



# **Gender and Generation in Acholi Traditional Justice Mechanisms**

**JRP Field Note XVII, November 2012**



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This report was researched and written by Kate Lonergan under JRP's Community Documentation Department, with assistance from Joyce Abalo and Aloyo Proscovia. Victoria Esquivel-Korsiak provided proofreading and editing. Appreciation to the JRP team and Dr. Erin Baines for the useful input extended towards the completion of this report. Special thanks to the Dorothy C. and Maurice B. Shapiro Traveling Fellowship at The George Washington University for funding this research. The author can be contacted at [katonergan@gmail.com](mailto:katonergan@gmail.com). For a copy of our research reports and more information on JRP, visit [www.justiceandreconciliation.com](http://www.justiceandreconciliation.com) or email [info@justiceandreconciliation.com](mailto:info@justiceandreconciliation.com).

Design: Oryem Nyeko

### **Cover photos**

*Front:* A formerly abducted young woman and her child participate in a community reintegration and cleansing ceremony in Lamogi sub-county

### **About the Justice and Reconciliation Project**

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 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.

Vision: A just and peaceful society.

Mission: JRP empowers conflict-affected communities to participate in processes of justice, healing, and reconciliation.

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# Abbreviations and Key Terms

LRA	Lord's Resistance Army
IDP(s)	Internally Displaced Person(s)
JLOS	Justice, Law and Order Sector
<i>Ke Kwaro Acoli</i>	Acholi cultural institution
<i>Jok/joggi</i>	Spirits
<i>Kiir</i>	Abomination
<i>Cen</i>	Vengeance ghosts or spirits
<i>Nyono tong gweno</i>	"Stepping on the egg" ceremony
<i>Lwoko pik wang</i>	"Washing away the tears" ceremony
<i>Moyo piny</i>	"Cleansing of the area" ceremony
<i>Moyo kum</i>	"Cleansing of the body" ceremony
<i>Laketeket</i>	Spirit cleansing ceremony
<i>Ajwaka</i>	Spirit mediums
<i>Mato oput</i>	"Drinking of the bitter root" ceremony
<i>Culu kwor</i>	Compensation for death, given during <i>mato oput</i> ceremony
<i>Wang oo</i>	Fireplace where extended families gathered to discuss and impart wisdom

# Introduction

In northern Uganda's recent period of relative peace and stability, communities must grapple with the difficult process of healing, reconciliation and justice for those affected by the more than 20 year long Lord's Resistance Army (LRA) conflict. One much-publicized approach to restorative justice and reconciliation is through Acholi traditional justice mechanisms.<sup>1</sup> Proponents of this approach argue that traditional mechanisms are a locally appropriate alternative to legal trials. These processes gained even more attention after Agenda Item Three of the 2007 Juba Agreement on Accountability and Reconciliation recommended the use of traditional justice mechanisms to support the accountability and reconciliation process. Critics of these processes contend that traditional justice mechanisms do not sufficiently respect international legal and human rights standards, including the rights of women and children. Indeed, the most visible proponents of traditional justice and the most visible participants in the ceremonies are male elders. Given that women and youth suffered disproportionately during the conflict, they are now some of the key beneficiaries of efforts to recover and reconcile, including traditional ceremonies.

Although the entire population of northern Uganda suffered throughout the protracted conflict, women and youth were disproportionately targeted and affected and thus face some of the greatest challenges to recovery, reintegration and reconciliation. The LRA's abduction and forced recruitment strategy focused deliberately on youth, and tens of thousands of young men and women fell victim to their tactics over more than 20 years of war.<sup>2</sup> A recent study of missing persons in Gulu district found that out of the 10,370 people who died or are still missing due to war-related causes, 81.5% were under 24 years old.<sup>3</sup> Another youth-focused study found that one in three males and one in five females reported an abduction experience during the conflict.<sup>4</sup> Those young abductees who have now returned to the communities must not only recover psychologically and emotionally, but rebuild a life and compensate for many years of lost education and skills training opportunities.

The unique atrocities committed against women and girls during the conflict further compound an already challenging recovery process. Rape and sexual violence was widespread for women abducted by the LRA, with many women forced into marriages with other LRA fighters against their will. Even for women who were not abducted or escaped captivity, incidents of sexual violence were rampant in the Internally Displaced Person (IDP) camps.<sup>5</sup> Studies have found that women who were forced into marriage and return from captivity with children face significantly more recovery challenges than other returnees. They receive one-third less education than other returnees, and experienced significantly more violent events while in captivity than other abductees.<sup>6</sup> Consequently, they suffer from higher rates of emotional and psychological distress. Despite these inordinate challenges to recovery, female abductees are often left out of recovery processes.

While much has been written on the advantages and disadvantages of traditional justice mechanisms in general, few studies focus specifically on women and youth. This report focuses on the opinions and experiences of women and youth most affected by the war, and those who have participated in traditional justice ceremonies. It seeks to understand how traditional ceremonies are helpful to women and youth, and whether such ceremonies are relevant to the unique concerns they face in post-conflict recovery. We find that traditional ceremonies are important tools that women and youth use to reintegrate and reconcile with community members, but gaps remain in the recovery process for women and youth where traditional ceremonies are unable to address certain priority recovery concerns.

## Methodology

Data collection for this report took place over a ten-month period, from November 2011 through August 2012, in selected locations across all seven districts of the Acholi sub-region: Gulu, Amuru, Nwoya, Kitgum, Lamwo, Pader and Agago. One to two communities were selected from each district, based on their status either as a site of a major massacre during the conflict, the site of a large-scale, community-based traditional reconciliation ceremony, or as a location with above-average rates of returned former combatants. In Gulu district, data collection took place in Gulu Town, Awach sub-county, Paicho sub-county, and Lukodi parish within Bungatira sub-county. In Amuru district, research focused on Lamogi and Atiak sub-counties, and in Nwoya district data was collected in Purongo and Alero sub-counties. In Kitgum district, respondents were selected from Kitgum Town, Mucwini sub-county, and Labongo Amida sub-county. In Lamwo district, data collection included Palabek Kal and Palabek Gem sub-counties. In Pader district, data collection was done in Lapul sub-county. In Agago district, interviews were conducted in the community of Opota, in Omot sub-county.

<sup>1</sup> We have chosen the word "tradition" to describe these ceremonies to reflect the general phrasing used both in the transitional justice debate in Uganda and in the responses of our respondents. This is meant to refer to the current usage of culturally-based practices that are unique to the Acholi region of Uganda.

<sup>2</sup> Estimates of abduction rates range between 30,000 and 66,000. The United Nations estimates around 30,000 abductions, based on data collected from children passing through reception centers. The 2006 Survey of War Affected Youth (SWAY), however, estimates 66,000 abductions based on a definition of youth as ages 14-30 and a survey sample that includes those who did not pass through reception centers (see Annan, Blattman & Horton, "The State of Youth and Youth Protection in Northern Uganda: Findings from the Survey for War-Affected Youth", 2006).

<sup>3</sup> Children/Youth as Peacebuilders (CAP) International, "For Their Name & In Their Name," July 2012.

<sup>4</sup> Annan, Jeannie Annan, Christopher Blattman, Khristopher Carlson and Dyan Mazurana, "The State of Female Youth in Northern Uganda: Findings from the Survey of War-Affected Youth (SWAY), Phase II," UNICEF Uganda, April 2008.

<sup>5</sup> Okello, Moses Chrispus & Lucy Hovil. "Confronting the Reality of Gender-based Violence in Northern Uganda" *The International Journal of Transitional Justice*, 2007: 433-443.

<sup>6</sup> Annan, et. al, "The State of Female Youth in Northern Uganda: Findings from the Survey of War-Affected Youth (SWAY), Phase II," 2008.



Researchers spoke to 268 respondents in 109 focus group discussions and individual interviews. We began by holding focus group discussions with groups of female returnees and youth returnees, many of whom had participated in a traditional justice ceremony, as well as victims of the conflict who did not have a personal abduction experience.<sup>7</sup> From these focus group discussions we selected a smaller sample for in-depth individual interviews. Respondents were drawn from existing women's groups, formerly abducted persons groups and victims' groups, as well as snowball sampling from focus group discussion participants and local leaders. In addition to the female and youth ceremony participants and direct conflict victims, researchers conducted key informant interviews with a variety of traditional and cultural leaders, as well as transitional justice practitioners who work closely with returnees and victims throughout the Greater North region. The research project and outcomes were explained clearly to each participant, who also signed an informed consent form acknowledging his or her voluntary participation. All names and identifying information of respondents were kept private and confidential throughout the research and writing process. Prior to publication, research

findings and recommendations were also verified in a sampling of respondent communities.

Although communities in Lango and Teso sub-regions also have strong justice traditions that are being used to address LRA conflict-related issues, for the purposes of this study we have focused on the practices of the Acholi ethnic group, which is largely concentrated within the Acholi sub-region. In order to create a holistic response to the use of traditional practices in post-conflict recovery, further research is necessary into the experiences of women and youth with the traditions of these other war-affected regions.

## Acholi Cosmology

A full understanding of the applicability and impact of traditional justice mechanisms to conflict recovery in northern Uganda first requires an understanding of Acholi cosmology and belief systems surrounding spiritual interaction and death. Belief in the existence of spirits and a complex understanding of their influence on everyday life is a central element of Acholi cosmology. Spirits are understood as dynamic and human-like entities with needs and desires that must be fulfilled by living humans. If these needs are not fulfilled, the spirits will react negatively and cause problems within the mortal realm. These spirits enforce moral norms that all Acholis are expected to follow, and spiritual retaliation is expected in response to violations of the moral code. As Acholi society is traditionally clan-based and collective, the whole clan may experience negative consequences for individual violations of the moral code. Thus, the clan traditionally takes collective responsibility for amending any violations.<sup>8</sup>

Spirits, known as *jok* (plural *joggi*), are divided into two general categories: chiefdom *joggi* and "free" or independent *joggi*. A chiefdom *jok* is an ancestral spirit that enforces the moral code and will punish transgressions, but ultimately acts as a benevolent force with the clan's best interest in mind.<sup>9</sup> A free *jok*, however, is a wandering spirit without a particular clan or geographical affiliation. Unlike the chiefdom *joggi*, free *joggi* do not ultimately have the clan's best interests in mind and can cause harm to those they encounter. The existence of a free *jok* is often used to describe a variety of afflictions and ailments that do not have a clear explanation.

