



Women's Initiatives for Gender Justice

Women's Voices Dwan Mon Eporoto Lo Angor Dwon Mon

A Call for Peace, Accountability and Reconciliation for the Greater North of Uganda

The Women's Initiatives for Gender Justice is an international women's human rights organisation that advocates for gender justice through the International Criminal Court (ICC) and works with women most affected by the conflict situations under investigation by the ICC.

Currently the Women's Initiatives for Gender Justice has programmes in Uganda, the Democratic Republic of the Congo, Sudan, the Central African Republic, Kenya and Kyrgyzstan.

The strategic programme areas for the Women's Initiatives include:

- Political and legal advocacy for accountability and prosecution of gender-based crimes
- Capacity and movement building initiatives with women in armed conflicts
- Conflict resolution and integration of gender issues within the negotiations and implementation of Peace Agreements (Uganda, DRC, Darfur)
- Documentation of gender-based crimes in armed conflicts
- Victims' participation before the ICC
- Training of activists, lawyers and judges on the Rome Statute and international jurisprudence regarding gender-based crimes
- Advocacy for reparations for women victims/survivors of armed conflicts

In 2006, the Women's Initiatives for Gender Justice was the first NGO to file before the ICC and to date is the only international women's human rights organisation to have been recognised with *amicus curiae* status by the Court.

Women's Initiatives for Gender Justice



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A Call for Peace, Accountability and Reconciliation
for the Greater North of Uganda

Editor **Brigid Inder**
May 2009



For the courageous women of the Greater North whose tireless efforts sustain their communities and provoke the movement for justice.

For those abducted by the Lord's Resistance Army whose return will herald reconciliation and the beginning of peace and prosperity for future generations.



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- GROUP III
- Expectations on the trials and Prosecutions:
- ① Free and fair trial
 - ② Fair judgement
 - ③ Full Protection of the Victims and witnesses.
 - ④ Natural justice should be applied
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Introduction

This publication represents the views and voices of women from the Greater North of Uganda regarding the complex issues of accountability and reconciliation in the context of the Juba Peace Talks (July 2006 – March 2008). These talks produced a series of agreements negotiated between the Government of Uganda (GoU) and the Lord’s Resistance Army (LRA) in an attempt to end the conflict which has besieged the north of the country for the past 23 years.

Government

Uganda has a turbulent political history characterised by acts of brutality, reprisals, military coups and bush warfare, often pursued in the name of democracy, development and security.

President Museveni came to power in 1986 following a violent armed struggle, known as the ‘bush war’. Seizing control of the country following the demise of President Obote’s second term in Government, Yoweri Museveni promised a fundamental change in politics and a strengthening of democracy within Uganda. The President and his National Resistance Movement have held power ever since.

In the lead up to the 2006 elections, President Museveni convinced Parliament to amend the Ugandan Constitution, lifting the restriction on presidential terms and allowing him to stand for office an unlimited number of times. This constitutional change effectively established him as ‘President for Life’.

In the 24 years of President Museveni’s administration, Uganda has become more stable, more prosperous and more powerful. Unfortunately it may not necessarily have become more democratic, transparent, and law abiding in the pursuit of its national and regional political interests.

The Lord's Resistance Army

In 1986 Alice Lakwena established a resistance movement in the north of the country, that would eventually become known as the Lord's Resistance Army led by Joseph Kony. There is some evidence to indicate that the original intention of the movement was to draw attention to, and seek redress for, the economic disparities between the north and the rest of the country, and to seek greater representation in public office and civil service posts. Whatever the original intention, over the past two decades the strategies and practices of the LRA have led to enormous suffering, poverty and injustice for communities in the Greater North.

The LRA is reported to have committed gross human rights violations and crimes, including the abduction of thousands of children who have been forced to become fighters, to kill their own family members and terrorise communities across four countries – Uganda, the Democratic Republic of the Congo (DRC), Southern Sudan and the Central African Republic (CAR). Thousands of girls and women have been raped, many sexually enslaved and the pillaging and destruction of property has been widespread. Abductees are forced to commit these crimes and as a highly mobile militia group, they are made to walk thousands of kilometres carrying heavy goods and supplies, and to live in conditions of extreme hardship in the bush and jungle areas of Southern Sudan, north eastern DRC and the eastern border areas of CAR.

Over the course of the conflict almost two million people have been displaced in IDP camps¹, with limited access to sanitation, clean water and sufficient food. Reports indicate high levels of sexual violence within the camps. At the height of the conflict thousands of people, mostly children, walked every evening from their villages to the nearest towns seeking safety in the grounds of hospitals and churches. Girls and young women amongst these 'night commuters' were often victims of rape and other forms of sexual violence as they made their way to the shelters.

In 2003 Jan Egeland, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, considered the humanitarian situation in northern Uganda to be worse than in Iraq and described the conflict in Uganda as the 'biggest forgotten, neglected humanitarian emergency in the world today'.²

1 Camps for Internally Displaced People.

2 Press Conference, Nairobi, 11 November 2003.

The communities in north and north eastern Uganda blame the LRA for the vicious attacks and violence committed against them. But they consider the Government to be responsible for their suffering and poverty, because for more than 20 years they believe their Government has failed to protect them.

International Criminal Court

In 2003 the Government of Uganda referred the conflict in the north to the International Criminal Court, requesting investigation of the crimes committed and as such, accepting the ICC's jurisdiction within the country. In December 2003, the ICC Prosecutor, Luis Moreno-Ocampo, held a press conference with President Museveni in London to announce the referral. According to many in northern Uganda this joint press briefing was the first indication that the ICC would likely focus its investigations solely on the LRA and not on others who, in their experience, also bore responsibility for the conflict and the commission of crimes, specifically the Government and the national army, the Ugandan People's Defence Force (UPDF).

Some commentators have suggested the referral by the Government to the ICC was an act of political expediency by the President, intended to assuage bilateral donors who were said to be pressing the President to end the conflict in the north. Arguably by 2003 the conflict had simply become inconvenient for the Government for a range of reasons including that conflict-related instability was prohibiting investment and development of the oil deposits to which Uganda lays claim in the Lake Albert basin.

Referring the conflict to the ICC triggered an independent investigation by the Court with a focus on major incidents including massacres, abductions, sexual violence, mutilations and general acts constituting cruel treatment of the civilian population. An obvious frustration for the local communities was the limitation of the ICC investigations into crimes committed from 1 July 2002³ onwards despite the conflict having begun in 1986. The temporal jurisdiction of the Court meant the investigations could not address more than 16 years of violent crimes for which no-one has been, and may ever be, held accountable.

In October 2005 the ICC announced the issuance of five warrants of arrest for the senior commanders of the LRA – General Joseph Kony, Vincent Otti,

3 The Court's temporal jurisdiction is from 1 July 2002 because that is when the Rome Statute of the ICC came into force. As such, the Court can only investigate crimes committed on or after this date.

Okot Odhiambo, Dominic Ongwen and Raska Lukwiya⁴ – for war crimes and crimes against humanity including charges of rape and sexual enslavement.⁵

Peace Talks

In July 2006, the GoU and the LRA established a ceasefire and began a process of peace talks. Between August 2006 and March 2008 a series of agreements were signed as part of the peace process and relative stability slowly returned to the north. However, the signing of the final peace agreement remains outstanding. As such, disarming and demobilising the LRA has not yet begun, a permanent and final ceasefire has not been agreed upon and implementation of the peace agreements has been largely stymied.

Following the unsuccessful attempt to have the final agreement signed by both parties in April 2008, the process went into a state of flux for several months without direction and leadership being provided by any of the key actors, which included the mediation team, the UN, the African Union, the Government of Uganda, the LRA and the donor community,⁶ who had acted as permanent observers to the talks since their inception. For six months no coordinated action was taken towards resolving the situation while reports of new abductions and attacks by the LRA began to surface. In November the LRA delegation initiated discussions with the GoU and the mediator regarding the signing of the final agreement, but with the introduction of new conditions by the LRA senior leadership.

