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# Voices

Sharing victim-centered views on justice and reconciliation in Uganda



A publication of  
Justice and  
Reconciliation  
Project  
Issue 7, May 2014



**A Chance to Speak  
Lessons learned from  
documenting SGBV**

# Voices

Sharing victim-centered views on  
justice and reconciliation in Uganda

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

A publication of the Justice and Reconciliation Project (JRP)

Layout, design, editing by Oryem Nyeko

Cover Photography: Women participate in a story-telling session in Atiak sub-county, May 2014. Patrick Odong.

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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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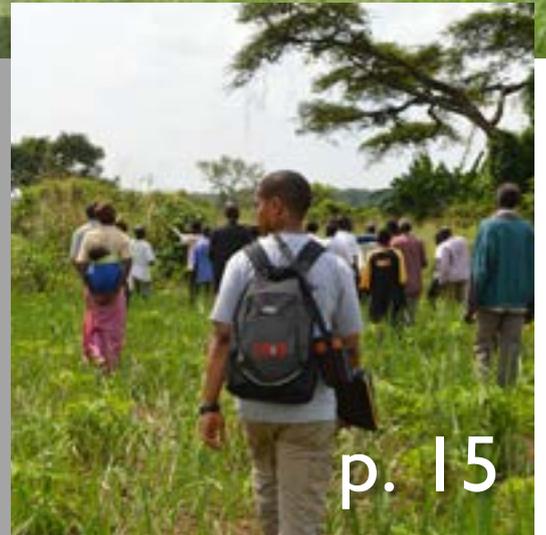
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**A**FTER YEARS OF ENGAGING with survivors of conflict in northern Uganda, the Justice and Reconciliation Project's work has revealed that sexual and gender based violence was one of the most complex defining characteristics of the war that took place in the region. As such, addressing the issue has proven to be one of the biggest challenges facing peace-builders. In JRP's recent Field Note – *The Beasts at Burcoro* - community members describe the molestation and rapes both men and women allegedly suffered at the hands of the National Resistance Army's 22<sup>nd</sup> Battalion in 1991. Over twenty years after the occurrence, many survivors still harbour the lingering effects of the attack because mechanisms designed to address their specific needs have not been provided for them. This issue of *Voices* magazine deals with this very relevant aspect of transitional justice today, and examines the ways in which it can be addressed. You can read an excerpt of *The Beasts at Burcoro* on page 11.

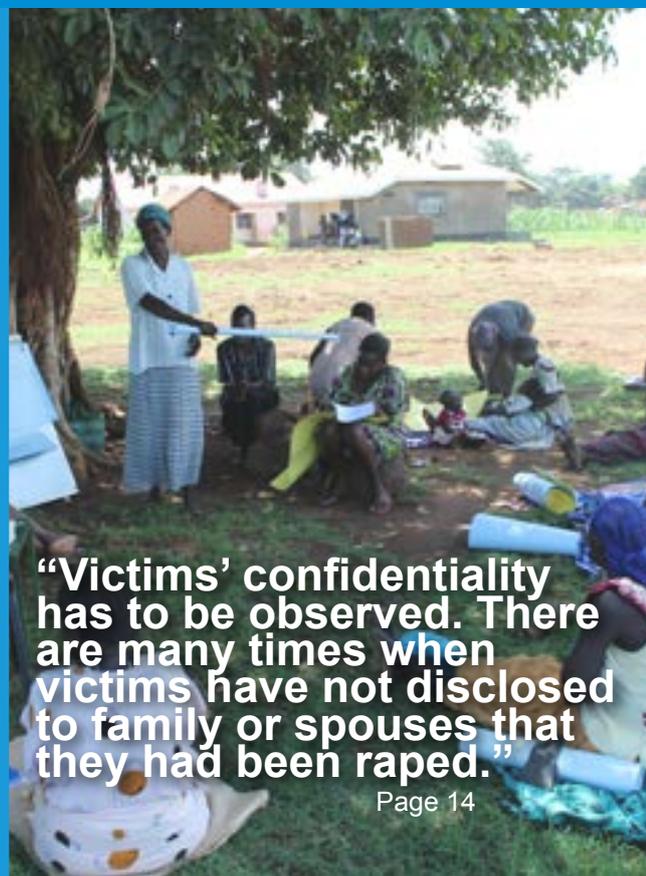
Also, in *I was helpless and left everything to God* (page 8), Christine, a woman who experienced the attack on Burcoro, describes what happened to her. Despite the trauma of what she went through, 23 years later her outlook is positive and serves as inspiration for many that have gone through what she has.

Since JRP began documenting the experiences of women in Gulu, findings have been made about the link between HIV/AIDS and the conflict in the region. A specific community was identified where women discussed their views on the issue through storytelling. Read *A Chance to Speak: What documenting SGBV in Gulu taught us* on page 14.

The 14<sup>th</sup> of March 2014 marked a very special moment in history for victims of conflict in northern Uganda. After years of grassroots level advocacy, the women of the Women's Advocacy Network's (WAN) work ascended to an even higher level when the group presented a petition to the Uganda Women Parliamentarian's Association (UWOPA) calling for reparations for war-affected women and their children. This eventually led to the passing of a Parliamentary resolution in April calling for the government of Uganda to take concrete steps to address not only war-affected women and their children but all victims of conflict in northern Uganda. Read the thoughts of Evelyn Amony, the chairperson of WAN, on the petition and the future for the group on page 16.

Activist Lina Zedriga Waru has played an active role in post-conflict advocacy, particularly in relation to the United Nations Security Council Resolution 1325. Unsatisfied with women representation in the Juba Peace Talks of 2006 - 2007, she joined the Uganda Women's Peace Coalition to carry a symbolic Peace Torch and deliver the Women's Protocol for Peace. Read the story of how women became involved in the Peace Talks on page 22.

Thank you for reading this issue of *Voices*. As always, your "voice" is welcome – feel free to share your opinions on this and future issues of the magazine by **writing to [voices@justiceandreconciliation.com](mailto:voices@justiceandreconciliation.com) or Justice and Reconciliation Project, P.O. Box 1216, Gulu, Uganda.**



**“Victims’ confidentiality has to be observed. There are many times when victims have not disclosed to family or spouses that they had been raped.”**

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## Contributors

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## Your views!

**Ochan G.** I would like to congratulate the daring situations you went through to produce the multiple reports on the NRA atrocities in northern Uganda. I know it took you all a lot of courage to do that kind of work. Your efforts have been acknowledged and I know you will save the president from the exorbitant and time consuming investigations because your reports are exhaustive enough. For all detained, suspected, abused ... you have taken the day and Bravo.

Bravo field officers, God Bless your Works.

## Share your views

*Voices* magazine welcomes your views on transitional justice and reconciliation in Uganda. To contribute to future issues write to [voices@justiceandreconciliation.com](mailto:voices@justiceandreconciliation.com) or **Justice and Reconciliation Project, P.O. Box 1216, Gulu, Uganda.** Make sure to like our facebook page [www.facebook.com/pages/justice-and-reconciliation-project](http://www.facebook.com/pages/justice-and-reconciliation-project) or follow us on twitter @JRPuganda.

# Damaging, degrading and dehumanising: SGBV in northern Uganda

**S**EXUAL AND GENDER BASED VIOLENCE crimes have been a key feature of all major conflicts worldwide. The conflict in northern Uganda has not been an exception, with both men and women suffering acts of SGBV at the hands of armed combatants. Both government of Uganda forces and rebel soldiers were perpetrators of SGBV.

It is a known fact that thousands of children, especially girls, were sexually abused following their abduction and detention by the Lord's Resistance Army (LRA). The LRA sought to turn these young girls into rebel wives while in captivity and forced many of them to bear multiple children at young ages.

The National Resistance Army (NRA) and present day Uganda People's Defense Forces (UPDF) is alleged to have committed acts of rape and male sodomy against men and women in northern Uganda. In Burcoro village in northern Uganda for example, the NRA engaged in indiscriminate rape against both men and women. Despite its apparent tranquility, a sinister past remains hidden behind the welcoming faces of its inhabitants. Between the 14<sup>th</sup> and the 18 of April 1991, Burcoro was the scene of a brutal operation carried out by the 22<sup>nd</sup> the Battalion of the National Resistance Army (NRA) in which several hundred people were detained at Burcoro Primary School. They were released only after being interrogated, tortured, and sexually abused throughout the four days of the operation.

Of all crimes committed against community members in Burcoro, SGBV crimes continue to have the single largest long-term impact against the survivors of the Burcoro operation. Male and female survivors continue to tell harrowing tales of their experiences on the occasion. In fact when JRP conducted the documentation in Burcoro, many victims were only able to speak out for the first time in many years.

SGBV crimes are damaging, degrading and dehumanising all at the same time.

They are damaging in the sense that the bodies of the victims of these crimes are often physically injured and harmed to an extent that they cannot function normally again. The victims, be it male or female, are not only vulnerable to sexually transmitted infections, but also experience physical injuries that in many cases lead to lifelong complications. Women fall victim to fistula, while men experience rectum damage that has severe complications. Citing the example of Burcoro village, over 70% of the elderly population is infected with HIV/AIDS to this day. Many female survivors suffer from fistula, and many more were not able to have children because their uteruses were damaged in the acts of rape and had to be removed. Many men suffer rectum damage and cannot retain or release human waste normally.

