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Pay Us so We Can Forget:* Reparations for Victims and Affected Communities in Northern Uganda

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After more than two decades of conflict, victims, the Government and civil society in Uganda are grappling with how to implement effective transitional justice (TJ) mechanisms in the country. Informed by widespread consultations with victims across the greater northern region of Uganda, this policy brief focuses specifically on the right to reparations and aims to highlight the most pressing reparations needs identified by victims. The briefing concludes with specific recommendations to concerned parties, namely the imperative need for a national framework to guide reparations processes in Uganda.

From November 2010 to February 2011, the Justice and Reconciliation Project (JRP), in collaboration with the Institute for Justice and Reconciliation (IJR), organized a series of consultations with victims of the conflict in Northern Uganda, entitled 'Enhancing Grassroots Involvement in Transitional Justice Debates.' The consultations, held in the Acholi/Lango, Teso and West Nile sub-regions, focused on truth-telling, traditional justice, reparations and gender justice within the context of Uganda's transitional justice processes.²

The purpose of this briefing is to share the consultations' findings on reparations and inform stakeholders on specific

policy and programming needs which will best assist victims and their families. By highlighting the issues identified by victims and making specific recommendations to concerned parties, unique insight is provided into the right to reparations and the specific reparations mechanisms needed to support efforts for sustainable peace and reconciliation in Northern Uganda.

Introduction

An age old African proverb says that when two elephants fight, it is the grass that suffers. After more than two decades of violent conflict between the rebel movement the Lord's Resistance Army (LRA) and the armed forces of the Government of Uganda (GoU), the Uganda People's Defence Force (UPDF), victims and survivors in Acholi, Lango, Teso and West Nile in Northern Uganda are struggling to rebuild their communities and lives. Complex issues surrounding justice, reconciliation and reconstruction have left victims, the Government and civil society grappling with how to implement effective transitional justice (TJ) mechanisms in Uganda.

There is no doubt that the civilian population in Northern Uganda bore the brunt of the conflict. During the consultations, participants were asked what crimes had been committed and who had suffered. Across the northern regions, the answers were similar – no one who lived in Northern Uganda remained unaffected.

There was a loss of life through massacres and numerous isolated killings. Girls and women were raped, and reports are trickling in that high numbers of boys and men were also subjected to sexual violence. Diseases such as HIV/AIDS, malaria and malnutrition were rife in the internally displaced persons

* The title of this policy brief, *Pay Us so We Can Forget*, is derived from an emotional response of a participant at the West Nile regional consultation (held 24-25 November 2010) when discussing the topic of reparations. Although compensation forms one part of the reparations process, this phraseology reflects the state of mind of many victims and affected communities in Northern Uganda. They view compensation as a key component of justice.

¹ The authors would like to acknowledge the comments and suggestions provided by Friederike Bubenzer and Tim Murithi of the Institute for Justice and Reconciliation; and Lino Owor Ogora, Sylvia Opinia and Boniface Ojok of the Justice and Reconciliation Project.

² Respondents participated in these consultations on the basis of anonymity.

(IDP) camps, where over 1.8 million people were confined during the conflict. Property and livestock were destroyed through arson and looting and those returning from the IDP camps oftentimes found nothing left of their homesteads. Those who crossed paths with armed forces or rebels did not escape their wrath.³ Moreover, the LRA adopted a policy of abducting civilians to serve as porters, soldiers and wives. Analysts estimate that between 24,000 to 38,000 children and 28,000 to 37,000 adults were abducted during the two-decade-long conflict.⁴

During these two decades, numerous attempts were made to end the violence between the Government and the rebels. In 2006, the Government of South Sudan (GoSS) initiated the Juba Peace Talks that provided a groundbreaking foundation for transitional justice in Uganda. Although the talks were aborted in 2008 before a final peace agreement was signed, several agenda items were agreed upon, including agenda item three on accountability and reconciliation. This agreement binds the GoU to implement a holistic transitional justice programme in Uganda, including the use of formal and non-formal mechanisms, such as national truth-seeking, prosecutions, reparations, traditional justice and legal and institutional reforms. Fulfilling its commitment to address gross violations that occurred during the conflict, the GoU has mandated the Justice, Law and Order Sector (JLOS) to institutionally guide Uganda's transitional justice processes.