In December 2008, as these conditions were being considered, the Governments of Uganda, Southern Sudan and the DRC launched a joint armed offensive, known as Operation Lightning Thunder, against the LRA who were gathered near the assembly zone designated under the terms of the peace agreements.⁷ The offensive lasted three months and, according to the UPDF, seriously disrupted the supply of arms, access to food and communication lines of the LRA. Some LRA militia were killed, a few were captured, others surrendered, and a small number escaped or were rescued during the chaos of the military operation.

4 ICC Proceedings against Raska Lukwiya were discontinued in July 2007 following confirmation of his death in a gun battle between the LRA and the UPDF. In 2008 there were credible reports that Vincent Otti had been killed by the LRA on the orders of General Kony. The death of Vincent Otti remains unconfirmed and as such the ICC retains the arrest warrant for him.

5 Charges for gender-based crimes are brought solely against the LRA Leader, Joseph Kony and Deputy Leader, Vincent Otti.

6 The Governments of Norway, the United States of America, the European Union, and representatives of the African Union specifically the Governments of South Africa, Tanzania, Mozambique and Kenya.

7 Agreement on Cessation of Hostilities, 26 August 2006.

During the joint offensive there were reports of several retaliatory attacks by the LRA on communities in eastern DRC and Southern Sudan. According to the United Nations, almost 1000 civilians were killed, allegedly by the LRA, during the military campaign.

Between April and December 2008 four attempts were made, mostly by the LRA delegation, to have the final agreement signed by President Museveni and General Kony. However each endeavour lacked sufficient coordination, resources and commitment by the key actors to be successful.

Partners and Participation

The Women's Initiatives for Gender Justice has been working in the Greater North since 2004. Over the past five years we have consulted women's groups, organisations and communities about justice, peace and reconciliation issues. We have collaborated on the documentation of gender-based and other crimes, advocated for access to justice for women domestically as well as through the ICC, and provided training workshops for women leaders in north and north eastern Uganda.

Since 2007 we have been extensively involved in the Juba Peace Talks, working with and supporting the mobilisation of women from the Greater North in the peace process and participation in the talks. In August 2007 we collaborated on a workshop and consultation meeting, the Gulu Gathering, to inform, train and facilitate a process for women from the Greater North to identify and articulate their views on the issues under negotiation by the parties, specifically the crucial issues of accountability and reconciliation. Although directly affected by the conflict for more than 20 years, women from the Greater North had been excluded from the process and did not have a voice at the negotiation table.

The Gulu Gathering produced the first, and to date only, substantive articulation of the views of women's rights and peace activists from the Greater North regarding accountability and reconciliation in response to Agenda Item III of the Juba Peace Talks.

With these documents, we partnered with women's groups and organisations from the north to mobilise women to participate in the consultation process conducted by both the GoU and the LRA respectively. In 2007 we assisted in the formation of the Greater North Women's Voices for Peace Network to provide a platform for women from the north to directly

express their views and demands for justice, accountability, peace and reconciliation.

With these partnerships we were able to support and ensure that a delegation of women representing the Greater North participated for the first time in the peace talks when they resumed in January 2008. We also ensured the continued representation of women from the Greater North for every negotiation meeting until the completion of the talks in March.

In November 2006, the Ugandan Women's Coalition for Peace, coordinated by the Uganda Women's Network (UWONET) and supported by UNIFEM, organised a 'peace caravan' from Kampala to Juba where they presented a peace torch to the negotiating parties and urged them to remain committed to the peace process. Representatives of the Coalition participated in some of the negotiation meetings during the peace talks and in August 2008 produced a declaration entitled 'Engendering Agenda Item IV – Demobilisation, Disarmament, Reintegration and Resettlement (DDRR) and Agenda Item V on Permanent Ceasefire'.

Engagement with the LRA

In September 2007, having heard of our work with women in northern Uganda and specifically the workshop and consultation supporting women's organising for the peace talks, the negotiation team of the LRA invited the Women's Initiatives to meet with them in Nairobi. We consulted women in the Greater North about whether to accept this invitation. Should we meet with the LRA? What signal would this send – to them, to the Government, to women in the north, to their communities? What was the LRA's motivation for requesting such a meeting? How could it be misused by others to discredit our collective work for women's participation in the peace process and the demands, views and aspirations for accountability being expressed by women? In response to these questions, women's rights and peace activists in northern Uganda urged us to accept the invitation, to put forward the views developed at the Gulu Gathering and to begin a direct dialogue with the LRA.

We embarked on a strategy of engagement and dialogue with both the Government and the LRA for the following reasons:

- Neither party was including gender issues within their positions at the peace talks and we wanted to influence both delegations to adopt more gender-inclusive provisions.

- Having a more informed and better prepared LRA delegation was crucial for the negotiations to proceed and be fruitful. There was a distinct ‘inequality of arms’ in the resources available for each negotiation team which determined their ability to prepare for the discussions. The Government obviously had far greater resources with various ministries and the civil service to work on the negotiations and prepare position papers. The LRA pulled together a small team with little resources, insufficient technical support and expertise and limited means to prepare for the talks. This inequality was a significant issue throughout the peace process and was one of the contributing factors in the difficulties in the first rounds of negotiation and the quality of the initial agreements. As the process continued over 20 months, the capacity of all actors, including the primary negotiators and the mediation team, strengthened.
- Highlighting areas of agreement between the LRA and the Gulu Gathering positions could embolden the LRA to be vocal on these issues during the negotiations and thus promote credible justice-seeking mechanisms and gender-inclusive provisions.
- Highlighting areas of agreement between the GoU and the LRA could strengthen the final outcomes if both parties wanted to be seen to be the one taking ‘the best’ position on certain issues. For example, the LRA were supportive of a Truth and Reconciliation Commission. As such we encouraged them to be strong on this issue presuming the Government would want to be seen to have a better position than the LRA on such a Commission. After all, they were the Government and not a militia group whose military leaders faced ICC warrants of arrest for war crimes and crimes against humanity. Ultimately, vying for the ‘best position’ on a Truth and Reconciliation Commission could strengthen the scope and commitment to this important mechanism.
- In order for women to participate in the peace process both parties would have to agree (or at least not disagree) to their participation. If either party had opposed this, women from the Greater North could have been denied the opportunity to attend the Talks.

Our first meeting in Nairobi laid the groundwork for the terms of the ‘relationship’ and the modalities for our engagement with the LRA. Ultimately this dialogue proved to be essential for the involvement of women in the peace process. It gave us access to information, alerted

us to political challenges and assisted the cohesion and outcomes of the negotiations. At times, it helped bridge the gap between the GoU and LRA positions, and on occasion it assisted the preservation of the LRA team at moments when it seemed certain the delegation would implode. The direct engagement also provided access to key actors in the process including senior figures within the LRA whose opinions were determinative.

Conclusion of the Peace Talks

The talks concluded in March 2008 and, at the request of the LRA, the Women's Initiatives liaised with the Registry of the ICC to arrange a meeting between the Court and the LRA civilian delegation. The meeting was held in The Hague, the Netherlands.⁸ Although a few individual members of the mediation team for the peace talks were opposed to the meeting, the mediator himself was supportive and the Registry was willing to host it. As such the meeting proceeded and was attended by the LRA civilian delegation, representatives of the ICC Registry, and representatives of the Greater North Women's Voices for Peace Network and the Women's Initiatives for Gender Justice. The purpose of the meeting was for the LRA delegation to be informed about the structure and work of the ICC, the current status of the charges and warrants of arrest and the procedures for filing motions before the Court.

The request for the meeting had come from General Kony who, it was said, wanted his delegation to put forward their views to the ICC on the issue of accountability. The motivation for the meeting may have been for the LRA to impress upon the Court that they considered 'Uganda' capable of addressing accountability issues and emphasised their preference for traditional rather than formal justice procedures. Alternatively, it may be that the meeting was a tactic to delay the signing of the final peace agreement or perhaps a signal to President Museveni that he (Kony) was not afraid of the ICC and that perhaps the President had more to lose than General Kony if he was to surrender to the ICC rather than submitting to accountability mechanisms within Uganda.

In January 2009, while Operation Lightning Thunder was in its second month, the Women's Initiatives contacted the LRA to urge them to keep alive the pursuit of peace and to turn their attention again to the signing of the final peace agreement.⁹ At that time the LRA senior command was calling for a

8 10 March 2008.

