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# Voices

Sharing victim-centered views on justice and reconciliation in Uganda



A publication of  
Justice and  
Reconciliation  
Project

Issue 3, December 2012

## Special Feature

*“I thought he would always be here for us.”*

What enforced disappearances mean for the family members of those that are still missing

## Opinion

*Is there an acceptable truth-telling process for all Ugandans?*

*Truth-telling and traditional reconciliation processes*

# What the Right to Know means for Victims of Conflict

# Voices

Sharing victim-centered views on  
justice and reconciliation in Uganda

Issue 3, December 2012

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Voices: Sharing victim-centered views on justice and reconciliation in Uganda

A publication of the Justice and Reconciliation Project (JRP)

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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.

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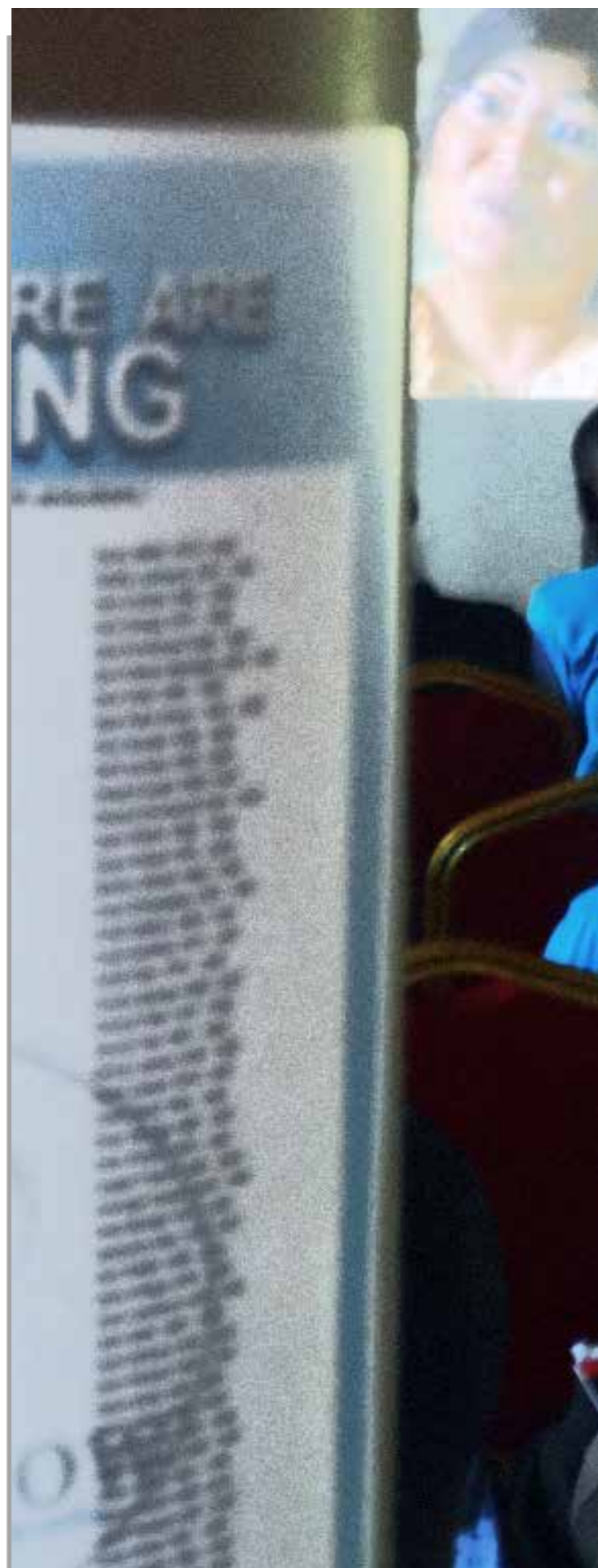


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BONIFACE OJOK

## Dear Readers

**W**ELCOME TO our latest edition of *Voices Magazine* where we bring you some local perspectives on the 'Right to Know'. In August JRP launched the 'Right to Know' campaign to draw attention to the significance of truth seeking and missing persons in the transitional justice discourse in Uganda. Key to this campaign is the legacy of the various conflicts that have occurred in Northern Uganda leaving hundreds of persons gone missing and in need of the truth of their whereabouts.

From its inception, JRP has been overwhelmed by the number of persons who claim they have lost their loved ones while others have gone missing. The most pronounced of these incidents have been attributed to LRA abductions, more especially to their method of forcibly recruiting innocent civilians to their ranks, torture, killing and maiming. However, we are also aware that another worrying trend of atrocities, such as disappearances in the past has been orchestrated by state agents. These however have largely been unspoken of, or even unreported. In fact, many families to date are still at bitter terms with the government for having a hand in the numerous

disappearance persons gone missing in Northern Uganda as testified by one elder: "As the new government took over power they turned against the very people they claimed to have fought for. My children and several other relatives in this area went missing on accusations that they were collaborators. I am now an old man with no children ..."

In August 2012, when we got together families/representatives of victims across the greater Northern Uganda in Gulu town, our anticipation (as usual) was to begin a dialogue around the 'Right to Know'. The dialogue which begun at Gulu town in August should go a long way in re-awakening our thoughts around truth seeking and missing persons. From the August dialogue with victims and families of the missing, I learnt that the term 'missing persons' should be understood in its broadest sense. Missing persons or persons unaccounted for are those whose families are without news of them and/or are reported missing on the basis of reliable information. People become unaccounted for due to a wide variety of circumstances, such as displacement, whether as an internally displaced person or a refugee, being killed in

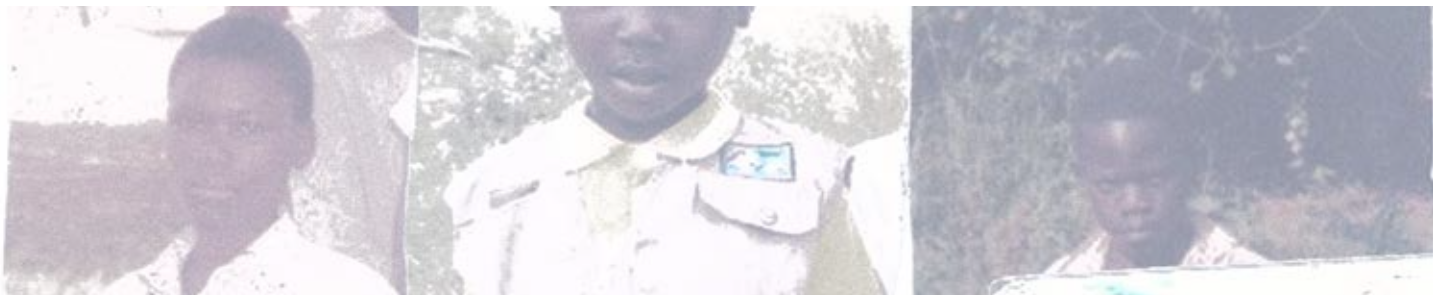
action during an armed conflict, or forcibly or involuntarily disappearing. The issue of missing persons is thus intrinsically linked with the respect of rights of the families concerned. One of those fundamental rights is 'Right to Know' what happened to the loved ones.

This newsletter therefore in part seeks to give a voice to the missing persons, aware that Uganda is on course with developments around truth-telling. We do this because we know that in war many people go missing, causing anguish and uncertainty for families and friends. People have the right to know what happened to their missing relatives while at the same time governments, the military authorities and armed groups have an obligation to provide information and assist efforts to put families back together. Through the newsletter, we anticipate that the voices of those who still live in pain seeking to mourn their loved ones are reflected within the broader agenda of truth-telling and reconciliation in Uganda.

We assert that the lack of attention paid to the issue of truth-telling and more specifically missing persons doesn't only give anguish to the families, but also hampers the efforts

*"To date, no measures have been taken to provide support and the necessary information in spite of the fact that many of the conflicts have come to a halt."*

Letter from the PC



## Editorial

at reconciliation and a return to peace and stability in Northern Uganda. The 'Right to Know' goes beyond the ordinary pain and anguish suffered by individuals, but also the whole community who collectively have a duty to make peace and reconcile with their neighbours/perpetrators with whom they most often live side by side. We shall continue to work with victim/family networks since we have learnt they play an important role in the 'right to know' as well as in promoting public recognition of the problem. We believe what we have started through exchange of information between the victim networks across the different regions in the greater Northern Uganda could significantly influence the reconciliation process in the region. It should also help advance the cause of justice for the victims and their families, who want their loss to be taken into account.

Just like any transitional justice process, the 'right to know' should be depoliticised in a manner that binds all stakeholders without making any differences based on the ethnic or regional origin of the problem. Every victim has a 'right to know' therefore the call to address the plight caused by disappearance can never be underestimated by civil society and government of Uganda as narrated throughout the text of this magazine issue.

Finally, I take the opportunity to thank all our readers and the support shown throughout the year 2012. I also convey my gratitude to all the contributors to this magazine issue.



ORYEM NYEKO

# Justice, reconciliation and the right to know

*IN THE MIDDLE OF 2012, JRP began filming a documentary in Amuria in Teso, Lango, West Nile and Acholi sub-regions, where we interviewed the family and friends of individuals that are still missing because of enforced disappearances. Today, many parents, siblings and children continue to search for any information about what happened to their loved ones, a search, which to them, seemed to be being carried out alone.*

*The reality is that the abductions and enforced disappearances did not just affect those that were close to the missing. Instead, the issue is intertwined closely with communities in the region as their transitional justice needs become further defined. The search for the truth has is not confined to a search for missing persons, but extends to the struggle for acknowledgment from those that are responsible, or partook in the two decade long conflict, in the form of answers.*

*In this issue of Voices magazine, truth-telling is the central theme. The "Missing Persons Poster" on page 20, is not an exhaustive list of the missing. It was meant to serve as a reminder of the scale of the challenge and the importance of a campaign aimed at advocating for victim-centred truth-telling process in a post-conflict region like Northern Uganda. While it is impossible to accurately depict how many people are missing, it is hoped that this poster, among many other community-*

*led initiatives, will lead to 'the Right to Know' being a serious priority in the agenda of the Government and other stakeholders ("The Right to Truth and Justice", page 6).*

*The work of the ICRC in particular, in tracing missing abductees and reuniting them with family member, reflects a general sentiment of truth-seeking as an internationally recognised right. Guest writer Simon Robins examines the work of the organisation in "Missing Persons: Towards a Victim Centred Approach" (page 11). Proposed telling processes in this region are also examined from a gender perspective ("Achieving Gender Justice Through Truth-Telling", page 26), and comparisons are made with countries in a post-conflict states ("Lessons from Post-Genocide Rwanda", page 38)*

*The Gender Justice initiative, the Women's Advocacy Network (WAN), consists of women that were personally affected by the conflict, some of whom actually know the whereabouts of some of the missing persons. The Chairlady of the advocacy initiative, Evelyn Amony, calls on individuals, organisations and governments to come together to restore the broken links in "Our Lost Jewels" (page 22).*

*What does the Right to Know mean to you? We welcome the views of readers, so email [voices@justiceandreconciliation.com](mailto:voices@justiceandreconciliation.com) or visit our offices in Gulu to have your voice heard. ■*

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## Opinion

# The Right to Truth and Justice

Finding the truth for families of persons still missing as a result of conflict in Northern Uganda



SYLVIA OPINIA

ONE EVENING WHILE finalising the preparations for the Dialogue on Disappearances to commemorate the International Day Against Enforced Disappearances on 30<sup>th</sup> August 2012, we pinned up posters made by JRP in collaboration with Children/Youth as Peace Builders (CAP) Uganda, as an indicative list of missing persons in Gulu District. The waiter who brought our drinks suddenly stood there for some time while skimming through the names and finally asked one of my colleagues how he could get the name of his missing relative to be included on the poster. What caught my attention was not the question but the fact that in Northern Uganda almost every family has or knows of a family member who is missing.

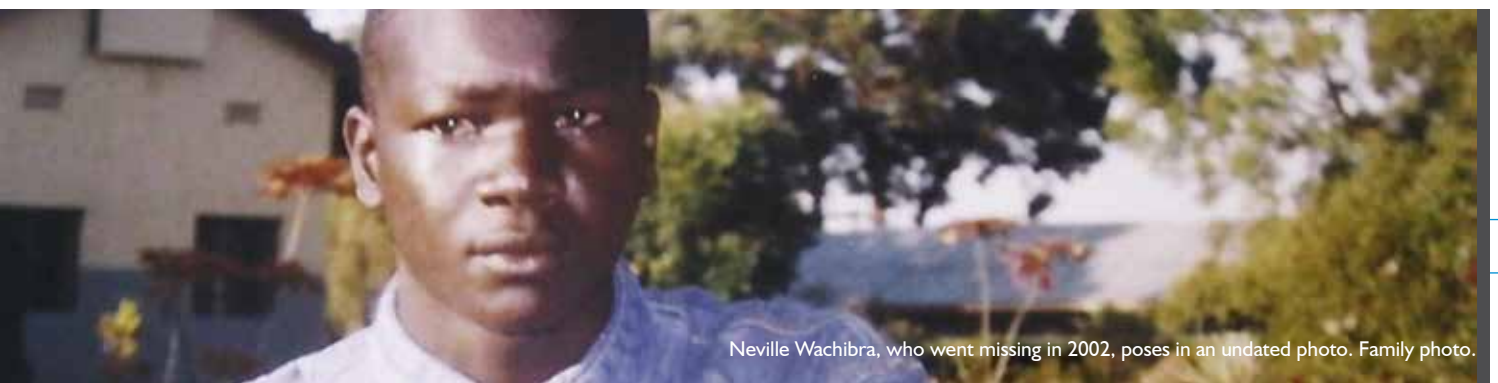
Neville Wachibra for instance, is Norah Fathum's eldest son. He went missing after an attack on a Nile coach bus on 19<sup>th</sup> September 2002 along Karuma – Packwach road just before he began his first year at Makerere University. To this day, Norah does not know the whereabouts of her son while the younger brother Emmanuel has to cope with the trauma of losing his role model at a young age. Julius Odonget is the son of Robert and Anna Okanya of Obalanga sub-county, Amuria District in Teso sub-region. In 2003, Julius was abducted with his sister after the LRA entered Teso through Obalanga. His sister managed to escape from captivity but Julius' whereabouts remain unknown. Josephine and Bua Peter also lost their son Maxwell Ayo. Today they continue to hope to find his remains so that they can conduct a proper burial for him.

Evelyn Amony's daughter, born in captivity, went missing after fighting between the UPDF and the LRA broke out in Sudan. Rumoured to have been taken by the UPDF, Evelyn's daughter remains separated from her mother. Martin Ononge talks passionately about his son in law and his son who joined Alice Lakwena's Holy

Spirit Movement to fight but were arrested by NRA soldiers and taken to the prison where they were forced to dig without adequate amounts of food to eat. After two years, some of the people that were arrested with them came back, but his son and son-in-law have still not returned. Ononge up to date continues to search for his missing son and son-in-law.

