

TIME FOR TRUTH:

Rapid Situational Brief on Current Perceptions of Truth-Seeking in Gulu District

Introduction

Following significant improvements in the security situation in northern Uganda over the past few years, debates on transitional justice mechanisms such as reparations and compensation, the future of amnesty, and the overall development of the north seem to dominate the current political discourse in the region. In accordance with an effective pursuit of reconciliation in northern Uganda, the debate over truth-seeking and recounting conflict occurrences has recently taken on renewed significance because of its role as a fundamental element of a comprehensive transitional justice approach.

On July 18, 2012, Uganda's Justice Law and Order Sector (JLOS) held a National Validation Workshop to present the findings of a study on traditional justice, truth-telling and national reconciliation in the context of war atrocities committed in different parts of the country. The report highlighted the need to design a framework for the use of traditional justice mechanisms together with community-driven truth-telling processes in order to help many affected communities in Uganda. It also emphasized the importance of good timing, proper sensitization, and a transparent process as fundamental elements of a proper truth-telling process. More importantly, the report underscored the significant role that truth-telling processes can play in helping war-torn communities to create and give shape to a common narrative of the conflict they have endured.ⁱ JLOS's recognition of the potential of truth-telling processes has opened up the floor for a national debate with regards to the relevance and proper implementation of such practices.

Against this background, the Justice and Reconciliation Project (JRP) carried out a rapid situational analysis between the 31st of July and the 3rd of August 2012, in the communities of Awach and Lukodi (Gulu district) and Koch Goma (Nwoya district), as well as in Gulu town, in order to better understand current perceptions and opinions of truth-telling processes and truth commissions in post-conflict northern Uganda. A total of 41 people were interviewed, comprising 24 male and 17 female respondents. These respondents ranged from directly affected victims and community members to traditional leaders and representatives of civil society organizations. The analysis revealed that in northern Uganda there is overwhelming support for some form of truth-telling process, especially between former rebel fighters and the members of the communities that have received them with open arms. The great majority of the respondents agreed that truth-telling is a relevant element in the full reintegration of these populations into their communities, yet pointed out that the process is not without challenges. In fact, as some community members emphasized, a truth-seeking process is overdue in northern Uganda. This situational analysis attempts to shed some light on the greater debate between the possible relevance and consequences of truth-telling as a mechanism for solidifying the reconciliation and healing process of victims and perpetrators in northern Uganda, and calls upon JLOS to expedite the formulation of a national policy on truth-seeking and reconciliation in Uganda.

General Views and Perceptions

The reasons behind the popular support for truth-telling processes are widespread and fairly diverse; nonetheless, some common trends are evident. It is widely believed that for former rebel fighters who have already returned to their communities, the act of coming forward and speaking about their acts while in the bush would greatly enhance and solidify the forgiveness that has been unconditionally granted through the Amnesty process. Truth-telling is seen as a symbol of trust and openness towards the community. As noted by a former community leader, *"We have welcomed them back home with open arms regardless of what they did... We have already forgiven them, but for returnees to confess about their acts is important so that the community can begin to trust them again."*ⁱⁱ Another respondent credited truth-telling as an important step for proper reparations towards the relatives of the victims. Many people quickly highlighted the relationship between forgiveness and the sharing of past acts. One of the qualities that strongly characterize the Acholi population of northern Uganda is the remarkable capacity for forgiveness that is found within the cultural practices in this region, a characteristic that finds its origin in the local Acholi values system and ideas about justice and reconciliation. Most respondents, regardless of whether they had lost family members or not in the conflict, seemed to be well aware of the victim/perpetrator duality that characterizes the overwhelming majority of rebel fighters. As one woman whose husband was killed in an LRA attack pointed out, *"Forgiveness is not born in truth-telling, it is born in the recognition that we are all victims of this conflict."*ⁱⁱⁱ