*SGBV crimes are damaging, degrading and dehumanising all at the same time.*

They are degrading in the sense that the victims of these crimes are turned into objects and exploited for the pleasure of the perpetrators in question. Senior LRA commanders are on record for having had multiple wives whom they used for their pleasure. The NRA raped men and women in Burcoro allegedly in revenge for atrocities committed by soldiers from northern Uganda in Luwero Triangle during the 1980s. Men and women in Burcoro paid the price of the Luwero triangle war with their bodies. None of them were in the least bit familiar with what had transpired in Luwero triangle but they had to suffer degrading treatment because their tribesmen fought in Luwero.

SGBV crimes are dehumanising because the victims end up severely traumatized and lose all sense of humanity. The perpetrators' behaviour can be likened to that of beasts. In Burcoro village, the soldiers detained several women for days on end as they raped them multiple times. A soldier would pick a woman of his choice from the group, take her and rape her, and as the woman returned join her fellow women, another would pick her up and rape her. In the morning the women would be ordered to go and bathe for the next round of rapes. As for the male victims, the soldiers sodomised them with the intention of "turning them into women".

The challenge with pursuing accountability for SGBV crimes is that they are difficult to prosecute, based on the complexity involved in gathering evidence. When Thomas Kwoyelo's trial started before the International Crimes Division Court in 2012, none of the charges proffered against him included SGBV crimes. The recent conviction of Germain Katanga of the Democratic Republic of Congo was based on four war crimes (murder, attacking a civilian population, destruction of property and pillaging) committed on 24 February 2003 during the attack on the village of Bogoro, in the Ituri district. SGBV crimes were never mentioned in trial proceedings.

This edition of the *Voices* magazine focuses on SGBV crimes during times of conflict. It draws on JRP's interactions with victims of conflict in northern Uganda and other transitional justice events across the world. A concerted effort is needed to seek accountability for victims of war crimes.

I wish you nice reading. □

- LINO OWOR OGORA

# Obstacles to the investigation and prosecution of sexual crimes in northern Uganda

SARAH KASANDE KIHKA

**E**XPERIENCES IN RECENT CONFLICTS reveal that sexual and gender based crimes occur in virtually every conflict. During the two decades of armed conflict in northern Uganda between the Lord's Resistance Army (LRA) and the Government of Uganda, women and girls suffered various forms of sexual crimes which include abduction, sexual enslavement, rape, forced prostitution and mutilation. Women and girls living in internally displaced peoples camps were particularly vulnerable to sexual assaults and domestic violence. Cases of sexual violence against men and boys have also been documented.

In the aftermath of active conflict, sexual and gender based violence continues at high levels having been normalised beyond the conflict into communities and homes and facilitated by the militarisation of society as well as inadequate justice and security responses. The continuum of violence in women's lives in post-conflict settings is also attributed to entrenched and pre-existing discriminatory attitudes and cultural norms that reinforce their subordination in society.

There have been significant gains, at the national and international level, to secure justice for victims of sexual violence. This includes the Juba Peace Agreement on Accountability and Reconciliation which promotes a "gender-sensitive approach" that strives to "prevent and eliminate any gender inequalities that may arise"; the enactment of the Ugandan International Criminal Court Act of 2010, which domesticates the Rome Statute of the ICC; and, the legal framework and jurisprudence of the International Criminal tribunals for Rwanda and the Former Yugoslavia, as well as the International Criminal Court.

Despite these developments, the reality is that some of these gains have not trickled down to the majority of victims of sexual crimes. The prosecution of crimes committed against them is marked by significant obstacles and a lack of accountability, which are discussed below.

## Obstacles to the prosecution of crimes

**Cultural and social barriers:** Fear of stigmatisation and shame hinders most survivors of sexual violence from seeking justice. Survivors of sexual crimes are often reluctant to volunteer information due to the stigma and ostracism that follows such revelations. In the case of northern Uganda, most of the women and girls who were abducted returned with children fathered by LRA commanders. These survivors are treated as pariahs in their communities because of having children with the 'enemy'. Consequently most have relocated to new areas with new identities, and are eager to reintegrate and shed off their horrendous past. Participating in trials would reveal their past and subject them to renewed stigma. It is therefore not surprising that some of the survivors are not eager to justice through the criminal justice process.

**Continuing trauma:** Most of the survivors of sexual violence continue to live with physical and psychological scars resulting from the sexual abuse and experiences in abduction. A significant number have sexual reproductive health complications e.g. fistula, HIV/AIDS as well as mental health challenges and disorders. The burden of dealing with this continuing trauma and the responsibility of fending for children born

*There have been significant gains at the national and international level to secure justice for victims of sexual violence but the reality is that some of these have not trickled down to the majority of victims of sexual crimes.*

in captivity, without any economic support, limits the ability of victims to seek redress through formal courts.

**Capacity and human resource limitations:** Limited investigation and prosecution capacities, and the lack of adequate forensic and human resources impede the effective investigation and prosecution of sexual crimes. Some of the investigators do not have the experience in how to elicit relevant evidence on sexual crimes and are not skilled in interviewing traumatised victims and witnesses. Furthermore the absence of social services responding to the needs of victims of SGBV, the long distances victims have to travel to access police stations, the insensitivity of some of the police officers to whom the crimes are reported, and the cost of obtaining a post violation medical examination by a government doctor impacts on the ability of victims to access justice.

**Time lapse:** Many of the crimes in question were committed when the conflict was at its peak several years ago. This time lag between the commission of the offence and investigations today poses a serious challenge making it difficult for the investigators to conduct meaningful investigations into alleged incidents of sexual violence.

**Absence of witness protection and victim support measures:** The absence of adequate witness protection and victim support measures during investigations and at trial is a major obstacle to the effective prosecution of sexual crimes. Women who are victims of sexual violence are hesitant to seek justice in courts because of the insensitivity with which they are often treated during investigations and trial and the general neglect and stigma that can accompany crimes of a sexual nature.

**Dilemma of the Amnesty Act:** The reinstatement of Part 2 of the Amnesty Act Cap 243, which extends immunity from prosecution to perpetrators who renounce rebellion, regardless of the nature of crimes committed is an obstacle to the prosecution of seri-

ous crimes.

### Possible solutions to these obstacles

It is important to engender the investigation and prosecution process. This would require commitment to include dedicated gender expertise, particularly in the investigation, statement taking and outreach process. The ICD should learn from the experience of The Special Court for Sierra Leone which dedicated 20 per cent of its investigators to SGBV cases, recognising the widespread nature of the crime and the expertise needed to effectively investigate and prosecute this category of crimes.

The enactment of comprehensive witness protection legislation that ensures safety and security of witnesses should be expedited. Witnesses should have access to counselling and medical assistance during the investigation and trial phase. Witnesses and victims from distant locations should be provided with logistical support in the form of transport and accommodation. It is also necessary for witnesses to be availed with infor-

*It is necessary to prevent sexual crimes by tackling the underlying causes of SGBV crimes as well as obstacles to their prosecution. Through education, legal rights awareness campaigns and community sensitisation on the impact of sexual violence on society as a whole, we can begin to diminish the tolerance and perpetration of sexual violence in both conflict and non-conflict situations.*

mation which will help them prepare and familiarise themselves with the intimidating court process. Other protective measures during trial include: use of pseudonyms, *in camera* proceedings and expunging of the court record which discloses the identity of a witness

Courts should be alive to the social and cultural barriers that affect the investigation and prosecution of sexual crimes. Rape is heavily stigmatised

and is a taboo topic in most societies in Uganda. As such, some witnesses may not be comfortable describing the incident of rape during a public hearing. The court should therefore hold the proceeding *in camera*. It is also essential for investigators to be delicate and culturally sensitive when interviewing victims and witnesses of sexual violence. Drawing from the best practices of the International Criminal Tribunal for Rwanda the statements of victims should, for example, be recorded by persons of the same sex. In addition the interviews should be conducted over a period of time so that trust is established and to enable the victim to feel safe and open up about his or her experiences

It is necessary to amend the penal code to make the offence of Rape gender neutral and to expand its definition to include acts of a sexual nature committed against a person without their consent. The Amnesty Act should be amended to exclude amnesty for sexual violence crimes.

The ICD should adopt established international best practices and principles relating to the trial procedure in sexual crimes. Again, drawing from the ICTR, the ICD should rely on the evidence of expert witnesses, with technical knowledge on the dynamics of sexual crimes and their impact on victims. The testimony of expert witnesses will help the judges understand and evaluate the evidence of factual witnesses and victims of sexual violence.

