



Victims' Voices...

**... on Transitional Justice
in Uganda!**

*On behalf of the victims -
by the victims*

With the kind financial support from



April 2014



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PREFACE

Timo-kica! Etimonoros! Tutura hamwe! Tusonyuwaganye! Whether in Lango, Teso, Ankole, Buganda, or any other language, from North to South, East to West, the cry is the same: “We want reconciliation; we all want to live in peace as one country.”

Over 50 years ago when Uganda achieved her independence, the country celebrated the bravery demonstrated by our forefathers who stood up to fight for democracy and freedom of all Ugandans. While the country emerged strong enough to create inclusive political processes capable of reconciling the colonial ideologies, ethnic divides, religious beliefs and socio-economic interests, it took not so long before the country degenerated into a post-independence political history marred by conquest, repression and bloodshed.

Despite the ultimate victory, a majority of people have experienced the scourge of war and have spent the majority of the post-independence years in brutal conflicts that have been ravaging the country, the worst atrocities in Uganda’s history being committed during the over two decades long rebellion in the North. We want to leave this violent and tragic past behind and spend our energy building a better and prosperous future for ourselves, our children and their children. However, the past follows us as a shadow every step of the way in the form of bullets in our bodies, memories of houses that once were, but no longer stand, and in the form of opportunities that no longer exist. In order to break free from this shadow of conflict for once and for all, we must first listen to what it wants to teach us.

As a country we are caught up in numerous dilemmas and the lessons we need to learn and grapple with are difficult ones. We want to preserve an accurate narrative of history and we do not want Uganda’s children to be brought up to hate and blame each other. We want to ensure accountability for gross violations of human rights and we do not want to imprison every person who has taken part in the rebellion. We are torn between trying to help victims to move on and helping former rebels to reintegrate into their communities. We want to focus most of our energy on eliminating the systematic causes of conflict such as corruption, electoral malpractices, tribalism, regionalism, political intolerance and suppression of civil society, while also recognising an individual victim’s wish to find out which rebel or soldier has hurt him or her. We want to address the roots of conflict and we expect specific ethnic groups to recognise that their members have caused harm, while we don’t want to blame ethnic groups so as not to perpetuate ethnic tensions and distrust.

Solving Uganda’s dilemma requires making difficult choices. The decisions taken will determine whether we, as a country of victims and survivors, will empower ourselves and facilitate our progress or whether we will re-victimise ourselves, leaving feelings of hopelessness, despair, fear, anger and resentment; ingredients for further violence and revenge. Our responses to these dilemmas now will make or break Uganda’s stable, peaceful and prosperous future.

Where would Northern Uganda be had we avoided the two decades of conflict? Where would Uganda be had we worked together and not against each other since independence and had we equitably shared our resources and opportunities? Where will we be twenty years from now?

Recently, the Government of Uganda has developed Transitional Justice mechanisms, which are victim-centred, age- and gender-sensitive, comprehensive, transparent and broadly inclusive. These mechanisms are the most effective and only available tool that we have to break the vicious cycle of violence and victimhood in Uganda.

As we struggle to overcome the hardship and trauma of the past, we also strive for countrywide socio-economic development that will enable our future generations the opportunity to live in harmony. The time is now for the country to transition from building barriers to building bridges, from prioritising State security over human security, from allegiance to political, tribal and religious ideas to a commitment of a culture of tolerance, human rights and dignity for all.

It is time to rediscover our strength in diversity and to again embrace the spirit that has guided our forefathers in their struggle for self-determination, freedom and dignity for all, the spirit that was incorporated into the 1962 Constitution of an independent Uganda that has just overcome its colonial past, and the spirit that was preserved in every generation, in every Constitutional amendment and in every Constitution since. It is imperative that we all work together once more, fully respecting the principles of Transitional Justice.

This report includes perspectives on Transitional Justice, compiled through country-wide consultations with war victims and affected communities, civil society organisations and Ugandan Government authorities in preparation for the first ever National War Victims' Conference to be held in Kampala from 28 to 30 May 2014. This report is based on views given by the victims and it includes direct appeals to State authorities, development partners and other stakeholders in the Transitional Justice process. Its purpose is to raise awareness about the victims' immediate needs and priorities. We anticipate and hope that the addressees of the Victims' Voices will listen.

Only by embarking on the path of truth and dignity, we will be able to live in harmony, free from the shadows of our past. It is time to heal and reconcile!



Victor OCHEN

Executive Director, AYINET

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- Feinstein International Center (FIC);
- International Center for Transitional Justice (ICTJ);
- Refugee Law Project (RLP);
- Uganda Law Reform Commission (ULRC);
- Uganda Ministry of Internal Affairs;
- Uganda Ministry of Justice and Constitutional Affairs;
- Uganda Victims' Foundation (UVF); and
- various victims' organisations and groups.

ACRONYMS

ADC	Austrian Development Cooperation
ADF	Allied Democratic Forces
APILU	Advocates for Public International Law Uganda
ASF	Avocats Sans Frontières (Lawyers Without Borders)
AYINET	African Youth Initiative Network
BUDS	Business Uganda Development Scheme
CGHP	Center for Global Health and Peacebuilding
CSO	civil society organisation
DFID	Department for International Development of the Government of the United Kingdom
DGF	Democratic Governance Facility
FIC	Feinstein International Center
ICC	International Criminal Court
ICD	International Crimes Division
JRP	Justice and Reconciliation Project
ICTJ	International Center for Transitional Justice
JLOS	Justice, Law and Order Sector
JRP	Justice and Reconciliation Project
LRA	Lord's Resistance Army
NGO	nongovernmental organisation
NRA	National Resistance Army
NRM	National Resistance Movement
NUREP	Northern Uganda Rehabilitation Programme
NUSAF	Northern Uganda Social Action Fund
ODI	Overseas Development Institute
OPM	Office of the Prime Minister
PBF	United Nations Peacebuilding Fund
PRDP	Peace, Recovery, and Development Plan for Northern Uganda
RECOVER	Rehabilitating Communities and Victims for Effective Recovery
RLP	Refugee Law Project
SLRC	Secure Livelihoods Research Consortium
TVF	Trust Fund for Victims of the International Criminal Court
TJ	Transitional Justice
ULRC	Uganda Law Reform Commission
UNDP	United Nations Development Program
UNOHCHR	United Nations Office of the High Commissioner for Human Rights
UVF	Uganda Victims' Foundations
WORUDET	Women and Rural Development Network