Violations of the moral code that incite *joggi* to retaliate are known as *kiir*, or abomination. *Kiir* covers a variety of transgressions that occur both in peacetime and war. These include, among others, fighting at a water point, destroying property, incest, breaking of vows, or domestic quarrels.<sup>10</sup> Of particular relevance to the LRA conflict

<sup>7</sup> "Youth" was defined as individuals under age 30, based on Acholi conceptions of youth and in line with previous studies focusing on youth in northern Uganda (see Annan, Blattman & Horton, *The State of Youth and Youth Protection in Northern Uganda: Findings from the Survey for War-Affected Youth*, UNICEF Uganda: 2006).

<sup>8</sup> Liu Institute for Global Issues, et al. "Roco wat I Acoli: Restoring Relationships in Acholi-land: Traditional Approaches to Justice and Reintegration," (2006): 26-27.

<sup>9</sup> Thomas Harlacher, Francis Xavier Okot, Caroline Aloyo Obonyo, Mychelle Balthazard, and Ronald Atkinson, "Traditional Ways of Coping in Acholi: Cultural Provisions for Reconciliation and Healing From War", Caritas Gulu Achdiocese, (2006), 46.

<sup>10</sup> Justice and Reconciliation Project, "Young Mothers, Marriage and Reintegration in Northern Uganda: Considerations for the Juba Peace Talks," Field Note



are the taboos associated with death and killing. Death and interactions with dead bodies were a widespread experience during the course of the conflict, both for members of the LRA and for civilians living in IDP camps. Acholi traditional belief prescribes certain actions that must occur after a killing. An extensive series of funeral rites must be performed to appease the spirit of the dead person. Furthermore, individuals who interact with a dead body must cover the corpse with leaves of the *olwedo* plant and immediately notify elders to perform the proper funeral rites.<sup>11</sup> If these actions are not done, the spirits of the dead will seek revenge and torment the person responsible for mistreating the dead body. Proper treatment of the dead was often not feasible during the LRA conflict, both for LRA abductees and for civilians who encountered dead bodies while escaping LRA attacks. On a larger scale from the specific mistreatments of dead bodies, brutal killings are also considered a form of *kiir* that invites spiritual vengeance. LRA abductees, and at times non-abducted civilians, were often forced to participate in brutal killings and did not have the freedom or access to the resources needed to address those acts. Spirits of those killed during major massacres may also continue to haunt the physical location where they were killed, causing problems not only for an individual perpetrator of violence but the whole community surrounding the location of the incident. Although acute violence no longer plagues northern Uganda, the spiritual consequences of wartime transgressions remain.

As a result of abominations such as those committed during the LRA conflict, spirits of the mistreated dead may develop into *cen*, a malevolent type of *jok* translated as “vengeance ghost.”<sup>12</sup> In retaliation for these forms of *kiir*, *cen* will haunt the killer or perpetrator of mistreatment. In line with traditions of collective responsibility, *cen* can extend beyond the person who carried out the killing or mistreatment and also affect his or her family members.<sup>13</sup> This is particularly relevant in the aftermath of the LRA conflict, as the spiritual affliction from *cen* can be passed on to the children of former LRA fighters if it is not properly addressed.

Spiritual affliction by *cen* often manifests as an acute and unexplained illness without clear medical cause, and thus requires intervention from a spiritual leader or healer. Respondents often explained their spiritual afflictions as “bad dreams” or “bad thoughts,” and described visions of the people they harmed during the conflict. Often, the individuals in those visions would incite the returnee to scream or react violently, sometimes against surrounding family and community members. One respondent described the attacks from spirits in this way:

*Sometimes for three or four days, I am held inside the house because that spirit comes and blocks my face. And then it is very difficult for me. I could be walking down the road, and then the spirit comes and blocks my face. Then I start screaming like a mad person. So I find it very difficult, and I have very few friends now.*<sup>14</sup>

Sufferers of *cen* often turn to a variety of traditional ceremonies designed to mediate the spirit world and allow the perpetrator of an abomination, or *kiir*, to make amends for the transgression, even after the victim’s death. Ceremonies also provide an important ritual space that symbolically separates an individual from his or her conflict experiences and marks a new phase of life. Ceremonies intended for spiritual cleansing offer conflict-affected individuals who personally attribute their problems to spiritual affliction a way to negotiate the reintegration, recovery and reconciliation process.

Despite nearly 20 years of conflict, displacement and the consequent social disruption, the relevance of a traditional cosmological system and the ceremonies designed to mediate that system remains strong in northern Uganda. The existence of spirits and their ability to cause problems in the mortal world is widely acknowledged and accepted, if not always internalized. However, this general acknowledgement is complicated by a fervent and widespread influence of Evangelical Christianity, which often counsels against the use of traditional practices. Many people claim that they do not believe in spirits and are opposed to traditional ceremonies. However, even those who state that they do not believe in spirits may simultaneously accept and validate the existence of spiritual affliction for friends and neighbors. Part of this seeming contradiction stems from the synonymous translation of the Acholi word *yee* to “believe,” “agree,” “accept” and “obey” in English.<sup>15</sup> The concept of belief does not simply mean acknowledging the existence of something, it means accepting that entity into your own worldview. Therefore, it is possible for an individual to acknowledge the existence of spirits or spiritual influence without personally believing in the impact of those spirits on his or her life. It is important to remember that while individual belief in and acceptance of spirits varies widely, the influence of the Acholi cosmological system remains an active element of everyday life in northern Uganda

## Acholi Traditional Justice Mechanisms

Although the justice and dispute resolution mechanisms within the Acholi tradition are often referred to as a homogenous set of practices, there are in fact a wide variety of ceremonies and rituals that can be used to address post-conflict healing and recovery. Each ceremony or ritual has a unique purpose, and the suitability of a particular practice depends on the nature of the violation that occurred. The detailed steps and requirements of traditional ceremonies also vary slightly by clan and geographic location. While the types of ceremonies

II, September 2006, available at: [http://justiceandreconciliation.com/wp-content/uploads/2006/09/JRP\\_FN2\\_YoungMothers.pdf](http://justiceandreconciliation.com/wp-content/uploads/2006/09/JRP_FN2_YoungMothers.pdf).

11 Liu Institute for Global Issues, et al., (2006): 12.

12 Harlacher, et al., (2006): 46.

13 Liu Institute for Global Issues, et al., (2006): 13.

14 Male respondent, 28, Lukodi village, Bungatira sub-county, Gulu district, 7 June 2012.

15 Letha Victor, “Death Does Not Rot: Women of the Lord’s Resistance Army”, MA dissertation, McGill University, (2011):46.

used for post-conflict justice and recovery do not constitute a static group, our respondents referenced the following practices as ceremonies that are currently used in some way to address post-conflict recovery. This does not constitute a comprehensive list of Acholi traditional ceremonies that can and have been used to address conflict-related issues, but it describes some of the most common ceremonies that women and youth in the region have experienced.

## Reintegration Ceremonies

A returning former combatant's first encounter with traditional justice is often through a ceremony to welcome him or her home. This is generally performed immediately when a returnee reaches home, and is used as a first level of cleansing and symbolic welcoming. As such, these ceremonies require minimal preparation and advance planning, but may not be sufficient to fully cleanse the returnee.

### Nyono Tong Gweno



A *nyono tong gweno* ceremony is prepared to welcome ex-combatants

One of the most commonly practiced traditional justice mechanisms is *nyono tong gweno*, or the “stepping on the egg” ceremony. It is used to welcome and cleanse one who has been away from home for an extended period of time, regardless of the reason for their absence. In this ceremony, the returned person steps on an egg that has been placed on a stick from the *pobo* plant and a *layebi*, a forked stick usually used to open a granary. This process symbolizes cleansing of any bad things experienced during the absence from home and indicates reunion into the family and community.<sup>16</sup> It is important that this ceremony occur before the returned person enters the home compound, so that any bad acts engaged in during the period away from home are left behind. Although it is a relevant form of welcoming and cleansing for returnees, it is also used in situations when an individual has been away from home for non-conflict related reasons.

Because the ceremony requires readily available, inexpensive objects and minimal advance planning, many families were able to perform *nyono tong gweno* immediately when an ex-combatant returned home, thus making it one of the most widely practiced traditional justice mechanisms. Although *nyono tong gweno* is often performed as the first step of a larger and more involved cleansing process, the ceremony can also be performed independently.

### Lwoko Pik Wang



A formerly abducted woman participates in a *lwoko pik wang* ceremony

A ceremony closely related to *nyono tong gweno* is *lwoko pik wang*, or washing away the tears. These are often performed together and thus are frequently referred to as a part of the same process. However, they have distinctly different purposes and meanings. *Lwoko pik wang* is performed in cases where mourning and funeral rites were performed for a person who was assumed dead, both to welcome the person home and to signal to the spirit world that the person who has returned is not dead. Family members wash their faces to symbolize washing away the tears that were shed while the returnee was believed dead. Then the returnee is blessed with that water, often by pouring it from the roof of a hut while the returnee passes beneath. In some cases, an animal is slaughtered first as a further form of cleansing and the water used for washing hands after consuming the animal is used in the *lwoko pik wang* ceremony.<sup>17</sup> This ceremony clearly establishes the return process and both physically and spiritually indicates that the person is welcome. As with *nyono tong gweno*, this ceremony is also practiced for welcoming and reintegration for non-conflict related absences.

<sup>16</sup> See Liu Institute for Global Issues, et al., (2006) and Harlacher, et al., (2005) for more detail on *nyono tong gweno*.

<sup>17</sup> Harlacher, et al., (2006): 71.

## Cleansing Ceremonies

A number of Acholi traditional mechanisms used to respond to conflict-related issues fall under the broad category of cleansing ceremonies. These practices are used in response to problems caused by spirits and are performed in order to rid a person or place of the harmful spirits that cause the disturbance. Although the names and detailed processes of cleansing ceremonies vary slightly throughout the Acholi sub-region, the following are the most commonly used ceremonies for cleansing those who returned from the LRA.

### *Moyo Piny*

*Moyo piny*, or “cleansing of the area” is a ritual designed to eliminate *cen* from a particular physical location. In this ceremony, an animal is slaughtered to appease the bad spirits and the contents of the animal’s stomach, *wee*, are used to cleanse the area.<sup>18</sup> This ceremony is intended to impact an entire community, rather than an individual. *Moyo piny* was a particularly common practice as residents moved from internally displaced persons (IDP) camps back to their home areas to cleanse the bad spirits before re-establishing communities and homesteads. However, at the time of return many communities and individuals were unable to afford the animals and other supplies necessary to perform the ceremonies. Consequently, many areas go unused as they await a *moyo piny* ritual.