### Conclusion

If the cycle of violence and impunity for SGBV is to be eliminated, sexual crimes must be punished. It is necessary to prevent sexual crimes by tackling the underlying causes of SGBV crimes as well as obstacles to their prosecution, prominent among these is the attitudes and norms that perpetuate a culture of inequality and discrimination against women. Through education, legal rights awareness campaigns and community sensitisation on the impact of sexual violence on society as a whole, we can begin to diminish the tolerance and perpetration of sexual violence in both conflict and non-conflict situations. □

# I was helpless and left everything to God

One woman's story of sexual violence in the hands of National Resistance Army (NRA) soldiers

EVELYN AKULLO OTWILI





**I**N MAY 2013, just a few days after the Documentation Department at the Justice and Reconciliation Project concluded its verification of *'The Beasts at Burcoro'* with the survivors and relatives of the victims of Burcoro massacre, a woman walked up to our office premise to have her voice heard and attention drawn to her plight.

Christine had visited her village of Burcoro and found community members attending what appeared to be a meeting. She joined in the meeting and discovered that the centre of the discussion was a book. Christine read the book. 'I found the story in that book speaking more about my entire life,' she says now, "The book was so alive and the people so open."

Determined to have her experience shared, Christine travelled 16 kilometres from Burcoro (16 kilometres), to Unyama to JRP offices in Gulu where our first discussion happened. That day, despite her determination, she looked worn out and a person in search of an answer that was not forth coming. Our interactions continued and between June and December 2013, I made visits to Christine's home

*"When the NRA soldiers came to us the women, they demarcated a boundary on the ground using their hands and all the women that fell within that boundary had to follow the men to the tent. The soldiers would come, grab your hands, take and rape you in the tent."*

to listen to her stories of sexual and gender-based violence.

### First encounter of sexual violence

In 1991 Burcoro was a scene of brutal operation carried out by the 22<sup>nd</sup> Battalion of the NRA. Community members were subjected to torture, sexual violence, cruel treatment and other inhuman acts.

The day the operation started, Christine and her village mates were arrested and taken to Burcoro Primary School where all the arrested civilians had been assembled.

"When the NRA soldiers came to us the women, they demarcated a boundary on the

ground using their hands and all the women that fell within that boundary had to follow the men to the tent."

Christine recalls what followed: "The soldiers would come, grab your hands, take and rape you in the tent."

She along with the other women from Burcoro endured nights of multiple rapes by the soldiers; and were not allowed to refuse, cry or cough.

"That is what we endured for all the four nights" she says.

On the final day of the operation, as the other residence of Burcoro were being set free to go back home, Christine was forced to remain with the soldiers.

"The soldiers said, none of us should go back to our homes. They said we were now their wives! It was only prayers of God to see where to put me."

Just like that, Christine and the other women from Burcoro remained with the soldiers. Shortly after that, they left Burcoro for Lukome and then to Pakwach where they finally settled. Within these journeys, Christine

was now confronted a new life as the 'wife' of soldier and a forced pregnancy as well. From Pakwach they returned to Koch Ama where she was due for delivery.

A day after the delivery of her child, the NRA soldier she was living with as a husband died from an accidental shooting from his fellow soldiers. She recalls her reaction that day: "I shook and shock all over. I cried and said 'even if he had raped and made me pregnant, he didn't deserve to die. He should have lived to take care of his child'."

### Second Encounter of Sexual Violence

After a short while, Christine found herself back to her village in Burcoro where she began to sell alcohol for survival.

"In 1996, the soldiers appeared like any other customers, but at around 7.30 pm they came back asking for alcohol. When I told them, it was over; they said 'fine if you don't

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have the alcohol then we are taking you'."

Christine was ordered by the soldiers to come out of her hut and forced to travel with them. After moving for a short while, she refused to make any further move, they began to beat her and she kept asking them: "Where do you expect me to leave my children?"

In reply the soldiers said, "What use are your children to us? We can kill them all. What we need is you."

The soldiers travelled with Christine and one of them raped her.

Very early the next morning, the soldier returned and said, "I want you and I to begin staying as husband and wife."

Christine was in shock as she recalls, "I said to the soldier, 'Does that imply that it had to start with violence? I thought love begins with happiness.'"

The soldier shouted back that his words were final. Christine had no say but to go with the soldier.

Her life with the soldier saw her move from Burcoro to Awach, Pabbo, Pawel and Palaro. Within these movements, Christine conceived again and in February 1997 she gave birth to another child as a result of sexual violence. Through these numerous sexual violations she contracted HIV.

1997 also happened to be the year that the Lord's Resistance Army had their rebel activities and passed certain regulations including for people to not ride on bicycles. The NRA soldier of 1996 was caught riding a bicycle and killed in a place called Miitam by the LRA rebels. She remembers her reaction that day: "When I learnt about his death, I said there is nothing else to do except bury the body."

She found herself alone with one Good Samaritan digging the grave for her husband.

"Once I had the hoe, I went and broke some long stick for measuring the grave. As I began to measure the grave, the man climbed a tree to keep watch of any rebel advancement."

From that time on, Christine and her children started living in rented houses and in some cases when she ran out of money the family would live in grass tent.

Today, she cannot go back to settle in her own community. "My people are saying that if I want to return home, I should first leave my children behind or somewhere else because they are not ready to take children from some unknown tribes."

Christine's attempt to remarry also failed. "I tried to move on with some man and during courtship, I told the man about my children. He accepted that he would take care of me and the children, but as soon as I conceived, the man said I should find somewhere to leave my children and only go to him with the child in my womb."

Christine made up her mind to stay by herself and raise her children alone. She does casual work from which she gets her livelihood to pay her rent and for her children to attend school. She calls on the government to compensate her for the suffering she has been through and also to find a home to put her in so that her children can have a future after her demise. □

Evelyn Akullo Otwilli is the Documentation Team Leader at the Justice and Reconciliation Project.

# Uganda's National Legal Framework on SGBV

CLAIRE KAHUNDE

**A**S A STARTING POINT, **Uganda's 1995 Constitution** is the supreme law and it recognises the rights and dignity of women. Article 21(1) provides for equality before and under the law while article 21(2) prohibits discrimination on grounds of race, sex, colour, ethnic origin, birth, creed or religion, social or economic standing, political opinion or disability. Article 31 provides for the right of the family while articles 32 and 33 provides for affirmative action against marginalised groups and the rights of women respectively

**The Penal Code Act Cap 120** creates offences and penalties against SGBV offences. Rape is defined under section 123 as "the unlawful carnal knowledge of a woman or girl without her consent or with her consent, if the consent was obtained by force, threats or intimidation." The maximum penalty for rape is death while that of attempted rape is life imprisonment under sections 124 and 125 respectively.

Defilement under section 129(1) of the **Penal Code (Amendment) Act, 2007** means any person who performs a sexual act with another person who is below the age of eighteen years, commits a felony known as defilement and is on conviction liable to life imprisonment. The punishment for attempted defilement is a maximum of eighteen years imprisonment.

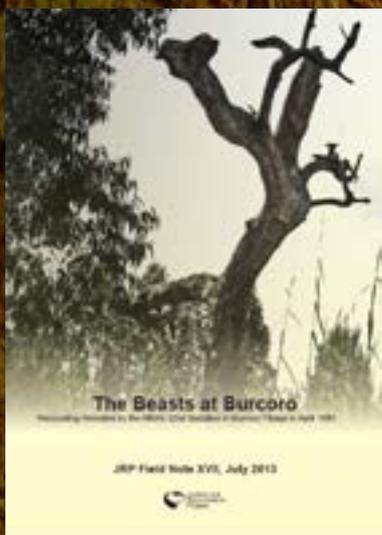
Section 129(2) further creates the offence of aggravated defilement which means that any person who performs a sexual act with another person who is below the age of eighteen years in specific circumstances commits a felony called aggravated defilement and is, on conviction by the High Court, liable to suffer death.

The section also defines a sexual act to mean any penetration of the vagina, mouth or anus, however slight, of any person by a sexual organ. It is also extended to the unlawful use of any object/organ by a person on another person's sexual organ.

Indecent assault is provided under section 128 of the Penal Code Act which states that any person who unlawfully and indecently assaults any woman or girl commits a felony and is liable to imprisonment for fourteen years.

To fill gaps that were identified in successfully prosecuting perpetrators of SGBV, Police Form 3 that captures the nature and extent of injury suffered by victims of assault was amended to cater for thorough examination of victims. The original form was lacking as it did not cater for comprehensive examination of the victims of

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## SGBV in Burcoro – One man's testimony

I USED TO BE A STRONG MAN compared to today. But after my experience with the soldiers in 1991, my life changed. The day the operation began the soldiers found me at home. They arrested me and took me with them to Burcoro Primary School where all the arrested civilians had been assembled. I was called forward by one of their leaders, Ogwete, along with ten other men. He told us that he wanted to give us an important task to perform and that task was to dig a hole for him. We began digging the hole but as we were digging the soldiers who were supervising us kept on beating us. Ogwete ordered some of the men to sing funeral songs. I think it was a form of humor for them. As some men sung, others dug. When the hole was as wide and deep as Ogwete wanted it to be, we were ordered to go and cut some logs and grass. I was among the men taken to a nearby home which was surrounded by trees so that we could get some logs for covering the hole.

Between the 14th and the 18th of April 1991, Burcoro was the scene of a brutal operation carried out by the 22nd Battalion of the National Resistance Army (NRA) in which several hundred people were detained at Burcoro Primary School. They were released only after being interrogated, tortured, and sexually abused throughout the four days of the operation.