INTRODUCTION

Transitional Justice is a victim-centred process, aimed at bringing healing, justice and reconciliation to communities that have been affected by large-scale abuses of human rights and international humanitarian law. It aims at addressing violations of human rights that happened during conflict and seeks to ensure accountability for atrocities committed, and address victimisation of conflict-affected communities and individuals.

The **Government of Uganda** has demonstrated its commitment to the process of Transitional Justice in Uganda by drawing up a **National Transitional Justice Policy**. The policy, the 4th draft of which was prepared by the Justice, Law and Order Sector (hereinafter referred to as “**JLOS**”) in July 2013, aims at enhancing legal and political accountability, promoting reconciliation, fostering social reintegration and contributing to peace and security through the application of a combination of justice mechanisms including formal criminal prosecutions, traditional justice, truth telling, reconciliation and reparations.

The **African Youth Initiative Network (AYINET)** is an independent, national NGO in Uganda, registered with the Uganda National NGO Board at the Ministry of Internal Affairs, and the Lira District Local Government (Lira is the host district for AYINET Uganda’s Secretariat). Since its founding in 2005, AYINET has been working in the conflict affected Northern Uganda (Acholi, Lango, Teso, West Nile and Karamoja sub-regions) on projects that seek response to and redress for serious crimes and harms resulting from armed violence. AYINET’s specific project has been focused on addressing the harmful effects of armed violence by providing medical and psychosocial rehabilitation to the war wounded (injured), by supporting victim-centred and victim-driven initiatives aimed at empowering victims and survivors to manage conflict and prevent future violence, as well as providing a platform to promote national reconciliation, solidarity for healing, stability and development.

AYINET’s experience includes nine years working to support victims’ medical and psycho-social rehabilitation (up until now, close to 4000 war-wounded victims have received intensive medical rehabilitation/surgical repairs). Several victims’ groups and associations have been mobilised and supported, in particular across the Greater North, and victims have been reached and mobilised for active participation in Transitional Justice processes.

In 2013 AYINET launched a four (4) year programme called “Rehabilitating Communities and Victims for Effective Recovery” (RECOVER PROGRAMME). The goals of RECOVER include, among others, healing victims of serious crimes physically, mentally and emotionally; raising awareness of Transitional Justice processes and the rights of victims under international and national law and policy; and enabling victim organising around and participation in Transitional Justice and recovery processes.

The programme seeks to enable healing and access to justice for victims of serious crimes; empower youth as active leaders; find ways to address resilience to youth criminality; and facilitate victims’ participation in Transitional Justice processes. RECOVER complements the goals and priorities reflected in the Government of Uganda’s efforts to promote national recovery, justice and peace, including the Peace, Recovery, and Development Plan for Northern Uganda (PRDP) and the draft National Transitional Justice Policy.

For that purpose, AYINET has conducted victims’ consultations across the country and subsequently organised the Greater North War Victims Conference in 2013, where victims, CSOs and senior Government representatives had the chance to exchange views on how to ensure victims of war have access to remedy and justice through active participation in the Transitional Justice processes. The Conference was preceded by targeted advocacy and numerous field visits during which AYINET visited affected communities and identified the needs and priorities of victims as well as the urgent need for national reconciliation. Such regional war victim and community

consultations continue to be carried out across Central, Eastern and Western parts of Uganda in preparation for the National War Victims' Conference to be organised by AYINET from 28 to 30 May 2014 in Kampala.

“Effective participation comes with community outreach, which enables everyone’s participation. Recognition alone is not enough. We need policies that make reparations possible, taking into account gender and regional variations.” (Teddy Atim, Feinstein International Center)

The National War Victims’ Conference falls within the AYINET’s general framework of building safe, peaceful and healthy communities through victim empowerment and through strengthening human rights culture, in particular within its on-going RECOVER Programme, running from November 2013 to October 2017.

This report (hereinafter referred to as the “**Report**”) is a **compilation of views and messages by victims**, collected by AYINET through its numerous community outreach activities including field visits and regional community dialogues, discussions with listeners of radio talk shows and letters received as a follow-up to these field visits and radio talk shows. The Report also includes views and opinions voiced during the Greater North War Victims Conference, as well as national stakeholders’ (CSOs and government representatives) consultative meetings.

The purpose of this Report is, first and foremost, to convey a message from the victims to stakeholders involved in the Transitional Justice process. AYINET is offering itself as a medium, delivering victims’ messages to a wider audience. The Report shows how the victims’ views fit into the context of Transitional Justice and informs various stakeholders of topics that are likely to be discussed at the **National War Victims Conference**. It shall also serve to inform the Government of Uganda and its ministries about some key concerns and issues that have been raised by the victims, some of which require immediate attention and an allocation of budget funds.

APPEALS: The victims call upon...

... all State Authorities:

- to recognise their responsibility as duty bearers, to look beyond individual and political party advantage, to unite in Transitional Justice efforts and to use their prerogatives to promote and achieve the interest of all Ugandans.