These and many similar stories are told from West Nile, Acholi, Lango and Teso sub regions, of loved ones who disappeared during the height of the conflict in Northern Uganda. Amidst the immense post conflict challenges, those whose relatives are still missing and/or unaccounted for continue to seek answers to the whereabouts of their loved ones yet the issue of those who disappeared during the conflict has not made it to the national agenda.

The International Committee of the Red Cross (ICRC) defines missing persons as all those whose families are without news of them and/or are reported missing, on the basis of reliable information, owing to armed conflict. These include those disappeared by the state or taken by armed groups, children forcibly recruited or adopted, combatants missing in action and those in clandestine detention. It goes further to classify that in addition to the direct victim of disappearance, the families of the missing are its victims. In Northern Uganda, civilians have disappeared in the hands of both government and rebel forces. Though the magnitude (numbers of those missing) is not known, recent studies conducted by CAP, a local NGO working in the Acholi sub-region, indicates that in Gulu district alone, those who are still missing account for 29.5% of the total number of abductions by the LRA. Yet apart from local community based initiatives to search for their loved ones, at national level, no interventions have been put in place to deal with this



Neville Wachibra, who went missing in 2002, poses in an undated photo. Family photo.

major concern.

The ICRC, Amnesty International, the International Convention for the Protection of all People from Enforced Disappearances and the Rome Statute among others have gone further to justify that indeed knowledge about the whereabouts or establishing facts about what happened to their loved ones is a right for the families of the disappeared, as well the first step towards a process of seeking redress for their missing relatives. In our studies on truth-telling (see the series of JRP publications on [www.justiceandreconciliation.com](http://www.justiceandreconciliation.com)), we were able to find out that indeed people want to know something about what happened to their missing persons, siblings, children and spouses. Right from 1986 when the LRA/GoU conflict started, we have heard stories of people gone missing, to be unaccounted for either by state security agents or by the rebels, to date victims have remained silent but not silent because they are happy but because they have not been given the opportunity to come out and express their grievances about their loved ones gone missing.

Bringing the issues of accountability and reconciliation on the national agenda at Juba and the consequent developments within JLOS has been a milestone worth applauding. However, the next milestone is, are these issues going to be particular to those who were affected? Are they going to address the real victims who still suffer to date? What about missing persons, are they going to be fully incorporated into our proposed transitional justice (TJ) policy being generated by JLOS. Are we going to pretend to develop a TJ process that does not look at the issue of those who are still missing? That at the end of the TJ process will we have

achieved anything if thousands of families in Northern Uganda still do not know the whereabouts of those who have gone missing?

Much as one can argue in theory, that all the TJ mechanisms can play a role in one way or the other to address the issue of missing persons, it is important to note that this begs for special and adequate consideration for a well facilitated

*The next milestone is, are these issues going to be particular to those who were affected? Are they going to address the real victims who still suffer to date?*

justice mechanism based on the right truth and relevant information. So the question of missing persons remains an integral component of a truth-telling process in Uganda. Ideally when speaking about truth-telling, one fundamental aspect that ought not to be ignored for the case of Northern Uganda is the question “where is the missing person?” Take for instance abductions of plenty of children and adults, those who served as foot soldiers in the LRA, how many were they? Though we do not have actual figures, they constituted a big number of the population who are either killed or disappeared. Formerly Abducted Persons have come back without a detailed account of where their colleagues who were in the rebellion are. We need a mechanism where these issues are brought to our attention for us to get to know their whereabouts and who is responsible.

Hence for any TJ process and a truth-telling process for this matter to be meaningful, these are issues to be confronted with. We still remain optimistic that something will be done, that finally the government, the NRA/UPDF will come out and say “look this is what happened to those who were abducted; that your children whom we did not protect are

*languishing in the jungles of DRC or they have actually died in our hands and we should move forward as a nation and heal the wounds of those who still think that tomorrow their loved ones will be back or they will locate their remains”.* These are issues that need to be addressed at that level.

This however can only be possible if the key stakeholders especially the GoU formally acknowledge the fact that this is a problem that requires intervention by putting it on the policy agenda. JRP through its “Right to Know Campaign” has created

a platform for families and relatives of the missing to explore and situate the concerns and anguish of families/relatives of missing persons. We hope that this campaign will heighten awareness and draw the attention of the GoU, CSOs, donor community and the public about the missing or people who are unaccounted for as a result of conflict and the anguish of their families.

It’s therefore my passionate appeal to all key stakeholders especially the civil society fraternity, that the missing person is a very crucial area that we as practitioners in Northern Uganda must begin paying attention to. It is our role to garner the support of victims and other like-minded CSOs to begin looking at these issues and push them to the agenda of government. As a way forward, I challenge that we work together to embrace the issue, generate momentum and raise hope in the victims who are still searching for answers and/or healing. This is the time for closure for victims and for CSOs to become a relevant force to reckon with the past that these victims have been through. ■

*Sylvia Opinia is the Team Leader for JRP’s Community Mobilisation Department.*

## Feature



Photo: Alfred Oryem/JRP.

# Raising Hope for Victims

## Interview With Boniface Ojok

*In the last few months, the 'Right to Know' campaign has formed a central part of JRP's work. Voices Magazine sat down with JRP Programme Co-ordinator, Boniface Ojok, to get his insight on the campaign, its purpose and the hopes for the upcoming months.*

**Voices Magazine:** Could you briefly tell us the history of JRP?

**Boniface Ojok:** JRP started in around 2004 at a time when the discussion around justice and accountability hit the floor in Northern Uganda, and then the issues were around peace versus justice, traditional justice versus international justice processes and the attempts being pursued at the national level by Ugandans for blanket amnesty.

So then, the discussion was centred around how do we pursue meaningful accountability process? JRP came in to add a unique perspective of how do we bring in voices of the victims in this discussion. This is why we always advocate for the inclusion of locally sensitive, but also culturally relevant approach to Transitional Justice for Northern Ugandans. That is the premise upon which JRP was founded around 2004/2005. But then more fundamental was our involvement in the peace process in 2006, particularly the accountability and reconciliation agenda that was discussed in Juba.

Since then we have been following and trying to engage as widely as possible, not only with the victims of conflict in Northern Uganda but also with those who should be trying to pursue a relevant mechanism in terms of Transitional Justice, with Government of Uganda and also regional and international bodies that can help the transitional justice process in Uganda,

**VM:** Talking about engagement with victims in Northern Uganda, how would you describe the situations of persons that are still missing as a result of the conflict?

**BO:** The 'missing persons' issue is a very crucial area that we as practitioners in Northern Uganda should begin to pay much more attention to. One thing to note is that the discus-



sion around missing persons has never been on anyone's agenda, but I think in the past few months we have seen some initiatives and we have seen some momentum generated from civil society organisations and local organisations such as CAP Uganda to try and raise the awareness that the issue is real. Also, at JRP by engaging with victims on the idea of truth-telling at the local level is a clear testimony that missing persons should form part and partial of an agenda for truth-telling in Uganda.

In our studies on truth-telling we were able to find out from people that look, indeed people want to know something about what happened to their missing persons, their spouses, children and siblings. So ideally when speaking about truth-telling process, one fundamental aspect that ought not to be ignored for the case of Northern Uganda is where is the missing persons' debate here?

Right from 1986 when this conflict began, we have had people gone missing either have to being unaccounted for because of security agencies in Uganda or the rebels. So then till now we have witnessed situation where victims have remained silent, but not silent because they are happy, silent because they can't be given the opportunity to come out and express their grievance over their loved ones gone missing. So I think the question of missing persons remains an integral component of the truth-telling process in Uganda.

**VM:** Talking about these families who have persons still missing, what would you describe as some of the most important needs to these families who are going through every day with the knowledge that they don't know where their relatives are?

**BO:** I think for one, families of the missing living with the pain and agony of their loved ones gone missing is a very terrible scenario. Imagine an orphan left behind together with other siblings in the absence of their bread winner, living on a day by day basis for all these years is really something beyond which I can explain. For that matter, I think if you are looking at the whole question of Transitional Justice, the whole question of truth-telling, for instance, and ignoring the fact that the missing persons should be talked about, then we are really heading into a very difficult scenario.

Take for instance abductions that have happened. Plenty of children, elderly people or people with energy to carry load on their head, people who served as soldiers in the LRA, as an example, how many are they? Unfortunately we don't have the records. They really constitute a big number of people who went out there and were either killed or up to now no one knows their whereabouts.

Formerly abducted persons have come back home but without a detailed account of where their colleagues who were in the rebellion are. We need a situation where these issues are brought to our attention. How do we get to know their whereabouts, who is responsible for this? This should all be brought to the attention of victims and those who still mourn their loved ones. I think the situation we are left with is a family that is in despair, a family that is so desperate for someone they have really lost for a long time.

**VM:** You did mention that there are initiatives coming from civil society organisations. What is being done at the national level to address the issue of missing per-



Parents like, Josephine and Peter Bua, continue to search for answers to the whereabouts of the body of their two sons. Photo: Jimmy Oringa/JRP.

*“Families of the missing living with the pain and agony of their loved ones gone missing is a very terrible scenario. Imagine an orphan left behind together with other siblings in the absence of their bread winner, living on a day by day basis for all these years is really something beyond which I can explain..”*

sons?

**BO:** The issue of missing persons, let alone the whole transitional justice arena is often a very much ignored subject. I think as civil society, you can bear me witness that the struggle to bring transitional justice issues, issues to do with accountability and reconciliation on the agenda of our national government has been a very difficult one. That alone was a milestone achieved at Juba. The next milestone is: are these issues going to be particular to the needs of those who are really affected? Are they going to address the real victims who still suffer to date? What about the issues of the missing persons that we are talking about, are they going to be fully incorporated into our proposed truth-telling formula that has been generated by JLOS? Are we going to ideally develop a transitional justice framework that doesn't look into the issue of those who are not with us here? These are real questions that victims will always ask us.

We still remain optimistic that something will be done. We still remain optimistic that finally Government will come up and say look this is what we have done. The NRA, the UPDF will come up and say look this is what happened to those who were abducted. This is a clear testimony that your children we didn't protect are really languishing in the jungles of DRC, or your children we didn't protect have actually died in our hands during battle and we should move forward as a nation and heal the wounds of those who still think that tomorrow my child will be back or where is the bones of my loved one so that I can bury him? These are issues that I think if well addressed at that level we shall have something meaningful.

**VM:** What is the way forward for JRP in this pro-

cess?

**BO:** I think for local organisations like JRP together with others, it's our role to garner the support of victims and civil society so that we begin to look at these issues and see how best to confront them. How to push these issues to the agenda of government is the primary responsibility of the civil society fraternity. We act as an anchor between victims and our policy makers, so when issues of missing persons are not addressed then organisations like JRP and CAP Uganda remain quite irrelevant and even at the national level, the JLOS will actually be irrelevant.

So I think the way forward is for us to really work together as stakeholders, embrace the issue and try and generate momentum and, for once raise hope in the victims who still think they can be healed. I think this is the time for closure as victims. This is the time that we as civil society can become a relevant force in trying to reckon with the past that they have been through.

I think the campaign on missing persons should be a campaign that should continue and I think it should not only be JRP that embraces this. It's a campaign for all of us. It's a campaign to raise awareness among victims that, look, you can do something about this situation you are in. I think it's also an encouragement for victims that, look, there is hope at the end of the tunnel. This in preparation for their healing process is very fundamental. Again a message to victims is that these efforts do generate a lot of hope but also there is so little we can do as civil society apart from trying to get you together to respond or to walk for these missing persons. It's your campaign.

**VM:** Thank very much

**BO:** You are welcome. ■

*"We have witnessed situation where victims have remained silent, but not silent because they are happy, silent because they haven't been given the opportunity to express their grievance."*

TheRighttoKnow  
Action for persons missing during conflict.

# Missing Persons: Towards a Victim Centred Approach

SIMON ROBINS

THE CONFLICTS over the last three decades in Northern Uganda have left many impacts, some better understood than others. The large-scale LRA abductions that have come to characterise the war in the Acholiland and beyond have produced a multi-faceted response targeting returnees, their families and communities. Returnees have benefited from counselling in district-based reception centres, support on their return home and assistance packages. In some sense however these returnees and their families are the lucky ones: many families of those abducted have heard nothing about their loved ones and remain torn between the hope that they will return and the despair that they may be dead. The emphasis in the north on returnees, and the apparent neglect of those missing and their families is finally beginning to be addressed, and it is hoped that this special issue of *Voices* can be the catalyst for both an understanding and addressing of the many issues that the families of the missing face.

The issue of missing persons is one relevant to almost all contemporary conflict, with families globally facing the challenges of living with no knowledge of what has happened to loved ones. In the Balkan wars mass executions and unmarked graves left more than 20,000 missing, and conflicts ranging from those in the

Caucasus, Libya, D.R. Congo and Nepal have left a legacy of thousands of families seeking information about relatives. In all these contexts families seek to know the fate of sons and husbands, and to retrieve remains where they are dead so that they can be honoured and dignified according to local traditions.

*Families seek closure above all else. Much of this is encompassed by the 'right to know', a legal right to the truth enshrined in both International Humanitarian Law and Human Rights Law.*

## The International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) has a mandate enshrined in international law to protect and assist victims of conflict. Integral to this work is maintaining family links torn apart by conflict, including through providing phone access to those separated from loved ones, and collecting Red Cross Messages from prisoners of war and detainees. In contexts where war is over and persons remain missing, ICRC reminds the authorities of their obligations to provide information to the families of those unaccounted for, and intervenes directly to support the families of the missing. ICRC has acted on the basis of its mandate in Uganda since 1979, and its tracing work continues today, notably with refugees arriving from the DRC and with unaccompanied Ugandan minors linked to

the LRA who have been recovered in neighbouring states. Where possible such children are reunited with family members in Uganda.

ICRC has recently begun work with families of the missing in the north, aiming to understand their needs and explore action that can address them. Experience elsewhere allows an appreciation of the needs that disappearance creates, and how it is a novel experience that stands apart from other violations. Answers clearly lie at the heart of families'

demands: there is a need to know the truth of what has happened. Families seek closure above all else. Much of this is encompassed by the 'right to know', a demand that families not only have a need but a legal right to the truth, enshrined in both International Humanitarian Law and Human Rights Law.

## "Ambiguous loss"

Ambiguous loss is the most stressful loss because it defies resolution and creates confused perceptions about who is in or out of a particular family. With a clear-cut loss, there is more clarity – a death certificate, mourning rituals, and the opportunity to honor and dispose remains. (Pauline Boss, *Loss, Trauma and Resilience: Therapeutic Work with Ambiguous Loss*. New York: W.W. Norton & Co., 2006.)