### *Moyo Kum*

A ceremony called *moyo kum*, or “cleansing of the body”, is performed to cleanse an individual of bad spirits. In this ceremony, an animal is slaughtered to cleanse an individual’s pain and appease the spirits, and elders offer blessings and laments.<sup>19</sup> The animal is slaughtered, roasted, and both eaten by participants and offered to the spirits afflicting the subject of the ceremony. *Moyo kum* is unique in that it can be performed in a residential area, rather than in a remote location or in the specific area where a killing happened.<sup>20</sup> *Moyo kum* can also be used specifically to address violations of the body in addition to a broad range of bad spirits. This ceremony can be performed to cleanse an individual or a group of people who are suffering from similar spiritual afflictions. This group approach has frequently been adopted for cleansing former abductees. Whether the ceremony is performed for an individual or a group, it is a public ceremony open to the whole community and often involves counseling and advice from the elders performing the ceremony.

### *Laketeket*

Similar to *moyo kum*, *laketeket* is performed to rid an individual of a bad spirit. The ceremony is done away from a residential area, so that the bad spirit stays away from where the afflicted individual lives. An animal is slaughtered, roasted, and offered to the *cen*. The ceremony participants also eat a portion of the meat. Ceremony participants then return home without looking behind them towards the ceremony site. When the cleansed person returns from this ceremony, the spirit that disturbed him or her will stay behind. Similar to *moyo kum*, *laketeket* can be performed for an individual or for a group and often involves a public gathering involving the whole clan and community.

## Ajwaka: The Ceremony Performers



A formerly abducted woman participates in a *lwoko pik wang* ceremony

In addition to cleansing ceremonies meant to address specific situations such as *moyo piny*, *moyo kum* and *laketeket*, ceremonies to cleanse bad spirits and otherwise interact with those spirits are performed on an individual basis by *ajwakas*, or spirit mediums. *Ajwakas* have the ability to converse and interact with the spirit world, and thus to directly interact with the spirits tormenting an individual. The ritual aspects of these ceremonies are less rigidly defined and the *ajwaka* determines the specific process by first interacting with the spirit that disturbs the subject of the ceremony and then responding to the spirits’ demands. Generally, an individual or family will approach the *ajwaka*, explain the problems they are experiencing and then the *ajwaka* will assess what is required to perform a ceremony to appease and banish the spirit. *Ajwakas* are often used for further intervention after a general cleansing ceremony is performed, as their ability to liaise with the spirit world can offer more targeted and individualized interventions.

## Mato Oput

In addition to reintegration and cleansing ceremonies designed to interact with spirits, Acholi tradition also includes a ceremony for dispute resolution between two parties in instances of killing, known as *mato oput* or “drinking of the bitter root.” *Mato oput* is perhaps the most publicized of the Acholi traditional justice

<sup>18</sup> Liu Institute for Global Issues, et al., (2006).

<sup>19</sup> Acholi traditional leader, Patiko sub-county, Gulu district, 17 March 2012.

<sup>20</sup> Acholi traditional leader, Patiko sub-county, Gulu district, 17 March 2012.

mechanisms, as it is often cited as a locally appropriate way to address killings and other crimes that occurred during the LRA conflict. *Mato oput* is part of a long and involved conflict resolution process between the victim's clan and the perpetrator's clan. This begins with mediation and negotiation between the two parties, which culminates in agreeing upon a level of compensation from perpetrator to victim. Compensation, known as *culu kwor*, is a central feature of the process; it symbolizes recognition of the victim's suffering by the perpetrator and acts as a deterrent from committing the act again. In addition to the importance of this symbolic exchange, *culu kwor* must be used to care for the needs of the deceased, such as arranging funeral rites and caring for widows and orphans. Traditionally, this money is also used to marry a woman into the clan. The child resulting from this marriage is then named after the deceased and represents new life in exchange for the deceased family member.

After the compensation is paid, the process culminates in a *mato oput* ceremony. During the ceremony the wrongdoer admits responsibility and asks for forgiveness from the harmed individual. Then the two parties drink a mixture including the bitter *oput* root, which represents the bitterness that existed between the two parties, and is meant to discourage the wrongdoer from committing further crimes.<sup>21</sup> Afterwards, the two formerly adversarial parties feast together, demonstrating their improved relationship.

Despite the level of attention focused on *mato oput*, logistical constraints prevent it from being widely practiced in relation to the LRA conflict. Identifying clear victims and perpetrators as required for the ceremony is rare since many former combatants cannot identify who harmed them or whom they have harmed. Furthermore, although many people support the idea of *mato oput* as a beneficial form of justice, few are able to carry out the long and costly process in its entirety. The nature and gravity of crimes committed throughout the conflict, many of which constitute war crimes and crimes against humanity, are also unprecedented for the use of *mato oput*, and the cultural institution must balance how to apply this ritual to address these crimes without being seen as condoning impunity. Due to these constraints, most respondents in this study had not participated in *mato oput* ceremonies. As such, our assessments of the experiences of women and youth with traditional justice mechanisms are drawn mainly from testimonies of reintegration and cleansing ceremonies.

## Involvement of Women and Youth in Traditional Justice Mechanisms

Historically, women and youth have mainly been included in traditional justice ceremonies in observation and support roles, but have little opportunity to share their needs and opinions or play a significant role in the planning and decision-making process leading up to the ceremony. While the roles of women and youth in carrying out the rituals are generally highly valued and seen as an integral part of the overall functioning of the process, a number of structural exclusions significantly limit their ability to share their unique recovery needs and concerns.

### *The Role of Women*

The role of women in carrying out traditional justice ceremonies mainly centers around preparing the different requirements for the ceremony, cooking the necessary food, and serving the food to participants. Sharing food is a significant and symbolic element of Acholi traditional justice mechanisms, particularly as an integral part of the ceremony itself in *mato oput*. When a ceremony is to take place, the female members of the family gather to prepare a meal for the ceremony participants and brew alcohol to be drunk as part of the celebration. Women also help to gather the ceremony requirements, many of which may be food or other household items.

Women also provide support in carrying out certain elements of the ceremony under direction from the male elder leading the process. Elderly, well-respected women can offer blessings upon the ceremony participant. Women are also eligible to place the egg to be stepped on in a *nyono tong gweno* ceremony or to place the calabash that ceremony participants will drink from in *mato oput*. Although women's involvement in these elements depends largely on their relationship to the subject of the ceremony and the individual approach of the main ceremony organizer, it is an area where women have historically played an important role in the ritual elements of a traditional ceremony. Although male elders take the lead role in carrying out traditional ceremonies, women's tasks in preparing ceremony requirements and performing specific ritual elements are integral and highly valued elements of traditional ceremonies. One traditional leader explained that "*for the case of the women, they help in fetching water, cooking food. And without the women in the plan nothing can take place.*"<sup>22</sup>

Given their role as mothers, women often end up exerting considerable influence in initiating traditional justice practices and liaising between children and traditional elders. As one female respondent noted, "*Women play a key role in informing their husbands and elderly people in terms of what the children want and need. Therefore women are usually the first people approached by their children in case of anything. So they help to decide*

<sup>21</sup> Acholi traditional leader, Gulu town, Gulu district, 1 February 2012.\

<sup>22</sup> Acholi traditional leader, Lamogi sub-county, Amuru district, 2 May 2012.



*correctly on what the child has said.*<sup>23</sup> By choosing when and who to seek help from for the child, women are able to exercise considerable influence. This influence on the justice process could easily go unnoticed in the background of the more visible role of men who actually carry out the various elements of traditional ceremonies. However, it is an important element of the overall process that was cited by both male and female respondents in our conversations.

Elderly and well-respected women have more opportunity to exert influence on traditional ceremonies than younger women. Elderly female clan members with significant knowledge of cultural practices may be chosen to participate in the negotiation and decision-making process of traditional ceremonies. While these women cannot interchangeably take over the traditionally male tasks in the ceremony, they are given an opportunity to share their voice and opinions around the justice process. Younger women may also bring their opinions and concerns to older women to convey to the larger group arranging the ceremony. As one female respondent described, *“The younger women can raise their concerns through the elderly women, but not to the male elders directly. So from the younger women to elderly women, then elderly women can sit together with the men now and discuss the concerns of younger women.”*<sup>24</sup> This, however, is not a universal practice and depends highly on the relationship between the older and younger women and the older women’s standing within the clan.

Gender does not determine a person’s capacity to undergo a reintegration or cleansing ceremony; this is one of the few instances where women play a central role in the ritual element of these practices. A female returnee is able to step on the egg in a *nyono tong gweno* ceremony, receive blessings, or carry out the symbolic acts requested by spirits for *moyo kum*. While the application of the ceremonies varies little based on gender and generation, it is still important to note that women’s involvement comes at the last stage, and they are largely the object of the ceremony.

Although the visible involvement of women in traditional ceremonies is mainly limited to preparing the requirements and providing targeted support for specific ritual elements, both female and male respondents highly valued these roles and viewed them as an indispensable part of the ritual. Two female respondents agreed that *“each sex has a specific role to play during these ceremonies and that tradition has to be maintained just like it was in the past.”*<sup>25</sup> Traditional ceremonies are highly ritualized and their intended impact is largely on a spiritual level. Therefore, many people feel that changing gendered roles within the ritual element of reintegration, cleansing and dispute resolution ceremonies might change the overall efficacy and impact of the ceremony itself.

## **The Role of Youth**

The main role that youth play in traditional justice ceremonies is to observe and learn the traditions to carry on to the next generation. Both youth and elders expressed the view that full participation in the ritual aspect of the ceremonies is not appropriate without the proper experience and exposure developed from years of observing and learning the traditions. Generational hierarchy is strongly emphasized in traditional ceremonies, as elders are believed to be closest to the ancestors and spirits that are addressed in traditional processes.<sup>26</sup> In order to have sufficient knowledge to properly conduct the ceremony it is assumed that one must have substantial experience and knowledge of the traditional processes. One youth reflected that, *“It is not right for youth to be involved into such activities because they are by the elders, and they require more wisdom to carry out. It is better to train the youth to follow the elders.”*<sup>27</sup> However, youth respondents placed high value on being included in the traditional practices as observers, citing a desire to understand more about the cultural practices and to develop the next generation of traditional elders. They often called for an expanded role in this capacity *“because [youth] are the future generation. The elders can die at any time, so when the youths are not involved, who will guide in future?”*<sup>28</sup> Although some youth are invited to observe ceremonies, our respondents generally agreed that elders should expand and emphasize observation opportunities.