One hallmark of the Burcoro operation was the high level of sexual violence which took place. The majority of women and many of the men in the community suffered some form of sexual violence at the hands of the soldiers. This man's story is captured in JRP's 18th Field Note, 'The Beasts at Burcoro Recounting Atrocities by the NRA's 22nd Battalion in Burcoro Village in April 1991', available on [www.justiceandreconciliation.com](http://www.justiceandreconciliation.com).

As we were cutting the logs I was suddenly called by two of the soldiers. They told me I was a '*lanywar*' (insolent person). They took me away from my colleagues and led me into a nearby clump of trees where they ordered me to remove my trousers. I could not resist because they had their guns pointed at me. I undid my trousers and let them fall to the ground. Then they told me to bend over and kneel down. I obeyed and knelt down although I did not know what they were going to do. One of the soldiers then went behind me as the other stood in front and kept the barrel of his gun pointed at my head. Up to this point I did not know what they were up to. Then suddenly I just felt *lyeto pa coo* (the heat of a man) penetrating my rectum. I then realised that I was being sodomised. I was too shocked to do anything. I just kept kneeling there until he finished. I was also frightened because I had the barrel of a gun pointed at my head. When he had finished, he changed places with his colleague, who also came and sodomised me. After that I was told to get up and was escorted back to rejoin my colleagues who were still cutting logs. I was quickly ordered to get back to work. Everything happened so fast that I had no time to recover. I simply rejoined my colleagues and resumed work as though nothing had happened. It is an incident I will never forget. I have never told anyone about it, not even my wife.

I thought I would forget the incident. I even went back home and resumed normal relations with my wife. However, after six months a strange growth developed in my rectum. It continued to grow until it caused me complications. I cannot eat hard foods such as millet and dry meat, and last year the growth grew so big that I could not pass stool easily.

My wife does not know the cause of my condition. She thinks it is a natural cause. I cannot tell her the truth. For a long time I have not had the courage to talk to anyone about my experience. Most people who had a similar experience keep it a secret. There is another individual whom I suspect also had a similar incident but he does not talk about it. This experience is generally difficult to talk about. □

crime. It also required victims of sexual violence to undergo medical examination by a medical officer - a police surgeon – despite many being mainly based in urban areas. The amended form now authorises medical and other health practitioners to examine victims, document evidence and testify in court.

**The Sexual Offences Bill, 2012**, as proposed is before Parliament. It intends to consolidate laws of sexual offences, combating sexual violence and providing punishment for perpetrators. It also seeks to provide for procedural and evidentiary requirements during trial of sexual offences. This if passed will fill in the gaps that exist in the current laws making the legal framework more adequate.

**The Domestic Violence Act, 2010**, provides for the protection and relief of victims of domestic violence, punishment of perpetrators of domestic violence and procedures and guidelines to be followed by courts in relation to the protection and compensation of victims.

The Act elaborately defines domestic violence and the abuses there under. Importantly, it is also bars consent as a defense to any contravention of the Act. This responds to the social and cultural condoning of sexual gender based violence towards women.

The Act requires police officers in section 7(2) (a-d) respectively to assist victims and advise victims. Under section 8, practitioners who deal with the victims in offering medical assistance are enjoined to accurately document visits, inform victims of options available to them within the judicial system and also avail themselves to testify in court regarding the cases.

These requirements are vital in improving and increasing the numbers of successful convictions of SGBV perpetrators.

A criticism, however, of this Act is that the weight of its penalty is that the maximum penalty herein is only two years imprisonment. Since a higher penalty is preferable, contraventions of this Act may continue to be charged under similar provisions in the Penal Code Act, making this Act redundant.

**The Prevention of Trafficking in Persons Act, 2009**, provides for prohibition of trafficking in persons, creation of offences, prosecution and punishment of offenders, protection of victims and other related matters. S.2 (d) of the Act states that the exploitation envisaged in this law extends to sexual exploitation, forced marriage and child marriages which affect women majorly.

The weight of the maximum penalty under this Act is fifteen years. However, the challenge in implementing this Act remains the inadequacy in its sensitisation. If

majority of the women do not know about this law, then breaches under it may never be known or reported.

**The International Criminal Court Act, 2010**, gives effect to the Rome Statute of the International Criminal Court and provides for offences under laws of Uganda corresponding to offences within the jurisdiction of that court. Article 7(g) provides for crimes against humanity inter alia to include rape, sexual slavery, enforced prostitution, forced pregnancy or any form of sexual violence of comparable gravity.

It should be noted that no one has ever been charged for any SGBV offence under this section as most perpetrators were given amnesty which limits the implementation of this Act. The only person facing trial at the International Crimes Division of the High Court was also not charged with any SGBV offence in spite of being among the leadership of the Lord's Resistance Army (LRA) that violated provisions in the Rome Statute.

For the law to be effective in securing accountability for SGBV against war affected women and all women generally, it has to provide for:

- 1. An urgent reparations mechanism** to cater for the needs of war affected women that have suffered SGBV through programmes and specific interventions to protect the rights and physical security of women and girls.
- 2. Increased funding and support to all JLOS institutions** in their sector wide approach in the fight against SGBV.
- 3. Urgent, free and accessible medical, legal aid, paralegal support and emergency communication lines** to assist people who have suffered SGBV. Shelters which set up to look after victims who are in need of immediate care like provision of ARV's, emergency contraceptives, PEP (Post Exposure Prophylaxis), food, counseling, and CSO's already engaged in this should be supported.
- 4. A gender sensitive judicial process.** Victims and witnesses should be protected to encourage them testify in court in order to bolster the prosecution rates of perpetrators, avoid re-victimisation, guarantee the safety of witnesses.
- 5. Continuous public awareness campaigns** about the SGBV and its impact on war affected women and the society generally. □



Claire Kahunde is a Legal Officer with JRP's Gender Justice department.



# TJ Timeline

JESSE MUGERO

*A glance at recent gender-related transitional justice developments in Uganda and around the world*

## 7 March 2014

Germain Katanga, a warlord from the Democratic Republic of Congo, convicted as an accomplice for war crimes and crimes against humanity in the third judgment issued by the International Criminal Court.

Katanga was found not guilty as an accessory to the crimes of rape and sexual slavery under the Rome Statute. The Chamber concluded that the evidence presented in support of the accused's guilt did not satisfy it of the accused's responsibility for the crimes "beyond reasonable doubt".

## 11 March 2014

Gulu University opens a centre to help rehabilitate people affected by physical and psychological trauma in Acholi, a region that is recovering from the effects of the LRA war. The centre is said to be the first of its kind in the country.

## 12 March 2014

The Justice, Law and Order Sector (JLOS) opens the Moroto JLOS house that will provide services ordinarily found only in Kampala. Offices to be housed in this complex include the Attorney General's chambers, the Judicial Service Commission, the Office of the Regional Prisons Commander and the Uganda Human Rights Commission, among others.

## 12 March 2014

The Women's Advocacy Network (WAN) with support from the Justice and Reconciliation Project presents a petition signed by more than 1000 people hailing from the Acholi sub-region calling for Government's immediate intervention in addressing challenges faced by war-affected women and children in the region.

## 27 March 2014

The former chief prosecutor of the International Criminal Court Luis Moreno Ocampo says he supports the new campaign of storytelling to protect and promote healing efforts to end the misery of victims of the rebel Lord's Resistance Army. JRP currently implementing a USAID funded project under the SAFE program entitled "Bearing witness, dealing with the past to create a better project". This is aimed at promoting social cohesion and reconciliation in an area that was greatly affected during the LRA insurgency.

## 2 April 2014

A children's remand home is yet to be used a year after it was commissioned by Gender Minister Mary Karoro Okurut. The facility was constructed through the JLOS and was aimed at helping the West Nile sub-region deal with growing numbers of child offenders.

## 7 April 2014

On the twentieth anniversary of the Rwandan genocide, AVEGA Agahozo, an association formed by 50 genocide widows to help women deal trauma and provide solidarity, is reported to have helped up to 25,000 women.

## 8 April 2014

The Uganda Association of Women Lawyers (FIDA) launches a programme in Moroto town in which victims of sexual abuse and battery, as well as married women expropriated of marital property will get free court representation. This is reported as a huge step towards justice for women who are unable to afford the costs of legal representation in courts of law.

## 9 April 2014

The Parliament of Uganda moves a motion urging the Government of Uganda to increase and channel development assistance directly to communities affected by the LRA insurgency and to provide gender sensitive reparations for women and children among other things.

## 14 April 2014

Boko Haram storms a hostel of an all-girls secondary school in the North East Village of Chibok, Borno state in Nigeria and drove out more than 200 girls reminiscent of LRA school abductions, including of 150 "Aboke girls" on 10 October 1996 at St. Mary's College Secondary School, Aboke. □



Jesse Mugero is a Documentation Officer with JRP's Documentation Department.



Members of the Women's Advocacy Network petition the Uganda Women Parliamentarian's Association on 12 March 2014.