... the President of Uganda:

- in his State of the Nation Address in June 2014 to unequivocally recognise the victims of the conflicts in Uganda, commit himself to the Transitional Justice processes and demonstrate how he will facilitate national healing and reconciliation.

... the Department for Pacification and Development within the Office of the Prime Minister:

- to immediately allocate special funds under the Peace, Recovery and Development Plan (PRDP), Northern Uganda Social Action Fund (NUSAF) for victims' medical and psychosocial rehabilitation, including reconstructive surgery and psychosocial counseling, without which full recovery is not possible.

... the Government of Uganda and all ministries:

- not to wait until the National Transitional Justice Policy becomes effective and to immediately start allocating specifically designated funds for victims' support in their respective areas of responsibilities.

... the Government of Uganda:

- to help the families of the missing people to , discover the fate of tens of thousands of those who have been abducted during the conflict between the Government of Uganda and the Lord's Resistance Army (LRA) by, for example, conducting forensic examinations and DNA tests of bodies found in mass graves;
- to finalise and put into force the National Transitional Justice Policy;
- to recognise the victims' right to truth and for that purpose to impartially investigate the atrocities committed by armed groups (NRA, LRA, Lakwena, ADF and others);

- to nurture trust between the authorities and civil society organisations (CSOs) and include them into Transitional Justice processes, make use of their knowledge, experience and established local networks;
- to recognise and uphold the formerly displaced persons' right to property by, among others, coordinating with the relevant ministries to establish their legal title over their properties, in particular their land;
- to allocate budget funds for the co-funding of commemorations and for the building of memorial monuments to honour the victims;
- to declare, together with the Parliament, a National Victims' Day on 30 May.

... the Parliament of Uganda:

- to assign to the Committee on Budget the specific task of monitoring any funds designated for post-conflict communities' rehabilitation and victims' assistance;
- to pass the Witness Protection Bill, which has been before Parliament since 2012 in order to empower and protect witnesses and facilitate criminal prosecutions;

- to declare, together with the Government, a National Victims' Day on 30 May;
- to insist that the Parliament, rather than the Government, appoints members of a future truth commission.

... the Ministry of Education and Sports:

- to coordinate with the Ministry of Health to ensure that there is a trained counselor in every school in conflict affected areas who can address the psychological needs of pupils/students and who can help teachers teaching pupils/students with conflict-related trauma;
- to raise awareness of mental health issues among pupils/students through integrating the topic into school curriculums, and through encouraging schools to acknowledge the World Mental Health Day, celebrated annually on 10 October;

- to design and fund a special, comprehensive education policy for pupils/students from conflict affected areas, taking into account their specific needs;
- to design a special educational policy aimed at enrolling more students from the Greater North of Uganda into public university programmes, and to implement such a programme until such time as the percentage of graduates from the North reflects the percentage of the population from the North;
- to integrate into all levels of education (primary, secondary, tertiary) the contents of critical thinking, human rights, gender equality, rule of law, peace and conflict resolution, active citizenship, democracy and good governance.

... the Ministry of Health:

- to allocate budget funds for the provision of urgent medical assistance to the tens of thousands of survivors in the Greater North who are still living with untreated war-related injuries and debilitating pain;
- to allocate budget funds for the provision of mental health rehabilitation, including counseling, psychosocial support and medication of conflict victims;
- to coordinate with the Ministry of Education and Sports to ensure that there is a trained counselor in every school in conflict affected areas who can address the psychological needs of pupils/students and who can help teachers teaching pupils/students with conflict-related trauma.

... the Ministry of Lands, Housing and Urban Development:

- to prepare in coordination with the local communities proposals aimed at resolving land disputes, which originated due to the conflict-related displacement and to coordinate with the Government of Uganda to ensure people's legal title over land and other properties.

... the Ministry of Justice and Constitutional Affairs:

- to facilitate the carrying out of swift criminal trials by implementing security and support measures for victims who are willing to come forward and testify in court, including victims' preparation for testimony, and medical and psychosocial assistance before, during and after the testimony;
- to take lead and collaborate with CSOs in creating awareness about the Transitional Justice processes, especially about the victims' rights, through all of the organs within its structure, including the Uganda Human Rights Commission, Uganda Law Reform Commission and Justice Law and Order Sector's Secretariat;
- to allocate budget funds for the provision of legal aid to those who want to sue for reparations in civil proceedings.

... the Directorate of Public Prosecutions:

- to move forward with criminal prosecutions against perpetrators who violated national criminal law, international humanitarian law and international human rights law.

... the Ministry of Gender, Labour and Social Development:

- to designate funds under various development initiatives such as the “Youth Livelihood Programme” to take into account the specific obstacles and circumstances faced by youth from different backgrounds, especially to those who come from conflict affected areas, and/or economically marginalised communities in the Greater North and Ruwenzori region;
- to develop gender based initiatives to facilitate female economic empowerment, especially of victims of sexual violence, mothers and war widows, as for example: providing start-up capital for opening businesses, providing development of business and marketing skills;
- to take note that although socio-economic recovery programmes like NUSAF, NUREP or BUDS, were meant to support entrepreneurship, loans, which would have been necessary to supplement the available funds, are too expensive, which prevented people from taking them and from bringing good ideas to life; therefore we appeal to the Ministry to propose a bill, which will strictly regulate loan conditions and, in particular, set a highest allowed interest rate which will not inhibit economic empowerment.

