

# UGANDA VICTIMS' RIGHTS WORKING GROUP

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## STATEMENT ON THE JUBA ACCOUNTABILITY AND RECONCILIATION AGREEMENT

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The Uganda Victims' Rights Working Group (U-VRWG) is a loose coalition of human rights NGOs and individuals in Uganda working with victims and on victims' rights issues. The objectives of the working group are to lobby and advocate for victims rights especially in respect to the conflict in northern Uganda. The group was formed in 2006 following an International meeting of the Victims' Rights Working Group (<http://www.vrwg.org>) in London and a second Uganda-specific meeting in Kampala. This statement results from a 3-day workshop held in Lira in October 2007, attended by some 20 organizations that are members of the group, coming from a spread of northern districts / areas including Gulu, Lira, Soroti, Pader, Kitgum, Apac, Adjumani, Moyo, Lira East, Oyam and Alito.

### THE UGANDA VICTIMS' RIGHTS WORKING GROUP,

**Appreciative** of the efforts of both the Government of Uganda and the Lords Resistance Army / Movement (LRA/M) to solve the conflict in northern Uganda through peaceful means and the consequent signing of the cessation of hostilities agreement on 26<sup>th</sup> of August 2006, comprehensive solutions agreement on 2<sup>nd</sup> May 2007 and the agreement on principles on accountability and reconciliation on 29<sup>th</sup> June 2007;

**Appreciative** of the recognition and mention of Victims' rights in the principles on accountability and reconciliation agreement particularly paragraphs 4, 8 and 9 on accountability, victims rights and payment of reparations generally;

**Acknowledging** the positive contributions made by the government of southern Sudan, the international community, human rights organizations and activists for their support in the quest and realization of victims' rights in Uganda. The group however calls upon the respective personalities to continue supporting efforts to bring lasting peace and justice in northern Uganda;

**Associating** itself with declarations and statements made in respect to Agenda Item Number 3 of Juba peace process by civil society organizations, religious groups and traditional leaders calling for accountability for any individual alleged to have committed serious crimes or human rights violations in the course of the conflict whether they are state actors or non state actors; reconciliation, respect and enforcements of victims' rights;

**Supporting** specific efforts aimed at seeing justice done for serious crimes committed during the conflict, including the International Criminal Court and possible national trials for serious crimes as referenced in the Accountability and Reconciliation agreement;

**Acknowledging** the poor victims rights culture in the country, however the group believes that respect for victims' rights is essential to the attainment of lasting peace, justice and human security;

Affirming that victims have a right to access justice, information, reparations, protection, and to be treated with dignity and respect, as set out in the 1985 UN Declaration on Basic Principles for Justice of Victims of Crime and Abuse of Power , and the 2006 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Gross violations of Human Rights and Serious Violations of International Humanitarian Law ;

Emphasizing that the LRA/M has an obligation to adhere and respect the said legal instruments in respect of victims' rights;

Observing that victims or victim groups have not been fully and actively involved in the deliberations aimed at achieving peace through the Juba peace process;

Disappointed that the LRA/M have not committed themselves in the Agreement to:

- a) Asking for forgiveness and pledging non repetition of crimes committed during the over two decade conflict;
- b) Accounting for abducted persons including women and children in their custody and those that have since died;
- c) Releasing all abducted persons including women, children, persons with disabilities, persons infected with HIV/AIDS and other diseases

Noting the peace process is taking an unreasonably long time to conclude;

Determined that the issuance of unrealistic ultimatums and threats by both parties and other stakeholders may derail the peace talks and are not in the interests of victims.

**CALLS FOR BOTH PARTIES TO CONSIDER THE CONDITION OF VICTIMS, IN PARTICULAR THAT:**

- 1) There are victims of crime and human rights violations requiring URGENT ATTENTION in the following groupings:
  - a) Medical Attention
    - i. Those with physical deformities caused by harm suffered for example sliced lips, ears, noses and other body parts
    - ii. Those with slugs and shrapnel stuck within their bodies
    - iii. Those with biological and medical disorders caused by violent sexual encounters such as gang rape etc
    - iv. Those with maimed limbs and who require amputation or correctional surgery.
    - v. Those living with HIV/AIDS and presently still in captivity or in the ranks of the LRA/M.
  - b) Psycho-social Attention
    - i. Those experiencing hallucinations.
    - ii. Those experiencing trauma and psychological disturbances.

