



Victims centred reparations programming:

The role of the victims.

A paper presented at:

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and reparation for victims of the conflict in

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The Chairperson,

The Honourable ministers present,

Distinguished Ladies and Gentlemen

I am privileged to have this opportunity to give a presentation on “Victims Centred Reparations Programming: the Role of Victims” to this Thematic Conference on the Right to Remedy and Reparations for the victims for the victims of the conflict in the greater North. Fore most, I would like to appreciate United Nations Office of the High Commission for Human Rights, UN Women and Uganda Human Rights Commission for organizing this conference. I thank all those who have made presentations during this conference and all have indicated crimes were committed and something needs to be done to appease the sufferings of the victims.

I am Nathan Ebiru, The Chairperson Uganda Victims Foundation and the Executive Director Amuria District Development Agency going to present the paper on behalf of all the Civil Society working for the rights of the victims in the greater North.

The Chair, distinguished Ladies and Gentlemen, my presentation will focus on 4 main areas:

- i. The post conflict impact of the conflicts on the lives of the victims.
- ii. The needs and priorities of the victims.
- iii. The role of the victims in the design, development and implementation of the reparation programmes in Uganda.
- iv. Suggested recommendations for action.

Before I proceed to give my presentation, allow me give brief information about Uganda Victims Foundation, an Organisation I represent in this conference.

Uganda Victims Foundation

1. Background.

The Uganda Victims' Foundation (UVF) is a coalition formed in 2006 by 30 human rights and civil society Organisations in the greater Northern Uganda working with victims and on victims' rights issues. Its goal is to lobby and advocate for victims' rights in respect to the violation of peoples and human rights focusing at the conflict in the greater northern Uganda.

2. Objectives:

- Raising a voice for victims of crimes including victims of international crimes perpetrated in Uganda.
- Undertaking research, documentation and information dissemination on issues related to human rights and the rights of the victims.
- Capacity development of Organisations working with and on the rights of victims on human/victims rights, Justice and Reparations and other key thematic areas related to human rights.
- Engaging with government, state and non-state actors to lobby and advocate for accountable actions in favour of the victims of crime.

3. Achievements:

- Uganda Victims Foundation has been able to publish position papers on remedy, reparation, international crimes bill now law and the of the rights of the victims in the greater North
- Engaged with different state and non state actors on victims' rights.
- Trained member organisations in the areas of justice, remedy and reparation.
- Undertook consultations with the victims seeking their views in issues of reparation, remedy, justice and human rights.
- Conducted outreaches highlighting issues of the International Criminal court, International Crimes Division of the high court and the role of the victims in the workings of the courts.
- Undertook documentation of atrocities committed in the greater north.

Post conflict impact of the GOU and LRA war to the victims in the greater North.

Through the consultations conducted in the greater north, the victims raised issues affecting them as a result of the conflicts.

- ✚ Many victims who left IDP camps for their villages have met challenges and consequences of abandoned unexploded ordinances creating threats and loss of lives. For example a grenade exploded and killed one youth in Amuria and injuring 4 others with similar incidences reported in Lango, Acholi and West Nile.
- ✚ The fire arms illegally acquired during the LRA and GOU hostilities and conflicts either during active combat, fleeing LRA fighters or LRA rebels and failure to declare them or hand over to government are currently being used to terrorize the community, solving land and other conflicts, stealing and looting leading to loss of life, property, assets and fear among the community members.
- ✚ There are conflicts and tensions with preconceived assumptions on the others involvement or roles in the conflicts have increased in families and communities with incidences accusations labelled against mostly the Acholi community for the atrocities committed by the LRA to other communities in the greater North.
- ✚ Increased cases of gender based violence in the community with many men withdrawing leading a live of desperation, drunkardness and failing to take their roles in the females.
- ✚ Many victims still live with serious injuries of arson, bullets and machete wounds inflicted on them. Others have retained bullets, land mine, bomb fragments and shrapnel in their bodies directly inflicted either by the action of the LRA atrocities, UPDF aerial bombardment or were caught up in combat exchange between the LRA and UPDF and its militia. This has negatively impacted on their health condition and socio-economic life with inability to effectively engage in active production and other social activities.
- ✚ Many children were orphaned during the conflicts and are in a dire need for care and support that the community and family support systems are unable to provide

perpetuating a high rate of school dropouts, more child headed & women headed families unable to provide for their families, marrying off of young girls as a measure to support the family, early engagement in sex for income to the household/families and increased sexual consequences and complications.

