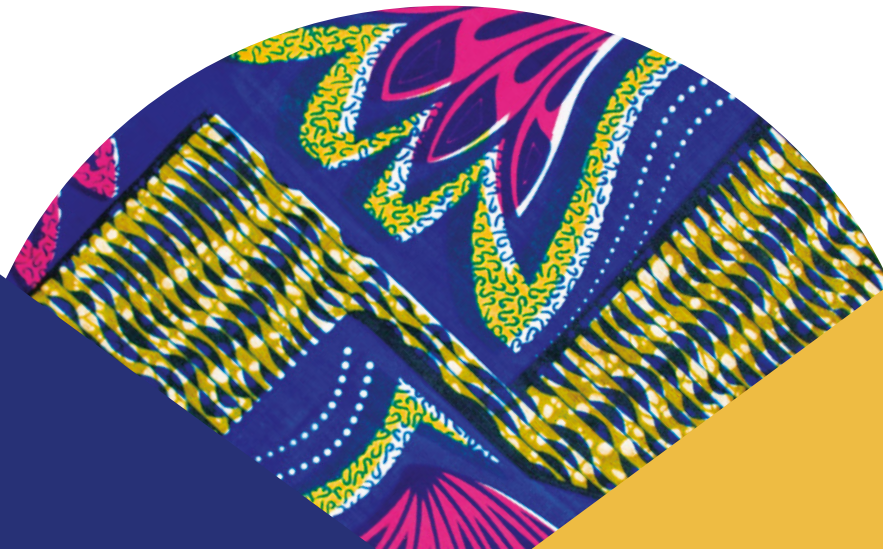


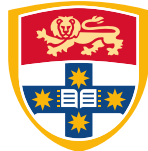
MAKING JUSTICE WORK FOR WOMEN

*Summary of
Uganda Country Report*

LUCY FISKE &
RITA SHACKEL



Making Transitional Justice Work for Women:
Rights, Resilience, and Responses to Violence
Against Women in Democratic Republic of the
Congo, Northern Uganda, and Kenya



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August 2016

SUMMARY REPORT

CHAPTER 1: INTRODUCTION AND BACKGROUND

1.1 Background to the project

In a series of reports,¹ we present the findings of the project, *Making Transitional Justice Work for Women: Rights, Resilience and Responses to Violence Against Women in Democratic Republic of Congo, Northern Uganda and Kenya* (Grant ID: G160214). This is a summary report of the findings from Uganda. The full report provides a significantly more detailed discussion.² Funding for this project was granted by the Australian Department of Foreign Affairs and Trade (DFAT), under the discontinued Australian Development Research Awards Scheme (ADRAS) 2012.

The research was designed to investigate transitional justice processes for addressing women's rights and justice priorities in Democratic Republic of Congo (DRC), Uganda, and Kenya. The countries for study were selected because: each has transitional justice processes in place; Gender Based Violence (GBV) is significantly prevalent in each conflict; and the researchers had existing partners on the ground who could facilitate a logistically feasible, meaningful, and culturally- and gender-sensitive research process.

1.2 Project methodology

1.2.1 Introduction

This research sought to identify women's priorities for justice, their experiences when seeking justice, and both enabling factors and obstacles in justice processes, in the three focus countries. Justice was defined in a fluid, broad, and holistic way to include legal, health, economic, social, and psychological elements (Olsen et al. 2010b, 983; Fischer 2011, 412; Szablewska and Bradley 2015, 261). The project has developed a rigorous, reliable, and substantive evidence base of the experiences, views, and opinions of women affected by violence in the research sites. The project entailed researchers travelling to multiple locations within each country, including major regional towns and villages in remote and difficult to access areas. This was done to enable women who are rarely, if ever, able to participate in research, consultations, and decision-making processes to contribute to this project.

The extensive fieldwork, conducted over a two-year period and engaging 274 women affected by

¹ Rita Shackel and Lucy Fiske, "Making Justice Work for Women: Kenya Country Report" (August 2016) <http://opac.library.usyd.edu.au:80/record=b5334992~S4>; Rita Shackel and Lucy Fiske, "Making Justice Work for Women: Democratic Republic of Congo Country Report" (August 2016) <http://opac.library.usyd.edu.au:80/record=b5332962~S4>; Lucy Fiske and Rita Shackel, "Making Justice Work for Women: Uganda Summary Report" (August 2016) <http://opac.library.usyd.edu.au:80/record=b5365444~S4>; Rita Shackel and Lucy Fiske, "Making Justice Work for Women: Democratic Republic of Congo Summary Report" (August 2016) <http://opac.library.usyd.edu.au:80/record=b5365440~S4>; Rita Shackel and Lucy Fiske, "Making Justice Work for Women: Kenya Summary Report" (August 2016) <http://opac.library.usyd.edu.au:80/record=b5365443~S4>.

² Lucy Fiske and Rita Shackel, "Making Justice Work for Women: Uganda Country Report" (August 2016) <http://opac.library.usyd.edu.au:80/record=b5336181~S4>; Please see the full Uganda Country Report for references cited in this summary report.

violence, provides unique insights into women's access to justice, and the efficacy of different justice strategies and mechanisms in conflict and post-conflict sites. Fieldwork in Uganda was conducted in multiple sites in Acholiland in Pader, Gulu and Amuru, and in several villages and parishes outside these central towns. A total of 98 women in northern Uganda participated in the research; 50 through individual interviews and 49 through focus group discussions. Ages ranged from 21 to 90 years. Thirty-five women's primary experience of the conflict had been abduction by the LRA and, 51 women identified being in an Internally Displaced Person's (IDP) camp as their primary conflict experience. While many women had experienced both internal displacement and abduction, one experience was usually the dominant one, or spoken about as definitional by the woman. Of the women interviewed only five identified both abduction and encampment as equally significant experiences of the conflict. Women participants were married, cohabiting, never married, separated, divorced and widowed. These insights are extended further by both individual, semi-structured interviews and focus group discussions with 68 key informants (14 in Uganda), including: community leaders, health and non-governmental organisation workers, police, prosecutors, court, judicial officers, and international experts.

1.2.2 The research questions

The research addressed the following key research questions:

1. What do women in northern Uganda, Kenya, and eastern DRC identify as their priorities in relation to justice?
2. What efforts have been made to provide justice and rights protection for women who have experienced violence in northern Uganda, Kenya, and eastern DRC?
3. How have women responded to these justice interventions, and what impact have these had on addressing women's rights and justice priorities?
4. How can transitional justice interventions be adapted to better address women's rights and justice priorities, build resilience, and prevent violence against women?

1.2.3 Key methodological issues

In terms of its epistemology and paradigm, the research is qualitative, feminist, and phenomenological. The methodology recognises that the voices of women are often muted by social, economic, and political factors (which are further enlivened during war), and then systemically embedded in justice processes; thus, the phenomenological method employed for this project combines inquiries into individuals' accounts of a shared experience with key informant perspectives, existing literature addressing the histories and justice reforms of each country, and other thematic research into gender, human rights, development, poverty, and violence. Initially identified themes in the interviews included: legal, economic, social, political, and health justice; psycho-social and emotional well-being; traditional and/or informal justice mechanisms; roles of women in justice processes; and the effects of justice. By melding these insights with secondary research and analysis, a phenomenological enquiry can mediate the transition of private experience to public political concern, and thus enable the generation of knowledge with relevance beyond the anecdotal.

Furthermore, multidisciplinary and multi-country collaboration enhanced the quality of the research. It enabled us to draw on expertise in several different fields, including social and legal

theory; legal frameworks; qualitative research methods; development work; and country- and culture-specific knowledge.

CHAPTER 2: THE CONTEXT AND BACKGROUND TO CONFLICT AND TRANSITIONAL JUSTICE IN NORTHERN UGANDA

2.1 Background

Uganda is a land-locked country in the Great Lakes region of East Africa. It shares borders with South Sudan, Democratic Republic of Congo (DRC), Tanzania and Kenya. South Sudan and the DRC are both currently experiencing armed conflicts, and Kenya has experienced a series of violent upheavals in recent years. There has been a history of the conflicts in each country breaching national borders and impacting on neighbours. There have been regular flows of combatants, refugees, and weapons across Uganda's western, northern, and eastern borders. The regional instability has exacerbated and prolonged Uganda's twenty-year war with the LRA, and continues to impact on recovery efforts.

Uganda has a population of 34.9 million people, made up of more than 40 different ethnic groups (Blake 2013; UBOS 2014, 6). The largest ethnic group is the Baganda in the south, who make up 16.9% of the population. The Acholi make up 4.7% of the population. Uganda has a very young population; the median age is 15.5 years and 78% of the population is under 30 years of age (GoU Pop Sec 2013, 11). Uganda has a high HIV/AIDS infection rate, with an estimated 7.3% of the population living with HIV/AIDS (GoU Pop Sec 2013, 13, 137–38). Life expectancy in Uganda is 54.5 years nationally (UNDP 2013, 2), compared to 44.3 years in northern Uganda in 2007 (Podszun 2011, 130). Women can expect to live on average two years longer than men. Uganda is struggling with widespread poverty. Uganda's Bureau of Statistics reported poverty in northern Uganda to be roughly double that of other regions (UBOS 2010, 20).

Uganda has achieved gender parity in primary school enrolments (MoES 2011). On all other measures, however, Ugandan women and girls are disadvantaged. "Male-headed households hold more than twice the land size held by female-headed households," with flow on effects to women's income earning capacity, participation in decision-making, and vulnerability to gender based violence (GoU Pop Sec 2013, 7). Gender based violence causes more deaths and disability each year in Uganda than malaria, motor-vehicle accidents, and war, combined (GoU Pop Sec 2013, 55). Eighty percent of women in Uganda work in agriculture, most of whom are engaged in subsistence farming (GoU Pop Sec 2013, 67). Given the predominance of agriculture in the Ugandan economy, equal ownership of land is critical for gender equality.

2.2 The Acholi

As has occurred in many other parts of Africa, colonialism created more rigid ethnic identities in the north of Uganda. The Acholi Sub-Region (also known as Acholiland), comprised of Amuru, Gulu, Kitgum, Agago, Pader, and Lira districts, is not densely populated. Traditionally, the

Acholi were farmers and cattle herders, with cattle being the source of wealth and prestige, and binding families through dowries (Doom and Vlassenroot 1999, 12). The Acholi constituted the main pool of recruitment for the Army and have dominated the military since independence from Britain in 1962 (Doom and Vlassenroot 1999, 8).

2.3 The North-South divide and the Civil War

North-South divisions were present under colonization and have continued in the period since gaining independence. Uganda's first President, Milton Obote, built up a personal following of army officers from his own tribe, the Langi, and the neighbouring Acholi, who already dominated the army. Idi Amin cultivated a following of loyal officers from his home region of West Nile. In 1971, Idi Amin took power in a military coup. Amin was greeted as a hero by the Buganda, but, fearing a counter-strike by Obote, began mass killings of Langi and Acholi. By the end of his eight-year reign, the death toll was estimated at 250,000 (Meredith 2005, 232–238). Amin was ousted in 1978, and elections in 1980, viewed by most observers as flawed, returned Obote to power. The disputed elections led to a five-year civil war, with Yoweri Museveni forming the National Resistance Army (NRA) in 1981. Museveni's support was particularly strong in the south, while Obote's military, the Ugandan National Liberation Army (UNLA), was made up of northerners (Meredith 2005, 238). In July 1985, Acholi soldiers, led by General Tito Okello Lutwa, overthrew Obote (ADST 2014), and Okello Lutwa was appointed President. In January 1986, Museveni's NRA captured Kampala, and the Acholi-dominated UNLA forces fled north to reorganise in Sudan.

Various anti-Museveni forces came together in Juba and formed the Ugandan People's Defence Army (UPDA). The UPDA was initially an effective fighting force, but had all but collapsed by the end of 1987, and in June 1988, the Gulu Peace Accord was signed.

2.4 The Holy Spirit Movement (HSM) and the Lord's Resistance Army (LRA)

Alice Auma's Holy Spirit Movement began as the UPDA ran out of ammunition and energy. The HSM initially had considerable military success. They were noted for being fearless in battle, "walking straight at the enemy without taking cover" (Bevan 2007, 344), as they had been anointed in protective oil (Allen and Vlassenroot 2010, 8). The HSM was eventually defeated in October 1987. Joseph Kony tried to join the HSM, but he was rejected by Auma. Kony instead recruited for his own force, the Lord's Resistance Army (LRA). Those members of the UPDA who did not agree with the Gulu Peace Accord joined the LRA.

2.5 Civilian abuse, displacement and the prolonged, scorched earth nature of the conflict, complicated by regional dynamics

Civilian abuse and destruction of infrastructure by both the NRA and the rebels was common from 1986 onwards, resulting in large-scale internal displacement. The Government of Uganda (GoU) launched Operation North in 1991, which entailed widespread arrest and torture of Acholi civilians in an effort to force cooperation with the GoU. The Ugandan Army urged Acholi elders to set up civilian bow and arrow defence units to resist LRA attacks (Dolan 2009, 45). This participation was noted by Kony and the LRA escalated attacks on Acholi civilians suspected of collaborating with the GoU (Dolan 2009, 45).

In 1991, Museveni's government supported the SPLM in its conflict with Sudan's central government, including by allowing the passage of arms through northern Uganda. The Khartoum government responded to Museveni's support for the SPLM by supporting Kony and the LRA. International involvement in the LRA-GoU war was a major factor in prolonging the conflict.

2.6 The failed 1994 peace talks and the resulting escalation of abductions and terror

Peace talks between the GoU and LRA in 1994 collapsed, leading to an escalation of violence towards the Acholi by the LRA. Kony reportedly felt betrayed by elders, and blamed civilians for his failing war (Doom and Vlassenroot 1999, 25). Further, Sudan increased its financial and military support to the LRA in return for LRA assistance fighting against the SPLM in Sudan. This required a larger fighting force, and, being unable to recruit volunteers, the LRA dramatically increased its rate of abductions. Finally, the Museveni government lost even more trust from the Acholi, who preferred negotiations rather than a military approach to resolving the conflict.

2.7 The camps

From 1996 onwards, the GoU forcibly displaced thousands of people into "protected villages" or Internally Displaced Peoples' (IDP) camps. The process by which people were displaced into camps involved aerial bombing; burning homesteads and granaries; and direct violence against civilians (Dolan 2009, 154). The camps however, were no safe havens. The LRA specifically targeted IDP camps for looting and abductions. The UPDF did little to protect against attacks nor to ensure security inside the camps. For women, life inside and outside of the camps was marked by violence and insecurity. The insufficient food relief provided in IDP camps meant that women were compelled to leave the camps during the day to cultivate their fields. This exposed them to heightened risk of abduction by the LRA, beatings by the UPDF, and landmines (Dolan 2009, 120). Inside the camps, women were targeted for beating and rape by soldiers (Dolan 2009, 211–12; UNICEF/GoU 2005). As well as providing questionable levels of protection, there was very little food and few services. A 2005 joint World Health Organisation and Ugandan Ministry of Health report estimated 1000 people a week were dying in the camps. Disease was the main culprit, but the same survey found violence to be the third most likely cause of death (WHO 2005, ii). Furthermore, the enforced dependency on aid, lack of productive activity, and severe over-crowding had devastating consequences, as economic and social structures collapsed (ARLPI/JPCGA 2001; Okello and Hovil 2007).

2.8 Cattle, land, oil and widows

One of the consequences of the camps and the war was that the delicate balance of shared cattle grazing was disrupted. The Karamojong are traditional cattle raiders who have historically raided the Acholi region regularly. In 1987, the Karamojong launched massive raids through Kitgum and eastern Gulu districts, and removed almost the entire herd. This represented a vast economic and social blow (Gersony 1997, 28). The cattle herds have not been restored, which has made land all the more important as the only resource left to the Acholi. Land pressures are further complicated by the discovery of oil and the GoU's development plans, which focus on large-

scale industrial projects like sugar and biofuel (GoU OPM 2011 [objectives]; ICG 2008, 7–8; Sserunjogi 2013, 1). Land disputes are estimated by various studies to affect between 29 and 59 percent of the population in Acholiland (Burke and Egaru 2011, 4). Women, particularly widows, are disadvantaged in land disputes (ICG 2008, 8; Burke and Egaru 2011, 25).

2.9 Operation Iron Fist and the end of Sudan’s support for the LRA

After September 11, 2001 the Sudan government sought to improve relations with the US, stating that it would stop supporting the LRA and start working with the UPDF. The GoU launched Operation Iron Fist targeting the LRA in northern Uganda and southern Sudan. The LRA responded by increasing attacks on civilians. In January 2005, the Sudanese government signed a peace agreement with the southern Sudanese rebels and cut off all support for the LRA. By this time, the International Criminal Court had brought charges against Kony and four other LRA Commanders.³ The LRA leadership began to consider peace negotiations, and the Juba peace talks opened on July 14, 2006 (Atkinson 2010, 205-214).

2.10 The Juba peace process, the aftermath and today

The Juba talks resulted in a comprehensive peace agreement. Although Kony pulled out at the last minute and never signed the document, the peace agreement is wide-ranging, and forms the basis for reconstruction. Of particular note are Agenda items 2 and 3.

