

WHOSE JUSTICE?

PERCEPTIONS OF UGANDA'S AMNESTY ACT 2000:

THE POTENTIAL FOR CONFLICT RESOLUTION

AND LONG-TERM RECONCILIATION



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The Refugee Law Project (RLP) was established in November 1999 with the aim of protecting and promoting the rights of forced migrants in Uganda. The RLP operates as an autonomous project within the Faculty of Law of Makerere University, and focuses on three main areas: legal assistance, training, and research and advocacy. The Refugee Law Project works towards ensuring that asylum seekers, refugees and internally displaced persons are, as specified under national and international law, treated with the fairness and consideration due fellow human beings.

REFUGEE LAW PROJECT

Plot 9 Perrymans Garden, Old Kampala
P.O. Box 33903
Kampala, Uganda

Telephone: +256 41 343 556

Fax: +256 41 346 491

research@refugeelawproject.org

www.refugeelawproject.org

Additional copies of this and other Working Papers are available to the public online and can be downloaded at www.refugeelawproject.org.

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REPORT SUMMARY

The following report analyses the process of amnesty as characterised in Uganda's Amnesty Act 2000. It does so primarily from the perspective of those who have experienced the process first hand – either as combatants who have come out of the bush and received legal and social pardon for their actions, or as community members who have suffered, both directly and indirectly, from the brutal impact of civil conflicts. It seeks to assess the effectiveness of the Amnesty Act in northern Uganda, West Nile and western Uganda, both as a means of ending conflict, and of engendering long-term reconciliation. It focuses specifically on the issue of reintegration of ex-combatants and their acceptance, or non-acceptance, within the communities.

The findings suggest that, despite a number of challenges in its implementation, the Amnesty Law is perceived as a vital tool for conflict resolution, and for longer-term reconciliation and peace within the specific context in which it is operating. Furthermore, numerous respondents emphasised the fact that it resonates with specific cultural understandings of justice: amnesty is taking place within societies in which the possibility of legal and social pardon is seen to better address the requirements for long-term reconciliation than more tangible forms of punishment meted out within the legal structures. However, the findings also indicate that lack of formal mechanisms for the process of truth-telling, or the admittance of guilt on the part of former combatants, is currently hindering the process of reconciliation. In addition, the report reveals two significant factors that are currently undermining the amnesty process: ambiguous government support for the Amnesty, and the recent announcement by the International Criminal Court that it intends to indict senior commanders in the Lord's Resistance Army. As such, it looks briefly at the dynamics between internationally and locally accepted mechanisms of justice.

The report was written by Lucy Hovil and Zachary Lomo, both of the Refugee Law Project, and draws upon research material gathered in the process of undertaking an internal study commissioned by the Amnesty Commission (AC). It is based primarily on field research conducted in Gulu, Kitgum, Pader, Arua, Kasese and Kampala. A total of 409 individuals were interviewed including those eligible for amnesty – former rebel combatants, returned abductees and collaborators – local community members, and officials of government and non-governmental organisations. In addition, it draws upon extensive discussions between the RLP and AC. The authors would like to thank the excellent team of field researchers who worked with them on the report, including Jane Akello, Joanne Aliobe, Jesse Bernstein, Karisia Gichuke, Peter Iranya, Kelley James Johnston, Joseph Okumu, Shaanti Razia, and Jacqui Teera, as well the many individuals, including numerous Amnesty Commission staff, who were willing to share their ideas. In addition, the authors would like to extend their gratitude to AC Chairperson Justice Onega for his ongoing insight and understanding of the issues throughout the course of the study, and to Moses Crispus Okello and Dr. Joanna Quinn for their valuable input into the final draft of the paper. As always, the RLP is grateful to the National Council for Science and Technology for their ongoing support of our research. Finally, they would like to thank Danida HUGGO (Human Rights and Good Governance Programmes) for providing financial support for the research, and to Christian Aid for funding the publication of the paper.

GLOSSARY OF ABBREVIATIONS

AC:	Amnesty Commission
ADF:	Allied Democratic Forces
CSOPNU:	Civil Society Organisations for Peace in Northern Uganda
DRC:	Democratic Republic of Congo
DRT:	Demobilisation and Resettlement Team
GoU:	Government of Uganda
IOM:	International Organisation for Migration
LC:	Local Councilor
LRA:	Lord's Resistance Army
MONUC:	UN Mission in the Democratic Republic of Congo
NALU:	National Union for the Liberation of Uganda
NRM:	National Resistance Movement
PRA:	People's Redemption Army
RLP:	Refugee Law Project
RDC:	Resident District Commissioner
UA:	Uganda Army
UNOCHA:	United Nations Office for the Coordination of Humanitarian Affairs
UNRF I/II:	Uganda National Rescue Front (I & II)
UPDF:	Uganda People's Defence Force
WFP:	World Food Programme
WNBF:	West Nile Bank Front

SUMMARY OF RECOMMENDATIONS

- Findings have clearly shown that there is overwhelming support for the amnesty process throughout the country. Therefore the Amnesty Commission should continue to exploit this positive environment towards the Amnesty, and urge the government to capitalise upon it.
- The majority of those interviewed living within the conflict in northern Uganda have expressed their wish for the conflict to be resolved through peaceful means. Therefore, the government needs to respect the desires of the people, as enshrined in the constitution, and ensure that the people are governed according to their wishes.¹
- The government's attitude towards the Amnesty Act is seen to be primarily a tactical device for ending conflict rather than based on a genuine desire to end conflict through peaceful means. Therefore, the government needs to reaffirm its commitment to the amnesty process by ensuring that it does not give off contradictory messages with regard to the Act.
- The study has also shown that the government is not consistently honouring its commitments to former combatants with whom it has either concluded a peace deal or who came out under the amnesty. This inconsistency is perceived as demonstrating lack of commitment on the side of government, and is having a negative impact on the whole amnesty process. It is jeopardising the potential for ending Uganda's cycles of violence and is detrimental to creating an environment of reconciliation.
- The study further shows that the involvement of the International Criminal Court while the conflict in northern Uganda is still ongoing, has undermined the amnesty process. Therefore, the ICC should withdraw its investigations and imminent indictment of senior LRA commanders in the interest of the victims of the conflict and of peace.
- The international community must continue to promote a peaceful resolution of the conflict. In particular, it should give support to the wishes of the people, and cease to remain silent on issues surrounding the ICC's intervention at this stage in the conflict.

¹ As referred to in articles I and IV, Constitution of Uganda 1995

1 BACKGROUND

Uganda's Amnesty Act 2000 offers pardon to all Ugandans engaged or engaging in acts of rebellion against the Government of Uganda (GoU) since 26th January 1986. It presents a radical response to ongoing conflicts within the country, and seeks to balance the more immediate needs of resolving conflict with the longer-term demands of justice. With its emphasis on *restorative*² justice, it offers a striking contrast to the more *retributive* or punitive forms of justice that have grown increasingly salient within mainstream international human rights law over the past decades. The most well known examples of the latter include the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the more recent International Criminal Court (ICC). The contrast between the two approaches has generated considerable debate, brought into focus by the recent announcement by the ICC that it intends to prosecute the senior leaders of the Lord's Resistance Army. Indeed, the Amnesty Act and the Statute of the ICC are on a collision course, and raise a number of questions relating to issues of legitimacy and sovereignty.

The Amnesty Act represents a contextual approach to ending violence and creating the conditions for sustainable peace. As Afako points out, international law "has afforded little protection or possibility of redress for African civilians in the frontline of intense conflict and ethnic, political or genocidal violence."³ Furthermore, such forms of justice are characterised by long, costly, labour-intensive processes that happen out of the context in which the violence took place. For instance six years after the genocide in Rwanda, approximately 120,000 Rwandans still remained in prison. It was estimated that it would take approximately 180 years to deal with all these individuals through the regular court system.⁴ Amnesty, on the other hand, is a form of restorative justice that takes place within the context in which the crime was committed, and explicitly takes into account the victims as well as the perpetrators of violence.⁵

Understandably, there are serious concerns surrounding the concept of offering amnesty to those who have committed 'serious or grave human rights violations'.⁶ Indeed, the international human rights jurisprudence is clearly against the concept of blanket amnesty, and the current trend is to outlaw amnesties that violate international law.⁷ However, these concerns are based solely on the idea that blanket amnesties reward impunity and undermine the effectiveness of international rules – rules that are perceived as universally acceptable. While this paper does not discount the necessity of international law, it argues that the problem lies in the lack of recognition of the specific context in which the law is applied. Thus criticism of amnesty comes from a primarily theoretical basis: given the lack of

² Quinn gives the following definition: "restorative justice is a process of active participation in which the wider community deliberates over past crimes, giving centre stage to both victim and perpetrator in a process which seeks to bestow dignity and empowerment upon victims, with special emphasis placed upon contextual factors." It is a system in which the applicability of punishment is absent. Joanna R. Quinn. "Are Truth Commissions Useful in Promoting Restorative Justice?" in *Crosscurrents: International Relations*. 4th ed. Ed. Mark Charlton. Toronto: Nelson Canada, 2005. pp. 402-408.

³ Barney Afako, *When is it Right to Forgive? Amnesties and Human Rights – the Ugandan Experience*. African Rights, June 2001, p.1

⁴ Quinn 2005, p. 3

⁵ Afako 2001.

⁶ Geoffrey Hartman, "The Longest Shadow: In the Aftermath of the Holocaust" (Bloomington: Indiana University Press, 1996) p.46.