Much of the work in the north with returnees and others impacted by the conflict has revolved around understandings of trauma, with an emphasis on addressing post-traumatic stress disorder (PTSD). Disappearance however is not the same as trauma, and having a missing relative is not a pathology: it is the absence of a loved one and not the event of abduction that characterises their experience. This phenomenon can be understood in terms of *ambiguous loss*. Where a family member is absent in an unclear way, the lack of knowledge about the loved one gives rise to a challenge to transform the experience into one with which the family can live. Ambiguous loss occurs where a family member is psychologically present, but physically absent. Ambiguous loss is an explicitly relational perspective, which differs from individualised trauma approaches, such as that of PTSD, in that it characterises the stress as external and ongoing. The impact of ambiguous loss can be seen in the Acholiland: families seek to ensure that the dead are honoured in traditional ways, that the spirits of the dead of the conflict are called back to their homes. For the missing this is impossible as long as hope of return remains and death is unconfirmed. Families talk in indigenous Luo terms of the emotional and psychological impact of ambiguous loss, of the *par* (worries) and *cwerwiny* (bleeding heart) that results.

### Resilience

Whilst the rhetoric of truth and the right to know confront ambiguity it is not clear that it does so in a way that can be constructive: even with political will on all sides it seems unlikely that most families in the Acholiland will ever receive answers about their missing loved ones. Driving work with families of the missing around 'truth' can reinforce the most negative coping mechanisms in which families become obsessed with achieving closure. In such a situation the challenge is not to promise families an end to ambiguity, but to aid them to live well despite it: the goal is to find meaning in the situation despite the absence of information and persisting ambiguity. Resilience means being able to live with unanswered questions. Instead of the usual question about truth, we ask how people manage to live well despite not knowing.

Families of the missing seek to make rituals for their dead, even where bodies have not been retrieved. Such ritual represents a process that constructs meaning in a socially understood way in society, allowing not just the family to move on from death but the broader community. Such ritual is possible in Acholi culture even without the body, since it is the return of the spirit to the home rather than the treatment of the body that is most important. However, even where death is known

(or presumed), many families who lost loved ones in the war have not been able to make appropriate rituals because of a lack of resources to buy the animals that must be slaughtered and to feed the guests. This emphasises that livelihood issues are one of the greatest impacts on families of the missing, as they are on families of the dead. Where husbands and sons are missing, the productive capacity of agricultural families is massively reduced: where a woman heading a household is struggling to pay school fees or simply to feed her family this will be her biggest stressor. Widows who have lost all their sons and are aging and thus less able to work have lost the possibility of economic security.

As returnees have been stigmatised in their communities, so have families of the missing. One father told us when he complained about the family's poverty, neighbours told him 'to ask his son in the bush to send him money': the assumption that those who have not returned are still with the LRA can distance such families from their communities. Where adult men are absent, and households headed by women or youth, they are seen as vulnerable in their community and have been taken advantage of, with land encroached upon or taken altogether. In the fraught environment of the north's post-conflict land disputes, families of the missing - as other vulnerable families - are losing out.

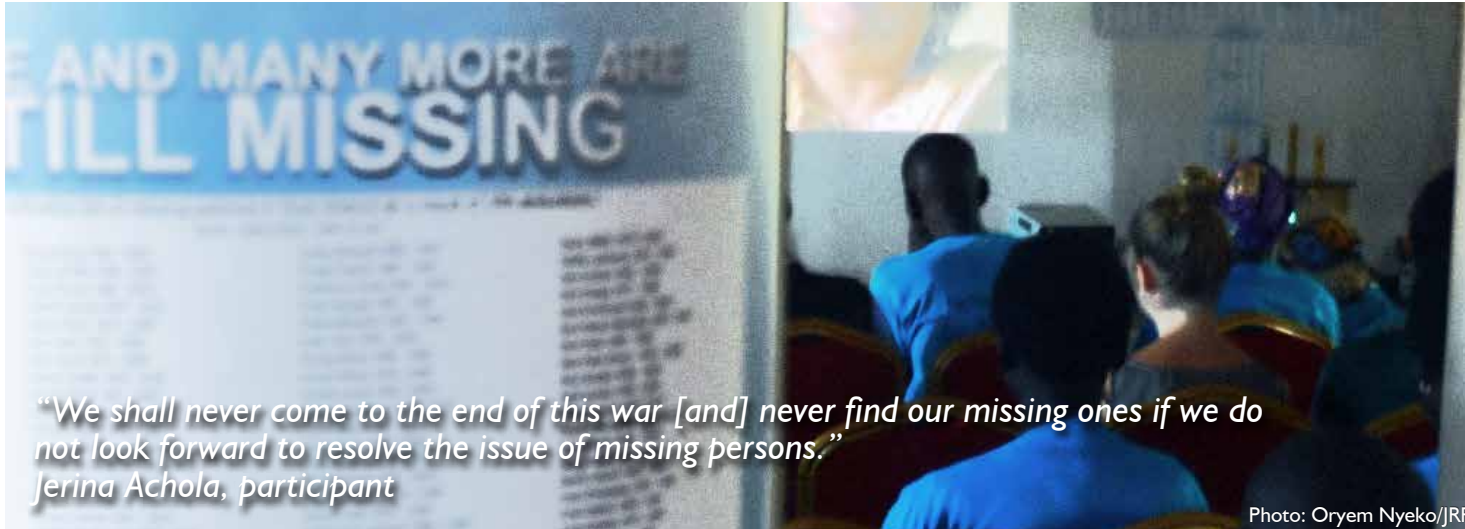
### The need for a victim-centred approach

A victim-centred approach has become a standard claim of approaches to addressing the impacts of conflict and in creating transitional justice mechanisms. It remains however something that, in Uganda as elsewhere, rarely translates into delivering what victims seek. To ensure that approaches to addressing the issue of the missing in Northern Uganda are driven by the concerns of victims, abstract and prescriptive external discourses of 'truth, justice and reparations' must be challenged by an evidence base of what victims and their communities need to rebuild their lives. Any intervention that targets families of the missing should emerge from the everyday lives of the families themselves and be rooted not only in a universal culture of rights, but in the very local and particular culture of those affected. Wherever possible rather than being implemented solely on the terms of donors and agencies all efforts must be made to ensure that the families themselves have agency in that process."

*Simon Robins was Head of the Gulu sub-delegation of the International Committee of the Red Cross from 2004 – 5 and is now working with ICRC on approaches to the missing issue in Northern Uganda. More information about his work can be found at: [www.simonrobins.com](http://www.simonrobins.com).*

# The Dialogue on Disappearances

SYLVIA OPINIA



To commemorate the internationally recognised day against enforced disappearances, the Justice and Reconciliation Project in collaboration with Children/Youth as Peace Builders (CAP) Uganda organised a dialogue on the 30th of August 2012 between stakeholders, victims groups and civil society organisations in Northern Uganda to generate debate on addressing the issue of people who are still missing or unaccounted for as a result of conflict. Guided by the theme “the right to truth”, this was part of a series of week long of activities organised by JRP in West Nile, Teso, Lango and Acholi sub-regions aimed at engaging with communities on the issue.

The ‘Dialogue on Disappearances’ served to launch a campaign by the Justice and Reconciliation Project known as ‘The Right to Know’ which is aimed at drawing the attention to the views, struggles and initiatives of the family members of missing persons that continue to search for their loved ones. The campaign arose from the realisation that despite the fact that the guns have fallen silent in Northern Uganda, many are still struggling to come to terms with its effects. Statistics published by CAP in 2012 show that in Gulu District alone up to 30 per cent of all people abducted by the LRA are still unaccounted for and 1036 alone are still missing as a result of the conflict in Northern Uganda.

Over 1,000 community members across the region participated in the series of week long activities where they shared stories about their missing relatives/family members and their tireless efforts in search for answers. The main dialogue in Gulu District on 30th of August 2012 was attended by representatives of relatives/family members of the missing from each of the sub-regions, key stakeholders, cultural as well as religious leaders, and civil society organisations, the academia, government representatives and the Guest of Honour, the Paramount Chief of Acholi Rwot David Acana II.

During this dialogue, the participants lit candles and held a prayer for their loved ones who are still missing and unaccounted for.

The dialogue was centred around the presentation of a documentary produced by JRP entitled “The Right to Truth and Justice” which presented the point of view of four families of persons that are missing and/or unaccounted for as a result of conflict in the greater North of Uganda (copies of the documentary can be requested from JRP offices or accessed from JRP’s Youtube account) The documentary screening was followed by a public debate with the guests sharing their views on the issue of missing persons, disappearances and the way forward for the ‘Right to Know’ campaign.

## Key/Emerging Issues

**The right to know:** Today many people do not know where their relatives are and continue to be held in suspense. The “right to know” however, in this context is not limited to people who are missing, but rather stretches to those who have not been able to conduct proper burials and properly lay their loved ones to rest. The “right to know” also stretches to people who want to know the causes of the conflict in Uganda and to

know why certain people treated them “like beasts”. Hence the need for closure in the form of proper burials and knowing how a person’s loved ones were killed. An example was given of Petra’s husband in Amuria District who served as part of the ‘Arrow Boys’ defence militia and was killed by the LRA. Petra’s husband’s body was mutilated with the head cut off of his remains. For Petra, her “right to know” involves having the right to locate her husband’s body parts so she could give him an adequate burial.

**Effects on the families:** As discussed by participants, the effects and needs of a family member/relative of the missing are immense ranging from economic, psychosocial, medical, legal, and physical among others. When a family member goes missing, the pain of loss is made worse by the agony of uncertainty. Indeed not knowing the fate of their relatives is a harsh reality for countless families, no matter how many years have gone by, as parents, siblings, spouses and children are desperately trying to find lost relatives. Dr. Andrew from Medical Cares Mission thus summarised this situation as follows; “If a surgical wound is not healing well the surgeon will re-open it and perform a procedure called secondary repair to aid in faster healing, however this is done in the theatre. In this case, wounds are memories, reopening of the wounds are the “right to know”, getting answers are secondary repair and the theatre are experts”.

**The issue of persons still missing has not made it to the national agenda:** The Government through the Justice Law and Order Sector (JLOS) established a Transitional Justice Working Group to bring justice and accountability in the North and the country as a whole in line with

the Juba Peace Agreement. As a result, some progress has been registered such the establishment of the International Crimes Division of the High Court of Uganda (ICD), consultations on other processes such as truth-telling, reparations. However, the issue of persons missing as a result of conflict has not been mentioned or tackled and thus not been acknowledged by government. As Christopher Alebo, a victim from West Nile put it “the ‘battle’ has been left to the parents of missing persons”.

**The magnitude of the problem is not known:** While interaction with communities during the regional activities indicate that many families across the region are dealing with the agony of not knowing where their relatives are, no comprehensive statistics exists to indicate the numbers of those still missing or unaccounted for apart from the survey done by CAP Uganda in Gulu District alone.

**It’s a national issue:** Sub regions such as West Nile and Teso felt neglected by most of the post conflict initiatives in the country. They urged for a national strategy on missing persons which would bring all the regions to work together.

**Questions of justice:** Participants noted with deep concern that both government and rebel forces should be held accountable for the different circumstances that led family members to go missing. Enforced disappearances are now considered crimes against humanity meaning they are considered a very heinous crime that affects the entire inter-

national community. Where crimes like these are committed, thorough investigations must take place and if found guilty the perpetrators have to be brought to justice in order for international commitment to be made to ensure that such crimes are not committed again. Therefore, both traditional and international mechanisms are essential and the ICC should be perceived as an ally in the struggle.

*When a family member goes missing, the pain of loss is made worse by the agony of uncertainty. Not knowing the fate of their relatives is a harsh reality for countless families, no matter how many years have gone by.*

**The relationship between victims’ groups and (local) government agencies is poor:** At the local level, participants expressed frustration about how victims groups often receive a lot of resistance from government bodies especially at the district level with LCVs and RDCs when generating information like the list of missing persons which was being displayed at the event. In some instances, this was also true for sub-county and parish-level interactions. Oftentimes, the local leaders did not fully understand the needs of the victims and further stigmatized them.

### **Recommendations and Suggested Strategies**

Following the issues identified the following recommendations and strategies were given to address the issue of missing persons as well as the way forward for the ‘right to know’ campaign;

#### **To the Government of Uganda Acknowledgement**

Through the Justice Law and Order Sector and the Ministry of Jus-

tice and constitutional affairs' appreciate the magnitude of the problem of missing persons by putting it on the agenda for discussion. When this is done, then discussions on how to address the issue should kick off with practical strategies with constant consultations of the relatives and families of the missing.

#### *Documentation*

Conduct comprehensive documentation of missing and unaccounted for persons with lists produced for every region. This would serve as an acknowledgement, a way of remembrance as well as a common hub for information gathering to help families who are in search for answers. An independent commission on missing persons should be instituted to with technical/funding support from civil society organisations and international agencies.

#### *Avenues for peaceful resolution of the conflict*

To draw lessons of the 2006 to 2008 Juba peace talks in order to resume further talks and to finding other peaceful forms of ending the conflict, because as it has been acknowledged without ending the war it will be difficult to know the truth about disappeared persons.

#### *Amnesty*

To reverse their decision on amnesty to extend its application on a case by case basis not only to motivate those still in captivity to return home and for them to confirm information about those still in the bush and those who have died.

#### *A comprehensive transitional justice strategy*

Through the Justice Law and Order sector needs carefully incorporate how the different TJ mechanism can suitably address the issue of missing or unaccounted for

persons. The mechanisms that were most cited by participants include truth-telling, memorilisation and reparations among others.

#### **For the 'Right to Know' campaign**

##### *Partnerships*

The 'right to know' campaign requires strategic partnerships and collaboration between victims and other key stakeholder at different levels is required. Civil society organisations that are working on the issue of missing persons were urged to come up with a joint strategy to tackle this issue, coordinate with like-minded organisations in Southern Sudan, DRC and CAR. Even though the campaign involves a complex idea, there are some international institutions such as the ICRC who have worked in this area and have expertise should join in with support from donor agencies.

##### *Support groups for relatives/families of the missing*

To further support the families and relatives of the missing to form association where they could benefit from peer support and together use it as a platform advocate for government to acknowledge and appreciate the magnitude of the issue of missing person. This could also be an avenue for these families to receive expert help to deal with such ambiguous loss.

##### *Role of the traditional leaders*

As part of their role to reconcile communities, the Acholi Paramount Chief was urged to Rwot Davis Acana II was urged to meet with other traditional leaders in Northern Uganda to encourage greater involvement in such initiatives as dialogues and meetings. The cultural institutions to further facilitate children born in captivity to trace their families and unite them with their relatives. ▀



### **WATCH The Right to Truth and Justice**

*"The Government is concerned about people who have known to have been killed. But for the missing ones, we have not had anything done and yet we have the same feeling."*

*Robert Okanya (pictured left),*

The father of Julius Odonget, who was abducted in 2003 when the LRA invaded Obalanga, Teso sub-region, speaking in the JRP produced documentary "**The Right to Truth and Justice**". The documentary can be viewed on JRP's YouTube account:

[youtube.com/JRPUganda](https://youtube.com/JRPUganda)

Photo: Jimmy Oringa/JRP

## The Dialogue on Disappearances in Pictures



Representatives of victims groups from Teso, Acholi, Lango and West Nile light candles in memory of the missing. Photo: Oryem Nyeko/JRP.