2.10.1 Agenda item 2 – Comprehensive solutions

Agenda item 2 specifically recognises the unequal development between the north and south of Uganda, mentioning mechanisms for redress and for post-conflict rebuilding. The agreement set the groundwork for the GoU Peace Recovery and Development Plan (PRDP). Although PRDP 1 officially started in 2007, funding was not released until 2010. The program has been widely criticised for a lack of community involvement in planning, delayed delivery, and inadequate technical expertise. PRDP 2 was launched in 2012 and was immediately rocked by scandal, with UGX50 billion (USD14 million) stolen by people working inside the Office of the Prime Minister (OPM) (Office of the Auditor General 2012). The scandal resulted in the international community withdrawing funds from the PRDP 2 program for a period of time (Odongo 2015). Despite its link to the Juba Peace Process, the PRDP does not only fund initiatives in the Acholi region, but throughout all of northern Uganda (International Alert 2013, 42); the latest incarnation, PRDP3, is particularly focused on the Karamoja region (Munghinda 2015).

³ The ICC issued indictments against Joseph Kony, Raska Lukwiya, Okot Odhiambo, Dominic Ongwen, and Vincent Otti. Odhiambo and Lukiywa are confirmed to have died, and proceedings have been terminated. Otti is also widely believed to have died, but the ICC has not terminated proceedings against him; instead, it was reaffirming as recently as September 2015 that the indictment against Otti remains in place. Dominic Ongwen surrendered to US forces in the Central African Republic in January 2015, and is currently in custody at the ICC. Actions taken under International Criminal Law against the LRA commanders is addressed in greater detail in Chapter Seven.

2.10.2 Agenda item 3 – Accountability and reconciliation

The agreement on Agenda item three has several important repercussions. Firstly, it recognises traditional justice as important for the reintegration of former LRA combatants. Secondly it focuses on special prosecution mechanisms for the actions of non-state actors, leaving the actions of Ugandan army personnel to be handled by existing justice structures. Given the considerable human rights violations perpetrated by the UPDF over the long course of the war, this exclusion has been criticised (Otim and Kihika 2015, 7; Wijeyaratne 2008, 9–10; ICG 2008, 10–11).

In 2008, the Justice Law and Order Sector of the GoU (JLOS) established a Transitional Justice Working Group (TJWG) to address how formal justice mechanisms, traditional justice mechanisms, and truth-seeking and accountability mechanisms can be integrated into a coherent policy (Otim and Kihika 2015, 4). This has been beset by complaints of poor engagement with affected communities and individuals. Nevertheless, the Transitional Justice Policy is now awaiting cabinet approval (JLOS 2015, 18).

President Museveni has publicly recommitted to reparations; however, no mechanisms are yet in place. In April 2014, the parliament passed a resolution to create a gender sensitive reparations fund (ICTJ 2014), but the draft legislation is yet to be enacted. A nationwide study by JLOS will soon be released, with indicative findings showing “overwhelming needs of the community for urgent reparations especially for those suffering from medical and psychosocial effects of the episodes of armed conflict especially in Northern Uganda” (JLOS 2015, 102).

2.11 Women’s participation in the talks

Agenda items 2 and 3 both recognize the specific challenges to women in post-conflict situations. In the Comprehensive Solutions agreement, widows and female-headed households are mentioned in the texts among other vulnerable groups which need special assistance programs. Clause 11 of the Accountability and Reconciliation agreement deals specifically with the needs of women and girls in accessing both reparations and justice. However, women were initially not included in the talks, and it was only after November 2007 that a gender advisor was appointed in line with UN Security Council Resolution 1325. There were women delegates in both the LRA and GoU negotiating teams, and women civil society groups were granted observer status. However, the overall success of their efforts is debatable (UNIFEM 2008; Wijeyaratne 2008, 12–14).

CHAPTER 3: UGANDAN WOMEN SPEAK TO JUSTICE

*Justice helps women to stand firm without any fear in their homes.*⁴

3.1 The research focus

This research project asked women participants broad questions about what constitutes justice, and how it is working for women within their communities. Understanding how women see

⁴ Interviewed February 6, 2014.

justice is important to inform the development of justice mechanisms and strategies that are responsive to women's needs and priorities for justice. This chapter presents women participants' voices alone, so that they are clearly heard and not muted by the voices and views of others. Subsequent chapters draw on the views of key informants interviewed in this research, the opinions of other commentators, and other research studies.

3.2 Gender in context in northern Uganda – a new kind of war

Women described an epidemic of domestic violence amid a context of deeply embedded gender inequality and extraordinarily high levels of alcoholism and violence within communities. Women spoke of holding the status of “*mere women*”, of being viewed as “*worthless*” and being the “*property of men.*” The low status of women heightens their vulnerability to violence and severely curtails their capacity to realise justice after violence. Widows and formerly abducted young women and their children occupy the lowest status of all. Many communities are struggling with conflict over land and there is a deep and concerning rift between former IDPs and former abductees, a rift which may threaten northern Uganda's future stability. Most women attribute the violence, division and justice deficits to the war, lasting trauma and long years in IDP camps.

3.3 “Camp life”

At the height of the LRA conflict 1.8 million people were internally displaced in northern Uganda (UNHCR 2012). The vast majority were displaced to IDP camps, living in overcrowded squalid conditions, and entirely dependent on aid for survival. Although almost all IDP camps are now closed, the prolonged encampment and dependency continue to have a profound effect on communities.

Women spoke in unison about the devastating social effects of the camps. The war and camp life have left a lasting legacy of trauma, alcohol abuse and violence. The women told us of a dangerous mix of major increases in the levels of violence and drinking, coupled with severely ruptured social structures, structures which once would have been called upon to stop the violence and restore familial and community relationships. Many women see a direct link between encampment and the problems communities are facing today,

Camp life was generally a little strange from our normal way of life because there were a lot of things that were happening, a lot of loss of morals. ... There is a great link between the experiences of camp life and the problems the people are facing up to today. Before people came to live in the camps, life was very different, life was different and people were thinking in a different way. But once people were in camps, confined in the camps, they started behaving in the camp way.⁵

3.4 All work and no power

Most men began drinking alcohol in the camps, a practice which many have continued after returning home. Women in all places visited told of the men in their communities and families

⁵ Interviewed June 17, 2014.

drinking from the morning and throughout the day and evening. The women explained that the high level of alcoholism has led to men refusing to work in the fields, leaving all the labour to the women. Men continue to exercise exclusive control over income generated by women's labour. Pauline stated that *"the men grab the money which we struggle to earn."*⁶ Rosemary said,

*I dig and work tirelessly, but during the harvest period I do not have any say on the yields. My husband even stopped me from group savings. The men ensure that women are economically disempowered.*⁷

The problem of women doing all the work and men taking the proceeds and spending it on alcohol was repeated in every research site. Some linked the problem to women's low status in the community, which makes it difficult for them to get any community-based action on the widespread problem - *"Our husbands sell the harvests and foodstuff in the house and drink all the money. Women do not have a voice to speak out in the community."*⁸ While others saw the origins of this problem in camp life,

*In the camps, men's behaviour really changed. Some men would steal the little supply (food aid) to sell. Such money they would use to buy alcohol. This kind of behaviour has continued up to now. Men have left all their responsibilities.*⁹

3.5 Domestic violence: Another war...

Men's excessive drinking was invariably associated with violence, directed both at other community members and, more often, at the women. For many women, the end of the LRA war has not brought peace, as Evelyn explained,

*Having basic needs alone when one is still experiencing a lot of violence does not qualify as peace. For instance, having a drunken husband, being beaten hostilely, preventing me from freely associating with my fellow women.*¹⁰

The extent of domestic violence in northern Uganda cannot be over-stated. Most women traced the origins to the war and to life in IDP camps. Angela explained that *"People are now very violent. Men are so hostile and behave in a way like it was during the war."*¹¹

Leaving a violent marriage is often not possible for women in northern Uganda. The local economy and culture centre on the cultivation of land. There are ongoing disputes about land in most communities visited. Women are particularly affected by land conflicts as they traditionally realise only secondary rights to land, through a male relative. Women with no surviving male relative willing and able to defend her access to land are seldom able to realise any land rights they might have in law. This has a significant impact on the most vulnerable women in communities, notably widows and women who were abducted as girls and who were subsequently either orphaned or estranged from their families.

⁶ Interviewed January 22, 2014.

⁷ Interviewed February 13, 2014.

⁸ Interviewed March 13, 2014.

⁹ Interviewed March 13, 2014.

¹⁰ Interviewed January 31, 2014.

¹¹ Interviewed March 13, 2014.

The land grabbing is mostly happening in families that lost all their parents and elders in the war and thus, the grabbers take advantage of their vulnerability and little knowledge regarding their land to deprive them of the same. The grabbers also have a high financial ability and they use this to influence the leaders, even the Residence District Commanders (RDC).¹²

Young women returning from abduction, particularly those whose fathers had died, very often were unable to access land, forcing them into marriage as the only way to survive. Grace returned from abduction with one child to discover her parents had both died. With few other options, she married upon return, but her husband and his family are abusive towards her and her child. She eventually had to send her daughter to live with an aunt,

... as the child's mother, I could not resist the pain anymore that was being caused by the ill treatment my child was getting so... It would sometimes make me think very highly about going back to the bush, but somehow I just said that to save the situation, to save my child from all this, let me just take this child to live with my Auntie.¹³

3.6 A deep rift

In all of the communities visited during this research there is a significant and troubling rift between former abductees and their children and those who were forced in to IDP camps. While some work to assist the reintegration of former abductees has been conducted, longer term reconciliation and mediation work is generally lacking. Women who were not abducted told us of the difficulty of integrating former abductees back into communities. They described former abductees as being “haunted” and not knowing how to live in community. They told us that former abductees were quick to anger and that, when angry, were dangerous and extremely violent.

There are a number of returnees, we welcomed them and try to understand them. However, they have a temper and they can maim anyone at any time using any deadly weapon they come across once they pick a quarrel. The children born in the bush also behave in the same way. Once they are upset ... they are capable of doing anything. The community were told to be very patient with them and try to understand them, however, their behaviour is sometimes very alarming. ... There are some who have been haunted to a point of permanent insanity and others to a point of death.¹⁴

Many women thought that formerly abducted people should be allowed to return, but that they needed much greater support and education to help them reintegrate successfully, and that stronger mechanisms needed to be in place to protect other people from violence.

Women who have returned from abduction spoke expansively about their integration back in to communities. While some have successfully managed the transition and feel moderately accepted, many more spoke of daily discrimination, name-calling, insults and exclusion. This

¹² Interviewed February 7, 2014.

¹³ Interviewed June 19, 2014.

¹⁴ Interviewed February 7, 2014.

discrimination is particularly heightened for those women who returned with children born “*in the bush*.” Helen said that her “*reception was very bad in the community*” and that “*they call us names and that ‘you who have returned from the bush with the rebels, you are mentally disturbed,’*” and that she should go “*back to the bush from where you have come.*”¹⁵

Joyce explained that the children of returnees face the same discrimination. She returned with a son, has since married and had a further two children. Her husband refuses to pay the school fees for her son born in captivity. “*I feel pained because, in my thinking they [the children] should all get equal treatment.*”¹⁶

It is not unusual for physical fights to erupt between returnees and former IDPs. Jacqueline expressed the anger she feels when she is called names,

*I keep thinking of how the whole trouble started and I get hurt because I am fined [for fighting] and yet I was provoked to behave the way I did. Because what do you expect from a person who is discriminated against, yet it was not our wish to get abducted. You see with us, when we are very angry we can do anything to anybody.*¹⁷

This rift between former abductees and their communities needs urgent attention. Where programs have been put in place offering counselling to former abductees, educating the community about abductee experiences and calling upon people not to call returnees names, both former abductee and former IDP women reported significantly better relationships and fewer incidents of violence.

3.7 The future generation

Women expressed a strong desire for their children to have consistent, uninterrupted access to education. This was cited almost universally as the most important contribution to justice. Women want a better future for their children and see education as key to this.

*I’m really struggling so hard to see that my children have a bright future. [...] Now as I speak, I have two children [...] At school they want me to pay – 36,000 (USD10) for each one of them. – I don’t have this money. I don’t know. [...] I really really want to struggle so hard. I think so much about these children. I want them, at least one of them should be able to go to the next level.*¹⁸

Sadly, in most communities visited women were unable to pay school fees for their children meaning that children could only sporadically attend school and that mothers often had to choose which children to send to school and which would stay at home. Faith is able to keep only one of her four children in school and explained that

¹⁵ Interviewed June 18, 2014.

¹⁶ Interviewed June 24, 2014.

¹⁷ Interviewed June 18, 2014.

¹⁸ Interviewed June 26, 2014.

*This hurts me a lot, it hurts me a lot that sometimes I do not even sleep in the night because I keep thinking about them. It comes with a lot of pain. [...] I have not been able to look after them and pay their school fees as I should be doing as a parent.*¹⁹

3.8 Never again

A great many women continue to feel insecure and fear that this is a lull in fighting rather than the end of the conflict. Carla doesn't want her children to go through a war, but she is worried,

*Sometimes I hear that the war is about to restart and they say it has already started in the Sudan and will only spread here very soon. I feel the war should not restart so we can have some peace and our children should not go through our experience.*²⁰

Very many women shared with us their fears that the war will resume, they have not received any assurance of non-recurrence, the Final Peace Agreement remains unsigned and Kony and the LRA still exist. Women in northern Uganda want an assurance that the war will not happen again.

*What I need to tell you is that – in your reports I know you are going to include all these three countries, and all of them have suffered violence during the conflicts. What I want to say is that, women at least should be given a chance to live peacefully, to have some peace.*²¹

3.9 Access to justice

Women find it very difficult to access justice. Formal criminal justice mechanisms such as police or courts are both physically and financially beyond reach for most women. Women are more likely to access someone in the community, most commonly a male relative, an LC1 (a local administrative position) or a clan chief (a traditional position). While local justice mechanisms are physically more accessible, they can be fraught with many of the same problems of the community context in which the problems are experienced. Many women complained of being asked either for bribes or fees in order to have their complaint heard and that the other party usually has greater capacity to pay. The socio-political status of women is a major obstacle for women seeking both formal and traditional forms of justice. Irene described that she has,

*tried so hard to seek justice with the local leaders and local courts but in vain. Those people have a lot of money and they use their financial power to dispossess the poor and underprivileged like me. In my house case, the LC wanted me to first become his “wife” which I refused. Thereafter, my case was given no attention. I feel so cheated.*²²

This economic, geographical and socio-political distance from justice was repeated, whether in matters regarding domestic violence, sexual assault or land disputes. One woman said that her

¹⁹ Interviewed June 17, 2014.

²⁰ Interviewed February 12, 2014.

²¹ Interviewed June 27, 2014.

²² Interviewed January 21, 2014.

“case is overlooked because I am a woman”²³, while another reported that, “Women are always shut down in local courts, they do not give them the space to speak out. When they try to speak out, men call them disrespectful.”²⁴ The effects of being unable to access justice often lead women to “keeping quiet.” While there is extensive fatalism and passivity among many women in northern Uganda, there are also women who refuse to accept the denial of justice and who are determined to improve their own lives and the lives of other women. As Harriet defiantly said,

*Every time women try to fight for justice they are insulted, despised, accused of bias and impartiality. However, I pay no attention to such reactions.*²⁵

3.10 Claiming power

The agency and defiance of Harriet and other women is a source of hope and potential for transformation. In many locations, we met women who are taking steps to empower themselves and others. Julia, a member of the Women’s Advocacy Network, calmly but firmly stated “I do not allow for any violence to happen to me again.”²⁶ Joyce, facing discrimination from her community and violence from her husband quietly said “I think women should have rights” and explained that women in her community are getting organised to fight for their rights. She thinks big changes are “not so far” away.²⁷ Dorine, a former IDP woman whose husband is often drunk and violent also reported the women her community are planning how to bring the alcoholism and violence in their homes to an end, “As women we are trying to see a way, we are discussing the matter among ourselves and then we shall see how to go ahead. ... I will continue to fight this battle against alcohol because I have seen this year is not as bad as last year. So I will continue.”²⁸

CHAPTER 4: LEGACIES OF CAMP LIFE

*...life became meaningless. The confinement in camps was undevelopmental.*²⁹

4.1 Introduction

A majority of the women who participated in this research had lived for several years in IDP camps and spoke extensively about ‘camp life’ and the effects that prolonged encampment is continuing to have today. Many women trace a direct causal link between encampment and the social breakdown, alcoholism, violence, land conflict and poverty with which most Acholi communities are now struggling. As Faith explained,

Yes, indeed there is a great link between the experiences of camp life and the problems the people are facing up to today. Because before people came to the camps life was very

²³ Interviewed June 2, 2014.

²⁴ Interviewed March 20, 2014.

²⁵ Interviewed February 6, 2014.

²⁶ Interviewed June 27, 2014.

²⁷ Interviewed June 24, 2014.

²⁸ Interviewed June 21, 2014.

²⁹ Interviewed January 22, 2014.

*different [...] people were thinking different but once people were in the camps, confined in the camps, they started behaving in the camp way, doing things in a direction that was never done before [...] doing a lot of things that you know are not befitting and it is from that that you find that there is a lot of family breakdown, a lot of divorce, there is a lot of HIV/AIDS rate, there is a lot... just because of that life we were exposed to in the camps.*³⁰

4.2 ‘Camp life’

4.2.1 Conditions and experiences in camps

All women who spoke about life in the camps described extreme deprivation, over-crowding, forced dependency and a profound breakdown in social norms and relationships.