... the research and documentation communities:

- to be victim-sensitive when researching the conflicts, to keep in mind that victims are people with painful experiences and not merely research objects and to be mindful that the questions asked reminds them of their horrific past;
- to follow-up with the communities that they have engaged with and to provide them with feedback on the research outcomes;
- to ensure that any usage of materials collected from victims for advocacy purposes takes account of their dignity, in particular in regard to victims of sexual violence and young victims who were forced to commit atrocities against their own and other communities.

... the donor community and development partners:

- to provide direct and immediate funding for remedy and redress of the estimated 43,000 victims and survivors of war who are still living with injuries sustained during the conflict, in form of medical and intensive psychosocial rehabilitation, as a precondition to individual, family, historical and national healing;
- to support more programmes aimed at strengthening human rights awareness in order to empower the citizens to demand what is rightfully theirs and take positive action to improve their lives;
- to put more emphasis on collaborating with those CSOs that are closely working with the local communities, especially with the victims and survivors of human rights violations;
- to recognise the value of the holistic approach of Transitional Justice and to ensure the continuity of funding of initiatives which mutually reinforce each other and strive towards national peace and reconciliation, without which sustainable development is not possible; and
- to implement measures to prevent the misappropriation of funds by State authorities or fraudulent civil society organisations, in order to ensure that funds reach designated beneficiaries.

“The Government has a duty to protect its citizens.” (Sarah Kasande, ICTJ Uganda)

VICTIMS' VOICES

Victims' Top Priorities

Recognition. Victims need to be recognised as victims. The highest State authorities need to give explicit recognition to all victims. Perpetrators of violence should come forward voluntarily and apologise to the victims. Ethnic communities and State institutions where perpetrators came from and those that they received support from are encouraged to come forward and ask for forgiveness.

&

Reparations. Victims' lives have been shattered by the conflicts. They have been wounded, psychically and mentally, their property has been looted and destroyed, their education and culture compromised. Reparations need to address all these losses in a holistic manner to create lives as they would have been today had the violence and the violations of national law and international human rights and humanitarian law not have happened. Victimised communities need to be given reasons and incentive not to teach their children, the future generation of this country, anger, hate, resentment and revenge.

Reconciliation. There can be no future without trust and forgiveness. However, forgiving the unimaginable is inconceivable without explicit recognitions, sincere apologies and meaningful address of the root causes of conflict. The victims are willing to engage in regional and reconciliation processes such as facing their perpetrators, truth-telling, or even forgiving. However, they are only willing to participate once recognition has been given and reparations provided.

“I want to assure you that the government is in the final stages of developing the Transitional Justice policy. I understand it is not easy to continue being patient when you are a patient and in pains.” (Jane Frances Adongo, Uganda Law Reform Commission)

Major challenges to an effective Transitional Justice process

Corruption	Timeliness	Re-victimisation	On-going victimisation
<p>Victims are afraid that funds designated for post-conflict communities will be mismanaged and embezzled.</p> <p>They are also afraid that they might be deceived by fraudulent “victims organisations.”</p>	<p>Victims are afraid that the processes of giving reparation will be dragged out for too long and that many of the victims might pass away before any support might reach them.</p>	<p>Victims, fears they have been victims of war, and now being victims of unresponsive systems. In particular, - lack of opportunities to access government services such as justice, law and order authorities, - their unaddressed medical and psychological needs, - increasing poverty and economic vulnerability, land disputes - rising criminality among young people (abductees, orphans, ex-combatants, etc) who did not have proper reintegration, - gender based violence, - alcohol abuse, - growing in education levels between different regions, urban and rural population, former IDPs and those whose education was not interrupted</p>	<p>The victims fear the government is insensitive as long as they don't fully recognize the thin line between the formally abducted being both perpetrator and victims, and as long as they keep celebrating the killing of LRA soldiers whose identity is not known and who might include the thousands that have been disappeared;</p> <p>Further, the family of the missing people continues to be victimised by the absent of their relatives, and lack of government assistance in establishing their fate.</p>

The victims' fear if Transitional Justice fails

The victims feel that Transitional Justice efforts need to be designed so as to help the conflict affected populations to catch up with those regions which have been spared the violence and destruction. The victims feel that the State needs to help conflict-afflicted communities **catch up with the rest of the country**. This corresponds to the human right to obtain the highest attainable standard of living that the Uganda's government has the obligation to promote equally for all its citizens. The opposite scenario entails the danger of the victims, in particular the youth, to build anger and resentment against the government and other ethnic communities, to engage in crime and to turn into a threat to national security. Transitional Justice provides the only opportunity to overcome the wish for revenge and break the chain of conflict in which the country has been since gaining independence.

Furthermore, a countrywide fear has been voiced that if people of Northern Uganda continue to live a life of desperation and marginalisation, this could amplify ethnic tensions, resentment towards the central Government and towards those regions that the people from the North of Uganda consider to be privileged. As a consequence, the marginalised population, especially the youth, may start to earnestly consider that it would be preferable to live in a country where they would not be treated as second-class citizens. As evidenced by recent economically and politically motivated uprisings, including demonstrations which brought about significant change in other African countries such as Tunisia, Egypt, Libya, or South Sudan, dissatisfied people, in particular the alienated young population, can be willing to go very far and accept violence as a means to overcoming their frustrations and anger.

Growing secessionist sentiments have already been recorded among the communities of Northern Uganda which have experienced decades of conflict and among the hopeless young who are tired of waiting for change. The sentiments have recently been given political weight by sections of Members of Parliament from the North repeatedly demanding that the North break away. The Government must pay attention to such sentiments and constructively address anger and resentment, which have the potential to lead to violence and bloodshed.

