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Missing Stories:
Truth-seeking Processes in Northern Uganda

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This policy brief explores the continued relevance of truth-seeking as an instrument of transitional justice and peace building in Northern Uganda. Over two years after the dissolution of the Juba Peace Talks in November 2008, several questions remain unanswered regarding how truth-seeking might promote accountability and reconciliation in Northern 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 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]

This policy brief captures victims' views on truth-seeking in Northern Uganda. During the consultations it became evident that victims across Northern Uganda want to understand what exactly took place during the conflict and why. They insist that only after learning the truth will they be able to forgive and reconcile with the perpetrators. This policy brief is intended to inform relevant stakeholders of the need for a truth-telling process in Uganda, the challenges such a process presents, and propose a way forward for the Ugandan truth-telling process.

Introduction

The conflict in Northern Uganda between the rebel movement the Lord's Resistance Army (LRA) and Ugandan forces dates back to 1986. For more than two decades, the communities in Acholi, Lango, Teso and West Nile in Northern Uganda were subjected to the effects of a violent conflict. The conflict revolved around access to state power and resources, with Northerners increasingly being excluded from national decision and policy-making process.

Truth-telling is widely considered to be a crucial component of transitional justice processes. Consensus exists within the international community that sustainable peace can be achieved only when a society addresses its past. In the same vein, victims who long for closure need to gain access to information about events related to their victimhood before they can move on.

Societies emerging from a period of extended conflict and oppressive rule must facilitate the pursuit of accountability and truth-telling from perpetrators, while providing some form of reparations for the victims of the conflict. A truth commission can play an important role in laying the foundation for the rule of law in an emerging democracy, within which a human rights culture is cultivated and given legislative priority.[3] Truth commissions are temporary bodies mandated by governments or international agencies to investigate and make findings about acts and patterns of violence and gross human rights violations that took place during a specified period of time.[4] Over the past decades, national truth commissions across the world have

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

[3] Villa-Vicencio, Charles. "Truth Commissions." In *Pieces of the Puzzle*. Ed. Charles Villa-Vicencio and Erik Doxtader. Cape Town: Institute for Justice and Reconciliation, 2004. Pgs. 89-95.

[4] Chapman, Audrey R. "Truth Commissions as Instruments of Forgiveness and Reconciliation." In *Forgiveness and Reconciliation.* Ed. Raymond G. Helmick, S.J. and Rodney L. Petersen. Templeton Foundation Press: 2001.

summoned people to give their testimony, with the aim of producing a final report that establishes a nationally supported narrative of what took place in the past.[5] Examples, amongst many others, are Argentina, Chile, Sierra Leone and South Africa.

The ways in which the truth can be uncovered after a period of conflict differ. In some countries, the truth has been told through formal, state-led processes. In other countries and situations, truth-seeking processes have been developed and implemented in a more spontaneous fashion and have been led by non-governmental organizations (NGOs) and church agencies.[6] The truth of a country's violent past can be explored and conveyed in many creative ways, such as using theatre and music, traditional story-telling and oral history writing, to provide different spaces for affected populations to engage with the past. Truth-telling processes of any form should not be viewed as an alternative to punitive justice but rather as complementary. As such, different truth-telling processes can take place parallel to one another and at the same time.

Participants during a group session at the Acholi/Lango consultation in Gulu. *Photo Credit: IJR.*

Longing for the Truth

We are a divided people. We cannot reconcile if justice and truth are not there.[7]

In Northern Uganda, few atrocities have been documented or acknowledged publicly – most are contested and highly controversial.[8] As a consequence, victims struggle to survive emotionally, socially and economically with tragic memories of loss, and with little-to-no high-level acknowledgement by the Government of Uganda (GoU) or by most of the LRA high command. In a quantitative survey conducted by JRP in 2007 with 1,143 internally displaced persons (IDPs), a resounding 97.5 percent of persons responded 'yes' to the question, "Should the truth about what happened during the conflict be known?"[9] Consensus amongst participants at the JRP-IJR consultations was that telling the truth is a necessary process which has the potential to bring together and heal victims, perpetrators and affected communities. Participants explained that only by telling the truth could lasting peace and unity be established in Uganda. As one participant stated, "*Truth-seeking can prevent recurrence of what took place. If this person who is affected [by the conflict] does not get satisfied with the explanations [of what took place], the grudge they have inside may explode in the future.*"[10]