⁷ For instance, this has been the case in both Sierra Leone and East Timor.

precedence for the form of amnesty that is in place in Uganda, there is very little information available that documents both how the amnesty is perceived by those living under it, and the longer-term reintegration of ex-combatants. Given that it is the people of Uganda, in particular those currently living under conflict, who are the direct beneficiaries of such justice, it is imperative that their perspectives and understandings be taken into account in any discussion concerning the relative strengths and weaknesses of an amnesty process.⁸

Thus the following report seeks to assess the effectiveness of the Amnesty Act as a means of ending conflict, and of engendering and promoting reconciliation in such a way as to create the necessary environment for sustainable peace. In particular, it seeks to explore the concept of amnesty primarily from the perspective of those who have experienced the process first hand – either as combatants who have come out of the bush and received legal and social pardon for their actions, or as community members who have suffered, both directly and indirectly, from the brutal impact of civil conflicts. It focuses specifically on the issue of reintegration of ex-combatants, and their acceptance within the communities. In so doing, it questions to what extent this particular amnesty process can both bring about an end to civil conflict within the country, and create the necessary environment for sustainable peace. Does the Amnesty Law simply paper over the cracks as a short-term attempt at conflict resolution, or is it a mechanism that allows for justice to be seen to be done in such a way that long-term reconciliation becomes an attainable goal? Furthermore, what constitutes justice in this environment?

The findings suggest that, despite a number of challenges in its implementation, Uganda's Amnesty Act is perceived as a vital tool for both conflict resolution, and longer-term reconciliation and peace within the specific context in which it is operating. Indeed, any process that allows the vicious cycle of violence to end, and the children to come home, is seen as a fair outcome. Furthermore, numerous respondents emphasised the fact that it resonates with specific cultural understandings of justice: amnesty is taking place within a society in which the possibility of legal and social pardon are seen to better address the requirements for long-term reconciliation than more tangible forms of punishment meted out within the legal structures. Thus, while this report does not provide a treatise on justice, it attempts to present what those who live in the conflict consider to be a right and fair outcome in ending the conflict.⁹

Although the amnesty does not fit with 'conventional' or western understandings of justice, it would be a mistake to simply write it off as somehow weak or as rewarding impunity. Indeed, the level of acceptance of amnesty on the ground reveals the divorce between received wisdom within the international legal framework, and local preference within the context of previous or ongoing violence.¹⁰ The Amnesty Law raises serious and complex questions about the concept of justice in conflict and post-conflict situations, and the ownership of that justice. Who should drive the process of justice within this context? How should international understandings of justice influence local perceptions, and which should take precedence? Healing the wrongs of the past is, indisputably, a profoundly complex and

⁸ Indeed, it is important to note that the amnesty in Uganda serves a very different function than has amnesty in other cases. For example, in South Africa, amnesty was granted in exchange for testimony. And in Chile, it was granted much like a reward by Pinochet to his soldiers.

⁹ The RLP is currently conducting a further study aimed at developing a deeper analysis of the concepts of justice within northern Uganda.

¹⁰ For instance, Mark Osiel writes about how this challenges our conventional understandings of amnesty; Mark Osiel, "Mass Atrocity, Collective Memory and the Law (London: Transaction Publishers, 1997)

subjective process and needs to be recognised as such. The findings show that, while there is much that needs to be done to support and enhance the process, amnesty is clearly a mechanism that is accepted by those who have suffered most and it is vital that this fact be taken into consideration in any discussions about accountability.

1.1 The Amnesty Act

The context in which the Amnesty Act was passed in 2000 was one of continuing cycles of armed conflict, particularly in northern Uganda. In total, 22 known groups have taken up arms to fight the government since President Museveni's National Resistance Movement (NRM) came into power in 1986.¹¹ Most notoriously, northern Uganda is now entering its nineteenth year of conflict at the hands of Joseph Kony's Lord's Resistance Army: the LRA has wreaked havoc across the north, killing, maiming, and raping innocent civilians, and abducting thousands of children. The initiative for creating an amnesty came from within this region, spearheaded by the religious and cultural leaders, and was a clear rejection of a failed military approach to ending the war. The fact that the Amnesty Law was in keeping with wishes of the victims of conflict, rather than by perpetrators trying to negotiate their own safety, is a crucial aspect of the Amnesty. Indeed, it reveals the unvoiced concerns and perspectives of those who have been on the frontline of a brutal civil war, and provides us, as 'outsiders', with a better vantage point for understanding this very complex conflict and how to respond to it.

However, its limitation to the Acholi sub-region was rejected by parliament and, instead, opinion was collected from across the country. Overwhelmingly, the response was that amnesty should apply to all regions of Uganda: rather than being an amnesty for specific groups of people, it was conceived as a national tool for ending conflict. Furthermore, there was unequivocal support for the Amnesty Act to include all combatants who accept the offer of amnesty. Such a concept of blanket amnesty is perhaps the most contentious issue surrounding the Act.¹²

Its consequent enactment was seen by its supporters as a significant step towards ending the conflict in the north and working towards a process of national reconciliation. It was a decisive attempt to address the legacy of human rights abuses that have taken place in Uganda, and to break the cycles of violence that have dominated the country since independence. In other words, the Amnesty Law is the "expressed desire of the people of Uganda to end armed hostilities, reconcile with those who have caused suffering and rebuild their communities."¹³

¹¹ Namely Allied Democratic Forces (ADF), Action Restore Peace (ARP), Citizen Army for Multiparty Politics (CAMP), Force Obote Back (FOB), Former Uganda National Army (FUNA), Holy Spirit Movement (HSM), Lord's Resistance Army (LRA), National Union for Liberation of Uganda (NALU), National Federal Army (NFA), Ninth October Movement (NOM), Peoples' Redemption Army (PRA), Uganda Democratic Army/Alliance (UDA/F), Uganda Federal Democratic Front (UFDF), Uganda Freedom Movement (UFM), Uganda National Democratic Army (UNDA), Uganda National Federal Army/Movement (UNFA/M), Uganda National Liberation Front (UNLF), Uganda National Rescue Front II (UNRFII), Uganda People's Army (UPA), Uganda People's Democratic Army (UPDA), Uganda Salvation Army (USA) and West Nile Bank Front (WNBFB). Cited in *The Amnesty Commission Report 2000 – 2003*.

¹² Similarly, a blanket amnesty was extended to members of the military in Chile. See Alexandra Barahona de Brito, "Human Rights and Democratisation in Latin America: Uruguay and Chile," (Oxford University Press, 1997) pp. 159-160.

¹³ Preamble, Amnesty Act 2000

In addition, although the Amnesty Law was only formally enacted in the year 2000, for many years before that, individual army commanders in the field working in close collaboration with community leaders utilised local ideas of amnesty to end various insurgencies and reconcile the ex-combatants. For example, Major General Katumba Wamala effectively defeated the WNBF rebellion through the use of both amnesty and military means: it was his ability to listen to the elders, and the community's willingness to forgive and accept former combatants back, that enabled the conflict to come to an end.¹⁴

Amnesty is extended to all Ugandans, irrespective of age, who have been involved in insurgency through actually participating in combat; collaborating with insurgents; committing other crimes to support insurgency; or in any other way assisting others involved in insurgency.¹⁵ Receiving amnesty is contingent upon reporting to a recognised official, renouncing conflict, and surrendering any weapons they may have in their possession. Once this has taken place, the reporter¹⁶ receives an Amnesty Certificate. At the time of establishing the Amnesty Commission, the Ministry of Internal Affairs put the number of potential reporters at 50,000. These included potential reporters from Kenya, Sudan and DRC. By the end of 2003, approximately 10,000 had reported to the Commission,¹⁷ and by the end of January 2005 this number had risen to 14, 695.¹⁸

1.2 The Amnesty Commission

The Amnesty Commission (AC) is the body established by parliament to oversee the amnesty, and is the lead agency in the implementation of the 2000 Amnesty Act.¹⁹ Its two key objectives are "to persuade reporters to take advantage of the amnesty and to encourage communities to reconcile with those who have committed the offences; and to consolidate the progress so far made in amnesty implementation and ensure that more insurgents respond to the amnesty and that the community is ready to receive them."²⁰ The Act also established a Demobilisation and Resettlement Team (DRT) whose functions are to decommission arms, demobilise, resettle and reintegrate reporters.²¹ The DRT functions at a regional level, and is responsible for the implementation of the amnesty, under direct supervision of the Commission.²² There are six DRT offices around the country, located in Gulu, Kitgum, Arua, Kasese, Mbale and Kampala, all of which rely heavily on other government agencies, civil society organisations, the community and donors for successful implementation.²³

In the case of former combatants who are in prison on charges of treason and want to receive Amnesty, the Director of Public Prosecution clears them before their applications are passed on to the AC. Reporters denounce their activities by signing a declaration, after which they are registered, receive an Amnesty Certificate, and then, in theory, a package. A standard

¹⁴ See Hovil and Lomo, RLP Working Paper no. 12, *Talking Peace: The Resolution of Conflicts in Uganda's West Nile region*. June 2004

¹⁵ Section 3 of the Amnesty Act, 2000

¹⁶ 'Reporter' is the commonly used word for describing someone who applies for amnesty within the Ugandan context.

¹⁷ *The Amnesty Commission Report: 2002 – 2003*. p. 2

¹⁸ AC internal statistics record

¹⁹ AC Handbook. Section 5.1.1

²⁰ AC Handbook. Section 3.11

²¹ Section 12, Amnesty Act 2000

²² AC Handbook. Section 5.1.2

²³ The Strategic Plan for the Implementation of the Amnesty Act 2000: 2002/3 – 2003/4. *The Amnesty Commission*, p.2

package contains UgShs 263,000 in cash (equivalent to 3 months salary of a policeman or teacher at the time the Commission began plus UgShs 20,000 transport money), and a home kit, which includes a mattress, saucepans, blankets, plates, cups, maize flour and seeds. Each total package, including the cash payment, costs the equivalent of UgShs 350,000.