Participants take notes during the Dialogue on Disappearances. Photo: Oryem Nyeko/JRP.



"The Pain of Not Knowing Where My Husband Is Incredible." A participant in the Dialogue reads the powerful message on the back of a "Right to Know" T-shirt. Photo: Oryem Nyeko/JRP.



Participants watch the documentary "The Right to Truth and Justice". Photo: Oryem Nyeko/JRP.

### The Dialogue on Disappearances

On the 30th of August 2012, the Justice and Reconciliation Project in collaboration with Children/Youth as Peacebuilders (CAP) Uganda held a Dialogue on Disappearances to commemorate the internationally recognised day against enforced disappearances, to launch the Right to Know Campaign and to garner the views of community members, key Transitional Justice stakeholders as well as civil society on the issue of missing persons. Pictured right is a participant in the Dialogue who expressed his views on what needs to be done to address the needs of families of the missing.

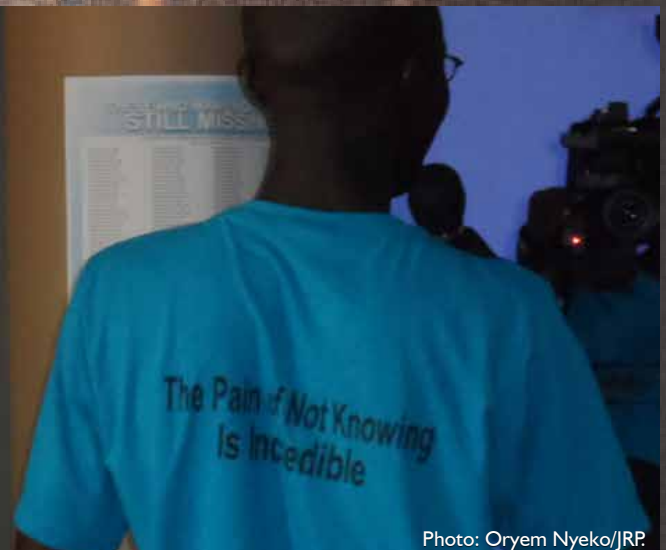


Photo: Oryem Nyeko/JRP.



# Voices of Uncertainty

## Creating an understanding of the issue of missing persons

KAMILLA HASAGER JENSEN AND MIA JESS

*The Dialogue on Disappearances held in Gulu on the 30th of August was meant to foster discussion about the issue of missing persons in Northern Uganda. Danish students Kamilla and Mia attended the event on a whim, not knowing that the day would have an unexpected and profound effect on their stay in Uganda. Moved by the numerous stories shared by parents, siblings, uncles and aunts, who continues, despite innumerable odds, to search for the truth about their missing loved ones, the two decided to change the research project they had embarked on for an examination of the issue of missing persons instead*

It is early morning and we have just arrived at a family compound in the outskirts of Gulu. We are greeted by the father of the family who is apologizing for being very busy that particular morning. It has been raining heavily all night and now he has to fix the latrine, which has been damaged by the rain. The father is weak and recovering from an illness, so the heavy work is hard for him to manage. He takes time out of his busy schedule to show us around his compound. While we are walking around we are talking about his family. He tells us about his eldest son who was abducted and is still missing. It pains the family not to know what has happened to the son, if he is still alive or dead. The mother of the family is especially distressed because of the loss of their son and the uncertainty of the situation. But the disappearance of the son not only affects the family emotionally, but also practically, in their everyday life. The father needs the eldest son to assist the family economically as well as in household chores, for example with digging the land and building the latrine this very morning. But since the eldest son is not there, the father has to manage all this alone or depend on the help of others.

We had arrived in Gulu in the end of August 2012 as anthropology students from the University of Copenhagen in Denmark to do research for our Masters thesis. Our preparation included reading books and articles about Northern Uganda, the war and current reconciliation processes. When we came to Gulu, we were fixed on the subject of reintegration of formerly abducted children who have returned to Gulu. We wanted to examine how religion and faith contribute to reintegration processes and the establishment of reconciliation and forgiveness. But when we faced the current situation and reality in Gulu, it made us change our minds. The decisive factor that made us change our project entirely was the "Dialogue on Disappearances" held on August

30<sup>th</sup>, at Hotel Free Zone arranged by the Justice and Reconciliation Project. Hearing the personal testimonies and experiences of families that are still missing a relative after the war had a deep impact on us and it made us realize that this was a crucial issue in the aftermath of the war in Gulu and the surrounding communities, though it has only received little attention from the public, NGOs and the government.

The opening example, concerning the father of a missing son, exemplifies how the absence and uncertainty of a missing relative has a great influence on the remaining family. Other families with missing relatives whom we have visited have expressed some of the same problems of family structures being changed and how the prospects of the family are narrowed down. The missing relative is needed as a contributor to the family, and now that he/she is gone his or her hands are missing in the daily chores of the family, which leaves the family with a much larger workload. At the same time several of the families we are in touch with, are now taking care of the children of the missing relative, which is an economic burden on the entire family. As a result children are often denied of the possibility of education.

The mentioned issues concerning families with missing relatives are forming the framework of our research, which we have just started. In the next three months we will spend more time with these families, both participating in their daily activities as well as conducting in-depth interviews with them in order to achieve an understanding of the situation they are in. The analytical focus of our research will be on how the missing relatives are influencing the daily life of the families, which hopes the families have for the future and the families' perceptions of guilt and evil. Through this focus, we hope to gain an understanding of how relations between families and non-present family members are formed and sustained.

Our research constitutes the foundation for our Masters' thesis, which we are writing together in the spring of 2013. Besides this, we hope, through our research, to create awareness on families with missing relatives and the problems they are facing. We are very occupied by this issue, and we are glad to have changed our research. It is early morning and we have just arrived at a family compound in the outskirts of Gulu. We are greeted by the father of the family who is apologizing for being very busy that particular morning. It has been raining heavily all night and now he has to fix the latrine, which has been damaged by the rain. The father is weak and recovering from an illness, so the heavy work is hard for him to manage. He takes time out of his busy schedule to show us around his compound. While we are walking around we are talking about his family. He tells us about his eldest son who was abducted and is still missing. It pains the family not to know what has happened to the son, if he is still alive or dead. The mother of the family is especially distressed because of the loss of their son and the uncertainty of the situation. But the disappearance of the son not only affects the family emotionally, but also practically, in their everyday life. The father needs the eldest son to assist the family economically as well as in household chores, for example with digging the land and building the latrine this very morning. But since the eldest son is not there, the father has to manage all this alone or depend on the help of others.

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We hope to contribute our further findings in a later issue of *Voices* magazine. "

*Kamilla Hasager Jensen and Mia Jess are Masters students of Anthropology at the University of Copenhagen, Denmark.*

## Opinion

# Providing Answers to Families

## What the right to know means for victims in Northern Uganda



LINO OWOR OGORA

**D**ESPITE EXPERIENCING close to four years of relative peace, Northern Uganda continues to grapple with several recovery challenges. Among these challenges are answered questions regarding the plight of people who continue to be missing. Many of these people were either abducted by the rebels of the Lord's Resistance Army (LRA) or simply went missing due to other causes such as displacement. It is not known if many of them are still alive.

A survey conducted by an NGO called Children and Youth as Peace Builders (CAP) indicates that 1,036 people are missing in Gulu alone. A 2012 survey by JRP in Acholi sub-region covering 2,573 respondents indicates that 55.5% of respondents still have a family member missing from the conflict. Of those respondents, 60% have one family member missing; 24% have two family members missing; the remaining 16% have three or more family members missing, their whereabouts still unknown. The families, friends and relatives of these people continue to be held in suspense as a result of not knowing whether their loved ones are still alive or dead.

When JRP conducted research in a place called Corner Kilak in Pader District, we came across an old man whose son had been abducted. This old man said to us, "I am an old man. I need to see my son before I die." I have never forgotten the words of this old man, and since I heard these words several years ago, I am not certain if this old man had his wish granted.

In another place called Obalanga in Amuria district, I came across a woman whose husband - the headmaster of a local primary school - had been abducted by

the LRA and had never returned. This woman has since been kept in the dark about the whereabouts of her husband regarding whether he is dead or alive, and as a result she is not sure whether she is a widow or a wife.

In a village located in Gulu District, we came across parents of girls who were abducted in the early 1990s by soldiers of the National Resistance Army (NRA) as they conducted an operation. These girls were presumably taken to serve the soldiers as wives, but were never heard of again. Their families continue to be held in suspense regarding their whereabouts.

The quest for answers is not only limited to missing people who are assumed to still be alive. It also stretches

*I came across a woman whose husband had been abducted by the LRA and had never returned. The woman has been kept in the dark about the whereabouts of her husband and she is not sure whether she is a widow or a wife.*

to people relatives of people who lost their loved ones but have not had the opportunity to conduct proper burials simply because they do not have the remains or bones of their loved ones

with which they can conduct the burials. In Obalanga for example, I came across a distressed young lady called Petra whose husband was not only killed by the LRA in a most gruesome manner, but after killing her husband the LRA cut off his head and went with it. Petra's husband had to be buried headless. To date, Petra still hopes to discover the head of her husband in order to make his burial complete.

In Acholi culture, just like in many other cultures in Northern Uganda, proper burials are called for, as it is not only a sign of respect for the dead, but also as a means of avoiding reprisals from the spirits of the dead. People who have not received the spirits of their loved ones will therefore continue to long for closure about

# THESE AND MANY MORE ARE STILL MISSING

## An indicative list of missing persons in Gulu District as a result of LRA abductions.\*

Name - Date of Birth - Date of Loss

Aber Brenda 1991 - 2003	Auma Irene 1982 - 1995	Ocala Micheal 1985 - 1997	Okery Milton 1972 - 1989
Aber Fiona 1980 - 1999	Ayaa Jennifer 1980 - 2002	Ocala Patrick 1980 - 1995	Oketta Lawrence 1974 - 1990
Aber Lilly 1986 - 2000	Ayaa Prossy 1984 - 2004	Ocalacon Denis 1990 - 2000	Okot Andrew 1982 - 1998
Abola Samuel 1989 - 2002	Ayella Francis 1991 - 2003	Ocan George 1983 - 1996	Okot DRESSA 1971 - 1996
Acellam Frank 1985 - 1999	Ayero Henry 1975 - 1989	Ocaya Binskiidi 1984 - 1996	Okot Emmanuel 1980 - 1998
Acen Jacky 1990 - 2001	Ayot Irene 1973 - 1996	Ocen Dick 1990 - 2003	Okot Nelson Mandella 1989 - 1997
Achen Monica 1988 - 1999	Ayot Joyce 1978 - 1989	Oceng Alfred 1986 - 1998	Okot Peter 1989 - 1996
Achiro Christine 1991 - 2003	Charity Oyella 1992 - 2006	Ochan Alfred 1976 - 1988	Okot Peter Simon - 1987 - 1998
Acio Concy Sharon 1985 - 1997	Doniko Moris 1981 - 1997	Ochola Jacob 1992 - 2003	Okot Sunday 1984 - 1996
Aciro Stella 1980 - 2000	Enyang Emmy 1976 - 1998	Ocira Christopher 1985 - 2000	Okot Sunday 1990 - 2000
Acora Betty 1990 - 2000	Eyiko Richard 1979 - 1991	Ocira David 1978 - 1878	Okwera Acaye 1986 - 1993
Acungena Nighy 1981 - 1994	Kabalega Simon 1992 - 2006	Ocira Denis 1983 - 2000	Okwera Emmanuel 1991 - 2005
Adoch Mily 1979 - 1989	Katusabe Johnsona 1983 - 1998	Ocira Jimmy 1982 - 2000	Olara Robert 1985 - 1998
Adok Alice 1982 - 1999	Kauri Richard 1978 - 1988	Ocira Richard 1984 - 2005	Oloya Robert 1991 - 2000
Adok Lilly 1979 - 1997	Kidega Emmanuel 1984 - 1998	Odoch Charles 1984 - 1996	Olweny Robert 1980 - 1995
Adokorach Florence 1985 - 1998	Kidega Justine 1991 - 2002	Odoch Peter 1974 - 1996	Omali Christopher 1981 - 1996
Adokorach Gloria 1985 - 1999	Kidega Morgan Joe 1982 - 2002	Odokonyero Doreen 1988 - 1998	Omali Galdino 1988 - 1997
Adokorach Proscovia 1994 - 2007	Kidega Moses 1981 - 1996	Odokonyero Richard 1980 - 1996	Omali Geoffrey 1971 - 1987
Adong Agness 1979 - 2002	Kilama Ben 1977 - 1992	Odong Amos 1980 - 2000	Omali Peter 1970 - 1990
Adong Gloria 1986 - 2000	Kinyera Charles 1974 - 1988	Odong Charles 1983 - 1995	Omara George 1989 - 2000
Adong Grace 1980 - 2000	Kinyera Churcar 1983 - 2002	Odong Charles 1983 - 1996	Omona Peter 1972 - 1989
Adong Jackline 1980 - 1999	Kinyera Collins 1989 - 2007	Odong Kabaka 1983 - 1997	Omony Deo 1981 - 1996
Adong Janet 1980 - 1994	Kinyera Santo 1979 - 1993	Odong Peter 1982 - 1996	Omony James 1979 - 1990
Adong Lilly 1971 - 1995	Komakech David 1976 - 1988	Odong Pica 1982 - 1998	Onen Caesar 1979 - 1987
Adong Pamela 1984 - 1997	Komakech David 1986 - 2002	Odong Tabu Robert 1973 - 1996	Onen David 1984 - 1994
Adong Stella 1988 - 2004	Komakech Denis 1984 - 2000	Odong Victor 1977 - 1989	Onen George 1985 - 1997
Adoro Nakanery 1978 - 1997	Komakech Jimmy 1980 - 1998	Odong Vivian 1992 - 2002	Onen Robert 1976 - 1990
Agono Silver 1991 - 2001	Komakech Patrick 1982 - 2001	Odonga Latoo 1974 - 1989	Ongom Francis 1991 - 2004
Ajok Brenda 1986 - 2004	Komakech Richard 1973 - 1996	Odongtoo Jimmy 1980 - 1998	Onyango Ceasar 1979 - 1995
Ajok Filda 1988 - 2006	Komakech Richard 1977 - 1992	Ogen Rwot Walter 1990 - 2000	Oola Michael 1978 - 1995
Ajok Harriet 1985 - 2003	Komakech Richard 1985 - 1998	Ojara Alex 1976 - 1996	Openytoo Allan 1979 - 2001
Ajok Julius 1974 - 1997	Komakech Tony 1980 - 1993	Ojera Alex 1986 - 1998	Opio Walter 1988 - 2002
Ajok Kevin 1980 - 1994	Labalpiny Michael 1979 - 1999	Ojera Denis 1970 - 1990	Opira Kidega 1975 - 1993
Ajok Prossy 1983 - 2000	Laker Anna 1979 - 1999	Ojera Denis 1984 - 1988	Opira Lawrence 1976 - 1993