As in post-conflict contexts around the world, each victim or survivor or war-affected individual has his or her unique and very personal reason for and interest in obtaining the truth about the past. Parents, for example, may want to know what happened to their children who were abducted, often never to return. Cattle owners may want to know where their stolen cattle have been taken. Victims express bewilderment on why the Government failed to protect them from the rebels, and why they have not yet received any substantial assistance. In West Nile and Teso, participants expressed a sense of exclusion from discussions related to the war in Uganda that focus on the conflict between the LRA and the Government of Uganda in Acholi, despite the fact that insurgencies affected populations across the country. These individuals are interested in the acknowledgement of the entirety of the conflict across all regions. Participants also want to know what really caused the various conflicts, who supplied the rebels with weapons and uniforms, and why it took so long for the conflicts to end. The consultations with Acholi/Lango victims and communities revealed that participants are longing to find out where the International Criminal Court (ICC) process is currently at and how best they can engage with the

[5] See Priscilla B. Hayner. *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd ed. New York: Routledge, 2011.

[6] See the case of Greensboro, North Carolina, United States cited in *Unspeakable Truths*, *supra* note 5, pg. 62. The Greensboro commission looked into the "Greensboro Massacre" and was established through a largely private effort of civil society and church groups.

[7] Respondent, JRP-IJR victim consultations in Teso, 8-9 February 2011.

[8] See *The Cooling of Hearts: Community Truth-Telling in Acholi-land*. Justice and Reconciliation Project, July 2007.

[9] Ibid., pg. 6.

[10] Respondent, JRP-IJR victim consultations in West Nile, 24-25 November 2010.

interventions. Some participants said that they simply want to look the perpetrator in the eye in order to know whether s/he has any regrets.

What might best illustrate how victims and affected communities long for the truth is that participants at the consultations showed up largely unaware of the purpose of the JRP-IJR consultations, hoping that they might obtain information on the whereabouts of their missing relatives. As during similar events held by JRP in the past, victims at these consultations spontaneously volunteered to share their personal stories of mutilation, rape, or the loss of relatives with other participants.[11] This underscores the tremendous importance of creating platforms for victims in Northern Uganda to share their stories and tell their truths. Equally important is the provision of facilities equipped with trained staff able to provide trauma counseling to the many survivors and victims who are yet to overcome the physical and emotional scars of the past.

Truth-telling and Healing

In a 2007 study by JRP on truth-telling, respondents discussed the desire to know 'the truth' in order to be able to promote reconciliation and prevent conflict in the future.[12] Across regions, participants made a strong connection between knowing the truth and forgiveness. Participants explained that they felt that a truth-telling process would create the opportunity for perpetrators to repent, and for victims to understand and ultimately/eventually forgive the perpetrators. Speaking about the past provides the opportunity for individuals to overcome elements of their trauma. As scholar Audrey Chapman explains, "…religious and secular thinkers emphasize that forgiveness and reconciliation require coming to terms with the past, not attempting to forget or repress it."[13] Participants at the consultations said that forgiveness, and the peace of mind that comes with it, are impossible as long as victims and affected communities are denied the full truth related to the committing of gross human rights violations. As such, Chapman continues, "Establishing a shared truth that documents the causes, nature and extent of severe and gross human rights abuses and/or collective violence under antecedent regimes is a prerequisite for achieving accountability, meaningful reconciliation, and a foundation for a common future."[14] Without a comprehensive national truth-telling process for Uganda, reconciliation will remain elusive at the community level as well as at the national level.

It is possible that healing follows from the process of truth-telling as the process reaches far beyond a simple exchange of facts. For victims, truth-telling would have to involve the physical interaction between the perpetrator and the victim. Symbolic acts such as visits by those wielding state power during truth-telling sessions would promote healing to victims and affected communities. The more personal and direct the process, the larger the impact of truth-telling, as the process of truth-telling is not only considered to be a rational, but also an emotional and physical process.

A Tradition of Truth

Truth-telling is an established tradition in communities in Northern Uganda. There is vast support for localized processes or, at the very least, for a national process carried out at the local level. In West Nile, Acholi, Lango and Teso, participants pointed to a variety of reconciliatory rituals that were performed on a regular basis in the past and that involved varying degrees of truth-seeking. However, as became evident during the consultations (particularly in Soroti), the relevance of these rituals is increasingly being questioned, since at least one generation has grown up in a conflict setting in which the upholding of tradition was severely curtailed. On the other hand, elders and religious leaders attending the consultations insisted that traditional justice is still being practiced across Northern Uganda. Most participants cited examples of when and where traditional justice rituals had recently been used in a meaningful way.

