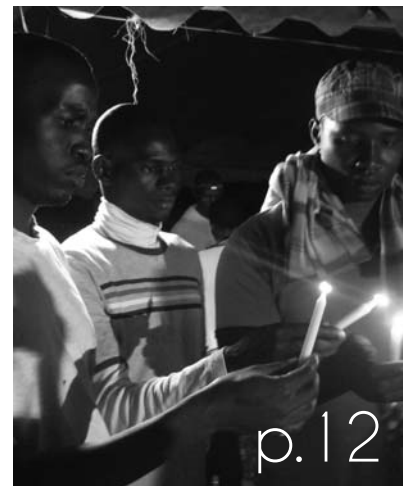
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Voices: Sharing victim-centered views on justice and reconciliation in Uganda

A publication of the Justice and Reconciliation Project (JRP)

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The Justice and Reconciliation Project (JRP) has played a key role in transitional justice (TJ) in Uganda since 2005 through seeking to understand and explain the interests, needs, concerns and views of communities affected by conflict. JRP promotes locally-sensitive and sustainable peace in Africa's Great Lakes region by focusing on the active involvement of grassroots communities in local-level transitional justice.

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Editorial

LINDSAY McCLAIN

WELCOME to the first issue of the Justice and Reconciliation Project's (JRP) latest publication, *Voices* magazine. JRP's mission is to empower conflict-affected communities to participate in processes of justice, healing and reconcilia-

International Center for Transitional Justice (pg 13) and Ismene Nicole Zarifis, International Technical Advisor on TJ for JLOS (pg 6) and members of the JRP team address the important question: *What should be the future of*

By providing a regular, open platform for victims and key stakeholders to dialogue on local and national transitional justice developments, we will be "sharing victim-centered views on justice and reconciliation in Uganda" each quarter.

tion, and this magazine aspires to do just that. By providing a regular, open platform for victims and key stakeholders to dialogue on local and national transitional justice developments, we will be "sharing victim-centered views on justice and reconciliation in Uganda" each quarter. The theme of this first issue is amnesty. With Uganda's Amnesty Act up for expiration, renewal or renewal with amendments on 24 May, we have sought to present the views of the war-affected communities where we operate. In this issue, key stakeholders like Michael Otim of the

Uganda's Amnesty Act? Like all of our work, we hope this collection of views contributes to the policy-making process currently taking place in Kampala, and links the grassroots with the decision-makers. We hope to hear from you on what you think of this first issue. To share your comments, please write to info@justiceandreconciliation.com or SMS +256(0)783300103. Your comments might just appear in the next edition! We also welcome article submissions of no more than 1,500 words for future issues. ■

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A woman takes notes during an advocacy training. Credit: JRP



Share your views!

To contribute to future issues, email your comments or articles to info@justiceandreconciliation.com or SMS +256(0)783300103. Articles should be no longer 1,500 words.



Letter from the PC

BONIFACE OJOK

Dear Readers,

I welcome you to the first edition of *Voices* magazine, a publication which aims to tell the stories and views of the victims that we engage with during the course of our work on transitional justice in Uganda. In this issue, we look at the latest developments in the field of accountability, with a special focus on Uganda's amnesty law.

Since 2005, the Justice and Reconciliation Project (JRP) has worked with conflict-affected communities and individuals to ensure their inclusion in the decision-making and implementation of Uganda's proposed transitional justice processes. We acknowledge there is a glaring injustice in this era of transitional justice in many post-conflict societies in the silencing of victims. In the dash to return to 'normalcy,' reconstruction processes are often aimed largely at the political and legal institutions of the state, while ordinary people are pushed aside. Without

their involvement, political loyalties morph and new power dynamics and imbalances are created. There is a high tendency to overlook the personal power of the ordinary individuals. In this issue,

We acknowledge there is a glaring injustice in this era of transitional justice in many post-conflict societies in the silencing of victims. In the dash to return to 'normalcy,' reconstruction processes are often aimed largely at the political and legal institutions of the state, while ordinary people are pushed aside.

we look closely at debates around amnesty by sharing stories and opinions of some of these often-silenced individuals and communities.

Uganda is treading a very delicate path in deciding whether or not to renew the Amnesty Act, which is due to expire May 24. JRP and other members of the civil society fraternity are at a crossroads, faced with the opportunity to shape the future of our country, while balanc-

ing peace with justice, accountability and reconciliation. In this issue, JRP staff and guest commentators have written at length on victims' views in regards to amnesty. These are the voices that we be-

lieve should inform our work, as well as that of decision-makers working tirelessly to develop Uganda's transitional justice policies, including the future of amnesty.

Finally, as we wait for the government to announce the fate of the

Amnesty Act and as we develop other mechanisms for transitional justice in Uganda, we must not forget to consult the first-hand experiences of the ordinary individuals, those men and women, boys and girls, that were most affected by both the conflict itself and the process of reconstruction. As a female survivor of the LRA conflict in Gulu once said, "I lost my husband and four of my children. Today they say northern Uganda is being rebuilt, but my life and home are still not repaired."

I wish to thank those who contributed to this first issue and wish all

of our readers a nice reading with hope that we meet again in the next issue. ■





In 2008, the Justice, Law and Order Sector (JLOS) established the Transitional Justice Working Group (TJWG).



In 2011, JLOS undertook national consultations on traditional justice and truth-telling.

Stakeholder Opinion

The question of amnesty and the transitional justice agenda in Uganda

ISMENE NICOLE ZARIFIS, INTERNATIONAL TECHNICAL ADVISOR-TRANSITIONAL JUSTICE, JLOS

In 2008, the Justice Law and Order Sector (JLOS) established the Transitional Justice Working Group (TJWG), a special policy-making entity to develop a national policy and law on transitional justice for Uganda. The national policy is intended to give effect to the commitments made in the Agreement on Accountability and Reconciliation (Annexure to the Juba Peace Agreement), which calls for the promotion of formal and informal accountability mechanisms to address the crimes committed during the twenty-year-long conflict. The Agreement provides the overarching legal framework for the process of developing a transitional justice policy in Uganda.



Unique features of the Agreement include: an emphasis on victims' rights and participation, special attention to the situation of women and children who were affected by conflict, and the promotion of a holistic approach to justice, highlighting a complementary and harmonized approach to justice through the adoption of both formal and informal mecha-

nisms to promote justice and reconciliation. In order to achieve this, a number of specialized sub-committees were established within the TJWG to undertake research in specific areas, including: formal justice; traditional justice; truth-seeking; and integrated systems (developing an integrated approach to justice & accountability).

JLOS consultations in the area of formal justice were conducted in 2008 and led to the adoption of the International Criminal Court (ICC) Act. The ICC Act reflects Uganda's commitments within the Rome Statute creating the International Criminal Court. Namely, the ICC Act allows for the prosecution of war crimes, crimes against humanity and genocide within national courts.

The International Crimes Division of the High Court is charged with the duty of prosecuting war crimes and other crimes of a serious nature.

In 2011, JLOS undertook national consultations in the area of traditional justice and truth-telling. The report is expected to be adopted

The future of amnesty is intimately linked to the national transitional justice process underway in Uganda.

and launched by mid-2012 and will contribute significantly to the elaboration of the national policy and law on transitional justice. The report will make recommendations on the use and role of traditional justice and truth-telling for conflict-related crimes.

At present, the TJWG is taking forward a review of the Amnesty Act. Conflicts in the law have come to light in the recent case of *Uganda v. Thomas Kwoyelo*, HCT-00-ICD Case No.0002 of 2012, which if not addressed will continue to frustrate the pursuit of justice against key persons responsible for war crimes. Given that the Amnesty Act (2000) is due to expire in May 2012, now is an opportune moment to conduct an assessment of the current role, purpose and impact of the act, in contrast with its intended purpose at the time of its original enactment over ten years ago.

The review is being informed by a series of consultative meetings and specialized field studies on amnesty. The consultations capture the views

of community members, religious and traditional leaders, local government, parliamentarians, academics, civil society organizations and locally-based victims groups, as well as legal experts and transitional justice spe-

JLOS through its TJWG is committed to continuing the engagement with key stakeholders, civil society and victims' organizations, to achieve these goals.

cialists. A variety of views have been expressed and captured for deliberation. Key considerations for the review include:

1. The conflict of laws between amnesty and co-existing national laws;
2. The conflict of laws between amnesty and international law obligations;
3. The role and purpose of the Amnesty Act (past and present);
4. The effects of the Amnesty Act;
5. Community views and experience;
6. Gender implications/Impact on women; and
7. Amnesty within Uganda's national transitional justice policy.

The review process is still currently underway, yet findings from the consultations revealed a consensus that amnesty in its current form cannot be sustained because it does not cater for accountability of crimes committed, either

through formal or informal processes, and it does not adequately enable re-integration of reporters. Further, there was strong support for the adoption of additional transitional justice mechanisms to promote truth-seeking and reparations, which were seen to be capable of delivering meaningful justice to victims and war-affected communities. In most cases, there was agreement that amnesty has outlived its originally intended purpose of promoting the end to hostilities, however there was reluctance by some to do away with amnesty completely, if only to give the 'captive' youth still

in the bush an opportunity to return home. As such, the review will need to take into consideration all of the views and concerns expressed and propose the best way forward that responds to community views, the local context and expressed need for justice and accountability, while is at the same time remaining legally sound.