A clear majority of the people interviewed agree that any type of truth-telling process that is carried out must be conducted in a voluntary manner and that forcing returnees to go through this process would discourage them from revealing the whole truth regarding crimes they committed. Nevertheless, some respondents did highlight the role the community must play in this process. As voiced by an elder respondent, *“If the need for truth-telling is strong the returnee needs to be given time, but at some point the members of the community should play an active role in encouraging and educating the returnee on the importance of this process for the wellbeing of the community.”*^{iv}

Additionally, most people who were interviewed generally felt that the timing is right for most communities in northern Uganda to engage in some sort of truth-telling process. This view can mostly be attributed to the fact that ever since the signing of the Juba Peace Accord in 2008^v major fighting in northern Uganda has virtually come to a stop and the influx of rebel fighters back into their communities has significantly reduced. As stated by one respondent, *“There is peace in northern Uganda now; we don’t live with fear of attacks by the rebels or the government. It is now possible to talk about the memories of the past.”*^{vi} In addition, most respondents shared the opinion that enough time has passed since major fighting ceased in the north, an important development that has allowed for the majority of the returnees to be welcomed back into their communities. It seems that the overall sense of security felt by many communities in northern Uganda has helped people to feel more comfortable and better prepared to begin to address such sensitive issues as past memories of the war. In some cases respondents even considered the truth-telling process long overdue. As one respondent expressed, *“Truth-telling should have taken place whenever a returnee was welcomed back, or as soon as they returned from the bush.”*^{vii}

Mixed opinions remain amongst most respondents on whether preference should be given to a local or a national approach to truth-telling. A significant amount of respondents who supported a broader national initiative seemed to do so out of a desire for the accounts of the acts that were committed to be known at a higher level rather than remaining strictly within their communities. Others recognized that there is a need for more information to be known with regards to the actions of the government and the UPDF during the conflict. This opinion, however, was not universally shared. As an elderly woman pointed out, *“Truth-telling is only relevant for the community because it was us who most suffered the consequences of this conflict.”*^{viii} Given this controversy, it is important to note that an overwhelming majority of respondents highlighted the fact that any truth-telling process that is carried out at the local community level needs to involve the parents and direct relatives of the returnee, as well as traditional and community leaders.

Furthermore, when most respondents spoke about the relevance of truth-telling in the context of the conflict in northern Uganda, they often drew a direct link between this process and its role as a key element in most traditional Acholi cleansing or reconciliation ceremonies. Most respondents were unable to conceive traditional justice mechanisms and truth telling as separate processes, but rather saw the latter as an important part of the broader set of traditional justice mechanisms that allows for proper reintegration into the community.^{ix} As noted by a traditional elder, *“It is important for the former rebel fighter to speak about his acts in order to know which would be the appropriate cleansing ceremony that needs to be carried out.”*^x Some interviewees even considered it irrelevant whether or not the returnee initially refuses to engage in a truth-telling process because eventually the negative consequences brought about by the spirits of those killed – known as *Cen*^{xi} – will compel him or her to seek help from the traditional elders and to undergo a traditional cleansing ceremony. Nevertheless, it remains unclear to what extent an independent truth-telling process, as it is generally understood, actually takes place in most traditional ceremonies. As noted by the program coordinator of Ker Kwaro Acholi, *“Traditional Acholi practices are characterized by their focus on reconciliation and compensation.”*^{xii} As elements of truth arise within many Acholi cultural mechanisms, truth-telling as an entirely separate process may not be feasible or necessary.

Despite significant support for truth-telling processes, the analysis clearly shows that truth-telling is not without its challenges. Most people interviewed pointed out that fear of revenge in those cases where the relatives of the victims live in the same community as the perpetrator can be a significant incentive for returnees to remain silent about their past. It was also widely believed that speaking out would lead to *“the need for the returnee to pay proper reparations towards the families of the victims,”*^{xiii} which some respondents felt would further deter those who cannot afford reparations from sharing the truth. Many respondents also cited increased stigmatization from community members as another possible negative consequence for returnees if the often gruesome details of the acts that they committed became known. A significant amount of people also acknowledged that fear of prosecution by the government may discourage former rebels from giving detailed testimony of their acts. It seems that great confusion remains in most communities with regards to the type of protection provided to demobilized rebel fighters by Uganda’s Amnesty Act of 2000.^{xiv} A

possible element that contributed to this confusion is the recent expiration in May of Part 2 of the act, which specifically stipulates the granting of blanket amnesty to all rebel fighters. It is nonetheless important to point out that the communities identified many of these issues as challenges that need to be addressed, but not necessarily as obstacles that prevent truth-telling from taking place.