Without delving too deeply into the question of how relevant different traditional justice rituals are today, what stands out clearly from the JRP-IJR consultations is that participants' expectations of a truth-telling process in Uganda would be that it corresponds with the qualities and format commonly attributed to traditional justice. They felt that ideally all parties to the conflict should participate in the truth-telling voluntarily and allow for an open sharing of their personal stories. Traditional justice processes in Northern Uganda are restorative in nature and are based on the premise that the process is beneficial to victims, perpetrators and affected communities. Instead of resulting in the removal of one of the accused parties from society by incarceration or capital punishment, the various rituals are mostly aimed at restoring relationships.

It is a traditional belief that perpetrators need to uncover the truth to avoid the spiritual retaliation of curses or revenge by those who have died. Though some of the participants emphasized the importance of having legal experts on the truth-telling committees to ensure that procedures are carried out in accordance with the law, most participants highlighted the need for the process to be open and transparent as well

[11] Spontaneous truth-telling occurred during a meeting of representatives of political parties and members of the West Nile Kony Rebel War Victims Association, facilitated by JRP on 4 February 2011 in Arua, when several war victims used the opportunity to relate their experiences in the presence of political party officials and the press.

[12] *The Cooling of Hearts: Community Truth-Telling in Acholi-land*, *supra* note 8.

[13] Chapman, Audrey R., *supra* note 4, pg. 260.

[14] Ibid., pg. 260-261.

as voluntary and all-inclusive, similar to traditional justice processes.[15]

Victims' Involvement

Participants at the JRP-IJR consultations explained that victims would benefit most from a truth-telling process if it takes place at the local, sub-national level. Though some participants see the need for international involvement to guarantee impartiality in the process, there is general distrust of a process that is initiated and carried out by the central government. Participants agreed on the need for the entire process to be victim-centered as well as consulting victims at every step of the process. Participants felt that victims themselves should be the ones taking the lead in all aspects of the process; they should be members of the truth-telling committees to ensure their voices are heard and taken into active consideration. According to participants, victims should organize themselves to make sure that processes are carefully monitored.

Participants at the JRP-IJR consultations took the challenges involved in this entire process very seriously. Living in the conflict-torn region for decades, they have become all too familiar with insecurity and intimidation, and do not readily trust government agencies. They therefore underscored the importance of members of truth-telling committees to be courageous people with widespread reputations of integrity in the community. Members of the committee should not bow to intimidation and threats, and the committee should operate as an independent body capable of winning the trust of victims and other vulnerable individuals. Respondents were mindful of the fact that victims often belong to economically and politically marginalized groups that are difficult to engage in such processes. These victims are often illiterate and may hence fail to understand the processes, especially if official documents and procedures have not been translated into local languages.

Participants during the victim consultation in Teso. *Photo Credit: JRP.*

Hearing All Voices

Participants at the JRP-IJR consultations foresaw that it would be particularly difficult to engage victims of sexual and gender-based violence (SGBV) in truth-telling processes. The cultural stigma attached to crimes of this sensitive nature is likely to prevent rape victims from participating in a public process without any form of prior counseling and empowerment. The women that shared their experiences of SGBV during the JRP-IJR consultations did so out of their own initiative and had, in many cases, participated in programmes to help them cope with their experiences. Once an atmosphere of trust and safety had been created amongst participants, other women gradually volunteered to tell their stories, too. In some cases, women would choose to confide in another woman instead, asking her to relate the story on her behalf. However, many women simply chose to remain silent throughout the consultations.

Participants decided that safe spaces would have to be provided where vulnerable individuals could testify in a confidential manner. To gain victims' trust, ample time would be needed and confidentiality would have to be assured. Many thought that whether victims of SGBV would open up was largely dependent on the personalities, expertise and gender of the members of the committee. This calls for the inclusion of male and female experts on SGBV in the committees.

An interesting discussion further arose when some rape victims opposed the idea of sexual violence related cases being handled in a secretive and isolated way. They argued that truth-telling processes also offer a valuable opportunity to begin a process of being more open about issues that are traditionally considered societal taboos. One formerly abducted woman took a particularly pragmatic stance when she said that most war-affected communities are aware that their women have been raped, hence handling the topic with too much care would only perpetuate an unnecessary silence and waste the opportunity to talk openly about wartime rape. However, some of the elders

[15] See *The Cooling of Hearts. Community Truth-Telling in Acholi-land*, *supra* note 8.

vigorously opposed the idea of speaking about such topics in public, as they are traditionally sensitive to discuss.