# A chance to speak

## What documenting SGBV in Gulu taught us

NANCY APIYO

**I**N 2012 WHEN we began to work with women in one sub-county in Gulu we observed that members of the community were living with HIV/AIDS. The majority of people we spoke to shared that they were HIV positive and related it to the conflict. HIV/AIDS as an impact of the conflict then became a topic in our storytelling sessions. Stories of rape and HIV/AIDS began to emerge from the women.

In 2014 we decided to document rape as a crime committed during the over two decade insurgency in northern Uganda. The women embraced the idea and said this was an opportunity for people to know what they went through as survivors of rape and if possible to attain justice. They hope to use the publication as an advocacy tool to bring to light what they went through and also to rally for support as victims.

Because rape is a sensitive and taboo topic in Acholi we chose to use storytelling as a documentation method. It is informal and the women share the stories at their own terms. Storytelling has served to create a comfortable space for the women to freely express themselves. It has also provided the women a chance to heal and not only document their experiences. The women have testified that they feel relieved as they listen to each other and give each other words of encouragement. As the women talk in their own terms, with consent we take notes and record conversations that are later on transcribed.

Women in the community who had been raped but did not belong to the group were invited by those already sharing their stories. Two women from the community joined the storytelling circle. One of them had been gang raped and reported the perpetrators but she never attained justice. She had been threatened and warned not to ever mention what happened to her. Even in court she never talked about the details of what she went through. After telling her story she said, "I never knew God would give me the chance to talk about this, it has been eating me up all this time. I thank God for the opportunity to heal." To her it was an invitation to finally share what she

had kept for so long.

There were women in the group who had not talked about their experience and were not willing to do so until they heard testimonies from their friends. They said they were encouraged by the courage by those who shared their stories. During this time more women began to open up. Some had never mentioned to any one that they had been raped and urged the other women in the storytelling circle to keep their secret. They had to make a promise to keep each other's stories confidential and not discuss it in the community.

Rape and other crimes of SGBV continue to be one of the least prosecuted crimes. Victims of SGBV are usually reluctant to talk partly because of fear, stigma and the cultural norms that exist around sex. Still, our experience in Gulu has shown that SGBV can be investigated if given ample time, resources and expertise. It is important to take into account the aspect of stigma and social pressure during the documentation process. Providing solidarity and a safe space to survivors encourages survivors to speak. There is need to provide support for victim's during the process. Storytelling has also helped to also provide psychosocial support to the victims. We have also referred to partners victims who need help that we cannot provide, such as livelihood and medical support.

Victims' confidentiality has to be observed. There are many times when victims have not disclosed to family or spouses that they had been raped. The investigation or documentation process should not disclose the identity of the survivor. Testimonies need to remain confidential especially for those who have not yet shared their experiences with family or loved ones since they can be rejected. There is need for attention to be drawn to fully investigate crimes of SGBV so that victims can attain justice otherwise there will be little or no accountability for crimes of such nature.

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



# The Challenge of Defining Sexual and Gender-Based Violence -

## Research and Recommendations for NGOs

AMANDA J. REINKE

**I**N 2013, I CONDUCTED a collaborative research project with the Centre for Reparations and Rehabilitation (CRR), a Ugandan-based NGO offering legal services for land disputes and psychosocial support for SGBV survivors. The research team, consisting of a research assistant, Justin Hendrix, and myself, created a project with CRR in five districts spanning the northern region, with two sub-counties per district for a total of ten research sites. Our goal was to identify 1) male and female definitions of SGBV, 2) forms of SGBV perceived as most prevalent, and 3) implications for NGO services. This article briefly addresses findings and offers preliminary recommendations for NGOs and government entities offering SGBV-related services. Although both men and women can be perpetrators and survivors of SGBV, this article primarily focuses on women's experiences.

A central finding of the research was that a significant disparity in male and female definitions of SGBV exists, while which forms of SGBV are perceived as the most common vary. Women overwhelmingly responded that the most common form of SGBV is denial of access to household resources and/or land ownership. Many women volunteered a similar example: a woman is married to a man who owns agricultural land, but after the man sells their harvest at the market, he does not spend the profit on household items or children's school fees. Instead, he uses the money without consulting his wife, often on activities that women protest, such as purchasing alcohol or procuring another wife. Women believe distributing household resources should be a joint decision between the husband and wife, though men often spend money earned by both spouses. Arguments over household resources often lead to domestic violence. Additionally, if women are widowed, they are often not provided for according to customary or formal Ugandan law. Conversely, male participants overwhelmingly cited physical violence as the primary form of SGBV in their communities. When identifying the most prevalent forms of SGBV, responses varied, but there was a continuity of responses when discussing causes of SGBV. In nearly

every community, both men and women cited alcohol as a primary cause of violence.

Finally, we were also interested in documenting community responses to SGBV incidents. Although women consistently expressed economic as the most common form of violence, they spoke only about physical violence with regards to community responses. This bears more consideration and further research. Concerning physical violence, both male and female participants reported difficulties in handling incidences of SGBV after they occur, including healthcare access, police involvement, and community stigmatisation of survivors. Often-times healthcare facilities are far from villages and are physically and financially difficult to access. It may take days for a survivor to reach a health facility and trauma the evidence of the incident may have healed. Poverty is an access barrier for many, and the cost of transportation to a health centre is also often unfeasible.

Participants also cite problems with police involvement in SGBV cases that deter their use. Again, finances influence SGBV police-reporting. Police are perceived as corrupt while police themselves argue they are underfunded; officers ask for money for transportation of the perpetrator and stationary costs. The amount officers request is more than the survivor can afford. Additionally, if police officers are the perpetrator's friends, the case is not investigated. The survivor may then be in more danger than if she had not reported. If a survivor feels as though the police will not take the case seriously, she often chooses not to report. Survivors are confronted with stigma from the community as well. Community members, even after SGBV education, will stigmatise the survivor, blaming her and shaming her family. Particularly if a woman or girl is raped and a child is born of that incident, the child will be ostracised from the community. This is particularly problematic in a society whereby inheritance and lineage is passed from father to son; if the father is unknown or does not claim the child, the child has no clan or family identity.

Since the internal displacement of nearly two million

Continued on page 17



## Reaching greater heights

How we organised to present our petition and what is next for the Women's Advocacy Network

EVELYN AMONY WITH VICTORIA NYANJURA

IT STARTED WAY BACK when we women decided that we should gather, document and present the problems we went through and the challenges we continue to face to the government.

After that, I remember when the Women's Advocacy Network (WAN) met and came up with an idea together with Boniface Ojok, the former project coordinator of the Justice and Reconciliation Project. He told members of WAN that their issues of concern should be written down so that we can invite the First Lady of Uganda to help us.

The real issue, the petition, kicked off at Churchill Courts in May 2013 during the WAN anniversary celebrations (and the launch of *Adyebo: The Wild Plant*). The speaker for the Gulu District Local Government council came up with the suggestion that the District Local Government (GDLG) could help the women to present a petition on the issues affecting them as a result of war.

We WAN members compiled the challenges that we were going through and it was documented in the form of a petition which we presented to GDLG. They welcomed it but referred it to the Social Services Committee to make a follow up and investigate whether what we said in the petition was true. After their visits to all the ten groups

of WAN, the Committee made a report to GDLG, which adopted the petition and decided that it should be taken to Parliament.

We later presented it to an association of Acholi parliamentarians who welcomed it and advised us to redraft it and told they would help us to present it to the Speaker of Parliament. Thereafter we presented it to the Uganda Women Parliamentarian's Association (UWOPA) instead of presenting it to the Speaker since Invisible Children had already presented their petition.

*The day our petition was tabled in parliament, I was happy because our issues raised in the petition were so touching that even the Member of Parliament who moved the motion to adopt the petition cried immediately after tabling it.*

During this whole process we certainly faced challenges. One was the delay to act and adopt our petition by GDLG, who took some time to send their committee on the ground, which hindered the flow of the petition process. Some people who had heard about the petition also criticised it because they felt that its area of coverage was too narrow and should be redone to capture all the districts in northern Uganda.

I felt very honored when our petition was being presented to UWOPA. I was so happy because my presence as the chairlady of WAN was recognised. I had to make a speech to prove that we the WAN members were present and that the petition was real and not being exaggerated. I was also relieved after witnessing how the UWOPA members who were present welcomed us and I could tell that they were willing to receive our petition. What saddened me, though, was when I saw the Chief Administrative Officer (CAO) of Gulu district move out after my speech with apologies because he was not feel-

ing well. A few days after that he passed on.

The day our petition was tabled in parliament, I was happy because our issues raised in the petition were so touching that even the Member of Parliament who moved the motion to adopt the petition cried immediately after tabling it. This showed me that the representatives had realised that all along they had ignored many things that we women were going through. That was also a day that I witnessed that all MPs in the house, be it from the ruling party or the opposition, were united and positive in seconding the motion. It showed me that our petition was something important and unique. This was witnessed when the resolution calling for the government to address the needs of war-affected women was unanimously adopted.

Immediately after I got the information that the resolution was adopted I thanked God for how far we had reached so far. If I had money I would have organised a serious party for WAN members to come together and jubilate. The adoption of the petition has made my work easy these days because members are happy and are willing to participate fully.