- ✚ Most women and girls subjected to sexual crimes have developed Gaenocological complications, fistula and other sexual related infections including HIV/AIDS that require high level of medical care and treatment which they have not been able to access due to lack of specialized medical services within reach, distance from the health facilities and high cost of medical services. This has led to stigmatization, rejection; isolation and discrimination with reported cases of divorce and family break up.
- ✚ The impact of forced marriages and child bearing for girls is physical, mental and psychological in nature negatively impacting on their health and well being with some communities and families not receptive to the children born in captivity leading to continued isolation, stigmatisation and discrimination of the child mothers and their children.
- ✚ Child mothers have had a choice to make between going back to school and taking care of their children through doing household chores that support their up bringing. Child mothers who are in school face isolation, discrimination and stigma further traumatising them hence affecting their performance with many dropping out of school.
- ✚ Children born in captivity have no inheritance and regarded have no clan and therefore isolated, discriminated with increased stigma caused to both the mother and the child. Some child mothers married to other men have had their children born in captivity rejected by their new husbands and are often in the care of the grand mothers who meet challenges in providing for their needs like education, health care, clothing, dressing, bedding and other social support in addition of being discriminated, isolated and stigmatised by some members of the clan and the community who are not receptive to the children.

- ✚ Land wrangles and disputes have become common leading to loss of life. Women, widows, orphans and the vulnerable groups have heavily been affected with many losing land to the relatives to their demised bread earners or husbands or other members of the community.
- ✚ Many victims have not fully regained their land formally occupied by camps and where army and police units were established. Some of the land is highly degraded and therefore not productive with other areas transformed into trading centres and the people living there in are not ready to evacuate.
- ✚ The cultural norms, values and practices have been destroyed affecting traditional and cultural support systems leading to increased early marriages and pregnancies, delinquency, disunity, selfishness and rampant poverty with weakened and devastating economic, social and cultural services negatively affecting the health and social wellbeing of the victims and the entire community.
- ✚ There is increased HIV/AIDS prevalence in the greater north mostly affecting women and girls in addition to acute psychological, mental and health related consequences.
- ✚ Some of the local militia and the regular government forces who fought back the LRA were injured, mentally affected or maimed and cannot effectively engage in productive life and or care for their families some of who have been divorced by their women for failing to provide for the basic needs of the family and meeting other matrimonial needs. Others died in combat living widows and orphans with no support whatsoever.
- ✚ There has been no effective compensation for the demised UPDF and militias, those injured or maimed and mentally disabled to enable support their families. Any reported compensation was reported was done partially with survivors still waiting for full compensation pledge from the government of Uganda.
- ✚ To a worse note, some of the widows remarried living orphans without parental care but under the management of grand parents leading pathetic conditions some

of who are not attending school due to inability to meet school requirements and other basic needs.

- ✚ The social infrastructure (hospitals, road network, medical clinics and schools) in the villages were destroyed during the LRA and GOU conflicts and were then concentrated around the camps to support the victims displaced. With the increased return and resettlement, there are challenges related to inadequate basic social services in the areas of return thereby slowing down the trend of resettlement.
- ✚ The children abducted face discrimination, isolation with increased trauma as they are labelled rebels and accused of directly participating in the crimes against the community. The amnesty certificate given to them has worsened the situation as it gives a confirmation on their direct role in the conflicts.
- ✚ The over twenty years of war, pillaging, destruction, abduction, displacement and loss of life turned the greater north into a humanitarian disaster thereby affecting the development trends in the region making it the most underdeveloped in the country. As it grapples with the effects of the war, it still faces development challenges that need to be addressed to enable it match with other regions in the country.