Although the country has experienced relative peace and stability since 2006, there remains an urgent need for the GoU to fully implement the provisions of agenda item three, the *Agreement on Accountability and Reconciliation*,⁵ and institutionalize a range of transitional justice mechanisms which address the shift from armed conflict to democracy and the rule of law. To date, the JLOS Transitional Justice Working Group has carried out a series of consultations on transitional justice issues, and established the International Crimes Division (ICD) of the High Court of Uganda.

There is no doubt that the conflict in Northern Uganda has left numerous victims and communities deeply divided and affected. Yet, as evident in the consultations, without mechanisms to promote accountability and reconciliation, namely through reparations, the sustainability of peace is in jeopardy.

³ JRP has extensively documented some of these encounters with state and non-state actors. See most recently *The Lukodi Massacre: 19th May 2004* (2011) and *The Mukura Massacre of 1989* (2011).

⁴ Pham, Phuong, Patrick Vinck, and Eric Stover. *Abducted: The Lord's Resistance Army and Forced Conscription in Northern Uganda*. Berkeley-Tulane Initiative on Vulnerable Populations, June 2007.

⁵ *Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement*, June 2007.

The Right to Reparations

Reparations refer to the obligation of a wrongdoing party to redress the damage caused to an injured party. Reparations can take many forms, including:

- a. *Restitution*: Aimed at the restoration of a victim to his or her situation before the gross violations took place;
- b. *Compensation*: Monetary awards for any economically assessable damage as appropriate and proportional to the gravity of the violation and the circumstances of each case;
- c. *Rehabilitation*: Including medical and psychological care as well as legal and social services;
- d. *Satisfaction*: To end continuing human rights violations and to establish and publically disclose the truth;
- e. *Guarantees of non-repetition*: To prevent such abuses from happening again, through institutional reform (judicial, military, police, etc.) and the implementation of mechanisms to monitor and/or prevent future social conflicts.⁶

The principle of reparations has existed for many centuries among communities all over the world, manifesting in different forms, yet founded on the acknowledgement of the need to redress harm. In Uganda, reparation is an integral component of traditional justice and reconciliation rituals, especially among the Acholi, Lango, Teso, Madi and Lugbara in the North.⁷ Oftentimes in these traditional practices, there is a notion of collective responsibility, in which the clan of the offender provides a token of apology and acknowledgement of wrongdoing predominantly in the form of livestock to the clan of the victim. These rituals aim to result in forgiveness and acceptance and allow for communities to resume peaceful co-existence.

In the context of international law, it is generally agreed that reparations must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed.⁸ This policy brief assesses the standard set by international law and accepted practices governing the reparations regime as well as the institutions of accountability and reconciliation as established in Uganda.

⁶ *United Nations Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, UN General Assembly Resolution A/RES/60/147 (hereinafter 'UN Basic Principles on Reparations'), Principles 19 – 23, 21 March 2006.

⁷ For example "Ailuc" practiced by the Iteso, "Culo Kwor" practiced by the Acholi and Langi, "Kayo Cuk" practiced by the Langi, "Mato Oput" practiced by the Acholi and "Tonu ci Koka" practiced by the Madi. See also *Roco Wat i Acholi: Restoring Relations in Acholiland: Traditional Approaches to Justice and Reintegration*, Justice and Reconciliation Project and Liu Institute for Global Issues, September 2005.

⁸ See Redress. *Reparation: A Sourcebook for Victims of Torture and Other Violations of Human Rights and International Humanitarian Law*, 2003. Available at <http://www.redress.org/downloads/publications/SourceBook.pdf>.