In conclusion, the future of amnesty is intimately linked to the national transitional justice process underway in Uganda. As the TJWG develops the policy on transitional justice, amnesty will be coupled with other mechanisms that seek to promote justice, accountability and reconciliation that is context-relevant and responsive to victims' rights and interests. As such, the consultative process for developing a relevant policy has already begun. JLOS through its TJWG is committed to continuing the engagement with key stakeholders, civil society and victims' organizations, to achieve these goals. ■

Left: Kwoyelo before the ICD. Credit: JRP



JLOS consultation on traditional justice in Acholi. Credit: JRP

News

Updates from the field

Community Mobilization

From 20-22 February, the Community Mobilization department facilitated more than 30 victims' group representatives to attend the 8th annual memorial prayers for the 2004 Barlonyo massacre and attend a one-day victims' exchange for the representatives to share challenges and successes and build connections to strengthen victims' networks in the future. The department organized theatre group assessments in Obalanga sub-county in Amuria district to plan future theatre activities there. On 12 March, the department held a radio talk show

on Etop radio in Teso to disseminate the findings of the recent report, *The Day They Came*. A community launch of the report was scheduled to take place on 13 March but was called off by the Amuria district RDC. In order enhance referrals and collaboration, the department began a civil society mapping exercise of other organizations working in JRP's areas of operation. During this quarter, the mapping was conducted in Gulu, Moyo, Lira, Soroti, Kitgum and Amuria districts. ■

Documentation

On 13 March, the Community Documentation launched its latest field note, *The Day They Came: Recounting the LRA's Invasion of Teso Sub-region through Obalanga Sub-county in 2003*, in Amuria town. The launch was well attended by over 50 participants, including CSO representatives, local government officials and victims from Obalanga. Continuing an exercise that started last year, the department partnered with the International Center for Transitional Justice (ICTJ) to document 41 existing victims' groups in West Nile, Acholi, Lango, Teso and western Uganda for an upcoming publication.

The Documentation department developed a survey tool to monitor the TJ environment in northern Uganda and created a victims' database to archive all of JRP's past interviews. The department organized several workshops during the first quarter, most notably regional consultations from 20 February – 5 March on TJ in collaboration with the Northern Uganda Transitional Justice Working Group (NUTJWG) and Refugee Law Project (RLP) and a CSO dialogue on truth-seeking on 29 March in Gulu with ICTJ. ■

Gender Justice

This quarter, the Gender Justice department engaged six women's groups in story-telling sessions on the reparations needs of women and children. Over 35 women from the Women's Advocacy Network (WAN) participated in the Gulu district celebrations for International Women's Day on 8 March and presented a poem that highlighted the challenges faced by conflict-affected women. WAN members held a radio talk show on the same topic on Mega FM on 7 March. A mapping exercise was conducted in Kitgum district and West Nile sub-region

to identify women's groups. Two members of the WAN participated in the Community Mobilization victims' exchange in Lira and Barlonyo. On 30 March, the Gulu District Reconciliation Peace Team organized a meeting for 48 members of the WAN to share their reintegration and reconciliation challenges with local leaders and stakeholders. Beginning on 21 March, the Gender Justice and Communications departments commenced a grassroots consultation on the future of the Amnesty Act supported by UN Women. ■

Conference on perceptions of peacebuilding

KATE LONERGAN



The chief guest gives an interview to media. Credit: JRP

From 4-5 April 2012, JRP participated in the “Perceptions of Peacebuilding in Northern Uganda” conference organized by Gulu University and the United Nations Office in Uganda. Kate Lonergan, a JRP Documentation Intern, and Ketty Anyeko, Gender Justice Team Leader, presented a paper titled, “Gender and Generation in Acholi Traditional Justice Mechanisms.” This presentation explored women and youth opinions on traditional justice mechanisms and discussed ways to enhance women and youth voices within the traditional structure. Women and youth generally value traditional justice mechanisms for their ability to foster community reconciliation and reduce stigma, but they would like to have more opportunity to share their opinions in the planning and decision-making stages of these processes. This research is part of an ongoing study conducted by JRP, which

will conclude in August 2012.

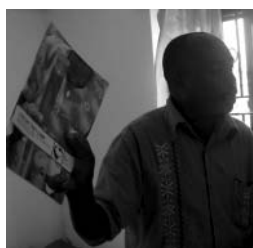
Academics and practitioners from a variety of fields presented research focused on important post-conflict issues such as peaceful land conflict resolution, forgiveness, protection of vulnerable groups, post-conflict local governance, and national transitional justice research. Conference participants developed policy recommendations based on the research presentations, and these recommendations are intended to provide guidance to policy-makers and inform their efforts to provide post-conflict recovery assistance. The conference offered a unique and valuable opportunity for exchange and collaboration between academic scholars and practitioners working on these issues. ■



Welcoming during the Obalanga theatre assessments. Credit: JRP

Obalanga report launched in Amuria

LINO OWOR OGORA



Former LC V of Amuria during the launch of the *The Day They Came*. Credit: JRP

Following our routine of publicly launching completed reports, JRP's Documentation department in collaboration with the Community Mobilization department launched a new report on the LRA invasion of Teso sub-region through Obalanga sub-county in 2003 titled, *The Day They Came*.

The launch was scheduled to be held in two phases: a policy launch on 13 March 2012 in Amuria town and a community launch the following day on 14 March 2012 in Obalanga. As planned, the policy launch was held in Amuria town and was well attended by over 50 participants from within and outside Amuria. This included CSOs, local government officials and victim representatives from Obalanga. Also present at the launch were victims from other districts of Teso.

The launch attracted hot and lively debates on reparations for victims of the conflict and attracted a mixture of praise and criticism from the audience. The most critical response

came from the Resident District Commissioner (RDC), Mr. Kuruwa Charles, who claimed that the report did not spell out government achievements, such as the Peace, Recovery and Development Plan (PRDP) and the National Agricultural Advisory Services (NAADS) programmes.

Following those comments, in a bizarre twist of events, the planned community launch was blocked the following day on 14 March by the RDC. Perhaps this was as a result of the criticism from participants that had been leveled at the government the previous day at the policy launch.

The community launch of the report has been tentatively rescheduled to take place in Obalanga sub-county on 15 June, which is the community's commemoration date for victims who lost their lives as a result of the LRA invasions. ■

Policy Overview

The Amnesty Act, 2000

A guide to Uganda's amnesty law and amendments

EVELYN AKULLO OTWILI AND KATE LONERGAN

Uganda's Amnesty Act was passed by Parliament in 2000 in an attempt to peacefully end the long-running conflicts in the country.

According to the act, amnesty means a "pardon, forgiveness, exemption or discharge from criminal prosecution or any other form of punishment by the State" (Section 2). This pardon takes into consideration any Ugandan who has at any time since 26th January 1986 engaged in or is engaging in war or armed rebellion against the Government of the Republic of Uganda.

The engagements as spelt out by the Amnesty Act could be actual participation in combat, collaborating with perpetrators of the war and armed rebellion or committing any other crime in the furtherance of the war or armed rebellion.

For this pardon to be effected, all that is required of a reporter—someone who takes steps to receive amnesty—is that s/he reports to the nearest army barrack, police unit, sub-county chief, local council (LC) official, magistrate or religious leader and renounces and abandons involvement in war or armed rebellion. In case the reporter has any weapon in his/her possession, s/he is to surrender it upon deserting the rebellion. After doing so, the reporter is granted a certificate of amnesty.

When the Amnesty Act was first enacted by Parliament, it was to remain in force for a pe-

riod not exceeding six months. Since then, it has been extended a number of times. Upon expiry, the Minister of Internal Affairs may extend the time by statutory instrument.

The Amnesty Act has been amended twice since 2000. First in 2002, the act was amended to prohibit a reporter to receive amnesty more than once, except in exceptional circumstances such as re-abduction. Again in 2006, the act was amended to allow for the Minister of Internal Affairs to declare certain people ineligible for amnesty through a statutory instrument and with the approval of Parliament. The 2006 amendment also increases the extension period from 6 months to 2 years.

Since its inception in 2000, an estimated 26,000 reporters have been amnestied by the Government of Uganda. Without doubt, the law has contributed to bringing thousands of combatants out of the bush and the relative peace the country is experiencing. However, the act is set to expire on 24 May 2012, awakening many debates among government and civil society on the continued relevance and future of the law. Mainstream options include expiration, renewal or renewal with amendments.

The majority of communities in northern Uganda advocate for amnesty to continue because, as much as the wars have been subdued or transplanted elsewhere, "our children are still missing." ■

Amnesty means a "pardon, forgiveness, exemption or discharge from criminal prosecution or any other form of punishment by the State" (Section 2).

A shared challenge

The need for recognition and acknowledgment of victims' groups by their leaders

EVANNE NOWAK

THE GUNS FELL SILENT in northern Uganda more than five years ago, but the victims and survivors of the conflicts in northern Uganda are still struggling to cope and come to terms with the aftermath. In JRP's work of promoting locally-sensitive and relevant approaches for transitional justice in Uganda, our interaction with victims and survivors has brought to our attention some of their major concerns. Across the greater north, it is evident that victims are struggling at the various local levels to seek acknowledgment and reparations for the experiences they have gone through, while those whose relatives are still missing and/or unaccounted for continue to seek answers to the whereabouts of their loved ones.