“As we overlook the shadow of war, our policy is not against any person, ethnicity, or political party, but rather against poverty, a repeat of war and injustices of all forms. Together we can transform our communities from economic ruins to economic gains by ensuring the peace and security we have always yearned for.”
(Uganda's Minister of Internal Affairs, Hon. Aronda Nyakairima)

RECOGNITION

Victims of gross violations of human rights and international humanitarian law have a right to remedy and reparation, which can take many forms, as for example restitution, satisfaction or guarantees of non-repetition. Any kind of reparation, however, demands that violence of the past is acknowledged and **that victims are recognised as such:**

- **by the State, and**
- **by the ethnic communities and State institutions where perpetrators came or received their support from.**

Acknowledgment by the State

In regard to the acknowledgment by the State, we are aware of and appreciate the Government of Uganda's **Draft National Transitional Justice Policy**, prepared by the Justice, Law and Order Sector (JLOS). We anticipate that it will soon become a policy document as it indicates a commitment of the Government of Uganda to holistically address the plight of the victims of the conflict in Uganda and also responds to the need for an integrated policy, which can guide different activists in the field.

The victims of the Teso sub-region took note of the gesture, offered by the President, H.E. Yoweri Kaguta Museveni, acknowledging the atrocities that were committed by the NRA anti-rebellion, saying that he was ashamed of their acts, and promising that perpetrators will be found and held accountable. It was particularly encouraging that this acknowledgment was given during the 28th anniversary of the NRM, celebrated on 26 January 2014, as the event received a lot of attention from the media, which carried the message to the victims of the Teso sub-region and others, who now expect, that their suffering will also be acknowledged.

AYINET and the victims are optimistic that the President, **H.E. Yoweri Kaguta Museveni**, who is also expected to officially close the National War Victims' Conference on 30 May 2014, will take a step further and **give unequivocal recognition to all victims in his State of the Nation Address** in June 2014 and confirm to them his support of their efforts and aspirations in building their future. We further hope that other office holders will include such recognition in their addresses to the public as well.

Inter-Ethnic and Inter-Regional Reconciliation

In regard to the acknowledgment by the ethnic communities where perpetrators of violence came or received their support from, the victims have emphasised that they cannot forgive before they have someone to offer their forgiveness to. **We hope that the spirit of healing and reconciliation will motivate people to come forward, acknowledge their errors and the suffering it caused, make amends, reveal, if they know, the fate of those that were abducted with their relatives, and ask for forgiveness.**

REPARATIONS

Reparations are a right of victims under international law and represent an integral part of any Transitional Justice process. AYINET has talked and is continuing to talk to numerous people from various communities who have been affected by the conflict. From their statements and testimonies, we have been able to extract the following characteristics of effective reparations:

- (i) **The reparations need to be given to every person who has suffered during the conflict.** The reparations should not be given to family heads or clan leaders, but to individual persons.
- (ii) **The reparations should reflect the magnitude of suffering an individual has incurred and/or continues to incur.** Victims, in particular victims of sexual violence, should be given assistance to help them come forward and claim reparations.
- (iii) **Individual reparations handed out to specific victims need to be supplemented by reparations that can only be given on a community basis,** as, for example, building schools and health centres or repairing damaged road infrastructure.
- (iv) **Reparations should take into account traditions of individual communities, i.e. in order to have the greatest effect, they should be culturally sensitive.** Victims have repeatedly expressed the belief that if reparations were given through CSOs, those CSOs could easily adapt the manner of giving reparation to the customs of communities they have been working with for a very long time already. As CSOs have known individual communities for a long time, they can develop flexible and innovative reparation approaches. Simultaneously, the victims' fear that funds could be embezzled would be greatly reduced with the cooperation of CSOs.
- (v) **Reparations should be effective and meaningful. This means that they should be given in a manner that every person feels that it has been treated fairly and equally to other persons.** Effective and meaningful reparations will prevent people from having to resort to court proceedings, which will have two positive consequences. First: if the government will lose a court procedure, it will appear as if it does not want to help recovery. By giving effective reparation, the Government of Uganda will be seen as a partner to rather than an adversary against reconciliation. Second: only some people will be able to organise, hire advocates and pay fees to go to court. Even if or especially if they win, this might create ruptures along financial lines within the community, preventing effective and fruitful cooperation in recovery processes.
- (vi) **Reparations, while only one aspect of post conflict recovery, need to precede other Transitional Justice processes that require victim participation.** Communities need to feel that their plight is being recognised and addressed and that their socio-economic situation is improving before they can get involved in emotionally difficult processes as, for example, truth telling and forgiveness.

Keeping all these general characteristics in mind, the victims have also emphasised priorities that need to be addressed first as described below.

1. IMMEDIATE NEED OF MEDICAL TREATMENT

During the conflict, over 100,000 people have suffered severe injuries, many of which require specialised attention like plastic or brain surgery. Despite many years that have passed since the

end of the conflict, too many victims remain untreated; thousands are living with retained bullets and bomb splinters in their bodies and with debilitating pain.

AYINET believes that sustainable peace and development can only begin when individual physical suffering has ceased. In order to foster the recovery of individuals, AYINET has been facilitating a medical rehabilitation programme, conducted throughout the Greater North, through which at least 4,000 victims have received intensive reconstructive surgeries, however, this remains only a fraction of all victims, which still require treatment. During field visits conducted in preparation for the Greater North War Victims Conference, victims, when asked about their needs, stressed medical treatment as the most urgent and most important element of post-conflict recovery. The financially heavy, but crucial programme requires the continued support of donors, as well as a strengthened involvement of the Government of Uganda, in particular the **Ministry of Health**, which should allocate a part of their budget to the provision of urgent medical surgical repairs for victims, follow-up treatment and specialised training of medical personnel, which is required for such services. The same appeal is made to the **Department for Pacification and Development within the Office of the Prime Minister** to immediately allocate special funds under the **Peace, Recovery and Development Plan (PRDP)** for victims' medical rehabilitation, including reconstructive surgery and psychological counseling.