During consultations with war-affected individuals and communities across Northern Uganda, a common thread became evident – all victims expect reparations for the harm they endured during the conflict. This expectation transcends sub-region, language, age, gender and personal experience. As the consultations revealed, ultimately victims and affected communities hold the Government responsible for reparations, especially compensation, as they see Government as having failed to protect them from the violations.

*Government should pay us for the torture. They should pay us so [that] we can forget.*⁹

*Government should compensate victims and community members because as citizens of Uganda, it was their duty to provide security [to us]. So because Government didn't provide security, it's their role [to compensate us].*¹⁰

In line with the victims' sentiments, the *Implementing Protocol to the Agreement on Comprehensive Solutions* signed during the Juba Peace Talks identified the GoU as responsible for meeting the reparations needs of victims. It provides that:

*The Parties agree that the Government shall develop and implement a policy for the support and rehabilitation of the victims of the conflict.*¹¹

*The policy shall include, and the Government shall establish, a special fund for victims, out of which reparations shall be paid, including reparations ordered to be paid by an institution established pursuant to the Agreement on Accountability and Reconciliation.*¹²

There is therefore a sufficient legal basis for the formulation of a policy for the support and rehabilitation of victims and the establishment of a special fund for victims of the armed conflict in Northern Uganda and affected communities.

The Standard of Reparations under the United Nations Basic Principles on Reparations

The *United Nations Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Basic Principles on Reparations)* provide a standard of remedies available for victims of armed conflict. Whereas the



Participants during the Teso consultations. Photo Credit: JRP.

UN Basic Principles on

Reparations have no binding legal effect, this instrument has an undeniable moral force and provides guidance to States on issues of reparations. It is a longstanding principle of international law that a State has the primary obligation to provide for reparations to its nationals whose human rights have been violated by the State and/or non-state actors within its territory.¹³ State responsibility for the right to reparations for victims presupposes that the State must create mechanisms for the access of this right to its nationals. For this right to be adequately addressed, the State must consult the victims to ascertain their needs.

*States should endeavor to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations.*¹⁴

Moreover, under these principles, a victim of a gross violation of international human rights law or of a serious violation of international humanitarian law should have equal access to an effective judicial remedy as provided for under international law. This includes "...adequate, effective and prompt reparation for harm suffered."¹⁵ The *UN Basic Principles on Reparations* also states that if a person or entity other than the State can be found liable for the violations and abuses endured, such a party is responsible for providing reparation either directly to the victim or through compensating the State for reparations rendered.

⁹ Respondent. JRP-IJR victim consultation in West Nile, 24-25 November 2010.

¹⁰ Respondent. JRP-IJR victim consultation in Acholi/Lango, 1-2 December 2010.

¹¹ *Implementation Protocol to the Agreement on Comprehensive Solutions*, Clause 26, 22 February 2008.

¹² *Ibid.*, Clause 28.

¹³ *UN Basic Principles on Reparations*, *supra* note 6, Principle 15.

¹⁴ *Ibid.*, Principle 16.

¹⁵ *Ibid.*, Principle 11(b).

The Right to Reparations under the Rome Statute of the ICC

Uganda is a State Party to the *Rome Statute of the International Criminal Court (Rome Statute)*.¹⁶ The Government of Uganda referred the situation concerning the armed conflict in the north of Uganda for investigation and prosecution by the International Criminal Court (ICC).¹⁷ This referral triggered the jurisdiction of the ICC over Northern Uganda as well as mechanisms under the *Rome Statute* that established the ICC such as the right of victims to reparations.¹⁸ According to the *Rome Statute*, a Trust Fund for Victims (TFV) is established “...for the benefit of victims of crimes within the jurisdiction of the Court, and families of such victims.”¹⁹ This provision establishes what is known as the first mandate of the TFV. Under this mandate, reparations can only be ordered by the chambers of the ICC at the conclusion of a case and where an accused person has been found guilty.²⁰ These court-ordered reparations are only available to individuals who qualify as victims in the case. At present there have neither been trials before the ICC concerning the situation in Uganda, nor have there been convictions. The ICC Chambers cannot therefore make orders for reparations to victims of the situation pending trials in the situation in Uganda.