While the peace negotiations between the Government of Uganda and the LRA were never concluded, the government has committed to the implementation of the Agreement on Accountability and Reconciliation, which informs the framework of policies, laws

and programmes for transitional justice. This process, however, is ongoing at the national level with little involvement of stakeholders at the local level, including the local government officials who interact on a daily basis with victims.

From 20-22 February 2012, victims' group representatives from across the greater north convened in Lira to attend the 8th annual memorial prayers and candlelight vigil in remembrance of the Barlonyo massacre. They also attended a one-day exchange workshop in which victims shared their achievements, challenges and future plans in order to establish connections and learn from each other. One urgent challenge many victims' groups shared was their poor relationship with (local) government agencies.

Many victims' groups reported experiencing negative interactions with their local leaders, especially at the district level with Resident District Commissioners (RDCs), District Security Officers



Barlonyo memorial
candlelight vigil.
Credit: JRP

and Local Councilors. In some instances, this was also true for sub-county and parish-level interactions. Groups reported being opposed and intimidated, with many also feeling ignored with the lack of response to their calls for assistance and invitations for dialogue. Others were not recognized or acknowledged as a victims' support group, and even suspected of being an upcoming political organization. Additionally, some groups' activities were upset as their activities, including days of memory, were often blocked at the last minute.

It is our hope that local government

officials and victims' groups understand each other's work and needs. It is of paramount importance that the local government officials acquaint themselves with the developments at the national level in the field of transitional justice,

so that they can be better placed to help victims in their quest for justice. In order to improve this relationship, local leaders need to be sensitized to these challenges. The representatives of the various victims' groups agreed that

government officials should be invited to future meetings and exchanges with victims. It was believed that this could improve the relationship between victims' groups and local leaders and contribute to local leaders better understanding the needs of victims. Furthermore, involving the local government leaders in victims groups' activities could change the status quo and help the groups make progress by removing or neutralizing harmful critics, potentially gaining insight into their workings and building a base of trust that might be helpful to them in their pursuits of justice in the future. ■



Participants after the victims' group exchange in Lira. Credit: JRP

Many victims' groups reported experiencing negative interactions with their local leaders, especially at the district level with LC Vs and RDCs.

Barlonyo memorial prayers

LINDSAY MCCLAIN



Barlonyo massacre memorial monument. Credit: JRP

On 21 February, the community of Barlonyo in Lira district hosted the 8th annual memorial prayers in memory of the 2004 Barlonyo massacre, in which more than 300 people were brutally murdered by the LRA in less than three hours (For more information, see JRP's 2009 report *Kill Every Living Thing*).

Several hundred people gathered in Barlonyo on the evening of the 20th for a candlelight vigil at midnight. More than 1000 candles were lit as mourners moved in procession to the mass grave surrounding the memorial site. Following a moment of silence, the burning candles were placed around the periphery of the mass grave in a visually-powerful act of remembrance.

The following day, 21 February, prayers were held at the memorial site. As part of JRP's victims' exchange activity organized by the Community Mobilization department, repre-

sentatives from Arua, Yumbe, Obalanga, Attiak, Lukodi, Mucwini and Aboke were in attendance to show their solidarity.

This year's prayers were organized by the Barlonyo Memorial Preservation Committee, with support from Lira District Local Government, Lira District NGO Forum, African Youth Initiative Network (AYINET), JRP and others.

The community of Barlonyo is part of Uganda Museum's pilot project to preserve key sites from the LRA conflict. Other sites being developed include Pabbo, St. Mary's College Aboke and Lukodi. A detailed five-year preservation plan has been drafted to guide the preservation and presentation of memory of the Barlonyo massacre in a dignified way that contributes to peace and reconciliation. ■

Stakeholder Opinion

Linking the Amnesty Act to other transitional justice measures

MICHAEL OTIM, HEAD OF OFFICE-UGANDA, INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE

This article was adapted from a paper that was originally presented at a community dialogue on the future of the Amnesty Act organized by the Northern Uganda Transitional Justice Working Group (NUTJWG) on 30 March 2012 in Gulu.



ICD justices before the opening of the ICD case against Kwoyelo
Credit: JRP

In transitional justice, amnesty refers to the decision not to seek accountability for certain kinds of crimes and represents a conscious decision not to confront the past. Recent developments under international law point to the fact that amnesties for serious crimes can no longer be acceptable if they deny victims certain rights, such as the right to seek redress in courts, to remedy, to truth and to rule of law and protection.

At the time it was passed, the Amnesty Act was construed as a gesture to reach out to those who had been abducted, to entice them to choose a path alternative to the LRA. It was hoped that the amnesty would help to stop the conflict at the time raging in the north. The religious, traditional and political leaders from the north were instrumental in the advocacy to have the Amnesty Act in place. Uganda's Amnesty Act is unique in the sense that (1) It was initiated by affected groups and supported by countrywide consultations, contrary to other situations where amnesties were often introduced by collapsing dictatorships and authoritarian regimes (self-amnesties); and (2) It enjoyed, or continues to enjoy, a considerable level of support, including among the affected communities.

However, the aftermath of the Juba peace talks has seen heightened demands to secure accountability for serious crimes, and questions are being asked at both government and civil society levels about the continued relevance of the Amnesty Act. Since the debates commenced, views

have often varied, including that the amnesty process has out-lived its usefulness and continues to be a hindrance to justice and accountability for war crimes, and that it should be extended because it still has a role to play in peacebuilding. The law relating to the use of amnesty in cases of war crimes is an area that is still evolving and opinions vary in both academic and judicial circles. The upcoming Supreme Court decision on the Thomas Kwoyelo case could settle this issue for domestic trials in Uganda. However, the following is still relevant for further discussions about amnesty:

1. If the act is left to lapse after May 12 2012, then the Amnesty Act could just become part of our history but may have implications for those still in LRA captivity.
 2. If the act remains in place, it may be important to specify that those charged with serious crimes will no longer be eligible. The repercussions of this in the short term, in terms of creating legal uncertainty for large numbers of people, should be considered.
 3. If the act remains in place, should the Amnesty Commission play a more central role in the pursuit of accountability measures?
 4. If the Act is amended, should information in the possession of the Amnesty Commission, such as identity of reporters, be shared for other purposes such as investigations?
- While there are no quick fixes

to these questions, it's important to remember that by definition the Amnesty Commission will only ever deal with one side of the conflict and may not be well-placed to play a central role in a full investigation in any accountability proceedings.

Amnesty and Formal Criminal Trials

The International Crimes Division (ICD) of the High Court of Uganda began hearing its first case on 11 July 2011 involving ex-LRA commander Thomas Kwoyelo, who is charged with 53 counts for alleged crimes committed during the conflict in northern Uganda.

The trial has since faced a constitutional challenge raised by his lawyers regarding the constitutionality of his prosecution arguing that the grounds for his prosecution are for offences for which he was entitled to amnesty and his prosecution amounts to a violation of his constitutional right to equal treatment and non-discrimination. The Constitutional Court ordered that his trial cease and Kwoyelo be released. The case is on appeal at the Supreme Court, which will make a final determination of the case. From this we can learn that if future trials for war crimes should not halt in a similar manner, the existing contradictions between the Amnesty Act and the jurisdiction and mandate of the ICD need to be addressed. The Amnesty Act may still be nec-

essary for the maintenance of peace, but it is probable that it needs to be reviewed to exclude those who commit the most serious crimes.

Amnesty and Truth-seeking

The debate on truth-seeking in Uganda goes far beyond the Juba negotiations. The rationale for truth-seeking in Uganda would be to ensure that the root causes of conflict are confronted in such a way that will assist Uganda in avoiding conflict in the future. The Juba agreement refers to the establishment of a body that would inquire into the past and related matters. However, the big question is which model Uganda should adopt.

Those who favor amnesties in certain situations generally view them as a means to an end. In Fiji it was claimed that perpetrators would contribute to the knowledge of the past. Usually, historical accounts that do not include the perspectives of perpetrators appear incomplete and one-sided to many who seek closure on account of knowing the truth. It is equally important to note that most perpetrators fear possible threat of prosecutions and as such are unlikely to share information with any investigation body or risk incriminating themselves. As a result, some advocates are of the view that in order to break such deadlock, perpetrators need to be offered an incentive to engage in truth-seeking. Since criminal pros-

ecutions are their main concern, the offer of immunity from criminal prosecution upon their full participation may be the only way of providing such incentives. Even though amnesties may not be desirable, in this case they may offer the best means of obtaining fuller disclosure or more balanced and accurate accounts of the past.

South Africa offers a useful case study where amnesties were used this way. In this case, if there was to be immunity from prosecution, something was to be offered in return: amnesty would be granted in exchange for truth. In other words, conditional amnesties were designed as a way of providing perpetrators with an incentive of telling the truth. Uganda can learn some important lessons from these contexts when thinking through its amnesty process.