While there does seem to be a significant willingness in northern Uganda to engage in truth-telling processes, this view is certainly not universally shared by all respondents. Some voiced stark opposition, and viewed such a process as deeply problematic and highly undesirable. The majority of those that shared this opinion considered that reviving past memories would most likely “*raise tensions among members of the community which could easily escalate into violence and conflict.*”^{xv} As a woman who lost her husband in a rebel attack pointed out, “*I could not stand to hear the testimony of the way my husband was killed.... The suffering that we have endured is too much. I simply could not bear to relive those memories again.*”^{xvi} Some even went as far as to state that they are fearful of returnees going back to the bush to fight if they are no longer welcomed in their communities as a result of revived tensions. The overwhelming majority of those who oppose to truth-telling processes prefer instead to leave the memories of the conflict in the past. As one respondent noted, “*Maybe for educational purposes it could be important to preserve some accounts of what took place in northern Uganda, but because of all that we have suffered and for the sake of peace in this region, I do believe it is better to forgive and forget.*”^{xvii} It seems that in northern Uganda, despite the eagerness to move on with the reconciliation process, the fear of renewed fighting and the pains of past atrocities are not yet fully in the past.

Recommendations

Based on the opinions and perceptions of truth-telling that community members shared through direct interviews, we believe that the following recommendations should be considered as an important indicator of how best to proceed with truth-seeking processes in northern Uganda:

- a) **Comprehensive sensitization is clearly needed in many communities in northern Uganda in order to help clarify the confusion that exists on the ground over several key issues relevant to truth-telling processes.** It is evident that much uncertainty exists in many communities regarding what a formal national truth-telling commission or truth-telling process is and whether further stigmatization by the community or criminal prosecution by the government could come out of the engagement in such a process. Sensitization should include more awareness of the protections that have been granted to former rebel fighters by the Ugandan Amnesty Act of 2000, as well as a better understanding of the functions and characteristics of independent national truth-telling processes or truth commissions. The Government of Uganda, through the Justice Law and Order Sector, also needs to give assurance to those returnees who benefited from the blanket amnesty that no attempt will be made to prosecute them if the details of their acts as rebel fighters ever become public. This is particularly important in light of the recent expiration of Part 2 of the Amnesty Act.
- b) **The role of traditional leaders and local Acholi practices of reintegration and reconciliation needs to continue to be supported and strengthened.** Given the great relevance that these actors maintain in Acholi society, any engagement in a truth-telling or accountability process in northern Uganda needs to be conducted through existing local mechanisms like cleansing ceremonies and traditional reconciliation practices. It seems that these mechanisms still represent the best platforms to carry out any type of truth-telling process. Nevertheless, further research needs to be undertaken on whether adjustments to existing traditional practices are needed in order to integrate a comprehensive truth-telling process.
- c) **Any truth-telling process that is undertaken needs to be linked to proper reparations and compensation mechanisms that address the needs of the relatives of the victims.** Given that reparations and proper compensation for the family of the victim is a fundamental characteristic of traditional Acholi cultural practices, it is only natural that this issue be addressed and taken into consideration in any truth-telling process that is undertaken. Acholi tradition establishes that forgiveness needs to be accorded to the perpetrator, which is in turn linked with the responsibility of making amends to the relatives of the victim. Nevertheless, it must be recognized that the fear of reparations was identified as one of the principle deterrents for returnees to fully engage in a truth-telling process. It is therefore necessary to establish a balanced and comprehensive compensation mechanism that takes into consideration the returnee’s condition and compensation capability.