The TFV has a second mandate of general assistance. This assistance is dependent entirely on the goodwill of States to contribute to a general fund. Through this pool of funds, the TFV has been engaged in several initiatives in Northern Uganda to provide reparations to victims who sustained serious wounds and trauma from the conflict. However, this TFV assistance is limited and further efforts are required to bring the much-needed help to the victims and affected communities of Northern Uganda, especially through GoU-sponsored reparations.

When asked about their understanding of the ICC processes on reparations, victims were unclear as to what they entail. Some were concerned about what they perceive as secrecy in the disbursement of funds and selection of intervention in Northern Uganda by the TFV, while many were unaware of the right to reparations under the *Rome Statute*. At present, there are less than 100 individuals recognized by the ICC as

victims of a case or situation in Uganda.²¹ With the reparations mechanism of the ICC pegged on this recognition, it follows that even where the trials concerning the situation in Uganda are concluded, only a few victims will receive court-ordered reparations.

A Framework for Government-led Reparation Processes in Uganda

The question arises whether the laws and institutions within Uganda allow for a government-led reparations process. The *Agreement on Accountability and Reconciliation* signed by the GoU during the Juba Peace Talks espouses the commitment of the Government to support and/or establish institutions that promote justice and reconciliation with respect to the conflict.²² Furthermore, the *Agreement* recognizes that “...modifications may be required within the national legal system to ensure a more effective and integrated justice and accountability response.”²³ The principle of complementarity enshrined by the *Rome Statute* provides that States have the primacy of jurisdiction to try persons accused of committing crimes within the jurisdiction of the ICC.²⁴ As such, Uganda has domesticated the *Rome Statute* and established the International Crimes Division (ICD) within the High Court of Uganda to promote accountability within the meaning of the agreements signed in Juba and in conformity with international standards for states to conduct trials of international crimes.²⁵

The ICD is one existing institution which could implement reparations policies in Uganda. The capacity of the ICD to make orders for reparations based on a system of accountability and reconciliation satisfies the international requirement that reparations be tied to judicial processes.²⁶

While such a reparations scheme through Uganda’s legal system affords a greater opportunity for victim redress than the international system (i.e. the ICC) because of its close proximity to victims, it is unlikely that the ICD alone can remedy victims’ rights to reparations. For one, the ICD will likely only try a limited

¹⁶ Uganda deposited its instrument of ratification of the *Rome Statute of the International Criminal Court*, UN Doc A/CONF. 183/9 (hereinafter ‘*Rome Statute*’) on 14 June 2002.

¹⁷ In December 2003, President Yoweri Museveni took the decision to refer the situation concerning the Lord’s Resistance Army to the Prosecutor of the International Criminal Court.

¹⁸ *Rome Statute*, *supra* note 16, Article 75.

¹⁹ *Ibid.*, Article 79.

²⁰ *Ibid.*, Article 75.

²¹ *Pre-Trial Chamber II: Situation in Uganda: Decision on Victims’ Applications for Participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to 1/0104/06 and a/0111/06 to a/0127/06*, Ref. No. ICC-02/04-101. Public Redacted Version, 10 August 2007, where only 2 of the 49 applicants were granted “status of victim” vis-à-vis the investigation in the situation. In the same decision, the Single Judge also determined that 6 of the 49 applicants should be granted the “status of victim” in the case concerning *Prosecutor v. Joseph Kony*. The success of applicants for status of victims at the ICC is hinged on their specific demonstration that they had suffered from one of the crimes charged in the warrants of arrest in the cases. This explains the few numbers of individuals with victim status at the ICC.

²² *Agreement on Accountability and Reconciliation*, *supra* note 5, Clause 2.1.

²³ *Ibid.*, Clause 5.1.

²⁴ *Rome Statute*, *supra* note 16, Preamble par. 10, Article 1 & 17.

