

GULU DISTRICT NGO FORUM



Justice & Reconciliation Project

TRADITIONAL JUSTICE AND REINTEGRATION OF REPORTERS IN NORTHERN UGANDA

A Concept Paper Prepared and presented at a Workshop organized by Amnesty
Commission on Information, Counseling and Referral Services at Hotel Pearl
Afrique-Gulu.

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Introduction

This concept note is prepared for presentation in a training workshop organized by Amnesty Commission for its technical staff on Information, Counseling and Referral Services for reporters (Formerly Abducted Persons).

Overall Objective of the Training

The training aimed at building and raising the capacity of Amnesty Commission field staff in supporting the return and reintegration of “reporters” under the Amnesty Act. As part of this goal, Amnesty Commission field offices need to be fully aware of available services and opportunities for specialized referral.

To achieve the above objective, Gulu district NGO forum has been allocated an opportunity to make a 45minutes presentation on Traditional Justice and Reconciliation. Other organisations: CPA and Empowering Hands/Quakers have also been invited to contribute to this theme.

Overview of Justice and Reconciliation Project (JRP)

JRP project aim at engaging Acholi leaders, Young ex-combatants, former commanders and War affected communities in action oriented research on informal justice mechanisms to facilitate the reintegration process into communities against which gross atrocities have been committed.

The outcome of the research are shared in different forums i.e. dialogue with IDPs at camp level to enable the affected persons have the opportunity to understand the salient issues that confront them and be able to realize their own role in responding to their needs and/ problem.

Periodic dissemination workshops are also organized at district and national levels to inform stakeholders on issues emerging from the bi-monthly participatory investigation conducted by the project. Presentations are also done in international forums/conferences where project staffs are invited. All these are aimed at advocating for the recognition of the role of traditional justice in achieving effective return and reintegration of the ex-combatants in their communities.

In its effort to ensure the headway at Juba peace Talks, JRP have dedicated two Field Notes that aimed at clarifying a number of issues on traditional/transitional justice in Northern Uganda and the forgotten plight of the Returnees Young Mothers. This message in the Field Note is expected to feed into the upcoming agenda on Accountability and Reconciliation.

Current Issues in the Application of Traditional Justice in Northern Uganda

Acholi culture is rich in mechanisms for ensuring justice and achieving reconciliation and reintegration of its members, particularly in the case of the current conflicts and its aftermath being experienced. Due to the oral nature of Acholi tradition little is known about the nature of these practices and its potential contribution to achieving justice in the region.

Through Amnesty Act, which came into effect on 21st January, 2000, an amnesty law has been provided for Ugandans involved in the acts of a warlike nature in various parts of the country and for other connected purposes. This means whoever falls in this category, upon confession has been pardoned, forgiven, exempted or discharged from criminal prosecution or any other form of punishment by the state.

For the case of northern Uganda, reporters are being returned and reintegrated in the community where they have committed grave atrocities. Against this back ground it is not surprising that some members of the community provide barriers to successful reintegration.

For the case of Acholi, traditional justice mechanism provides opportunity for the community's own mechanism for addressing these needs. These mechanism although has faced a lot of challenges provide an avenue for traditional based version of the amnesty.

The traditional justice mechanism unlike the formal approaches to justice is restorative in nature. It brings about restoration of spoilt relationships and lasting healing among the community members. This is done through; acknowledgement of wrong/admission of guilt, truth telling, accountability, symbolic rituals and reconciliation.

Forms of Rituals/Traditional Justice Mechanisms being Administered by Cultural Leaders

There are a number of rituals/traditional justice mechanisms that can be conducted for different purposes. Through JRP field offices locate in six major camps in Gulu, Kitgum and Pader, their frequencies are being monitored:

Nyono Tong Gweno (Stepping on an egg) is a ritual performed as a welcome ceremony for a family/community who has been away from home for an extended period of time. Performance of the ritual signifies that they have been welcomed back in the community. It also cleanses them of any dirt that they might have walked through while away from home. A number of *Nyono Tong Gweno* has been performed in the IDP camps where reporters are resettled.

Mato Oput: This is a ceremony defined as the 'final act which concludes the process of reconciliation following a killing,' and resolves the bitterness and ill that follows from it. Thus, the process of *Mato Oput* also addresses a 'spiritual dimension', as it was believed that the spirit of the dead remained restless with bitterness and consequently brought misfortune to both the perpetrators and offenders, in addition to the disunity caused

amongst clans. The *Mato Oput* ceremony involves an elaborate series of symbolic acts to restore unity between the injured parties.

Moyo Kom:¹ (the cleansing of the body). The ritual differs slightly in terms of practice from clan to clan, but in general calls for a gathering of Elders to bless the returned person, wash away their ill-deeds, chase away evil spirits, appeal to the ancestors for their blessing. In some clans, this involves a multiple day ceremony, in which the returned person must imitate the life lost by re-enacting parts of their lives in other cases it involves a simple spearing of a goat and dragging it across a compound to ride the clan of *cen*. *Moyo Kom* is an Acholi ritual that has some precedent in other post-conflict reconciliation practices, such as in Mozambique, Angola and Sierra Leone.²

Moyo Piny: (cleansing of an area). In the context of the conflict, *moyo piny* is a ceremony involving a sacrifice of a goat to appease ancestors and cleanse an area of evil spirits that are believed to dwell in places where war related massacres have occurred. For instance, *moyo piny* have been held at sites of deadly ambushes, mass murder in fields or compounds, or battle sites.