So far research on public perceptions has repeatedly indicated that the public desire for truth-seeking in Uganda is strong and that it is seen as a real priority by people in the north and other parts of the country, including unofficial truth-seeking

processes. For this to happen, there should be a favorable environment in which people feel at liberty to speak freely about their suffering, no matter who the perpetrators were.

Amnesty and Reparations

Amnesties are decisions not to seek accountability for some body of crimes and to act though no crime ever happened. Amnesties of this kind could set dangerous precedents, especially where an individual is amnestied and given permission to retain ill-gotten wealth without consequence. This could be viewed as rewarding violence. While amnesties may make some shorter contributions in the pursuit of peace, the memory of amnestied crimes is likely to remain strong in victims and perpetrators minds alike, and it may not be surprising that at the next juncture of conflict, members of a community could resort to violence in pursuit of gains since they may expect their crimes to be amnestied.

Conclusion

While amnesties have played a crucial role

in peacebuilding in Uganda, they could come at a high price to victims who may continue to suffer the consequences of amnestied crimes. This could threaten the long-term goal of peacebuilding. As such, it will be important to review the role of the amnesty process in Uganda in light of current and future transitional justice measures to be developed. ■

What is transitional justice?

LINDSAY McCLAIN

ACCORDING TO JRP's working definition, transitional justice (TJ) is a response to widespread human rights abuses for situations of conflict transitioning to situations of peace. It aims to prevent such atrocities from happening again. The following are processes that contribute to the emerging field of transitional justice:

1. Criminal prosecutions to try in court those most responsible for their crimes. Uganda has established the International Crimes Division (ICD) of the High Court of Uganda to try war crimes, crimes against humanity and genocide domestically.

2. Reparations by the state or a wrongdoing party to 'repair' harms inflicted on victims. Examples of reparations could include cash compensation for economically assessable damage, medical or psychological care, institutional reform or the building of memorials.

3. Truth-telling though a truth commission or other formal or informal process to uncover information about events in the past and establish a common narrative.

4. Traditional Justice which often promotes restorative justice through traditional or customary processes used by a people for centuries to resolve conflict and maintain social order.

Key components of transitional justice also include processes being victim-centered, providing acknowledgment and apology for wrongdoing, memorialization and structural and institutional reform. More so, when developing such processes, special attention must be paid to ensure that TJ processes are gender-sensitive and gender-just so the unique conflict experiences of men and women are responded to appropriately. ■

Opinion

Amnesty as a vital tool for reconciliation and peacebuilding in Uganda

ISAAC OKWIR ODIYA

In the course of the conflict between the Lord's Resistance Army (LRA) and Government of Uganda, serious war crimes have been brought to the attention of both national and international stakeholders, with specific concern on the intentional attacks by the LRA against the civilian population, which have led to gross and consistent patterns of human rights violations against the communities living in northern Uganda. Thousands of children and adults were abducted by the LRA and were forced to commit crimes against their own families and communities.

The Government of Uganda committed itself to end the conflict and, with pressure from civil society actors, gave non-state actors the opportunity to denounce war and surrender their weapons through the amnesty law. Through the Amnesty Act, which came into force in 2000, the government pardons any individual who denounces rebellion and reintegrates him or her into the community. Contrary to this effort, since 2004 the International Criminal Court (ICC) in The Hague has, at the request of the Ugandan government,

been investigating war crimes committed during the conflict and issued arrest warrants for the LRA leader Joseph Kony and several of his top commanders. The seeming aim of the amnesty law was to reconcile LRA combatants with the Government of Uganda and the general community, while the ICC was invited to investigate top LRA combatants and try them for war crimes and crimes against humanity as a way of promoting justice. Since the issuing of its indictments, the ICC's effort to attain justice through prosecution while peace still eludes the region has sustained an ongoing debate on peace versus justice, with some saying indictments in such a situation risk achieving neither justice nor peace.

While acknowledging the need for forgiveness and reintegration, some critics argue that those who bear the greatest responsibility for the crimes committed should be brought to justice. However, since a large majority the LRA's soldiers were children who were abducted from their families and forced to commit gross crimes against their will, the ICC faces the difficult challenge of categorizing

members of the LRA as victims (more so, as those who deserve amnesty) or perpetrators (those who should be prosecuted). Demands for justice vary from person to person. To families of perpetrators and perpetrators themselves, justice is done when one is acquitted from wrongdoing; while to some families of victims and victims themselves, justice is done when a perpetrator is held accountable for crimes.

From this background, how can the ICC and amnesty reconcile society to avoid future recurrences of violence? How can

My major concern with the amnesty law is that the period within which it has operated has been too short.

amnesty work together with the ICC to enhance a reconciled and peaceful society? How should societies emerging from periods of grave human rights violations move forward in the absence of truth, justice and reconciliation? To some, these answers lie in the difficult balance between punishment and reconciliation, while others view truth or alternative justice mechanisms as a precondition for reconciliation.

Notwithstanding the popular phrase of 'no peace without justice,' are peace and justice sometimes incompatible goals? To end a conflict, negotiation must often be done between leaders who are responsible for war crimes and crimes against humanity. The threat of crimi-

nal prosecution can prolong conflicts, leading to more death, destruction and suffering of civilians. In this context, criminal prosecution often fails to provide a 'win-win' approach that appeals to both parties during conflict resolution. Ugandans have endured many years of LRA civil war and the war has torn victims, Government and perpetrators apart. Because of this, the amnesty law was passed to reconcile the parties involved by forgiving the perceived rebel perpetrators. The Government of Uganda adopted the Amnesty Act in a bid to end the conflict peacefully and reconcile with those fighting against it. The act also aims for reintegration of reporters through a reintegration programme that provides for the needs of ex-combatants to better transition back into their communities.

The challenge with the amnesty law is that it does not address the needs of victims, nor does it acknowledge crimes or commission or omission committed by the government. To victims of war crimes, justice is taking a wrong direction by seemingly taking better care of perpetrators while forgetting the victims. This is a potential source of future conflict in our society. The need to repair war damage is a fundamental function that should be catered for by the government as well for effective justice, reconciliation and sustainable peace to be achieved. Even after all these years, the amnesty law is also not well understood by Uganda's citizens.

Many Ugandans are not familiar with the Amnesty Act, and this could have limited the contribution of the law in enhancing the reintegration of LRA combatants and their collaborators to denounce war and reconcile with society.

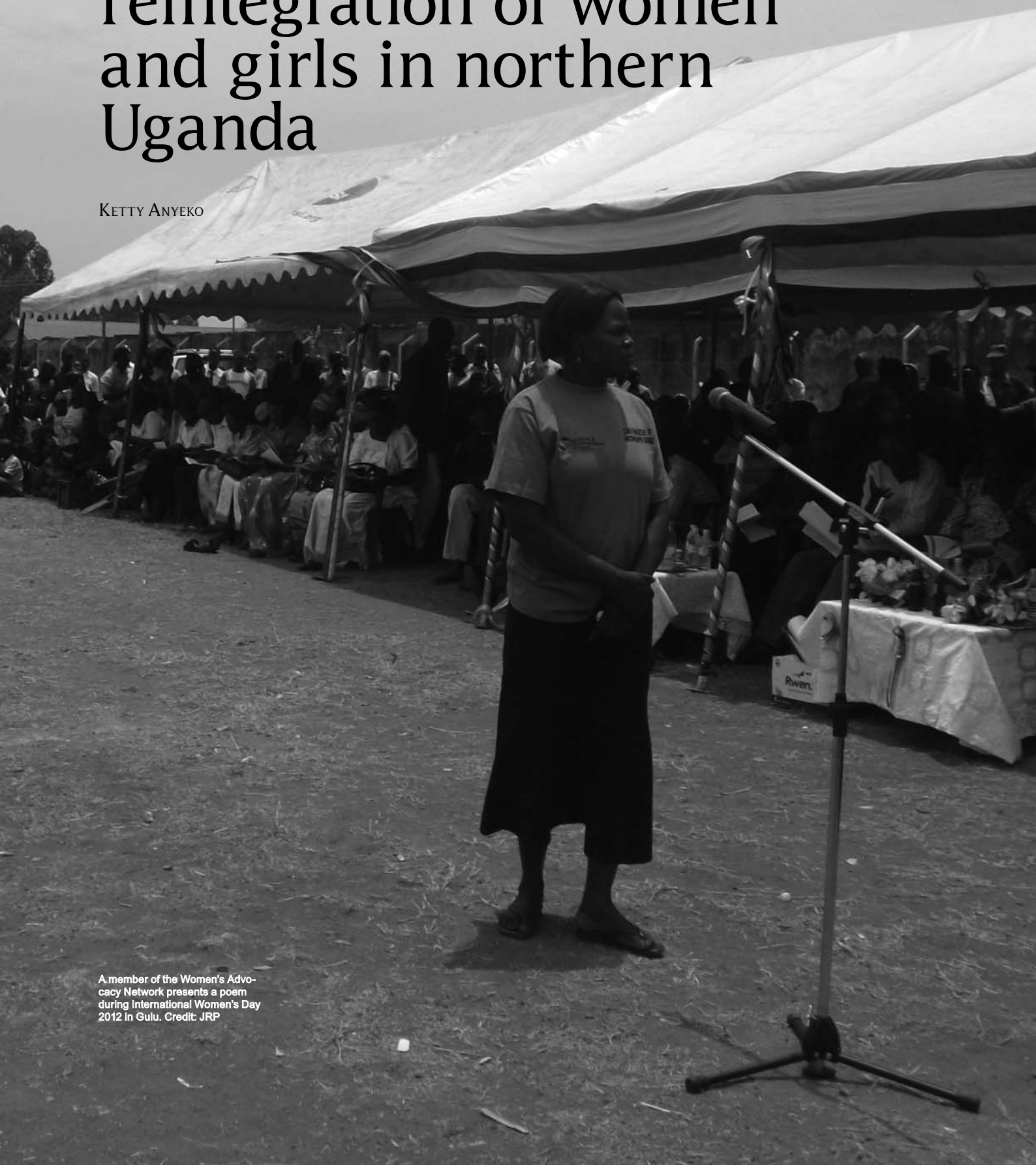
However, it is important to appreciate the contribution of amnesty in bringing relative peace to northern Uganda. Through the act, thousands of LRA fighters, including highly-ranked commanders, denounced war and returned home. In a way, this has weakened the LRA force from continuing to destabilize Uganda.