To date, the Commission has been successful in both encouraging thousands of combatants to renounce rebellion, and in its involvement in bringing about a negotiated settlement to conflict, particularly in West Nile. Indeed, Justice Onega, the AC chairperson was the mediator in the UNRFII peace negotiations process in West Nile in which 2,500 UNRFII combatants, under Major General Bamuze, came out of the bush and renounced rebellion. Furthermore, in western Uganda, in collaboration with the UN Mission in the Democratic Republic of Congo (MONUC) and the International Organisation for Migration (IOM), the AC has initiated contact with many combatants in the Allied Democratic Forces (ADF) and National Union for the Liberation of Uganda (NALU) based in the DRC.²⁴

1.3 Methodology

The following report is based primarily on field research conducted in Gulu, Kitgum, Pader, Arua, Kasese, Mbale and Kampala. The main methodological approach was qualitative, placing a strong emphasis on allowing each interviewee to tell his or her story, with interview maps used as a guide for the field researchers. A total of 409 individuals were interviewed including those eligible for amnesty (former rebel combatants, returned abductees and collaborators), Amnesty Commission staff, local community members, and officials of government and non-governmental organisations. (See Appendix for further breakdown.) In Gulu, Kitgum and Pader Districts, a total of 208 people were interviewed both in the municipality and in the IDP camps. Fifty residents of Kasese District were interviewed, both in Kasese town and the Bwera border area. In Kampala, 19 informants were interviewed including 12 ADF ex-combatants. Sixteen informants were interviewed in Mbale, and 116 informants were interviewed in the West Nile region. Overall in the six regions, researchers interviewed 99 ex-combatants, 132 abductees, five individuals who identified themselves as collaborators, 23 Amnesty Commission staff, 103 community members, and 48 government and NGO officials. Those considered reporters are determined by the interviewee's assertion of receiving official Amnesty Certificates, and not by the receipt of a settlement package. Official reporters who claimed receipt of an Amnesty Certificate include 89 ex-combatants, 77 abductees, and three collaborators.

The following analysis begins, in section two, with a consideration of perceptions of the amnesty process within the context of ongoing conflict – namely the LRA conflict in northern Uganda. In section three, it outlines some of the issues raised by informants with regard to the Amnesty Law within the post-conflict environments of West Nile and Western Uganda. It then considers, in section four, the main factors that are seen to be currently undermining the process of amnesty, before drawing the analysis together in section five by considering the efficacy of the amnesty process as a tool for both resolving conflict, and for bringing about sustainable reconciliation.

²⁴ Interview with AC staff member, Kampala, 11th November 2004

2 AMNESTY WITHIN THE CONTEXT OF ONGOING CIVIL WAR

Interviews conducted in northern Uganda showed the extent to which there is overwhelming support for the amnesty process and that perceptions of the Amnesty Law are inextricably linked to the reality of the ongoing conflict. The conditions in which the majority of people are living in northern Uganda are chronic, and bringing about an end to the conflict is, not surprisingly, the top priority for all those in the region. There are several aspects to the war that were referred to by informants when articulating why they support the mechanism of granting amnesty for returning LRA combatants.²⁵ First, the people in the north desperately want peace, and amnesty is seen as the greatest hope for resolving the conflict. Previous research has shown the extent to which a military solution is deeply unpopular in the north: not only has it failed for over 18 years, but given that the majority of LRA fighters are abducted children, any military action inevitably means the killing of innocent children.²⁶ As one man currently living in an IDP camp in Gulu said, “Amnesty is our only hope. They have tried guns, but instead they have just killed our children. We must do everything to stop the war, and then we can look for a way forward.”²⁷

In addition, it is a war that has been compounded by the fact that the UPDF has not only been unable to protect the civilians, but has also been accused of committing atrocities: the LRA are not viewed as the only perpetrators of violence in this context. As an elderly community member said, “The innocent children who were abducted, forced to do many atrocities but against their will, I really welcome them... For those who might have gone of their own accord, there is a lot of complexity in this one. But then the government has done wrong, the rebels have done wrong, so this magnitude of suffering means we just want these people back.”²⁸

Furthermore, UPDF actions are seen to represent a wider government attitude towards the conflict, namely that government lacks the political will to end the war in the north. For example, the fact that those who have attempted to have dialogue with the rebels (most notably religious and cultural leaders) have been accused of being rebel collaborators or sympathisers is interpreted as evidence that the government is not serious about ending the conflict. Such perceptions are compounded by the fact that the government’s counter-insurgency strategy of placing people in IDP camps has not only failed to protect civilians, but has also deprived the vast majority of the population of their livelihoods.

It is also a war that is being fought predominantly by abducted children from the side of the LRA. To the communities in northern Uganda, the concept of punishing these children in any way for the acts they have committed is inconceivable. As one of the cultural leaders in Kitgum said, “this amnesty, we support it because we requested it so that our children in the bush can come back home. The government are just beating around the bush so that we Acholi get killed in this war. Even the children, they are being killed by helicopters bombing...”²⁹ Or, as a female returnee who had been in the bush for four years said, “The

²⁵ Terminology of former combatants or abductees is highly complex and charged within this environment. This report uses the term ‘ex-combatant’ in the majority of cases, except when the term ‘abductee’ was specifically used. It does this not as an assumption of an individual’s guilt, but in order to avoid making value judgements between different groups of former combatants.

²⁶ See, for example, RLP Working Paper no. 11, *Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda*. February 2004.

²⁷ Interview with male community member, Atiak Camp, Gulu, 11th November 2004

²⁸ Interview with elderly man, community member, Kitgum town, 20th November 2004

²⁹ Interview with cultural leader, Kitgum town, 19th November 2004

best thing that amnesty has done is to forgive me for what I did.”³⁰ Her words illustrate the extent to which amnesty is seen as an anti-dote to the horrors and brutalities of the war, a war in which guilt and stigma have become widespread as thousands of children have been forced to commit atrocities, often against people from their own homes and communities.³¹

Finally, the Amnesty Law was seen to be a mechanism that formalised a process that was already taking place, as is discussed in greater detail below. Many informants referred to the fact that they had been ‘doing’ amnesty before it had become law, as it was a culturally recognised approach to carrying out justice within the specific context. As one civilian said, “Amnesty... it rhymes with our cultural system.”³² Or, in the words of a returnee: “In Acholi culture, when one murders, they urge the relatives of the deceased to resolve the issue through dialogue with the murderer. Amnesty is therefore like the Acholi culture.”³³

Such perceptions of amnesty are crucial given that its effectiveness is dependent upon abductees and combatants taking advantage of it. In northern Uganda, particularly in Gulu, there was widespread awareness about the Amnesty Law – although interviews showed that less was known about it in Kitgum and Pader. Many returnees in Gulu said that they heard about it on the radio. For instance, the recent initiative of encouraging senior ex-rebels to speak out in support of the amnesty process on a Mega FM programme, ‘Dwog Paco’ (meaning ‘come back home’) was frequently referred to, and appears to have had a significant impact in building trust in the amnesty process among rebels in the bush. Many returnees talked of the regularity with which the LRA listen to the radio in the bush and hear about the amnesty as a result. As one returnee said, “I heard the government was going to forgive me for what happened.” He then described the different methods they used to eavesdrop when more senior commanders were listening to the radio.³⁴

Maintaining a clear awareness and understanding of the amnesty is crucial, particularly given the fact that Kony exerts considerable psychological pressure on those he has abducted in order to discourage them from escaping: there were numerous accounts of how he uses extreme brutality in punishing anyone who is caught trying to escape, and tells the rebels that the Amnesty Law is just a trick by government. Therefore, any sensitisation that takes place has to carry enough authority to counteract the methods used by Kony to discourage those in his force from escaping. Furthermore, the credibility of the amnesty rests particularly on the way in which the government is seen to be consistent in its attitude towards the Amnesty Law, an issue that is discussed in greater detail below.

2.1 Reintegration in a context of displacement

While sensitisation on the process of amnesty is crucial, the long-term aim of the Act is to allow for the reintegration of former combatants in such a way as to allow for long-term peace and reconciliation. The Commission recommends that all reporters be reintegrated into their

³⁰ Interview with female ex-combatant, Gulu town, 11th November 2004

³¹ For instance, a study published by the UK-based scientific journal *The Lancet*, found that over half of the 300 child abductees surveyed had been seriously beaten, 77% had witnessed another person being killed, 39% had abducted other children. More than one third of the girls had been raped, and 18% had given birth in captivity. “Post-traumatic stress in former Ugandan child soldiers.” Ilse Derluyn, Eric Broekaert, Gilberte Schuyten and Els De Temmerman, *The Lancet*, Vol. 363 Issue 9412, p. 861.

³² Interview with male community member, Atiak Camp, 11th November 2004

³³ Interview with ex-combatant, Gulu town, 9th November 2004

³⁴ Interview with ex-combatant, 19-yr-old male, Gulu town, 9th November 2004

original home or community unless there are specific reasons why not.³⁵ However, in the specific context of conflict and displacement in northern Uganda,³⁶ this is almost impossible. Many are too scared to join their families in the IDP camps given that those who are re-abducted by the LRA are killed, and those who do go to the camps are not returning to their original homes. This raises questions as to the nature of reintegration in such a context: given that the majority of those living in Gulu, Kitgum and Pader have been forced to leave their homes and are now living in the most appalling conditions, serious questions have to be raised as to the implications of relocating reporters into this environment.³⁷ While there are few alternatives, this reality underscores the vulnerability and timing of the reintegration process, from both the perspective of the reporters, and from the perspective of communities that have little capacity to cope with additional pressures. Thus it is crucial that in any discussion involving the potential return of IDPs to their homes, issues relating to the ongoing reintegration process be taken into account.