The approval of our petition by GDLG to petition the Speaker of Parliament was an achievement even though we ended up presenting it to UWOPA. The most outstanding achievement was when the petition was tabled before Parliament and later adopted as a resolution. Another is that for the first time WAN has been able to advocate at the national level and is now exposed to all regions within the country. There are those that did not know much about WAN, but now we are known in different parts of Uganda and even internationally.

As a way forward, I believe that here is a need for constant follow up on the resolution that was adopted so as to make sure that it is acted upon. We, as WAN, should organise ourselves to meet the First Lady, the mother of the nation, to present these issues to her and hear her say on them, and then later meet the president.

There is also a need to expand WAN and make it reach all the districts in Uganda that were affected by war. This will enable us to have one common goal as advocacy. WAN should also organise regional meetings with women who have gone through similar experiences in other countries so that they can meet and share.

If these steps are followed, I believe we will reach even greater heights. □

northern Ugandans during civil conflict between the Government of Uganda (GoU) and Lord's Resistance Army (LRA), non-governmental organisations (NGOs) have proliferated throughout the region. Conflict ruptured sociopolitical, -economic, and -cultural norms; lack of infrastructure and social services remain problematic. NGOs continue to flood the region, offering aid for pervasive problems, including sexual- and gender-based violence (SGBV).

As such, several recommendations for NGO interventions and community-based work emerged from this research. Participants themselves recommended more awareness and education events to raise consciousness about SGBV and suggest methods for resolving SGBV-related incidences. The research team specifically offers three recommendations to NGOs working throughout the region.

First, although both men and women can be survivors of SGBV, NGOs often only incorporate women in dialogue or educational initiatives about SGBV. Men also need to be included in events and conversations to help prevent SGBV, foster education and dialogue, and recognize that they may also be survivors. Second, although women overwhelmingly cite economic forms of violence as most prevalent in their communities, NGO initiatives often do not target this need. If SGBV is conceptualised as economic, then programming should focus on mitigating inequitable distribution of resources and land ownership. Finally, participants recommend offering services or programs at the grassroots or micro-level. NGOs often work at the sub-county level rather than in small towns or villages. As a result, some communities consistently receive support programs while other communities receive none. It is more expensive both in terms of time and cost to reach out to the small villages but is necessary if programming is to have an impact.

Although NGOs have been implementing programs and events targeting SGBV in communities and the GoU has adopted legislation addressing SGBV and domestic violence in Uganda, there are many avenues available to address issues that continue to pervade SGBV in the northern region. Involving and targeting grassroots communities and including men and women in programming and outreach are two ways to begin improving existing programming. □



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Training Program at Christian Brothers University, supported by Grant Number T37MD001378 from the National Institute On Minority Health and Health Disparities.<sup>1</sup> The team is immensely grateful to CRR for hosting the research; we look forward to continuing our work with organisations, reaching out to communities and developing better programming in collusion with them. The content is solely the responsibility of the authors and does not necessarily represent the official views of the National Institutes of Health.





## A historical perspective on gender justice

How 1950s Acholi women advocated for themselves with an attitude of calm competence

MARTHA LAGACE

*60 years ago, a female anthropologist in Acholiland witnessed and documented how Acholi women protected their rights. In this article Boston University PhD student, Martha Lagace, uncovers the unique story of how grassroots women worked together to protect their rights and freedoms, as a fitting precursor to the Women's Advocacy Network.*

**O**NE OF THE CONSEQUENCES of violence and upheaval for decades in northern Uganda has been the relative scarcity of writing about gender relations in this region over time. Fortunately, a little-known but remarkably rich collection of notes, interviews, records, and observations by an American anthropologist, Paula Hirsch Foster (1930-1997), may help to fill this gap.

Born in Hungary and a survivor of the Auschwitz concentration camp, Foster lived with Acholi families in Gulu, Patiko, Padibe, and several other localities between 1954 and 1958. Her subject was the life cycle of Acholi women from birth to marriage—and much else, too. Indeed, one of the marvels of encountering her work, which fills 15 boxes in Boston University's African Studies Library, is to find detailed descriptions of people's lives and activities in Acholi 60 years ago, and to wonder what, if anything, events long

ago can tell us about the present and future of northern Uganda. Even though Foster's main topic was women, she knew that women could not be understood without attention to men, to gender relations, and to many facets of life that affected everyday and ritual interactions concerning the sexes, such as kinship, religion, land, markets, food and drink, and health and illness. While men and women got along amicably in most situations, Foster discovered a dark side, too.

It bears emphasizing that the 1950s, when Foster conducted her ethnographic research here, was a pivotal period in Ugandan and African history in the run-up to Independence. It is thus important to consider the larger political landscape of transformations in colonial, capitalist, and customary power. By this time "landscape" was, quite literally, a big concern in this region: Land, and related notions of property, ownership, and territory, were being tested in ways that inevitably created interpersonal strife.

The gender relations that Foster observed might be seen in this light, too. In theory, women were constrained within the patrilineal social structure—arguably as property. In reality, however, gender roles were more flexible and open to contestation. As Foster wrote, "In everyday life Acholi women have a considerable freedom of choice and enjoy many informal privileges in the sphere of food distribution, determination of children's spouses, regulating gift exchange and commercial activities. These customary rights of freedom of choice are so universal in the society that they are the accepted norm and only when crisis situations occur such as frictions between husband and wife or parents are they challenged."

One such crisis in 1950s Acholiland was sparked by women's growing freedom of movement. Al-

though Okot p'Bitek, in his novel *Lak Tar* (White Teeth), describes women happily setting off by bus from Gulu to Kampala, Foster knew that not everybody relished women's comings and goings to points near and far. In fact, in Patiko Kal, some elders—how many is not clear—tried to enlist the power of colonial authority in order to institute a harsh Pass Law that would have limited women's travel outside clan territory. As Foster describes the effort, however, the elders did not get very far—thanks to the collective response of women. When women pulled together and did so outside a formal system of justice, they safeguarded their important freedom of movement.

### Running away

Despite numerous cases of wife-beating—it was indeed a serious problem in the 1950s—it also appears that many women did not stay in unsatisfactory or abusive marriages: As men said, “They run away.” The phenomenon of “running away” in search of a better life might offer a link between the general societal problem of wife abuse and an attempt in 1956 by the elders to keep women close to home. These elders, acting on behalf of their entire lineage—or so they claimed—submitted a proposal to the Acholi District Council requesting the introduction of a Pass Law for women. The Pass Law would entail that no Acholi woman could travel on buses unless she showed a pass signed by her husband or father. Furthermore, the proposal, adopting the forthright language of colonial law, specified that “any woman found away from her lineage territory without such a pass should be arrested for vagrancy and assigned to hard labor in prison for at least a year or so.”

The District Council rejected the bill as inappropriate for council legislation. It also cautioned the elders that “such a law would make Acholi men the laughing stock of the whole of Uganda.” At this rebuff the elders tried to enlist Foster, to her chagrin, to translate the bill into English. (Younger men had already refused to do so.) The elders wanted to send the bill directly to the Governor of Uganda along with a request for Protectorate police enforcement.

Foster, probing the source of the elders' concerns, realised that the real target of the Pass Law was not just women: Rather, the law was meant to send a stern message to young Acholi men. As she explained, “From [the elders'] conversation it became clear that

they regarded the behavior of women as a consequence of the encouragement they received from the younger men [...]. It became evident that though they were worried by the behavior of women they regarded it as a symptom of the disregard of traditional values and attitudes by the younger generation of men. What worried them was not so much the behavior of women as the loss of control, the loss of *patria potestas* over their own wives and children of both sexes.” Alas, Foster did not elaborate on what exactly she heard about “encouragement ... from younger men.” Possibly it was a reference to the fact—as she describes elsewhere—that young women were increasingly choosing their own sweethearts and husbands rather than relying on older relatives to play matchmaker. Such free choice would presumably have affected traditional practices.