9 Email communication, 19 January 2009.

ceasefire. We stressed to the LRA that their request for a ceasefire should be accompanied by concrete indications of their intention to sign the final peace agreement and end the conflict without further delays and back tracking. Specifically we proposed that they should demonstrate they were serious this time about signing the agreement, prepared to release women and children from their ranks, and to begin demobilisation as quickly as possible.

In March 2009 we published an Open Letter to President Museveni and General Kony in two national newspapers¹⁰ calling for an immediate ceasefire with the following requirements:

- 1 That the LRA** is provided with safe passage to immediately assemble in the designated area in the Rik-wang-Ba National Park as outlined in the peace agreements;
- 2 That the LRA** release women and children from their group;
- 3 That the Government** of Uganda work closely with the United Nations and other international agencies in preparation for the return of the women and children from the LRA to ensure their safety, the provision of treatment, assessment and adequate medical and psychological support, and their ultimate return to their communities. The engagement of women, traditional and religious leaders in this process is also vital;
- 4 That the final peace agreement** between the Government of Uganda and the LRA is signed.

The letter was supported by 250 local and national Ugandan NGOs, international networks and organisations from around the world along with women's rights organisations from neighbouring countries whose communities have been heavily affected by the Ugandan conflict, specifically the Democratic Republic of the Congo, Sudan and the Central African Republic.

In mid May, there were again reports of LRA attacks in the DRC and Southern Sudan and Uganda's military began investigations into a small number of Belgian citizens suspected of supplying them with food and military aid.

¹⁰ *New Vision*, 17 March, *The Daily Monitor*, 19 March. The Open Letter was translated into two local languages, Lwo and Langi, and published in newspapers in the Greater North, *Rupiny* (25-31 March) and *Etop* (26 March – 1 April).

In the same month, a bill was introduced by US lawmakers in the Senate and House of Representatives supporting lasting peace in northern Uganda,¹¹ calling for a regional strategy to support multilateral efforts to successfully protect civilians, eliminate the threat posed by the LRA and to authorise funds for humanitarian relief and reconciliation, and transitional justice. The Bill, referred to the Committee on Foreign Affairs, includes military options to 'apprehend or otherwise remove Joseph Kony and his top commanders' as well as extensive commitments towards reconstruction, reconciliation and transitional justice upon the conclusion of the conflict.

By the beginning of June, negotiations had reached an advanced stage, at the instigation of the LRA, between the GoU, the LRA, the mediator and the UN Special Envoy, for a stakeholders meeting to finalise arrangements for the signing of the final and permanent ceasefire agreement and the release of women and children from within the LRA. Given the engagement of the Women's Initiatives throughout the process and specifically our ongoing support for this strategy, we were informed we would be invited to participate.

In the midst of these developments, the Women's Initiatives conducted the next phase of our training on the peace agreements with the 'Women's Dialogue on Accountability and Reconciliation', held in Soroti, northern Uganda, 1-4 June 2009. The Dialogue provided training for 40 local women's rights and peace activists on the implementation of the mechanisms outlined in Agenda Item III and its Annexure on accountability and reconciliation. At the conclusion of the Dialogue, we held a meeting with judges, lawyers and investigators of the Special Division of the High Court of Uganda,¹² one of the central mechanisms outlined in the Annexure. The Special Division of the High Court is in the process of being established to try individuals who are alleged to have committed serious crimes during the conflict in northern Uganda.

According to participants at the Dialogue, the 'Special Court' should be based on the international standards of the ICC Rome Statute and related documents (Elements of Crimes, Rules of Procedure and Evidence) and should include provisions to indict the 'peace spoilers' – those who jeopardised previous efforts for peace including individuals who earlier advised General Kony against signing the final peace agreement.

11 If passed it would be cited as the 'Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009'.

12 Meeting held in Soroti, northern Uganda, 5 June 2009.

The status of the ICC case for Uganda has been an issue of significant speculation in light of the Juba Peace Talks and subsequent agreements. To dispel further uncertainty, on 10 March 2009 ICC Pre-Trial Chamber II issued a decision on the admissibility of the case against Joseph Kony *et al* in light of the outstanding arrest warrants, the developments within Uganda regarding the establishment of a Special Division of the High Court, along with recent statements by the GoU that it was now prepared to try Kony *et al* on Ugandan soil. In its decision regarding admissibility, the Chamber concluded that it was 'legitimate and appropriate for [it] to exercise the power enshrined in Article 19(1)¹³ at this particular stage'. The Court noted that the final peace agreement remained unsigned and that the steps taken by the GoU to implement the Annexure on Accountability and Reconciliation were only 'preliminary and partial' and as such it would be 'premature and therefore inappropriate' to assess the possible features and legal framework of the new Special Court. It was the view of the Chamber that it was for the ICC, not for Uganda, to determine the admissibility of the case.

Since the beginning of the conflict 23 years ago and throughout the peace process women from the Greater North have said they want peace. Peace with justice, peace with reconciliation, peace with forgiveness, peace with truth-telling, peace to restore their communities. Although often unnoticed, women's voices have been clear, their call for peace consistent. It is time for women's voices to be heard.



Brigid Inder

Executive Director
Women's Initiatives for Gender Justice

10 June 2009

13 Footnote added. Rome Statute, Article 19(1): The Court shall satisfy itself that it has jurisdiction in any case brought before it. The Court may, on its own motion, determine the admissibility of a case in accordance with Article 17.

Open Letter to the President of the Republic of Uganda & the Leader of the Lord's Resistance Army

**Greater North Women's Voices for Peace Network, Uganda
Women's Initiatives for Gender Justice**

10 March 2009

Dear Excellency, President Museveni and General Kony,

We, the women from the Greater North of Uganda, national and international women's organisations welcome your efforts for peace, in particular your engagement in the most recent peace process.

As you know the people of the Greater North have suffered in this conflict. Over one million of us have been displaced from our homes, much violence and brutality has occurred, we have not been able to farm our land, grow our crops, we have not been able to educate our children, we have not seen development and progress in the Greater North because of this conflict. There has been widespread violence including sexual violence committed against women predominantly by the LRA, but also by the UPDF and others. Our communities have disintegrated from within due to the pressure of our collective poverty, suffering and lack of justice.

We would like to congratulate you both, for your leadership in guiding your respective delegations during the most recent Peace Talks process. As you know, women from the Greater North were very active in this process, particularly since the negotiations on Agenda Item 3 on Accountability and Reconciliation. As women's rights and peace activists, as mothers, as women who have lost family members in this conflict and who have been harmed ourselves, we participated in the Government Consultations and the Consultations held by the LRA/M in 2007 to put forward our views, demands and desires regarding peace, accountability and reconciliation. We participated in the resumed Peace Talks from January-March 2008. We have encouraged both parties to negotiate, to find a way forward, to stay committed to the ending of the conflict and to accountability.

In April we went to Rik-wang-Ba for the signing of the final peace agreement but our hopes were dashed when General Kony did not sign. We have been disappointed many times since then as the final agreement remains unresolved.

We are very concerned by the military offensive against the LRA launched in December 2008 by the Governments of Uganda, the DRC and southern Sudan. We are concerned by the reports of loss of life within the LRA especially of those who were themselves abducted into the militia group. We are in solidarity with the loss of innocent lives in the attacks within the DRC and southern Sudan since the offensive was launched. We are also in solidarity with all women and communities affected by conflicts especially in the Great Lakes region.

We are not convinced every effort was made during 2008 by the Government, the Mediation Team, the United Nations, the LRA, the donors and the international community to secure a peaceful resolution. Specifically we note the absence of the necessary political will and determination to complete the peace process which we found to be inexplicable given the negotiations were finalised and the resources available for this process were significant. We also note that the conflict does not seem any closer to ending as a result of the current military action.

Our message to you as women from the Greater North is that we want peace — peace with reconciliation; peace with truth-telling; peace with forgiveness; peace with justice; peace to harmonise and restore our communities.