- d) **The time seems to be ripe in northern Uganda for the engagement in a broader truth-telling process, which would significantly contribute to the solidification of the reconciliation process.** Many communities in northern Uganda appear to be very receptive to and willing to engage in some sort of truth-telling or truth-seeking process whereby the peace and security that was brought to the north in great part due to the establishment of the Amnesty Act can be sustained and enhanced. The period of tranquility and security that has prevailed for the last years in the north has allowed many war affected communities in this region to feel better prepared to address the difficult memories of the past and the tough challenges of reintegration and reconciliation. Nevertheless, it is evident that the interest and will to engage in truth-telling processes will not endure forever. The degree of acceptance and relevance that these processes have seems to be slowly diminishing as time passes.
- e) **Great care and consideration has to be taken before any truth-telling process is carried out.** Before the start of any truth-telling process, it is important to note that the support for practices of this sort is not unanimous. The capacity of truth-telling to raise tensions and revive painful memories must be recognized. Respect and consideration need to be given to those individuals that either do not consider truth-telling as relevant or who see it as highly undesirable and very problematic for the community. The necessary measures need to be implemented in order to reassure these people and consideration needs to be taken with regards to any objections that they may have to such a process. Furthermore, proactive and preventative measures should be developed to address the potential negative consequences for those who participate in a truth process.

ⁱ See Justice Law and Order Sector. **National Validation Workshop: Report of the Study on Traditional Justice, Truth-telling and National Reconciliation.** Available at: <http://jlos.go.ug/uploads/WEBSITE%20REPORT%20-%20JLOS%20National%20Validation%20Workshop--Traditional%20Justice%20Truth-telling.pdf>.

ⁱⁱ Interview with a 45 year old man in Awach, 31 July 2012.

ⁱⁱⁱ Interview with a 50 year old woman in Awach, 31 July 2012.

^{iv} Interview with a 43 year old man in Lukodi, 2 August 2012.

^v The Juba Peace Talks refer to a series of negotiations that took place between July 2006 and April 2008, in which the Government of Uganda and the Lord's Resistance Army discussed the possible terms of a peace agreement in order to end the conflict in northern Uganda.

^{vi} Interview with a 40 year old man in Lukodi, 2 August 2012.

^{vii} Interview with a 24 year old man in Koch Goma, 1 August 2012.

^{viii} Interview with a 60 year old woman in Koch Goma, 1 August 2012.

^{ix} See: Baines Erin and Ojok Boniface. 2005. *Roco Wat I Acoli: Restoring Relationships in Acholi-land: Traditional Approaches to Justice and Reintegration.* Liu Institute for Global Issues and Gulu District NGO Forum, with assistance of Ker Kwaro Acholi. Available at: <http://www.ligi.ubc.ca/?p2=modules/liu/publications/view.jsp&id=16>

^x Interview with 83 year old male in Koch Goma, 1 August 2012.

^{xi} A term defined in Acholi culture as a ghostly vengeance hastened by ill-treatment of the dying or dead. It involves the entrance of an angry spirit into the physical body of a person or persons and requires appeasement, often through a sacrifice or compensation/reconciliation in the case of wrongful death. See: Baines Erin and Ojok Boniface. 2005. *Roco Wat I Acoli: Restoring Relationships in Acholi-land: Traditional Approaches to Justice and Reintegration.* Liu Institute for Global Issues and Gulu District NGO Forum, with assistance of Ker Kwaro Acholi. Available at: <http://www.ligi.ubc.ca/?p2=modules/liu/publications/view.jsp&id=16>

^{xii} Interview with a male in Gulu town, 3 August 2012.

^{xiii} Interview with a 25 year old man in Gulu town, 3 August 2012.

^{xiv} Uganda's Amnesty Act of 2000 offers pardon to any Ugandan who has at any time since the 26th of January 1986, engaged in war or armed rebellion against the government of the Republic of Uganda. See: Uganda Amnesty Act of 2000, Part II(1).

^{xv} Interview with a 30 year old woman in Koch Goma, 1 August 2012.

^{xvi} Interview with a 32 year old woman in Koch Goma, 1 August 2012.

^{xvii} Interview with a 20 year old man in Gulu town, 3 August 2012.