Furthermore, any discussion on reintegration within an environment of ongoing civil conflict raises two other critical issues. First it questions the extent to which issues of reintegration can be discussed in isolation from the wider concerns of addressing the conflict itself. In other words, it is unlikely that any reintegration process can be effective if the conflict itself is not being addressed. Second, questions need to be asked about the current UPDF strategy of absorbing some of the reporters into the army. It is vital to determine whether or not such actions are consistent with the process of integration. Indeed, if reintegration is defined as the return and acceptance of former combatants into the communities, the whole process is in danger of being undermined if the UPDF continues to insist on absorbing some of the ex-combatants into regular service in the army. This process contravenes international laws of war,³⁸ compromises the legal integrity and honesty of the government, and fuels mistrust between people.

On the ground, there were varied opinions among communities and reporters as to how well the latter were reintegrating back into civilian life. At one level, there is relief that those who have been in the bush have returned. As one NGO worker said, "Personally, I have not received any case where the community raised up against a reporter who benefited from amnesty and has a certificate."³⁹ This perception was reiterated by many of those interviewed within the communities. As one man said, "For parents, it is just jubilation,"⁴⁰ a sentiment that was reiterated by one returnee: "At home I have been most welcome while even some people come asking about the fate of their children in the bush."⁴¹ Furthermore, one young woman talked of the capacity of the communities to absorb those who have previously been involved in combat: "I have had no problems with the community or people. They welcomed us back after all the bad things we had done – killing people, looting their properties and abducting. All the leaders have been fine with us, and we have also behaved well."⁴²

³⁵ A Handbook for Implementation of the Amnesty Act 2000: Procedures and Principles of Operation. Amnesty Commission (undated) Section 3.1.4

³⁶ Conservative estimates put the current level of displacement at 1.4 million, although the figure is likely to be considerably higher. (WFP, February 2005)

³⁷ A recent report by Médecins Sans Frontières, *Life in Northern Uganda: All Shades of Grief and Fear*, documents the current appalling conditions within the displaced camps. MSF 2004.

³⁸ This is referred to indirectly in the Third Geneva Convention on the issue of treatment of Prisoners of War and *hors de combats*.

³⁹ Interview with NGO worker, Gulu town, 16th November 2004

⁴⁰ Interview with security officer, Kitgum Town, 24th November 2004

⁴¹ Interview with young, female ex-combatant, Gulu town, 13th November 2004

⁴² Interview with young, female ex-combatant, Unyama camp, 13th November 2004

However, there were also frequent references to ‘finger-pointing’, or calling reporters specific names. One former abductee talked of how he had advised another boy who had come out of the bush: “There was a boy who was away for nine years. He told me that they were talking about him and he came to me for advice. I advised him to keep his cool and report to the LC if they called him a killer, a murderer. He has told me that there is an improvement.”⁴³ In particular, there were numerous complaints of such incidents happening within the school environment. As another young man said, “At home we have no problems with people, but at school other students finger point at us and give us nicknames like calling you with a rebel commander’s name.”⁴⁴

In most cases where incidents were reported, however, the informant also described how the issue had been resolved – normally with the assistance of a local council representative. One young female reporter presented a common scenario: “some don’t forgive. Some still have that against us – feeling that we are bad, that we have killed people. Last year they were saying I was a rebel, so I went to the LC and reported and they were cautioned and told to stop disturbing me.”⁴⁵ Women, in particular, appear to carry a stigma and are often referred to as ‘Kony’s wives’. Given the nature of sexual abuse so many have been through, this is a profoundly damaging accusation. Furthermore, many come with children they gave birth to in the bush, making them particularly vulnerable to social disapproval – not least since the majority of mothers are underage.

What is remarkable, however, is that such intimidation, unkind as it is, has not been translated into violence: no incidents were reported to the researchers of returnees being physically harmed by members of the community.⁴⁶ Even a relative of Kony, a reporter himself, stated that he had never been physically harmed, although he had often been accused of being a rebel.⁴⁷ Given the extraordinary level of brutality employed by the LRA, and often carried out by children, the capacity of the communities to resist taking revenge is remarkable. Although this does not necessarily mean that sustainable reconciliation is automatically taking place, it indicates that there is a keen awareness of the wider context in which amnesty is happening and, as a result, many of the issues that arise can be resolved when sufficient sensitisation and dialogue occurs.

However, it is also important to bear in mind two factors. First, that the vast majority of reporters are identified as having been abducted into the LRA in the first place and therefore their actions are recognised to have been carried out under duress. While there is no need to doubt the accuracy of this information, it is also important to remember that few senior leaders were referred to as currently living within their home communities. Indeed, all the senior ex-combatants who were interviewed were living within Gulu town, and had not returned to their home areas. Second, it is too early to judge the long-term process of reintegration. The question remains, will attitudes change if and when the war ends and people are able to return to their homes? Furthermore, what additional mechanisms are needed in order to facilitate the process of reintegration? These are some of the questions that are explored in the following section, which considers longer-term issues of reintegration within a supposedly ‘post-conflict’ context.

⁴³ Interview with ex-combatant, Gulu town, 9th November 2004

⁴⁴ Interview with young, male ex-combatant, Gulu town, 13th November 2004

⁴⁵ Interview with young, female ex-rebel, Palenga Camp, Gulu, 14th November 2004

⁴⁶ However, several informants did refer to an incident in which a former combatant allegedly killed his father.

⁴⁷ Interview with ex-abductee, Gulu town, 13th November 2004

3 REBUILDING THE PEACE: AMNESTY IN A 'POST-CONFLICT' ENVIRONMENT

The distinction between conflict and post-conflict is rarely a marked one, and many of the issues relating to the ongoing situation of conflict in northern Uganda still apply to areas such as West Nile and western Uganda. However, given that civilians are no longer living under the daily threat of armed conflict, the environment is more conducive to considering issues of reintegration and reconciliation. Thus the following section considers the amnesty process within the post-conflict environments of Western Uganda – specifically Kasese – and West Nile.

3.1 Amnesty and integration in the aftermath of the ADF conflict

It is interesting that, even in a post-conflict environment such as Kasese, the amnesty process was still perceived in a largely positive light, despite the numerous violations committed by the former combatants against the community during the war. Between 1996 and 2000, civilians living in western Uganda – particularly in the districts of Kasese and Bundibugyo – bore the brunt of a brutal civil conflict fought by the Allied Democratic Forces (ADF) against the government. Although the ADF war officially ended before the Amnesty Act was passed, many of those who were involved in the conflict have since applied for amnesty within the area. Indeed, before the Amnesty Act was in place, former combatants from the ADF were reporting to the UPDF, many of whom appear to have been given unofficial amnesty.⁴⁸ Some were put in prison charged with treason and later came out under the amnesty, while others were allowed to return to their homes. For instance one female abductee talked of how, after fleeing from the ADF, she had reported to the UPDF who had then contacted the local government officials from her area, and taken her back to her home.⁴⁹ This example shows the extent to which the Amnesty Law formalised a process that was already taking place, but now with the legal assurance that was previously missing. As one reporter said, “We really appreciate the efforts of the government toward this Amnesty Act as it encourages the others who are in the bush fighting to voluntarily come out of the bush.”⁵⁰

In considering the issue of reintegration in Kasese, it is vital to take into account the fact that most of the reporters identified themselves, and were identified by the communities, as ‘abductees’. Given the nature of the ADF conflict, in which the majority of senior combatants were not from the area in which the conflict was taking place, there are few occurrences of individuals who are recognised as senior combatants being reintegrated into the communities. Therefore, on the whole, many of the reporters appear to have been accepted back into the communities. As one reporter said, “They look at us as people who have been abducted by the ADF rebels, therefore they sympathise with us by giving us free food from the garden so that we feel very happy in the community.”⁵¹ However, acceptance was generally contingent upon the communities being sensitised about the nature of amnesty, and upon some form of dialogue taking place between the former combatant and the communities. For instance one ex-ADF combatant, who had risen to the position of Corporal in the ADF and was commanding 25 rebels, talked of the process of reintegration:

Some people say that I am an ADF rebel, but after I went to the DISO office and he gave me a letter, since then people stopped bothering me... Even my sister died while I was in the bush,

⁴⁸ Interview with ADF ex-combatant, Kampala, 17th November 2004

⁴⁹ Interview with female abductee, Bwera, Kasese district, 10th November 2004

⁵⁰ Interview with reporter, Bwera town, 12th November 2004

⁵¹ Interview with male ex-combatant, Bwera, Kasese district, 10th November 2004

and my family told me they were still fearing I was a rebel. But now we have built a relationship with my family and friends so I am no longer discriminated against.⁵²

A community member re-iterated this: that although they were originally hostile to those returning, once they had listened to their stories they accepted them back.⁵³

Thus for many the amnesty is understood within the wider context of being a tool for ending conflict. As one elder said, with regard to the community's attitude towards ex-combatants, "We just sympathise with them and welcome them very well so that it encourages those who are left in the bush to also come out peacefully. I think that is why war has stopped from this place."⁵⁴ However, there were also points of tension identified by some of those interviewed. From the perspective of returnees, many felt that they still carried the stigma of the conflict. Previous research has shown the extent to which there is ongoing fear of openly discussing the war, and the shame that is associated with what took place.⁵⁵ In particular, women appear to feel victimised. As one woman said, "People say we were wives of rebels, that's why we survived even though my husband and son were killed. My late husband's relatives are very hostile to me."⁵⁶ A civilian reiterated this point: "They [abductees] feel that the community rejects them but the community is with them... And they cannot ask for anything because they fear that the community can discuss them."⁵⁷