Ajak Scovia 1987 - 2001  
 Ajok Susan 1989 - 2003  
 Akello Agnes 1985 - 1997  
 Akello Agnes 1994 - 2002  
 Akello Jackline 1970 - 1990  
 Akello Maria 1999 - 2005  
 Akello Mary 1982 - 2003  
 Akullu Beatrice 1999 - 2005  
 Akwo Beatrice 1979 - 1995  
 Akwo Beatrice 1979 - 1995  
 Alanyo Lillian 1983 - 1998  
 Alum Jane 1996 - 2005  
 Alur Monica 1980 - 1994  
 Alur Nighty 1984 - 2002  
 Alur Betty 1980 - 2002  
 Amato Beatrice 1980 - 1996  
 Amato Grace 1977 - 1999  
 Amon Collins 1981 - 2001  
 Anena Sarah 1980 - 1999  
 Anena Susan 1978 - 1998  
 Anena Susan 1985 - 1999  
 Aneno Sarah 1981 - 1998  
 Anyoni David 1982 - 1994  
 Anywar Robert 1990 - 2001  
 Anywar Robert 1990 - 2001  
 Aol Jackeline 1990 - 2006  
 Apac Denis 1986 - 2001  
 Apio Harriet 1988 - 1999  
 Apio Pauline 1983 - 1996  
 Apiyo Brenda 1990 - 2004  
 Apiyo Jackeline 1996 - 2007  
 Apiyo Jackline 1996 - 2007  
 Apiyo Kevin 1988 - 1997  
 Apiyo Sarah 1976 - 1996  
 Arop Sylivano 1976 - 1994  
 Anyemo Susan 1986 - 1997  
 Auma Heilen 1979 - 1989

Ojok 1978 - 1999  
 Ojok Aku 1982 - 1997  
 Ojok Alfred 1989 - 2002  
 Ojok Amos 1989 - 2004  
 Ojok Arop 1979 - 1992  
 Ojok Charles 1978 - 1989  
 Ojok Denis 1983 - 1989  
 Ojok Denis 1984 - 1999  
 Ojok Denis 1985 - 1997  
 Ojok Geoffrey 1990 - 2002  
 Ojok Richard 1987 - 2003  
 Ojok Robin 1981 - 1996  
 Ojyo Collins 1984 - 1999  
 Oringa Bosco 1982 - 1996  
 Oringa Dickens - 1995  
 Oringa Moses 1982 - 2000  
 Oroma Irene 1978 - 1997  
 Oryema Benson 1980 - 1996  
 Otim Allan 1984 - 2001  
 Otim Paul 1980 - 1996  
 Otto Micheal 1988 - 2001  
 Ouma Ben 1982 - 2000  
 Oweka Denis 1983 - 1997  
 Owuru Gilbert 1966 - 1988  
 Oyaro Thomas 1978 - 1995  
 Oyat Simon 1981 - 1996  
 Oyella Brenda 1982 - 2002  
 Oyella Fiona 1987 - 1997  
 Oyella Susan 1983 - 1996  
 Oyeta Cosima 1972 - 1990  
 Oyot Denis 1984 - 1997  
 Oyoo Peter 1976 - 1990  
 Oyul Michael 1982 - 1997  
 Rubangakene Ronald 1986 - 2000  
 Tabu Vincent 1973 - 1996  
 Tom Mboya 1973 - 1988  
 Wokorach Alfred 1990 - 2000

Laker Robinah 1977 - 2001  
 Lakeraber Mercy 2000 - 2004  
 Lakidi Wokorach 1984 - 1993  
 Lakot Nancy 1982 - 2002  
 Lala Susan 1982 - 1996  
 Lajam Pamela 1980 - 2000  
 Lamaro Grace 1990 - 2004  
 Lamero Susan 1982 - 1999  
 Lamuru Joyce 1986 - 2005  
 Langaya James 1990 - 2001  
 Lanyero Lilly 1978 - 1990  
 Lanyero Nancy 1983 - 1996  
 Latoo Mary 1978 - 2002  
 Layat Grace 1988 - 2991  
 Loum James 1988 - 2002  
 Mutoto Sunday 1983 - 2001  
 Mwaka David 1982 - 1995  
 Mwaka David 1988 - 1998  
 Mwaka Martin - 1980 - 1993  
 Nyeko Bosco 1986 - 1995  
 Nyeko James 1967 - 1987  
 Nyeko Patrick 1976 - 1989  
 Nyeko Peter 1980 - 1992  
 Nyeko Samuel 1974 - 1990  
 Nyeko Walter 1986 - 1998  
 Nyero Patrick 1981 - 2001  
 Nyero Patrick 1994 - 2004  
 Nyero Walter 1983 - 2003  
 Obal Simon 1978 - 1995  
 Obalim David 1976 - 1996  
 Obol Robert 1976 - 1996  
 Obol Simon 1972 - 1990  
 Oboma Richard 1984 - 1997  
 Obote George 1984 - 1996  
 Obwoch Moris 1979 - 1995  
 Obwoch Morish 1978 - 1992



Justice and Reconciliation  
 Project

## 30 per cent of all people abducted by the LRA are still unaccounted for 1036 in Gulu District alone are still missing as a result of the conflict in Northern Uganda.\*\*

In commemoration of August 30th the International Day of the Disappeared, the Justice and Reconciliation Project in collaboration with Children/Youth As Peacebuilders Uganda have embarked on the "Right to Know" Campaign, an advocacy platform that aims to heighten awareness and draw the attention of the GoU, CSOs and the public to the persons missing or unaccounted for as a result of conflict and the anguish of their families.

\* Many went missing outside of the LRA conflict at the hands of Government forces and prior regimes. Accurate statistics on these cases are largely unavailable.  
 \*\* Statistics from a study conducted in Gulu District by Children/Youth as Peacebuilders, Uganda.



CHILDREN/YOUTH AS PEACE BUILDERS  
 UGANDA

how they died, and also to get back their remains so that they can conduct proper burials.

The right to know also stretches to people who simply want to know the causes of the conflict, and why horrendous atrocities were committed against them. Many survivors of massacres continue to ask why they were subjected to inhumane treatment by fellow human beings who behaved like beasts towards them. In one village, (name withheld) we came across male and female survivors of rape perpetrated by NRA soldiers in the early 1990s. A woman narrated how she had been raped almost seventeen times by different soldiers. An old man narrated how he had been sodomized by two soldiers. Almost twenty years later, this village has a high

incidence of HIV/AIDs as a result of this mass rape and sodomy. Such victims seek answers to why fellow human beings had to behave like beasts towards them.

As Northern Uganda continues to recover from the impacts of the conflict, the time is overdue for the implementation of transitional justice post-conflict recovery programs. With every day that passes, the need to engage in reparative programs for victims grows more urgent. Among these is the need to set up a truth recovery program aimed at providing answers for families of the missing and survivors of conflict. ■

*Lino Owor Ogora is the team Leader for the Community Documentation Department of JRP.*

## Opinion

# Our Lost Jewels

## The Women's Advocacy Network and the unaccounted for



EVELYN AMONY

*The Women's Advocacy Network (WAN) is an initiative under JRP's Gender Justice which brings together over 200 formerly abducted girls and women to advocate for the issues that most affect them in their reintegration into society. Like many in Northern Uganda, WAN Chairlady, Evelyn Amony, holds the issue of missing persons close to her heart.*

**D**aniel is one of the boys who never got the chance to come back home like we did. Many of us were abducted but not all got the chance to come back. Some died and others are still alive. They live with other tribes in other countries. When Daniel finally found his way home, he told us about his fate and that of the other children. There are people who are still in Sudan and living among the Lutugu tribe. Some of the girls have become wives while the boys become soldiers. The boys have also been given women from the tribe to marry. Like Daniel they would like to come back home but are held against their will by the Lutugu tribe.

We know for sure that the same is happening in Congo. Some of the children who were released by the rebels at a young age did not make it home. This is because they cannot remember the way back. Some are with other tribes within the country and others must have gotten lost in the wilderness. We still have hope that one day those who are still alive will be reunited with their families. There were also women who were taken by government soldiers and forced into marriage during

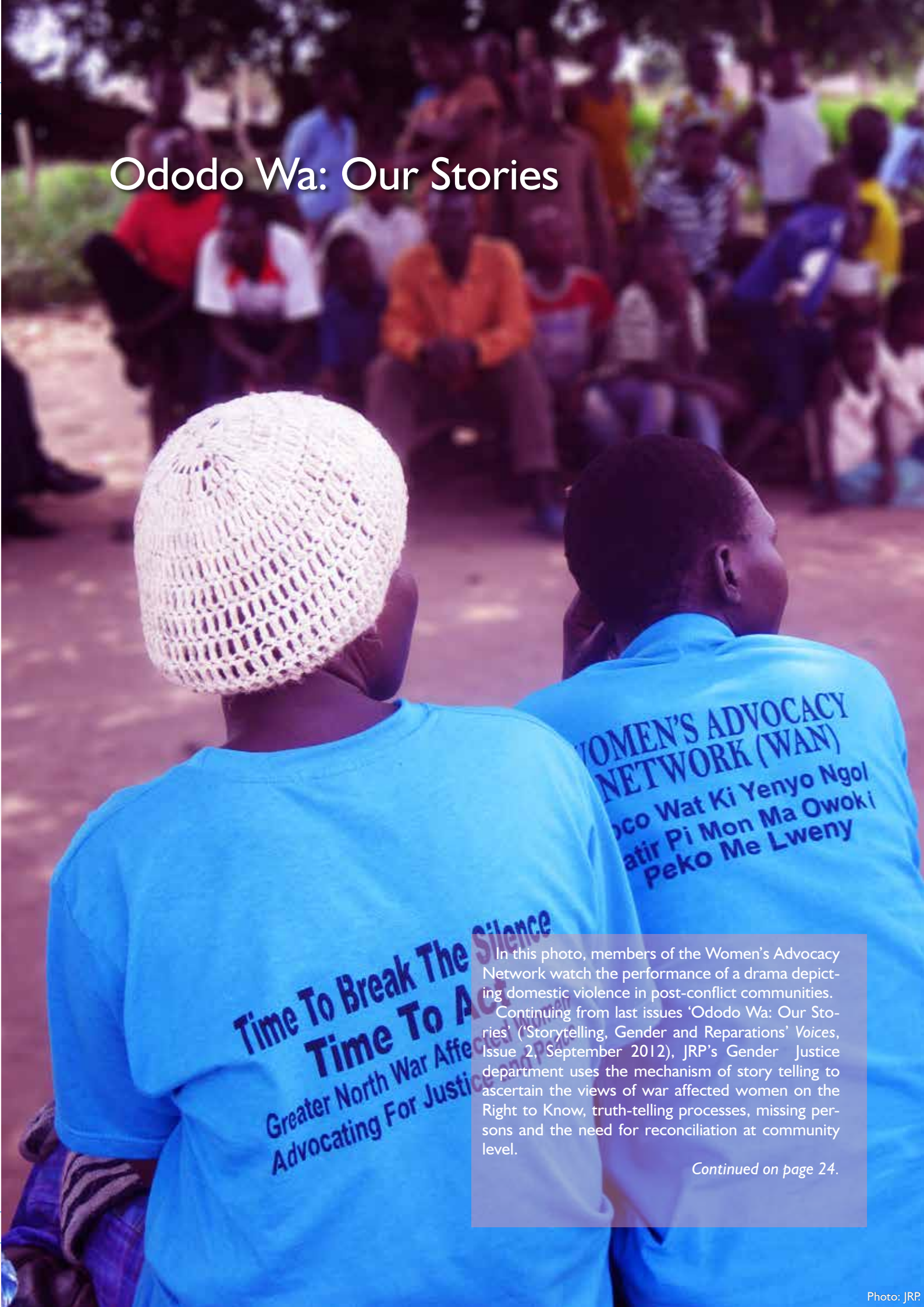
the conflict. Others are in other districts in the country. Most of the women who were taken as young girls are still unaccounted for.

All in all even those who managed to come back home are not doing well. They need to be supported. Their lives have to go on well now that they returned home so that they do not suffer. Those who lost their children should be talked to and involved in campaigns on missing persons. They have valuable information that can assist to trace missing persons. They also want to feel part of the process as they are victims too.

As the Women's Advocacy Network we think we can help work together with institutions and well intentioned individuals to trace these people and reunite them with their families. We can also work together with the governments where these children are so that they can assist with tracing and repatriation. ■

*Evelyn Amony is the chairlady of the Women's Advocacy Network (WAN) and a volunteer with JRP's Gender Justice Department.*

# Ododo Wa: Our Stories



**Time To Break The Silence**  
**Time To Act**  
Greater North War Affected Women  
Advocating For Justice

**WOMEN'S ADVOCACY NETWORK (WAN)**  
Waco Wat Ki Yenyo Ngol  
Wagir Pi Mon Ma Owoki  
Peko Me Lweny

In this photo, members of the Women's Advocacy Network watch the performance of a drama depicting domestic violence in post-conflict communities. Continuing from last issues 'Ododo Wa: Our Stories' ('Storytelling, Gender and Reparations' *Voices*, Issue 2, September 2012), JRP's Gender Justice department uses the mechanism of story telling to ascertain the views of war affected women on the Right to Know, truth-telling processes, missing persons and the need for reconciliation at community level.

*Continued on page 24.*

## Feature

# We Want A Truth-telling Process That Will Lead to Reconciliation



NANCY APIYO

**A** GROUP of about twenty women are silent and listening attentively while we explain what a truth-telling process is. We give them illustrations on how a truth process is conducted and how it has worked in other countries. We also explained how the process can lead to healing, reconciliation, reparations, prosecution or any other post conflict recovery processes that are recommended. Women who took part in this discussion were formerly abducted women who stayed in captivity for various periods of time. We use illustrative discussions, drama, songs and theatre to make the women understand what we are discussing. The women play games in between the sessions to make them more engaged and comfortable. When we ask them later if they think a truth-telling process should take place in regard to the conflict in Northern Uganda they keep quiet for some time. We get curious why it was taking them so long to respond yet they are usually very active until they start to explain. They explain that they are hesitant to answer because they feel bringing back the past might bring more violence. On the other hand also they felt it was important to have a truth-telling process. In one group where the women used colours to illustrate what the future would be like they put white and red to show what an outcome of a truth-telling process would be like. Red meaning recurrence of violence and white meaning peace.