*Life in the camp was difficult. There was nowhere to cultivate as one would do at home to get food. There were no health facilities, no water source because the camp was located in a trading centre. Camp life affected peoples’ lives. Girls got involved in risky sexual behaviour at an early age, there were early child pregnancies. Men got deeply addicted to alcohol. Women were entirely left to provide for the children and take them to school. Men became irresponsible; they are not bothered about meeting family needs. Sometimes in the camps we were given expired food like posho.*³¹

Women spoke of an all-encompassing insecurity and loss of dignity, autonomy and and purpose during camp life. Several organisations and researchers were highly critical of Uganda’s IDP camps, calling them “virtual prison(s)” (MSF 2004, 15), “concentration camps” (Murru in Dolan 2009, 109) and “social torture” (Dolan 2009). Women participating in this research told of a range of harms suffered through enforced displacement in camps including:

- the process through which people were forced into camps
- the inability to engage in any productive activity and the forced dependency on food aid
- shortages of food, firewood and water
- over-crowding
- poor sanitation
- profound insecurity: violence between camp residents, from UPDF and from LRA attacks
- poor health services
- poor or no education services for children
- breakdown in social structures, family structures and social norms particularly around conflict resolution and sexual relations
- high rates of alcoholism among men and boys
- high levels of sexual violence against women and children
- high rates of child pregnancies and an increase in prostitution
- high rates of disease including HIV/AIDS, malaria, cholera, *two lango*³² and Ebola
- high levels of fear, trauma and death.

³⁰ Interviewed June 17, 2014

³¹ Interviewed March 19, 2014.

³² Two lango is ‘a local illness concept encompassing oral thrush, malnutrition and diarrhoea’ (GoU/WHO 2005, ii).

Rather than zones of protection, northern Uganda's IDP camps were dangerous and degrading places in which survival was a daily struggle.

4.2.2 Food shortages, poor sanitation, and high mortality

Little planning had been made for provisioning the IDP camps, leading to life threatening shortages of food, water and sanitation. Food relief was delivered once every two or three months, was usually sufficient for two or three weeks and often attracted rebel attacks, causing people to be fearful of storing any food in their huts (MSF 2004, 6). Food insecurity was such that therapeutic feeding centres were established to reduce the death rate due to malnutrition.

At the peak of encampment, almost 1000 people died per week from preventable causes. AIDS, malaria, malnutrition and diarrhoea were the biggest killers, followed by violence (Uganda MoH/WHO 2005, ii). Sanitation was woefully inadequate, creating a fertile environment for the spread of disease.

4.2.3 Violence and a lack of security

Security in the camps was extremely poor. The camps became very violent places, subject to fighting among IDPs, raids by the LRA and beatings and sexual violence from soldiers charged with the people's protection. Pauline explained,

*If the UN did not supply any relief we would starve and we were always on the run for our dear lives. There were no health services, we did not have any source of income, the men were never supportive and they left all the care burdens to the women. Much as all this happened when we were confined in the camps, we were still attacked by the rebels...*³³

Many women participating in this research told of surviving rebel attacks on their camp. Linda broke down in tears as she recounted the day rebels locked her husband and daughter, along with many others, in a hut in Amyel camp and set it on fire, killing all those inside.³⁴ People in camps feared the UPDF soldiers as much as the LRA. Rosemary explained that *"in the camps the soldiers mistreated civilians. They tortured us and sexually abused girls and women."*³⁵ A joint investigation by UNICEF and the GoU found that 60 percent of women and girls in Pabbo camp had experienced sexual assault, with the highest incidence among girls aged between 13 and 17 years (UNICEF/GoU 2005, iii). The UPDF were named first among the list of perpetrators. The report stated that "despite the awareness of SGBV, no specific government programmes have been put in place to address the problem" (UNICEF/GoU 2005, iv).

Despite the injustices done in forcibly displacing people into camps, the life threatening conditions of the camps, and in the ongoing effects of this mass displacement, encampment is not targeted for a justice response either domestically or at the ICC. The ICC has been criticized by a range of actors for its reluctance to prosecute possible crimes committed by government

³³ Interviewed January 22, 2014.

³⁴ Interviewed June 17, 2014.

³⁵ Interviewed February 13, 2014.

authorities (Branch 2012; Glasius 2009, 519; JRP 2013, 5; Lawino 2012; UNOHCHR 2007, 51-52).

4.2.4 Trauma

These harms all converged to create high levels of fear, trauma and death among IDPs. Alice, after recounting witnessing multiple traumatic deaths in the camp, explained that camps had “*that smell that was there ... that smell, even now... it comes straight over us.*”³⁶ Still troubled by memories and sensory recollections, Alice’s coping strategy is “*just to persevere and try to console myself that this was in the past... I should rest and let go of these hurts and feelings.*”³⁷

A survey of 1220 people living in 28 IDP camps in Gulu and Amuru districts in 2006 found the incidence of Post Traumatic Stress Disorder (PTSD) and depression to be “amongst the highest recorded globally” (Roberts et al 2008, 44). The researchers found that 60 percent of women met the symptom criteria for PTSD and 78 percent of women met the criteria for depression (Roberts et al 2008, 41). Ninety-three percent of respondents “did not feel safe in the camp” (Roberts et al 2008, 4). These results largely accorded with similar studies (Vinck et al 2007).

Assistance with psychosocial needs in northern Uganda is inadequate across the entire population. The little counselling and psychological support offered has been targeted at those returning from abduction. Very few, if any women have received counselling or other supports to help them recover from the trauma experienced in IDP camps. The ACCS (2013, 36) reported that “Individuals are still living with the trauma of forced displacement...” The report makes a direct link between unhealed trauma and the future success of reconciliation,

Without the needed physical and psychological repair, it will remain difficult for affected individuals and communities to perceive that justice has been done and to meaningfully engage in a broader process of social rehabilitation, reconciliation or development. (ACCS 2013, 36)

The ACCS finding accords with findings in this research which indicate ongoing trauma, grief and resentment among formerly displaced women and their communities impairing the ability of communities to successfully reintegrate returned abductees.

4.2.5 Social breakdown

Women described a spiralling disintegration of social norms. People were forced to live in overcrowded huts, the necessities for survival (food, water and sanitation) were scarce and people were cut off from any opportunity to maintain their livelihoods. Alternate economies emerged as ways for people to meet their survival needs. Young men began to steal and to form gangs who used violence to extract food, sex and other goods and services from fellow IDPs. Women and girls engaged in survival sex with men (UPDF and locals) who could offer a small payment or a degree of protection (UHRC and UNOHCHR 2011, 52). Women had to go outside the camp in search of food or firewood, often resulting in attacks by rebels or beatings by soldiers (Dolan 2009).

³⁶ Interviewed June 23, 2014.

³⁷ Interviewed June 23, 2014.

Meanwhile, Acholi men in the camps, having lost much status and productive roles, quickly took to drinking. Those who drank typically took their trauma, frustration and anger out on their wives in the evening. Camp rules required that all people were back in their huts by 7.30 or 8.00pm. Not only did this leave women vulnerable to attacks from a drunk husband, but it also meant that people were unable to continue important cultural traditions such as participating in *Wang oo*, a family gathering around the fire and a key practice in passing on cultural traditions to children. Nor were children able to learn in schools. The school in Acholibur camp had just four classrooms for 1050 students (ARLPI/JPCGA 2001, 19), only slightly larger class sizes than the Acholiland IDP camp average of 160 students per class in 1999 (UN OCHA 1999, 30).

As Margaret explained

The way I see it, the problems we faced in the camps and what is happening now is because of congesting people together. Many people did not know each other so people started knowing each other and they started seeing different negative ways of life. Because of that kind of behaviour, even your young child could be defiled. And it is the reason diseases spread among people. Because of congesting people together in the camps. The reason boo kec (thugs) are many is because of congesting people in the camp. Some people who return from the bush pretend to be armed so they become robbers. My thought is that now that people have returned home, we should never return to the camp. It has arrested the future of our children. They are not productive.³⁸

Many women rued the loss of trust and social bonds that existed before the period of encampment. Ruth explained life before the camps

We were united, we cultivated our gardens as a group... collective digging known as Wang Kweri. People would do collective digging for an individual/family and the members would not be paid but served with a meal and drink in appreciation. Family members were living together. There were several friends who would come to one's rescue. Life was much more meaningful. After camp life people have changed, people are so disgruntled, people have become so individualistic...³⁹

It is difficult to overstate the importance of the damage done to social, cultural, family and economic relations through the policy of encampment. Multiple groups and organisations were warning about the breakdown in social norms and the ties that bound Acholi communities together from very early in the period of encampment (ARLPI/JPCGA 2001, Gersony, 1997, UNOCHA 1999).

However, it seems that such warnings did not lead to changed practices in camp management. The Internal Displacement Monitoring Centre (IDMC) reported in 2008 that

... IDPs have been traumatized by terrorist attacks and have remained physically and mentally idle in camps [...] Nearly all traditional community and family mechanisms for ensuring cohesiveness and stability in society have broken down. Children have lost

³⁸ Interviewed September 25, 2013.

³⁹ Interviewed March 20, 2014.

years of schooling, preventing them equal access to employment and future opportunities for participating in the national political system and economy. (IDMC 2008, 139)

While the GoU promised a range of programs to assist return of displaced people including economic and psychosocial support, very little assistance has been delivered (Beyond Juba 2008, 3).

4.3 Lasting legacies

Although almost all IDP camps are now closed, the legacies of ‘camp life’ continue to shape people’s lives. The loss of elders, traumatization of surviving elders and leaders and, the breakdown in social norms are having a doubly harmful effect in that large numbers of people are engaging in behaviours that previously would have been rare, *and* the mechanisms to deal with transgressions are profoundly damaged. While this phenomenon is impacting on the lives of women in multiple ways, three were raised in almost every interview: widespread alcoholism, land conflict, and high levels of violence resulting from both.

4.3.1 Alcoholism

Men’s excessive drinking was one of the most commonly reported issues by women. As Annabel summarised,

*Men drink a lot and this was as a result of their stay in the camps, and they have continued with this. They continuously drink and they don’t do anything productive and they don’t do anything to help their families – this is what they do, the best they can do is drinking.*⁴⁰

While accurate baseline figures for alcohol consumption in northern Uganda are not available, several studies have reported high rates of excessive alcohol consumption predominantly by men (Annan and Brier 2010, Kizza et al 2012, Okello and Hovil 2007). Excessive alcohol consumption is having several negative effects on northern Ugandan communities, including:

- as a key driver in both domestic and inter-personal violence,
- a profound reduction in the productivity of men,
- a major contributor to ongoing poverty with strong intergenerational implications particularly as money that would otherwise be spent on food for the family and on children’s education is instead spent on buying alcohol.

4.3.1.1 Reduced productivity, legacies of dependency and poverty

Women see excessive alcohol consumption, along with years of enforced dependency on food aid, as the major causal factors in men abrogating their work duties. Scholars and practitioners working in the field of internal displacement have long argued that “while camps may be useful in the initial reception phase..., long-term encampment should be avoided, since it leads to hopelessness, inactivity and dependency” (Castles and Van Hear 2005, 31). Long term

⁴⁰ Interviewed June 18, 2014.

encampment is known to create lasting negative individual, social and economic effects, and indeed, this orthodoxy has borne out in northern Uganda.

Key informants based in the north confirmed this phenomenon. Lino Owor Ogora (Program Coordinator Justice and Reconciliation Project [JRP], Gulu) noted that NGO's practices of working with women rather than men in the camps compounded the problem and further displaced men from any meaningful and productive roles,

*[There was] a reversal of roles because men as traditional breadwinners lost their places in that regard because they were confined in the IDP camps, food was being distributed to them, they could not farm their gardens so they could not play their traditional breadwinning roles, so that reverted to the women. And actually why it reverted to the women, the World Food Program and NGOs preferred working with the women.*⁴¹

In addition lost productivity, alcohol consumption is also distorting how household incomes are spent and is exacerbating poverty; in too many instances, it ensures poverty continues to the next generation. Many women said that they were struggling to find enough money to buy food and pay school fees for their children and that often, one factor in this was husbands' taking of household funds to buy alcohol. Margaret explained that men's drinking "*has made men to waste household resources.*"⁴² The high rate of excessive alcohol consumption is a major issue in a cycle of violence, poverty, trauma and despair, and is shaping the next generation as children have disrupted and incomplete educations. Yet excessive drinking is largely unaddressed by both the GoU and NGOs.

4.3.1.2 Alcohol and domestic violence

Excessive drinking is a major driver in alarming rates of domestic violence in northern Uganda. A great many women in this study reported that their husbands or partners are violent towards them, particularly when he had been drinking. Jennifer put it starkly "*I go to the garden early and he goes drinking. When I return he beats me. Every day.*"⁴³ Pauline said that the problem is widespread and directly attributable to alcohol "*The men are alcoholic and every time they get drunk they become abusive. Apart from alcoholism, there is no substantive cause of domestic violence.*"⁴⁴

The link between alcohol consumption and domestic violence is widely accepted globally (Brookhoff et al 1997; Foran and O'Leary 2008; Koenig et al 2003). While there are few studies specifically addressing alcohol and domestic violence in northern Uganda, those that do exist support the testimonies of the women in this study; that alcohol use is "*rampant*" and is a major cause of widespread domestic violence (Saile et al 2013; Annan and Brier 2010). International Alert surveyed 775 men and women in the Acholi sub-region about SGBV and alcohol in 2011, 2012 and 2013. The survey found that SGBV has increased dramatically in Acholi communities. Thirty-nine percent of respondents identified alcohol and drug use as the leading cause of SGBV, with poverty the second major cause (IA 2013, 41). Importantly, 0.1 percent of respondents said that traditions condone SGBV and no-one said that it is 'normal/legitimate' (IA 2013, 41).

⁴¹ Interviewed June 25, 2014.

⁴² Interviewed September 25, 2013.

⁴³ Interviewed June 17, 2014.

⁴⁴ Interviewed January 22, 2014.

Much of this violence goes unpunished, a phenomenon that Liza said is creating a culture of impunity and is enabling further and greater violence.

What is causing so much unwarranted killings in the community is the fact that those who kill in the community are jailed for a very short period of time and released, they return to the very same community and this encourages the other members in the community to also do the same. They say so and so killed his wife and he has been set free. So it encourages them to do the same. This affects us women the most because the men are killing us so rampantly. This makes us women so worried and we live in fear because a small issue can lead to death, we are not so certain what will happen next when the man gets drunk.⁴⁵

Neither formal legal nor traditional justice systems are effectively responding to violence in communities. The result is a cycle of escalating violence and further social breakdown. Women expressed a strong preference for family and clan mechanisms for responding to domestic violence, but were more willing to engage police and formal mechanisms when the violence was outside the immediate family. Overwhelmingly, women said they wanted to stay in the relationship but for the violence and exclusive control of house-hold resources to stop.

4.3.2 Land conflict

Acholiland is a predominantly agrarian economy, making access to land a key element of people's capacity to generate and sustain livelihoods (Burke and Egaru 2011). Since the return from IDP camps, land has become a focus of new, sometimes deadly conflict. Rugadya (2008), Pham and Vinck (2010), Burke and Egaru (2011) and Burke and Kobusingye (2014) identify multiple factors fuelling the land conflicts, including:

- inconsistencies between customary and free-hold tenure;
- inconsistencies between formal and traditional justice systems;
- widespread poverty and widespread loss of resources/assets (including the loss of livestock, resulting in a heavier reliance on agriculture);
- breakdown of social systems and changed family structures during encampment;
- foreign interest and investment in oil and large-scale cash crop farming; and
- corruption (in many systems designed to allocate land and resolve disputes about land).

4.3.2.1 Causes of land conflict

Christine, a 62-year old widow from Atiak, explained how displacement had upset pre-conflict land tenure agreements and is now causing conflict over land.

From the time we returned, there were some people who were given land before the war and they had settled on this land for a very long time. After the camps people are returning home and they want to return to where they were before the war and that other family say "no no no no you cannot come here anymore. You have to look for land

⁴⁵ Interviewed June 17, 2014.

somewhere else. This land was given to you sometime back by our forefathers but now we want it back."⁴⁶

Beth, from a village in the Pader district, described a more predatory nature to the land conflicts in her area, saying that "*land grabbing is mostly happening in families that lost all their parents and elders in the war and thus the grabbers take advantage of their vulnerability and little knowledge regarding their land.*"⁴⁷ Women, especially widows, former abductees and those whose parents died during the conflict, are particularly disadvantaged in struggles for land.

4.3.2.2 Tensions between customary and statutory law

Most land in northern Uganda is held under customary tenure and the concept of 'ownership' is problematic. Customarily, land is 'owned' by the clan. The elders of the clan allocate land to clan members. Typically, a young man is allocated land upon marriage. Women are rarely allocated secure tenure of land in their own selves through the clan, but have access to land through their male relatives; fathers, husbands and sons (Asiimwe 2001, 175; Burke and Kobusingye 2014, 21). Individual freehold title is only recently being adopted in northern Uganda, and less than 1.2 percent of land in northern Uganda has a freehold title (Burke and Kobusingye 2014, 2).

Women's rights to own land are protected in Ugandan statutory law through multiple instruments, notably the *Land Act 1998* and the 1995 Constitution (Asiimwe 2014, Burke and Kobusingye 2014). There are conflicting views about women's rights to land in Acholi custom. Regardless of land rights that women may theoretically hold in both statutory and customary law, there is wide agreement in the literature and in women's testimony to this research that in practice, women do not enjoy equal access to land under either system (Asiimwe 2001; Burke and Egaru 2011, 26; Kindi 2010). Theoretically, statutory law has supremacy over customary law where the systems come into conflict, however most people access traditional and local systems in practice (Rugadya 2008, Asiimwe 2001). The lack of clarity disadvantages women, particularly widows, child mothers and formerly abducted women,

The disorder that has characterized much of northern Uganda in recent decades has provided unscrupulous individuals with opportunities to take advantage of the lack of knowledge and appreciation of the norms, rules and procedures associated with customary tenure to cheat others, very often women... (Burke and Kobusingye 2014, 19)

4.3.2.3 Impacts on women

Women may have claims to land in both statutory and customary law however they are struggling to realise those rights, particularly in light of the social devastation of the war and perceived anxieties about land scarcity (Rugadya 2008; Burke and Egaru 2011). Contemporary interpretations that women have no independent rights to customary land mean that women can often only realise land rights through their relationships with male relatives. Many widows, unwed mothers and women with poor familial relationships reported to this project that they are struggling to realise any rights to land and are consequently thrust into ever deeper poverty.