As with women, youth have more direct involvement when they are the subjects of a traditional justice ceremony. Youth who have been away from home participate directly by stepping on the egg for *nyono tong gweno* and receiving blessings in *lwoko pik wang*. Youth also carry out many of the ritual elements involved in *moyo kum*. Particularly in an individual *moyo kum* ceremony, these rituals may be tailored directly to the subjects’ experiences during the conflict. In some cases, it is deemed integral to the efficacy of the ceremony that the subject carry out the ritual elements. Youth may also be called upon in the *mato oput* ceremony to represent the clan in drinking the *oput* root. However, similar to women’s experience, youth are generally involved at the very end stages of traditional ceremonies and have little representation in the planning and decision-making process leading up to the ceremonies.

Although elders may have a better understanding of the traditional ceremonies and the reasons why they are carried out, youth also have strong opinions on such ceremonies. These opinions and attitudes play an important role in the way youth perceive the ceremonies and the extent to which they find meaning in traditional justice practices.

23 Female focus group discussion member, Gulu town, Gulu district, 5 February 2012.

24 Female respondent, 25, Lapul sub-county, Pader district, 16 June 2012.

25 Female focus group discussion members, 66 and 80, Kitgum town, Kitgum district, 5 December 2011.

26 Harlacher et al., (2006): 58.

27 Male respondent, 21, Labongo Amida sub-county, Kitgum district, 6 December 2011.

28 Male focus group discussion member, 22, Lapul sub-county, Pader district, 14 June 2012.



## Structures of Exclusion

Despite the high value and historical importance of the roles of women and youth in preparing for and observing ceremonies, there are certain structures and trends within traditional justice practices that systematically create barriers that make it difficult for the ceremony to sufficiently address the recovery needs of women and youth. Although these structures of exclusion do not definitively prevent women and youth from participating fully and expressing their unique justice and recovery needs, the overall impact is limiting. Structures of exclusion for women and youth begin from the planning and organization of traditional justice mechanisms. Clan elders and parents generally take a lead role in deciding that a traditional ceremony should be performed and for making arrangements for that ceremony. Given the collective nature of Acholi justice traditions, the elders take on this responsibility on behalf of the entire clan to guard against clan-wide spiritual retaliation for the transgression. Despite the strategic purpose of approaching traditional ceremonies from a collective perspective, our findings indicate that traditional ceremonies are most effective for post-conflict recovery purposes if they can also directly address the individual recovery needs of women and youth.

Women and youth who undergo a traditional ceremony often have little opportunity to share their unique conflict recovery concerns in the planning process leading up to a ceremony. Traditional justice processes are generally initiated when a conflict-affected individual shares their difficulties with a close family member, who in turn notifies local traditional leaders of the problems. The traditional leaders, who are usually elderly male clan members, will decide on an appropriate ceremony to address the problem. In addition to their role as traditional leaders, these individuals are active community and clan members who have varying levels of understanding of the ceremony participant's problems. Although it is possible for returnees to directly approach elders and relay their problems, many respondents reported that they did not feel comfortable doing so and that the proper course of action is for an older family member or close relation to represent the ceremony participant in the initial planning phases. Much of this depends on the ceremony participant's relationship to the elders planning and organizing the ceremony, and how much informal daily interaction they have. Once the problems are relayed to the ceremony organizer, he will decide the appropriate ceremony to address these issues and consult with other clan elders to make the necessary arrangements. Because traditional justice mechanisms are highly ritualized and typically viewed as a collective clan response to the actions of an individual, most of this is done without involvement from the direct ceremony participant. Although this system of representation in itself is not a problem, it creates a structure that, combined with other factors, further separates women and youth from the ceremony process. The inability to initiate a ceremony and provide for comparatively expensive ceremony requirements is a further barrier to full participation in traditional justice processes for returnees, especially those lacking family support. Furthermore, parents can unduly influence a returnee's options for recovery and reintegration, either by initiating a traditional justice mechanism without input from the returnee or conversely by refusing to provide the necessary support to arrange such a process. One ceremony participant explained, *"The reason why this ritual is not having more positive impact on me is because I was influenced by my dad to go through. It was not of my own will. This was my dad's idea and opinion. So I found myself going through it just to respect my dad's position."*<sup>29</sup> Although this young man recognized the importance of the ceremony to restoring his relationship with his father and other family members who believed in the tradition, his own recovery concerns remained a problem even after the ceremony.

The structures of exclusion in the planning process for traditional justice mechanisms also extend into the decision-making process for those mechanisms. Many returnees proceed through traditional rituals with limited understanding of why they are performed and feel that they do not have an opportunity to refuse participation. One female respondent explained that ceremonies are *"usually done by the elderly people in the community. In real sense it is them to decide on what to be done. For example when I came back from the bush, I didn't go to my parents to tell them what to be done on me. I just found it existing and I happened to go through it."*<sup>30</sup> Even when the subject of a ceremony is able to play a larger role in the planning and organizing process, core decisions on how to address that person's problems are ultimately made by the elders, not by the individual who is suffering from the problems. Although refusing is possible, many young people are not aware of this and feel considerable pressure from parents and clan members to participate in the ceremony. Consequently, a cleansing ceremony may be performed for an individual who does not feel spiritual interaction is relevant to his or her specific problems.

One of the root causes of current feelings of exclusion amongst women and youth is the use of ceremonies in cases where the ceremony participant does not clearly link their individual concerns and problems to the effects of *cen*. Without a strong belief in the efficacy of a spirit-cleansing ceremony, participants in a ceremony may not understand how it can address their problems. The traditional practices are designed with the assumption that participants accept and believe that their problems are caused by spiritual affliction, but this assumption is not always accurate for the women and youth who constitute the current majority of ceremony participants. According to one respondent, *"These traditions would be effective if elders are empowered and trained and elaborate more on ceremonies and why they are doing it. Most people who go through the ceremony don't know why. We need to see that traditional leaders are trained to help them recover, not just do the ceremony."*<sup>31</sup> For a variety of reasons, most ex-LRA combatants have a limited understanding of traditional practices. Youth who were taken from their families by the LRA did not have the opportunity to receive cultural education through the traditional process of clan conversations around the fireplace (*wang oo*). Even in IDP camps, convening

29 Male respondent, 22, Lamogi sub-county, Amuru district, 2 May 2012.

30 Female respondent, Gulu town, Gulu district, 5 February 2012.

31 Male respondent, 21, Labongo Amida sub-county, Kitgum district, 6 December 2011.

*wang oo* and performing ceremonies was often impossible because of security and logistical concerns. As a result, the usual process of handing down cultural knowledge and understanding was disrupted for a majority of Acholi youth. Additionally, LRA doctrine strongly discouraged against traditional Acholi practices. As a result, many women and youth sought explanations for and responses to their conflict-related problems from other sources, such as Christian prayers or psychosocial counseling. Many returnees also passed through Christian reception centers that specifically warned against participation in traditional rituals. Without a full acceptance of the purpose behind the traditional justice mechanisms proposed by elders, a participant is less likely to recognize the connections between the ceremony and their unique post-conflict recovery challenges. This initial lack of understanding may exacerbate elements of exclusion throughout the rest of the process.

At the heart of dissatisfaction around these structures of exclusion lies a generational divide between the expectations of women and youth ceremony participants and the elders who play a lead role in organizing the ceremonies. Youth call for a more transparent and inclusive process for traditional practices, and take seriously their responsibilities as the next generation of ceremony performers. They want to observe and learn the traditions, but look to elders to offer that information publically. Elders, on the other hand, prefer to train and apprentice young clan members who show particular interest in and aptitude for the traditional practices. They look to youth themselves to show initiative and seek out further information and education about ceremony practices. These mismatched expectations contribute to the feelings of exclusion referenced by many women and youth.

While women and youth respondents placed high value on their ceremonial roles within the ritual aspects of traditional justice mechanisms, they also expressed a desire to be more involved in the planning and decision-making process of these mechanisms. One respondent noted that *“women’s voices can be better represented if they are integrated right from the beginning of the planning to the end of the ceremony. Although it’s hard for culture to be changed, but this is my opinion.”*<sup>32</sup> Although this call was echoed strongly by most respondents, we also heard examples of women and youth who were able to move beyond these structures of exclusion and insert their voice and influence into their own post-conflict recovery process. These examples indicate that although the usual process creates structures of exclusion, it is possible for those structures to become more open and inclusive of women and youth.

### Case Study: Stella

In May of 2005, Stella was traveling from her home in Awach sub-county to Gulu town, approximately 20 kilometers away, when LRA rebels attacked their convoy. In the confusion, Stella and six other girls were abducted. That night, all seven girls tried to escape. They were caught, and upon returning to the LRA encampment they were sentenced to death as punishment for trying to escape. The first five girls were killed, one by one, until they reached Stella. *“Wait,”* Stella said as they reached her, *“Please let me pray first.”* To her surprise, the commander overseeing the killings allowed her to pray. When she finished he said, *“Your God has saved you. Untie this girl.”* After her life was spared, Stella stayed with the LRA for one month, until she was able to successfully escape.

When Stella returned from captivity, her family arranged *nyono tong gweno* and *Iwoko pik wang* ceremonies to welcome her back. Despite these ceremonies, Stella suffered greatly when she returned home. *“I would cry, and scream, and shout,”* Stella explained. She returned from captivity with a child, and sometimes she would take her anger out on the child by refusing to feed it. One night, a spirit came to her and threatened to kill her and the child. This frightened Stella so much that she tried to strangle her child. Stella’s mother tried to arrange a cleansing ceremony for her daughter, but was not able to afford costly ceremony requirements such as a goat for sacrifice. Secretly, Stella was happy about this. After seeing no benefit from the *nyono tong gweno* ceremony, Stella did not think that a traditional practice would help her problems. She thought back to the time when God protected her as the rebels were about to kill her, so she decided to try going to church. She started attending a nearby prayer service, and finally felt some relief from the visions and pain that tormented her since she arrived back from captivity.

Stella’s unique conflict experience and personal explanations for her problems led her to find the most meaning from a religious response. Still, she does not discount the power of traditional practices for others, and speaks of other returnees in her community who benefited from traditional cleansing ceremonies. While she acknowledges the existence and power of spirits, a traditional ceremony to banish those spirits does not resonate with her explanations of her own problems. Stella’s story demonstrates the delicate balance between tradition and religion in northern Uganda. For many, they are not mutually exclusive choices, but two recovery strategies that returnees can actively choose between, or combine, depending on their unique problems. For Stella, the ability to play an active role in making this choice allowed her to choose the response that most aligned with her own understandings of her problems.

<sup>32</sup> Female respondent, 25, Awach sub-county, Gulu district, 28 March 2012.