- c) **The elderly** who have lost a livelihood and families through the war. Many of whom have been abandoned without food and other basic amenities as people return back home from the camps.
- 2) Access to justice is a primary responsibility of government; however, lack of access remains an issue of great concern.
  - 3) Absence of domestic legislation on serious crimes as defined in international legal instruments such as mentioned herein continues to leave gaps in the laws and is a source of impunity. Prosecutions of serious crimes committed during the conflict are crucial to ensuring accountability alongside other measures. Security and safety for victims in their respective communities is and remains an important issue requiring commitment and attention of both state actors and non state actors in the conflict.
  - 4) The presence of unexploded explosives such as land mines, grenades and other military gadgets in communities affected by the conflict pose great risk and danger to people resettling in their villages.
  - 5) Children that have been born in captivity during the conflict have no sense of identity and belonging given that the fathers of these children are unknown to the mothers or remain in the LRA/M ranks.
  - 6) Suggested traditional justice mechanisms to be used for accountability and reconciliation are, in their existing structures, characterized by victims' rights insensitivity, gender insensitivity, and inconsistency with established human rights standards and the Constitution of the Republic of Uganda.
  - 7) The culture of negative perceptions and attitudes by communities, state actors and non state actors towards some victims of the conflict, returnees and or former abductees promotes hostility, trauma, stress, stigma, and alienation.
  - 8) Attempts to use propaganda to induce victims to surrender their rights in the pretext of supporting the peace talks is an abuse of authority and trust.

**RECOMMENDS THAT BOTH PARTIES, AND IN PARTICULAR THE GOVERNMENT OF UGANDA, SHOULD CONSIDER THE FOLLOWING WHEN SIGNING THE PROTOCOLS ON ACCOUNTABILITY AND RECONCILIATION:**

**ON VICTIMS' RIGHT TO ASSISTANCE:**

- 1) Victims requiring urgent medical, psychological and other attention should be attended to as soon as possible notwithstanding the on going peace process through establishing respective specialized units in hospitals and health centers.
- 2) Cultural and traditional leaders should take measures to identify, provide assistance and protection to children born in captivity and ensure that they have a sense of belonging and identity.

### **ON VICTIMS' RIGHT TO ACCESS JUSTICE:**

- 3) Victims or victims' groups should be facilitated to participate actively in the peace process and in all mechanisms of accountability to ensure that their views, interests and concerns are considered, respected and implemented.
- 4) Prosecutions of the most serious crimes committed during the conflict should be conducted as part of a range of measures to ensure justice is done for victims.

### **ON VICTIMS' RIGHT TO INFORMATION:**

- 5) Accurate and adequate information on victims' rights should be provided to victims through a deliberate government programme in partnership with victims rights groups and civil society to enable them realize their rights.
- 6) The LRA/M should provide information on all abducted children and women; those dead and their burial places; as well as unconditionally release all children and women still in their ranks.

### **ON THE NEED FOR VICTIM-SENSITIVE LAWS & MECHANISMS:**

- 7) Government should enact laws and set up policies to protect abducted persons and children born in captivity from stigmatization, discrimination and denial of their rights (including inheritance rights) and ensure that they are properly reintegrated to their communities through educational, psycho-social support and other affirmative programmes.
- 8) Traditional justice mechanisms should be modified to ensure that they are victims' rights and gender sensitive in their structures, implementation and or practices, particularly women should have equal representation on any committee implementing traditional justice mechanisms.
- 9) Traditional justice mechanisms should take measures to ensure equal treatment, protection of the dignity, privacy and security of women and girls as enshrined in the Constitution of the Republic of Uganda and in International Legal Instruments.
- 10) Traditional and Cultural leaders should be trained/ sensitized in victims' rights specifically children and women's rights so that they are knowledgeable when administering the traditional justice practices.

### **ON VICTIMS' RIGHT TO REPARATION:**

- 11) A special victims fund should be set up from which resources for reparations may be drawn and the government of Uganda should take the lead role in mobilizing resources for the fund.
- 12) Any Reparations by government for the benefit of victims in the conflict areas of Northern Uganda should be managed through a national reparation commission comprised of persons of high moral character and integrity representing the government, the international community, religious leaders (UJCC), victims' groups' representatives and civil society organizations.
- 13) There should be a deliberate government programme to de-mine the war affected areas of northern Uganda so as to facilitate the quick and safe return of IDPs from the camps to their homes.

- 14) Government should promote and implement adult literacy programs, vocational and quality universal primary and secondary education for victims and victim communities including the rehabilitation of essential infrastructure like roads, schools and hospitals.
- 15) Punishments for any individual convicted of serious crimes and human rights violations during the course of the conflict should reflect the gravity of the offence without distinction between state actors and non state actors for victims to receive justice.
- 16) Provision should be made for victims to have easy access to justice and aided to have a legal representative/s to facilitate consultations and legal advice on issues relating to their rights during and in the course of the peace process.
- 17) Measures be put in place to increase access to justice for PWD's by government and civil society such as constructing more PWD friendly infrastructure including availing sign language expertise and sensitizing PWD's about their rights as victims.
- 18) The LRA/M should give full access to humanitarian aid agencies and ICRC to assist victims in captivity especially women and children.
- 19) In the process of resettlement, Victims should be provided with standard basic start up requirements including farm equipments and basic needs provided through transparent government programmes.