⁴⁶ Interviewed June 25, 2014.

⁴⁷ Interviewed February 7, 2014.

*It [land grabbing] is facing very many widows in this area, even myself. They had started issue very badly to grab land from me. I was lucky my father-in-law was on my side and he came and spoke very strongly. They say I'm just a woman – a mere woman with no land.*⁴⁸

Land conflict affects both former abductee and former IDP women, with particularly negative impacts for widows and unwed mothers. While some women reported that they had been able to successfully resolve land disputes through traditional and local mechanisms, most had not. Most women had very limited understanding of their rights in law and of the procedures for realizing any rights. Many women using traditional and local mechanisms for resolving land disputes complained that the male dominated forums discriminate against women in relation to land claims and that they are “*insulted*”, “*abused*” and “*not taken seriously*.”

4.4 Conclusion

Women spoke extensively of the harms suffered in camps as a matter requiring justice. The policy of encampment was raised not only in regard to the violent and coercive means used to force people in to camps, but also the consequent loss of property, people and social bonds. During encampment women were exposed to significantly increased rates and severity of SGBV from husbands, community members, UPDF and LRA members. They endured life threatening hardship resulting from a lack of basic necessities including food, water and sanitation. In its current form, the GoU’s draft Transitional Justice Policy (May 2013) only elliptically acknowledges the harms caused by displacement (JLOS 2013, 15). It does not acknowledge the systematic nature of mass forced encampment as policy, nor the role of the GoU and UPDF in the policy. The marginalization of encampment in Uganda’s transitional justice efforts and the exclusion of state actors from transitional justice processes is a significant justice gap. While the GoU is making progress in addressing the high-stakes, delicate and complex land conflicts in northern Uganda, corresponding efforts to address past violence and current levels of alcohol consumption, trauma and violence against women are lacking.

CHAPTER 5: LEGACIES OF ABDUCTION

*I was abducted at 13 years. I returned after eight months. I was forced to carry huge luggage and trained to become a child soldier. The war disrupted my studies. I suffer from trauma and stresses because of what I experienced in the bush, like seeing people being killed. I also suffer from stigma because the community up to today call me names.*⁴⁹

5.1 Introduction

It is estimated that between 66,000 and 75,000 children and youth were abducted during the 20-year war, with most abductions occurring between 1995 and 2005 (Annan, Blattman and Horton 2006, 16, 55; HRW 2005). Several women who participated in this research project had

⁴⁸ Interviewed June 23, 2014.

⁴⁹ Interviewed January 23, 2014.

experienced abduction, ranging in length from one day to over ten years. Most surviving abductees have now returned, and while the overwhelming majority of both former IDPs and former abductees told us that they want reconciliation and to live together in harmony, the process of reintegration and reconciliation is extremely complex (Baines and Rosenoff Gauvin 2014; Ladisch 2015). The ICTJ noted that reintegration programs were not designed to respond to the specific needs of women and girls returning with children (Ladisch 2015, 2). Returned women, particularly those with children and those whose parents have died, are struggling with trauma, discrimination, poverty, and stigma, and are finding it difficult to rebuild a place for themselves within a damaged social fabric.

5.2 Experiences of abduction

The process of abduction itself was extremely traumatic, invariably occurring as part of a violent attack. Abductees were forced to carry looted goods and food back to the LRA camps, sometimes several days' walk across the border into South Sudan. Those who could not manage the march back to the rebel camp were typically beaten and killed. Those who survived the journey to the rebel camp were often forced to witness (and not infrequently, participate in) extreme acts of violence involving transgressions of deeply held moral principles. Such ritualistic violence was thought to both induct the newly abducted young person into the consequences of disobedience, as well as instilling in them deep shame; this served to sever their connections with their families and communities, making a return home feel impossible (Bevan 2007, 344).

Abductees that survived the initial process of abduction were then exposed to multiple episodes of violence throughout their time with the LRA. Women and girls abducted into the LRA performed both "domestic" and combatant roles. "Domestic" roles included carrying luggage, preparing food, looking after young children and babies, and being given as "wives" to senior Commanders or longer term members of the LRA. Many of the women interviewed in this research had performed both combat and domestic roles during abduction.

5.2.1 Forced marriage

The LRA preferred to abduct young girls – either prepubescent, or in very early adolescence as older girls were thought to be more likely to carry sexually transmitted diseases, and that younger girls (and boys) were "more easily indoctrinated," and therefore less likely to escape (Annan et al. 2009, 7). When Claire, who was abducted when she was eleven years old, recounted her experience of being "*made a wife to one of the rebel leaders,*" she emphasised her "*very tender age,*" and added that it was common for "*young girls*" to be "*made wives to elderly rebels – almost our fathers' age mates. And any of the girls who refused would be killed.*"⁵⁰

While most women that we spoke to used the euphemism of "wife", a number of women used the language of "*sexual slavery,*" "*rape,*" and "*sexual abuse*" to describe their experiences. Regardless of the language used, all women emphasised their lack of choice in entering into the relationship.

⁵⁰ Interviewed March 20, 2014.

*While in abduction, we experienced sexual slavery, forced to become a rebel's wife and on attempting to reject, some girls were beaten to death.*⁵¹

5.2.2 Combatants

Many formerly abducted women told of being forced to commit atrocities under threat of death, as well as being forced to witness a great many killings. Girls were trained as fighters from very young ages. Olive told of how, when she was abducted, she “*was so young I was still [being] carried*”; she was trained as a combatant before reaching puberty, at which point she was given to a Commander as his “wife.”⁵² Abducted girls had no more choice about participating in combat than they did in “marriage.” Among the most frequently repeated phrases from formerly abducted women were that being abducted “*was not my wish*,” that “*I did not choose*.” Regardless of the forced nature of abduction, several women told us that they were still “*haunted*” by the spirits of those they killed, and traumatised from witnessing other atrocities and acts of extreme violence.

While all women spoke of their experiences in the LRA as traumatic and as something that happened to them against their will, a small number of women, particularly those who spent longer periods in abduction, formed close bonds with other abductees and became adjusted to life “in the bush.” Jacqueline, who returned home in 2007 after more than three years with the LRA, explained that some aspects of life “in the bush” were easier than living in the community:

*[L]ife out here is very difficult compared to the kind of life we were leading in the bush. Because in the bush, everything... you want food, you just go and loot. You want medicine, you just go and loot. You want clothes, you just go and loot and get these things. But now, we have returned home, if you want clothes you have to buy. You are sick, you have to buy the drugs. You need food, you have to struggle so hard. So if somebody is to compare this kind of life.*⁵³

The conflict in northern Uganda presents complex challenges for justice, reconciliation, and peace. Most combatants were forcibly recruited into the LRA through abduction, making distinctions between “victim” and “perpetrator” difficult to draw; this distinction is further obfuscated given the ages at which many were abducted (ASF and JRP 2013, 8).

5.3 Return home

Women’s initial experiences of returning home ranged from happy reunions, to grief at discovering parents, siblings, and friends had died; rejection as a rebel; being blamed for attacks on the community; and ambivalence about their return. Lydia described her joy at being reunited with her mother: “*My mother highly welcomed me. They were all so happy that I had returned and I was carried the whole time. I was so happy.*”⁵⁴ More commonly, women spoke of mixed emotions as they were reunited with some family members, while also learning of the deaths of others. Helen “*was happy to come and find my mother still alive*,” but this was countered by

⁵¹ Interviewed January 23, 2014.

⁵² Interviewed June 19, 2014.

⁵³ Interviewed June 18, 2015.

⁵⁴ Interviewed June 19, 2014.

grief at discovering that “most of my relatives were killed in the war... my grandmother dead, my grandfather dead, my brother had been killed, my sister in law....”⁵⁵ Some women were rejected by their families upon their return, particularly if their father had died and their mother had remarried.

Whether one’s parents were alive or dead is a major determinant of a formerly abducted young woman’s ability to resettle in her community (Burke and Kobusingye 2014, 18). As one woman explained:

*For some of the girls who returned and found their parents and relatives alive and are in good marriages, they are OK. But the ones who returned and found their parents and relatives dead, their husbands are not supportive and their husband’s relatives are not supportive, they mistreat them. These women have no option but to endure since they have nowhere else to go.*⁵⁶

For women who return to find their parents (their fathers, in particular) have died, marriage is often the only viable way to find both an economic and social location for themselves. Many returnee women in this research reported “unhappy” and violent marriages.

A number of women reported that they were unable to return to live in their communities; this was particularly so for those women who had been held in abduction for many years, and those from places where massacres had been committed by the LRA. Julia spent eleven years in abduction; when she returned, she discovered that both her parents had been killed during the war, and that,

*my community members in my village, where I come from, think that the massive massacre that happened in my village, I had a hand in it. It was me probably that led people to that place, the rebels.*⁵⁷

5.3.1 Return with children

While returning from the bush has presented challenges for all women, returning with children born in captivity presented additional, often lasting, difficulties (UNOHCHR and UHRC 2011, 46; Ladisch 2015, 14–17). Many women spoke of trying to care for children as an economic and social “burden.” Children present immediate and ongoing financial burdens for their mothers, but they also present additional challenges for social reintegration. Acholiland’s patriarchal and patrilineal social and economic structure means that most women must enter into a relationship with a man in order to access productive resources (most commonly land) to be able to meet the financial costs of raising a child.

All participant women who returned from abduction with a child spoke of tensions, difficulties, and verbal and physical abuse in their new families, arising from having a child “from the bush.” Olive explained that “these children are a stumbling block in our way. Even when we get a husband, or a man in our lives, these men don’t want these children in those homes.” She

⁵⁵ Interviewed June 18, 2014.

⁵⁶ Interviewed March 20, 2014.

⁵⁷ Interviewed June 27, 2014.

explained that, while she and other returned women face an economic burden from the children, “it’s not only about the money,” but also social acceptance, and the ability to build a “harmonious” life in the home.⁵⁸ All women who returned with children reported serious discrimination and animosity directed at their children born in captivity.

Land conflicts are further constricting the options available to women returning with children, as their sons, in particular, are often perceived as competition for land traditionally handed down patrilineally (Ladisch 2015, 15). Francine returned from eight years in abduction with one child, now ten-years old. Her parents accepted her back, but

[m]y father had two wives, so my step brothers were not happy with me. And up to now, they’re still not happy with me being around. Because I came back with these children and they say these children will, in the future, bring land shortage problems.⁵⁹

The ICTJ found that many children born “in the bush” are growing up socially dislocated, with no identity or place in Acholi culture, and with potentially serious consequences for their future:

For children who do not know their fathers, the fathers’ perceived association with rebels will nevertheless loom over them, obscuring their possibilities for advancement and integration in the community. Fathers, despite their absence, pass on their identity as LRA combatants, but the child does not get any potential benefit of clan membership, land access, or belonging that would come with knowing his or her father’s full identity. ...For many children, not knowing their father leads to a situation where they cannot access land and thus are not able to earn an income. As a result, they cannot pay their school fees or courses in skills training, leaving them with very limited opportunities for the future. (Ladisch 2015, 17)

Communities are struggling to integrate this new reality into a decimated social fabric” (ACCS 2013, 37). Victoria explained some of the difficulties this has been causing:

When you are abducted in the bush, and from there you get pregnant and come home, there’s nobody to support you, you don’t know where the father is. And that is the problem they’re getting. Because in the bush there, all the soldiers they have nicknames, and it is very difficult here, [...] back home here, to trace where the family of this man is.⁶⁰

When no paternal relatives claim the child, it is the woman who is left with the burden of care; this very often creates tensions within her own family and clan, who fear present and future competition for resources. Baines and Rosenoff Gauvin (2014) documented a group of single mothers, most of whom were abducted, and who have come together to search for their children’s fathers’ families. The women’s motivations for their searches were partly economic (such as securing inheritance, and a physical place where their children can belong), but also ran far deeper - establishing a place within Acholi social, cultural, and ancestral systems, to ensure that their children have an identity and a sense of belonging.

⁵⁸ Interviewed June 19, 2014.

⁵⁹ Interviewed June 28, 2014.

⁶⁰ Interviewed September 24, 2013.

5.3.2 Missed learning

Many returnee women complained that being abducted meant that they missed out on both formal and informal education, and that they are now “behind” their peers. Women expressed the significance of this missed learning as material, social, relative, and trans-generational. Missed education has had a direct material effect on their current skills base, and their subsequent capacity to generate livelihoods, whether through farming practices, running small businesses, or working for an income (Ladisich 2015, 15). Eleanor, who now lives in a regional centre and must therefore earn cash income, explained the economic impact of lost education:

*For us we come from captivity, we didn't study. ... Living now is not easy because we don't study, we have children, we don't have land, we are renting. If you don't study you will not get a job. You will just go to wash the clothes for the people.*⁶¹

Helen has returned to live in her parents' village and works on their land. She is also feeling the effects of lost learning:

*Also now, as I speak, I spent a lot of my time in the bush and this has affected my future and I cannot go back to school or do anything better for myself at the moment. It wasted a lot of my time and retarded my knowledge of how I can grow with the rest and learn how to do other things. Now that I am home I find that my mother has to start again all over to try and teach me things here and there that I should have done at an earlier stage.*⁶²

All women interviewed in this study, whether abducted or not, spoke passionately about the need for education as a core component of justice and healing. Women expressed a strong desire for their children to have an uninterrupted education, identifying it as the single most important factor to give them a “*brighter future.*” Almost all women, however, reported that their children were not receiving this education, as they were being sent home from school due to unpaid fees.

5.3.3 Trauma

All returnee women had survived traumatic experiences, and were affected by them in different ways. Most of the women we met demonstrated great resilience; nonetheless, their ability to go on with daily activities masked feelings of sadness, grief, confusion, anger, and of being “*haunted*” by the spirits of people they had killed. Irene was abducted in 1995, and although she did not give details about her experiences in abduction, she said that she remains “*haunted by the spirits of those I killed in captivity ... I am always ill and all my male children die.*”⁶³

Many women believe that traditional ceremonies would help them, but they are unable to afford to pay for such ceremonies. Irene said that she would “*feel free from the spirits if a traditional ritual is performed on me to appease the gods to leave me alone*”⁶⁴; she knew of some mass

⁶¹ Interviewed September 24, 2013.

⁶² Interviewed June 18, 2014.

⁶³ Interviewed January 21, 2014.

⁶⁴ Interviewed January 21, 2014.

rituals organised by World Vision, and believed that the returnees who had participated “*live more happily*”⁶⁵ than she does. Carmel had been given some herbs to help her cope and said that they helped a great deal, but when they ran out, she was unable to purchase more; consequently, the symptoms have returned.

Almost everyone interviewed, whether formerly abducted or formerly displaced, talked of grief over lost hopes and dreams, and for lost family members and friends. There has been little space for women to express their grief and to rebuild trust. These multiple and repeated losses have had a profound effect on many women. Commonly, women told us that this manifests as sadness, anxiety or fear, but some young women told us of “*uncontrollable anger*.”⁶⁶

Many returnee women reported feeling angry, particularly when they received “insults” or discrimination from the community. Most said they kept the anger inside, but many also reported several “fights” with other community members; Joyce clarified that “*when we say ‘fight,’ it means ‘physical’*.”⁶⁷

Many women, both former IDPs and former abductees, are living with significant levels of trauma, grief, and pain, and there are very few supports available to help people recover emotionally and psychologically (Sondregger et al. 2010, 237). Some formerly abducted women returned through reception centres,⁶⁸ where they received counselling prior to returning to their communities. Some women spoke highly of this counselling and found their time in the reception centres to be positive; “*very warm*” and “*kind*.” The counselling provided, however, was not therapeutic counselling designed to reduce trauma or grief; rather, it was aimed at advising the women on how to behave when they returned to their communities. Paska described the counselling she received in Gusco:

*They would teach us how to behave when we went back to the communities that we should not behave the way we had been in the bush. That we should live very well with the community and also that we should try and forget, that home is better than living the other side in the bush.*⁶⁹

Several women said that “*professional counselling*” would help them and their communities recover, particularly by helping reduce conflicts within the communities, and improving communities’ capacity to deal with conflicts when they do arise.

⁶⁵ Interviewed June 25, 2014.

⁶⁶ Interviewed June 18, 2014.

⁶⁷ Interviewed June 24, 2014.

⁶⁸ Reception centres were services designed to assist people returning from abduction in transitioning from life in the LRA to life in the community, very often in IDP camps. Returning rebels would stay in a reception centre anywhere from a few days through to several months. The centres were designed to provide counselling, information (such as about the terms of amnesty), skills training, medical treatment, and preparation for reintegration into the community. The actual services provided, however, very often fell short of stated objectives, and provided little more than food accommodation, and a safe place in which returnees could heal from wounds and begin the process of adjusting to life outside of the LRA. For a comprehensive review of reception centres, see Allen and Schomerus (2006).

⁶⁹ Interviewed June 18, 2014.