Furthermore, the controversial issue of assistance to those returning was referred to repeatedly. As a district leader in Kasese said, "People feel very bitter about the assistance given to [ex-combatants]. They say, these people who killed us, now you are giving them assistance. But we always advise the community that we need to encourage these people to come home otherwise they will do more havoc to the community. Also we have those who were abducted who have mental problems like shouting in public without any reason."⁵⁸ One woman expressed her confusion over the way in which reporters were receiving assistance: "The communities were hurt when they saw ex-combatants were given iron sheets for building and other assistance while the widows and orphans they victimised are not benefiting in any way. The communities fail to understand the government's way of doing things because of that."⁵⁹

At the same time, former combatants and abductees spoke of how they had not yet received their amnesty packages. As one reporter said, "We have never had any assistance, yet we heard the children of former President Idi Amin Dada were given some assistance."⁶⁰ Another man, who had been arrested on suspicion of being a rebel collaborator, expressed a similar frustration: "They told us that after we had Amnesty, they would help sustain us ... support us. Since then, we have got nothing. That cannot be pleasing to those in the bush. They don't see what we are gaining. They see no sustaining or resettlement. They don't see why we agree with that law... They are starving there, but will have the same thing here."⁶¹

⁵² Interview with young, male ex-rebel, Bwera town, 11th November 2004

⁵³ Interview with male community member, Bwera, 12th November 2004

⁵⁴ Interview with male elder, Mpondwe town, 12th November 2004

⁵⁵ See RLP Working Paper no. 10, *Displacement in Bundibugyo District: A Situation Analysis*. September 2003

⁵⁶ Interview with female abductee, at customs between Uganda and DRC, Kasese district, 11th November 2004

⁵⁷ Interview with male community member, Kiguzu village, Kasese district, 10th November 2004

⁵⁸ Interview with district leader, Kasese town, 9th November 2004

⁵⁹ Interview with female community member, Kasese town, 12th November 2004

⁶⁰ Interview with ex-combatant, Bwera, Kasese district, 10th November 2004

⁶¹ Interview with accused rebel collaborator, Kasese town, 12th November 2004

Likewise former ADF combatants interviewed in Kampala all spoke of their appreciation for the way in which the Amnesty Law had enabled them to come out of the bush, but complained bitterly about the fact that they had not received assistance. As one senior commander said, “They were arresting us like insects and putting us in prison. That is why we went to the bush. If there were no amnesty, we would have carried on fighting. We are strong enough...”⁶² However, there was a strong feeling of anger towards the government for not having delivered on their promise of assistance. When asked why they were entitled to more than legal forgiveness, another senior commander replied:

We deserve to be helped, because this government also came into power by similar means. Also it was something that was promised, so we came with that thing in our heads. We were serious fighting, looking for State House. We were on the brink almost. So why don't they recognise their agreement? It is cheaper for them to give us a package than to fight us in the bush, and if we hadn't chosen to come back, they would still be fighting us.⁶³

In many instances there was a strong feeling that they had been lured out of the bush with promises that had never materialised. As a more junior former combatant said, “Even when you sign the amnesty, they ask you what you want to do. There is an implication that government is prepared to help. That form, it raises your expectations.”⁶⁴ This shows the extent to which there is a widespread perception that the government has not delivered on its promises, generating considerable anger and resentment, and jeopardising the potential for long-term reconciliation.

Thus the issue of giving specific assistance to reporters is complex in this environment. On the one hand, many of those who were forced to fight with the ADF are suffering long-term physical effects. As one man, a father, said, “Please tell the government to help me since I had broken my neck while in the bush. I fell with a box of bullets and my neck is broken so I can't do heavy work in order to support my family.”⁶⁵ Indeed, it was apparent that many of those who were abducted and have returned are living in appalling conditions – again, particularly women.⁶⁶ However, the standard of living among the communities as a whole is also significantly low. Given that the district is, itself, trying to recover from high levels of conflict-induced displacement, it is hard for the communities to accept those returning receiving assistance if they do not receive likewise.

3.2 Amnesty and reintegration in West Nile

West Nile has suffered from a number of armed insurgencies since the late 1970s. Most recently, there have been two recognised rebel groups operating within the region – the West Nile Bank Front (WNBF) and the Uganda National Rescue Front II (UNRFII).⁶⁷ The context in which reintegration is taking place in West Nile differs from northern Uganda, in that the various rebellions that were taking place are now officially over, and in West Nile there was no large-scale displacement as a result of the conflicts.⁶⁸ However, there is a strong similarity

⁶² Group discussion with 8 Ex-ADF combatants, all senior commanders, Kampala, 17th November 2004

⁶³ Group discussion with 8 Ex-ADF combatants, Kampala, 17th November 2004

⁶⁴ Interview with former ADF combatant, Kampala, 17th November 2004

⁶⁵ Interview with male community member, Bwera, Kasese district, 10th November 2004

⁶⁶ Interview with female community member, Kiguzu village, Kasese district, 10th November 2004

⁶⁷ For a detailed analysis of the processes that led to the resolution of conflicts within West Nile, see RLP Working Paper no. 12

⁶⁸ However, it is important to note that the majority of the population was forced out of their homes and fled to Sudan and DRC in the post-Amin years. See RLP WP 12 for more details.

in that ex-combatants are returning to the same communities that bore the brunt of the conflict. Although both UNRFII and WNBF enjoyed a degree of support, particularly in the earlier years of operation, they also carried out increasing numbers of abductions once recruitment became harder, and committed atrocities within the communities from which they came.

Despite the communities being victimised in this way, both rebellions were resolved partly as a result of communities being actively involved in persuading the rebels to return home: accepting former combatants back was seen as the best hope for resolving years of civil conflict. Indeed, frequent reference was made to the fact that, even before the Amnesty Act had been passed, combatants were being encouraged to come out of the bush with the promise of unofficial amnesty.⁶⁹ Once again, the concept of amnesty is shown to resonate with the community's cultural approach to resolving conflict.

Thus, as with Kasese, there was a common perception within West Nile that the amnesty had been instrumental in resolving conflict within the region. As one woman living in Arua said, "Amnesty has ended war by uniting the ex-combatants with the community."⁷⁰ Or in the words of a local government official, "The community suffered at the hands of the rebels. There was havoc done by the soldiers: they burned houses, took wives. The amnesty creates the incentives for communities to have peace and forgive them. What we lost is another challenge. We swallowed much in the name of peace."⁷¹ As an ex-combatant said, "Amnesty is a good thing. It has helped us to reconcile with the government and also advised us to come home."⁷² As a result, while there were sporadic complaints from ex-combatants who felt they had not been fully accepted back within the communities, particularly from former WNBF combatants in Koboko, there were no recorded incidents of violence against ex-combatants, or of communities taking revenge against specific individuals or groups.

However, although there was clear support for the amnesty process within the region, significant problems have arisen since and now dominate any discussion on the subject of amnesty. As one former combatant said, "It was good when amnesty came to us. We were happy. But the next step was this disease called money – all the money from the donors – we want it to be for everyone. But it is almost a year and we have got nothing."⁷³ It appears that the issue of financial gains – or 'the package' – has now become the primary focus or understanding of the Amnesty Law for the majority of ex-combatants interviewed, and is the major issue when considering the current potential for reintegration in the region. As one former combatant said, "It is always the same story – no funds, no support, empty promises."⁷⁴ Another man had received a package, but was complaining that it was not enough: "The assistance given by the Amnesty Commission has helped us, but now it's finished... Will they give me money during the rainy season for digging in my gardens?"⁷⁵

The majority of those who were fighting with the WNBF and who came out before 2000, complained bitterly about the fact that they have not received packages, particularly in the light of the assistance given to the UNRFII under the negotiated settlement. As one former

⁶⁹ RLP WP no. 12

⁷⁰ Interview with female community member, Arua town, 22nd November 2004

⁷¹ Interview with local government official, Arua, 22nd November 2004

⁷² Interview with ex-UNRFII combatant, Yumbe, 18th November 2004

⁷³ Interview with ex-UNRFII combatant, Yumbe, 19th November 2004

⁷⁴ Interview with ex-UNRFII combatant, Koboko, 21st November 2004

⁷⁵ Interview with ex-UNRFII combatant, Yumbe, 19th November 2004

WNBF combatant said, “Amnesty can end the war, but this amnesty is like a father of two sons and he only loves one son, and so the other son will automatically rebel against him. Therefore amnesty is not helpful. They have been deceiving us for such a long time.”⁷⁶ Several ex-Uganda Army (UA) men, who are similarly bitter that they have never received anything, also articulated the perception of UNRFII as having got a better deal. As one former UA soldier said, “People come to me and say, let’s go back to the bush so that we can get paid like the ones in BidiBidi.”⁷⁷ But I say it’s not good to go. Peace is better.”⁷⁸ These comments show the damage that is done when some are given packages, and others are not.