My major concern with amnesty law is that the period within which it has operated has been too short. The LRA conflict is not yet over, and it may not cater for the future needs of state forgiveness and reintegration of ex-combatants into society. The Amnesty Act may expire in May 2012, when it is still vital in the quest of peacebuilding and reconciliation in Uganda. How shall we encourage those who are still in the bush to denounce war in the absence of an amnesty law? It seems clear to me that if amnesty expires, the end of LRA war and the possibility of reconciliation will be a myth in our society. ■

Opinion

The Amnesty Act and reintegration of women and girls in northern Uganda

KETTY ANYEKO



A member of the Women's Advocacy Network presents a poem during International Women's Day 2012 in Gulu. Credit: JRP

Thousands of women and girls were abducted by the Lord's Resistance Army (LRA) and forced to go through horrendous abuse during the over two decade war between the LRA and the Government's Uganda People's Defense Force (UPDF). Some girls were abducted at as young as 8 years old and spent over 15 years in rebel captivity before their escape, capture or release. Some of these abuses were perpetrated on the basis of gender and include sexual violence and sexual slavery, forced impregnation, forced marriage and forced soldiering, among other forms of torture. It is worth noting that because of mass abduction, the line between victims and perpetrators cannot be easily determined, with many formerly-abducted persons also committing atrocities.

These abducted ranged from little girls who hadn't reached puberty to women who were married or had already had children before they were abducted. One's status at abduction and the length of time s/he stayed in captivity determined the scope of reintegration and recovery needed. Reintegration also depended on whether you returned home and found your family members alive or missing, whether your family members received you or rejected you, whether the community that equally suffered during the war accepted you in their vicinity and, overall, your quality of life upon return in respective communities.

The Amnesty Law

The Amnesty Act that came into force in 2000 with subsequent amendments in 2002 and 2006 was meant to enable the return of peace in Uganda by offering blanket amnesties to those who fought against the state and its people. It was hoped that the offer of pardon to those engaged in rebel activity would make them denounce rebellion, return

home and ultimately see an end to the violent conflict that had destabilized the civilian populace. Women and girls too formed part of the over 26,000 former combatants who were amnestied. Some of them reportedly engaged in active combat as a means of surviving the bush, while others were held as wives of top level commanders and spent most of their time of abduction at sick bays in Uganda and southern Sudan, nurturing children and wounded LRA fighters.

The Amnesty Certificate and Reinsertion Package

Some women and girls received the amnesty certificates and the resettlement packages, while others did not for various reasons. Some did not because they went straight home without going through the rehabilitation centers or the Amnesty Commission (AC). However, the doors were (and still are) open for them to go to AC to apply for amnesty. To many of the women, amnesty certificates meant access to tangible benefits like mattresses, money, and blankets through the reinsertion package, while to others it meant forgiveness for wrongs committed. Still for others, it meant both pardons and the reinsertion package.

To some women beneficiaries, the reinsertion package did not consider their gender-specific needs, such as the burden of returning from the war with children born of forced impregnation and forced marriage. This shortfall posed a big challenge to their reintegration, where, whether male or female, with children or without, you received the same items. For a woman who returned with four children and had to start a life all over again with this package, it undeniably failed to meet the health, shelter, education and other basic needs of the children, let alone her very own needs. To some of the women, these items were of poor

To some women beneficiaries, the reinsertion package did not consider their gender-specific needs, such as the burden of returning from the war with children born of forced impregnation and forced marriage.

quality and didn't meet their specific needs, while to others, the items greatly smoothed their transition back home.

To the community, these packages were viewed as rewards to perpetrators, as the Amnesty Act did not include provisions for their resettlement and recovery needs. To the Amnesty Commission, these packages were to enable reporters (the name used by the act for those who returned and are eligible for amnesty) to return home and rebuild their lives again, not to reward them. But because of the communities' resentment, these packages have made their lives difficult. To a disillusioned community that lives in abject poverty, these tensions were unavoidable and have arguably left the Amnesty Commission with criticisms that their mandate could never accommodate.

The Responsibility to Protect

As noted above, the majority of these women and girls were forcefully taken from their homes, and many did not understand until recently why these certificates were given to them, when they were probed more about why they got the certificates and for their views on amnesty. The fact that they may not have understood the explanation of amnesty by whomever awarded them the certificates

should not be underrated given that they had just arrived in a new environment, overwhelmed with phobia, mistrust and uncertainty of what was going to happen next. In that mental state, it is difficult for victims to comprehend explanations being made, and there is likelihood that after several years of living at home and reconciling with the past, they have begun to form their own opinions on whether it was right for them to receive the certificates.

These women are unhappy with amnesty because they feel that the government had the responsibility to protect them from the rebels. Many claim that government soldiers were in the vicinity during the time they were abducted, and their question then is,

They also constantly asked, "What happens to those who already received amnesty if the law expires?"

"Why didn't the government prevent the rebels from taking us away from our respective homes, and why now is government the one forgiving us?" These categories of returnees feel that government should instead be the one to ask for their forgiveness for not protecting them. One woman we met refused to accept the amnesty, as she did not willingly join the rebels. She said, "As soon as I read a phrase in the form saying that I am being pardoned for fighting the state, I re-

fused to accept the offer because I didn't fight any government."

Does Blanket Amnesty Condone Impunity for Sexual and Gender-based Crimes?

Aware that many former LRA commanders have already received blanket amnesty, some of their victims feel that their being granted blanket amnesty grants impunity for the violations suffered. To some of their victims, both males and females, the hope for attaining justice and acknowledgement of wrong by these commanders has grown thin. Worth noting, some women are reluctant to take legal measures on their former abusers not because they still want to continue being their 'wives,' but because

majority wanted continuity of the amnesty law in its current form because many of their children, friends and family are still at-large with the LRA. They also constantly asked, "What happens to those who already received amnesty if the law expires?" Much as others are against the grant of amnesty on grounds that it prevents access to legal justice and that government did not protect them from abduction, some of the women are afraid that the certificates they have may become invalid and make them liable for prosecution. It is important to note, as I earlier mentioned, that some of the women engaged in active combat just like the men did. In the last two years of our work, the women have rarely talked about participating in battles because of the preconceived ideas that all the women were merely 'wives' of the commanders. The danger of this stereotype is that it narrows the scope by which their justice and reconciliation needs are addressed.

Conclusion

Whether the amnesty law will be extended in its current form or extended with amendments or expire, it is important to take into consideration the specific reintegration and justice needs of women and girls, especially the victims of sexual and gender-based abuses perpetrated by potential beneficiaries of

amnesty. It is also vital to upgrade the reinsertion packages to meet the needs of women who return with children born of rape and to ensure that the amnesty law is implemented together with

other transitional justice programs that are victim-centered (for instance, reparations). This will help bridge the current gap in amnesty that makes the affected communities feel the former rebels are be-

ing rewarded for picking arms, and in turn lead to gender justice. ■

Oduru (Alarm)

A poem by the Women's Advocacy Network (WAN)