5.3.4 “Back-biting” and discrimination

All returnee women in every research site said that one of their biggest difficulties was coping with “back-biting” and discrimination from the community. Returnee women are frequently addressed as “*you who have returned from the bush*,” and accused of having a “*bush mentality*,” of being “*mentally disturbed*,” and “*illiterate*.”

Women told us that the children they returned with faced the same name-calling, discrimination, and marginalisation as they did. Many returned women told us that they felt powerless to protect their children from insults and exclusion. Many advise their children to stay quiet and try not to react. Some of the children are now reaching adolescence, and are feeling the effects of marginalisation. One woman said her 14-year old nephew has begun to react to the name-calling by asking his mother to return to the bush: “*Mama, let’s go. People are disturbing us, let us go back to the bush. Let us go to Baba.*”⁷⁰

5.3.4.1 Effects of name-calling

Name-calling and discrimination have various effects on returned women. All women said that it makes them feel excluded and marginalised in society. Grace explained how name-calling brings back traumatic memories, and makes her feel afraid:

*I have a fear because every time I am moving and people are back biting me, or they are pinpointing me saying I am a returnee, a former abductee, this brings fear in me. Because when they say these things and they are talking behind my back, this makes me remember what I was subjected to do when I was in the bush, and when I think about these things, it brings fear in me.*⁷¹

One young woman said that when she hears people saying, “[T]he evil spirits you have come with from the bush,” she feels “*hurt deep down*,” and that it prolongs her recovery from trauma: “*You cannot heal. You can only get relief for a short time.*”⁷² Many women said that the name-calling makes them feel silenced, that if they complain about anything or any other person in the community, their view will be disregarded. Eleanor said that “*you don’t even talk about anything from the community. If you talk, they will say, ‘That one is Kony.’*”⁷³

Women cope with the abuse in a number of ways. The most common is to keep quiet and try to contain their emotions. Nicola said that, when she is called names, she remembers “*the teachings that we got from the reception centre; that when somebody does bad or hurts you, forgive, do not retaliate against this person.*”⁷⁴ Despite women’s efforts to be “*quiet*” and “*very cooperative*,” “the stain of being associated with a rebel group never goes away” (Ladisch 2015, 16). During the validation workshop, a group of returned and never-abducted women discussed the issue of name-calling and discrimination. The group agreed that forgiveness is the best response, but they also agreed that “*forgiveness is a gift*,” and that it “*is not easy.*”⁷⁵

⁷⁰ Interviewed June 18, 2015.

⁷¹ Interviewed June 19, 2014.

⁷² Interviewed June 18, 2015.

⁷³ Interviewed September 23, 2013.

⁷⁴ Interviewed June 19, 2014.

⁷⁵ Interviewed June 18, 2015.

While the majority of women respond to name-calling by staying quiet, it was not uncommon for such incidents to escalate to physical fights. Joyce explained that the community must intervene rapidly to avoid serious injury: *“If they don’t come fast, sometimes the ears are cut, are bitten off. The cheeks are bitten. ... Many times it is the returnees who will inflict the most injury. They fight with so much anger.”*⁷⁶

Of equal concern were the comments of a small number of women, who told us that the level of discrimination in communities sometimes makes them consider returning to the LRA, where they felt accepted. Grace said that treatment *“would sometimes make me think very highly about going back to the bush.”*⁷⁷ Several returnees said that, when they first returned, they found reintegration difficult, and thought about returning to the LRA; however, they have now settled sufficiently back into the community and no longer have such thoughts.

Several formerly abducted women said that there had been concerted efforts to disseminate information about the *Amnesty Act*, to encourage abductees to return home, and to improve support for their initial reception, but that follow-up of both psychosocial support and reconciliation work had been insufficient (ACCS 2014, 32). Anita passed through Gusco, where she was advised to *“forgive and forget,”* but now that she is back home, *“there’s nothing completely. You’re just there and there’s nobody to follow you. You’re just there and you just continue your life. But it’s hard work you know.”*⁷⁸

5.4 Conclusion

Women who have returned from abduction are facing enormous challenges reintegrating. While most show considerable resilience in handling both past trauma and present challenges, many formerly abducted women have not received adequate support to help them reintegrate and build safe, dignified, and sustainable lives. Neither the Amnesty process nor reception centres took account of gender-specific needs in their design or delivery and, formerly abducted women are continuing to be disadvantaged in accessing the limited post-conflict support and justice mechanisms available (Ladisch 2015, 2; Burke and Kobusingye 2014, 19). Formerly abducted women and their children are also socially dislocated, and experiencing significant discrimination and stigmatisation. The result is the creation of a small but significant section of society profoundly disadvantaged and excluded in many ways, with possible implications for the future peace and stability of the region.

CHAPTER 6: RIFT AND RECONCILIATION

6.1 A deep rift

A deep and troubling rift is developing in the communities visited during this research, with a clear division emerging between formerly abducted people and those who were not abducted.

⁷⁶ Interviewed June 24, 2014.

⁷⁷ Interviewed June 19, 2014.

⁷⁸ Interviewed September 24, 2013.

Both formerly abducted women and former IDPs spoke of the “*division between returnees and camps.*”⁷⁹ There is increasing evidence of this appearing in more recent empirical work in northern Uganda. The ACCS reported a

deeply held sense of injustice amongst their communities due to a lack of reconciliation and reparation efforts ... [and] palpable tensions between “victims and perpetrators living side by side in the absence of reparations” that are hampering peace and stability in many communities. (2014, 33)

International Alert reported that Acholi confidence in sustained peace and security has declined in each of the three annual surveys it has conducted from 2011 to 2013 (IA 2014, 23). The ICTJ, examining the reintegration of women who returned from abduction with children, described the complex and concerning ways in which stigmatisation against formerly abducted women and their children is creating profound intergenerational exclusion. This is resulting in a new generation of young people who have no recognised place in the Acholi clan structure. Consequently, they are becoming homeless, living on the streets of regional centres; they “are treated as social outcasts whose basic rights are routinely violated” (Ladisch 2015, 16-18).

In several communities visited, women spoke of jealousies, distrust and division around a wide range of issues. The division between those who were abducted and those who were not is particularly concerning, not only because it was raised time and again during fieldwork in every village visited, but also because it contains a qualitative difference – one’s experience of the conflict is at risk of becoming definitional in social identity formation, by demarcating “who” someone is and to which group they belong. The experience of abduction by, and membership of, the LRA is coming to represent a line of inclusion and exclusion for many communities. There is a risk that such identities could become points of mobilisation in the future.

A clear “us” and “them” was embedded in many women’s language as they spoke. When asked about her use of “us,” Veronica replied, “*Us who returned from the bush. When I say ‘us,’ I mean ‘us who have returned from the bush.’*”⁸⁰ Similarly, Joyce tried to explain the subtle divisions that mark her daily life in the community:

*For example, when I am working in my garden and I spend some time working longer hours and they are tired, they will say, “Ah, for us people, we are retiring. You people are used to such a life, we cannot compete with you.” Honestly! What life are we used to?! Even when we are walking together and it reaches some point they will say “Let those ones go at that pace.” Which “those ones” I ask myself.*⁸¹

Many women spoke openly about the rift in their communities. Rose described “*conflicts and disunity among the community members,*”⁸² while Esther wants the community to “*be counselled because the war caused a rift among the community members. No-one can come up with good advice to the other, people are against each other.*”⁸³ The issue of the rift was confirmed by both formerly abducted and formerly displaced women in the Validation

⁷⁹ Interviewed June 24, 2014.

⁸⁰ Interviewed June 18, 2014.

⁸¹ Interviewed June 24, 2014.

⁸² Interviewed March 20, 2014.

⁸³ Interviewed March 19, 2014.

Workshop held in June 2015; Agatha, who was not abducted, said that *“It is happening there at our place in a bad way.”*⁸⁴

While all women who spoke of this division agreed that it was happening, opinions as to ‘why’ were largely divided depending on whether one was abducted or not. Former abductees stated very clearly that the rift is caused by the community calling them names, stigmatising them and their children, and treating them *“unequally”* and *“unfairly.”* Women who were not abducted however, were more likely to see former abductees’ *“bad behaviour”* and readiness to anger as the primary cause.

The concern that former abductees and their children are quick to anger and are capable of great violence if they are provoked, was widespread across many communities visited. Many women expressed an ambivalence in relating their fears about returnees, acknowledging the trauma that former abductees have experienced, but maintaining that their behaviour is frightening. Nadia explained that

*Some people still suffer the trauma of having witnessed their relatives killed in their presence. Some returnees have developed a mental disorder, when they start to fight, they fight to a point of killing the other party ... There are a number of returnees, we welcomed them and try to understand them, however, they have a temper and they can maim anyone at anytime using any deadly weapon they come across once they pick up a quarrel. [...] They say that they are capable of doing anything because what they went through in the bush, nobody has ever experienced. The community were told to be very patient with them and try to understand them, however, their behaviour is sometimes very alarming.*⁸⁵

6.1.1 Scarcity of resources, and jealousy

There was some agreement that the rift was being inflamed by both alcohol and jealousy, with the latter provoked by a lack of transparency in the distribution of limited material aid, with each side believing the other was receiving favourable treatment. Some returnees received a “reinsertion package” through the Amnesty process. The packages were sometimes “a cause of resentment among people who had not been ‘abducted,’ and who perceived ‘that people [were] being rewarded for having been with the LRA’” (Allen and Schomerus 2006, 11 and 8). The ICTJ reported that this resentment continues today, with former IDPs perceiving returnees to be benefiting from their abduction (Ladisch 2015, 23). This resentment is likely fuelled by the fact that very little promised assistance has been delivered to formerly displaced people (RLP 2012, 23).

Eleanor spent several years in abduction and received a reinsertion package. She was grateful for the package, but recognised that the lack of compensation for those who suffered in camps was also a problem.

For me the way I think, it should be given to everybody [...] Because the people who remained at home also went to the IDP camps and suffered. If there is reparation, they

⁸⁴ Interviewed June 18, 2015.

⁸⁵ Interviewed February 7, 2014.

*should see the people who were in the real fight and as well as those who suffered at home because if they give us only it does not look good.*⁸⁶

Mary said that “some NGOs, I do not remember their names, gave resettlement packages – pangas, hand hoes, and seeds” to people returning home from the camps. Mary was critical of the program,

*[it] was not sufficient because only a few people benefitted. Reparations should be given to all the members because those who missed were very unhappy, they grumbled and developed grudges against those who got. This has brought division among the people who received and those who missed.*⁸⁷

6.1.2 An intimate conflict

The rift is further complicated by the intimacy of suffering. Josephine explained how the enforced intimacy of living alongside someone who led the LRA to their homes causes tensions between the two affected families, and impacts on the whole society:

*Sometimes these abductees were forced to show them where they would find people to abduct or where they can get foodstuff to loot. Sometimes, the other members recognise them and when death occurs, there is a rift that begins to be created within the two families creating a lot of unrest in society.*⁸⁸

Even where the suffering is not known to be directly attributable to an individual returnee suspicion abounds and is undermining community members’ trust in one another. Rose explained,

*[t]he rebels sometimes killed or abducted members from one family and not the neighbours. Such families would hold grudges over the neighbour because they suspected that those whose children were not touched had collaborated with the rebels. Such families do not talk.*⁸⁹

Although not a longitudinal study, women’s testimony in this project indicated that this rift is becoming greater as time goes on, especially as sensitisation programs advising communities to welcome returnees home have largely closed.

6.1.3 Future conflict risk

The rift becomes even more concerning when viewed in the context of ongoing land conflicts, weak justice mechanisms, weakened traditional leadership, low trust in governance and a declining confidence in the stability of peace (Burke and Egaru 2011; International Alert 2014, 23; UNOHCHR and UHRC 2011, 51). Ladisch (2015, 23) notes that, in the absence of “state acknowledgement about what happened during the conflict and why,” communities are

⁸⁶ Interviewed September 24, 2013.

⁸⁷ Interviewed March 19, 2014.

⁸⁸ Interviewed February 11, 2014.

⁸⁹ Interviewed March 20, 2014.

developing their own “decontextualised” narratives of the conflict. In this narrative, blame for the conflict, and for much of the subsequent harm, is placed on the LRA. “Without a broader, more official process to examine and provide historical clarification [of the conflict],” anger and resentment is being directed against returned abductees (Ladisch 2015, 23).

The ACCS concludes its *Northern Ugandan Conflict Analysis* with a sobering reminder of the precarious nature of the current “peace” in northern Uganda:

Many communities in the North remain trapped in conflict cycles that are supported by drivers and fed by grievances, pushing them towards what many respondents believe is an inevitable return to overt conflict. (2014, 53)

6.2 Desire for reconciliation

While the rift is possibly deepening, there is also a strong desire for reconciliation among all women that we spoke with, whether formerly abducted or displaced. Women agreed, in principle at least, that a person is not responsible for being abducted, and should be forgiven and accepted back into the community. Women spoke of a strong desire to live together in harmony, and to heal both individually and collectively from the war. Several formerly abducted women acknowledged that people who had spent years in the camps also needed help to recover.

For me I see that, if there is support, then mercy should be upon people who returned from the bush to receive it. Likewise, the people who lived in the camps – because they were many and went through various hardships. Nearly everybody suffered equally, whether you were in the bush or not because taking refuge in the bushes, killings from home were all the same. So people should be supported in any way that they can be.⁹⁰

Similarly, most women who were not abducted understood that being abducted was an injustice, and not a situation which was chosen by the abductees. Abductions in Acholiland were so widespread that few families were untouched by it, and many women understand that the returnees could be their own children; as Simone eloquently expressed,

[t]he people who were abducted did not go to the bush at their will. So when they return or yours did not return, why look at it negatively? You should look at it positively because he/she is like your own child.⁹¹

This research project found very little sustained reconciliation work being done in Acholiland; while there are some NGOs and community groups doing excellent reconciliation and mediation work, this work remains *ad hoc* and small scale. Where reconciliation and mediation work is being done, however, it is proving to be effective.

6.3 Conclusion

While the efforts of individuals, NGOs, and civil society organisations towards reconciliation is important, it needs to be understood that these parties constitute only one layer of reconciliation,

⁹⁰ Interviewed June 18, 2015.

⁹¹ Interviewed June 18, 2015.

and should not detract from efforts to instigate macro-level reconciliation programs. Community-based reconciliation efforts address inter-personal and inter-familial relationships, but in the absence of formal, national-level reconciliation programs, there is a risk that the conflict will increasingly be understood as a “northern problem,” and enable the GoU to side-step its role in the conflict (Hansen 2009, 3). Failure to engage in a national process of reconciliation risks omitting the structural and historical root causes of the conflict, and undermining the stated goal of the draft National Transitional Justice Policy: “a peaceful and stable Uganda” (JLOS TJWG 2013, 3–4).

CHAPTER 7: JUSTICE

*Justice helps women to stand firm without any fear in their homes, it also helps to settle the matter once and for all.*⁹²

7.1 Introduction

Seeking to identify women’s understandings and experiences of “justice” were core objectives of this research. While there were a range of views and experiences of justice, there was also significant coherence across the views of women interviewed. Justice is universally held as highly important, with a high level of agreement about the objectives and constitution of justice. Women also reported similar obstacles and difficulties in accessing justice.

7.2 Importance of justice

Women in northern Uganda spoke about justice as important for both pragmatic and personal reasons – it has a preventative effect on future violence; it builds trust in both society and the legitimacy of governance structures (political, legal, and traditional structures); it facilitates personal/individual healing; and it assists in the restoration of relationships.

7.2.1 Protection against violence (future armed conflict and criminal violence)

Effective legal, social, and economic justice systems are critical to recovery after intra-state conflict. A World Bank study (2011, 2) noted that “90 percent of the last decade’s civil wars occurred in countries that had already had a civil war in the last 30 years.” Uganda has experienced “22 armed conflicts in as many years” (Dolan 2008, 2), and the communities of northern Uganda are currently experiencing heightened levels of criminal violence. Many systems are compromised by corruption⁹³ (Winkler and Sondergaard 2008, 19; Nystrand 2014; World Bank 2011, 127); unemployment is extraordinarily high (Wielders and Amutjojo 2012, 10); and social cohesion is weak (Jallow and Englert 2011, 77). Restoring justice and legitimacy is essential for Uganda’s future stability and prosperity.

⁹² Interviewed February 6, 2014.

⁹³ Transparency International’s East African Bribery Index (2012) ranked Uganda as the most corrupt country in the East African region.

Most communities across Acholiland are experiencing heightened levels of inter-personal and domestic violence. Many women saw the heightened violence as an effect of the long years of the war, and the breakdown in social structures which would have previously both prevented such violence and responded effectively to it when it did occur. Importantly, many women also saw that the current continued impunity for violence was having an enabling effect on yet more violence. Women saw justice as crucial in stopping this ongoing violence, and preventing further violence.

Liza explained that people had been exposed to significant violence during the war *“had witnessed much death, violence, killings,”* and that *“this changed their perception, changed their thinking.”*⁹⁴ Violence has become normalised as a response to disagreements, interpersonal disputes, distressing emotions, and bad memories. *“During the war people were exposed to seeing these behaviours and killings. ... And killing somebody, death begins to look like it is a normal thing, it’s not anything that somebody tries to guard against.”* She described that *“those who kill in the community are jailed for a very short period of time and released,”* back into the community. This leniency not only fails to deliver justice for the murdered women, but also has the effect of tacitly condoning and further normalising violence in the community.

Additionally, ineffective justice responses to violence is eroding people’s trust in both formal and traditional systems. Women repeatedly expressed that there is no authority widely accepted as legitimate in their communities. The damage done to the social fabric of Acholi communities during the war has undermined women’s trust in both traditional leaders and the state to provide fair and transparent justice and leadership. Addressing this trust deficit is a key challenge for both the Ugandan state and Acholi leaders.