"I received referrals to other hospitals, but it required finances which I did not have. [...] I was operated on every few months, but the swelling and endless pain kept recurring. However, when AYINET took me to the hospital for my eighth operation in 2007, the surgery relieved the swelling and the pain. My life has since improved since then. [...] I know your help can never undo the injustice done to me, but it has relieved me from struggling with my acceptance in society. [...] As much as the LRA rebels caused unforgettable harms to me, you have given me and other victims from Northern Uganda unforgettable assistance." (Sophie, one of the victims who received medical surgery)

2. PERSISTING NEED FOR PSYCHOLOGICAL SUPPORT

The conflict has not only hurt people physically, but has also wounded them mentally and emotionally. Women, in particular, are prone to immense and on-going suffering as they might be mothers of children conceived as a result of rape, who might be rejected by their mothers' relatives.

AYINET has offered counseling services to thousands of victims, however, greater numbers of victims need to be reached and continuous support offered. While AYINET will continue in its efforts as much as possible, and while other non-governmental organisations can provide some relief, the widespread problem would profit from governmental involvement. The **Ministry of Health** should make available funds for the provision of counseling and, as far as required, medication of conflict victims. Further, the **Ministry of Health** and the **Ministry of Education and Sports** should coordinate to ensure that there is a trained counselor in every school in conflict affected areas, who can address immediate and long-term psychological needs of pupils/students and help teachers in teaching children with trauma. Until enough personnel for these positions is found, the two ministries should coordinate in providing post-conflict specific psychological

training to at least one teacher per school. As children spend a lot of time in school, their teachers can contribute significantly to their emotional healing and stability. The **Ministry of Education and Sports** should also attempt to raise awareness of mental health issues through, for example, integrating the topic into school curriculums or through encouraging schools to acknowledge the **World Mental Health Day**, celebrated annually on 10 October.

At this point, the victims whose lives have been improved through medical attention would like to thank the donors who made it possible. We would like to acknowledge the kind and generous support for medical surgeries and counseling of war victims, given by, among others, the Austrian Development Cooperation (ADC) and the Trust Fund for Victims of the ICC (TFV), and the ongoing support from the United Nations Peacebuilding Fund (PBF), provided through the UNDP, UNOHCHR and the OPM, and the Center for Global Health and Peacebuilding (CGHP).

*“My son cannot sleep due to pains from injuries he sustained many years. He has never been treated. The only way he can fall asleep is by drinking alcohol.”
(Victim from Paicho in Gulu)*

3. NEED TO ADDRESS LAND-RELATED CHALLENGES

During the conflict, people were forced to leave their homes and the majority of them had to remain in IDP camps for several years. During that time, their land was not being used and traditional boundaries between land plots have been destroyed. **Upon return, people could not prove neither title over land neither boundaries between their land and the land of their neighbours.**

The lack of clear boundaries has provoked disputes over land between neighbours, while the inability to prove title over land is leading to some land being sold to foreign and domestic investors, exposing the victims to the risk of being forcefully resettled again, never to return.

Forced displacement will re-victimise those who are already the most vulnerable. Therefore the victims call upon the **Government of Uganda** and the **Ministry of Lands, Housing and Urban Development** to not sell land the title over which is disputed to third parties, and to develop and adopt a policy aimed at resolving boundary disputes.

Further, the **Government of Uganda** should compensate those whose land has been used to establish the Internally Displaced Person’s camp or build military barracks.

4. NEED TO PROMOTE EDUCATION OF YOUTH FROM CONFLICT STRICKEN COMMUNITIES

While universal primary education theoretically exists in Uganda, all schools require a fee or a contribution for students to be allowed to attend them. Orphans who are left without anyone who might provide for their school fees are thus prevented from going to school. AYINET suggests that the **Ministry of Education and Sports** allocates funds to sponsor these children’s school fees.

Further, universal secondary education is being introduced throughout Uganda with the

Government of Uganda sponsoring a part of the required fee. The orphans, who have no one to sponsor their primary education, likewise have no one to sponsor the proportion of the fee for secondary education that is not paid by the State. Victims suggest that the **Ministry of Education and Sports** pays the fees for the secondary education of orphans in their entirety.

Last but not least, the victims believe that the government has neglected to include a greater number of young people from conflict-afflicted areas, in particular from the Greater North, into university programmes. In order for the areas to prosper, they need more than just vocational education, however, only a small fraction of those attending university are from the Greater North. Such discrepancies widen the gap between communities that have not been affected by conflict and those who have and can breed anger, resentment and a wish for revenge.

“Everybody thinks the best education for the war-affected and former child soldiers is vocational education, to train to be a tailor, but we want to be in the office and in charge. This means victims’ needs for education cannot be only relegated to vocational studies. They need formal and better education.” (Susan Acan)

The victims call upon the **Government of Uganda, the Ministry of Education and Sports, the Uganda National Examinations Board, and the Members of Parliament**, to design a comprehensive policy, which takes into account the special needs of conflict affected pupils and students and which is directed at achieving an equitable representation of the youth of Northern Uganda in university programmes, including, but not limited to, measures addressing the financial difficulties of conflict affected areas, measures addressing the difficulty of studying with conflict related trauma and measures addressing the lower quality of schools in conflict affected communities.

5. TEACHING PEACE

Humans are both blessed and cursed by their ability to adapt to and accept extraordinary circumstances. It is a blessing that we are, to some degree and for some time, able to adapt to violence, excessive stress, repeated offenses against our dignity and other human rights. Otherwise we would not be able to survive. But as much as it is a blessing, it is also a curse: to adapt can mean that, over time, we accept that something is ordinary, we accept violence, stress and offenses against our dignity to be something normal. But it is not! War, destruction and death, caused and perpetuated by fellow humans, is not and should not be the norm.