Aida was abducted at ten and wonders who among the four men who raped her during the conflict should be prosecuted. On top of that she was forced as a child to engage in active combat. She was a soldier, mother, wife, porter and had to do anything the rebels asked her to do. She does not know who should be held ac-

countable for the violations that happened to her. To her everyone is guilty and everyone should be accountable for what happened to her during the conflict: the community members for reporting her whereabouts to the rebels leading to her abduction, the government for not protecting her, the international community for being silent over the conflict in Northern Uganda for a long time and the rebels for subjecting her to such extreme violations. Life is not any easier now that she is home. The community has failed to accept her back because she was with the rebels. In addition to this, she has to take care of children she bore while in captivity, children she never wanted in the first place but now form part of her life. She ponders about this loudly as we listen. Many of the women we meet with are struggling with the same issues.

One of the groups plays a skit about one of the massacres. Some of the women took part in it and know they are not innocent. They live with the guilt, trauma and struggle to survive everyday in a community where it is hard to differentiate who is a victim or a perpetrator amidst poverty. They say so many things happened in the past that it is better for people to move on and stop dwelling in the past.

After staying in Sudan for a long time, Rhoda and her husband decided it was time to come back home but the rebels got to know of their plans and her husband was forced to do an atrocity that made him a wanted man. She still recalls the conversation they had up to today. She says, "He really wanted to come back home but when he was forced, he could not and there was no turning back."

She still looks at him as an innocent boy who was



trained and later turned evil. Just like her he was abducted at a young age from his parents and joined the rebels in the bush. She thinks his *lapwony* (teacher) should be the one who is responsible for his acts. It makes sense now to me that commanders in the bush were called *lapwony* and not according to their rank because they were indeed teachers. I used to wonder why the women referred to the men as *lapwony*. I ask myself whether between a teacher and student who should be held responsible for a child's bad or good performance.

After we had a long discussion the women said they think it is important to have a truth-telling process so that truth is known and justice prevails. They said it is impor-

tant that the facts of what they went through is known so that people can acknowledge that they are victims and establish who should be held responsible for their suffering. They also feel that a truth-telling process will help identify the root cause of the atrocities. To them, reconciliation is the most important thing, followed by reparation. They think that any truth-telling process should lead to reconciliation and reparations.

The majority of the women who were forcefully married off to commanders want reconciliation to take place between their clans and that of the men who abducted them. The women say that for the sake of their children, they want reconciliation between the two clans so that their children can live in harmony. They said they would be conflicting with themselves by wanting to prosecute the men and also wanting the children to identify with their fathers and their clans. Right now,

these women feel that their children are important and that they need identity within the community.

They say that the government and the top commanders of LRA should be held responsible because they are to blame for the atrocities they went through. Those who were given to junior commanders feel that the men they were given to in the bush were victims too because they were forced to marry them. They agree that it is important to have a truth-telling process as long as it will lead to reconciliation and reparation. They are adamant about prosecution because they are tired

*The women said that a truth process should change the lives of women to make it better. Traditional institutions should be strengthened so that they can hold an informal process that will lead the community to healing and reconciliation.*

of war and disunity. They want to heal and move on after the conflict.

When we asked them how a truth process should help them, they said that a truth process should change the lives of women to make it better. They think there should be an economic and social change in the current situation that women are in. They also feel that traditional institutions should be strengthened so that they can hold an informal process that will lead the community to healing and reconciliation. One of the respondents in a group says, "The *rwodi* (chiefs) should be involved so that they can talk to the affected clans to foster reconciliation."

One of the groups acts a skit on how the process can take place using the chief and the traditional institutions as mediators between victims and perpetrators. They say to have genuine reconciliation all parties named should be supported for some time to engage fully in the pro-

cess. They also think women should be actively involved in the process as full and equal participants. Reports on testimonies should be kept well and then disseminated to the public. The community should be involved in planning and implementing the process so that the outcome of the process can make sense to them. They also said it is important for the community to say the truth and not be bribed to give false testimonies. They also suggest that the truth about what all parties did be the government, rebels, those who were abducted and the community should be established so that there

is justice. They also feel it is important that such a process should incorporate measures to ensure that women are able to tell give evidence about what they know in a private way, although some feel they are

bold enough to share their stories publicly.

All in all the women feel that a truth process is a necessary measure in the context of the Ugandan war. They also feel that they would support an unofficial truth-telling process spearheaded by religious and cultural leaders. They however insist that such a process must lead to reconciliation and recommend reparations. They also feel that such a process will clarify some preconceptions the community has about them leading to forgiveness and acceptance.

The women are indeed tired of war, disunity and violence. That is why reconciliation is at the forefront of all their discussions. This has to be respected and valued if the women have to get the kind of justice they desire and deserve. ■

*Nancy Apiyo is a Project Officer with JRP's Gender Justice Department.*

## Opinion

# Achieving Gender Justice Through Truth-Telling



KASIVA MULLI

*With a proposed truth-telling process being considered at national level, Gender Justice Team Leader Kasiva Mulli examines the factors that need to be taken into consideration if such a process is put in place from a gender perspective.*

**WHICHEVER FORM** of truth-telling process that a community affected by conflict or repressive rule decides to adopt, it is essential that gender is included as a key component. This is important because truth-telling is the only transitional justice process offers an opportunity to address gender based violations in a broad way and allows for deeper investigations into structural and enabling factors while adopting recommendations that can promote gender equity as well as ensure the lives of women and men in question are transformed through policy and legislation. They also offer an opportunity for people to understand different roles played by different genders in conflict and their contribution to peace and development.

Due to their non-judicial nature and unlike prosecutorial processes, truth-telling bodies are able to provide flexibility in evidential requirements, broaden their scope of work and adopt friendlier ways of interacting with victims. This is especially important for victims of gender based violations who often shy away from the “ruthless” questioning and evidential requirements in prosecutorial processes. Applying lesser standards of evidential proof especially in sexual violations ensures that such crimes are not disregarded due to lack of direct evidence which is usually never available due to lapse of time.

Inclusion of a gendered perspective in any truth-telling process is not obvious. In fact many a truth-telling processes in the world have been accused of either neglecting gender or dealing with gender based violations in a very narrow way thus closing an opportunity to interrogate deeper the causes of such violations. Many truth-telling processes also tend to limit gender based violations to sexual based crimes only. Sexual based crimes are

serious offences which should be dealt with seriousness but it is important to appreciate that gender based violations are much more than sexual based crimes and can involve marginalization, displacements, loss of livelihoods and challenges of new roles taken up by different genders in post conflict situations like women and orphans heading households.

The conflict in Northern Uganda has resulted in many gender based violations including rape, forced marriages, sodomy, forced pregnancies, displacements, loss of life, loss of livelihoods amongst others. Uganda has an opportunity to ensure that these violations are well tackled by any truth seeking process that will be adopted. The question then becomes: how can we ensure that gender aspects are included and comprehensively dealt with by a truth seeking process?

To ensure that any truth seeking process is able to deal comprehensively with gender based crimes it is important to take the following into consideration:-

Firstly, the mandate of any truth-telling process needs to be broad enough to provide for a wider and deeper interpretation of 1) what amounts to gender based violations; 2) the structural context enabling these violations to occur in the said conflict; and, 3) the different roles played by both genders in the conflict. This assists in ensuring that issues of gender are not dealt with in a superficial manner, i.e. just scratching the surface but through a comprehensive and multifaceted way which digs deeper to the root causes and enabling factors. The way a truth process defines a human rights violation will also contribute to how that violation will be handled. Some of gender based violations may not present themselves outwardly in the form of inju-

Opinion

# An Acceptable Truth-Telling Process for Every Ugandan?



ISAAC OKWIR ODIYA

UGANDA IS well endowed with a number of ethnic groups with different ethnic value and beliefs which are key in guiding behaviours in societies. Each group values their belongings and lifestyle and always strives to defend it at any point. Every society values truth-telling as a fundamental instrument of promoting justice and peace for the good of the societies but justice which is believed to come through truth-telling varies from person to person, society to society depending on individual needs.

The disparities in justice needs of individuals and societies has turned to define what “truth-telling” is. It is therefore important to build a cross cutting culture with similar value to foster truth-telling that strives for the justice needs of the society where individuals benefit from by virtue of being member of the society. In my opinion, the culture and background of a people is important in discussing the issues of truth-telling in conflict and post conflict period.

Many people look at truth-telling not as a matter of speaking the truth but rather as matter of speaking what one believes to be the truth and what they believe will promote justice to them. Liars do not necessary speak what is false but they say what they believe to be false for the sake of changing the situation to favour them and to protect their group. At the same time one can mislead without necessary telling the lies. From a social perspective, sincerity is virtue and lies are morally objectionable under any circumstance in our society and this raises the question of having a general principle of fostering a culture and value of truth across the border. Truth-telling in society may be dictated by how much one value himself or his people and what people objectively expect from such person. As those in Government swear to protect its people from all kind of aggression, different people, societies and groups also ought to protect their people in any circumstance.

I cannot neglect the fact that socio-economic influences have had a deep impact on our society as many societies have adopted capitalism as a way of life and this has led to the common prayer of, ‘One for oneself and

God for all’. This prayer is a true spirit of individualism where people live in different and action is guided to meet one’s interest and not that of the society. Each and every member of society is better off living in a society that holds common value and interest, where people are truthful most of the time than we would be in society in which people tell the truth as much as they tell lies in pursuit for justice.

In Uganda, there is nothing intrinsically more rational to everyone than driving on the left side of the road instead of the right side of the road. The question is, how difficult is it to build a system of acceptable truth-telling that is morally accepted by every Ugandan? The quest for individual justice needs always override the moral principle of telling the truth but how can societies instill a culture of truth-telling for the good of the society regardless of whom justice will be given. In African societies, truth-telling is encouraged in settling conflicts and every possible means is applied to ensure that the truth is told to help in deciding way forward. Fostering truth-telling in African tradition would permit use of any means including ritual practices that intimidates parties to the conflict to tell the truth to promote restorative justice in society. However, in a formal justice approach, all sorts of investigation is done to levy retributive justice on the parties to the conflict and this is where everyone fights to be proved innocent irrespective of what they say.

In this time of post conflict recovery of Uganda, society has been weakened such that the social structures for enhancing truth-telling are nearly dead and people are impoverished to an extent of affording to bend contrary to their consent. Leaders are involved more in defending their people than building a culture that fosters the whole nation to a principle of truth in quest for justice. It is therefore my appeal to have leaders of common interest strive for the justice needs of society through building a principle of truth-telling across the different ethnic and cultural groups. It is important to restore the cultural leadership role in commissioning the heart and

ries resulting from crimes like torture but may be non-physical like social economic crimes which may contribute to the physically visible violations and will require the same serious attention.

Secondly, it is very important to ensure that the personnel of any truth-telling process is gender balanced. The presence of women or men among the staff makes such a process approachable to victims of each gender. However, ensuring gender balance does not mean that gendered issues will be solved: the staff need to understand what gender is and what violations are suffered as a result of one belonging to either gender. This can be achieved through continuous training of staff on gender based violations and how to handle victims of such violations. Measures should also be taken by the truth seeking body to protect victims from stigmatisation and re-victimisation. It is important to build confidence through upholding confidentiality, especially for men who have suffered sexual violations, because it is not easy for them to come forward and provide testimony on such an issue.

Thirdly, it is essential that these violations are captured at the statement taking stage. Statement taking is the backbone of any truth-telling process. It is through this initial stage in any truth-telling process that determines how the commission will establish patterns of violations for investigative purposes. Ensuring that statement taking is gender friendly will encourage participation of victims resulting to highlighting these crimes. Most victims of gender based violations do not openly talk about the violations they suffered but tend to highlight other violations committed against people they know. It is thus important for statement takers to ensure they can sieve through testimonies to establish these violations while at the same time been sensitive to the victim in question. It is also advisable at this stage for a truth-telling body to work with victim groups who will help them identify victims of these violations and encourage them to provide their testimonies.

Other essential issues to take into considerations are how investigations are conducted as well as the role of research. Due to its non-judicial nature, investigators in a truth-telling process have an opportunity to be creative. They can provide invaluable insight as to the root causes of gender related violations, existing structural inequalities that lead to these violations and discriminative practices adopt-

### *An Acceptable Truth-Telling Process?*

practice of truth-telling in society. Traditional justice mechanisms are believed to promote restorative justice which is the interest of the majority members of society. It is important to take care of the fears related to truth-telling that prevent one from speaking the truth because of its repercussions on to them and begin to preach the importance of truth-telling when providing justice in the interest of building a strong justice mechanism for the good of everyone.

▪

*Isaac Okwir Odiya is a Project Officer with JRP's Community Mobilisation Department.*

ed by a state or a society. Unlike judicial bodies, they can adopt friendlier ways of investigating sexual based violations taking into consideration that due to lapse of time it will not always be easy to get evidence.

Researchers can play a critical role of ensuring that

*Due to its non-judicial nature, investigators in a truth-telling process have an opportunity to be creative.*

there is qualitative participation of all genders. Interviewing many women and men does not always result to establishing gender based

violations, this is especially so for women who always treat themselves as secondary victims. Through continuous tracking, the truth-telling body can continuously adopt measures to encourage victims to speak out about violations committed to them in their own person. Researchers should also work with civil society organizations, academics and victim groups who usually have documented these violations during and after the conflict. They can provide very valuable literature to harness the final report.

Another important and crucial issue is the outcome of a truth-telling body which is usually in the form of a report. It is important for gender issues to be captured well and clearly at this stage. This is because this is usually the relationship of the truth-telling process and the public. Articulating gender based violations well in the report ensures that the public knows and acknowledges violations committed to different genders. It can also provide basis for advocating for law reform and gender equity. Gender based organisations need to be vigilant to ensure that gender issues form a critical part of the report and useful recommendations are generated.

*Kasiva Mulli is the Team Leader for JRP's Gender Justice Department.*

# The First Step Towards Reconciliation

## The role of truth-telling in Acholi traditional ceremonies

VICKI ESQUIVEL-KORSIAK AND KATE LONERGAN

*In exploring the relevance of traditional mechanisms to the unique justice needs of Northern Uganda, JRP's Documentation department found that truth-telling forms a central part of some reconciliatory ceremonies. In this article, mato oput and moyo kum specifically are examined vis-à-vis their role in truth-telling and the JLOS proposed transitional justice policy in Northern Uganda.*

IN JULY 2012, Uganda's Justice Law and Order Sector (JLOS) proposed the formulation of a national truth-telling process to be informed by community-driven truth-telling processes at the regional, community, and/or local level. (Justice Law and Order Sector, "Implementation of the Recommendations of the Traditional Justice and Truth-telling Study Recommendations"). The national transitional justice policy is expected by the end of 2012. As we wait for this policy to be elaborated, it is important to note how traditional mechanisms are filling the current gap and providing an important avenue for truth-telling in affected communities in the north.

Traditional Acholi justice and reconciliation mechanisms such as *mato oput* and the myriad of cleansing ceremonies all involve aspects of truth-telling. *Mato oput* is generally performed in cases of accidental or intentional killing to reconcile the clans of the parties involved. Truth-telling is a key first step toward reconciliation, usually taking the form of negotiations. (The Mato Oput Project, "Community Perspectives on the Mato Oput Process: A Research Study by the Mato Oput Project," 2009, 35 ). Elders are enlisted as mediators and engage in shuttle diplomacy between the two clans to establish the facts of what occurred.