7.2.2 Justice for healing

Women talked about justice as having important healing effects, both for individuals and for relationships. For some women, such as Martha, an elderly widow and former IDP, justice *“brings joy and happiness ... and restores relationships.”*⁹⁵ Gladys, who participated in *mato oput* upon her return from abduction said the experience *“has made me believe that my family members still love me.”*⁹⁶

Although issues of restoring social order and concerns about restoring interpersonal relationships and individual healing tends to be approached by quite separate systems in policy making and program delivery, for the women interviewed in this research, the values of social order, personal relationships and individual healing were intimately connected parts of a single whole.

7.3 Acholi principles of justice

Women repeated two principles of justice almost universally - that justice is an ongoing process rather than an event, and that mediation and restorative modes of justice aimed at reconciliation and restoration of relationships are strongly preferred.

⁹⁴ Interviewed June 17, 2014.

⁹⁵ Interviewed January 30, 2014.

⁹⁶ Interviewed January 23, 2014.

The high degree of agreement on foundational principles of justice among Acholi women provides important points of reference in designing any justice strategies to be implemented. The preference for restorative justice approaches expressed by participants in this research is supported by many other studies and by the actions of Acholi leaders, particularly in their efforts to bring the conflict to an end through dialogue rather than military victory (Otim 2009, ICC 2005, Baines 2005, Quinn 2009).

Acholi processes of forgiveness, reconciliation and restorative justice are multi-stage, comprehensive processes. Annabel explained that for reconciliation and restoration, the parties must *“keep talking and talking.”*⁹⁷ Anyeko et al (2011) report Acholi reconciliation processes involve multiple phases and sometimes take several years before reconciliation is reached which then can be marked ceremonially. Many women spoke about the importance of mediation, reconciliation, *“restoring relationships”*, *“truth telling”*, *“seeking forgiveness”*, *“compensation”* and *“apologising”* for justice to occur.

That restoration and mediation processes of justice are so widely held as significant by Acholi women is important to consider when thinking about transitional justice in Acholiland. It is also important not to idealise or reify traditional justice processes. Many women also spoke about the effects of the war on the capacity of traditional and local leaders to fairly and effectively lead justice processes. Annabel cautioned that *“if you find an elder in a village who can clearly maybe settle a matter between two people regarding land or family members – this person does not also use the truth... is not truthful and all this is really causing so much problem among the people in the society.”*⁹⁸ She also explained that many of the young people, having grown up in IDP camps, have not learned the traditional ways and have little respect for the elders. This is borne out by other studies (Wienders and Amutjojo 2012; Baines 2005).

Many women interviewed in this research desired a locally owned and accessible mediated resolution to conflicts, but backed up by enforceable law when such processes failed to deliver fairness, safety and resolution.

7.4 Social and economic justice

In light of the widespread poverty throughout northern Uganda, a focus on criminal justice to the exclusion of economic and social justice is unlikely to meaningfully satisfy northern Ugandan women’s justice needs. Gender sensitive social and economic justice need to be centrally included in Uganda’s transitional justice programs. Women particularly highlighted physical and mental health services and education for children as justice priorities.

7.4.1 Health

The conflict in northern Uganda has caused extensive damage to people’s psychological and physical health, with women consistently shown to be suffering worse health than men on almost all measures (cf Accorsi et al 2005, Nakimuli-Mpungu et al 2013, Liebling-Kalifani et al 2008). Many women told us of long-term persistent health problems including injuries sustained during the war, injuries sustained during child-birth, trauma, depression, infections and illnesses

⁹⁷ Interviewed June 18, 2014.

⁹⁸ Interviewed June 18, 2014.

including HIV/AIDS, and chronic pain. Women have also taken on an increased care burden for others. Florence, a 60 year old widow, has taken on the care of her orphaned grandchildren, one of whom “*is paralysed and I have no means of taking him to the hospital.*”⁹⁹ Sonia is caring for her husband who “*became disabled as a result of the war.*”¹⁰⁰ The high level of illness and injury, coupled with the lack of social and health infrastructure is having a compounding effect on women in northern Uganda.

Having access to healthcare is critically important, particularly in a context in which livelihoods overwhelmingly require physical work, there is no social security system and social networks (which once would have provided care for the sick and disabled) are so profoundly damaged. Many women participating in this study said that access to medical and psychosocial health services would greatly assist them to feel a sense of justice and to heal, quite literally, from the war. Esther, like Nighty, saw health as central to economic and social recovery:

*Justice is having good health. When one is healthy, they can cultivate and have plenty of food and sources of income to support the children.*¹⁰¹

Most women, particularly those not in a regional center, reported being unable to access necessary medical services. The barriers to accessing health services are multiple. Not least is that the “health service infrastructure in northern Uganda remains thoroughly inadequate” (ACCS 2013, 42) for both physical and mental health needs (Nakimuli-Mpungu et al. 2013, 2).

Many women complained that the health services available to them locally were ineffective, both in terms of the knowledge of the staff and the quality of medicine available. Furthermore, it was difficult to travel to better health services further away.

In addition to the geographical barriers to accessing health centres, several women said that they are often required to pay for medication, a cost which few can manage. Louisa, who has a chronic illness, explained that when she goes to the hospital

*sometimes the drugs are not there, then they prescribe and ask you to buy at the chemist. If the money's there, you can buy. If it's not, you go back home. Most of the time, people here don't have money.*¹⁰²

The GoU has decreased its funding of health services as a proportion of GDP and leaves most provision for individual households and the non-government sector (MoH 2010, 14).

7.4.2 Mental health

Women also spoke frequently about the lack of counselling and psychosocial assistance available and identified this as an important need in their communities. Women recognised the level of trauma in their communities and the impacts the trauma is having on social relationships:

⁹⁹ Interviewed January 22, 2014.

¹⁰⁰ Interviewed March 13, 2014.

¹⁰¹ Interviewed March 19, 2014.

¹⁰² Interviewed June 25, 2014.

*Counsellors are very important, they should be brought in the area because people are so traumatised, they will help relieve trauma.*¹⁰³

Some women saw a link between unaddressed trauma and alcohol use, including one woman who linked trauma to her own drinking,

I have not accessed any counselling except sometimes I take some alcohol to forget [...] it would be very helpful if counsellors are brought to help people cope with their problems (49 LH)

Some women had received some counselling and spoke of its positive effects. Claire said, “*The counselling they [an NGO in Kitgum] give is very helpful especially when one gets hurt or worried or traumatised.*”¹⁰⁴ Agnes received some counselling upon her return from abduction and said that it helped her a lot, but that “*I have not accessed enough counselling because it needs to be continuous. I feel these services are important in providing justice to women.*”¹⁰⁵

Joan Kagezi,¹⁰⁶ then Head Prosecutor of the International Crimes Division in Uganda’s High Court was critical of the current approach which left therapeutic interventions to the NGO sector as this resulted in a lack of continuity of service provision following donor priorities and funding cycles. Additionally, NGO provision tended to repeatedly target particular individuals and groups rather than offer services to whole population as a matter of right. She wanted to see a bigger role for the Ministry of Gender in the provision of psychosocial support to ensure that women’s needs were maintained as a priority area and not lost in the many rebuilding tasks facing district and other local levels of government in the north.

7.4.3 Education for children

Women universally responded that undisrupted education for their children was the single most important factor to help them in their recovery from the war; that seeing their children complete their schooling would give them confidence that their children would have a better life than they had had and would ensure a better future for their communities.

Women interviewed in this research expressed a strong desire to send their children to school, but all said they are struggling to pay school fees and that their children are routinely sent home from school due to non-payment. Uganda has a nationally funded program of free Universal Primary Education, however “free primary education as defined in Uganda’s UPE policy is misleading [...] It is legal for schools to charge parents for uniforms, exams, tutoring, food, sports and other activities” (Lincove 2012, 803).

The consequences of a disrupted education can embed poverty trans-generationally, with particular effects for girls, as Faith explained. Faith has four children and is only able to send one of them to school because of an inability to pay school fees. Faith was widowed during the war and has since been forced off her land, contributing to her poverty. She explained that she feels

¹⁰³ Interviewed February 13, 2014.

¹⁰⁴ Interviewed March 20, 2014.

¹⁰⁵ Interviewed February 12, 2014.

¹⁰⁶ Interviewed 5 May 2014

“trapped in so many difficulties, especially when it comes to the children. I have not been able to look after them and pay their school fees as I should be doing as a parent.” She explained that her daughter,

when she reached P.6 [primary grade six], she had to drop out and now she also has produced children and now she is also there with me in the home, I have to take care of her and the children.

The level of poverty in northern Uganda and the costs of sending a child to school, means that parents are having to make difficult decisions about which child(ren) to educate and for how long. When asked about how they make these difficult decisions, no women expressed any preference for their sons to be educated ahead of their daughters. More commonly, the male head of household makes this decision and children born in captivity routinely missed out, whether a boy or a girl.

Uganda has made significant progress in making primary education widely available, but more remains to be done. While Uganda’s spending on education is comparable to many OECD nations, corruption and inadequate accountability within the system is compromising its effectiveness (World Bank 2008, 4). The practice of permitting schools to charge additional fees to parents of students and denying education to those unable to pay is undermining the government objective of attaining universal primary education and has a disproportionate impact on Acholi women living in poverty and their children. The Hon. Susan Opwonga¹⁰⁷, a Councillor with Pogwinii Parish, made the important observation that when children are educated it not only benefits that child, but the whole community as they reinvest their knowledge and skills back in to the community.

7.5 Dispute resolution and responding to violence

Women reported that mediation in response to a range of conflicts is common and often desired, depending on the type of conflict and the relationship of the parties to the conflict. There are multiple actors involved in conflict resolution in Acholiland: traditional leaders (family heads, clan leaders, clan chiefs, clan courts), Local Councillors (levels I, II and III)¹⁰⁸, local specialist mediation teams (usually members of the community who have received training from NGOs in mediation), the police and courts. Establishing which body is either the culturally or legally correct authority to mediate a dispute is not possible due to multiple over-lapping, sometimes complementary, sometimes contradictory functions and jurisdictions (Burke and Egaru 2011, 8). There is also wide variation in different women’s preferences based not insignificantly on the competence, or perceived competence of the individuals holding particular positions in different communities (UNPB 2013, 16; Porter 2012, 88).

¹⁰⁷ Interviewed June 24, 2014.

¹⁰⁸ Local Councillor is a civil administrative post and as such, is part of the formal governance and justice system. Local Councillors I (LC

I) are elected by the community and live among the community. Although the positions are a relatively recent creation, “[m]any LCs, especially at the LC I level, have become firmly embedded within the moral community of his/her village,” (Porter 2012, 89). LC Is now occupy a position which straddles both traditional and formal justice mechanisms and were spoken about as either or both by women in this study. As such, the role of LC Is is discussed in both sub-sections of this report.

7.5.1 Traditional justice

As stated earlier, women in this study expressed a strong (but not unanimous or exclusive) preference for traditional and mediation-based responses to conflicts and disputes. This was particularly so in relation to domestic violence, but much less so in relation to land.

Several women explained the “proper” pathways for resolving domestic violence as beginning first with the male family head, followed by the clan leaders, and sometimes the LC. If the violence is life threatening or persistent it may be reported to the police, as Pauline outlined,

*The process of achieving justice is in this hierarchy; father in law, brother in law, clan leaders, LCs and other people who look into matters of domestic violence. If the matter is gross they report to the police, for instance when the man beats you to a point of becoming unconscious, or where the man always fights and uses instruments that can cause death like pangas, spears, knives...*¹⁰⁹

Women told us of several strengths of traditional and local dispute resolution mechanisms including that it is accessible, fast, culturally appropriate, aims to restore the relationship, it engages the community who will then also take a role in monitoring the perpetrator’s behaviour, and that using traditional mechanisms builds the capacity of those mechanisms and restores community confidence in cultural leaders. Marlene saw traditional justice as “preventive, because it prevents the same problem from reoccurring.”¹¹⁰ Camilla explained that clan leaders are present in the community and have authority, so that when they “caution the perpetrators, that caution results in some relative peace in the home.”¹¹¹ Esther spoke of the healing power of traditional justice saying that “I felt good because my husband asked for forgiveness afterwards.”¹¹²

Although the authority of clan leaders has been weakened by the war, traditional leaders do still hold authority. Women reported that where cultural leaders are strong, are perceived as having good knowledge of customary laws and are seen as making fair judgements, their advice and rulings can be more effective than formal police or court orders, which are often seen as both physically and culturally distant. The effectiveness of some traditional institutions is explained by Porter (2012, 88 - 89) as stemming from the legitimacy ascribed to respected leaders

When the authority is recognized and trusted, parties accept the outcome of such arbitration, restoring broken social harmony. However, if an institution has legal, but not moral jurisdiction, outcomes of such processes are viewed with suspicion, seen as unfair and usually exacerbate existing tensions.

There is a compounding positive effect of traditional leaders making fair judgements and being present to enforce them. Esther explained that “When one finds justice, the community members gain confidence in the available justice mechanisms hence continue to report cases.”¹¹³

¹⁰⁹ Interviewed January 22, 2014.

¹¹⁰ Interviewed March 20, 2014.

¹¹¹ Interviewed January 23, 2014.

¹¹² Interviewed March 19, 2014.

¹¹³ Interviewed March 19, 2014.

It is beyond the scope of this project to explore traditional Acholi approaches to conflict and to domestic violence. It is worth noting however, that traditional Acholi institutions do have mechanisms for responding to domestic violence (cf Liu Institute for Global Issues 2005). The existence of such mechanisms hold potential for effectively addressing the high levels of domestic violence in many Acholi families and communities.

7.5.1.1 Barriers

Bribery and corruption

Women widely reported that local leaders (both clan and LC1 leaders) asked for money and would decide in favour of the party that was able to pay, very often this was the man. The weaker financial position of women in the household means that women have little hope of receiving a fair hearing and accessing justice. Karena explained that

The wife is left in a powerless position to defend herself. She can't get any redress from clan leaders because they are always bribed and sometimes they ask for some fee to open and hear a case, this is a compulsory requirement in these courts.¹¹⁴

Hannah explained that if women find the funds to pay the bribes, it is invariably at the expense of children as such money would have been spent on food, school fees or other necessities. She further added that in traditional forums,

Women are often dominated by the men, they therefore become voiceless and thus keep quiet about their problems. To make matters worse, women are always ignored when they try to complain of any abuse on them.¹¹⁵

Power/patriarchy

Many women spoke about the power imbalance between men and women as a significant obstacle in traditional justice forums. Women complained of “being shut down in local courts,” that “many times, men do not take us seriously,” that “women are regarded as ‘mere women’” and “when they try to speak out, men call them disrespectful.”¹¹⁶ Hannah explained the bias as stemming from the fact that women marry in to the clan and therefore, the clan leaders are related to the man and are unwilling to rule against him.

Local authorities refer domestic violence cases to be settled by the family head who are direct relatives to the husbands. These family heads always side with the men, this causes more tension and violence in the homes.¹¹⁷

Some women reported that their local leaders don't see domestic violence and other complaints brought by women as serious matters. Carla said that “Sometimes the local leaders tell us to our faces that they are fed up with the same stories and that we should stop approaching them but

¹¹⁴ Interviewed March 13, 2014.

¹¹⁵ Interviewed March 13, 2014.

¹¹⁶ Interviewed March 20, 2014.

¹¹⁷ Interviewed March 13, 2014.

*persevere.*¹¹⁸ A number of women reported that, having tried and failed to access justice, they have now given up and are trying to manage alone.

Porter (2012, 87) reports that among Acholi women, particularly in regard to protection from violence, the government is seen as “the only institution with the latent potential to uphold their rights, yet they rarely choose to involve the government.” Porter proposes that this is explained in part by the high cultural value placed on social harmony and that women are reluctant to take actions which may be viewed as detrimental to social harmony (Porter 2012, 93). Pursuing formal criminal justice would disturb social harmony and women risk significant material and social disadvantage by doing so without a referral from an appropriate male authority. It is also questionable that formal justice mechanisms offer better justice outcomes for women experiencing violence than traditional mechanisms.

A number of NGOs have provided training for traditional and community leaders on women’s rights and the importance of eradicating violence against women. Oosterom (2011, 401) reported that “Messages about gender equality seemed to have led to suspicion among men that women would take over power rather than gain equal power.” This resonates with key informants in this research who reported that “women’s rights” was interpreted by the community and traditional leaders as a threat to men’s status and power, and was resisted.

Efforts to restore Acholi culture and its institutions may hold promise for the reduction of many types of violence and disputes in the communities, but there needs to be a commensurate recognition of the potential risks for women in reaffirming patriarchal beliefs and structures which can be significant barriers in women’s efforts to access justice (Wielders and Amutjojo 2012; UNPB 2013; ICTJ 2014b). At the same time, simply importing globalised training programs on women’s rights are likely to be ineffective, and risk a backlash and a stronger commitment among traditional leaders and Acholi men to patriarchal beliefs (Allen and MacDonald 2013, 14 - 15).

7.5.2 Formal and legal justice

While a majority of women reported that they preferred traditional mechanisms for domestic violence and other familial disputes, they also stated a desire for formal justice when traditional mechanisms had failed to stop the violence or resolve the dispute. Women engaged in conflicts or disputes over land also expressed a preference for formal mechanisms as they saw little hope of having their land rights recognised by traditional mechanisms. In many instances, women were not prepared to entirely trade in their rights (to either land or freedom from violence) for the sake of social harmony. Despite an expressed desire for access to formal justice mechanisms, very few women had any experience of formal justice mechanisms beyond taking an issue to the LC I. Several factors put most formal justice mechanisms beyond women’s reach: lack of understanding of the processes involved, the distances required to travel, prohibitive costs, bribery and corruption, length of judicial processes and the low status accorded to women in formal proceedings.