²⁵ *The Implementation Protocol to the Agreement on Comprehensive Solutions*, *supra* note 11, Clause 10, calls for institutions of justice to be strengthened through programmes of the JLOS.

²⁶ *UN Basic Principles on Reparations*, *supra* note 6, Principle 11.

number of cases, making reparations inaccessible to those whose grievances do not qualify for a hearing. To overcome this, truth-seeking and traditional justice processes could be useful and supplementary avenues for implementing a comprehensive reparations policy in Uganda.

Victims Speak Out: Expectations for Remedy and Reparations

During the consultations, victims were asked what expectations they had for meaningful reparations programmes. Each sub-region provided similar answers on what assistance victims feel they need to complement other transitional mechanisms. Key needs are outlined below:

Compensation and Livelihoods

At the consultations, it was clear that victims' primary understanding of reparations is in the form of monetary compensation.

Through money and other individual forms of compensation, they

believe their present situations can be improved and their past misfortunes rectified. As stated earlier, because Government failed to protect citizens from atrocities, victims feel it is the primary responsibility of the Government of Uganda to provide compensation, with support and backing from the international community and non-governmental organizations. Victims also understand that reparations must include the establishment of institutions within affected communities and items that are indispensable for survival, such as agricultural tools, communal water and sanitary services, among others. The entire economic infrastructure of the North was altered during the war. Conflict-affected communities are now facing a situation in which their livelihoods have long been destroyed, thus crippling their ability to provide for themselves and their families. Through livelihood programmes, or reparations like compensation or restitution, dignity would be restored, allowing victims to resume a life of self-sufficiency.

Education

During the conflict, hundreds of thousands of people experienced a disruption in their education. Displacement, abduction and the closure of schools forced children to abandon

their education for survival. Victims and survivors lack resources for school fees for their children. As such, victims expressed the need for assistance in paying school fees and for the provision of scholarships for victims and children and youth orphaned as a result of conflict. Such measures should be prioritized as methods for reparation.

Medical Care and Psychosocial Support

In addition to livelihoods and education, victims expressed a desire for rehabilitation which provides medical and psychosocial care to war victims. Many survivors of massacres and other atrocities suffer from daily reminders of their experiences because of debilitating physical and psychological scars. Yet, they lack the resources to seek adequate medical care. Unaddressed and widespread trauma, such as the trauma that is evident across affected regions in Northern Uganda, has the potential to significantly damage the socio-economic fiber of families and communities. Rehabilitative programmes provided at specialized facilities by trained professional for victims suffering from trauma, post-traumatic stress, scarring and other such physical and psychological conditions could greatly enhance victims' pursuit for justice and improve their quality of life.



Participants discuss reparations during the West Nile consultations.
Photo Credit: JRP

Acknowledgement

In the words of one victim from Teso who experienced rape by Government soldiers, *"All I want is to shake the hands of the president of Uganda."*²⁷ In doing so, she feels that acknowledgment of her suffering at the hands of the GoU forces would satisfy her thirst for justice. For many survivors, the seemingly simple act of acknowledging their suffering and the horrendous experiences they went through during the conflict is an essential component of reparations. This satisfaction would assist them to begin a process of forgiveness and moving forward in their lives.

Memorialization

Through memorialization activities at the local level, victims feel that the guarantee of non-repetition can be implored to teach their children and future generations about the dangers of war. When developed and implemented in consultation with communities, memorialization initiatives pay tribute to

²⁷ Respondent. JRP-IJR consultation in Teso, 8-9 February 2011.

the dead by recognizing their contribution and sacrifice.²⁸ Monuments, for example, are authentic reminders of the past, and when strategically erected, they allow communities to remember the past, mourn, heal and aspire to reconciliatory mindsets.

Charting the Way Forward: Toward a National Reparations Policy

In the present challenge of delivering justice and accountability to victims and affected communities in Northern Uganda, there is an urgent need for a nuanced approach towards a national reparations policy.