Mr President and General Kony, as Leaders in this conflict we call upon you both to establish an immediate ceasefire with the following requirements:

- 1 **That the LRA** is provided with safe passage to immediately assemble in the designated area in the Rik-wang-Ba National Park as outlined in the peace agreements;
- 2 **That the LRA** release women and children from their group;
- 3 **That the Government** of Uganda work closely with the United Nations and other international agencies in preparation for the return of the women and children from the LRA to ensure their safety, the provision of treatment, assessment and adequate medical and psychological support, and their ultimate return to their communities. The engagement of women, traditional and religious leaders in this process is also vital;
- 4 **That the final peace agreement** between the Government of Uganda and the LRA is signed.

This letter is supported by 250 local and national Ugandan NGOs along with organisations from the Democratic Republic of the Congo, Sudan, the Central African Republic and international networks and organisations around the world.

**Greater North Women's Voices for Peace Network, Uganda
Women's Initiatives for Gender Justice**

10 March 2009

Signatories to the Open Letter

- | | | | | | |
|----|---|----|--|----|--|
| 1 | Greater North Women's Voices for Peace Network, Uganda | 23 | Kumi Women's Peace Initiatives for Development | 48 | Matany TBS Women's Group (deals with HIV/AIDS) |
| 2 | Women's Initiatives for Gender Justice | 24 | Teso, Karamoja Women Initiatives for Peace | 49 | Uganda Girl Guides Association, Kumi |
| 3 | Uganda National NGO Forum (membership of over 360 NGOs) | 25 | Lokinyinyir Women's Group | 50 | Ongino Women in Development Initiatives |
| 4 | Survivor Corps, Uganda | 26 | Lokiderider Women's Group | 51 | Okouba Agro- Processors Women's Group |
| 5 | Kitgum Women's Peace Initiatives (KIWEPI) | 27 | Nakerei Women's Group | 52 | Kumi Muslim Women's Association |
| 6 | Kitgum Concerned Women Association | 28 | Abim Mother's Union | 53 | Uganda Women's Effort to Save Orphans, Kumi |
| 7 | Teso Women Peace Activists (TEPPA) | 29 | Apurwonpit Women's Group | 54 | Kumi Women in Development Sacco |
| 8 | Kitonyounai Women Peace Group | 30 | Cidkwok Women's Group | 55 | Teso-Karamoja Women Initiatives for Peace |
| 9 | Mother's Union Lango Diocese | 31 | Aware-Uganda (Action and Awakening women in rural areas) | 56 | Mother's Union, Kumi |
| 10 | Lango Female Clan Leaders | 32 | Saint Monica Women's Group | 57 | Iteso Cultural Union |
| 11 | National Association of Women Association of Uganda (NAWOU), Lira | 33 | Karamoja Rural Women Association (KARWA) | 58 | Kumi District Widows Association |
| 12 | Lira Women Peace Initiatives | 34 | Karenga Widows Association in Development | 59 | Kidongole Mother's Union |
| 13 | Lira Women Widows and Orphan Care | 35 | Mandelo Women's Group | 60 | Kolir Women Peace Promoters |
| 14 | Ocok Can Women Association APAC | 36 | Nakapiripirit Catholic Church Women's Group | 61 | Kamatatur Women's Peace Group |
| 15 | Catholic Women Guild, Lira Diocese | 37 | Kakamongole Mandela Women's Peace Group | 62 | Komomngomeri Women's Peace Group |
| 16 | Gulu Women for Peace, Reconciliation and Resettlement (GUWOPAR) | 38 | Namalu Women's Development Association (NAWODA) | 63 | Aminit Women's Group |
| 17 | Teso Rehabilitation and Reconstruction Women in Development (TERREWODE) | 39 | Lolacat Mother's Union Group | 64 | Tajar Women's Group |
| 18 | Otingite- BA Women's Peace Group (KATAKWI) | 40 | Nabilatuk Mother's Union Group | 65 | Prime Age Women Group |
| 19 | Totodwe Women's Group | 41 | Lorengeduat Women's Peace Group | 66 | Grassroots Women Association for Development |
| 20 | Boma North Female Youth Tailoring Group | 42 | Kimaumau Women's Peace Group, Iriir sub county | 67 | Cam Nono Ber Ki Winyo Women Group |
| 21 | Apiri Women in Development | 43 | Nakamilit Women's Group | 68 | Nen Ayim Women Organisation |
| 22 | Agurut Aigesigesitoi Widow Group | 44 | Iriir Mother's Union Group | 69 | Empowering Hands |
| | | 45 | Matany Women's Health Group | 70 | Kwo Lonyo Women Group |
| | | 46 | Lotimong Women's Group, Lopei sub-county | 71 | Can Pe Rom Widows Group |
| | | 47 | Lokopo Women's Peace Group | 72 | Old Age |
| | | | | 73 | Tegot Development Association |
| | | | | 74 | Ribbe Ber Saccocs Group |
| | | | | 75 | Wil Layibi Community |
| | | | | 76 | Women for Development |
| | | | | 77 | Women Economic Empowerment |