### Case Study: David

David was five years old when the LRA rebels attacked his village and abducted him and ten other young boys. The group of captives made the long march to Sudan, abducting others along the way. When they arrived in Sudan, David was given to the commander who abducted him. For the first few years of his captivity, David grew up in the commander's home, caring for his children and helping with chores. When David was old enough, the commander began to train him as a soldier. Over a period of nine years in the LRA, David participated in some of the worst massacres across northern Uganda. Eventually, in 2005, David managed to escape during a battle with the UPDF. He found his way to a World Vision reception center, where he received an Amnesty certificate and a modest resettlement package.

After leaving World Vision, David eventually settled back at his Uncle's home near Gulu. Although he participated in a *nyono tong gweno* ceremony immediately after leaving World Vision, David still suffered a lot when he returned home. He explains, "*from that day when I first killed a human being, all of a sudden my life changed and the people's spirits haunt me a lot...I feel better when I stay alone because when I am in places with many people the thoughts of killing comes to my mind and I may end up doing what I am not supposed to do.*" David felt that his problems stemmed from the angry spirits of the many people he killed while in the bush. He sought help from a community leader, who suggested that a moyokum ceremony might help to appease the angry spirits. For many months, David struggled to raise money to perform the ceremony and pay the fee for an *ajwaka* to determine the specific demands of his spirits.

Finally, on the day of the ceremony, David and some of his family members went to a secluded spot about a fifteen-minute walk from their home compound. In that place, David made offerings to his spirits in accordance to the demands they relayed through the *ajwaka*, and received blessings from his family members. By the end of this ceremony, David felt that he had appeased the spirits, atoned for the atrocities he committed during the conflict, and felt a renewed sense of support from his family members.

David independently identified his problems as spiritual affliction, and thus sought out a traditional spirit cleansing ceremony as a solution. For him, the ceremony was a direct strategy to remedy his most pressing recovery concerns and an active step in addressing the atrocities he committed during the conflict. Unfortunately, David's story also highlights many of the obstacles that youth face in raising support and funds to initiate traditional ceremonies. Despite these obstacles, David continued to seek out traditional cleansing practices, and was eventually able to find some relief from the torment he attributed to *cen*.

## Impact of Traditional Justice Mechanisms for Recovery and Reintegration of Women and Youth

The impact of traditional justice practices varies highly depending on the beliefs and particular conflict experiences of the person undergoing the ceremony. However, our research revealed that traditional justice mechanisms were generally successful in helping women and youth to restore relationships and reintegrate into their community, while their success in addressing the personal healing process varied on an individual basis.

Women and youth frequently use traditional justice mechanism as a strategy to reconcile and re-establish relationships with family members, friends, and larger community. Most traditional ceremonies are structured in such a way to promote this interaction. The act of performing a ceremony, almost separate from its actual impact on the person, sends a powerful social signal to the community that the subject of the ceremony is welcomed back and has been cleansed of any wrongdoing. According to one ceremony participant, "*The ceremony...brings oneness. We were in position to meet brothers and sisters we were separated from. It has also brought in respect and being together, it has brought that change in the community.*"<sup>33</sup> In addition to its symbolic significance, performing the ritual allows elders and family members to counsel the ceremony participants on how to recover from their experiences in captivity and live well in the community, and to caution other community members against treating the returnee badly. Many respondents cited the counseling from elders and family members as one of the most effective elements of the traditional mechanism. One ceremony participant explained, "*The traditional leaders spending their time talking to us guiding us on how to conduct ourselves in the community and to ensure that we forget what so ever happened helped us a lot to see that we*

<sup>33</sup> Female respondent, 29, Lamogi sub-county, Amuru district, 1 December 2011.

*mix freely.*<sup>34</sup> This interaction also signifies to the larger community that traditional leaders accept the returnee despite his or her experiences and actions in the bush, and this demonstration of support can encourage other community members to do the same. One participant in a *nyono tong gweno* ritual noted that “*the advice given by the different leaders helps a lot to prevent and stop stigma on those who have come back from the bush, therefore helping to ensure that total peace is achieved.*”<sup>35</sup> Even for those who do not derive meaning from the spiritual elements of a ceremony, the social exchange and psychosocial and healing benefits of advice and support from traditional leaders can be beneficial for re-establishing community relationships.

The spiritual elements of a traditional ceremony, particularly *moyo kum* or *laketeket*, also influence positive community acceptance. Many people fear the transference of spiritual afflictions, thus they avoid those who show signs of *cen*. This contributes in part to stigmatization of returnees, particularly those who show signs of trauma and spiritual affliction. The violent or disruptive manifestations of these spirits also create fear amongst community members. Many community members view participation in a traditional ceremony as an effective way to address a returnee's struggles. Regardless of the efficacy of a traditional cleansing ceremony on an individual's personal healing, the outward knowledge that they have gone through a process to address the spiritual causes of their emotional problems positively influences the community's attitude towards that person.

Through their ability to mediate the spiritual realm, traditional cleansing ceremonies also offer an outlet for ex-combatants to reconcile with those they harmed during the conflict, without needing to trace the identity or clan of the deceased. The forced abductions and constant movement of the LRA meant that fighters often did not know the identities of those they killed. Our respondents emphasized that in order to bring about genuine forgiveness a perpetrator must first acknowledge wrongdoing and ask for forgiveness from the victim. In instances where it is impossible for an ex-combatant to directly confront the victim or the victim's family, traditional cleansing ceremonies and the work of *ajwakas* can offer an alternative way to carry out an exchange of apology and forgiveness. In the absence of an official justice process or way to confront their actions during the conflict, ceremonies offer a path for ex-combatants to negotiate reconciliation and justice.<sup>36</sup>

While women and youth alike largely expressed a positive impact of traditional justice mechanisms in restoring relationships and facilitating community reconciliation, the impact of these practices on their personal healing process was more widely varied. While some experienced a full recovery after simply going through *nyono tong gweno*, others reported going through extensive cleansing rituals to no benefit.

The impact of traditional ceremonies depends largely on the value an individual attaches to spiritual affliction and ritual cleansing. One women's group agreed that “*this [healing] actually depends on one's wish. If one believes that he or she will get better from the problem, then he or she will feel well.*”<sup>37</sup> An individual who attributes his or her problems to spiritual causes will likely find meaning in a process designed to rid them of that spirit. However, for those who reject spiritual explanations to their problems a traditional practice will amount to little more than an empty ritual.

Respondents who participated in a traditional justice mechanism also displayed a significant lack of ownership over the ceremony process. This stems largely from the structures of exclusion described earlier, which remove women and youth from the planning and decision-making process around traditional practices. Many women and youth who participated in a ceremony did so at the urging of an external influence, usually parents, community leaders or traditional leaders. Therefore, they have limited opportunity to make a connection between their own priority needs and the actions of the ceremony. Without these crucial connections, and a belief in those connections, traditional practices often fail to address the internal emotional struggles that women and youth face after the conflict.

For personal healing, many respondents identified prayer or psychosocial counseling as more effective than a traditional ceremony. Despite feeling that other means better helped their own situations, these respondents still expressed support for traditional ceremonies. Many felt that traditional practices, prayers and counseling could be combined for maximum efficacy. This demonstrates the necessity of employing a variety of different healing processes after a conflict as complex and multi-layered as that of northern Uganda. While traditional ceremonies may help with one element of reconciliation and counseling may help with another, the combined use of these and other strategies has a better chance of taking a holistic approach to the problem.

## **Relevance of Traditional Justice Mechanisms to Current Reconciliation, Recovery and Reintegration Needs of Women and Youth**

In the current period of relative peace in Uganda, the focus has shifted largely from concerns for physical

<sup>34</sup> Female focus group discussion member, 26, Alero sub-county, Nwoya district, 20 March 2012.

<sup>35</sup> Male respondent, 22, Lamogi sub-county, Amuru district, 1 December 2011.

<sup>36</sup> For further discussion of traditional justice processes as a form of local justice, see Erin K. Baines, “The Haunting of Alice: Local Approaches to Justice and Reconciliation in Northern Uganda,” *The International Journal of Transitional Justice*, 2007: 91-114.

<sup>37</sup> Female focus group discussion member, Gulu town, Gulu district, 5 February 2012.



security and cessation of violence to questions of reconciliation and recovery. Reconciliation and long-term healing are complex processes that can take many forms and depend largely on the unique circumstances of an individual's conflict experiences. One theory of reconciliation posits that victims and perpetrators each have certain emotional needs that must be satisfied before they are able to truly forgive and reconcile. This approach is known as the "socioemotional route to reconciliation."<sup>38</sup> In the context of this theory, reconciliation is understood as "the process of removing conflict-related emotional barriers that block the way to healing the relationship."<sup>39</sup> Expanding beyond reconciliation to recovery in general, if a process intended to foster recovery does not address an individual's self-perceived needs, it is unlikely that such a process will be complete and effective. With this understanding of reconciliation in mind, we looked at the extent to which traditional mechanisms are able to address the priority emotional needs identified by female and youth respondents.

## Relevance to Interpersonal Concerns



Performing traditional dances at a community reintegration ceremony helps to reintegrate returnees into the community structure.

Many of the priority recovery needs of both women and youth center around interpersonal reconciliation, such as the importance of community acceptance, repairing social relationships, and living well within the community. This is unsurprising, given the social disruption that occurred over more than 20 years of conflict where individuals were forced to commit atrocities many times against their own community members or even close relatives. The impact of traditional justice mechanisms on restoring community relationships is highly relevant to the continued struggle with stigma and mistreatment that many respondents reported during our research.

Many female and youth respondents reported stigma as a significant problem that continues to impact their current recovery process. Although most agreed that instances of outright stigma have decreased in recent years, attitudes of fear and distrust remain amongst the community into which they have returned. Any minor transgression associated with a former abductee is immediately attributed to his or her conflict experience, and the returnee is often harshly blamed for wrongdoing that would otherwise be overlooked. As one respondent described, "*Any time the children could fight amongst themselves, I have to keep quiet. I don't talk. If I am to talk, the community always comments that, see, you are behaving like that because you are from the bush. Do you want to bring the mentality you had in the bush to us? That is why for me, I am ever quiet. Even if they beat the children, I don't react. I keep quiet.*"<sup>40</sup> Although trainings and sensitizations have successfully discouraged against overt stigma, they have failed to address root causes of stigmatization causing them to be buried further. Stigma and insults from community members serve as constant reminders to former combatants of the painful things they experienced while in captivity, which inhibits the recovery process. For mothers of children born in captivity, the pain of stigmatization and discrimination is further compounded when it is addressed towards their children.

