

**Declaration by Northern Uganda Civil Society Organisations  
On Agenda Item 3 of the Juba Peace Talks (Accountability and Reconciliation)**

**Acholi, Lango, Teso and West Nile Regions**

**Gulu Town, 7<sup>th</sup> September 2007**

**Background**

Between the 20-30 August 2007 CSOs working on peace, justice and reconciliation activities in Northern Uganda held four consultative meetings in the regions of Acholi, Lango, Teso, and West Nile to reach a common position on the ongoing consultations on accountability and reconciliation. The objectives were to:

- a) Build consensus on the importance of the agenda item three of the Juba Peace Talks;
- b) Identify the needs of victims in terms of justice and accountability;
- c) Mobilize for representation of CSOs in Northern Uganda in the ongoing debates on accountability and reconciliation;
- d) Lobby peace delegates towards a common understanding of victims needs with regards to accountability and reconciliation;
- e) Draft a memorandum for CSOs in Northern Uganda; and,
- f) Begin a process of involving CSOs in ongoing debates and practicalities on accountability and reconciliation during and beyond Juba.

A draft committee consisting of three representatives from each sub-region met in Gulu from the 6-7 September 2007 to come up with a common position for CSOs in Northern Uganda. The meeting was chaired by Mr. Otim Michael, the programme coordinator of Gulu District NGO Forum, co-chaired by Mr. Adrawa Lawrence (Adjumani NGO Forum), Mr. Omiat Moses (Soroti District Association of NGOs/CBO Network-SODANN) and Mr. Tom Opwonya (Apac NGO Forum). It was facilitated by the Justice and Reconciliation Project of Gulu District NGO Forum. It is from the proceedings of this meeting and based on regional consultations that we derive the contents of this memorandum, which we hereby declare as a common position for CSOs in Northern Uganda.

**PREAMBLE:**

**AWARE** of the ongoing peace talks in Juba between the Government of Uganda and the Lord's Resistance Army/ Movement mediated by the Vice President of Southern Sudan, His Excellency Dr. Riek Machar;

**IN RECOGNITION** of the agreement signed on Accountability and Reconciliation by the parties to the talks in Juba on the 29<sup>th</sup> day of June 2007 and having called to mind the importance of this agreement for the future of this land, our country and region;

**ACKNOWLEDGING** the parties' commitment in consulting stakeholders and civil society organisations on appropriate mechanisms for implementing the Articles and Clauses therein contained;

**NOTING** that the guideline sets the foundation for consultation and taking into account the various CSO consultative meetings that have taken place in the sub-regions of Acholi, Teso, Lango and West Nile;

**DESIROUS** to be part of the ongoing wider Government and LRA/M consultations on appropriate mechanisms and noting our unique position as CSOs;

**CONSCIUOS** of the alleged human rights violations that have been committed in Northern Uganda by both parties;

**REALIZING** that many times recommendations have been made but have never been implemented, we hereby urge both parties to expeditiously implement these decisions;

**WE THE CSOs** in Northern Uganda from the sub-regions of Acholi, Lango, Teso, and West Nile;

**CONVERGED** under the Auspice of Gulu District NGO Forum on 6-7 September 2007 the year of our Lord in an Assembly duly convened, do hereby make the following recommendations:

## **PROSECUTIONS AND PUNISHMENTS**

1. We recommend that **all alleged perpetrators who bear the most responsibility/ are most responsible for human rights violations** committed in Northern Uganda, **whether state or non-state actors**, be held accountable for their acts and subjected to prosecution **under the same legal regime and one judicial system**.
2. In line with the above, we call for the establishment of a **Special Court** for the prosecution of alleged perpetrators. Selection of judges to serve in this Special Court should be done by the Judicial Service Commission, appointments made by the President of the Republic of Uganda, and vetting by the Parliament of Uganda. The mandate of this the Special Court should date back beyond the mandate period of the Rome Statute (2002), to cover the entire period of the conflict from 1986 – to date.
3. We appeal to the legal and parliamentary affairs committee to expeditiously domesticate the ICC bill in line with national and traditional justice mechanisms. The Government of Uganda should take necessary steps to request the UN Security Council to defer the arrest warrants for a period of 12 months.
4. A witness protection program should be designed to ensure the protection of witnesses who testify in the Special Court in order to solicit their participation. A specific legislation on victim protection should be enacted which may include activities such as relocation of victims/ witnesses to other countries of their choice.
5. Penalties should be awarded according to the magnitude of crimes committed. This will include but should not be limited to: community service; restitution; deprivation from heading public offices; deprivation from serving in the armed forces; deprivation from working with children; and deprivation of liberty through serving prison sentences to the maximum of life imprisonment.
6. The Special Court should be aided by an investigation team which should conduct independent investigations, taking into consideration previous investigations conducted by other bodies such as the Government, Human Rights activists, the ICC, and civil society organisations who have acted as watchdogs throughout the conflict.
7. Alleged perpetrators in the Northern conflict cannot be limited to the LRA/M, the Government of the Republic of Uganda, the UPDF, and other auxiliary forces. The alleged perpetrators could include collaborators who provided information and assistance to enable the commission of the alleged crimes. Bystanders who held public offices or had the ability/ power to prevent the occurrence of crimes but did not take action are to be found equally guilty for crimes committed. Alleged collaborators and bystanders should be held accountable if found guilty.

8. **Forced encampment and displacement** should be recognized and acknowledged as a crime against humanity and the circumstances investigated and the persons responsible for such occurrences brought to book. In many instances when camps were being created, soldiers were used to drive people into the camps. In some places deadlines and ultimatums as short as two hours were given. Furthermore, any return program should be in line with the national IDP policy and most importantly, **there should be no forced return**. Return should be voluntary. It should also be kept in mind that whether the peace talks fail or succeed, the Government of Uganda has the obligation to protect the populace in the IDP Camps and areas of return.
9. Much as Amnesty has played a role in ending the conflict, it has been granted regardless of perceptions of affected communities and victims. We therefore recommend that Amnesty should be conditional and **should not be granted** to alleged perpetrators who bear the greatest responsibility/ are most responsible for crimes committed. Such alleged perpetrators should be subjected to prosecution before the Special Court mentioned above.
10. Amnesty should be granted only to alleged perpetrators and individuals who do not bear responsibility for their acts or who committed crimes considered to be of lesser magnitude (such as abducted persons forced to commit crimes on orders from their superiors) and this should be after they have gone through the proceedings of a Truth and Reconciliation Commission and after the Amnesty Commission has published and publicized the names of individuals applying for Amnesty. The Amnesty Commission should also provide socio-economic support to victim communities.
11. Furthermore, Amnesty should not be imposed but should instead be voluntarily sought by persons who wish to have it and upon full disclosure of guilt/ roles/ and knowledge of crimes committed, information used in the granting of Amnesty shall not be admissible in any other court or proceedings of a similar nature against such persons.

## **REPARATIONS**

12. We call for the formulation/ drafting of a reparations program/ policy for northern Uganda. We further emphasize that whether the Juba Peace Talks succeed or not, reparations **must** be made, and mid-term reparations **must** be started immediately as we await the outcomes of the peace talks.
13. We recommend that reparations to a large extent should target and benefit victim communities, groups and institutions rather than individuals in order to minimize corruption and ensure speedy execution. However, clearly identified victims with special needs, such as victims who have been wounded, lost limbs, been hit by landmines or are in need of therapy and rehabilitation due to trauma and other effects of the conflict should be catered for individually.
14. Funding should be provided by the Government of Uganda, (**and should be distinguished from development assistance, political programs, or normal government assistance**), donors, the international community, and the proceeds from property and wealth owned by alleged perpetrators found guilty, which should be frozen. Perpetrators found guilty, but who do not possess any assets or wealth, or are not in a position contribute to the reparations fund should be subjected to community service and the proceeds deposited in the reparations fund.
15. We recommend that a trust fund with a board of trustees consisting of people with high integrity, nominated and chosen by all stakeholders, and having representatives from all stakeholders be formed, into which all funds raised shall be deposited.