Open Letter to the President of Uganda and the Leader of the LRA

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| <p>78 Gulu Women Tailor Association</p> <p>79 Layibi Women Housing Association</p> <p>80 Ma Lubanga Omiyo Women Group</p> <p>81 Gulu Women Fish Monger Association</p> <p>82 Mak Matic Women Network</p> <p>83 Lacankwite Women Group</p> <p>84 Tailoring Group</p> <p>85 Acholi Cultural Foundation</p> <p>86 Women's Fellowship Fund Guide Group</p> <p>87 Ushindi Women Group Kisugu</p> <p>88 Mercy Group</p> <p>89 Tute Keni Group</p> <p>90 United Brick Construction</p> <p>91 Amuka Construction</p> <p>92 Techenica Group</p> <p>93 Cobra Group Ribe</p> <p>94 Juakali Group</p> <p>95 Good Samaritan</p> <p>96 In Need Northern Youth Group</p> <p>97 Ber Iywe Group</p> <p>98 Kaka Nyero Group</p> <p>99 Nyeko Rac Group</p> <p>100 Lango Cultural Group</p> <p>101 Akonyi Ki Bedo Group</p> <p>102 Mami Sport Group</p> <p>103 Trinity Group</p> <p>104 Kony Peko Group</p> <p>105 Peko Rom Group</p> <p>106 Business Group</p> <p>107 Pimewa Group</p> <p>108 Tem Ki Kom Group</p> <p>109 Awara Awara Group</p> <p>110 Docus Widows Group</p> <p>111 Good Samaritan Ministry</p> <p>112 Pi Tek Awaro Women's Group</p> <p>113 Pe Nonge Labedo Women's Group</p> <p>114 Uganda Microfinance Organisation</p> <p>115 Kitgum Women Association</p> | <p>116 Gulu Dairy Farmer's Association</p> <p>117 Lamogi Women's Leaders Association</p> <p>118 Paimol Women Dancers Group</p> <p>119 Te Got Development Association Koc Goma</p> <p>120 Lapono Women Cultural Group</p> <p>121 Gulu Vendors Women's Group</p> <p>122 Kainkono Boda Boda Cyclists</p> <p>123 Pur Ber Group</p> <p>124 Awaru Group</p> <p>125 Charcoal Department</p> <p>126 Rib Rok</p> <p>127 Odomit Group</p> <p>128 Paco Ripo Danu</p> <p>129 Cam Kiwedu Group</p> <p>130 Can Kelopeko Group</p> <p>131 Can Rom Group</p> <p>132 Can Pe Tum Group</p> <p>133 Timkikomi</p> <p>134 Watute Group</p> <p>135 Can Odiya Group</p> <p>136 Ribe Ber</p> <p>137 Kwo Ki Lawoti</p> <p>138 Ribe Ayeteko</p> <p>139 Sallon Group</p> <p>140 Kuwe Group</p> <p>141 Latic Omyero</p> <p>142 Atimaang Group</p> <p>143 Cam- Kilawoti Group</p> <p>144 Mina Women's Group</p> <p>145 Pit Ondong Ki Mon Women's Group</p> <p>146 Rubanga Aye Miyo Group</p> <p>147 Sudanese Women Empowerment for Peace (SuWEP)</p> <p>148 Salmmah Women's Resource Centre</p> <p>149 The Gender Centre for Research and Training</p> <p>150 SEEMA Center for Training and Protection of Women and Child's Rights</p> <p>151 Women Empowerment for Peace & Development</p> | <p>152 The Family and Child Friends Organization</p> <p>153 Al-Khatim Adlan Centre for Enlightenment and Human Development</p> <p>154 Darfur Bar Association</p> <p>155 Teacher First for Training & Research (ALAM)</p> <p>156 Sudanese Center for Trade Union & Human Rights</p> <p>157 Agri Peace for Development</p> <p>158 Someit for Peace and Human Rights</p> <p>159 Vigilance for Development</p> <p>160 Sudanese Monitoring for Human Rights</p> <p>161 Sudan Liberation Movement SLM/Women Bureau, France</p> <p>162 Sudanese Studies Center</p> <p>163 Khartoum Center for Human Rights & Environmental Development</p> <p>164 Skills Development Society</p> <p>165 Alg Press and Media Center</p> <p>166 Sudanese Development Association</p> <p>167 Environmentalist Society</p> <p>168 Sudanese Organization for Research and Development(SORD)</p> <p>169 Zenab for Women Development</p> <p>170 Peace Bridge Association</p> <p>171 National Democratic Alliance</p> <p>172 Sudanese Youth Development Association</p> <p>173 Shams Association for Development</p> <p>174 Friends of Children Society</p> <p>175 Music for All</p> <p>176 Omelhuda Women for Peace & Development</p> <p>177 Asmaa Association</p> <p>178 Amel Center</p> <p>179 Coexistence & Development Organization</p> <p>180 Corporacion Humanas</p> |
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181 Global Centre for Women's Leadership	206 Association des Femmes pour la promotion et le Développement Endogène (AFPDE)	223 Centre d'Etude et de promotion des Femmes (CEPROF)
182 femLINKpacific: Media Initiatives for Women	207 Association de lutte pour la promotion et la défense des Droits de la Femme et de l'Enfant (ALUDROF)	224 Solidarité Echange pour le développement Intégral (SEDI)
183 Rwanda Association of University Women	208 Association pour la Défense des Droits des Femmes (ADDF)	225 Une Femmes qui en soulève une autre (FESA)
184 Global Justice Centre	209 Solidarité des Femmes en Difficultés (SOFED)	226 Solidarité et paix pour le Développement Intégré (SOFEPADI)
185 JASS	210 Aide aux Femmes victimes des conflits Armés (AFEVICA)	227 Centre d'Encadrement des Femmes Enfant désertés pour l'Auto promotion (CEFEDA)
186 CREA	211 Promotion des Droits de l'Enfant et de la Femmes (PRODEF)	228 SOFEPADI, Beni
187 Association for Progressive Communications Women's Networking Support Programme	212 Femmes unies pour la charité et le bien être communautaire (FUCBC)	229 CAF, Beni
188 Women's International League for Peace and Freedom	femmes Large unions de femmes pour le Développement (LUFED)	230 FJDF, Butembo
189 Nobel Women's Initiative	213 Fédération des Femmes pour la paix et le Développement (FEPADE)	231 EVA, Butembo
190 International Women's Tribune Centre	214 Centre pour l'Education Animation et Défense de Droits de l'homme (CEADHO)	232 SOFEPADI, Bunia
191 Women's Action for Change, Fiji	215 Groupe de Réflexion et d'Actions pour les Initiative des femmes et l'autopromotion (GRAIFA)	233 FOMI, Bunia
192 Centre for International Governance and Justice, Australian National University	216 Fondation Femme plus (FFP)	234 PAPHY, Bunia
193 La Cuerda	217 Association des Juristes du Sud-Kivu (AJUSKI)	235 ASSOMARPI, Bunia
194 Agenda Feminista	218 Charité pour tous	236 Caucus, Bukavu
195 Unión Nacional de Mujeres de Guatemala (UNAMG) Sector de Mujeres	219 Association des mamans Chrétiennes aux secours des vulnérables (AMCAV)	237 SFVS, Goma
196 Lesbiradas	220 Dynamique pour la solidarité des Femmes (DSF)	238 Termitière, Kalemie
197 Fundación Myrna Mack	221 Cadre de concertation pour les Actions de paix (CCAP)	239 SAFI, Maniema
198 Colectivo Ecologista Madreselva	222 Initiative des Femmes pour le Développement l'Autopromotion et la paix (IFDAP)	240 EFIM, Goma
199 Grupo de Apoyo Mutuo		241 CERDF, Kisangani
200 Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA)		242 AFPDI
201 HIJOS		243 NDJF
202 Centro de Acción Legal para la defensa de los Derechos Humanos (CALDH)		244 RAF, Kinshasa
203 Seguridad en Democracia SEDEM		245 Ouvrier du Monde, Bukavu
204 Oficina de Derechos Humanos del Arzobispado de Guatemala (ODHAG)		246 EFIMEAC
205 Actions des Femmes pour les Droits et le Développement (AFD)		247 AFEPANOKI
		248 Coalition Congolaise pour la Justice Transitionnelle
		249 Organisation pour la Compassion et le Développement des Familles en Détresse (OCODEFAD), CAR
		250 Mouvement pour la Défense des Droits de l'Homme et l'Action Humanitaire (MDDH)

'Peace for a woman is peace for her community.'

'We need to know how best to communicate with the rural communities. Communication is key, more information is so crucial.'

'We might be emotional at the beginning, but this process of dialogue and consultation when there has been an agenda has guided us through. The next steps are most important – defining the path to Juba.'

'Informal reconciliation needs more consideration, neighbour to neighbour.'



'This is a long process, I am greatly impressed by the progress we have made – at the start of the workshop we were in our small cocoons. This bringing together has helped us to see that we have one common fight. If we cannot fight as one, we will not have peace.'

'I have come to realise that rural women need compensation, need an apology, need fair justice. They want access to legal services – but how will they be able to afford it? How will women have the resources to access justice?'

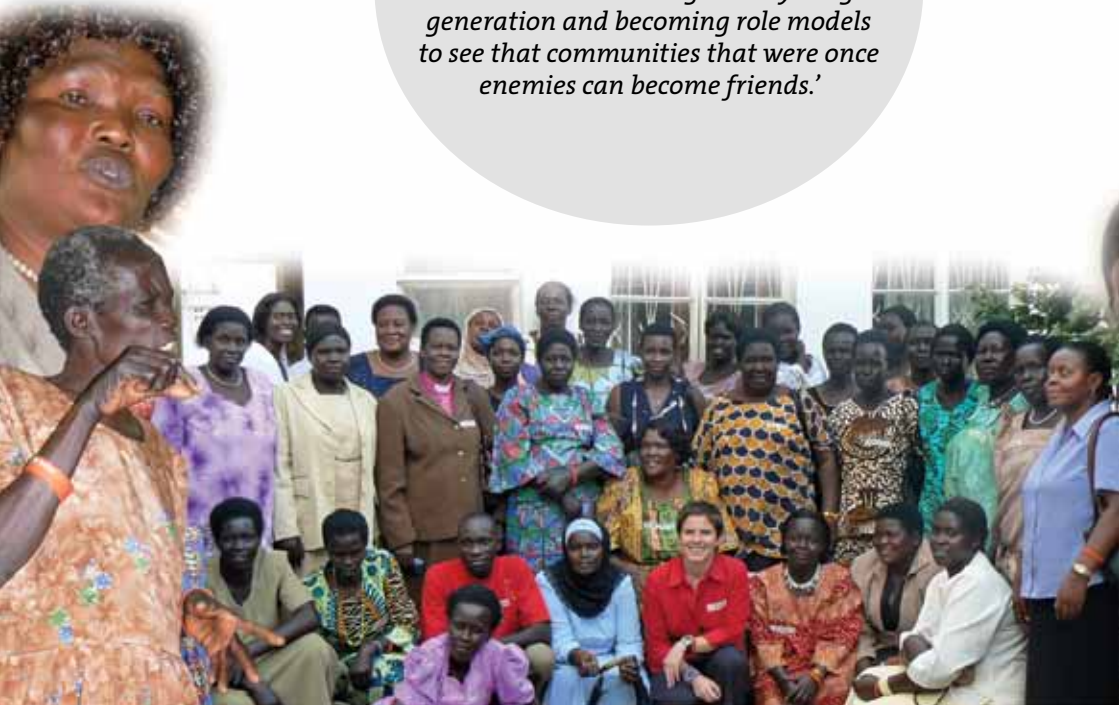
'When some of the girls who were abducted returned they were not seen by the Government as 'combatants' and so they were not given any support. They were thrown out, they had lost their womanhood, they had become child mothers, those girls had fled from captivity. They need support to start a living. As well as this they are owed an apology from the Government as they were not protected.'