Lwongo Tipu: (calling the spirit home) is another adaptation of a ritual used to lay the spirit of the disappeared to rest. In Acholi, it is important to bury the dead in elaborate ceremonies in order to send them peacefully into the afterworld, and to bury them at home to keep them close to the family/clan. Where persons have been abducted or disappeared in battle, family members have held this ritual to call the spirit of their loved one to rest at home, so that it isn't lost outside. The ceremony can help provide closure to families.

Gomo Tong: (Bending of the spear) is a vow between two warring parties to end hostilities. Few recorded practices of *Gomo Tong* exist, but those that do date back decades and involve inter-tribal conflicts. It is considered a highly sacred act, evoking ancestors and thus once completed, no further blood should be shed. There has been some discussion of revising this practice between the Acoli and neighboring tribes affected by the conflict.

All of these rituals and ceremonies, plus others not described here, provide important insight into Acholi values and beliefs. These mechanisms for reconciliation need to be considered in any attempt to achieve effective return and reintegration of the ex-combatants/reporters.

¹ The ritual of cleansing the body and ground also differs in name across clan to clan.

² Alcinda Honwana, 'Children of War: Understanding War and War Cleansing in Mozambique and Angola', in S. Chesterman, ed. *Civilians in War*. 2001.

Challenges to the Application of Traditional Justice in Return and Re-integration in Northern Uganda

Although a bigger proportion of the reporters recognize the role of traditional justice in facilitating their return and reintegration, the high level of poverty (68%) among the population in the region implies most reporters are unable to acquire the basic facilities required for performing the rituals. Many of them across the different squalid IDP camps in the region have been engaged in different activities to obtain resources for the ritual.

The complex nature of the conflict which has affected the neighboring tribes such as Teso, Langi and the people of west Nile with unique and often unrelated tradition implies that some of the Acholi justice mechanism cannot be applied to reconcile the communities.

The restoration of cultural institutions in 1995, after they have been banned since 1967 implies the systems is still weak. The cultural institutions are struggling for recognition among its community. Unlike other regions of the country, the insecurity in Northern Uganda has dealt a big blow to the institution.

Mato oput is being looked at as the basic ceremony that brings about lasting reconciliation and restoration of relations in addressing the northern Uganda Conflict has challenges too. The crimes committed in the course of the conflict are gross and some used not to happen in Acholi. It is therefore a challenge to the cultural institution to adapt these rituals to address war crimes and crimes against humanity. If mato oput is the ideal ritual, who will mato oput with whom? How will the clans be identified? Who will pay compensation for the very many lives lost?

Opportunities for the Application of Traditional Justice

1. There is recognition of the traditional justice approaches by both the reporters and the community in which they are resettled. Although there is need for strengthening advocacy for extended recognition among the different sect of the population, it provides a good starting point.
2. Cultural leaders across the region have expressed commitment and willingness to perform the rituals for the ritual for the reporters in their communities upon expression of interest.³

³ Acholi Traditional Justice is largely voluntary; one has to express willingness without being coerced. It is believed that if one does not performed the ritual, the negative consequences that follow will force one to come out.

JRP contribution to Return and Reintegration or reporters

1. Dialogues organized in the community/IDP camps have helped sensitize the community on the need for reintegrating the reporter.
2. Information collected is shared with other stakeholders that help them in planning, implementation, monitoring, evaluation and reintegration of reporters.
3. Similarly, dissemination of finding in the different forums have advocated for policy formulation and modification on matter affecting reporters. In addition it has helped donors in making informed choices on supporting initiatives/projects for reintegration of reporters.

Potential for Collaboration with Amnesty Commission

Through JRP, Gulu District NGO Forum provides first hand information of emerging issues that affect the reporters and their communities. Among the issues are the challenges that may affect Amnesty Commission directly in it effort to ensure return and reintegration. Collaboration can therefore be in the areas of information sharing and also concessions on issues to be investigated which are of relevance to both the commission and the Forum.

Gulu District NGO Forum is a network Organisation for Civil Society in Gulu district with over 150 registered members who comprises of CBOs and NGOs (local and International). The Forum oversees and coordinates the activities of its members, and also with the local government. Therefore collaboration with Amnesty Commission does not only provide avenue for reaching different organisations that can play pertinent role in return and reintegration, but also ensuring that responsibility are effectively allocated to deter problems that may arise from duplication of concentration in one area while ignoring others.

Ker Kwaro Acholi (KKA) is the custodian of Acholi traditional justice system/mechanism; it would therefore be more appropriate if related intervention or collaboration by the Amnesty Commission be approached with KKA as partner. Similar approaches proved vital in the intervention of the Justice and Reconciliation Project.