Currently, there is no violence. But as Albert Einstein observed: durable **peace can only be achieved by understanding**. People, in particular the young generation, need to understand:

- that **peace is normal**, not war;
- that **children need to go to school**, not be forced to serve as child soldiers, act as cooks and couriers for violent rebels;
- that women cannot be forced to be anyone’s wife and that marriage needs to entered with freely given consent both spouses;

- that every **woman**, no matter how old or young, married or single, **has a right to control her own body and to not be subjected to forced pregnancies;**
- that atrocities of the past need to be addressed, but not revenged, as **violence only breeds more violence;**
- that **only peace leads to peace;**
- that each and every one of us is a **free human being**, equal to any other human being, and **entitled to the full respect to his or her rights**, including, but not limited to, the right to life, the right to bodily integrity and health, the right to dignity, freedom of movement, the right to property, the right to education, the right to work and to rest, the right to an adequate standard of living. They need to understand that nobody might be deprived of their rights except in extraordinary circumstances, regulated by the law, and that they have also the procedural right to claim all these rights, or compensation for their violation, before administrative and judicial authorities.

We call upon the **Ministry of Education and Sports** to promote a human rights culture and for that purpose to include lessons on peace and human rights into curriculums of primary and secondary schools.

“The success of Transitional Justice will come from victims’ understanding and participation.” (Chris Ongom, Coordinator of Uganda Victims’ Foundation)

6. NEED TO CONTINUE CRIMINAL TRIALS AND WITNESS PROTECTION

The victims welcomed the establishment of the International Crimes Division of the High Court of Uganda; however following recent events they are uncertain about the government’s determination to continue to ensure accountability, and to ensure it in a timely manner, to not let ethnic divide and pressure obstruct justice, and to facilitate meaningful and safe victims’ participation as witnesses, especially that of women and children. Several victims have expressed profound confusion over the amnesty legislation, especially in the light of the Kwoyelo trial, they criticised the lack of information and feedback they receive on trials pending before the ICD. However, they have clearly expressed the wish that criminal prosecutions of those who violated rights guaranteed by the Constitution of the Republic of Uganda, in particular Chapter Four (4), and national criminal law, continue.

AYINET shares the victims’ wish, especially as the act did not violate only domestic law, but also regional human rights instruments, in particular the African Charter on Human and Peoples’ Rights, adopted under the auspices of the African Union and international law, including Common Article 3 of the 1949 Geneva Conventions and the 1977 Additional Protocol II to the Geneva Conventions. Uganda has an obligation under international law to prosecute perpetrators; however the indispensable victims’ participation in criminal trials is hampered by, among others, the victims’ safety and security concerns. Therefore, AYINET joins the victims in calling upon the **Parliament of Uganda** to pass the **Witness Protection Bill**, which has been pending before it since 2012, and upon the President, **H.E. Yoweri Kaguta Museveni**, to sign it immediately after.

The victims and AYINET further call upon the **Ministry of Justice and Constitutional Affairs** to give priority to implementing witness protection measures, in particular **security measures in**

order to prevent possible reprisals by the accused and affiliates. No fact finding process will succeed without witnesses feeling that they are not endangering themselves and their families by providing testimony against an accused. As material as well as testimonial evidence on crimes is more difficult to gather when more time has passed, timeliness is of the essence: justice delayed shall not turn into justice denied.

7. SYMBOLIC REPARATIONS

Reparations addressing socio-economic difficulties are the most effective way of addressing past injustices. However, they have limits, as they cannot undo people suffering, they cannot bring loved ones back, they cannot answer whether those abducted are still alive or not and they cannot erase the memories of gruesome atrocities that victims might have witnessed and experienced. Reparations cannot repair the harm that has been done to disrupted traditions, bonds of solidarity, systems of support, treatment for the sick, respect for the elderly and the latter's role in passing on traditional knowledge to the young generation, especially those practices that teach peaceful cohabitation, solidarity, fellowship and harmony.

“My son was abducted on his way to school and he has never returned. I can hear the same complaints coming from West Nile, Acholi, Lango and Teso. Can someone account for the missing people?” (Fatuma Norah)

In order to pay tribute to those who have suffered and passed, and to the traditions that have been compromised or lost, the victims wish that the authorities support them in finding out the fate of those, who have been disappeared, to support them in organising commemorations and to make available funds for the construction of monuments.

Further, as any country that does not remember its past is doomed to repeat it, the victims call upon the **Government and Parliament** to declare a **National Victims' Day** to motivate all citizens of Uganda to inform themselves about the country's long history of conflict and to establish, preserve and pass on a comprehensive historical narrative. In addition, such an annual nationwide commemoration has the ability to build national solidarity, stronger victims' and survivors' communities, contribute to healing and foster reconciliation.

We suggest 30 May, to be the date of the National Victims' Day. This is because it was on 30 May 2010, when Uganda hosted the first ever Review Conference of the Rome Statute of the International Criminal Court, when AYINET organised the War Victims Day Football Game and invited victims and survivors of war from around the world, to play football as equals alongside top diplomats, and other dignitaries, all lead by the President of Uganda, **H.E. Yoweri Kaguta Museveni and the United Nations General Secretary H.E. Ban Ki Moon.** This gesture by Uganda's President demonstrated the country's firm commitment to international criminal justice and it mobilised additional commitments by national and international communities to ensure that international criminal justice will not lose sight of the victims.

Further, on 30 May 2014, we anticipate that H.E. President Museveni will officially close the first ever National War Victims Conference in Kampala, and receive the victims' official views and recommendations.