16. Implementation of the reparations program should be done by the Government of Uganda and the international community, assisted by reputable CSOs already licensed and who have been in operation in northern Uganda over a durable time frame – preferably during the period of insurgency. Such CSOs can apply to the fund with concrete proposals in order to access funds for implementing programs.
17. Meaningful reparations like schools, hospitals, psychosocial rehabilitation centers, monuments and memorial centers and the provision of free and quality education should be constructed/ availed to children and persons in the affected region. Memorial centers should have a surcharge for visitors, and the income generated should be directed into the Trust Fund to assist victim communities. Furthermore, a national day of mourning should be established to commemorate the suffering and lives lost in the conflict.
18. Apology should be also be recognized as an important form of reparation. All perpetrators and persons who had a role to play in the commission of crimes during the conflict **MUST** publicly apologise to victims/ victim communities. (Besides apology the perpetrators must guarantee non re-occurrence of the crime).
19. We call for the expeditious transition from the use of military personnel, vigilantes, para-military, militias and other auxiliary forces for provision of security services in the IDP camps and areas to which IDPs are returning, to the use of the police force for law enforcement. Furthermore, programs should be put in place to ensure that ex-combatants are psychologically and physically demilitarized so that they are not a threat to the community. Special police constables should be given comprehensive training in law enforcement.
20. **Child mothers, children born in captivity, and unaccompanied children;** The Northern conflict has left many people vulnerable. Among this category are child/ young mothers forced by the LRA to bear children in captivity, and unaccompanied children who do not know or have no extended families and clans to affiliate themselves to. During reintegration, cultural leaders and institutions should be supported and facilitated by the Government to take responsibility for child mothers and children born in captivity.
21. Existing government structures should be strengthened to address issues of women and children. A law that specifically focuses on women and children should be drafted and enacted by Parliament. Consultations should be made with women and children to ensure that their voices are heard in the peace process

## **TRUTH AND RECONCILIATION**

22. Uganda has undergone upheavals since independence in 1962 which have led to divisions such as the North - South Divide, social demonization of the North and the East, and regional and tribal divisionism. We therefore recommend that the Government through the Parliament set up a **National Reconciliation Policy**. This should be supported by stakeholders like religious institutions, cultural leaders, and civil society organisations, and enhanced through activities such as regional and inter-ethnic dialogue, community-to-community dialogue, and people-to-people contact in order to enhance reconciliation.
23. We recommend that a national **Truth and Reconciliation Commission (TRC)** with tenure of four years be established under an Act of Parliament in order to facilitate national truth-telling and reconciliation, aid recovery, and set the pace for the long and painful path towards healing. The TRC should cover the period from independence (1962) to date and should be made operational immediately after the signing of the Comprehensive Peace Agreement at the Juba peace talks.
24. The TRC's roles should include, but not be limited to, the following:
  - a) To document and record human rights violations and war crimes from 1986 to the present day in northern Uganda and the rest of the country, including violations by the LRA and the Government of

Uganda, abduction, massacres, murder, mutilation, forced recruitment, detention and torture, rape and sexual and gender-based violence, forced displacement, looting and property loss.

- b) To establish a record of motivations behind atrocities by all parties and a clear historical record of events that occurred during the decade-long conflict.
  - c) To investigate all allegations brought before it, and as such shall be assisted by an investigation team comprising of experts from within and outside Uganda.
  - d) To provide a forum for victims and perpetrators to apologise and forgive each other, and to promote reconciliation within communities between survivors, victims and perpetrators.
  - e) To develop a set of recommendations to promote national unity in Uganda, reparations such as material compensation and the construction of memorials, and which justice and reconciliatory mechanisms are appropriate for handling alleged victims or alleged perpetrators.
  - f) To voluntarily encourage perpetrators or victims or anyone else with information about what happened in the conflict to come forward and confess and in extreme cases have powers to summon those who refuse to come forward voluntarily.
25. We recommend that persons up for prosecution should not qualify to participate in the TRC before a verdict is reached against them in the Special Court and that there should be finality in proceedings for any person who goes through the TRC. Evidence and information brought before the TRC should not be admissible in the Special Courts or any other Courts of Judicature against the same person.
26. The TRC should be composed of persons of high integrity with no previous criminal records or abuse of public office to be nominated by stakeholders who include civil society organisations and members of the public. The categories of people to sit on the TRC should include: traditional leaders and elders from the cultural institutions of northern Uganda and other regions; persons of high integrity with or without legal background; representatives of CSOs who have been working on human rights issues in Uganda; women and youth representatives; and religious leaders.