### “They always abuse us for nothing.”

In any event, Foster declined assisting the elders with English translation. She told them the Governor did not legislate such matters. The elders refused to give up. By this point, of course, the local women were well aware of all these machinations and were becoming annoyed. According

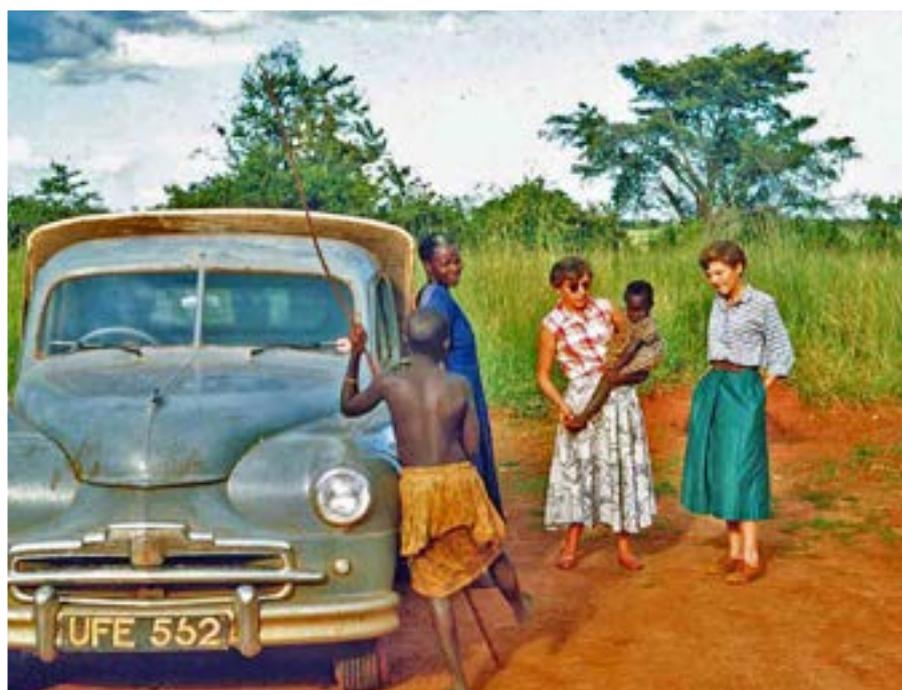
to some women, “Since time immemorial laws or any other inter- or intra-lineage disputes for whatever reason have been usually expressed as being over women.” Others bemoaned the fact that Acholi wives were regularly accused of being “troublemakers, poisoners, and whores.” Most women, however, remarked, “*Giyetowa nono jwi*”: They always abuse us for nothing. According to Foster, “Most of these comments were given in a matter of

*Foster, probing the source of the elders' concerns, realised that the real target of the Pass Law was not just women: Rather, the law was meant to send a stern message to young Acholi men. As she explained, “From [the elders'] conversation it became clear that they regarded the behavior of women as a consequence of the encouragement they received from the younger men*

fact, slightly disdainful manner, combined with an attitude of calm competence of those who have handled this kind of problem before.”

The women's response to the Pass Law proposal was accordingly expert: not to deal with the proposal at face value but to publicise it—with gusto. Acholi women going about their daily lives in the community began referring to themselves as “the *malaya*, the whore, the prostitute, the mother of so-and-so, the wife of so-and-so.” Even newborn baby girls, the women said, should be given similar monikers. In effect the women were loudly and publicly parodying themselves as proud

Continued on page 19



deviants in a grand show of shaming any elders who dared to restrict their right to travel by bus and their freedom of movement overall.

The women’s collective actions hit their mark. Theirs was an elegantly simple tactic to shame the biased elders and make the Pass Law proposal go away forever. As Foster observed, “The resulting embarrassment of their menfolk was extremely effective in demonstrating the ridiculous aspects of the law and very often led to the discussion of particular cases that prompted this law proposal. As such concrete discussion suited all parties of the dispute very well, very soon the whole idea of this law proposal was abandoned.”

Of course, this all happened many years ago. We can safely assume the Pass Law proposal has long been forgotten in addition to the women’s terrific response. However, I wonder, despite the many years and the silences of history, it might be possible that women’s collective self-help today, whether expressed in the Women’s Advocacy Network or *holicup* groups (community-based savings and credit associations) that support their women members, is building on a long and strong foundation—as in this example of women defeating a discriminatory proposal and reasserting their rights. □



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# This is not your home -

## Land rights of single mothers who are neither divorcees nor widows

HELLEN MGHOI MSHILLA

**L**ANGECH VICKY MAKES CLOTH in a market in Gulu town, lives in a small grass thatched house as she struggles to bring up her three children aged between 13 and seven years alone. Abducted by the LRA at the tender age of 13, her eldest child was born while she was in captivity. The rest are abandoned by a man who took advantage of her beauty, and later left her for another woman.

Asked whether she has ever had land she says, “*Pe ki ngom*” (‘No land’). She ponders how her life will be without land with all these three children.

She has no parents. Her father was killed by rebels of the Lord’s Resistance Army and her mother had died as well. “*Amito ngom ento cente pe,*” (‘I want land but I do not have the money’), she says.

She tried to seek help from her maternal uncle but he told her, “*Pe aromo mini ngom pien gang wu pe kany.*” (‘There is no land to give you, this is not your home’).

“*Awinyo ma lit,*” (‘I felt really bad’), she adds sadly.

Her paternal uncle who lives in Pabbo, Amuru district, she said, had at first promised to help but on reaching there, she says she found ‘bows and arrows’. To justify his refusal to give her land, the uncle had blamed her for staying away from home for too long. For fear of being killed with arrows, she gave up her quest for land and came back to Gulu Town. She decided to use the little money she earns by making clothes to bring up her children alone.

The United Nations Development Fund for Women (UNIFEM) notes that ‘Breakdown in social stability and in law and order leaves a socioeconomic vacuum in which the subordinate position of women, their social support systems and their access to land and property are compromised by traditional and customary laws ... 80% land in Uganda is held under undocumented customary law’ (2001). It adds that in situations of recovery from war the land rights of women are intensified.

In the current reconstruction period after decades of war in northern Uganda, land stakeholders continue to grapple with old and emerging conflicts over land in the region. Although of

### Field Note

#### Occupation and Carnage: The Namokora Massacre of 1986

**L**ocated 56 kilometres east of Kitgum town, Namokora sub-county was subject to a brutal massacre in 1986. According to testimonies by survivors and relatives of the deceased, the 35<sup>th</sup> Battalion of the National Resistance Army (NRA) herded 86 community members



#### Occupation and Carnage

Recounting Atrocities Committed by the NRA's 35<sup>th</sup> Battalion in Namokora Sub-County in August 1986

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they accused of being rebel collaborators or having plans to oust the newly formed NRA government into a truck. After driving for about three kilometres, they were indiscriminately shot at, resulting in the death of 71 men and women and the injury of scores of others. Most of the bodies were feasted on by dogs and other animals within that area. Read about the Namokora massacre of 1986 in ‘Occupation and Carnage: Recounting Atrocities Committed by the NRA’s 35<sup>th</sup> Battalion in Namokora Sub-County in August 1986, JRP Field Note XIX, March 2014’, available on [www.justiceandreconciliation.com](http://www.justiceandreconciliation.com). □

recent there has been positive progress in the protection of general land rights of women, the plight of single mothers like Vicky demand for more intensive action.

The situation is also hard for women who have never been abducted, are not divorcees or widows, as existing advocacy strategies and law reforms for single mothers mainly focus on widows and divorcees, and do not explicitly mention the case of single mothers who are neither divorcees nor widows. Such is the case for 36 year old Monica Ageno in Gulu, a mother of three children, who was never abducted and who has learnt the hard way to be a single mother. She joined a small enterprise savings group which she says has helped her to at times get petty loans. She services the loans with the little money (often less than ten thousand) she makes per week by braiding and plaiting hair from the small house she lives in. The profit she makes cannot pay for a separate business premise. Her life, as she says, is “a struggle”.

She knows nothing about her legal land rights. Asked why, she remains quiet. She admits that she has never thought of whether she

and her three children have any right to any family land. She says if she had money she would purchase a piece for herself.

“My mother never had land,” She explains in an interview in Gulu on 19 April 2014. “I think my father had land, but because they had separated my mother never got to use it.”

Monica therefore, has had no role model who could impart the skill of pursuing her right to land or even the lands that her three children are entitled to by law.

The cases of Vicky and Monica are examples of the traumatising cycle of stress and complex deep rooted land rights challenges that women affected by war face.

In Uganda between 70-90 percent of land is governed under customary land tenure system which is biased against women (USAID, n.d., *Country Profile: Resource Rights and Resource Governance- Uganda*). Moreover, the customary courts do not specifically address the kind of land related challenges that mothers who have never had husbands face. Efforts to address land rights of single mothers who are neither divorcees nor widows have so far focused on the former Lord’s Resistance Army child mothers.

Kindi (*Challenges and opportunities for women’s land rights in Post Conflict Northern Uganda: Micron Research Working Paper 26, 2010*), found that while customarily in northern Uganda, an unmarried woman should receive land from her parents, in practice this was often impossible. Northern Ugandan children born out of marriage may be chased away by land grabbers within their family circles for behaving ‘badly’. She notes that men involved in land disputes in Amuru district still held ‘a strong patriarchal attitude about customary land.’

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This writer therefore recommends that efforts be accelerated to salvage land rights of single women of all categories.

This needs to be backed with intensive research especially including those who have never been in LRA captivity. □

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greet mediator, Riek Machar, at the Juba Peace Talks. Courtesy of Lina Zedriga Waru.

## I am not a victim, I am a stakeholder

### How women advocated to be part of the Juba Peace Talks

ORYEM NYEKO

**I**N 2006, AFTER YEARS of negotiations the leaders of the LRA and the government of Uganda finally began talks to end the conflict in northern Uganda and its neighbouring countries. Having suffered for over two decades, many northern Ugandans saw this as an opportunity for peace in the region.

The discussions began in July 2006, but were stalled when LRA leader Joseph Kony pulled out in 2008. The comprehensive Juba Peace Agreement, although unsigned, gave birth to Agenda Item No. 3, which has proved crucial in the setting up of transitional justice mechanisms to deal with the numerous post-conflict issues faced in Uganda.