Wululu Wululu Wululu

Lutuwa oduru yang ka okok lwak ringo
kama oduru okok iye do

Piny dong oto

Piny dong oto ada

Wa lworo piny calo lee tim malworo got

Wa lworo piny kwe

Wa lworo Wa lworo Wa lworo

Oduru ki wango doo

Oduru pek

Oduru lit

Oduru longo

Aneno tungi ki tungi

Mutu piny mede ameda

Gwoko ajula dong odoko tek

Lutino ma pe wa yube pire

Anyim gi tika bibedo tye

Anyim gi binen awene

Lweny Lweny Lweny

Lweny, kono yang wangzyo gang pa
meni kono ber

Kadi obed kumeno kwo pud yube

Wun lwak wun gamente, wun NGOs, wun
lutela wa

Wucung kwed wa

Wu pee cing wa

Wuwiny koko wa

Wulok kwed wa

Mon obedo guti

Wunyut it wa maa

Wek wabed calo dano adana

Wek anyim wa obed maleng

Wawek tim alany

Wek oduru ogik koko

The poem was written by members of the Women's Advocacy Network (WAN) in celebration of International Women's Day on 8 March 2012. Cognizant that the war in northern Uganda affected us, the war-affected women, in various ways, we are calling for justice, healing and reconciliation. In this poem, we note the ongoing challenges we face, such as the quest for reparations and other forms of redress from various stakeholders, which we compare to a wild animal wondering about the mountains. We also note the challenges in raising children we were not prepared to have (children born in captivity, ajula), whose futures are blurred and who lack basic needs, a cultural identity and access to land. The poem's title, Oduru, means raising an alarm. In the past when one would hear a person alarming, he or she would know there was a problem and in turn run to the source of the cry. In this context, we believe that what befell us during the war merits attention, and we hope in hearing our calls you too will run to our side. We call upon stakeholders to respond to our cries for justice, healing and reconciliation for ourselves and our children. Despite the challenges we face, we are hopeful that our futures and that of our children can be bright if you listen and respond to our oduru. ■

Feature

What I did not do

My experiences with the LRA and why I did not accept amnesty

GRACE ACAN

Grotto at St. Mary's College,
Aboke. Credit: JRP



I was abducted in 1996 by the LRA and taken to Sudan, where I spent eight years struggling so hard to survive. We tilled land to get food for survival, and whenever there was no food, we survived on strange vegetables we came across growing in the wild, or cut down trees for burning charcoal that was sold to the Arabs to buy soap, salt and clothing. Because the LRA feared I would escape, I was not allowed to come back to Uganda, and I was always being watched, making it nearly impossible to leave the LRA.

That was not the only reason why it was hard to return back. I wanted to but feared losing my life in the process, as the standing orders of LRA state that, "Whoever is caught deserting the LRA will be killed." More so, the distance from Sudan back to Uganda was very far, taking one full week of constant movement both day and night while passing through thick bushes, forests and encountering wild animals and crossing fast flowing rivers. This long and dangerous journey, plus the LRA policy rooted in the mind of every newly abducted person that even if one suc-

cessfully escapes, s/he will be followed and damage done to their families, kept me there in LRA captivity for the sake of my life and for fear of losing my family members because of my escape.

While in captivity, I also had very limited or no access to the radio, which made it very hard for me to know what was happening in Uganda. Enslaved, with little hope, I even had a baby, making my chances of returning to Uganda even slimmer because of the difficulty in escaping undetected and then making that long journey home with an infant.

Thank God to Operation Iron Fist that disrupted the LRA settlement in Sudan by providing no space for settlement there. It resulted in the LRA's (and my) return to Uganda. It was from within Uganda that I heard the "Return Home (Dwog Paco)" programme by Lacambel on Radio Mega FM calling the LRA to come back home. I also heard those who had returned talking on the radio. Still, the LRA the commanders tried to divert our minds, saying that whoever returned was either poisoned or taken for life imprisonment in Luzira

Prison after being made to talk on radio. This created a lot of fear in me against escaping, despite the fact that I was suffering, running all day long for my life from the attacks of the government. When the sun rose each morning, I would lament and wonder whether I would survive that day. When it set, I would thank God for protecting me that day and for the three months that we ran in the forests, surviving on palm nuts and wild vegetables and full of fear that nearly made me mentally sick. When I finally escaped in 2004, I was happy because at least I was sure I was going to live and finally at home with my parents. But on my arrival, they wept bitterly which made me wonder why my parents cried upon seeing me.

Mourners gather to lay wreaths at the grotto during the annual memorial prayers in 2011 for the Aboke abductions. Credit: JRP

All that was important to me then was my life! By the time I escaped, I did not know much of anything about amnesty, and I could not understand it however much it was explained to me. It was explained to me by the man whom I came across while escaping, but still, I did not believe him. All I wanted was to reach home safely.

I returned in September 2004 after staying in captivity for eight years. I went straight home without staying in any rehabilitation center, but I would frequently visit a nearby one to check on my friends who were also returning. During one visit, I was given an application form to apply for an amnesty certi-

cate.

Before I did so, I read the content and realized it stated that I was being forgiven because I held a gun to fight against the government. I decided not to fill the form because I did not hold a gun to fight the government, and I should not be forgiven for what I did not do. In the actual sense, it should have been the government to apologize for failing to protect me from abduction from school and causing my suffering for eight good years, resulting in the disruption of my studies. I thought, "Why should I get the amnesty certificate or be forced indirectly to apply for one, yet it was the government that failed to

protect me?" So I did not apply for the certificate.

It is unfortunate that some of those who received the certificates did so because they did not understand the content of the form or the message that was behind its issuing, or because they were told they would get the resettlement package that the Amnesty Commission was giving out only if they applied for amnesty.

Now that they better understand the implications of amnesty, they even hate it the more because there was no consideration put in place regarding the unique reintegration challenges facing women and men. The reinsertion package was (and still is) given uniformly without considering whether a woman returned with children or not, or

I did not hold a gun to fight the government, and I should not be forgiven for what I did not do.



whether a man comes back alone. Women returning with children have a considerably higher reintegration and resettlement challenge than single men.

In conclusion, based on my experience, amnesty was not well explained to most of those who received it,

coercing them to apply for the cards because

Women returning with children have a considerably higher reintegration and resettlement challenge than single men.

they feared being easily jailed for being abducted or because they desired the amnesty pack-

age because they were desperate. This has re-

sulted into a negative belief by the local communities that former LRA abductees are be-

ing 'rewarded' for staying in the bush. This is not right! The suffering we went through and time we were forced to waste can never be paid back. If we were never abducted, we would be somewhere in life and not where we are today. ■

District leaders discuss challenges of conflict-affected women

GRACE ACAN

ON 30 March 2012, the Gulu District Local Government and World Vision organized a meeting with members of JRP's Women Advocacy Network (WAN) at Sunset Hotel in Gulu to discuss the reintegration and reconciliation challenges facing conflict-affected women. This meeting was in response to a previous courtesy call by a team from the WAN to the Gulu District Speaker's office last year, calling for an opportunity to discuss such issues.

The meeting was attended by 48 representatives of the WAN, plus members of local government and key stakeholders, such as the District Speaker, the Public Relations Office (PRO) for the Uganda People's Defence Force (UPDF), the Regional Police Commander (RPC), the District Security Officer (DISO), the Resident District Commissioner (RDC), the Gulu District LC V Chairman, the Uganda Human Rights Commission (UHRC), the media, Ker Kal Kwaro Acholi and JRP, among others.

During the meeting, the women explained their advocacy issues in-depth through one of their members. Among the issues that were presented in the meeting were stigma, inaccessibility of land by formerly-

abducted women, rejection of some women by their parents on return from captivity, the need for identity by and for children born in captivity, unequal treatment between men and women who have returned from captivity, neglect of children born in captivity by their fathers who have returned and the need for the intervention of cultural leaders to address certain issues that pertain to culture.

In response, each of the abovementioned stakeholders acknowledged the specific needs facing the women and provided suggestions for a way forward, including regular meetings with WAN members and linking them to offices who can address some of their issues. For challenges under the jurisdiction of the UPDF, the PRO promised they would be addressed.

The Women's Advocacy Network (WAN) at the Justice and Reconciliation Project (JRP) is a JRP-supported forum for war-affected women to advocate for justice, acknowledgment and accountability for gender-based violations inflicted during war. It was formed in May 2011 and aims to empower women survivors to participate in post-conflict policy debates in Uganda and to engage grassroots communities in gendered discussions on reintegration and reconciliation. ■

Feature

Amnesty: A one-sided dialogue?

Community frustrations on the exclusion of victims in the amnesty process

SYLVIA OPINIA

With Uganda's Amnesty Act set to expire on May 24th and media reports on its likely renewal for more two years, JRP's Community Mobilization department sought the views of war-affected communities on the continued relevance of the act and its impact on justice and reconciliation to date. The following findings were gathered during a community dialogue in Lefori sub-county in Moyo district on 5th April 2012 and during an advocacy training for victims' group representatives from Teso, Lango, Acholi and West Nile sub-regions from 11th to 13th April 2012 in Lira district.

During a JRP community dialogue in Lefori sub-county in Moyo district on April 5th, community members called amnesty a one-sided dialogue between perpetrators and the state, saying its greatest benefit is for individual perpetrators because it grants legal immunity from prosecution or punishment by the state. They said communities bear the brunt of all conflict, and yet they are not involved in the process of forgiving or pardoning former combatants. As one male participant from Lefori concluded, "There was dialogue between the government and the perpetrators, and the perpetrators were sure to come home. But now to the victims, there was no dialogue between the victims and the government. You can see that gap. That gap is very big. I don't know whether the government was informed about the areas where this took place, where people lost their lives, property and the rest. So from here, let's also advocate to dialogue with the victims, the ones who were raped, the ones who lost their dear ones."

From these discussions, it was obvious that

ten years after the Yumbe peace agreement was signed to end the Uganda National Resistance Front (UNRF) II insurgency, the relationship between victims and former combatants is fraught with tension. While this tension may not be openly shown, further discussions with former combatants revealed that they are oftentimes isolated from public gatherings or social events. They also claimed that some security officers still view them with suspicion, as some of the former colleagues have been linked to intelligence reports of rebel regrouping.