¹¹⁸ Interviewed February 12, 2014.

7.5.2.1 Barriers

The ACCS reported that the cost and travel distances for Acholi men and women often meant land disputes could not be taken to court (ACCS 2014, 43). Women wanting to prosecute husbands or family members for domestic violence face particular difficulties as violence between spouses is largely seen by society, LCs, the police and others in the justice system as a private matter “best handled within the home” (Wagman et al 2012, 1408; Nainar 2011, 16; Kaye et al 2005). Uganda introduced legislation prohibiting domestic violence in 2010¹¹⁹ following years of lobbying from women’s rights groups and both challenges and neglect in the parliament (GoU SUPRE 2013, 77; Wagman et al 2012, 1408). The legislation however is very new and implementation is lagging.

One key informant¹²⁰ pointed out the interconnectedness of the law’s capacity to respond adequately to domestic violence with the lack a broad range of social services necessary to ensure a woman’s safety. Another key informant noted that women’s continued economic dependence on men meant that to pursue formal charges against her husband risked severing the relationship and resulting in worse poverty. The potential economic consequences of becoming single coerces women to accept resolutions that do not meet their justice needs. Formal legal mechanisms are only one link in a chain of legal and social structures necessary to effectively prevent and respond to domestic violence.

Lack of familiarity

Most people living in Acholiland have very limited understanding of statutory law, their rights and legal processes. This impairs people’s ability to access legal justice mechanisms (Rugadya 2008, 26), and is further compounded for women who have lower levels of formal education, lower literacy levels and fewer interactions with formal systems (Burke and Kobusingye 2014, 17). Two women in this study who had sought justice through the courts reported that the process was very confusing and stressful. One woman wondered if courts were “*just a way of intimidating people or something like that.*”¹²¹

Legal aid is not provided by the GoU but some legal assistance is provided by NGOs. A key informant¹²² noted that this directs legal aid provision according to NGO priorities rather than justice needs. He noted that some NGOs require a co-payment from clients and the most vulnerable (those with no access to resources) are therefore excluded from the service. The UNDP and IOM recommended that free legal aid be provided specifically targeting women engaging formal legal mechanisms in relation to land rights as they risk “double victimization in the post-conflict transition” and face “gross marginalisation” in legal processes (UNDP,IOM, NRC 2010, 47).

Money (costs and corruption)

The financial costs of accessing formal justice were the most repeated barrier, in terms of paying for transport costs of police to investigate a matter, court and other costs associated with running

¹¹⁹ *Domestic Violence Act 2010*

¹²⁰ Interviewed May 2, 2014.

¹²¹ Interviewed June 17, 2014.

¹²² Interviewed May 2, 2014.

a case, and the cost of paying bribes. Many women remarked that given women's lack of decision-making control over family resources and their greater poverty relative to men in their communities, the costs of running a case were prohibitive. Nancy explained that "*the biggest challenge we face in accessing justice is that it attracts financial implications it's for only those who can afford and the women in this community cannot afford to pay for it.*"¹²³ Beth saw the failings as a responsibility of the government, saying that "*The government should enforce the laws in place to help the poor. The police should be provided with transport to help us achieve justice and not turn to us for money for their facilitation.*"¹²⁴

Some costs associated with accessing formal justice mechanisms are scheduled fees. The ACCS estimates that a woman wanting to pursue prosecution in a case of SGBV can expect to pay 250,000UGX (USD71.43) (ACCS 2014, 39). These costs alone put legal justice mechanisms beyond the reach of the vast majority of Acholi women. Nancy reported that financial costs prevented her family from pursuing charges against her brother-in-law following a serious assault,

*My sister was stabbed by her husband in her lower abdomen. She reported the matter, a statement was made and the matter taken to court. However, in the courts they were asking for money that my family and sister could not pay, therefore the case could not continue. The husband was release from cells and my parents couldn't do anything, they just had to look on. Its painful but without money it's null and void.*¹²⁵

In addition to scheduled fees, many women reported that bribery and corruption is rife in formal justice systems. These additional costs further amplify the effects of women and men's unequal social and economic status as women are less able to pay; "*While you talk using your mouth, for them they use money. So women do not have power.*"¹²⁶

Time and distance

Formal justice mechanisms were widely perceived by women as being unreasonably slow in the delivery of justice outcomes. They were also usually located several kilometres away from the woman's home, meaning either additional costs for transport or long walks. As most formal institutions require a series of hearings before a case can be decided, such burdens are borne several times, acting a significant deterrent to women contemplating legal action. Margaret, upon the recommendation of her LC, had tried to bring charges against her husband for persistent and severe violence. She was not successful in securing a prosecution despite repeated efforts on her behalf. When asked what sort of problems she had encountered during the process Margaret replied:

*The problem I faced was that I would walk on foot to these places with great difficulty. Sometimes it would rain on me. I would get so hungry and would not even have milk for the baby because I had not eaten.*¹²⁷

¹²³ Interviewed March 12, 2014.

¹²⁴ Interviewed February 7, 2014.

¹²⁵ Interviewed March 12, 2014.

¹²⁶ Validation Workshop June 18, 2015.

¹²⁷ Interviewed September 25, 2013.

This accords with the findings of other studies, for example, International Alert reported that people in Acholiland were reluctant to access the court system because it was seen as too slow, too far and corrupt (2014, 52).

Status of women

Formal justice mechanisms including police and courts are patriarchal institutions “biased in favour of men” (Kaye et al 2005, 630; Nainar 2011). Women spoke extensively about the ways in which women’s social position in the community are replicated in formal justice institutions. Fowsia said that “[w]omen are always shut down in local courts, they do not give them the space to speak out.”¹²⁸ Karena saw the problem as stemming from women’s very low status in society, saying that “[w]omen are considered worthless and mere property that men can do away with at any time.”¹²⁹ Rosemary complained of the shared beliefs among both formal justice workers and traditional leaders saying that “Most of the cases we report to the police are referred to be settled from home, and in the homes a woman’s side of the story is always disregarded.”¹³⁰

Formal justice mechanisms are important and powerful institutions in society. When they replicate rather than challenge patriarchal attitudes and behaviours towards women they miss an important opportunity to work towards the GoU’s aim of improving gender equality throughout the nation.

Compliance with rulings

The final barrier to women achieving justice through formal mechanisms is that enforcement mechanisms are often weak. Coupled with the fact that courts and statutory law are generally perceived as “distant” and lacking “moral jurisdiction” (Porter 2012, 86 - 87), many people do not comply with court decisions that go against them. Traditional justice mechanisms have both higher rates of compliance (due to their greater moral jurisdiction) and are able to be monitored and enforced by local and traditional leaders and fellow community members.

7.6 Conclusion

Women in Acholiland are struggling to build dignified and sustainable lives for themselves and their children and families. Women are being disenfranchised in conflicts over land and economic resources and are exposed to “rampant” levels of domestic violence. Both formal and traditional justice mechanisms are failing to adequately respond to women’s urgent justice needs, effectively leaving women in a justice void. Women want counselling and psychosocial support, they want the means through which they can escape poverty and for their children to complete their school education without disruption. Women see a greater role for the GoU in ensuring they are able to access land, be free from violence and live in harmony with their communities. The Government of Uganda will need to work closely with traditional leaders in this task, and ensure that women’s justice needs are recognised, valued and embedded within all policy and budgeting processes.

¹²⁸ Interviewed March 20, 2014.

¹²⁹ Interviewed March 13, 2014.

¹³⁰ Interviewed February 13, 2014.

CHAPTER 8: POST-CONFLICT JUSTICE

*The wrongs done to us doing the war should be made right especially the young generation should have a different experience from what we went through.*¹³¹

The Government of Uganda's (GoU) post-conflict justice regime finds its roots in the Juba Peace Process (concluded in 2008), and the Agreement on Accountability and Reconciliation (signed June 2007). These documents set out broad agreement on mechanisms for accountability, including legal justice, traditional justice, reparations, and reconciliation. Although the Final Peace Agreement has never been signed, the GoU nonetheless began the process of establishing a framework for post-conflict justice. The GoU has subsequently taken several steps towards establishing a framework, as well as the institutional mechanisms necessary for implementation.

8.1 “Transitional” justice in Uganda

The centrepiece of Uganda's post-conflict justice regime is the draft National Transitional Justice Policy. The draft policy sets out the blueprint for post-conflict justice, accountability, and reconciliation in Uganda, and identifies five “thematic areas” for transitional justice: amnesty, criminal justice, truth-telling, traditional justice, and reparations. The draft Policy draws upon a range of strategies from the increasingly standardised transitional justice tool kit – prosecutions, truth commissions, amnesty, reconciliation, reparations, and alternative and traditional justice mechanisms. The draft Policy is currently awaiting approval before the Ugandan Cabinet; if it is accepted and ratified by Parliament, it will commit the government to multiple initiatives and justice strategies.

In Uganda there has not been a political transition of the kind in which most transitional justice mechanisms find their roots. In the absence of either a political transition or a confirmed end to the conflict, the ICTJ proposes that “transitional justice logic and objectives face specific challenges” in Uganda (ICTJ 2015, 4). The ACCS, while welcoming Uganda's “holistic” draft National Transitional Justice Policy, is also concerned about the GoU's tight control over the transitional justice agenda, and the lack of consultation in the policy's drafting.

Women participants in this research articulated a number of justice needs that fall within the scope of transitional justice; some of these needs are addressed within the draft National Transitional Justice Policy, while other important elements are absent. Five key elements of transitional justice needs were articulated by women, with almost universal agreement across all research sites, ages, marital statuses, and experiences of the conflict:

- Guarantee of non-recurrence and peace
- Reparations
- Reconciliation
- Apology
- Accountability

¹³¹ Interviewed February 13, 2014.

8.1.1 Guarantee of non-recurrence and peace

LRA attacks have not occurred for several years, the north has been largely demilitarised, and most people have now returned to their homes; however, a great number of women continue to feel insecure, fearing that this is merely a lull in the fighting, rather than the end of the conflict. The desire for a guarantee of non-recurrence was repeated by almost all women interviewed, often without prompting:

*It my wish that the government should not provoke Kony, we are tired of war and we do not want any more war. What we went through was way too much pain. Now that we are just beginning to forget about the war... that we shall not go through the same experiences again. We hear rumours that Kony is preparing to make a come-back any time to again terrorise us. This has raised so much fear among the locals, especially myself. I feel so insecure.*¹³²

Women explained that continued fear affects them both emotionally and materially. Dorine explained that she feels ambivalent about working her land in case the war resumes and she is again forced to flee.

Dorine: *And you know, even when we plant, we just plant it now as an after thought. We still have this fear, "Maybe I'm wasting my time. Maybe the rebels will come back and all this will be a waste."*

Interviewer: *Do you fear the rebels will return?*

Dorine: *Yes, because they have. I have gotten very many disappointments from them.*¹³³

This fear of recurrence also impairs women's ability to recover psychologically from the war. Lorna explained the precarity of the peace, and how it affects her:

*We are a little settled, there is no more running for our lives, but we do not have any guarantee that the war has ended, we still live in fear and I believe that unless Kony is captured, he can come anytime and resume terrorising us like in the earlier years. I feel I am a prisoner of war in my own homeland, I feel terribly wronged by this war.*¹³⁴

While the Juba Agreement on Accountability and Reconciliation refers briefly in clause 9.1 to "guarantees of non-recurrence," this critically important point does not appear in the draft National Transitional Justice Policy. Women reported very clearly to this research that a guarantee of non-recurrence is an essential foundation for the achievement of justice, healing, and rebuilding.

8.1.2 Reparations

Every woman interviewed wanted some form of reparation for her experiences and losses. As Patricia clearly stated, reparations are *"the best kind of justice because it restores me to my*

¹³² Interviewed February 13, 2014.

¹³³ Interviewed June 21, 2014.

¹³⁴ Interviewed January 31, 2014.

previous position, then I am able to forgive and move on normally with life."¹³⁵ Reparations serve multiple purposes in post-conflict situations. Reparations help people to rebuild economically after conflict; to access medical and psychological treatment for injuries, illness, and traumas sustained during the war (which often inhibit the most vulnerable individuals and groups in society from participating equally in post-conflict social, economic, and political life); and, importantly, can help in "restoring victims' confidence in the State" (UNSG 2004, para 54).

The draft National Transitional Justice Policy recommends that the GoU establish a state-funded reparations program; guaranteeing a secure budget allocation sufficient to meet the costs of reparation commitments is essential for the desired reparative effects to be realised. The security of funding for a reparations program is critical to its success, and delivery must not be exposed to the vulnerabilities that face *ad hoc*, NGO, or donor funds. Many women expressed a lack of trust and confidence in government and NGO programs:

*Nothing really. When we returned from the camps, the government told us of a plan to compensate the people whose land was used as camps, but this has never been raised again. An organisation called Gusco also tried to resettle some few people who returned from the bush but their program also ended.*¹³⁶

In April 2014, the Ugandan parliament voted unanimously in support of a resolution calling on the GoU to establish a gender-sensitive reparations program (ICTJ 2014). The resolution was the result of coordinated lobbying from victim-survivor groups and civil society organisations in Uganda. Suzanne, who was abducted for eight years, had been involved in advocating for the resolution on reparations. She emphasised that "*women must be involved in the process for designing reparations, otherwise women and children will not be helped.*"¹³⁷ She further pointed out that women will need support in their involvement in designing reparations processes, as "*women feel low. They must first be picked up.*"

Women outlined some principles that any reparations program must incorporate:

- inclusion of women in the design process, and onwards;
- have in-built mechanisms which ensure that the most vulnerable are reached;
- the processes by which reparations are awarded be transparent and widely disseminated;
- be designed in consultation with the community.

The GoU has the opportunity to make significant gains in the restoration of Acholi women's and men's trust in the state. While all aspects of transitional justice will have an effect on civic confidence, reparations are particularly important. The justice needs of people living in poverty are often expressed primarily in economic terms (Laplante and Theidon 2007). Dorine was aware of exactly how much she had lost, as well as the current impact of the losses, and the government's lack of action to redress those losses:

Why I'm saying this, I had very many animals. I had about 25 cattle, 38 goats. But gone! Everything! I lost everything to the Kony war. I had so many chickens, about 60, over 60.

¹³⁵ Interviewed March 11, 2014.

¹³⁶ Interviewed January 13, 2014.

¹³⁷ Interviewed June 27, 2014.

*So all these were gone. Because from these I would be easily able to pay my children in school. So when we came back from the camps, they [the government] said they were going to do something about the effects of the war, they're going to do something. But nothing! Nothing has ever been done.*¹³⁸

Anna similarly said that *"I lost trust in our government because they promise a lot but never fulfil their promises."* Nonetheless, she believes that transitional justice is important, as it *"will make me feel the government feels our pain."*¹³⁹

Reparations can be a mixture of individual and collective, material and symbolic. Women spoke of all these types of reparations, with a particular focus on the following: provision of health care and counselling services; provision of land, capital, and training for small business development; provision of livestock; financial compensation; and funding for children to complete their education. Additionally, a number of women wanted memorials for those killed in the war (particularly at massacre sites), assistance in locating people who had disappeared during the war, and assistance with the cost of ceremonies (e.g. for mourning people killed during the war, for traditional justice, and for celebrations of culture that *"help women revive their lives and forget their miserable past."*¹⁴⁰)

The GoU has contributed significant funds to development in northern Uganda through the Peace, Recovery and Development Plan (PRDP). The PRDP has initiated several important projects since its inception, including improving police services and infrastructure (e.g. building health centres, schools, court houses, police stations, roads, and digging latrines and boreholes) (RLP 2013).

While the PRDP has played an important role in the post-conflict development of northern Uganda, it is critically important that it not be seen as a substitute for reparations. While some of the goods and services which have been provided under the PRDP overlap with items which women have called for as reparations, it is not embedded within any state acknowledgement of responsibility for harms suffered during the war, in state obligations towards citizens who have suffered injustice, and nor was it designed as a response to specific war-related harms. Reparations gain much of their restorative power from their structural location *within* a transitional justice framework. Reconstruction work undertaken outside of a justice framework, such as the PRDP, cannot deliver the justice dividends possible through reparations.

The GoU currently has a window of opportunity to rebuild trust, and contribute to the satisfaction of Acholi women's justice needs through the provision of reparations explicitly embedded within a justice framework, and directly linked to specific harms caused by the conflict. This needs to be clearly separated from general post-conflict reconstruction, to avoid exacerbating division and to enhance social cohesion.

¹³⁸ Interviewed June 21, 2014.

¹³⁹ Interviewed January 30, 2014.

¹⁴⁰ Interviewed March 18, 2014.

8.1.3 Apology

The call for an apology was particularly strong among formerly abducted women, many of whom considered that the government had failed to protect them against abduction, and were thereby responsible for all the subsequent harms they suffered. Suzanne said:

*I did not sign for amnesty and I do not want it. I was abducted from school. I consider that the government failed to protect me and should apologise to me.*¹⁴¹

President Museveni issued an apology on January 26, 2014, for past abuses committed by members of Uganda's armed forces, citing specific massacres as well as acknowledging that "there were incidents of looting property including cattle," and rape. He committed to "personally organize *Mato-put* ... with the concerned families and communities" (Museveni 2014). This apology is a welcome development, and an indication that war-affected women's calls for an apology for the government's failure to protect them may yet come. It is important, however, that any apology acknowledge the state's complicity in the harms caused during the war, whether through its failure to protect its citizens, the enactment of government policies (such as forced encampment), or harmful acts committed by agents of the state. Furthermore, an apology must arise out of a holistic justice process, and be attached to both a documenting of harms (including prosecutions where appropriate), and material reparations.