In one study of *mato oput*, 59% of respondents remarked that such negotiations were a key aspect of *mato oput* as practiced in their village and one respondent noted, "Negotiations are at the root of *mato oput* in order to arrive at a common understanding and to encourage commitment to reconciliation." (The Mato Oput Project, 14) During this initial step, witnesses from both sides are invited to share what they know until all can agree on what took place. There is no timeline for this process and it can often

*When ex-combatants return to their families, a trusted family member often sits down with them during the first days and weeks of return and tries to determine what took place in the bush.*

A formerly abducted woman participates in alwoko pik wang ceremony. Photo: Kate Lonergan/JRP.

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take years. Once the truth has been established, compensation is decided upon and the elaborate *mato oput* ceremony takes place.

Each side is required to provide materials for the ceremony, from goats and sheep to new calabashes, *kwete* (local brew), and roots from the *oput* tree. Though the specifics of *mato oput* differ across clans, they all share the same general principles of voluntariness, mediation of truth, acknowledgment of wrongdoing and reconciliation. The ceremony itself generally involves ritual killing of sheep or goats, the sharing of a large meal, and drinking of *kwete* mixed with the *oput*. The ceremony as a whole symbolizes the end of bitterness between the two groups and the restoration of relations. It hinges on the perpetrator's admittance of guilt during the negotiation (truth-telling) phase and the victim's willingness to forgive.

Traditional ceremonies such as *moyo kum* (cleansing of the body), *laketeket* (cleansing a person of a bad spirit that disturbs them - similar to *moyo kum*, it can be done for a group or individual) and *moyo piny* (cleansing of an area) that are intended to cleanse bad spirits also involve elements of truth-telling. In order to determine the appropriate type of cleansing ceremony, traditional elders and ceremony performers must first determine the truth about the atrocity committed. When ex-combatants return to their families from the LRA, a trusted family member often sits down with them during the first days and weeks of return and tries to determine what took place in the bush.

One returned LRA fighter explained, "I shared the experience with my parents, because when I came back, a month after my parents had to put me down and ask me, 'You are from the bush, you need to tell us what you experienced from there. Because could be that you might have killed, and we believe the spirits are following you, so let us know what happened to you in the bush so we see what to do.'" (Male respondent, age 24, individual interview, Lapul sub-county, 15 June 2012).

Because the consequences of violating Acholi taboos on killing and mistreating dead bodies can extend to the whole clan, family members often take collective responsibility for initiating a process of truth-telling in order to prevent spiritual retaliation.

A detailed account of the atrocity is necessary in order to ensure that the ceremony adequately appeases that spirit of the victim. Even if this account does not come from the returnee himself, it will often be revealed when the ceremony performer

consults the angry spirit in order to determine its specific demands. One ceremony participant described, "The elders and other traditional leaders took me to the *ajwaka* (traditional healer) where I was questioned to explain what actually took place while I was in the bush. So I explained it. Then at the *ajwaka's* place, I was made to go through the process of *moyo kom*, where a goat was killed for cleansing me from those bad experiences." (Female respondent, age 35, focus group discussion, Paicho sub-county, 19 April 2012.) Although the act of truth-telling exists as part of a larger spiritual cleansing process, it is an integral first step to that process.

By and large people feel that the process of establishing the truth is one of the most important aspects of reconciliation through traditional measures. That said, people are not able to engage with traditional ceremonies as widely as they would like. The long period of war caused a decline in Acholi culture and the youth in particular lack the knowledge to engage with traditional mechanisms. However, since 1999 a strong push for cultural revival has been underway, starting with the restoration of the traditional chiefs (*Rwodi*). Communities have since been slowly making use of the traditional ceremonies. The primary impediment to engaging in traditional ceremonies, particularly *mato oput*, has to do with the high cost of materials and compensation. In addition, in the context of war atrocities, it is often difficult to know who the perpetrator was and what clan he/she came from. Despite these issues, people are eager to make use of traditional ceremonies and have "made numerous pragmatic, creative suggestions about adapting [traditional ceremonies] in order to address the unique needs and changes of war." (The Mato Oput Project, 5.)

As JLOS puts in place a transitional justice policy for Uganda, it is important to consider the role which traditional ceremonies could play in furthering the goals of truth-telling at the local level. Traditional measures can be complementary to state efforts and serve the purpose of fostering healing and reconciliation in addition to truth-telling. "

*Vicki Esquivel-Korsiak is a Documentation Officer with JRP's Community Documentation Department. For more information on women and youth experiences with traditional justice see: "Gender and Generation in Acholi Traditional Justice Mechanisms," JRP Field Note XVII.*



# Current Views and Perceptions on Truth-Telling

ANDRES JIMENEZ

*On Tuesday 18th July 2012, the Justice Law and Order Sector (JLOS) released its long awaited study on traditional justice and truth-telling. The one day launch event took place at Imperial Royale Hotel in Kampala. The report contained findings of a study on traditional justice mechanisms of tribes all over Northern Uganda, and truth-telling mechanisms. The report made policy recommendations on adoption of a national policy on truth-telling and traditional justice.*

*Following the launch of this report, JRP's Community Documentation department decided to conduct a brief situational analysis on truth-telling within local communities, to analyze local perceptions and opinions on the subject*

The publication in July this year by Uganda's Justice Law and Order Sector (JLOS) of a report on traditional justice, truth-telling and national reconciliation issues in the context of war atrocities committed in different parts of Uganda motivated JRP's Documentation Department to conduct a brief analysis of the issues of truth-telling and its current perceptions specifically within communities in the north of the country. Interviews were carried out from the 31<sup>st</sup> of July until the 3<sup>rd</sup> of August, 2012 in the communities of Awach and Lukodi (Gulu District), and Koch Goma (Nwoya District), as well as in Gulu town.

The objective of this quick study was to gauge the current perceptions and relevance of truth-telling within many war-torn communities

in Northern Uganda, which would then be compiled into a brief report. The study was particularly focused on documenting what the current understandings of truth-telling or truth-seeking processes are within these communities, what relevance these types of mechanisms currently have in terms of solidifying the reconciliation and healing process of victims and perpetrators in Northern Uganda and what challenges exist.

From what we were able to determine, the opinions with regards to the current relevance of truth-telling processes are widespread and fairly diverse; nonetheless, there does seem to be an overwhelming support among many communities for some form of truth-telling process to take place. This support seems

to mostly revolve around the issue of former rebel fighters and their struggle for reintegration and acceptance back into their communities.

Acholi traditional values and the community's awareness of the victim/perpetrator duality that characterises the overwhelming majority of rebel fighters still supports a general view that unconditional forgiveness must be given regardless of the former rebel's actions during his or her time in the bush. However, full reintegration and acceptance back into the community is not without its significant challenges. Animosity, resentment, fear, mistrust and stigmatisation are all issues that community members and former rebel soldiers often struggle with long after their return. It seems that despite the traditional Acholi views and attitudes towards forgiveness, complete integrations and acceptance by most community members requires an active engagement between the community and the returnee. A significant amount of community members thus consider truth-telling or truth-seeking processes as a highly relevant mechanisms which can cement the relationship healing process between former combatants and their communities.

Traditional Acholi cleansing or reconciliation ceremonies seem to still

## FIELD NOTE Gender and Generation

Despite having faced a barrage of atrocities during the conflict in Northern Uganda, women and youth risk being omitted from justice and peace debates in Uganda. Despite traditional reconciliatory mechanisms being often perceived as appropriate measures to address these issues, little has been documented about their impact on the women and youth they are performed on.

In November 2012, JRP's Documentation department published "Gender and Generation in Acholi Traditional Justice Mechanisms: Field Note XVII", a report that explores the relevance of traditional justice mechanisms to the unique needs of women and youth, including their perceptions and attitudes towards them. The report can be accessed on JRP's website: [www.justiceandreconciliation.com](http://www.justiceandreconciliation.com).

be considered as the preferred approach to any reintegration process of former rebel soldiers, and generally some form of truth-telling is involved in these processes. However, great debate still remains as to the extent to which this is the case. For this reason mixed opinions are still present amongst most respondents on whether truth-telling processes are already sufficiently covered within traditional cleansing or reconciliation ceremonies or whether there is a need for them to be carried out as separate complementary processes.

It is important to note nonetheless, that the acceptance and desire to engage in truth-telling processes in many communities in Northern Uganda is certainly not a view universally shared by all. There are community members that consider such processes as problematic and highly undesirable because of their capacity to resurface painful memories and the increase possibility of renewal of tensions within the community if such discussion were to take place. It would seem then, that any effort to carry out any type of broader truth-telling process thus needs to recognize and take into consideration the sensitivity of this issue.

Following its publication, the full report was shared at a conference organised by the International Centre for Transitional Justice (ICTJ) and in Kampala on the 17 of August 2012. This conference was organised with the intent to have a consultative meeting focused on the drafting of policy recommendations on traditional justice mechanisms, truth-telling and national reconciliation policies. This report was then shared and discussed with representatives from the Justice Law and Order Sector as well as other civil society organisations. ■

*Andres Jimenez is an intern with the Community Documentation Department of JRP.*

## Fostering Group Unity

### Activities of JRP's Gender Justice Department

TAMARA SHAYA

JRP's Gender Justice Team engaged in a variety of activities over the past few months, which have yielded great results.

Under the Ododo Wa (Our Stories) program, the Gender Justice Team developed personal history books for several formerly abducted women. The personal history books, which include the life story about a woman's life before, during, and after abduction, are important assets to the women. Many formerly abducted women feel the need to document the experiences they faced so that their children and families understand their experiences and for women to remember events that took place while in captivity.

Likewise, under the auspices of Ododo Wa, the Gender Justice Team visited six storytelling groups with the purpose of having women discuss truth-telling and missing persons. Women performed dramas illustrating their perception of truth-telling and missing persons and engaged in different exercises, like ribbon of life, where women tied colored ribbons on a piece of cloth to symbolise various elements of the war. They also played several games to foster group unity. The storytelling sessions helped women understand the importance of transitional justice mechanisms and expanded their understanding of justice and reconciliation. The findings from this storytelling session, as well as information from other interviews and focus group discussions will be published by JRP.

In the last quarter, representa-

tives from the Women's Advocacy Network (WAN) engaged in community outreach sessions. The topic of the community outreach session was domestic violence, with different representatives from the Women's Advocacy Network performing dramas, sharing their personal experience, and engaging in an open dialogue with members of the community. The purpose was to create awareness about the negative impacts of domestic violence and reduce the rate of violence in homes. Community members responded well, sharing during discussions that they are thankful to have an opportunity to dialogue with the WAN members.

WAN members have also created awareness about their issues in a variety of ways including through radio talk shows and international presentations. Members of the Gender Justice Team and WAN host a weekly radio talk show on Mega FM about issues pertaining to war-affected women, such as amnesty and compensation. Likewise, a WAN member traveled to the Surviving Violence Workshop in Halifax, Canada, to give a presentation on how storytelling has helped women to cope in post conflict situations.

#### Other activities

WAN quarterly meetings where they discussed issues affecting them and their members. Among the issues raised included identity of children born in captivity, access to land, passiveness of women involvement in issues affecting them



News and Updates

due to cultural biases among others.

A one day sensitisation workshop on transitional justice needs for women for WAN.

A situational analysis on gender needs in transitional justice processes in Northern Uganda by the Gender Justice Team.

Gender Justice Programme Officer Nancy Apiyo won the Woman for Peace Award organized by Global Women Empowerment and Volunteer Action Network. This was in recognition of the work she has done with formerly abducted women. "

*Tamara Shaya is a graduate student intern with JRP's Gender Justice Department.*



Photo: JRP.

ABOVE: A woman talking to the community during an outreach on the linkage between domestic violence and conflict in Alero. LEFT: A theatrical performance depicting domestic violence during a community outreach. RIGHT: Women hold hands during a theatre session. BELOW RIGHT: Gender Justice Project Officer, Nancy Apiyo holds her "Women 4 Peace Award".



Photo: JRP.



Photo: JRP.

ABOVE LEFT: A theatrical performance during a community outreach on the link between domestic violence and conflict in Alero. BELOW: 2012 VAC-NET Women 4 Peace Award winner, Nancy Apiyo, shares a moment with the other recipient of the award, Joyce Ojara.



Photo: Oryem Nyeko/JRP.

# A Forged Reconciliation or a Genuine One?

## Truth-telling and Family Reconciliation

ISAAC OKWIR ODIYA AND CAN-KARA\*



A man participates in a *mato oput* reconciliatory ceremony. Photo: JRP.

*In 2012, Can-kara (not his real name) approached the Justice and Reconciliation Project in the hope that the organisation would be able to help provide a solution to a two-decade long family rift. Having searched and not found solutions in many places, he was unsure whether his family conflict would finally be resolved. This is his story, as told to JRP Project Officer Isaac Okwir Odiya.*

\* Not his real name.

**A**T THE beginning of Northern conflict in 1986, guns were easily accessible by the local population as combatant of the fallen government were returning home with guns and rebels groups were forming up against the new Government of NRA. The access to guns and formation of rebel groups led to serious conflict in the region which affected many families including one in Palaro Owalo.

In Palarao Owalo, Palarao sub-county Gulu district, the war facilitated breaking the spirit of brotherhood in one family as two brother took advantage the easy access to guns created by the war to fight one another which led to loss of lives and eventual separation among family members and also destroyed strength of traditional leaders to resolve local conflict within community. The affected family is still living in conflict with each other following the atrocities of the two brothers. However effort is being put to restore the family glory in this post conflict recovery but community members are not sure whether the way forward will foster effective reconciliation as they see no truth in the reconciliation process. Truth-telling is seen to be lacking in resolving the conflict in Palarao Owalo as facts about the conflict is not investigated and mediators fear that encouraging discussion on the cause of the conflict will provoke further conflict and because of this, members of the community feel the mediation process may be futile if not revised.

This story features the plight of a family in Palarao Owalo, Palarao Sub County Gulu district that got torn apart at the start of the war and still struggling to come into terms with each other. Can-kara was attracted by JRP publications and posters that speak on the need for reconciliation among conflict affected community and he had to tell us the story about the conflict in their family as he sought for reconciliatory support.

Just like Labongo and Gipir separated over bead and spear that led to Labongo to cross the Nile and settled in present Alur land and Gipir to remain in present Acholi land, step

brothers in Palaro Owalo separated over a woman whom they all intend to marry and each could not give up. In a normal circumstance, the women always decide the fate of two or more rivaling men and that is what happened as one man was rejected for his brother and that was injustice to the losing brother.

This incident happened at a time of transition of power in 1986 that brought the NRA Government to power which was protested by many Acholi as they took arms against the said Government. Guns were easily accessible since rebel factions were forming up and there was loose control over guns. Possession of guns by the two brothers turned their home into a battle field in which five people lost their lives as the two brothers rivalled over the woman. Can-kara is a maternal brother to the man who opened fire in revenge of being rejected by a woman which escalated into a family gun battle. The crimes committed by the two step brothers rested on their family members as Can-kara, whose brother started shooting first, was forced to evacuate his paternal home land and took refuge in Bweyale, Kiriandongo district since 1988. Many other people at home went missing in fear of further revenge.