Some victims said that they still fear the former combatants because they can use inflammatory language in public (such as praising their war glories), bringing back painful memories of the conflict period. In the community dialogue, victims urged the former combatants to pursue mechanisms to seek forgiveness from the communities in order to cool these existing tensions.

Many community members in this dialogue attributed the prevailing peace in the region

to the amnesty process, which enabled UNRF II combatants to surrender their weapons and come home. Even for participants from LRA-affected areas, it was said that amnesty messages on radio encouraged many LRA to come home. However, the resettlement packages given to these reporters were seen by many as payment for committing atrocities. Many victims again felt ignored by the government, who they

timis. But the perpetrators came and committed atrocities on the victims. Now, what will the government do to the victims?" Beneficiaries of amnesty also had their own share of grievances or problems with the amnesty process. Former combatants, especially from UNRF II, kept referring to unfulfilled promises made by the Amnesty Commission, including monetary and material benefits. It was not clear if these promises

ty, the majority of participants of the community dialogue and the advocacy training were in favor of renewal of the act to enable those who are still in captivity to return home. Specifically, parents of missing or unaccounted for persons said the continuation of the Amnesty Act will give them hope to continue searching for the whereabouts of their loved ones. More so, many victims looked at how the amnesty pro-

"Now the Amnesty Act is giving assistance to the perpetrator, leaving out the community who has suffered more than the perpetrator. So what is amnesty planning for them as victims of war?"

said paid more attention to the former combatants rather than victims.

"Now the Amnesty Act is giving assistance to the perpetrator, leaving out the community who has suffered more than the perpetrator. So what is amnesty planning for them as victims of war?"

"While I thank the government, I am only giving it ten percent. The reason is that, to the government, the perpetrators are more important than the vic-

were made by the Amnesty Commission or the government at the negotiation table. Some beneficiaries of amnesty also urged for the amnesty registration process to be more nuanced. They complained that every person is considered a fighter, yet some of them—especially those who were forcefully abducted—never engaged in active rebellion during their time in captivity, but were branded as former fighters. In terms of the future of amnes-

cess could be an opportunity for truth-telling or other transitional justice mechanisms. They urged the Amnesty Commission to revise its procedures to ensure that information collected during the amnesty process can be used in searches for information about those who are still missing. They also called for conditional amnesty which requires truth-telling by applicants. ■

Moyo DISO addressing the community in Lefori. Credit: JRP



Feature

They raped me in front of my children and later killed my husband

AKIROR MARIAM* AND ISAAC OKWIR ODIYA

** This name has been changed to protect the identity of the author.*

Interview with Akiror. Credit: JRP



Everyone stands in a circle. The facilitator starts a rhythm by clapping her hands on her knees, clapping them together, then clapping the hands of the person on the left. This rhythm is sent around the circle in synchronicity with others copying. The room is filled with laughter as the group of 36 men and women, who are victims and survivors of the 1989 Mukura massacre, share a light moment during one of the community theatre sessions. Indeed, the group members had grown fond of the theatre, as they always looked forward to Saturdays, the day they had chosen for their sessions.

This is one of the theatre programmes facilitated by JRP's Community Mobilization department that brings together communities affected by conflict in a forum that encourages the participants to share their own experiences and to incorporate these experiences into theatre productions. The room soon goes silent as they listen to the experience of one of the participants.

My name is Mrs. Akiror Mariam,* and I come from Kumel parish, Mukura sub-county in Ngora district. One day as I was at home with my father-in-law, the National Resistance Army (NRA) soldiers passed through our home during their operational exercise to Kumel Primary School next to our village. Later on, four of them returned to our home. They found me carrying my baby and my father-in-law seated in the compound. They ordered me to enter in one of the five huts we had. As they took me inside, they started quarrelling, disagreeing among themselves on who should sleep with me, until their commander ordered them to leave the hut and move to the primary school. I survived rape at that time because they failed to reach an agreement.

At around 1:00pm the same day, one of the soldiers returned to our home and ordered me to go with him to a neighbor's hut, fearing my father-in-law. My father-in-law of course could not do anything because the soldier had a gun. He asked me to open the door, and as I tried to open it, he pushed me inside, and I fell down the floor with my child in my hands. The soldier pulled the child out my hands with a lot of force, and we started struggling as I resisted him. Unfortunately, he was strong, and with his tactics he defeated and raped me. However, I tricked him by telling him there was an unmarried woman in the neighborhood who was free, and he could have access her. On hearing this, he immediately left. After that incident, I was so embarrassed, so

ashamed to even look at my father-in-law because he had seen everything. I took off and ran to the bush and later on to a place called Agirigiroi, leaving my children behind. While there, I was informed that my mother-in-law and children had heard what had happened to me and were crying, so I decided to go back home to them.

After some few days, the soldiers came again to our village and were looting livestock, such as goats, chicken and ducks. I decided to

I did not know what to do. I could not report the incident to any authority because by that time there was no functioning institution in the area to report such cases to.

run back to Agirigiroi with all my children, fearing that the same thing would happen to me again. My husband later followed me there and asked me to return home with the children. When we were on our way back, we met some soldiers on the way, and they ordered us to branch to a home close to the roadside. When

we got there, we found a big number of soldiers roasting the chicken and goats that they had looted. I was asked to sit with my children next to a fire, and they took my husband to some house. They told me that they were going to kill my husband, and I would be the only one to survive. When it got dark, they told me to take my chil-

dren to sleep in another hut. One of the soldiers followed me to the hut and asked me what tribe I belong to. When I told him my tribe, he immediately told me that we were not related and with a lot of force, he raped me as my children were watching.

I did not know what to do. I could not report the incident to any authority because by that time there was no functioning institution in the area to report such cases to. My parents-in-law had told my husband that I was raped

Community theatre performance in Mukura. Credit: JRP

by the soldiers in the neighborhood. When he asked me, I told him about the two rapes, but he did not abandon me. He continued to counsel me that it was not our fault that it happened, and we could not do anything to avoid it. The whole village knew that I was raped, but they, too, were supportive as this had become a common phenomenon in the area. Many other women were raped by the same soldiers, and others even died during the process.

One fateful day in 1989, I was at home with my husband and the children when I heard people running. When my husband and I took off with the children, I saw a woman who was harvesting millet, and I told my husband that we should quickly branch and stay with her as if that would save us from the soldiers. But that did not help. Three soldiers came and arrested my husband and two other men who were also harvesting and took them to Ajeluk Primary School and later at around 4:00pm to Okungulo Railway Station, where they slept on a railway platform commonly known as 'goods-shed.' They then

packed my husband together with other men into a train wagon, where he suffocated to death in the 1989 Mulura massacre.

My husband died one year after I was raped, leaving me with two children and pregnant with our third child. His death was a turning point in my life.

After his death, I was inherited by a brother to my late husband, with whom I produced four children. When I got the 720,000 Ugan-



I also urge the government to institute community-based mechanisms for listening to and addressing the plight of conflict-affected communities.

dan shillings in compensation for his death from the government in 1994, I bought three cows which produced ten calves. My brothers-in-law became jealous and envied me because of those cows and persuaded their brother who inherited me to leave me and marry another woman. He

grabbed some of my cows and married another wife, with whom he started living and abandoned me. But I did not give up because I had to take care of my children. I had to live

for them. I used the remaining cows for their education.

That was not the end of me. I met another man and

married, and I am currently living with him. Though my in-laws treated me badly, they did not chase me out of their land. Instead,

they asked me to build my hut out of their compound, which I did. I still continue to cultivate my late husband's portion of land, and I am staying with my new husband in their customary land. My means of survival are cultivation and petty trade.

As if my problems were

over, in 2002 I tested positive for HIV/AIDS. I do not know when, from whom or how I got it. Although I lost hope for a meaningful life when I got raped and my husband was killed, I am now keen at identifying opportunities that I can exploit to live a positive life. I like engaging in social activities, just as I am now a member of the community theatre group. Being in this group helps me to forget my problems, as I have come to realize I am not alone.

My advice to my fellow community members is to prepare for what you do not know and accept it the way it will come. Empathize with those in problems and support them when they are facing challenges. I also urge the government to institute community-based mechanisms for listening to and addressing the plight of conflict-affected communities. This will encourage us to forgive those who did wrong to us and enable all of us to learn from it in order to avoid a repeat of similar events. ■

Above: Signpost for the station where the 1989 Mulura massacre took place. Credit: JRP

Rock quarry where Kilama earns a living. Credit: JRP



Feature

Surviving against all odds

KILAMA TADEO ABUR AND ISAAC OKWIR ODIYA

Kilama Tadeo Abur, 28 years old, was abducted, tortured and narrowly escaped death at the hands of the LRA rebels. After returning from LRA captivity, he faced many challenges since he comes from a disadvantaged family background. However, Kilama did not give up life but struggled single-handedly for a brighter future. He sees a bright future ahead of him, as he is finishing a degree at Gulu University. This is Kilama's story of triumph in his own words.

I have lived a life of shadow under the mercy of God. But I want to say I can now see real and meaningful life ahead of me. God has stood with me, and I mean to change history. I have accepted the truth about me and my family.