## **TRADITIONAL JUSTICE MECHANISMS**

27. Traditional justice mechanisms of the ethnic groups in northern Uganda (*Mato Oput* of the Acholi, *Kayo Cuk* for Langi, *Ailuc* of Teso, *Ajupe* of the Kakwa, *Ajufe* of the Lugbara, *Aja* of the Alur, and *Tolu Koka* of Madi among others) should be promoted and encouraged because of their significance in enhancing true and lasting reconciliation at the grassroots.
28. In line with the principle of voluntarism, traditional justice mechanisms should be left voluntary to individuals and alleged perpetrators who wish to use them, and information about its significance should be available to all alleged perpetrators and victims, and mechanisms should be put in place to encourage those who pass through the TRC and Special Courts to undergo traditional justice in their communities in order to help in reconciliation with the community.
29. The principles of traditional justice should be codified and used as yardsticks for reconciliation and healing in victim communities of Northern. The principles include: trust, truth-telling, acceptance of guilt, voluntarism, compensation, use of symbolic rituals and restoration. There is need for codification of the laws of traditional justice in order to provide the requirement of proof of custom under the law.
30. Legislation should be made to address gaps such as gender concerns; the involvement of women and children in decision-making and leadership; and the level of crimes and alleged perpetrators to be handled by the traditional courts.

31. Those who are most responsible for human rights violations should be held accountable for their crimes and prosecuted in the Special Court before being subjected to traditional mechanisms, while others who do not bear the most responsibility for the most serious crimes - such as those who were forced to commit crimes (e.g. abducted children) - be allowed to proceed with traditional justice.
32. We call for the documentation of traditional practices and proceedings under the traditional courts in order to help in creating a historical record. Cultural laws should be documented in line with this; a team of technocrats should be set up to guide traditional justice courts. Support should be given and capacity built so that traditional leaders are able to document laws.
33. Much as security and protection of participants under traditional justice is embedded in the system, the protection of victims and perpetrators should be reinforced where needed by protection programs.

## **THE JUBA PEACE TALKS AND PARTICIPATION OF ALL STAKEHOLDERS**

### **34. Victim's participation**

Victims need to be given prominence, recognition and roles in the peace process rather than being used for evidence. In line with this, we recommend that communities living in the IDP camps of northern Uganda should also be consulted. They should be given a forum for tabling their complaints under relevant judicial systems through which they can seek redress. The security and welfare of victims who may choose to participate in any accountability mechanisms should also be ensured. We call upon both parties to avoid parading victims as evidence of crimes against each other, or for gaining sympathy in the eyes of the public, as this undermines the dignity of victims.

### **35. Deadlines for Peace Talks and other harmful propaganda**

Parties to the Peace Talks should be treated as equal. The process should be allowed to systematically and gradually follow its course so that all hurdles are overcome and a peace agreement that is mutually acceptable is reached. We call upon both parties to refrain from issuing deadlines during the process of the Peace Talks. We further call upon both parties at the Juba Peace Talks to desist from activities and other harmful propaganda which shall undermine the peace process and to abide by the previous agenda items which have been signed.

### **36. Participation of CSOs in the Juba Peace Talks**

The CSOs of Northern Uganda strongly recommend their participation and representation in the Peace Talks. We demand a place on the negotiating table and a voice to air our views freely and fairly as empowered by the civil society that we serve. We recommend that a representative of the CSOs be granted a slot on the negotiating table.

### **37. Participation of women**

More women need to be actively involved in the Juba peace process. At the moment there are a few representatives on both the LRA and Government sides. We call upon both parties at the Juba Peace talks to include women representatives on their negotiating teams. Women further need to be represented in their own right and not as delegates of the LRA/ M or the Government.