Victims' priorities

Introduction:

From the interaction with victims and victim communities in the greater North, victims recognize the government efforts taken to bring Northern Uganda to the same footing with the rest of the country in terms of development through design and implementation of community focused development programmes such as NAADS, PRDP, NUSAF, NUREP and ALREP that have done a fundamental contribution to the general lives of the people in the region. However, these programmes have not been able to address specific needs, interest and priorities of the victims and have not directly benefited from them as victims as some of the programmes required a

matching contribution from the beneficiaries that most victims could not afford. The women and girls particularly have not been directly targeted and their needs and priorities have not been met by the government programmes. The following are sighted as the main victim focused priorities that need to be addressed to ensure victims directly benefit and their needs addressed.

1. Promotion of livelihood support and rebuilding of production assets and capacities of the victims destroyed during the conflicts forms the main priority of the victims among which includes provision of production assets, access to land, improved seeds and planting materials, land opening capacity, accessibility to cheap financial services for improved income generation and availability of markets and market opportunities.
2. Provision of adequate, effective and prompt medical care, physical, mental and psychological rehabilitation for injuries suffered during the conflicts. Specialized medical services package for women with Gaenocological consequences, fistula and other sexually related complications.
3. Most abductees on return could not go back to school as they had out grown the school going age. Others failed to coup up with the trauma, stigma and discrimination they faced after attempting to return to school in addition to inability to meet school requirements and therefore dropped out of school. However, victims prioritize development of education programme that specifically targets basic education and survival skills training for the returnees while focussing at the gender differences.
4. The conflicts in the region saw pillaging, looting, killing, destruction of property and assets, damages occurring to the community, individuals and families. The victims call for direct and unconditional compensation of the losses/damages and to all the individuals and communities that directly or indirectly suffered losses/damages during the conflicts in the region.
5. The victims prioritize transparent, adequate, effective and prompt legal justice system that will enable them reclaim, repose and inherit their production assets

and household property; investigate, prosecute and try perpetrators of crime they were subjected to during the conflicts.

6. Victims prioritise general rehabilitation, rebuilding, reconstruction and repair of the damaged social infrastructure in the region to enable adequate, effective and prompt delivery of services to the people in the areas of return.

Perceived needs of the victims

With the consultations conducted with the victims, the following featured as the pressing needs of the victims of war that needs to be addressed.

1. There is an outright call for the government of Uganda to make an acknowledgement for the crimes and violations suffered by the people in the greater north and publicly make apology for failing to protect the people and prevent the occurrence of the crimes and atrocities from being instituted as it will acts as a healing processes.
2. The victims further need the government of Uganda to make a guarantee for non reoccurrence of the atrocities and giving assurance of non recurrence of the similar acts in future as this build confidence among victims as they return and resettle to their original homes.
3. Victims need to independently participate in the court proceedings with the lawyer of their choice paid for them to increasingly articulate their concerns against the perpetrators with increased protection and security offered to them.
4. There is a need for the national forum through which victims come together to share the experiences of the conflicts, share with government and other development partners and chart a way forward for the welfare of the victims.
5. There is need for adequate, effective and prompt unconditional reparation for the harms suffered in the greater north with the government of Uganda taking full responsibility.
6. There is need for the construction of infrastructure such as schools, roads, bridges, museums, public libraries, health centres, vocational institutions, memorial sites

and monuments with the institution of memorial victim days and activities to reckon and commemorate the atrocities committed during the conflicts and atrocities not only in the greater North but in the whole Uganda or worldwide.

7. The traditional justice system should be applied along side judicial justice as it promotes truth telling and reconciliation. The LRA and all those who participated in the conflicts should acknowledge the crimes committed in the greater north and publicly apologize for failing to prevent the commission of the crimes and atrocities for purposes of promoting accountability and reconciliation.
8. There is need for the information on the where about of the missing dear ones whether dead or alive with alternative opportunities for reunion or burial of those who died.
9. The need for proper treatment and provision of descent burial for the victims that died during the conflicts.
10. There is a need for non-selective prosecution of the perpetrators of the crimes with speedy, equal, effective and prompt investigation, prosecution and trails.
11. Women and girls particularly need gender sensitive investigations and prosecution with free legal services offered.