8.1.4 Reconciliation

Reconciliation is foundational to Acholi principles of justice (Porter 2012; Liu Institute for Global Issues et al. 2005; Quinn 2009). Reconciliation was spoken about in two distinct but overlapping ways: on an individual level, between a specific perpetrator and a specific victim of violence, and collectively, within communities affected by the conflict. The terms "*restore relationships*," "*restoring the community*," "*harmony*," "*united*," and "*peaceful*" were repeated frequently by participants. Kathleen explained that justice involves testifying to the truth, apologies from wrongdoers, forgiveness by victims, and then "*reconciliation of the two parties*." Reconciliation, however, "*takes time*," and requires "*patience*."¹⁴²

The draft National Transitional Justice Policy acknowledges the central importance of reconciliation in the development of peace and justice (JLOS-TJWG 2013, 3). The draft Policy proposes that a truth commission be established, as a key national mechanism to promote reconciliation. There is broad support for this among the women we interviewed, who spoke of "*truth-telling*" as the first step in building justice. As Bernadette explained:

*Justice to me is a fair hearing which involves truth telling and witnesses called to testify to the truth pertaining to that matter. To me the most important type of justice is apology and restoring peace between parties.*¹⁴³

Most key informants in this research also supported truth-telling, and saw it as integral to any reconciliation process. One key informant emphasized the need for truth-telling nationally as a

¹⁴¹ Interviewed June 27, 2014.

¹⁴² Interviewed January 23, 2014.

¹⁴³ Interviewed March 11, 2014.

foundation for justice. He perceived that a lack of truth-telling about many conflicts post-independence “*is sitting at the bottom of our problems. ... [T]he issue of truth telling is very demanding in this country, it is the basis of other processes.*”¹⁴⁴

Anyeko et al. (2011) reported that over 90% of the 1,414 respondents in their study wanted some form of truth-telling process; “In particular, people want to know why this war happened, who is to be held accountable and what has happened to their loved ones who are missing” (114). The authors reported that many Acholi see truth-telling as necessary to prevent future conflict. Importantly, they further outlined that reconciliation is a process, of which truth-telling is only one part. The Liu Institute of Global Affairs (2005) also found that reconciliation in Acholi culture is a multi-faceted process which requires truth-telling, acknowledgements, apologies, forgiveness, and compensation. Reconciliation is an integral element of justice, and indeed its ultimate goal. This is not only an Acholi cultural value, but accords with studies into truth-telling, justice, and reconciliation in other parts of the world (Laplante and Theidon 2007; van der Merwe 2001); it likewise corresponds with global standards of transitional justice (UNSG 2004; ASF 2013).

Some communities are undertaking reconciliation processes at localised and inter-personal levels, with some positive results. While the efforts of local communities and civil society organisations towards reconciliation are important, they are only one layer of reconciliation and should not detract from efforts to instigate macro-level reconciliation programs. Community-based reconciliation efforts address inter-personal and inter-familial relationships, but in the absence of formal, national-level reconciliation mechanisms, there is a risk that the conflict will increasingly be understood as a “northern affair,” and the national and structural “root causes of the conflict” will remain unaddressed (Hansen 2009; RLP 2004, 23). The GoU has a central role to play in establishing national-level reconciliation processes. Women in northern Uganda have expressed a strong desire for reconciliation, and government steps towards this would likely be well received.

8.1.5 Amnesty, accountability, and prosecutions

8.1.5.1 Brief background to Amnesty and prosecutions in Uganda

The GoU employed a range of strategies to end the war with the LRA, including military strategies, offering Amnesty, peace negotiations, and legal prosecutions. These strategies have at times represented an inconsistent approach, and have generated contradictions and tensions between different approaches. This section focuses on women’s views of the GoU’s use of Amnesty, and the prospective prosecution of LRA leaders for war crimes and crimes against humanity.¹⁴⁵

¹⁴⁴ Interviewed in Kampala on May 12, 2014.

¹⁴⁵ A brief outline of the Amnesty Act, Uganda’s engagement with the International Criminal Court and its establishment of the International Crimes Division of the High Court of Uganda is presented in the full ‘Making Justice Work for Women - Uganda Country Report.’ The full history and complexity of issues raised by the Amnesty Act, ICC indictments, and GoU legal frameworks are beyond the scope of this report, but have generated a large amount of other academic and legal scholarship. See, for example, Waddell and Clark (2008), Nouwen and Werner (2010), Ssenyonjo (2005), and Traylor (2009–2010).

Following sustained pressure from civil society organisations, particularly Acholi CSOs, the GoU introduced the Amnesty Act (2000). The Amnesty Act offers indemnity from prosecution for any combatant who reports to the relevant authorities, and “renounces and abandons involvement in the war or armed rebellion” (s 4(1)(b)). In 2003, the GoU referred the “situation concerning the Lord’s Resistance Army” to the ICC (Nouwen and Werner 2010, 946) and, in 2005 the ICC issued indictments against Joseph Kony, Raska Lukwiya, Okot Odhiambo, Dominic Ongwen, and Vincent Otti (ICC 2015). The indictments proved an obstacle during the Juba peace talks. The GoU passed the International Criminal Court Act (2010) and established the International Crimes Division of the High Court of Uganda to enable domestic prosecutions of war crimes, steps that were widely assessed by legal observers as an effort to trigger the complementarity provisions of the Rome Statute (Nouwen and Werner 2010, 952; Otim and Wierda 2010, 3).

There is widespread public support for the Amnesty Act in Acholiland, the area most affected by the war, primarily because it was seen as the most effective way to bring the war to an end (Branch 2007, 184). However, the Amnesty Act is incompatible with the Rome Statute and international criminal law (Newman 2005, 344; Ssenyonjo 2007, 425).

The Juba peace talks ultimately did not result in a signed agreement, and the LRA moved away from northern Uganda. Northern Uganda gradually adjusted to a relative peace, and concerns progressively shifted away from the legal and political conundrums raised by the tensions between the Amnesty Act and possible prosecutions of LRA leaders (whether domestic or international), towards more immediate issues. The January 2015 surrender of Dominic Ongwen, allegedly the second-in-command of the LRA, however, has re-enlivened many of these debates.

8.1.5.2 Acholi women’s views on Amnesty and accountability

The majority of women interviewed expressed views which are broadly supportive of the ICC’s approach to criminal prosecutions – namely, that Joseph Kony and senior LRA commanders need to be held accountable for their actions, and that lower ranking LRA cadres, particularly those who were abducted, should receive Amnesty and be permitted to return to live in their communities. Irrespective of whether women supported prosecution, or preferred that Kony and senior LRA commanders be granted Amnesty, women’s overarching concern was for secure peace and a guarantee of non-recurrence. Caroline thought the prospect of prosecutions would prolong the war, and therefore wanted Amnesty to be extended also to senior LRA commanders:

*No, they should not be punished. ... Punishing them will bring us more crisis in the region, they should instead be given Amnesty and later undergo traditional peace building mechanisms to restore their relationship with the community.*¹⁴⁶

Marlene, however, was firm that only Kony’s capture will assure peace:

If the ICC can, it should arrest Joseph Kony himself as a Chief Rebel Commander. Kony can never surrender or come to apologise. He needs to be captured. He should be killed

¹⁴⁶ Interviewed March 18, 2014.

*in the same way he has done to people including other rebel leaders in his company. Many peace talks have been held but he just keeps changing his position.*¹⁴⁷

A small but significant number of women do not support prosecution of any of the LRA leadership, including Joseph Kony. This was expressed primarily as a desire for peace, and a belief that peace would be best achieved through complete Amnesty. Carmel saw prosecution as “*the government’s way of doing things,*” and that it was not in keeping with Acholi traditional justice.¹⁴⁸ Rosalyn expressed compassion for Kony, and a desire for recognition of their shared humanity:

*I know Kony wronged, but I think he does not have to be punished. They need to be forgiven, we need each other, they are also human beings.*¹⁴⁹

The opinion that Kony and other senior LRA commanders should be Amnestied or forgiven, however, was the less common view. The more prevalent view expressed by women was that Kony and other senior LRA commanders needed to be brought in from the bush, so they could be assured that the war was over. The overwhelming majority of women saw two main criteria for determining who should be prosecuted, and who should receive Amnesty: the nature of crimes committed; and whether the person “went willingly,” or was abducted.

Some women thought that both LRA commanders and some agents of the state should be prosecuted for their involvement in the war. As Sophie said:

*I believe in forgiveness for all, but if there is to be punishment then it should be for Kony and some people in the government.*¹⁵⁰

Indeed, the ICC decision to prosecute only LRA members has been criticised from a range of stakeholders, including Acholi community leaders (Lawino 2012; Walusimbi 2015), civil society organisations (ASF and JRP 2013, 8; JRP 2013, 5), and legal and international politics scholars (ICTJ 2015, 7; Clark 2008, 42).

A mix of targeted Amnesty and prosecutions is acceptable to Acholi women participating in this study. This echoes the findings of other consultations and surveys of “victims’ views” conducted over the last five or more years (JRP 2013; UNOHCHR 2007; ASF/JRP 2013). A study by the UNOHCHR noted a diversity of views, but

that the population broadly believes that both the LRA and the Government – and specifically their leaders – should be held accountable for the harms they have caused during the conflict. (2007, ii)

Determining who is a perpetrator and who is a victim is a complex issue in northern Uganda. The impending case of Dominic Ongwen will crystallise many of these unclear boundaries; Ongwen was abducted as a young boy (around ten-years old), but rose through the ranks to become a

¹⁴⁷ Interviewed March 20, 2014.

¹⁴⁸ Interviewed June 25, 2014.

¹⁴⁹ Interviewed January 23, 2014.

¹⁵⁰ Interviewed February 10, 2014.

senior commander who ordered atrocities. A group of women discussing Ongwen's situation during the Validation Workshop held on 18 June 2015 appreciated the difficulty:

- Woman 1: *The issue of Dominic is a hard one*
Woman 2: *He was very close to Kony.*
Woman 3: *Dominic was also abducted when he was young.*
Woman 4: *Yes, he was abducted when he was young.*
Woman 1: *But when he gives you an order you have to follow. If you don't you also die. You die.*
Woman 2: (Deep sigh) *The kinds of killings that some people have done in this world is so so painful.*¹⁵¹

Women's understanding of the ICC and its processes was very low; many had never heard of it, while others had only a vague understanding that "it is a very high court," "it wants to catch Kony." Most women wanted to know more about the ICC. Esther recommended that meetings should be held in villages, so that women can more easily attend and participate:

*Such meetings (ICC discussions) should be brought nearer to the village so that everyone can benefit. We are hoping that some support shall be given to people who attend these meetings in future.*¹⁵²

Anna felt she had been excluded through a lack of knowledge of the ICC, saying that, had she known, she would have liked to participate as a witness in proceedings:

*The community has to be educated on transitional justice and the processes involved there in, they should be made aware of what is involved and how it functions, because most of us do not know how to demand or mobilise for realisation of justice. I did not get any chance or opportunity to participate otherwise I would have testified as to how my husband was killed and my son abducted in my presence.*¹⁵³

Women consulted five months after Ongwen's surrender said that it had sparked a number of debates in their communities. It has enlivened questions about the nexus of Amnesty and prosecution, and of the distinction between "victim" and "perpetrator." It has fuelled fears among people who have received Amnesty that they, too, may be prosecuted; this has had a destabilising effect on them, and their relationships within their communities. Olive, who had spoken to researchers in 2014 about the stigmatisation she and other returnees were facing in the community, said that this had escalated dramatically following Ongwen's surrender, and that some community members were taunting returnees about soon being prosecuted and hanged. Finally, women said that the surrender of Ongwen, and the revival of community-level discussions about his trial, had brought back traumatic memories of atrocities committed by both UPDF and LRA forces, indicating an increased and urgent need for psychosocial support. Many of these concerns have also been reported by the Refugee Law Project (2015).

¹⁵¹ Interviewed June 18, 2015.

¹⁵² Interviewed March 19, 2014.

¹⁵³ Interviewed January 30, 2014.

Given the contentious history of ICC involvement in Uganda, the low levels of understanding among many Acholi women, and the precarious peace that currently exists in many communities, it is imperative that the ICC work in collaboration with multiple civil society organisations and community leaders to engage all affected communities, including those that are not directly implicated in the prospective trial of Ongwen. This engagement needs to be bi-directional, so that the ICC is kept updated about debates, tensions, rumours, and fear-mongering that may be happening within communities. These engagements need to ensure that women are included, and are able to ask questions and express their views. This may mean separate meetings or avenues of communication for women.

CHAPTER 9: CONCLUSION

The twenty-year war between the Government of Uganda and the Lord's Resistance Army has wrought devastation throughout Acholiland and other regions of northern Uganda. Women have suffered particular harms during the war and are experiencing ongoing violence, marginalisation and deprivation in the fragile post conflict environment.

This research spoke with 98 women in northern Uganda ranging from 21 to 90 years of age who had lived through the war. This report presents their views and experiences about women's justice needs and highlights some key harms (both past and ongoing) that require a justice response.

A key message arising from this research is that gender sensitive justice cannot be approached in an atomistic manner. For justice to be effective for women, it needs to be holistic and to take account of the complex social, economic, cultural and political contexts in which harms are inflicted and in which justice needs to be delivered. Poverty, violence and patriarchy combine to produce a landscape in which women are exposed to an intersecting web of harms. Justice accordingly, needs to be designed to incorporate legal, psychosocial, economic and politico-cultural remedies that together will better enable women to live sustainable, dignified lives free from violence and with opportunities for their children into the future.

9.1 Recommendations

To the Government of Uganda

- Progress the draft National Transitional Justice Policy and take immediate concrete steps towards its implementation.
- Broaden the terms for reparations to include violations committed in relation to internal displacement, and to address harms arising from encampment. Reparations need to be embedded within other transitional justice mechanisms (such as a truth-telling process, national apology and prosecutions) in order to maximise the reparative value. Victim-survivors however, should not have to wait for such mechanisms to conclude in order to receive reparations. A mechanism for interim reparations should be immediately established.

- Ensure the representation of women from identified vulnerable groups (notably widows, formerly abducted women, former IDP women and child mothers) in the design of transitional justice mechanisms, including reparations.
- Acknowledge the harm caused by both the action and inaction of the State during the war including failure to protect its citizens against abduction and attacks from the LRA, violations committed against the citizens of Uganda by the UPDF and government backed militias including looting and destruction of property, beatings, rape and killings.
- Prohibit the charging of any fees for primary education to ensure that all children can receive a full and uninterrupted primary education.
- Continue efforts to address land conflicts, with particular attention to the vulnerability of women (notably widows and unwed mothers).

To the international community

- The ICC should ensure that, as proceedings against Dominic Ongwen progress, it proactively seeks to learn and understand the effects this may be having in northern Ugandan communities and to communicate information about its processes among communities. Outreach activities need to be designed in a gender-sensitive manner to ensure that women are accessed directly and through any intermediary.
- Governments of donor nations and inter-governmental organisations can maintain pressure on the Government of Uganda to remain committed to its transitional justice agenda. The Cabinet has held the draft ‘National Transitional Justice Policy’ for twelve months. Some commentators within Uganda speculate that the policy has been shelved until the country’s elections (due in 2016) are completed. It is unacceptable for political concerns to delay urgently needed reparative justice for victim-survivors of the war.
- The international community must maintain its determination to capture Joseph Kony and the remaining LRA commanders and cadres. The capture and disarmament of the LRA is foundational to women’s security and the communities’ ability to move on.
- Governments of donor nations and inter-governmental organisations should particularly encourage the Government of Uganda to progress efforts at national reconciliation and reparations. There are concerning indicators of escalating tensions and grievances which risk the future durability of the current peace.

For service delivery and programming

- Psychosocial and trauma counselling services are needed to assist women and men to recover from the conflict. Such services should be tailored to respond both to severe trauma (possibly requiring psychiatric intervention) and less acute trauma including depression and anxiety. Programs that are being delivered in northern Uganda are proving to be efficacious. Such approaches should be expanded, perhaps through matched Government of Uganda and donor funds.
- Programs addressing alcohol use (particularly by men) are urgently needed. Current social service provision tends to focus on women more than men, but given the central role that excessive alcohol use plays in both reduced productivity and as a driver of violence, helping men to significantly reduce alcohol consumption and resume

productive and caring roles is likely to have a positive effect on families and communities.

- Domestic violence support services are urgently needed. While domestic violence shelters are a new phenomenon in northern Uganda, women have reported high levels of trust in them and satisfaction with their services. Domestic violence programs will need to engage with traditional leaders and LCs, who are very often the first contact point for women outside the family. There is growing evidence that concern about the rate of domestic violence is shared by Acholi communities and their leaders (taking note in particular that International Alert reported only 0.1% of Acholi respondents nominated culture as the cause of domestic violence and none said the culture condones it - 'Alcohol and domestic violence in Chapter Four). Top down imported strategies are unlikely to be effective. Programmatic strategies that include traditional leaders from the inception and design are more likely to achieve success. Such programs should be considered in conjunction with trauma and alcohol services as recommended above.
- Formal legal justice is effectively beyond the reach of most women in northern Uganda. Legal education and legal aid services for women have proven effective in improving women's access to justice, particularly in land disputes.