## ANNEX: LIST OF PARTICIPANTS/ SIGNITORIES

### Acholi Sub Region

SN	REPRESENTATIVE	ORGNISATION
1	Oyat John Loketa	Pader NGO Forum
2	Shall Sinha	Non Violent Peace Force
3	Florence Okio	Agency for Cooperation Research and Development (ACORD)
4	Akello Lucy	Justice and Peace Commission
5	Charles Onen	Kitgum Integrated Initiative for Development Association
	Oroma Charity	Peoples' Voice for Peace
7	Odwong Wod Ayoo	Mega FM Radio
8	Lemoyi Denis	Amuru IDP Camp Leader
9	Ojok Cissy Charity	Ker Kwaro Acholi /UYAP
10	Otim Ronald	Amnesty Commission
11	Bongomin Geoffrey	Concerned Parents Association
12	Mwaka E Lutukomoi	Ker Kwaro Acholi
13	Nyeko James R.D	Acholi Religious Leaders' Peace Initiative
14	Otim Michael	Gulu District NGO Forum
15	Atwom Denis Opio	Amuru District Youth Council
16	Oryema Justin B	Mega FM Radio
17	Komakceh Daniel	Gulu University Center for Conflict and Peace Studies
18	Oketa Denis	Kitgum NGO Forum
19	Pele George	Kitgum NGO Forum
20	Omara Christoper	Gulu District Youth Council
21	Phillips Okwir	CARE Uganda
22	Orach Godfrey Obi	Civil Society Organisations in Northern Uganda
23	Margret Odong	Gulu Women's Agency for Development
24	James A. A. Otto	Human Rights Focus
25	Ojok Boniface	Gulu District NGO Forum – Justice and Reconciliation Project
26	Owor Lino Ogora	Gulu District NGO Forum – Justice and Reconciliation Project
27	George Odong	Pader NGO Forum
28	Henry Kilama	Komakec Kilama and Co Advocates
29	Rosalba Oywa	People's Voice for Peace
30	Julian Hopwood	Quaker Peace and Social Witness

### Teso Sub Region

SN	REPRESENTATIVE	ORGANISATION
31	Alupo Babara	Soroti Catholic Diocese Integrated Development Organisation
32	Apino Jane	Teso Women Peace Activists
33	Okello Charles	Christian International Peace Services
34	Kiyai Suzan	Action Against Child Abuse and Neglect
35	Jatego Grace	Justice and Peace Commission
36	Okurut Paul	Pentecostal Assemblies of God Development Programme
37	Ogaram Emmanuel	Civil Military Cooperation Center Soroti
38	Angiro Betty	Katakwi Development Actors Network
39	Esolu Charles	Kaberaido Development Actors's Network
40	Akonyu Stephen	War on Want
41	Okwii Peter Epeet	Katakwi Children's Voice
42	Emadit Getrude	Women's Effort Coalition for Development
43	Eceditai Wilson	Teso Student's Development Association
44	Makumbi Stephen	Teso Initiative for Peace
45	Oleja John	Christian Children's Fund
46	Alum Jane	Soroti Disabled Person's Union
47	Okurut Vincent	Iteso Peace and Reconciliation Initiative
48	Aliamo Eunice	Amuria District Development Agency
49	Bishop Justice Edweu Oguti	Teso Religious Leaders Effort for Peace and Reconciliation
50	Opak Source	Iteso Cultural Union
51	Ecidu Joseph	World Vision Uganda, Kamuda Area Development Programme
52	Olinga Ann Rose	Urafiki Foundation Katakwi
53	Edith Nasser	Teso Initiative for Peace
54	Akorakin Francis	Vision Terudo
55	Ojatum Charles	Civil Military Corporation Center, Teso Sub Region
56	Asio Grace	Soroti District Association of NGOs/CBO Network-SODANN
57	Echoru Emmanuel	Red Cross Society, Soroti Branch
58	Omiat Moses	Soroti District Association of NGOs/CBO Network-SODANN
59	Oluka Augustine	Katakwi Civil Military Cooperation Centre
60	Alajo Frances	Bugondo Women's Initiative
61	Oriokot Emmanuel	Teso Youth Initiative
62	Esogu Hellen	Bugondo Kadung and Pingire Women's Development Association