Quotes from women at the 'Gulu Gathering' 1-3 August 2007

'We are concerned about the women still in captivity with the LRA – we must advocate for these women, they are still suffering. Given the cessation of hostilities, the LRA doesn't need them any more but they are likely being used as human shields. They need to be rescued from the camps and given programmes on education. If the LRA doesn't sign the peace agreement in the end, these women and children will never be rescued.'

'There needs to be acceptance by each one of us, we ourselves need to be sorry from the bottom of our hearts, elders should be talking to the younger generation and becoming role models to see that communities that were once enemies can become friends.'



'What will happen to the children who have been abducted when they come back, even though they committed the killings against their will? Compensation will need to be provided, clan leaders will have to be involved in the reintegration process.'

'This consultation has opened my eyes to the expectations of the women on the ground and what are the constraints of the law and the process. It has opened my eyes to the thin line of suspicion that we women will have to walk in Juba – will we be seen as spoilers, as impartial? How do we harmonise our ideas for the Peace Talks without losing the specifics of what women want on the ground? The feeling of harmony at this consultation was great, even selecting the team for the Peace Talks, this was amazing headway.'



Statement on the Resumed Peace Talks

*Statement by Women from the Greater North of Uganda
to the Parties of the Juba Peace Talks*

**Greater North Women's Voices for Peace Network
Women's Initiatives for Gender Justice**

January 2008

Mr Mediator His Excellency Lt General Riek Machar, Honourable Dr Ruhakana Rugunda and the Government Negotiation Party, Dr David Nyekorach-Matsanga and the LRA/M Negotiation Party, members of the Mediation Team, thank you for the opportunity to address you all at the opening of this meeting.

We are women from Northern Uganda, we represent each sub-region in the Greater North, we are women from Acholi, Lango, Teso and West Nile. We speak as one voice and we speak on behalf of our sisters and communities who are not able to be here. We speak as the Greater North Women's Voices for Peace Network.

We would like to congratulate you for the progress made thus far in the Peace Talks. We have been following the stages very closely. As you may know the Greater North Women's Voices for Peace Network has been very active in relation to Agenda Item III on Accountability and Reconciliation. As women's rights and peace activists, as mothers, as women who have lost family

members in this conflict and who have been harmed ourselves, we have participated in the Government Consultations and the Consultations held by the LRA/M in 2007 to put forward our views, demands and desires regarding peace, accountability and reconciliation.

As you gather here, our message to you as women from the Greater North is this. Firstly, we want peace – peace with reconciliation, peace with truth-telling, peace with justice, peace to harmonise and restore communities. Secondly, we want those with the LRA, the women and children, non-combatants, to be returned to us as quickly as possible, and for them to be fully assisted to reintegrate with medical and psychological support and other practical assistance.

At your important deliberations over the next few days we urge you to find a realistic timeframe for concluding the Peace Talks and for both Parties to re-new your commitment to the principles and the spirit of the Agreements signed to date.

We are concerned by recent developments. We are disturbed by the use of the media to spread rumours and propaganda about each Party perpetuated by the other. We do not see these as helpful developments in succeeding towards our shared goal of peace.

We are deeply concerned by rumours that the LRA may have resumed their recruitment programme. We call for this practice, should it be occurring, to stop immediately. These activities contravene the principle of the agreements and the people of the Greater North want peace. We have said that loud and clear. But we do not want that to be misunderstood as being willing to return to the kind of suffering, conflict, violence, and insecurity we in the Greater North have experienced for more than two decades.

We were alarmed by the statements made by the US State Department in September 2007 which we found unnecessarily provocative given the peace process was ongoing and that the LRA/M was continuing to demonstrate its commitment to the Talks and following through on the process outlined by the Mediator for Agenda Item III. We do not consider these sorts of statements and threats by the United States Government or other Governments to be welcome, timely, necessary, nor appropriate given the importance of these Talks.

We are also concerned by the Agreement signed between the Government

of Uganda and the Government of the Democratic Republic of the Congo which we consider to be outside the principles of the Agreements already signed. We request both the Government of Uganda and the DRC to refrain from issuing further threats to the LRA/M during the peace process and specifically that the DRC does not act to remove the LRA from Garamba. The peace process must be allowed to finish its course and we urge this meeting to produce a timetable for the successful completion of the talks which is both realistic and speedy.

Women and children have suffered in this conflict. Over one million of us have been displaced from our homes, much violence and brutality has occurred, we have not been able to farm our land, grow our crops, we have not been able to educate our children, we have not seen development and progress in the Greater North because of this conflict. There has been much violence committed against women by both Parties, and many others, as our communities have disintegrated. It is time for this to stop, not just for now but forever.

The Greater North Women's Voices for Peace Network is in solidarity with you in this process, we will continue to speak for women, we will continue to advocate for the success of the Peace Talks. We wish you well in these deliberations, and call again for a renewal of your commitment to the peace process and the Agreements already signed.

The women and the people of the Greater North are ready for peace.

**Greater North Women's Voices for Peace Network
Women's Initiatives for Gender Justice**

January 2008

Statement on Accountability and Reconciliation

Views of Women from North and North Eastern Uganda on the Peace Talks Mechanisms for Accountability and Reconciliation

**Greater North Women's Voices for Peace Network
Ugandan Women's Coalition for Peace
Women's Initiatives for Gender Justice**

August 2007

Between 26-31 July 2007, the Ugandan Women's Coalition for Peace and the Women's Initiatives for Gender Justice, in collaboration with women's groups from north and north eastern Uganda, conducted consultations in Amuria, Pader and Lira, on the issues of accountability and reconciliation, as outlined in the Agreement signed by the Government of Uganda and the LRA/M on 29 June 2007. During these preliminary consultations the team met with more than 750 women. In addition, local women's peace activists have also been consulting their communities.

From 1-3 August 2007, the Coalition and the Women's Initiatives for Gender Justice held a meeting in Gulu with 40 women leaders from north and north eastern Uganda (who subsequently formed the Greater North Women's Voices for Peace Network) to provide information on the Peace Talks, the Agreements signed thus far and to seek their views on the crucial issues of justice, accountability, reconciliation and peace.

At the 'Gulu Gathering' women articulated our vision, demands and proposals for accountability, reconciliation and peace for the Greater North of Uganda.

During the 'Gathering' women identified a wide range of perpetrators of violence including:

- The LRA/M;
- The Government of Uganda and the UPDF;
- Karamajong and other cattle rustlers;
- Local Defence Units; and
- Individual perpetrators who have taken advantage of the chaos created by the conflict to commit crimes, particularly violence against women and girls.

It is recognised that some of these perpetrators are beyond the scope of the Peace Talks and the Agreement on Accountability and Reconciliation. However we are aware that violence against women will not stop with the completion of the Peace Talks and the signing of the comprehensive peace agreement. We therefore see this as the beginning of a process which will address all forms of violence and ultimately prevent violence against women and girls and end the culture of impunity for such crimes.

Accountability and Justice

Women from north and north eastern Uganda require multiple and complementary forms of accountability, all of which must involve women, especially those most affected by the conflict, in the development of the mechanisms and as participants in the justice process.

All forms of accountability should guarantee the following principles:

- Gender-inclusive justice and the involvement of women in the development of accountability mechanisms;
- Meaningful participation of victims including women and girls;
- The rights of the accused and security of victims are satisfied;
- Truth-telling;
- Compensation;
- Reparations; and
- Appropriate forms of 'punishment' for the crimes committed bearing in mind the level of the responsibility held by the perpetrators. We do not support use of the death penalty under any circumstances.