The roles victims can play in the reparation process

Through consultations with the victims, the roles and involvement of the victims in the reparation process was highlighted and includes the following:

1. Effective and meaningful participation of victims in the design, development and implementation of the reparation programme bearing in mind the gender perspective. Mechanisms need to be developed to allow for effective and meaningful participation of the victims, victim groups and affected communities.
2. Identification and selection of the beneficiaries of the programme taking particular attention to victims of sexual crimes, physical and mental injuries, women, girls, the youth and the vulnerable groups..

3. Taking the key role in the monitoring and supervision of the implementation of the programme and ensuring that the targeted beneficiaries directly benefit from the reparation programme.
4. To have their representation in the national reparation commission, truth telling and reconciliation commission and other national bodies dealing with remedy, reparation and justice of the victims of serious crimes.

Recommendations

The Chairperson, distinguished ladies and gentlemen, permit make a few recommendations the require action to avert the current situation of the victims of the conflict in the greater north and the indeed Uganda in general;

1. The government of Uganda should institute comprehensive investigation of the atrocities committed by the UPDF and militias during the conflicts especially alleged aerial bombardment of victims, alleged destruction of social/community infrastructure, alleged sexual crimes in the camps, alleged torture of suspected rebels and rebel collaborators and alleged killing of suspected or captured rebels and those found responsible held accountable and prosecuted.
2. The Government of Uganda with support from the international community should take the role in searching for the missing children and have them integrated with their relatives while routinely giving feed back to the community on the developments of the search.
3. The government of Uganda should urgently establish a Truth – telling and reconciliation body to carry out mapping of victims, inquiry and documentation onto the facts and nature of crimes and atrocities committed during the conflicts in the greater North and indeed the entire community with the victims and victim communities taking a central role in the process.
4. The government of Uganda should consider developing policy on reparations with increased involvement of the cultural institutions, civil society organisation, victims and victim communities to guide the establishment, design, development

and implementation of the reparation programme. The reparation policy should clarify the role to be played by the government of the republic of Uganda, the perpetrators of the conflicts, the victims and victim communities, the international community, the civil society and the donor community.

5. The international community, donors and civil society should urge and support government of Uganda to develop a victim focussed comprehensive reparation programme, creation and utilisation of the special trust fund for the victims and survivors of the conflict and support the allocation of funding to the reparation programme distinct and separate from the government development programmes and ensure funding reaches the victims and survivors of the conflicts.
6. The government of Uganda should emphasize investigations on the sexual crimes committed in the Greater North putting into place opportunities in which women and girls are secure, protected and freely presenting evidence without discrimination, stigmatization and disclosure.
7. The Government of Uganda should further set special provisions for specialized free and accessible adequate, effective and prompt medical examination and treatment services for victims of sexual crimes.
8. The international community and donors should facilitate the civil society, victims groups and organisations working with victims participate in transparent national consultative mechanisms on reparation, truth telling and reconciliation.
9. The government of Uganda, international partners, and donors should empower, equip and support traditional, cultural and civil society institutions to enable undertake a multidisciplinary post conflict coping and healing mechanisms, restoration of positive cultural norms, values, principles and practices.
10. The government of Uganda should take measures to ensure that the benefits provided to LRA returnees are balanced with reparations for victims that suffered serious harms and violations of the international human rights law and international humanitarian law.

11. The International Crimes Division Court should embark on a nationwide outreach programmes concentrating on what the Court is, what it can do and what it cannot do clarifying the role and participation of the victims of the conflicts. Set guidelines and mechanisms promoting protection and security of the victims and witnesses.
12. The government of Uganda in collaboration with the international community such as the United Nations, African Union should consider recognising the victims of conflicts by instituting and operationalising the international day of the victims.
13. The Government of Uganda, the Civil society and the development partners should increase public awareness campaigns geared towards protecting vulnerable victims such as children born in captivity with the government taking a role in acquisition of public land to resettle children born in captivity.

END OF THE PRESENTATION

THANKS FOR LISTENING