### West Nile Sub Region

SN	REPRESENTATIVE	ORGANISATION
63	Adrawa Lawrence	Adjumani District NGO Forum
64	Anderu Florence	German Development services (DED)
65	Gowon Simon Leo	Tukaliri Multipurpose Co-operative Society
66	Taban Rashid	Koboko Civil society Network( KOCISNET)
67	Andiru J. A	PRAFORD Yumbe
68	Nansubuga Annet	Uganda red Cross Moyo
69	Abdu A Moses	Arua District Civil Society Network ( ADCSNW)
70	Anyolitho William	Nebbi District NGO Forum ( NDNGOF)
71	Drangwali Santos	Moyo District NGO Forum ( MDNGOF)
72	Idro Gaitano	Lutheran World Federation ( LWF)
73	Mbambu Faridah	Danish Refugee Council (DRC)
74	Raciu Sally	African Development and Peace Initiative ( ADPI)
75	Oraku A Jimmy	Advocacy for Social Development and Environment in Uganda
76	Madra Beatrice	Madi Women Development Association
77	Alitia Richard	Justice and Peace Commission Arua Diocese
78	Carimula Abas	Youth Aids Service Association (YASSA)
79	Aliga Jackson	Catholic Rural Youth Movement (CARYM)
80	Anyama J Kennedy	Former Seminarians' Initiative for Development
81	Amida Zainab	Food, Nutrition Security Project (FNS)
82	Taban Charles	Madi Aids Control Initiative (MACI)
83	David Mawa	Action for Rural Development and Empowerment (ARUDE)
84	Feta Richard	Trans Social Cultural Organisation (TPO)
85	Idro D Tako	Consultancy for Rural Enterprise Activities Management (CREAM)
86	Tiondi Martin	Madi Aids Heroes Association (MAHA)
87	Ferua Alice	Action for Rural Development
88	Inyani Kalistos	CARITAS

### Lango Sub Region

SN	REPRESENTATIVE	ORGANISATION
89	Okello Daniel	Yele IKom Can Atur Farmers' Association (YICAFA)
90	Ogwal Solomon Dan	Women and Child Advocacy Network (WACANE)
91	Esther Kapampara	Lira NGO Forum
92	Ajali Stephen	Abako Rural Community Development Organization
93	Akullo Elizabeth	Facilitation for Peace and Development (FAPAD)
94	John Alfred Ejura	Focal Agroforesry Advocacy Group
95	Joyce Opon Acak	Lira Women's Peace Initiative (LIWEPI)
96	Vincent I Oling	Facilitation for Peace and Development (FAPAD)
97	Apio Eunice	Facilitation for Peace and Development (FAPAD)
98	Kia Jacquelyn	Platform For Labor Action
99	Opwonya Tom	The Apac Anti Corruption Coalition (TAAC)
100	Ogony V.Beatrice	Justice and Peace Commission
101	Acam Helen	North and East Chilli Producers' Association (NECPA)
102	Ebong h.Cornish	Rural Initiative for Development Foundation (RIDF)
103	Atepo Alunga	Lira NGO Forum
104	Augustine Omara	Lango Community Trust (LCT)
105	Egwor Fred	Business Community Representative
106	Rev.Alfred Acur Okodi	Uganda Joint Christian Council (UJCC)
107	Owiny William	Campaign Against Domestic Violence in The Community (CADOVIC)
108	Awor Helen Omara	Concerned Parents' Association
109	Okeny Dennis	Concerned Parents' Association
110	Obuta Paokwale	Agency for Sustainable Development Initiative (ASDI)
111	Ebil Geoffrey	Platform for Labor Action
112	Engop Herbert	Platform for Labor Action
113	Morris Chris Ongom	African Child Foundation Network (ACFUN)
114	Ogweng Grace	Lira NGO Forum
115	Odur Jonathan	Concerned Parents Association
116	Ocom Moses	North and East Chilli Producers' Association (NECPA)