*We need a reparations policy to be formulated in Uganda.*²⁹

It is insufficient for the Government to introduce post-conflict recovery and development programmes in lieu of official reparations programmes. While the objectives of such development programmes may overlap with the objectives of reparations programmes, the right to reparations presupposes that State initiatives must include consultations with victims and contain elements of acknowledgement and State responsibility, followed by responsive, specific and programmatic reparatory interventions.³⁰

In each of the consultations, victims expressed confusion at the manners and means in which others in Uganda had been awarded reparations for past abuses against them. Most notably and often discussed was the 1989 Mukura massacre in Teso, in which 200 million Ugandan shillings in cash compensation was paid to victims' families through a Member of Parliament (MP) on behalf of the Government.³¹ Another incident that was often cited was the compensation paid out to victims of the al-Shabaab bombings which occurred in July 2010 in Kampala. In this instance, victims were inquisitive about the motivation of the Government to do so, given that the Kampala bombings were a recent event and yet the victims of this tragedy were speedily compensated.

Victims from other areas were interested in using Mukura as a case study to understand how to receive similar compensation for their groups and communities. However, upon closer examination, the compensation of Mukura victims, seemingly

at the political whim of the Government, highlights the pressing need for a transparent process for providing reparations in Uganda. Since the funds for compensation came in the run-up to a crucial parliamentary and presidential election in Uganda, in an area traditionally held by the opposition, many questions were raised regarding the politicization of reparations in the country. Further deepening these suspicions, an advert ran in the *Daily Monitor*, a national newspaper, just weeks before the elections, listing the fund's recipients and concluding by stating that, "*The above families support the candidature of H.E. Yoweri Kaguta Museveni in a Presidential bid for 2011-2016.*"³²

This example, among others, demonstrates the imperative need for a national framework to guide reparations processes in Uganda. The Juba process, resulting agreements, and international law provide a clear mandate to the Government of Uganda to effect a comprehensive reparations policy. Such a policy would, among other things, define who the victims are, what reparation measures they will receive, how and when they will receive them, and who will monitor and evaluate awards for reparations.

Recommendations

In order to effectively provide victims of the war in Northern Uganda with adequate, effective and prompt reparation for harm suffered, stakeholders from various sectors must work together to consult victim communities and implement policies and programmes to meet their most pressing needs. As documented during the consultations, the following recommendations highlight specific actions which will jumpstart such processes and deliver remedy for the most severe abuses.

To the Government of Uganda, namely the Justice, Law and Order Sector (JLOS):

1. **There is need to create a national reparations policy, which includes a reparations fund in line with the *Implementation Protocol to the Agreement on Comprehensive Solutions and the Agreement on Accountability and Reconciliation from the Juba Peace Talks*.** Such a process must include provisions to consult extensively with stakeholders and victims on their reparations needs. Specifically, any reparations programmes should be sensitive to the needs of different categories of victims, especially formerly-abducted persons, children born in captivity, and survivors of sexual and gender-based violence. This policy should also ensure that there is a provision for effecting both collective and

²⁸ For more information on memorialization in Northern Uganda, see JRP's report *We Can't Be Sure Who Killed Us: Memory and Memorialization in Post-Conflict Northern Uganda*, 2011.

²⁹ Respondent. JRP-IJR consultation in Teso, 8-9 February 2011.

³⁰ In recent months, politicians and government representatives have directed victims' desires for reparations to government programmes such as the *Peace Recovery Development Plan (PRDP)* and the *Northern Uganda Social Action Fund (NUSAF)*, which are useful development projects but do not fully meet the requisite standards of reparations programmes.

³¹ See JRP's report *The Mukura Massacre of 1989*, 2011.

³² "Compensation to Victims of the Mukura Tragedy of 1989," *Daily Monitor*, advert (pg. 13), 31 January 2011.

individual, and material and symbolic, forms of reparations. The reparations policy should lay out systematically the enacting institutions, including the ICD, and procedures for the award of reparations.