Different crimes and different levels of perpetrators should be dealt with by different courts and processes including the formal judicial system, alternative justice mechanisms and traditional justice mechanisms.

Formal Mechanisms

We support a role for the ICC in addressing the most serious crimes, including gender-based crimes, committed by the top commanders of the LRA and the UPDF, should the ICC bring charges against any army commanders or other state actors.

We support a role for the ICC in this process because:

- The ICC provides an opportunity for victims to participate in proceedings;
- It is a form of ‘truth-telling’;
- There are better provisions for the rights of the accused and role of Defence Counsel under the Rome Statute of the ICC than currently available under domestic law in Uganda;
- There is a more rigorous and transparent process of justice under international law than within Uganda; and
- Sentencing under the ICC does not include the death penalty.

We continue to be dissatisfied with the one-sided investigations conducted by the ICC and since 2004 women from the Greater North and allies have been calling for investigations into all crimes and parties to the conflict, rather than an uneven focus on one party.

Special Court¹

- We support establishment of a Special Court for more senior level commanders of either party (UPDF and LRA) and for serious crimes such as crimes against humanity and war crimes, including gender-based crimes. This would supplement the role of the ICC.
- The Special Court should be situated in Uganda and established according to the highest standards of international law, specifically the principles and provisions of the Rome Statute and related documents – Elements of Crimes, and Rules of Procedure and Evidence.

1 The Greater North Women’s Voices for Peace Network, the Ugandan Women’s Coalition for Peace and the Women’s Initiatives for Gender Justice have also developed a detailed description of proposals regarding the substance and jurisdiction, procedures, and structure of the Special Court.

- The Special Court should be comprised of a mixture of international and Ugandan Judges and other officials including the Prosecutor and Registrar. Trial teams should be comprised of both international and Ugandan lawyers. This is to ensure impartiality and sufficient expertise in international law for a fair judicial process.
- Some of the trials of the Special Court could be held in the north, with consideration given to the security of the accused, witnesses and victims.

Overall the women of north and north eastern Uganda require:

- The Special Court to be independent, effective and impartial in prosecuting perpetrators of crimes against humanity and war crimes, whether they are from the LRA or state actors;
- The GoU to consult with women particularly at the drafting stage of the 'Special Court Bill' so our voices are heard, our needs can be addressed, and gender-inclusive justice can be provided for reconciliation and sustainable peace;
- The Special Court to guarantee women's rights by the full inclusion of the provisions within the Rome Statute, including those that safeguard the rights of women and victims/survivors of sexual violence;
- Equal justice including respect for the rights of victims, the rights of the accused, and rejection of the death penalty as a form of punishment;
- A review of the current ICC Bill to ensure it fully complies with the Rome Statute and its related documents. The Bill should not be adopted until it satisfies the standards of the Rome Statute.

Truth and Reconciliation/Justice Commission

- We support the establishment of a Truth and Reconciliation/Justice Commission to facilitate and decide on less serious crimes and lower level perpetrators. The Commission could hear testimonies of all levels of crimes and perpetrators but should have a mechanism to refer the most grave and serious crimes to the formal judicial processes (such as the ICC or Special Court);
- The Commission should have a strong emphasis on victims' participation and truth-telling;

- The Commission should establish a Victims Support Team and district-based Victims Support and Outreach Offices to inform communities about the Commission, the process and how to participate;
- The Commission should appoint personnel with expertise in sexual and gender violence;
- The Commission should hold public hearings and make their findings publicly available;
- Compensation and reparations should be part of the work of the Commission.

Traditional Justice

- In addition to the other accountability mechanisms that perpetrators may face, all perpetrators should also be reconciled through use of traditional justice mechanisms adapted to respond to the suffering of the communities and the crimes committed, particularly against women, during the conflict.
- For less serious crimes and lower level perpetrators, traditional justice mechanisms could be the primary form of accountability.
- The traditional mechanisms and practices require modernising to ensure that such practices recognise women's rights, and are in conformity with the Ugandan Constitution and the legal rights of women including those outlined in the international agreements to which Uganda is a party (eg CEDAW, CRC, Rome Statute).
- Women should be involved as decision makers and recognised as clan leaders in the transformation of traditional justice mechanisms. Victims must have the opportunity to choose the form that the traditional process should take in order to bring about reconciliation between individuals, amongst clans and between sub-regions.

Women and Children Non-Combatants

We are concerned for the women and children non-combatants currently with the LRA and seek to work with the leadership of the LRA/M to develop mechanisms to support their safe return and reintegration into the community. We would like to see the early release of these non-combatants to enable them to begin reintegration and recovery as soon as possible, while the Government and international community begins in earnest to establish a comprehensive reintegration programme for both combatants and non-combatants.

The Greater North Women's Voices for Peace Network, the Ugandan Women's Coalition for Peace and the Women's Initiatives for Gender Justice calls on the LRA and the Government of Uganda to stay committed to the Peace Talks and to find lasting and truthful solutions for peace, justice and reconciliation.

The Greater North Women's Voices for Peace Network was formed in August 2007 and is a network of women's rights and peace groups, community-based organisations and activists from the conflict affected areas in north and north eastern Uganda. The Network was formed for the purpose of enabling women most affected by the conflict to contribute to the Peace Talks and to raise the issues and priorities of women from the Greater North regarding accountability, reconciliation and peace.

The Ugandan Women's Coalition for Peace is comprised of local and national women's organisations and was formed in July 2006 to promote visibility and participation of women in the Peace Talks.

The Women's Initiatives for Gender Justice is an international women's human rights organisation which advocates for justice for women in armed conflict and war through the International Criminal Court and has been working with women from north and north eastern Uganda since 2004.

Statement on Accountability and Reconciliation – Domestic and International Solutions

This paper was prepared in August 2007 for the Ugandan Human Rights Commission Consultation on the Formation of a Special Division of the High Court within Uganda to try perpetrators of the conflict.¹

August 2007

Women leaders from north and north eastern Uganda met from 1-3 August 2007 in Gulu, northern Uganda, to discuss issues of accountability, justice and reconciliation, including the Agreement on Accountability and Reconciliation signed on 29 June 2007 by the LRA/M and the Government of Uganda. During our consultation, organised by the Ugandan Women’s Coalition for Peace and the Women’s Initiatives for Gender Justice, we agreed that accountability for the crimes within the context of the conflict in north and north eastern Uganda is critical for sustainable peace.

The women of north and north eastern Uganda identified a wide range of perpetrators including:

1 Under provision 4.1 of the Agreement on Accountability and Reconciliation, Agenda Item 3, ‘... state actors shall be subjected to existing criminal justice processes and not to special justice processes under this Agreement’. The Government inserted this clause to prevent members of the Ugandan People’s Defence Force (the Ugandan army) from being subjected to any accountability mechanisms other than the existing Military Tribunal procedures. However this clause does not necessarily exempt non-military state actors from being subject to criminal proceedings through the Special Division of the High Court.

- The LRA/M;
- The Government of Uganda and the UPDF;
- Karamajong and other cattle rustlers;
- Local Defence Units; and
- Individual perpetrators who have taken advantage of the chaos created by the conflict to commit crimes particularly violence against women and girls.

It is recognised that some of these perpetrators are beyond the scope of the Peace Talks and the Agreement on Accountability and Reconciliation. However we are aware that violence against women will not stop with the completion of the Peace Talks and the signing of the final peace agreement. We therefore see this as the beginning of a process which will address all forms of violence and ultimately prevent violence against women and girls and an end to the culture of impunity for such crimes.

Within the context of the consultation conducted by the Uganda Human Rights Commission on the legal framework in relation to the Agreement on Accountability and Reconciliation, we have the following recommendations.