The conflict weakened conflict resolution structures within the community such that members of conflict resolution committees were displaced apart, others were killed some of them joined the war as combatants. Palaro Owalo has left without clear leadership structure to help rest some of the local conflict within their community.

Despite this, an initiative for reconciliation has been called to settle the standing conflict and resettle the exiled family members. To have a true reconciliation and resettlement

of the parties in conflict, it requires local cultural leaders to mediate the reconciliation process and truth-telling to account for what happened as well as the performance of the right ritual practices. Can-kara and some community members are not convinced with the current effort to reconcile the two parties. To them, the initiative lacks competent personnel within the community to play a reconciliatory role. Apparently, the effort is being mediated by the security personnel to the chief and not the chief himself while other local leaders such as Local Councilors and the office of the paramount chief are not aware of the initiative. In the mediation meeting, it was resolved that a reconciliation ceremony should be done and the community

*“How can I be sure of our security and peaceful coexistence among us when gaps are already seen in the reconciliation processes?” asked Can-kara.*

members contribute to buy the required items for a reconciliation ceremony which approach is unusual to them for reconciliation undertaking.

Can-kara and others complain that the mediation meeting did not involve all family members to the conflict and facts about the conflict were not established to enhance effective resolution of the conflict and sustainable resettlement of the exiled family and peaceful coexistence among them. It is important to establish facts about the conflict to find the root cause of the conflict and address the root cause. Facts finding will help inform future generations about what transpired and teach them to avoid repeat of such an event. Above all, facts help to determine a way forward for genuine reconciliation of the parties in conflict.

Can-kara, being the brother of the person who killed first, has been asked to host the reconciliation ceremony despite not having a shelter

at home as he has been in hide-out since 1988. By asking all members of the community to contribute money for a reconciliation ceremony, he looks at it as a way of making him fail so that the blame is further levelled on him for failing to acquire the items needed as the host.

Can-kara also fears that the gun used during the bloodshed could still be at reach and used on them since the resolution initiative did not investigate those facts.

“How can I be sure of our security and peaceful coexistence among us when gaps are already seen in the reconciliation processes?” asked Can-kara. To him, the brain and the heart behind the reconciliation initiative is not the right one and he calls for any support to the initiative.

It is therefore important to observe a moment of truth-telling in any conflict resolution for effective peace building and to give a pointer for the purpose of reconciliation. Resolving a conflict without pointing out the truth of what happened is the same as covering a fresh wound with scars which if opened, the pain still remains real to the holder. The social structure to enforce reconciliation in our society has been tempered with by the war and cultural values and practices have equally weakened during the war and most communities lack a sense of clear direction. The current generation of elders lacks a point of reference and the resources to facilitate reconciliation in the community which therefore calls for a commission in charge of reinstating cultural values and practices to help the process of recovering the gaps created during the war.

It is also important for any conflict resolution committees to investigate facts about any conflict and use facts to build for the future being of their community and this can best be done using the local conflict resolution at the grass roots. ■

# Creating a Space for Forgiveness and Reconciliation

## The importance of truth-telling in post-conflict Uganda

KATE LONERGAN

**I**N 1994, “Robert”, then 8 years old, was living in his uncle’s home. Late one night, the LRA attacked the home and abducted Robert. As the rebels were taking him, Robert was forced to watch one of the commanders, who was scarcely older than himself, brutally beat and kill his uncle. For the first week of his captivity, Robert and the commander moved as part of the same battalion. Soon, though, they were separated.

Robert eventually escaped from the LRA in 1999 and found his way to a World Vision reception center in Gulu. A few weeks later, the same commander arrived at the reception center and was placed into Robert’s living group. One night, a quarrel between the two boys turned into death threats.

“Do you know who I am?” the commander yelled, “There are many spirits that disturb me. If they come to me now, I could just kill you!”

Robert, fearing the commander’s threats, went to a World Vision counselor for help. World Vision staff brought the two boys together and asked them each to tell their side of the story. The commander narrated the events of the night he abducted Robert and killed his uncle. The commander then explained that he threatened Robert in order to

protect himself from retribution for that incident, and asked Robert to forgive him. Initially, Robert was very upset, but he later returned and said to the commander, “There is no talk, I have forgiven you. Let us live freely.”

Reflecting on this experience years later, Robert says, “The only way so that you forgive your friend, you the perpetrator should start showing forgiveness at first. This means that you the perpetrator should come guiltily and humbly before the person who felt the pain of that act.”

Robert, like many other youth and women across Northern Uganda, felt strongly that knowing the truth about the commander’s actions against his uncle was a necessary prerequisite for forgiveness and reconciliation.

Amidst the relative peace that Northern Uganda now enjoys, many former LRA combatants like Robert and the commander must grapple with the delicate process of reintegrating into their community. This already challenging process is further complicated by the fact that many ex-combatants committed atrocities against friends, family members, and neighbors throughout the LRA’s reign of terror. As was the case for Robert, many victims must interact daily with individuals who caused them or their family members serious harm. These

constant reminders of conflict experiences often create significant underlying tension in community relationships.

As part of an ongoing project on the experiences of women and youth with traditional justice practices, JRP’s Documentation department discussed current strategies for forgiveness, recovery and reconciliation with female and youth ex-combatants and victims of LRA attacks throughout the Acholi sub-region of Uganda. Through these discussions, we came to see the important role that truth-telling processes play in creating space for forgiveness and reconciliation at a local level in Northern Uganda.

Although almost all of our respondents expressed a strong desire for forgiveness and reconciliation, many cited the importance of an explicit exchange where the individual perpetrator requests forgiveness from the victim. Although both parties may live alongside each other without noticeable animosity, most people agreed that a clear apology was necessary in order to foster genuine forgiveness. As one woman reflected, “Such a person [who harmed me] should first of all beg for forgiveness from me...[w]hen a person admits and begs for forgiveness, there is nothing to stop me from forgiving such a person.”

Truth-telling comes as an important precursor to the process of admitting wrongdoing and asking for forgiveness. An individual must first explain and acknowledge his or her actions in order to ask for forgiveness.

Truth-telling also provides a way for ex-combatants to explain to victims the circumstances under which a crime occurred. This is particularly important in Northern Uganda, where abducted combatants were forced to commit terrible atrocities against their will. The process of declaring publically that they did not kill of their own free will is an important opportunity for the returned combatant to establish a positive identity separate from his or her actions during the conflict. One formerly abducted youth reflected, "Our voice can be heard when we unite with people in the community. When they start telling me about the bad things I did from the bush, then I tell them it was not my interest. The reason I did that, I was just like a messenger who is sent to go and do this."

Much of the stigmatisation of returned LRA fighters stems from fear of their violent experiences during the conflict. An opportunity to establish the truth--that they were forced into violence and killing--helps to mitigate the fear of fellow community members that violence

will recur in peace time.

While understanding that a crime was committed unwillingly will not lessen the painful memories or continuing struggle from the loss or injury, it can help improve victims' relationship with the person who committed the crime. Hearing in de-

*Any truth-telling process must also address the potential negative consequences of sharing previously unknown details about horrific acts of violence during the conflict.*

tail how an LRA soldier was forced to kill can shift the blame from the individual to the organisation or commander who orchestrated the larger attack. This may allow the victim to forgive the individual who he or she must live and interact with in the community on a regular basis.

Of course, despite the integral role of truth-telling and apology in facilitating forgiveness, any truth-telling process must also address the potential negative consequences of sharing previously unknown details about horrific acts of violence committed during the conflict. As a formerly abducted youth in one community expressed, "If you see that there is abuse, you will not say all those things. [...] There are some things I have never mentioned to anyone, not even my mother. If life gets more easy then I will say it, when fear disappears from my heart." Without comprehensive

support to combat stigmatization and facilitate positive relationships beyond the moment of truth-telling, a truth process carries the danger of further entrenching stigmatisation.

Despite the potential challenges of exposing painful truths about atrocities committed during the conflict, a systematic and public truth-telling process is an important part of the transitional justice process in Northern Uganda. A public process would provide an essential catalyst for apology and forgiveness that must occur in order to foster genuine healing and reconciliation. Although truth-telling already happens within communities and between neighbors, those who come forward to tell the truth face significant challenges. There is often minimal support in the process of confronting the victim, especially for former combatants lacking the strong family support system that would traditionally be used to initiate a process of truth-telling and apology. Creating a platform to facilitate this process in a safe and structured way will encourage more people to feel comfortable sharing the truth about their conflict experiences, which in turn will allow more opportunities for apology, forgiveness, and healing. "

*Kate Lonergan is an intern with JRP's Documentation Department.*



Photo: Jimmy Oringa/JRP

# Lessons from Post-Genocide Rwanda

## The Location, Identification and Respectful Burial of the Anonymous Victims of Mass Atrocities



ERIN JESSEE

**I**N THE aftermath of the 1994 Rwandan genocide in which an estimated 800,000 civilians – most of whom were members of the nation's minority Tutsi population – were killed, a number of initiatives have been pursued in an effort to locate and reburial with respect the anonymous victims of the violence. In the months following the genocide, survivors frequently attempted to learn the locations where their missing family members had been killed, and then conducted nonscientific exhumations aimed at locating and reburying with respect any human remains that might be found.

Then, in 1995 and 1996, the International Criminal Tribunal for Rwanda (ICTR) commissioned a series of scientific forensic investigations aimed at determining the criminal nature of massacres in Kigali and Kibuye. Finally, since 1996 the government of Rwanda is engaged in a program of exhuming the anonymous victims of the 1994 genocide and preserving their remains in local state-funded genocide memorials. Each of these initiatives has been driven by the realisation that the respectful reburial of the victims of the 1994 genocide is necessary to promote social reconstruction, and relieve the linger spiritual violence experienced by many Rwandans as a result of having been unable to bury and mourn their missing loved ones according to tradition.

Despite these good intentions,

each of these initiatives has met with controversy. The forensic investigations commissioned by the ICTR involved minimal collaboration with the communities that hosted them, and as a result incorporated methods and mandates that proved distressing to survivors. In particular, survivors were distraught by the investigation's legal mandate that treated the bodies of the victims as forensic evidence and failed to recognise and address the survivors' needs for definitive identifications and respectful reburial of the victims. To make matters worse, the team's findings were later contested on the grounds that the methods used by the investigators were not scientifically rigorous enough to support the conclusions. The resulting evidence was dismissed, resulting in a potential miscarriage of justice.

Meanwhile, survivors' independent efforts to locate and reburial their missing has been restricted by the government of Rwanda – the concern being those gravesites on family land might not be maintained in a manner that reflects their status as victims of the 1994 genocide. The Rwandan government is adamant that the 1994 genocide be properly commemorated, and has implemented a law that requires that all victims be reburied at a local state-funded genocide memorial where they can be honored indefinitely. However, these memorials are graphic – frequently containing displays of human remains that prove

distressing to survivors – and typically fail to acknowledge the specific individuals who were murdered.

As a result, the memorials are not widely supported by the communities that host them. Conversely, there is substantial evidence that these memorials are contributing to the maintenance of ethnic and political tensions among Rwandans, many of whom argue that memorials have been created – not to honor the victims of the 1994 genocide – but to help legitimise the RPF's claim to power in Rwanda. Likewise, the memorials contribute to the ongoing emotional distress of the survivors, many of whom believe that they are haunted by the angry spirits of those loved ones who died and were buried anonymously, or whose remains have been placed on display at the memorials. For these reasons, the idea of humanitarian exhumations aimed at identifying and reburying the victims of the 1994 genocide is widely supported among survivors.

While the historical, political, and cultural circumstances surrounding the 1994 Rwandan genocide are vastly different from the mass atrocities endured by the people of Northern Uganda, there are nonetheless a number of lessons that might be learned from examining post-genocide Rwanda. First, in the aftermath of mass atrocities, the identification of the anonymous dead is often as important as their respectful reburial according to the wishes of individuals. Without posi-

tive identification, many survivors continue to fear that their missing loved ones have yet to be located, and may experience lingering physical and mental illnesses. Under the circumstances, it becomes impossible for survivors to recover from the harm they have experienced surrounding the disappearance of their loved ones.

Second, any efforts aimed positively identifying the victims of mass atrocities must be organised and implemented in collaboration with survivors to ensure that the mandates and methods used are culturally and politically appropriate. Ideally, such efforts should be treated as a capacity-building exercise in which willing members of the community are trained to assist and perhaps even eventually take control of the identification efforts, whether based on DNA evidence or associated personal effects to ensure the survivors' needs are not overwhelmed by legal or political agendas.

Third, nationalised mourning and commemoration must be approached with the understanding that people have differing interpretations of mass atrocities, and therefore may not unanimously support the mandatory incorporation of the bodies of the missing into state-funded memorials, particularly if

those memorials are not sensitive to local spiritual, political, and historical concerns. In the event of positive identifications, surviving family members should have the right to determine how their deceased loved ones are buried and where. While nationalised commemoration is often perceived to be an essential and beneficial part of the transitional justice toolkit, the positive outcomes can only take shape if the surrounding communities are fully supportive of the form and function of the memorials. If some degree of consensus is not achieved, nationalised commemorative efforts

*While nationalised commemoration is often perceived to be an essential and beneficial part of the transitional justice toolkit, the positive outcomes can only take shape if the surrounding communities are fully supportive of the form and function of the memorials.*

risk having a negative impact on the communities in which they are initiated, contributing to the maintenance of powerful reservoirs of ethnic, political or social tensions.

Finally in order for humanitarian exhumations aimed at locating, positively identifying, and reburying the anonymous victims of mass atrocities to take place, there must be genuine political support at the international and domestic levels. In post-genocide Rwanda, the government is the primary obstacle to

humanitarian exhumations aimed at identifying and reburying with anonymous victims of the 1994 genocide. The government officials responsible for overseeing the creation and maintenance of the state-funded genocide memorials are committed to sensitising the Rwandan people, including survivors, to the need for nationalised commemoration of the 1994 genocide, and believe that in the long-term, they will be successful in this endeavor. Several international organisations and university-based forensic institutes are interested in assisting humanitarian exhumations, and many Rwandan survivors are supportive of such initiatives. However, without the support of the Rwandan government, the victims of the 1994 genocide will remain anonymous, and will continue to be incorporated into state-funded genocide memorials that do not have the support of the wider public. ■

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## Share Your Views

Voices magazine aims to be a regular and open **platform for victims and key stakeholders to dialogue on local and international transitional justice developments** and to share victim centred views on justice and reconciliation in Uganda. If you want to have your voice heard in the next issue of the magazine, please write to [voices@justiceandreconciliation](mailto:voices@justiceandreconciliation).



# Voices

Sharing victim-centered views on  
justice and reconciliation in Uganda

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