2. **There is need for public acknowledgment and apology to victims for abuses committed by state actors and for failure to protect civilians from non-state crimes.** Across the greater North, victims view Government as complacent in the violence as a result of its failure to protect civilians from atrocities. Through public apologies to communities, victims' groups and survivors of the violence feel they could reconcile with the Government and achieve some degree of healing. These apologies should be issued through local and national media as well as civil society groups working alongside victims.
3. **There is need to explore the possibility of pursuing reparations using complementary alternative justice mechanisms, including traditional justice mechanisms of war-affected communities in the North.** In addition to being grassroots and victim-centered, these mechanisms—and their provisions for reparations—resonate with victims and can contribute greatly to local-level justice and reconciliation. Traditionally, when a crime is committed, local leaders mediate justice and pass resolutions. Oftentimes, inherent in these traditional ceremonies are opportunities for remedy of abuses through the giving of cows or other livestock, or the slaughtering of animals to be eaten by both parties and their clans, both examples of reparations. Supporting cultural institutions through capacity-building of cultural leaders and funding for reconciliatory ceremonies would provide more opportunities for communities to hold such ceremonies.³³
4. **There is need to draft and effect enabling laws for the award of reparations by judicial organs such as the International Crimes Division (ICD) of the High Court of Uganda.** The *UN Basic Principles on Reparations* proffer that remedies be tied to judicial processes.³⁴ The ICD is an avenue to explore for awarding reparations for serious violations of international humanitarian law and gross violations of human rights. Such judicial avenues may avert the politicization of a reparations process in Uganda and fall within international norms and standards for awarding reparations.

To the International Criminal Court, namely the Chambers and Office of the Public Counsel for Victims (OPCV), the Outreach and Victims Participation and Reparation Section of the Registry (VPRS) and the Trust Fund for Victims (TFV):

1. **There is urgency for dialogue concerning the establishment of principles relating to reparations and activities that are aimed specifically at informing victims and affected communities of the reparations available under the Rome Statute.** Communities in Northern Uganda have high expectations for reparations from the ICC, and yet they are not conversant with how to access these reparations. Furthermore, the ICC also needs to clarify what it intends to do for victims with regard to reparations, now that the LRA leaders are unlikely to be captured and tried in a timely manner. In addition, the ICC needs to increase the amount of assistance being offered to victims under the Trust Fund for Victims (TFV). Within the ambit of positive complementarity, the officers in Chambers and OPCV can lend technical and logistical support to the ICD and other Ugandan institutions in effecting reparations processes in the country.

As these consultations have revealed, these and any other recommendations must be implemented through continuous consultation with victims' communities. It is only through victim involvement and participation in such transitional justice processes that Uganda can have sustainable peace and recovery.

³³ For more recommendations relating to traditional justice, see JRP policy brief *Traditional Justice and War Crimes in Northern Uganda*, 2011.

³⁴ *UN Basic Principles on Reparations*, supra note 6, Principle 11.

About the Authors

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About JRP and IJR

The Justice and Reconciliation Project (JRP) has played a key role in transitional justice (TJ) in Uganda since 2005 through seeking to understand and explain the interests, needs, concerns and views of communities affected by the LRA conflict. JRP promotes locally sensitive and sustainable peace in Africa's Great Lakes region by focusing on the active involvement of grassroots communities in local-level transitional justice. To learn more, visit <http://www.justiceandreconciliation.com>. For comments related to this brief, please e-mail info@justiceandreconciliation.com.

The Institute for Justice and Reconciliation (IJR) was launched in 2000 in the aftermath of South Africa's Truth and Reconciliation Commission with an aim of ensuring that lessons learnt from South Africa's transition from apartheid to democracy be taken into account in the interests of national reconciliation. IJR's Transitional Justice in Africa Programme works with partner organisations across Africa to promote reconciliation and socio-economic justice in countries emerging from conflict or undergoing democratic transition. IJR is based in Cape Town, South Africa. For more information, visit <http://www.ijr.org.za>, and for comments or inquiries contact info@ijr.org.za.