We believe that different crimes and different levels of perpetrators should be dealt with by different courts and processes including the formal judicial system, alternative justice mechanisms (including the establishment of a Truth and Reconciliation/Justice Commission), and traditional justice mechanisms. We support the use of these different processes for accountability and justice as follows:

- 1 For the most grave crimes including gender-based crimes, the most senior perpetrators, specifically the top commanders of the LRA and the UPDF² should be tried by the ICC.
- 2 For other crimes against humanity and war crimes, perpetrators and commanders from the LRA/M and the UPDF should be tried by a Special Court situated in Uganda established according to the principles and provisions of the Rome Statute and related documents (Elements of Crimes; Rules of Procedure and Evidence).
- 3 A Truth and Reconciliation/Justice Commission can hear all testimonies of crimes but should have a mechanism to refer the most grave and serious crimes to the formal judicial processes (ICC or The Special Court).

2 Ugandan People's Defence Force

- 4 In addition to the other accountability mechanisms that perpetrators may face, all perpetrators should also be reconciled through use of traditional justice mechanisms adapted to respond to the suffering of the communities and the crimes committed during the conflict.
- 5 For less serious crimes and lower level perpetrators, traditional justice mechanisms could be the primary form of accountability.
- 6 The traditional mechanisms and practices require modernising to ensure that such practices recognise women’s rights, are in conformity with the Ugandan Constitution and the legal rights of women including those outlined in the international agreements to which Uganda is a party. Women should be involved as decision makers and recognised as clan leaders in the transformation of traditional justice mechanisms. Victims must have the opportunity to choose the form of the traditional process in order to bring about reconciliation between individuals, amongst clans and between sub-regions.
- 7 All forms of accountability should guarantee the following principles:
 - Gender-inclusive mechanisms and the involvement of women in their development;
 - Meaningful participation of victims including women and girls;
 - Truth-telling;
 - Compensation; and
 - Reparations.

Special Division of the High Court

We support the establishment of a Special Division of the High Court and recommend the following provisions to ensure justice for women.

Substantive Provisions

- 1 The Rome Statute should be the legal basis of the Special Court, and its substantive provisions should be adopted in full, to include all the crimes specifically articulated within the Statute as well as the Rules of Procedure and Evidence, particularly those that relate to gender-based crimes, the participation of victims, and the rights of the accused.
- 2 The Special Court should be mandated to prosecute the most grave crimes against humanity and war crimes and most senior perpetrators which have not been dealt with by the ICC.

- 3 The Special Court should include provisions to decide upon Court Awards, compensation and reparation for victims of the conflict in north and north eastern Uganda.

Procedures

- 4 Victims/survivors should be able to participate at all stages of the proceedings by providing testimony, presenting information and intervening when their interests are directly at stake.
- 5 A comprehensive and accessible legal aid programme should be established to ensure victims/survivors have the opportunity and means for legal representation to participate in proceedings.
- 6 Some trials of the Special Court should be held in north and north eastern Uganda, with the necessary consideration given to the security of victims, witnesses and accused.
- 7 All the procedures related to the questioning of victims/survivors of sexual violence featured within the Rome Statute and the Rules of Procedure and Evidence (such as in-camera hearings) should be applied.
- 8 Procedures concerning the evidentiary burden of proof in cases of sexual violence in international law should be applied.
- 9 A Victims and Witnesses Unit should be established and staffed by individuals with experience working with victims/survivors of sexual and other forms of violence to ensure the security of victims/survivors and witnesses.
- 10 A Victims Support and Outreach Team, with district-based offices, should be established to inform communities about the Special Court, its functions, the opportunities and mechanisms to participate, and the mechanisms for compensation and reparations.
- 11 The security of suspects and accused should also be ensured.

Judicial Divisions

- 12 We propose that the Special Court should have two Judicial Divisions – a Pre-Trial Chamber Division and Trial Division, both with functions as outlined for such chambers within the Rome Statute. If the establishment of such a Pre-Trial Division is not feasible, then the functions and principles of a Pre-Trial Chamber should be applied by a Trial Chamber of the Special Court (ie not the Trial Chamber ultimately presiding over the Trial).

- 13 Appeals of the Special Court should be heard by the Appeals Chamber of the ICC.

Structures

- 14 Each Trial Chamber should be comprised of three gender-competent Judges: one Ugandan Judge and two international Judges of which at least one should be a woman.
- 15 The Office of the Prosecutor should be managed by a gender-competent international prosecutor, who oversees prosecution teams each led by an international trial attorney and supported by a 'mixed' legal team of international and Ugandan lawyers of which at least half should be women.
- 16 The Investigation Teams within the Office of the Prosecutor should be 'mixed' teams of international and Ugandan investigators with experience and expertise investigating gender-based crimes. At least half should be women.
- 17 The Office of the Defence should be staffed by gender-competent personnel and adequately resourced to ensure the rights of the accused are respected, including access to and choice of competent legal counsel.
- 18 A body, such as a Special Fund for Victims, should be established to facilitate (a) the payment of compensation by convicted perpetrators to victims/survivors and (b) the establishment of programmes of reparations for victims/survivors and affected communities.
- 19 Where applicable the property and assets of individual perpetrators should be seized for court awards and compensation to victims of their crimes.

The women of north and north eastern Uganda require:

- The Special Court to be independent, effective and impartial in prosecuting perpetrators of crimes against humanity and war crimes, whether they are from the LRA or state actors;
- Consultations with women particularly at the drafting stage of the 'Special Court Bill', so our voices are heard, our needs can be addressed, and gender-inclusive justice can be provided for reconciliation and sustainable peace;

- The Special Court to guarantee women's rights by the full inclusion (not selective inclusion) of the provisions within the Rome Statute, including those that safeguard the rights of women and victims/survivors of sexual violence;
- Equal justice including respect for the rights of victims, the rights of the accused, and rejection of the death penalty as a form of punishment;
- A review of the current ICC Bill to ensure it fully complies with the Rome Statute and its related documents (Elements of Crimes; Rules of Procedure and Evidence). The Bill should not be adopted until it satisfies the standards of the Rome Statute.

We do not believe the Government of Uganda should continue its partial and selective support of the Rome Statute and the ICC, given that Uganda is a States Party to the Statute, the Government referred the case of the northern conflict to the ICC, in 2007 the Government nominated and had elected a Ugandan Judge to the ICC bench, and the Government is currently seeking to host the ICC Review Conference in Uganda in 2010.

We therefore urge the full and comprehensive adoption of the Rome Statute for the Special Division of the High Court and more broadly into Ugandan domestic law.

Truth and Reconciliation/Justice Commission

- A Truth and Reconciliation/Justice Commission should be established in Uganda by a neutral body and only used for lesser crimes and lower level perpetrators.
- The Commission should have a strong emphasis on victims' participation and truth-telling.
- The Commission should establish a Victims Support Team and district-based Victims Support and Outreach Offices to inform communities about the Commission, the process and how to participate.
- The Commission should appoint personnel with expertise in sexual and gender violence.
- The Commission should hold public hearings and make their findings publicly available.
- Compensation and reparations should be part of alternative justice mechanisms.

- As part of the alternative justice system, existing structures such as Peace and Justice Forums and IDP Camp Committees could be utilised for truth-telling and reconciliation. These structures should have a mechanism to refer cases to the Truth and Reconciliation/Justice Commission, the Special Court or the ICC.
- The work of the Amnesty Commission should be concluded with the completion of the Peace Talks.
- Human Rights violations which fall within the current Human Rights Commission Act should be heard by the Uganda Human Rights Commission.

Sentencing

- Life imprisonment (death in confinement) for those who committed the most serious crimes including gender-based crimes.
- Lower prison terms with a rehabilitative requirement/purpose could be considered for lesser crimes (eg crimes such as cattle raiding).
- House arrest could be considered for certain types of crimes and perpetrators (eg those who acted as collaborators and informants).
- Community-based sentencing for lower level offenders should be considered as part of a comprehensive rehabilitation programme.

Publications by the Women's Initiatives for Gender Justice

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- *Gender Report Card on the International Criminal Court 2010*
- *Gender Report Card on the International Criminal Court 2009*
- *Gender Report Card on the International Criminal Court 2008*
- *Rapport Genre sur la Cour Pénale Internationale 2008 (Gender Report Card on the International Criminal Court 2008, French Edition)*
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- *Profile of Judicial Candidates*, Election November 2009
- *Gender in Practice: Guidelines and Methods to Address Gender-based Crime in Armed Conflict*, October 2005
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