Stigmatization stems partially from fear, both of the atrocities formerly abducted youth have witnessed and perpetrated during the conflict and of how they will act as a result of those experiences. Because traditional ceremonies allay fear, they are also able to address stigma. One young woman who participated in a ceremony reflected, "*When I had just gotten back from the bush no member of the community was allowed to interact with me because they feel since because I am from the bush I can easily do anything bad on them. But when they carried out the rituals on me, the community members saw me like one of their own and accepted me.*"<sup>41</sup> Of course, this still leaves a gap between knowledge and practice in many cases. Although community members understand that a former abductee has been cleansed and may claim that they hold no ill will against the person, their response to that returnee's actions may still be negative. This is particularly true if the returnee's behavior is perceived as threatening. While social acceptance and support helps to foster positive behavior, another major determinant of an individual's treatment of community members is his or her own personal well-being. Community reconciliation runs the risk of being superficial if it is not accompanied by deeper personal healing, both for returnees and for victims.

Returned LRA combatants use traditional ceremonies to actively demonstrate their recovery process to other community members and publicly signal a renunciation of their identity as an LRA soldier. A returnee's attitude toward and treatment of fellow community members changes the way they are received and treated when they come home, more so than the particular paths to recovery they pursue. One formerly abducted youth explained:

*The reason people had good attitudes towards me is that when I came back, there were other people like me who came back but for them, those people can get involved with some bad acts like stealing, robbing people, all those bad things. So people started hating them. But for my case when I came I started doing productive work, and among those productive works, for example, I have a kiosk in the center here...and when I am in my kiosk people*

38 Nurit Shnabel, and Arie Nadler, "A Needs-Based Model of Reconciliation: Satisfying the Differential Emotional Needs of Victim and Perpetrator as a Key to Promoting Reconciliation," *Journal of Personality and Social Psychology*, 94, no. 1 (2008): 116-132, 10.1037/0022-3514.94.1.116.

39 Nurit Shnabel and Arie Nadler, "Perpetrators Need Acceptance and Victims Need Empowerment in Order to Reconcile: A Needs-Based Model of Reconciliation", (paper presented at the Herzliya Symposium on Personality and Social Psychology, March 2008), available at <http://portal.idc.ac.il/en/Symposium/HerzliyaSymposium/Documents/dcShnabel.pdf>.

40 Female respondent, 25, Opota town, Omot sub-county, Agago district, 11 June 2012.

41 Female focus group discussion member, 30, Awach sub-county, Gulu district, 4 May 2012.



*can come and chat with me. That made me to prove totally that people have positive attitudes towards me.*<sup>42</sup>

Although the returnee's daily actions following the ceremony will ultimately determine his or her treatment in the community, participation in a traditional ceremony is a powerful and symbolic first step since it demonstrates that a returnee is moving away from the actions of the LRA and is attempting to live well in the community. Although women and youth often struggle to initiate and carry out these ceremonies on their own, participation in a traditional ceremony is an important way that ex-combatants are able to take control of the reintegration and social recovery process.

The revived use of traditional ceremonies also has the potential to help address the disconnect that many women and youth feel from cultural structures. By witnessing and participating in these ceremonies, women and youth gain direct experience with the traditional practices, and come to understand their intended benefit. In fact, when asked why they thought a traditional ceremony would help them, many respondents referred to the positive outcomes of friends and fellow community members who participated in a similar ritual. The practice of these ceremonies also opens space for elders to counsel both participants and observers. Although this counseling largely focuses on giving advice to the person going through the ceremony, it also offers an opportunity for elders to explain the purpose of the ceremonies and their historical importance.

### ***Relevance to Personal Healing and Emotional Difficulties***

Although traditional justice mechanisms are relevant to interpersonal recovery concerns of women and youth, the current practice of these ceremonies is less relevant to their personal healing and emotional struggles. Many respondents reported that they still struggle with emotional difficulties related to their conflict experiences, even after a significant time living in relative peace. Trauma, bad memories and sadness linger even as they are able to rebuild their daily lives and recover in more outward areas of life. One woman expressed the feeling of *"permanent pains in my heart seeing my children being killed...this makes it hard for me to forget of their [the LRA's] acts in our community."*<sup>43</sup> These emotional difficulties are often triggered by reminders of conflict experiences in daily life, such as seeing soldiers and witnessing disputes, especially physical fighting, in the community. To some extent, respondents felt that these lingering emotional difficulties were an unavoidable consequence of painful experiences and could not actively be addressed. However, those who attributed their emotional pain to affliction by spirits generally felt that a cleansing ceremony could be beneficial.

The relevance of traditional justice mechanisms to internal and emotional conflict recovery needs can only be determined on an individual basis, because it is so strongly grounded in an individual's attitude towards traditional belief systems. In order to bring about personal healing, the subject of a cleansing ceremony must independently see a connection between the cause of his or her problems and the spirits that will be cleansed. Despite the historical basis and current relevance of this belief, it is hardly universal. Many people find more meaning in prayers and religious practices, including many returnees who were counseled against the traditional practices by religiously based reception centers. Others do not necessarily reject the belief in spirits but do not see the relevance of the spirits to their own lives. As one respondent noted, *"To me I don't see much relevance, but this is just a belief that the Acholis have, that once it is performed nothing will follow you. But to me, I see that is not a healing process, they just want to perform with that belief."*<sup>44</sup> It is important to note that for many of the traditional practices, particularly cleansing ceremonies like *moyo kum* and *laketeket*, the fundamental intention of the ceremony is not to bring recovery from traumatic experiences, foster reconciliation, or establish justice for wrongdoing. The core intention of the ceremony is to cleanse or appease spirits that are causing harm to an individual and in the course of that interaction bring recovery, reconciliation or justice. This assumes it is a spiritual affliction that creates a barrier to the recovery or reconciliation process. For individuals who do not agree with this sequence of cause and effect, a process that addresses the spirits will have little impact.

Because personal acceptance of spirits is not universal, a sense of ownership over the traditional justice process is an important determinant of the relevancy of these practices to an individual's personal healing process. Our findings indicate a profound lack of ownership amongst women and youth who have gone through traditional justice mechanisms, largely as a result of the structures of exclusion that prevent them from sharing their priority recovery needs and being involved in the decision-making process. This lack of ownership inhibits women and youth from seeing the connection between their problems and the traditional process. Also, because women and youth are generally not able to make their priority recovery and reconciliation needs known in the planning process of the ceremony, the traditional process is limited to addressing *cen* and may consequently leave gaps in other elements of the recovery and reconciliation process. This significantly limits the relevance of traditional justice mechanisms to the priority recovery needs of women and youth.

Personal healing is an important factor in the ability of women and youth to behave well and maintain good community relationships. Victims and other community members overwhelmingly expressed a willingness to forgive former members of the LRA, provided that they did not commit further bad acts. However, the ability of a returnee to live well in the community is closely correlated with his or her internal mental state. Therefore, if a traditional justice mechanism is ineffective in creating personal healing, the continued trauma experienced

<sup>42</sup> Male respondent, 24, Lapul sub-county, Pader district, 15 June 2012.

<sup>43</sup> Female focus group discussion member, 49, Kitgum town, Kitgum district, 5 December 2011.

<sup>44</sup> Male respondent, 24, Lapul sub-county, Pader district, 15 June 2012.

by that individual may eventually undermine the beneficial community reconciliation aspects of the traditional practice.

Despite the varied relevance of traditional ceremonies to an individual's personal healing process, this does not negate their benefits to community reconciliation processes or the cultural and social value that respondents attached to the ceremonies. An individual who does not attribute her personal struggles to spiritual affliction may still find significant benefit from the community acceptance and restoration of relationships that the ceremony facilitates. This social acceptance may also indirectly help the personal healing process, as studies suggest that social acceptance and a strong family support structure are key factors in creating psychological resilience amongst war-affected youth.<sup>45</sup> However, for this process to be effective the ceremony participant must voluntarily participate in the ceremony and feel a sense of ownership over the process.

## Relevance to Long-Term Consequences of Sexual Violence and Forced Marriage



A child born in captivity participates in a *nyono tong gweno* ceremony

A specific element of personal healing that many returnees struggle with after the conflict is the long-term consequences of sexual violence. Throughout the conflict in northern Uganda, sexual violence was widespread. This happened to abducted women who were forced into marriage with LRA commanders, women within IDP camps, and in some cases, to men. As women returned home both from the bush and the camps, they have had to address the personal pain and trauma associated with those brutal acts. Many victims of sexual violence agreed that the trauma and emotional pain of their experiences could never fully be erased. As one woman noted, *"I feel the ceremony does not help to take away the sexual pain one went through. Because it is hard for such to be easily robbed off from some one's mind, because there are some situation in our daily life that will make you think of such situation that you went through."*<sup>46</sup> The trauma and emotional pain of sexual violence is generally not considered to be a result of *cen*, therefore a spiritual cleansing ceremony will not impact these problems. Rape is a highly sensitive issue that carries significant cultural and social stigma in northern Uganda. This makes the issue difficult to effectively confront through justice and reconciliation mechanisms. Women are reluctant to bring issues of rape and sexual violence to the attention of cultural leaders and family members. This inhibits the relevance of traditional ceremonies, as cultural leaders and family members are integral actors in the ceremony process and, as such, the subject of the ceremony must

necessarily disclose what he or she has suffered from. Furthermore, there is no consensus on what traditional ceremony can be used to address issues of sexual violence. The ceremony historically used to cleanse from instances of rape or incest requires identification of the perpetrator and is performed at the site where the violation took place. For violations that occurred during the conflict, it is often impossible to determine this information, or to return to the location. Although it has been suggested that the *moyo kum* cleansing ceremony could be suitable as it is intended for general "cleansing of the body," this does not specifically address the type of brutal sexual violence perpetrated throughout the conflict. This ceremony may be effective in cases where the victim of sexual violence attributes her or his problems specifically to *cen*, which is often not the case. The majority of female respondents in this research agreed that the traditional practices cannot help the emotional pain and suffering related to rape and sexual violence.

Despite these challenges, respondents added that traditional ceremonies may be helpful in cases where a woman is unable to reproduce as a result of her experience of sexual violence. Because rape is considered an abomination in traditional Acholi culture, experiencing rape can cause a curse that prevents a woman from becoming pregnant or causes her to miscarry. A cleansing ceremony can successfully address the curse and allow the afflicted woman to deliver a healthy child. As one respondent explained, *"When they go through the process, they are cleansed from the spirit that prevents them from giving birth. This is because culture believes that when one is raped out of marriage, she will not be in position to give birth unless she is cleansed. So I have seen many who are in position to give birth after going through the process the ceremony."*<sup>47</sup> However, respondents agreed that such ceremonies would not lessen the emotional pain of the rape.