However, at the same time, many ex-UNRFII combatants are also disgruntled, but this time over the distribution of a cash donation of UgShs 4.2 billion agreed upon in the negotiated settlement. The situation has been made worse by the fact that, according to those interviewed, only 2 million of the money has materialised so far.⁷⁹ There is clear resentment over the way in which the money is being distributed: there were numerous complaints that many of the individuals on the list of recipients had never fought in the bush, and that those who were being rewarded were relatives of the Liaison Committee.⁸⁰ As one former combatant said,

With the UNRFII, it is funny that the amount keeps changing as clan and family ties were looked at by the leadership. The rightful benefactors did not receive. It is a poor kind of leadership influenced by money. Before all this money, this aspect was not there. We are now praying for government involvement, and not to deal through the BidiBidi system.⁸¹

Another talked of how he had gone to BidiBidi to get his money, but was only insulted: “I received nothing. They [BidiBidi] told me ‘a dog which is not around cannot be given food’. But I was there with them.”⁸² Indeed, the climate of resentment has escalated to such an extent that ex-combatants attacked the BidiBidi offices on 28th September 2004 after a meeting when only 50 received money out of the 700 who had showed up. Thus the level of resentment that the 4.2 billion has generated can not be underestimated and the potential for renewed conflict in the region is growing.

As a result of the grievances outlined above, many informants expressed concern that the situation was becoming increasingly explosive. As one former combatant said, in the context of undelivered promises, “Government took our guns but not our brains. We can still plan.”⁸³ Another echoed a similar sentiment: “The government has been playing with us like a cat plays with a rat for a long time, and every time we try to consult them they answer us rudely and we are sent back home to wait. Surely for how long shall we wait for our reward? Do they want us first to go back to the bush and then they will attend to us faster?”⁸⁴ Members of the communities expressed similar concern. As one woman said, “I have no problems with

⁷⁶ Interview with ex-WNBF combatant, Koboko, 18th November 2004

⁷⁷ BidiBidi is a co-operative based in Yumbe, formed out of the negotiated settlement between UNRFII and the GoU.

⁷⁸ Interview with ex-UA combatant, Koboko, 21st November 2004

⁷⁹ Interview with Secretary-General, BidiBidi Co-operative, Yumbe, 18th November 2004

⁸⁰ The Liaison Committee was formed during the peace talks between UNRFII and GoU, and is now responsible for the distribution of the negotiated settlement.

⁸¹ Interview with ex-UNRFII combatant, Yumbe, 19th November 2004

⁸² Interview with ex-UNRFII combatant, Yumbe, 19th November 2004

⁸³ Interview with ex-WNBF combatant, Koboko, 20th November 2004

⁸⁴ Interview with ex-UNRFII combatant, Yumbe, 18th November 2004

ex-combatants, but I fear them because these are boys who killed people and they can think of killing again... You know the spirit of those people they killed is still crying to them.”⁸⁵

Furthermore, the issue of compensation is creating growing resentment among the communities. As one woman said, “those boys actually terrorised the whole region when they were in the bush. But I am happy they are back and we are staying together with them. But since those boys have been paid by amnesty they should also pay the damages that they caused here... We have not been compensated.”⁸⁶ Or in the words of a man living in Arua, “Those who were tortured should get the package.”⁸⁷

It is striking that, when asked about the amnesty, the majority of ex-combatants immediately started talking about compensation. It appears that the essence of amnesty – namely legal and social forgiveness – is being obscured by the issue of financial gains. As one former combatant said, “This is a selfish peace.”⁸⁸ While clearing the backlog of packages would certainly help the situation, it will not automatically guarantee reconciliation. Furthermore, current expectations of what the Amnesty Commission can and should deliver are extremely high and show the potential pitfalls of attaching packages to the amnesty process. The issue of financial assistance specifically for former combatants has created an environment of suspicion, in which rumours of other groups or individuals being assisted dominate.

Thus, while the amnesty process has clearly played a vital role in resolving conflict in West Nile, the issue of financial gains has blurred the wider ideals of the amnesty process and has had a serious impact on the potential for long-term reintegration and reconciliation. Divisions have been created not only between the communities and former combatants, but also between the various ex-combatants themselves. Findings show that if people’s grievances are not addressed, and if commitments are not honoured, there will always be the potential for future conflict. Furthermore, the current environment shows the danger of attaching what is perceived as cash prizes to specific peace deals: the potential for long-term reconciliation within this environment does not look promising as rebels who are simply ‘bought’ out of the bush are going to be very hard to satisfy. Instead, the focus needs to be moved away from the issue of financial gains, and onto reconstruction and reconciliation: the government needs to focus on addressing root causes of the conflict instead of trying to paper over the cracks.

4 FACTORS UNDERMINING THE AMNESTY PROCESS

Throughout all the different locations in which research was carried out, informants identified a number of negative factors that were detrimental to the effective implementation of the amnesty. The two most common issues that were identified were the issue of inconsistency in government support of the amnesty, including its failure to honour commitments to former combatants, and the recent announcement by the International Criminal Court (ICC) that it intends to prosecute senior LRA commanders. Each of these will be considered in turn.

⁸⁵ Focus group discussion with 5 female community members, Arua town, 22nd November 2004

⁸⁶ Focus group discussion with 5 female community members, Arua town, 22nd November 2004

⁸⁷ Interview with community member, Arua, 19th November 2004

⁸⁸ Interview with ex-UNRFII combatant, Yumbe, 17th November 2004

4.1 Government and the Amnesty Act: an unclear relationship

Most common was the issue of the government's ambiguous support for the amnesty process: numerous informants questioned whether or not the government was really serious about the amnesty. Indeed, since its enactment, the government has never presented a consistent position on the Amnesty. One elderly man in Kitgum articulated a commonly held view: "Parliament said [the Amnesty Act] was ok, but the president himself didn't want it, this is no secret."⁸⁹ Evidence of this was seen to lie, for instance, in the GoU's treatment of civilians when they were suspected of being collaborators in all the conflict-affected areas: there were several accounts given of civilians being arrested in Gulu and Kitgum on suspicion of collaboration.⁹⁰ Furthermore, numerous ex-combatants were concerned that, once the war ended, their amnesty would somehow expire.⁹¹

Likewise several informants in Kasese talked of how they had been arrested as 'collaborators' and had decided to apply for amnesty as the easiest way to get released, even though the accusations had been false. Furthermore, several of the informants made reference to a specific ADF leader who had 'reported' but was now in prison, and similar complaints were made in northern Uganda.⁹²

In addition, the short-term nature of the Act was referred to as evidence that the government was not serious in its support for the amnesty. The time-specific nature of the Amnesty Law undermines its credibility: it leaves people guessing and questions the government's sincerity. A clear example of this was the fact that the latest extension of the Act expired on 16th November 2004, the same day the ceasefire and talks were announced. It was common knowledge among informants that the Amnesty Law ran out on that date. The short-term nature of the Act also has a direct impact on the functioning of the Amnesty Commission itself given that its mandate can expire at any moment at the behest of the government.⁹³ When asked what the greatest challenge was that they face, all the staff in the DRT offices responded that their biggest problem was the fact that they never knew whether or not they would still be functioning beyond a maximum of six months (and, more recently, three months.) Furthermore, many questioned whether the process of reporting to the Commission was a means of collecting information that could later be used by the government as evidence against them.⁹⁴

Further indication of the government's lack of support was seen to lie in its pursuit of a military solution to the LRA conflict. For instance the government's controversial military strategy that began in March 2002, Operation Iron Fist, fully contradicted the aims of the amnesty. While the government justifies its military actions as using the necessary stick to entice the LRA towards the amnesty carrot, the vast majority of informants in the north reject this explanation. The impact of Operation Iron Fist was a spectacular disaster: it simply unleashed renewed attacks against the civilian population and gave Kony increased justification for using violence. Given the lack of trust between the government and LRA, such actions only serve to further drive a wedge between the warring sides. At the same time,

⁸⁹ Interview with elderly man, community member, Kitgum town, 20th November 2004

⁹⁰ For instance interview with male community member, Unyama Camp, Gulu, 15th November 2004

⁹¹ For instance this was mentioned numerous times in a school in Gulu, November 2004

⁹² Interview with community member, Unyama Camp, Gulu, 15th November 2004

⁹³ A Handbook for Implementation of the Amnesty Act 2000: Procedures and Principles of Operation. Amnesty Commission (undated) Section 5.2.1

⁹⁴ Interviews conducted in a school in Gulu, November 2004

both the passing of the Anti Terrorism Act, which specifically names the LRA as a terrorist organisation, and the inclusion of the LRA on the US State Department's list of terrorist organisations post September 11th, have also generated considerable confusion. Thus the fact that the LRA is frequently referred to as a 'terrorist' organisation has raised significant questions with regard to whether or not the LRA is included under the amnesty.

Thus, it is clear that for the amnesty to function effectively, it needs to take place within an environment of trust. Instead, the government has undermined the amnesty and reduced the process in the minds of rebels: they simply see it as a tool for defeating them. Worse still, it has reinforced the sense of entitlement, as rebels perceive government to be trying to 'buy' them out of the bush.

4.2 The International Criminal Court

A further threat to the amnesty process that was identified specifically in northern Uganda, and one that is inextricably linked to issues of trust outlined above, was the recent announcement by the ICC that it intends to investigate war crimes committed by the LRA in northern Uganda. The ICC was created in 1998 by an international treaty, the Rome Statute, which came into effect in July 2002. Signed by 120 states, the court was created "to promote the rule of law and ensure that the gravest international crimes do not go unpunished."⁹⁵ The focus of the court is on "the most serious crimes of concern to the international community as a whole" – namely the crimes of genocide, crimes against humanity, and war crimes.⁹⁶ In this instance, the GoU approached the Court, and the case was referred to the ICC under Article 14 of the Rome Statute, which enables State Parties to make referrals to the Prosecutor. However, the Chief Prosecutor also has discretion, under Article 53, to decide whether or not to pursue an investigation.