TRUTH COMMISSIONS

Victims have voiced two views regarding truth commissions.

First, **truth telling, traditional justice and forgiveness need to be preceded by reparations.** Until victims have had the ability to rebuild their lives and gain a sense of normalcy and security, they cannot be expected to participate in any processes aimed at forgiveness. It is not humane to ask them to leave the past behind as long as the past is present in their every day with bullets still in the victims' bodies, wounds not treated, family members deceased or unaccounted for, orphans struggling to go to school.

Second, when discussing who should be the naming the members of a future truth commission, the victims agreed that the **Parliament should be the appointing authority**, as Members of Parliament represent a wider field of interests than the executive branch. Victims further felt that by the Parliament, rather than the executive branch, appointing the truth commission, the appointing process would be less politicised.

The **composition of the truth commission** has to be representative of the victims, seats should be allocated so that the commissioners represent all regions which have been affected by the violence, and at least as many women as men should be appointed. The members of the truth commission should be chosen among those who have demonstrated a strong commitment to peace and reconciliation; those who have the trust of victimised communities and can further their interests. Other considerations can be taken into account; however, we discourage the introduction of arbitrary criteria like age or formal education, as they are not linked to the ability of being a good commissioner.

CONCLUSION

Victims have been hurting for too long. At this point, they are not only tired of the delays in bringing about justice and reparations; they are exhausted from their own suffering. There needs to be strong political will to move the Transitional Justice process forward as human progress “is neither automatic nor inevitable.” Martin Luther King Jr.’s statement is all the more true in a country that has yet to raise a generation that will not have to experience the scourge of war.

Despite the most recent conflict having ended, the experiences of violence and forced displacement continue to have an on-going impact on the ability of communities to recover. Gender based violence, continued victimisation and stigmatisation of sexually abused women and their children, excessive alcohol consumption, which developed in IDP camps, youth criminality, and economic hardship, which, in itself, creates an atmosphere of violence and resentment, among others, are post-conflict symptoms, which perpetuate and mutually reinforce each other as if in a vicious circle.

As Honourable Justice Owinydolo of Uganda’s High Court recently stated,

“Even though the guns have fallen silent, societies have remained devastated and the effects of those hostilities continue to manifest with visibly tearful feeling of pains, anger and endless sadness. All efforts must be taken **now not tomorrow** and move beyond talk and take action to free victims who remain under siege of endless injustices. Victims need reparation and the only way we can achieve is through a holistic approach to Transitional Justice.”

AYINET hopes that its work and the **National War Victims Conference** will contribute to that progress, and that parallel efforts by other stakeholders, in particular the Ugandan authorities, will strengthen and empower communities, help them heal and reconcile, and allow them to live in a society, where complete respect for human rights is the order of the day. Every Day! AYINET has shared victims’ voices. We sincerely hope that they will be heard and acted upon.

REFERENCES

- The Dust Has Not Yet Settled, Victims' Views on The Right to Remedy and Reparation, A Report from the Greater North of Uganda; prepared by Uganda Human Rights Commission and the United Nations High Commissioner for Human Rights, in 2011;
- The War Wounded Study, Mapping and Survey of Victims and Survivors from the Greater North, Living with War-Related Injuries; conducted by AYINET with funding from United Nations Peacebuilding Fund (PBF) channeled through the United Nations Development Program, the United Nations High Commissioner for Human Rights and the Ugandan Office of the Prime Minister, in 2012;
- The Greater North Victims' Consultations on Reparations; conducted by over 30 Members of the Uganda Victims' Foundation (UVF), with support from the MacArthur Foundation, in 2012;
- Secure Livelihood Research Consortium (SLRC), Study on State Legitimacy and People's Perceptions of Local Governance, State Capacity and Effective Service Delivery, and Livelihood Trajectories and Local Economic Activity; conducted by AYINET, Feinstein International Center (FIC), the Women and Rural Development Network (WORUDET) and the Overseas Development Institute (ODI); funded by the Department for International Development (DFID), in 2012/2013;
- Transitional Justice Report on Traditional Justice and Truth Telling & National Reconciliation; prepared by the Uganda Law Reform Commission (ULRC) on behalf of the Justice, Law and Order Sector, with support from the Norwegian Embassy, in 2013;
- National Transitional Justice Policy, 4th Draft, prepared by JLOS, National Transitional Justice Working Group, in 2013;
- Commentary on Uganda's Draft National Transitional Policy 2013, Victim and Civil Society Actors' Views on the Draft Transitional Justice Policy for Uganda: Acholi Sub-Region and Lango Sub-Region; facilitated and organised by AYINET, Justice and Reconciliation Project (JRP) and Avocats Sans Frontières (ASF); funded by the MacArthur Foundation and the European Commission (EC), in 2013; and
- Northern Uganda Conflict Analysis, Advisory Consortium on Conflict Sensitivity (ACCS); prepared by Refugee Law Project (RPL), Saferworld and International Alert; funded by the Department for International Development (DFID), in 2013.

FROM VICTIMS TO SURVIVORS: The Struggle for Reparations, Remedies and Justice



From victims to survivors: the struggle for Reparations, Remedies and Justice
Participants in the Greater North War Victims’ Conference at Lira hotel, November 2013



“Victims to Victim solidarity is key to ensuring inter-ethnic reconciliation. We can make an effort to reconcile among us even without Kampala.”
A victim regrets the atrocities LRA committed in Abia, Alebtong District



“Victims have waited for too long, their hope for justice is vanishing, and nobody seems to be willing to tell them the truth.” MOSES ODIA narrates how he lost 11 family members in one day in a LRA attack and how he has struggled with the pain





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