The participants agreed that committee members should represent the different vulnerable groups to ensure that all voices would be heard. Participants were unsure how to address the matter pertaining to the involvement of children in a truth-telling process. Children, they reasoned, suffered from a large share of violence, and their stories need to be taken seriously. However, children would not be able to and should not be made to testify before the committee in the same way as adults would. Some of the participants explained that this problem could be solved by having their mothers speak on their behalf, but others felt there was need to explore more creative ways to have children share their stories. The involvement of children in truth-telling processes is advocated for by many organizations working in the field of truth-telling. Across the globe, efforts are being made to involve children as active citizens and agents of change in truth-telling processes.[16] However, it is also recognized that children's participation needs careful management, since simply involving them without ensuring a protected environment may have adverse effects.

Recommendations

Truth-telling is an important element of Uganda's justice and reconciliation process. This process is necessary in order to allow people to achieve closure and to prevent the recurrence of past events. To derive maximum benefit from these efforts, it is important that victims play an active role throughout. Mechanisms employed should reflect their thoughts and opinions on truth-telling, as it is a process that is deeply embedded in the local cultures of Uganda. This process can only be successful if due consideration is given to the challenges involved.

Based on the responses generated through the JRP-IJR consultations and a previous study conducted by JRP on truth-seeking in Northern Uganda,[17] the following policy proposals are recommended:

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

1. **There is need to develop a strategy of enquiry into past events that enables the Ugandan nation as a whole to reflect upon its past.** At the local level, truth-telling will facilitate reconciliation within the communities and relieve some victims of their uncertainty and grief. This therefore requires that a truth-telling process in Uganda maintains a local presence at the grassroots level, as requested by victims. However, the conflict in Northern Uganda has an important national component and cannot be investigated properly if the national perspective is left out. Furthermore, the process can only reach its full potential of bringing unity to the country if full support is obtained from national-level stakeholders. This truth-seeking strategy should, in addition to other objectives, aim at providing victims with answers to the questions they have held for long, including the causes of the conflict, the roles of various parties involved, and the experiences of victims. It should also aim at creating a common history of Uganda's past. This process should take place at various levels. More specifically, a truth seeking-process should aim at achieving the following objectives:

   a) To document and record human rights violations and war crimes from 1986 to the present day in Northern Uganda, including violations by the LRA and the Government of Uganda, including abduction, massacres, murder, mutilation, forced recruitment, detention and torture, rape and sexual-based violence, forced displacement, looting and property loss;
   b) To establish a record of motivations behind atrocities by all parties;
   c) To promote reconciliation within communities between survivors, victims and perpetrators;
   d) To promote the rehabilitation and recovery of former combatants and war-affected communities;
   e) To develop a set of recommendations to promote national unity in Uganda, reparations such as material compensation and the construction of memorials.[18]

2. **There is need to establish a truth-seeking body, guarantee its impartiality and refrain from politicizing the process.** A truth-seeking process in Uganda can only be successful if it is handled by an independent body. This body should operate independently and be led by individuals of high integrity, nominated and approved by the people of Uganda. As recommended by victims themselves, this truth-telling body should have a strong presence in grassroots communities. This should among other things entail the formation of local committees at the grassroots, which should be led by local leaders who command the respect of their people. The local communities themselves

[16] UNICEF Innocenti Research Centre. 2010. *Children in Truth-Commissions*. Available from http://www.unicef.at/fileadmin/medien/pdf/truth_commissions_eng.pdf.

[17] *The Cooling of Hearts: Community Truth-Telling in Acholi-land*, *supra* note 8.

[18] Ibid.

should appoint the committees that spearhead the process, and the governmental bodies should provide them with official recognition and support to carry out their locally sensitive truth-seeking procedures. This truth-seeking body should develop recommendations with respect to developing a community-level truth-telling and reconciliation process in the following areas:

a) Timing and timeframe (including identification of phases for rolling it out);
b) Composition of local committees;
c) Mandate, including issues to be covered by theme;
d) Appropriate forums or mechanisms to facilitate into the process;
e) Address the question of who should participate, and the nature of their participation (voluntary or forced, public or private);
f) How to promote gender equality and a rights-based approach (due process);
g) Security and protection of victims;
h) Appropriate cultural or religious ceremonies to promote reconciliation;
i) How to ensure political will exists for implementation.