While Kony and some of his senior commanders clearly meet the criteria of the court, interviews with numerous informants in northern Uganda show the ICC's involvement at this stage to be deeply unpopular because it jeopardises the concept of amnesty and, therefore, reduces hope for a peaceful resolution to the conflict. Indeed, the timing of the ICC's announcement was seen to be disastrous. One female ex-combatant articulated a commonly held view among former combatants and communities alike: "People in the bush will not come out if there is ICC. In fact, ICC should be eliminated."⁹⁷ A senior ex-LRA combatant who had only been out of the bush for two weeks echoed her words: "What is contradicting [the amnesty] is those people calling themselves International Criminal Court. If you come with those two words [amnesty and ICC], you will find a contradiction there... This is the contradiction they are getting in the bush: if there is amnesty, why are those people investigating? This is the fear of those who are in the higher rank to come out of the bush... People think it is a trick."⁹⁸

Given an environment in which trust between the LRA and government is already seriously compromised, the announcement by the ICC has only served to underscore the contradictory messages surrounding the amnesty. As another senior ex-combatant said,

⁹⁵ International Criminal Court, "The ICC At a Glance," available from <http://www.icc-cpi.int/ataglance/whatistheicc/history.html;internet>; accessed 25th November 2004

⁹⁶ Ibid.

⁹⁷ Interview with female ex-combatant, Gulu town, 11th November 2004

⁹⁸ Interview with senior ex-LRA combatant, Gulu, 17th November 2004

The ICC, that one we were hearing of it from the bush, and it gave Kony a way of saying ‘when you go back home you will be prosecuted.’ When a person who is given amnesty is also taken to court, many people will run away and another war will begin.... Let’s take care because in this one we are making a history in the world. People will learn in future, LRA were given amnesty but also taken to court, and nobody will say that the amnesty is true.⁹⁹

Or, as a combatant previously with WNBF said, “ICC is one of the ways Kony might fail to come back home so instead of fighting for power he may begin to fight for his life.”¹⁰⁰

Other informants saw the ICC more positively as an opportunity for the truth to come out, and did not see it in contradiction to the amnesty. In particular, this was linked to the hope that it would be a process in which the government would also answer for its actions. One cultural leader spoke of wanting the ICC to investigate atrocities committed when “the government made our cattle be stolen.”¹⁰¹ Or, as an elderly man said,

They should investigate all the crimes, whether committed by government troops or rebels. Otherwise to me that is not justice... There is a saying, it takes two people to make a quarrel... What yardstick are they [ICC] making to only prosecute Kony? If you walk around here there are mass graves from government troops, and also if you look at history you can see why this whole thing flared up.¹⁰²

What this quotation shows is the extent to which there are deeply rooted issues in Uganda that cannot be addressed by the ICC’s current course of action, something that is further exacerbated by the silence of the ICC on any prospects of investigating crimes committed by government soldiers.¹⁰³ In addition, the Court has no power of arrest, despite a widely held belief that the ICC somehow has the ability to find and capture Kony.

Clearly, there is currently much confusion on the ground with regard to both the intentions and jurisdiction of the ICC, in particular how it relates to the amnesty. In particular, any statements made or actions carried out by the ICC are seen to interact directly with the war. For instance numerous informants pointed to the fact that Kony is aware of what is going on, and is aware of the ICC’s presence in the region.¹⁰⁴ Thus the ICC’s announcement, which was so quick to be welcomed within the international arena, has been seen as having the potential to fuel rather than resolve the conflict. It has ignored the specific context in which the war is taking place, and is widely perceived to have undermined the amnesty process and gone against the wishes of those for whom the conflict is a daily reality.

Furthermore, inherent contradictions have created confusion with regard to the international community’s support for the amnesty process: the diplomatic community appears to support the amnesty yet has remained largely silent on the issue of the ICC. Such silence is disturbing given that the ICC appears to be trying to influence behind the scenes the current attempted peace talks.¹⁰⁵ Coupled with contradictory messages from the GoU, there is widespread feeling that the cycles of violence that have dominated Uganda’s recent history will only

⁹⁹ Interview with senior ex-LRA combatant, Gulu town, 17th November 2004

¹⁰⁰ Interview with ex-WNBF combatant, Koboko, 16th November 2004

¹⁰¹ Interview with cultural leader, Kitgum town, 19th November 2004

¹⁰² Interview with elderly man, community member, Kitgum town, 20th November 2004

¹⁰³ CSOPNU briefing paper, *The International Criminal Court investigation in northern Uganda*. February 2005.

¹⁰⁴ Interview with ex-combatant, Gulu town, 9th November 2004

¹⁰⁵ Personal interaction between RLP and informant, January 2005

continue if such inconsistencies in government actions continue to occur. Furthermore, while the GoU has allegedly indicated that it would withdraw the case against the LRA as part of a peace agreement,¹⁰⁶ there is no specific provision within the Statute for the withdrawal of a case by a State Party.

Thus, despite the horrendous crimes that have been committed, people are unhappy with the ICC's intervention. As AC Chairperson Justice Onega said,

If the ICC goes ahead with its investigation, it is going to jeopardise the amnesty process. In addition, it is going to compromise the search for a peaceful resolution to the conflict.¹⁰⁷

The strength of feeling against the ICC should not be read as an indication of either civilian support for Kony, or as support for impunity. Rather, such antagonism needs to be understood in light of five main factors. First, previous statements that have claimed that the LRA is going to be defeated at a particular time have resulted in increased levels of violence by the LRA against the civilian population. Second, the population is keenly aware that they will always have inadequate security to protect them against increased attacks when Kony feels threatened. Third, civilians have lived within the conflict for over 18 years, and are desperate to end the vicious cycle of violence that has put their lives on hold for so long. Even those who strongly feel that Kony should be held accountable for his atrocities are wary of the security implications to themselves of attempts to corner Kony. Fourth, there is an overwhelming desire for most civilians in northern Uganda to see their children return home safely. Fifth, while the ICC may deter future rebels from committing atrocities against civilians, the Court is not capable of addressing the deep-rooted political causes of the conflict. Instead it is seen as providing a convenient escape route for the government to avoid having to address such causes. A peace process, by contrast, is seen as a better mechanism for addressing the deep political causes of the conflict. Thus it is in the context of these deeply complex concerns that the ICC's intervention at this stage in the conflict is seen as jeopardising the potential for peace in northern Uganda, and is widely resented as a result.

5 PAPERING OVER THE CRACKS, OR A TOOL FOR LONG-TERM RECONCILIATION?

Given all that the amnesty process has clearly achieved, as well as the problems it faces in implementation, the following section considers first the current and potential effectiveness of the Amnesty Law as a tool for resolving conflicts, and second its effectiveness as a mechanism for breaking the cycles of violence that have dominated Uganda's recent past and generating long-term reconciliation.

5.1 Amnesty as a tool for conflict resolution

As outlined above, a common perception in northern Uganda is that the amnesty presents the best hope for ending the conflict: the Amnesty Law was advocated for in the midst of one of the most brutal civil conflicts today, and reflects the extent to which a military solution has been rejected. Recognition of the amnesty's role in resolving conflicts was echoed in both West Nile and Kasese where informants expressed their conviction that the process of

¹⁰⁶ This point is argued by CSOPNU (2005). However, it goes on to state, "the only possible exception to this situation could be if the Government of Uganda decides to try the LRA commanders itself." (p. 2) However this would obviously still contravene the Amnesty Act.

¹⁰⁷ Interview with Justice Onega, 23rd February 2005

granting amnesty to former combatants had been instrumental in ending conflicts in the respective locations. For instance, lack of punishment for those who surrendered is believed to have been crucial in ending the WNBF rebellion, and had a direct impact on UNRFII combatants.¹⁰⁸ As a former WNBF combatant said, “the people here are very happy that we have come home. There is peace in the region. If we were out, there would still be war. They begged that we be supported in staying in the community.”¹⁰⁹ Repeatedly, those interviewed stressed that “people would rather reconcile than revenge”¹¹⁰ showing the extent to which citizens were prepared to accept former combatants back in the name of peace. As one local government official said, “If we don’t forgive the rebels, they will come in and cut off a second leg. If amnesty wasn’t there, there would be no security.”¹¹¹ In addition, with increasing numbers of senior LRA combatants coming out under the amnesty and the apparent progress in the potential for a negotiated settlement in the north, the message seems to be making a genuine impact in the resolution of the conflict.

Furthermore, many of the ex-combatants interviewed stressed the fact that combatants still fighting were watching carefully to see whether or not the amnesty was authentic. As one ex-combatant said, “Amnesty could help end the war if it could sustain the people that have reported. This will encourage others in the bush to come back especially if they hear that those who reported were forgiven whatever crimes they committed and given assistance to re-start their lives.”¹¹² Or as a senior ex-combatant in Gulu said, “The communities report the bad and good side of the amnesty to the LRA. The government should use this – the communicators [collaborators] who buy food, gumboots, salt etc for the LRA should be urged to take up the amnesty and report the right things to the LRA.”¹¹³ This shows the extent to which the different conflicts within Uganda interact: current treatment of former combatants is seen to have a direct impact on potential resolution in northern Uganda.