Beyond emotional trauma, the consequences of sexual violence and forced marriage also extend into community relations and interpersonal recovery concerns. In this area, aspects of traditional justice mechanisms can be more relevant to the recovery process for victims of sexual violence. For example, formerly abducted women must combat stigma not only as a former rebel, but also as a previously married woman. Men may view a

45 Jeannie Annan, Christopher Blattman and Roger Horton, "The State of Youth and Youth Protection in Northern Uganda: Findings from the Survey for War-Affected Youth", UNICEF Uganda, September 2006.

46 Female respondent, 29, Awach sub-county, Gulu district, 28 March 2012.

47 Female focus group discussion member, 23, Alero sub-county, Nwoya district, 20 March 2012.

female returnee as 'damaged' and 'unclean' as a result of her period of abduction, previous marriage and any children born in captivity. Because marriage is highly related to female status in traditional Acholi culture, the failure to re-marry inhibits formerly abducted women's ability to resume a space in the familial and community structure.<sup>48</sup> Participating in a cleansing ceremony may help to address this particular type of stigma by allaying the fears and biases of potential marriage partners within the community. Despite the relevance of traditional practices to these particular elements of the long-term consequences of conflict-related sexual violence, it is important to remember that without addressing the root emotional pain that victims of sexual violence face, the recovery process for that individual will likely remain incomplete.

### *Relevance to Land Conflict*

Land conflict is a pervasive recovery issue throughout northern Uganda, but women and youth face additional barriers when they are involved in such disputes. Traditional Acholi land inheritance is controlled by patriarchal structures and women are not allowed to independently own land. In some cases, this means that women simply do not engage in conflicts over land. As one woman said, land disputes are *"a bit different for the case of women, because women here [in northern Uganda] don't own land. So when there is that kind of rivaling it is between men. So for you, who is a woman, you just sit and wait for what may come."*<sup>49</sup> However, this becomes a more urgent problem for widows and orphans who are currently trying to rebuild their lives and homes after years spent in IDP camps or in captivity with the LRA. One widow explained:

*It [land conflict] disturbs very many women and it has affected their recovery. Especially for widows. You see now when everyone was pushed to the camps, and then the government decided everyone should go back to where they were before. When they decided to start going back, you go back and then you find that the family of your husband will take away all of your former farmlands, and then they leave you with a very small bit. If you are a girl, maybe before the war you had already returned back to your parents' home after separating with your husband. You go back now, they say no, you have to go to your husband's place. So the girl is just now stranded. And for widows, that is the same thing happening to them.*<sup>50</sup>

Youth whose parents passed away during the conflict also struggle to gain access to land, particularly if land use arrangements were informal agreements between the deceased and another community member. Without documentation of ownership, a young person has little bargaining power. The struggles that women and youth face in disputing land ownership claims often pose a significant barrier to recovery. Agricultural work, which is dependent on land ownership, is often one of the only feasible income generating activities and potential paths to economic stability, particularly for those with little education and access to capital. Disputes over land can also act as a trigger for conflict-related trauma, providing yet another reminder of the problems that have led an individual to this particular dispute over land. Effective resolution of land disputes is a key element in current recovery and reconciliation needs.

Despite the biases against women and youth in traditional land ownership structures, many respondents favored adjudication of land disputes by the traditional leaders rather than through the formal system. As active community members with memory of the pre-war land arrangements, the criteria that traditional leaders and clan elders use to judge cases is often more in line with the expectations of disputants and more accurately reflects actual land use both before and after the conflict. Respondents also felt that traditional leaders were less susceptible to influence by wealth and power, and found the traditional system to be less costly, as it usually does not involve costs associated with lawyers and transport to reach the court. Although women still struggle with systems of patriarchy through the traditional system, youth often felt they would have a more successful outcome through the traditional leaders who are more likely to honor informal land-use agreements, even if the original parties to the agreement are no longer alive. The traditional institutions can play an important role in addressing land conflicts that continue to create recovery and reconciliation barriers for youth in Acholi sub-region.

### *Relevance to Other Priority Recovery Concerns*

Many respondents cited material needs as one of the most pressing factors of daily life that inhibit their post-conflict recovery process. Now that northern Uganda enjoys relative peace and daily physical safety has become less of a concern, many women and youth in the region are focused on rebuilding their lives and providing increased opportunities for their children. Economic instability often hinders this, as residents must focus on obtaining school fees, paying for medical care, ensuring there is sufficient food, and other subsistence concerns. Many respondents also cited lack of education and skills as a major problem that contributed to their economic insecurity. Both ex-combatants and youth who grew up in IDP camps faced major disruptions in education and other skills training opportunities, and as a result face significant difficulties in finding jobs that will allow them to establish economic stability. Beyond providing material benefit and contributing to the rebuilding process, respondents emphasized the links between economic security and emotional healing.

48 Justice and Reconciliation Project, "Young Mothers, Marriage and Reintegration in Northern Uganda: Considerations for the Juba Peace Talks."

49 Female respondent, 30, Lapul sub-county, Pader district, 15 June 2012.

50 Female respondent, 65, Paicho sub-county, Gulu district, 30 July 2012.



Particularly for those whose economic difficulties tie directly to their conflict experiences, whether through losing previous sources of wealth or through disabilities that hinder income generation, the challenges of establishing economic security serve as a direct reminder of the problems arising from the LRA conflict. As one woman explained:

*But now the problem of food, sometimes I can be when I don't have anything to eat. And then also comes also the issues of money. I can be in this house when I don't have even 50 shillings. So it is very difficult now, I cannot say I am fully recovered or fully healed. I am somehow healed, I can stay with the other people, but not fully.<sup>51</sup>*



Many former abductees desire skills training for income generating activities such as working at this grinding mill.

The emotional struggles borne of economic insecurity create a significant barrier to full reconciliation and recovery. Traditional justice mechanisms are generally unable to effectively address this aspect of recovery. While cleansing and reintegration ceremonies address spiritual afflictions and establish community acceptance, after that initial benefit they are not designed to address the longer-term material concerns that continue to trigger conflict-related problems for many women and youth. Although it is largely understood that these needs are outside the purview of traditional justice practices, it leaves a major gap in the relevancy of traditional practices.

## Suggestions for Improvement

Traditional justice mechanisms offer women and youth an opportunity to engage in community reconciliation, address stigma, and negotiate a process of justice with the spirits of those they harmed during the conflict. However, as evidenced above, many women and youth struggle with issues that are difficult to address through the traditional practices. As valued as traditional ceremonies are as a local justice process and strategy for community acceptance, gaps in the recovery process will remain unless these unmet needs are considered. When asked how traditional practices could better represent the current recovery needs and concerns of women and youth, respondents overwhelmingly requested more space to share their opinions in the planning and decision-making process leading up to the ceremony.

In order to address the priority needs of women and youth, they must have space to adequately share these needs with those who are organizing and performing the traditional ceremony. This will help traditional leaders to determine whether a spiritually-based ceremony can realistically address an individual's difficulties. Furthermore, it would allow ceremonies to be tailored more specifically to an individual's conflict experiences, thus increasing the extent to which they identify with the healing process. While some needs, such as monetary assistance and payment of school fees, cannot reasonably be addressed through cleansing and reintegration ceremonies, allowing more space for women and youth to share their needs would greatly contribute to a feeling of ownership and real inclusion in this process. Involving women and youth in the planning and decision making process of traditional ceremonies by creating space for them to express their recovery needs also helps to foster a sense of ownership over the traditional processes. This sense of ownership will help those who do not have a strong belief to feel that the ceremony addresses their problem. One ceremony participant advised that greater involvement of women and youth in the traditional ceremonies *"will make a positive change in those who didn't get their personal healing. This is because they will be given that chance to participate directly and feel that the ceremony was meant for them."*<sup>52</sup>

It is necessary to systematically include women and youth in the planning and decision-making process of traditional ceremonies, starting from a grassroots level. Ke Kwaro Acholi, the main Acholi cultural institution, currently includes women and youth representatives from each clan, who ostensibly represent the concerns of their gender and age mates in all meetings of the cultural institution. Unfortunately, the interactions of these representatives and the knowledge they gain in this position often do not reach the individuals who may participate in a traditional ceremony. One group of respondents reported they were aware of one community meeting organized with the area youth representative, but there was no further follow up. As volunteers, the representatives often don't have the time or resources to perform adequate outreach. Additionally, most traditional ceremonies are organized on a local, clan level, not through the main cultural institution, and the representative system does not operate at that grassroots level. Although presently women and youth are not fully excluded from planning and decision-making, they must generally initiate participation. Those who suffer most from post-conflict challenges are the most likely to benefit from a recovery intervention such as

<sup>51</sup> Female respondent, 46, Purongo sub-county, Nwoya district, 29 July 2012.

<sup>52</sup> Female respondent, 14, Lamogi sub-county, Amuru district, 2 May 2012.

a traditional ceremony, but they are also the least likely to assert their concerns due to other challenges they face. If barriers to participation are dismantled, it will be more likely that ceremonies will be done for those who value and welcome them.

Some argue that the process of cultural practices is immutable, as it was passed down from generations of ancestors and is based on prescribed interaction with the spirit world. However, our research found that there is both space and precedent for the greater involvement of women and youth in the planning and decision-making process of traditional ceremonies. The level of involvement from women and youth in sharing their recovery priorities and influencing decisions is currently dependent on the norms and preferences of different families and traditional leaders. While one ceremony participant may be thrust into a ceremony with little preparation or understanding of its purpose, another participant may have close communication with the family members, elders and traditional leaders who facilitate the ceremony and feel that her concerns are clearly addressed. Instances where women and youth are fully involved in the planning and decision-making process are not prevalent, but they do indicate the ability of traditional practices to open up to increased involvement from women and youth.

Regardless of their substance, respondents agreed that cultural leaders, starting from clan elders and going up through the Paramount Chief of Ke Kwaro Acholi, must direct any changes related to tradition. Without the support of cultural leaders, these changes will not be viewed as legitimate and women and youth will be reluctant to participate in efforts to amplify their voice.