In spite of the mixed success of the talks, Juba was noted for its lack of involvement of women at the discussion table. Statistics by UN Women's *Women's Participation in Peace Negotiations* report shows that only a fraction of the negotiation delegates included women (a factor which it notes may have influenced the agenda for discussion). This is not unique to Uganda, and reflects much of the growing concern surrounding the implementation of the United Nations Security Council resolution 1325 of 2000 which calls for the greater involvement of women in repatriation and resettlement, rehabilitation, reintegration and post-conflict reconstruction.

Lina Zedriga Waru, an accomplished activist and a self-described "mother and war-widow", believes the involvement of women in peace building is vital to both securing a women sensitive agenda in peace negotiations, and in securing peace as a whole. Women, she says, think "with their

hearts and not with their stomachs."

In 2006, she was part of a women's movement, known as the Women's Peace Coalition, that came together to march to Juba after finding that women were not adequately involved in the peace talks. This remarkable story is highlights the value of collective advocacy. In her own words:

#### On the Juba Peace Talks

"[Before the peace talks began], we realised there was no woman on the government delegation. So we tried to meet with the stakeholders – such as the members of the Uganda peace team but we were told that 'the issue of women will wait. They don't have to be at the table.' But we knew as women that we needed to be at the table, we needed our issues to be enshrined in the agreements. So we decided to mobilise outside of northern Uganda.

After we mobilised, we approached (UN Goodwill Ambassador and former Member of Parliament) Honourable Phoebe Asiyo from Kenya to be our ambassador because we wanted to say that this is a regional war and everybody must take the responsibility to protect. She was able to bring a peace torch from the DRC, with a team of women from DRC and Rwanda, and we marched through the streets of Kampala. We delivered this peace torch with commitments in the Parliament of Uganda. We kept vigil.

After that we staged a one week march to northern Uganda, to Kitgum, with the Peace Torch. We had a stopover in Corner Kamdini, to wait for the women from West Nile and Karamoja. By the time we reached Kitgum the caravan had actually blocked all the roads. It was described by one of the journalists who came with us as the '19<sup>th</sup> Century Pied Piper'.

It was so powerful that when we reached Gulu, the President himself, who had refused to see us, decided to fly to Gulu to meet us. We were very strategic as we sent for him women he didn't know and not the leaders. The fact that we came from *beyond*, women demanding that this war must

end and demanding that peace must be given a chance, was very powerful. And then the District leaders all came to support us. Gulu received us from Ciro Leno with a band and we were singing war songs and we went to radio. Kony himself called and said, 'How many women are ready? I can have all of them on my team.' On radio! That was very powerful.

We delivered the Peace Torch in Juba with the Women's Protocol for Peace which made demands about how we wanted the peace agreement. When we look at the agreement, Juba Agenda Item No. 3, Clause 10 and 11 specifically has a provision for inclusion of women's issues and children, but specifically for UN Security Council Resolution 1325. They just got it! The other outcome was that we got a slot for a woman, Santa Okot, formerly MP for Pader. We also got a request from Riek Machar, who was then the mediator, to have women as technical advisors to identify critical issues and engender the process.

What we felt we lost was the proposal that there should be a truth and reconciliation commission set up. There are people out there hurting and they would like to be included. We would also like women from the internally displaced person's camps to be part. They can be given translators. You don't need to go to a classroom to understand the issue of how you contribute to the core issue of reconciliation.

One of the things we did and we did right, was the fact that we did country wide consultations. We documented what people were saying at the regional level, national level, IDP camp level. So we had evidence and our movement was driven by the grassroots. We did a rapid assessment of really what the key issues that people want to see and how do the communities felt about this war. People were so fed up.

[The responses from the different regions were] consistent because we had our evidence that the dead bodies were not only from here. People were being buried silently everywhere."

#### **On lessons learned from advocacy**

"I have learned from women's movements that if you do not involve men, the thing will not succeed. The men will treat only involving women with suspicion and sabotage it. They will say, 'You leave your UN Security Council Resolution at the gate.' So we started

the men engage program.

We have to really engage them as the change makers and as the advocates. They are not the problem – it's the society, the system. We have to work together to deconstruct as a team."

#### **On women's role in peace-building and advocacy**

"Women take decisions with the heart, not with the stomach. We are socialised to use 'needle logic' in conflict resolution. When there is a tear in a cloth and you use the needle it mends, but if you use the knife – like some of

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these justice mechanisms, you are wrong, she is right – you will still go on hurting and we will not be coming together to constructively engage. We will still continue to want to tear ourselves apart. You will plan revenge wherever you are. We need to employ that needle logic and women are so good in doing it.

#### **What advice do you have for women advocates who face hostility towards their advocacy, their coming together to promote peace in their intrinsic way? If women are excluded from discussions that would involve them, or that people are not willing to listen to them, what strategies should they employ at their own level to achieve their objective?**

"We have been culturally socialised to believe we are less human. We must have women personally master that their decision is right and that it is good. They need to feel confident, assertive, and personally important.

The perception that women are sexual objects and are workers should be demystified. It is being demystified, because the way we are raising our children we are not raising them with discrimination. We [also] need to document the lives of women who are successful. We also need to make sure we encourage and set up support mechanisms to encourage them and not divide their families."

#### **Why do you choose not to be labelled a 'victim'?**

"I am not a victim, I am a stakeholder. The issue of victimhood makes you powerless. It makes you inhuman, it is

degrading and it is cruel. We are very powerful. And I say nothing about us without us, because anything about me without me is not for me. It is not within what I want and it is not within my minimum standards. [As a person] you need to make sure are confident and carve out your own identity. This makes you feel powerful! Yes, because victimhood makes you powerless."

#### **On the Nigerian Boko-Haram abductions**

"The women waited and waited. What have they done? They have decided to start matching. They are demanding accountability. And now they need to scale that up. It should not just be an event. One thing we do as women, we organise events and people will say, 'They'll make noise and go.' [Instead, they should] organise a sustainable advocacy space or item. Let it be in a series. Let people shift uncomfortably in their chair. And when they think it is going to cool, they will be seeing another activity.

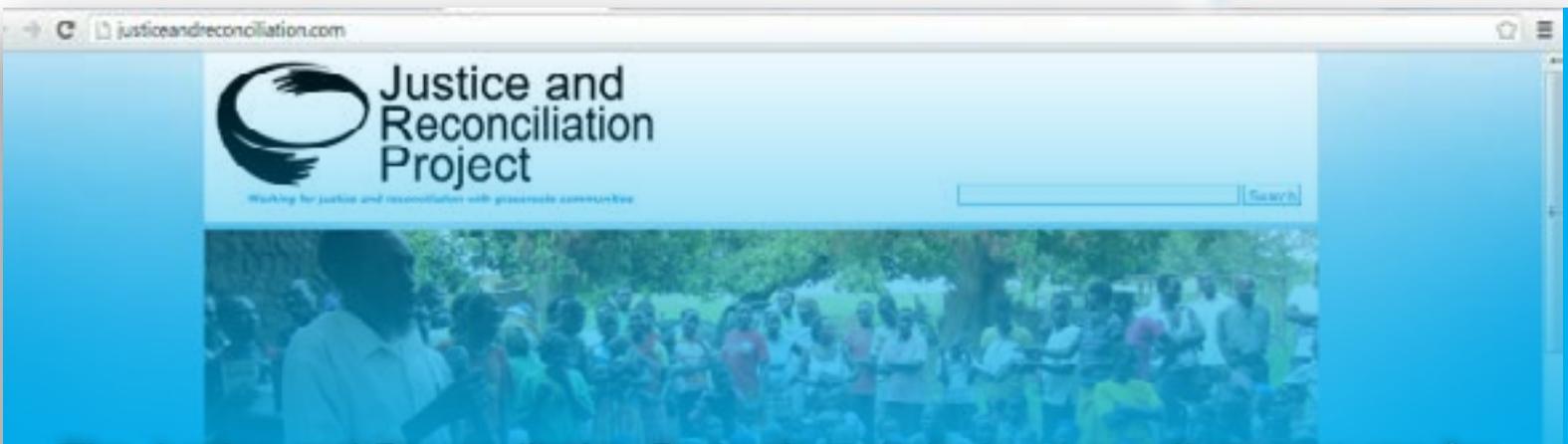
We should place ourselves as the neck and continuously turn the head our direction. And do it continuously. The neck doesn't get stiff. If it gets stiff, you go and get a vapour rub [laughs].

[We must] also, organise and provide alternatives and relate these issues hereto the global, to the regional. For us as women, we have to remain focused. We have to not struggle to be the speakers or to be the people in prominence and make sure that you are continuously speaking the same voice, representing the concerns of the community's and not our personal interests."

#### **On travel to Gambela, Ethiopia**

"The South Sudanese have been displaced in their thousands. They don't know what is happening in [the peace talks in] Addis Ababa. They are stuck, so we [women activists] are going on a solidarity visit. Your neighbour is in problems, you don't need an invitation to go there. You just announce yourself with a bowl of soup or porridge. We are going on a solidarity visit and saying your hurting is our hurting. We need to make sure that we wake up and take action. We should not sleep. We should make demands on both the rebels and the government of South Sudan. Then we also want to see how we can come up with the women's protocol to the Addis peace process, holding them accountable to the comprehensive peace process as women." □

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