I am one of the many witnesses and survivors of political insurgency and war. For two decades, the situations in northern Uganda during the insurgency turned the region into hopelessness. So many lives perished, homes burned. There was low productivity in agriculture and, worst, low quality of education. This has affected the whole of northern Uganda, and its consequences are felt to date. So many youths dropped out of school because they could not meet the school fees after being orphaned.

It was on 29 September 1994 when I witnessed the real cruelty of the LRA rebels. They abducted me and two of my elder brothers. I pleaded that I was a pupil and I should be left to remain at home. It was like I had asked

them to give me incentive to move with them to bush. They tortured me thoroughly before we left our home. Worst was the wound I sustained on my right leg, but there was nothing I could do but move with them.

By around midnight that same day, we began our journey to the bush, and on traveling thirty kilometers, we reached a centre called Cuk-Owor in Patiko sub-county, Gulu district, where I could not move anymore because of the wound on my leg. My elder brother nicknamed "Doctor" pleaded to the commander, Odongo, to release me because I couldn't move anymore. Instead, Odongo ordered two rebels to kill me, saying that I would make the UPDF attack them, besides wasting their time. One of the rebels ordered to kill me was so merciful, and he asked the commander to pardon me since my brothers would remain to serve in the LRA on my behalf. The commander insisted that they should go and kill me. The two rebels took me some hundred meters away and released me to come back

God has stood with me, and I mean to change history.

home. I moved some two hundred meters more on the same path, and all of a sudden I changed direction. It was like the Holy Spirit was guiding me because immediately I left the rebel's path, I saw a big faction of UPDF soldiers, and after a few minutes, I heard gunshots behind me. The two forces had met and were fighting each other. There was nothing I could do apart from hiding away from the UPDF for fear that they would mistake me to be a rebel. More so, that was the time before the amnesty bill, and I could not show up to them for protection. I slept in the bush that day and reached home the following day with the help of a Good Samaritan whom I asked for assistance.

"Doctor" came back from the bush in 1997, when I was in primary four. He felt so sorry for dropping out of school, but he never gave up on supporting me after returning from the bush. He could generate money from mason work to pay my school fees and other requirements. However, his support did not go far as I wanted, as he died of HIV/AIDS in 1999 when I was just in primary six.

Before his death, he had talked to me and intro-

duced me to a white man called Br. Elio, who he was working with at St. Mary's Hospital Lacor, and explained his health status to him and how he was important in financing my

I want to create a different impact in my village and possibly influence others who come after me to be more focused in life.

education. Out of sympathy, Br. Elio accepted to sponsor me. I used to work in Br. Elio's flower garden in appreciation of his support to me. He pushed me up to senior four before stopping to pay my fees, leaving me in a dilemma. All the same, I would like to thank him for the great work done in bringing me up to that level.

After my senior four, I managed to raise some money through doing petty work, with which money I enrolled to Advanced Level education. I rented a grass-thatched house close to the school to accommodate me, since I could not commute from home, as it was far from the school and still unsafe security-wise. Finding meals was difficult, since I could not access my mother on a daily basis. I studied there for one year and

got a one-year scholarship and was taken to study in Bishop Nankyama Memorial College in Bombo district, where I completed 'A' level and passed with four principle passes. These

marks did not please me; they were too low to be taken for government sponsorship to university. Joining university was my dream, but there was no source of money to pay me through. Belonging to a family where education was looked at as a curse, my life was nearly ruined after 'A' level. I stayed home for one year stranded but planning how I could join the university. God works his way for his vulnerable children, and I believe in Him. He subjected me to courage and physical work to help me out of my problem.

Amidst all this challenges, I worked in a quarry in order to raise money for my university dream. I have enrolled in a Bachelor's degree programme in Education at Gulu University as a weekend student to give me more time to work

money to meet my tuition. Quarry work is a very hard and risky project as it involves sustaining injuries time and time again and even risking death. But I have chosen it as being the only option I have left, and it is making me progress in line with my mission. God knows how to care for his vulnerable children, that is why I am still alive, and He will protect me.

I am very excited with my life and achieving my goal of joining the university. I am pursuing this education not for the sake of getting a job, but to change my perception of the world and live a more meaningful life. I want to create a different impact in my village and possibly influence others who come after me to be more focused in life.

I, therefore, call upon all stakeholders in peacebuilding—both national and international—to protect children during conflict because they are innocent. I really thank God for his providence to me and also call up on vulnerable youth who have similar problems like mine to sit down and plan, so they pull themselves out of their problems. ■

Kilama at Gulu University.
Credit: JRP



Report reviews

A summary of JRP's latest publications

The Day They Came

Recounting the LRA's Invasion of Teso Sub-region through Obalanga Sub-county in 2003

Field Note
XIV



In June 2003, the LRA infiltrated Teso sub-region in eastern Uganda for the first time. The civilian population and the government army were caught unaware, a factor which had disastrous humanitarian implications. In line with their trademark pattern of atrocities, the rebel soldiers carried out killings, abductions, maiming, looting, rape, burning and pillaging. By the time the UPDF repulsed them almost 8 months later, approximately 90% of the population in Teso sub-region had been displaced into internally displaced persons (IDP) camps, several thousand children had

been abducted and thousands of people had lost their lives and property. This report explores the impacts of the LRA incursion into Teso sub-region using case studies and victims' testimonies from Obalanga sub-county in Amuria district, in addition to making recommendations to relevant stakeholders. Available at <http://justiceandreconciliation.com/2012/03/the-day-they-came-recounting-the-lras-invasion-of-teso-sub-region-through-obalanga-sub-county-in-2003-fn-xiv/>

To Pardon or to Punish?

Current Perceptions and Opinions on Uganda's Amnesty in Acholi-land

Situational Analysis



JRP carried out a rapid situational analysis between the 28th November and 06th December 2011 in the sub-counties of Bobbi and Unyama (Gulu district) and Koch Goma (Nwoya district), and Gulu and Kitgum towns to gauge the perceptions and opinions on amnesty and whether it is still relevant today in post-conflict northern Uganda. In this research, we spoke to 44 respondents – with a gender ratio of 26 male to 18 female – including local leaders, religious leaders, victims, formerly-abducted persons, and other community members, along with representatives of civil society organizations in Gulu town. The analysis revealed that an overwhelming majority of our sample group still strongly support amnesty and consider it as vitally im-

portant for sustainability of the prevailing peace, reconciliation and rehabilitation. From this survey, a resounding 98% of respondents thought that the amnesty law was still relevant and that it should not be abolished. This situational analysis presents these perceptions concerning the relevance and role of amnesty and provides recommendations to policy-makers, organizations operating in these areas, as well as institutions working with victims and formerly-abducted persons. Available at <http://justiceandreconciliation.com/2011/12/to-pardon-or-to-punish-current-perceptions-and-opinions-on-uganda%E2%80%99s-amnesty-in-acholi-land/>

Moving Forward

Thomas Kwoyelo and the Quest for Justice

Situational Analysis



JRP carried out a rapid situational analysis from 4-8 November 2011 in Pabbo sub-county (Amuru district) and Gulu town to gauge the perceptions and opinions regarding the way forward for Thomas Kwoyelo, and what should happen to him in the event that he is released. The analysis revealed that the situation on the ground, and more specifically in his home area of Pabbo, is highly volatile and unpredictable, and opinions regarding his reintegration into the community are widely varied. Furthermore, many of Pabbo's residents

– including his family members – feel unprepared, uninformed and confused about how to proceed. This situational analysis presents their perceptions of the Constitutional Court ruling and makes recommendations for Kwoyelo's rehabilitation and reintegration in the event that he is released. Available at <http://justiceandreconciliation.com/2011/11/moving-forward-thomas-kwoyelo-and-the-quest-for-justice-situational-analysis/>

*All of JRP's publications are available on our website at
<http://www.justiceandreconciliation.com>*

2011 Annual Report



This annual report outlines JRP's accomplishments over the past year and highlights our commitments to bringing grassroots communities together to galvanize efforts for justice and human rights. It outlines key activities from the Community Documentation, Community Mobilization, Gender Justice and Communications departments and is a selection and general overview of our out-

puts and accomplishments in 2011. Available at <http://justiceandreconciliation.com/2012/04/2011-annual-report/>

Upcoming events

Days, meetings and activities to note

May	15	International Day of Families
	19	Remembrance: Lukodi Massacre (2004)
	20	Remembrance: Day of Remembrance for Conflict Victims in West Nile
	24	Expiration of the current Amnesty Act
June	4	International Day of Innocent Children Victims of Aggression
	15	Remembrance: LRA Invasion of Teso through Obalanga, JRP Community Launch of "The Day They Came"
	16	Day of the African Child
	20	World Refugee Day
	26	International Day in Support of Victims of Torture
July	4	Remembrance: Achol Pii Massacre (1996)
	11	Remembrance: Mukura Massacre (1989) and Kampala Bombings (2010)
	17	International Justice Day
	24	Remembrance: Mucwini Massacre (2002)

Voices

Sharing victim-centered views on
justice and reconciliation in Uganda

Published by the Justice and Reconciliation Project (JRP)

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www.justiceandreconciliation.com