Given the importance of a sense of ownership and individual belief in the efficacy of traditional ceremonies, special attention should be paid to women and youth who, of their own volition, seek to participate in traditional ceremonies. Many of these individuals are not able to access these ceremonies because of barriers in the planning and organizing process, mainly the limited ability of women and youth to initiate ceremonies on their own behalf and/or provide the necessary monetary and material requirements. One respondent facing this issue explained:

*The reason why I did not get the access to participate in the rituals was because the situation by then was very tense and I happened to lose my dad and the woman had remained to take care of us also died in the same year after two months when my dad passed away. So there was no one to stand in for me to see that I go through the process of the rituals. And currently I go through many bad dreams of what I went through while at the bush...so basically I feel the bad dreams am going through is as result of me not going through the process.<sup>53</sup>*

While ensuring that those individuals who do not see value in traditional practices are not forced to participate, it is also important to focus resources on ensuring that those who see traditional ceremonies as an integral part of their recovery process are able to participate.

Finally, women and youth's experiences also demonstrate that traditional justice mechanisms are not a one-size-fits-all solution to post-conflict reconciliation. The relevancy of traditional ceremonies depends largely on an individual's belief. Those who identify strongly with the traditional cosmology and feel that their distress is caused by *cen* that can be addressed through a cleansing ceremony are more likely to feel that such ceremonies were helpful for healing and reconciliation. Those who reject traditional culture or prefer alternative methods of reconciliation such as prayers or counseling are unlikely to find much benefit if they are forced to participate in a ceremony. Women and youth participants' voices and preferences should be prioritized and they should have access to the interventions that they identify as most helpful. Personal healing and rehabilitation requires an individualized approach. The benefits of traditional justice mechanisms should not come at the expense of equally beneficial alternative interventions.

## Policy Implications

As Uganda's Justice, Law and Order Sector (JLOS) prepares its official transitional justice policy, it is important to consider how traditional justice practices fit into the overall transitional justice policy in Uganda. Traditional justice has featured prominently in Uganda's transitional justice policy discussion since the signing of the 2007 Juba Agreement on Accountability and Reconciliation, which specifically recommended the inclusion of traditional justice mechanisms into the transitional justice framework. The recent lapse of Part II of the 2000 Amnesty Act, which authorized the granting of amnesty to ex-combatants, places even more importance on traditional justice practices for public reconciliation efforts. Despite its many controversies and imperfections, the Amnesty policy was a public and widely accepted form of forgiveness for returned LRA combatants. Many returnees valued the legal pardon and protection derived from the Amnesty Act, even as they struggled with issues of stigmatization. Without an Amnesty process to serve as a starting point, the role of traditional

<sup>53</sup> Female focus group discussion member, 40, Paicho sub-county, Gulu district, 24 April 2012.



ceremonies in promoting community reconciliation and signaling the social acceptance of a returnee becomes even more salient.

In July 2012, JLOS released a final draft of a national study on traditional justice and truth telling. In accordance with Agenda Item Three of the 2007 Juba agreement, this document is meant to inform the incorporation of traditional justice into the national transitional justice policy. In line with our findings, the report concludes that traditional justice practices throughout the many tribes of Uganda generally afford limited participation for women and children. The report further states, “Respondents in the Acholi region pointed out that women generally have no say during conflict resolution processes. They were however encouraged to participate as witnesses and observers.”<sup>54</sup> Based on these findings, the policy proposal notes “there is need to enhance the active and meaningful participation and full involvement of women and children in decision making in regard to conflict resolution and prevention.”<sup>55</sup> Our findings underscore the need for a policy framework to heed this recommendation both in law and in practice.

In addition to these specific recommendations, the report provides a general recommendation that “the positive attributes of TJMs [traditional justice mechanisms] that have greatly contributed to dispute resolution in communities in Uganda should be harnessed to augment the administration of justice in Uganda. This can be done by designing a framework for the use of TJMs. The framework will provide among others: guidelines for the use of TJMs; the role and jurisdiction of TJMs, matters of capacity building, advocacy and sensitization of end users and restatement of custom.”<sup>56</sup> With a process so inherently dependent on voluntary participation and personal attribution of problems to spiritual causes, codification and prescription of the process must be approached delicately. If the decision of how and when to use traditional ceremonies is taken out of the control of those who are directly involved, the ceremonies will likely lose much of their meaning as a locally-directed path to justice. Jurisdiction of traditional justice mechanisms also should not restrict their use in conjunction with the formal justice system. Many of our respondents emphasized the concurrent nature of traditional justice and formal justice practices. Particularly for cleansing ceremonies intended to interact with the spirit world, many traditional practices can be performed in addition to a legal trial or official amnesty, rather than as a direct replacement for those processes. Ceremonies may be used to address different problems than can be dealt with in a formal justice process, such as spiritual affliction. As JLOS determines the role of traditional justice within the larger transitional justice framework, they should ensure that policies are flexible enough to account for the unique concerns and preferences of individual victims and perpetrators.

<sup>54</sup> The Justice, Law and Order Sector & The Uganda Law Reform Commission, “Traditional Justice and Truth Telling and National Reconciliation: Study Report, Final Draft,” (July 2012):159.

<sup>55</sup> *Ibid.*, 308.

<sup>56</sup> *Ibid.*, x.

# Recommendations

## *To Traditional Leaders and the Acholi Cultural Institution*

- **Enhance participation of women and youth in the planning and implementation of traditional justice ceremonies, especially those that affect them directly.**

The traditional leaders who are responsible for organizing and carrying out traditional ceremonies can systematically provide an outlet for women and youth, especially direct ceremony participants, to share their opinions and to be involved in the planning and decision-making process leading up to the ceremony. While respondents were wary of changing technical roles within the ceremonies, they expressed a strong desire to share their voices and opinions with cultural leaders. This will also contribute to greater meaning and effectiveness of traditional justice mechanisms for women and youth. A key element of effectiveness of such ceremonies is whether the individual personally identifies with the ceremony and believes it will help him or her. If women and youth are more intimately involved in determining when and why a ceremony is done, then the process may have greater personal meaning for them. This is particularly important for women and youth who are the subject of a reintegration or cleansing ceremony.

- **Cultural institutions should take a lead role in creating space for women and youth to share views on traditional ceremonies.**

Consultations with women and youth showed that traditional leaders are a highly respected authority on issues relating to traditional justice, reintegration and cleansing mechanisms. Without the support of the cultural institution and local traditional leaders, any alterations and enhancements to either the practice or spirit of traditional processes will face serious challenges of community acceptance. A process of change led by the cultural institution and implemented by the traditional leaders at the grassroots level will demonstrate to women and youth that their participation in these mechanisms is both appropriate and accepted.

## *To Policy Makers*

- **Policies around the use of traditional justice should not be overly rigid and should allow for truly voluntary participation.**

Our findings indicate that one of the key determinants of the impact of a traditional justice mechanism is whether or not the subject feels the process is relevant to his or her unique needs. Therefore, participation in a traditional justice mechanism should ideally be motivated by the individual undergoing the ceremony. Future policies around traditional justice should not be overly formalized or limited in their applicability or participation. This would hinder the individualized and voluntary nature that is integral to the success of a traditional practice in helping a participant to truly heal and reconcile.

- **Policy makers should focus on developing a robust and multi-faceted transitional justice response, which allows for voluntary use of traditional practices but offers a variety of other responses for those who choose not to pursue traditional justice mechanisms.**

The priority needs of women and youth for reconciliation and recovery span a variety of different areas, not all of which are relevant to traditional justice mechanisms. Given the inherent spiritual basis of these ceremonies, it is unrealistic to expect the traditional processes to provide a holistic post-conflict recovery response. Furthermore, the perception of relevancy of traditional mechanisms may vary based on personal preference and individual conflict experiences. For this reason, traditional ceremonies should occur in conjunction with a larger transitional justice program in northern Uganda, so that women and youth can benefit from community reconciliation but have other options for issues that traditional justice doesn't sufficiently address. To this end, policy makers should focus on creating gender and generationally sensitive policies that can fill the gap when traditional ceremonies are not enough.

- **Policy makers should work together with the cultural institutions to ensure that transitional justice policy complements the traditional justice process.**

As transitional justice policy develops in Uganda, it is important to recognize that traditional justice mechanisms are embedded in the Acholi cultural structure, from leaders at Ke Kwaro Acholi to the clan elders at the community level. It is important for these institutions to be legitimate in delivering justice to women and youth who value traditional practices as part of their recovery and reconciliation process. Clear cooperation between traditional justice and other transitional justice strategies will allow war-affected communities and individuals to access a full spectrum of justice and reconciliation mechanisms.

### ***To Donors***

- **Increase efforts to address economic insecurity amongst women and youth in northern Uganda.**

Our findings clearly indicate a relationship between economic security, emotional healing and the ability to forgive after conflict. The constant struggle to earn sufficient money to pay for school requirements and provide an education to a child born from a forced marriage in the LRA serves as a painful reminder to a formerly abducted woman of her conflict experiences. A widow unable to grow enough food to feed herself and the many orphans she now cares for is reminded daily of the family members lost during the conflict. While providing economic assistance is by no means a holistic solution for reconciliation efforts, it provides an indispensable base to facilitate further reconciliation, healing, and addressing the emotional pain of past experiences.

### ***To Community Members***

- **Community members can help to educate young people about traditional justice practices and other aspects of Acholi tradition.**

Respondents also emphasized the important role that family and community members can play in educating the younger generation about traditional practices. This was historically the primary way of imparting cultural knowledge, but conflict-related ruptures in family life and social structure have disturbed the natural progression over the past 25 years. In addition to leadership from the Acholi cultural institution and from the individual clan elders, all community members should share responsibility for educating young people. Increased understanding of traditional justice within a community will allow the ceremonies to have a more significant impact and encourage even those who do not personally support such mechanisms to respect and understand those who do.



**T**hroughout the LRA conflict women and youth faced grave atrocities such as gender-based violence, forced marriage, and disruption of education and economic opportunities. These women and youth risk being omitted from justice and peace debates in Uganda if their unique experiences and reintegration challenges are overlooked. Acholi traditional justice mechanisms, especially *mato oput* and *nyono tong gweno*, are often promoted as a locally appropriate approach to address these issues in northern Uganda. Despite this, little has been documented about the attitudes of women and youth towards traditional approaches and the impacts of these practices on their processes of healing and recovery.

Based on opinions gathered from focus group discussions and individual interviews with war-affected women and youth throughout Acholi sub-region, this report explores the relevancy of traditional justice mechanisms to the unique justice, reintegration and reconciliation needs of women and youth. It also discusses their current role in the decision-making and negotiation process of traditional justice mechanisms, and whether that role sufficiently represents their needs and opinions in the healing process. Finally, specific policy recommendations are offered to key stakeholders on ideal ways to address and incorporate the concerns of women and youth into traditional justice mechanisms.



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