3. **There is need to ensure the active involvement of victims at all levels of designing and implementing a truth-telling policy.** This can be achieved through a strong outreach process where the activities of the truth-telling committee could be explained to the communities in the local languages and the committee could establish channels through which the feedback from the communities will be taken seriously. Only if victims are consulted throughout the entire process will truth-telling succeed in establishing a narrative that can be supported by all and that resonates with the essential voices of the victims. This is the only way any final report can truly appeal to all Ugandans, and the only way it can become a starting point for transformation in Uganda.

4. **There is need to take seriously the traditional ways in which the truth has been sought by communities in Uganda and to utilize traditional mechanisms when creating locally sensitive truth-seeking processes.** As already noted, truth-telling is an established tradition in communities in Northern Uganda. There is vast support for localized processes. In West Nile, Acholi, Lango and Teso, participants pointed to a variety of reconciliatory rituals that were performed on a regular basis in the past and that involved varying degrees of truth-finding. This is an indication that traditional mechanisms have a high potential to promote truth-telling in a natural setting which communities are already familiar with. This window of opportunity should be seized and used to strengthen truth-telling at the grassroots.

In line with cultural norms in Northern Uganda, truth-telling should be a voluntary process in order to ensure genuine community reconciliation. The vast majority of respondents (96%) of JRP's 2007 study on truth-telling believed that no one should be forced to participate in a truth process. This finding was also supported by the results of the quantitative survey, where more than half of the formerly abducted people (55.9%) believed that the process of truth-telling should take place in public.[19] However the design of a community-level truth-telling process should balance the desire for public truth-telling with the fears of its consequences. Elders and other trusted local leaders should play a central role in building the confidence of those first testifying in private, with the aim of eventual public reconciliation.

5. **There is need to have provisions in any truth-seeking processes for the protection of all parties involved, including considerations for gender and protection of vulnerable groups such as children.** JRP's 2007 study on truth-telling established that the local population harbored fears of retaliation by perpetrators, fear of revenge against perceived perpetrators and fear of retraumatization and disappointment.[20] Victims and perpetrators alike need to be protected from any repercussions that may impact them as a result of engaging in a truth-telling process. In a similar light, provisions need to be put in place to protect victims of sensitive crimes such as sexual and gender-based violence. Provisions should also be made for counseling and psychosocial support to ensure that victims who engage in the process are not retraumatized.

To Traditional Cultural Institutions in Northern Uganda:

1. **There is need to take the lead in engaging the communities in local truth-telling processes.** Cultural institutions' direct access to the local communities and extensive knowledge of the issues facing these communities make them an important party in any national process that seeks support from grassroots communities.

[19] Ibid., pgs. 14-15.
[20] Ibid.

Traditional institutions must play a leading role as this process traditionally requires the extensive involvement and consultation of elders and traditional leaders. The traditional institutions should also share their unique local knowledge on community-based truth-telling. They need to organize themselves so they can gather and present this knowledge in a coherent manner to the media, JLOS, victims and all other stakeholders involved, ensuring the mechanisms adopted to seek the truth are culturally sensitive and will appeal to the grassroots level.

To the international community, the African Union, the United Nations and other stakeholders:

1. **There is need to support future truth-telling processes in Uganda by providing moral as well as financial support to local and national-level efforts.** As much as local communities may be willing to engage in truth-telling, they often lack the means and expertise to do so. The international community and civil society should step in where necessary to bridge this capacity and funding gap, and actively engage in the processes. In addition, we recommend the sharing of expertise pertaining to working with marginalized groups in society. JRP has learned that groups that have suffered the most are the hardest to reach. Motivating and enabling their involvement requires specific and carefully developed methods.

2. **There is need for media and civil society to play an active and impartial role in advocating for and following all steps in the truth-telling process closely.** A truth-telling process will only be successful if it engages Ugandans on all levels all over the country, and if the process is as transparent and inclusive as possible. Based on their close relationship with victims, civil society and the media are well placed to advocate for a truth-telling process in Uganda, and to monitor the process from the beginning to the end.

Finally, to the victims of the conflicts:

1. **There is need for victims and victims' representatives to be part of future truth-telling committees and to take a leading role in engaging the respective groups they represent.** Victims should organize themselves to monitor the entire process closely, and speak out for themselves to prevent others from speaking out in their name.

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.