In addition, many civilians in the north are even prepared to accept Kony being granted amnesty in the name of peace: the majority of those interviewed in northern Uganda said that if he comes out voluntarily, Kony should be granted amnesty. At one level this was based on pragmatism: the majority of informants expressed the opinion that offering Kony amnesty is the surest way of ending the conflict. As one community member said, “What we Acholi think is that we want this war to end. So we have to forgive him. We accept that he had done so much wrong, but we only want this war to come to an end.”¹¹⁴ Others recognised that the amnesty process would lose its authenticity if specific individuals were excluded. As one community member said, “you can’t give amnesty to some and not others – that would make no one to trust it.”¹¹⁵

However, in some instances, the issue of what should happen to Kony was also articulated within the wider context of amnesty as a tool for breaking the ongoing cycles of violence.¹¹⁶ Clearly, there was mixed opinion on how he should be treated, and the question of what should happen to Kony generated a wide variety of responses. A civilian in Kitgum, for instance, explained, “according to our culture, if someone kills, the punishment should not be

¹⁰⁸ See RLP WP 12 on the impact of community acceptance of former combatants

¹⁰⁹ Interview with ex-WNBF combatant, Koboko, 21st November 2004

¹¹⁰ Interview with security officer, Kitgum Town, 24th November 2004

¹¹¹ Interview with community member, Kasese town, 10th November 2004

¹¹² Interview with ex-ADF combatant, Kasese town, 10th November 2004

¹¹³ Interview with ex-combatant, Gulu town, 9th November 2004

¹¹⁴ Interview with male community member, Unyama Camp, Gulu, 15th November 2004

¹¹⁵ Interview with community member, Gulu town, 9th November 2004

¹¹⁶ For a discussion on the root causes of the northern conflict, see RLP Working Paper 11.

to kill that person but to look to reconcile. Otherwise for us it would be like killing two people, which is not acceptable in our culture.”¹¹⁷ Or, as another informant said, “Kony can go to other countries and live. It doesn’t make sense to do anything else, because we can never make him pay for all the blood he has shed... The damage done is so great – all this talk of punishment and killing Kony, if it is going to just make matters worse then leave it.”¹¹⁸ As this comment illustrates, there was a strong suggestion that granting Kony amnesty was the surest way to end the conflict. In some instances, informants took this one stage further and said that it was also the most likely process to break the cycles of violence that have dominated the country since independence.

It is extraordinary that, after 19 years of civil war, many of those who have suffered most are willing to allow Kony to be granted amnesty if he voluntarily leaves the bush. This is not an indication of their support for him, or of empathy for what he is doing, but reveals the fact that they are willing to allow him to be granted amnesty if it means an end to the war. In other words, the desire for long-term stability outweighs the demands of modern justice as articulated in international law. This clearly raises huge questions with regard to issues of impunity. Indeed, it shows the dilemma at the heart of the process: Kony has committed the most appalling crimes against humanity, yet by excluding him from amnesty the whole process would be undermined and there would be little hope for ending the conflict. On the other hand, by granting him amnesty, he will not be held accountable for his crimes. Indeed, numerous civilians interviewed stressed the fact that punishing Kony would not compensate for what he has done. Furthermore, there was a clear recognition that any promises made in an attempt to end the conflict need to be borne out in post-conflict processes, otherwise trust is broken and the cycle of insurgency simply continues. Thus, any outcome in which Kony is granted amnesty under national law and then extradited to the Hague in order to be tried by the ICC, is already being recognised as potentially disastrous for the long-term stability of the country, and would set a harmful precedent for any potential negotiated peace deals in the future. Clearly, people were aware that the ICC cannot still address the root causes of the conflict. Instead, they want a process that would give them reassurance that the root causes of conflict would be dealt with in such a way that lasting peace becomes an attainable goal.

Even those informants who expressed the view that Kony should not be eligible for amnesty showed a desire for any actions against him to take place within recognised paradigms of Acholi culture. As a former member of the LRA, a child mother who had been abducted then beaten and raped repeatedly during her time in the LRA, said: “Amnesty is not relevant to Kony as a person because he has done so much damage in Acholiland. He has spoiled futures. He needs to be punished. He needs to pay... But that decision should be with the Acholi people.”¹¹⁹ The issue of what should and will happen to Kony remains a point of contention that has been brought into sharp focus by the ICC’s imminent indictment of both Kony and his senior commanders.

Thus, there was clear consensus that the ICC and the Amnesty Act are seen in direct opposition. It is therefore vital that both the ICC and the government address this inherent contradiction, despite the fact that the ICC, either in its misunderstanding of the context or in its desire to show its effectiveness, does not appear to see any contradiction between the amnesty process and its involvement at this point in time. For as long as the ICC and the

¹¹⁷ Interview with male community member, Kitgum Town, 20th November 2004

¹¹⁸ Interview with elderly man, community member, Kitgum town, 20th November 2004

¹¹⁹ Interview with female ex-combatant, Gulu, 10th November 2004,

Amnesty Act remain irreconcilable, progress in seeking to resolve the war in northern Uganda is likely to remain at an impasse with dire implications for the civilians.

5.2 Amnesty as a tool for long-term reconciliation

However, the question still remains, to what extent is the support for amnesty based on pragmatism – as the surest way to end the war – and to what extent does it go deeper than that? It is critical to ask this question, as the way in which today's conflicts are resolved can either set the stage for tomorrow's conflict or break the cycles of violence. Indeed, in order for peace to be sustainable there needs to be clear recognition that any amnesty process is going to be ongoing, and that receiving a certificate is just the first stage in a long, painful process of reconciliation.

Clearly, the potential for reintegration of ex-combatants exists, particularly where clear sensitisation has taken place: many of the reintegration problems identified were due to a lack of understanding, and were resolved when more dialogue took place. The Amnesty Law was not forced upon people, and there was a tangible commitment among the majority of informants to make sure that the process works. However, willingness and commitment are unlikely to be enough in the long run. The findings suggest that two significant and interrelated issues need to be addressed in order for amnesty to become a genuine tool for reconciliation. First, the issue of 'the package' needs to be re-examined; and second, there needs to be a specific mechanism that allows for dialogue and the telling of truth within communities. In other words, the admittance of guilt on the part of combatants is vital to creating the necessary conditions for healing to take place. Currently there is no formal mechanism for this to take place, and it is vital that one be created – although it is also important to note that any truth telling process inevitably needs to be handled with extreme caution.

Indeed, there needs to be considerable commitment from former combatants, community members and the government alike to follow through the process of amnesty. Without addressing these two issues, there is a danger that the Amnesty Act could, in the long run, become divisive. Indeed, with rumours of the ADF and People's Redemption Army (PRA) re-grouping in DRC, and increasing agitation among ex-combatants in West Nile, there was a tangible sense of urgency that the longer-term goals of reconciliation need to be worked out.

5.2.1 Buying peace?

Since coming to power, the government has had a policy of buying rebels out of the bush in order to end conflict, creating a culture of entitlement that has only been reinforced by attaching a package to the amnesty process. Indeed, findings have shown the extent to which focus on 'the package' is in danger of distorting the amnesty process and that the real purpose, namely to bring peace and sustainable reconciliation, is being lost. Thus former ADF commanders living in Kampala are busy worrying about their packages while civilians in Kasese and Bundibugyo are desperately trying to rebuild lives that were brutally torn apart by the ADF rebellion. Throughout the research, evidence of this culture of entitlement was underscored by frequent reference to the fact that the current regime is one that fought its way into power, the logical conclusion being that violence is a means to get what you want.

That is not to say that packages that have been promised should not be delivered upon. Indeed, many of the problems created by the package have come about as a result of both

delays in their delivery, and in the fact that certain groups of combatants have received theirs while others who have been waiting for longer have not. Thus it is vital that government honour its commitments, and do so in a timely fashion. In addition, it is also clear that greater consideration needs to be given to determining how compensation is carried out in such a way that both reporters and communities benefit. Handing over packages to ex-combatants, while potentially effective in the short term, is unlikely to have much bearing on long-term security and reconciliation within communities given that ‘buying’ peace does not address the issues that created conflict in the first instance, and that those who suffered most are left without compensation.

Thus, for as long as the primary focus of amnesty is on the issue of material gains, the process of reintegration and the longer-term goals of reconciliation become unattainable. This study asserts that reintegration is about enabling ex-combatants to return to the communities where they lived, and to be accepted. As such, the focus of attention needs to be on communities and ex-combatants having the ability to relate and share ideas with each other, rather than being perceived as a mechanism that provides material needs of ex-combatants on a long-term basis. In this way, the long-term benefit, namely peace, becomes the major ideal for the reintegration process. While there might be need for packages, they need to be carefully formulated within the context of the community, rather than focusing solely on the perpetrators of conflict. This is currently not the case, and findings suggest that the ideal behind the amnesty is being gradually eroded and undermined by material benefit. Furthermore, the fact that underlying root causes, such as the negative economic impact within the conflict areas, is not being dealt with has become a source of division between the communities and returning combatants and could, in itself, undermine the reintegration process.

5.2.2 Truth: the missing link?

Second, and of crucial importance, the interviews show clearly that, within the communities in which the research took place, dialogue is a vital precondition for any process of authentic reconciliation, in which obtaining an Amnesty Certificate is only the beginning. In Gulu, and to a lesser extent in Kitgum, there appears to be some practice of carrying out cultural cleansing ceremonies. Indeed, the AC handbook specifically recommends that local mechanisms for reconciliation be encouraged within the communities.¹²⁰ It is positive to see that these are being done, mainly organised by the reception centres and cultural leaders, and involve groups of reporters taking part in a specific cleansing ceremony.¹²¹ However, it was unclear the extent to which the wider communities were involved in this process, except in a few instances where it appears to have taken place within the camps. When it occurred, such a process was seen as an important addition to the legal granting of amnesty: in many cases the Amnesty Certificate was referred to as the official government document granting amnesty, while cleansing ceremonies were needed in addition in order to adhere to cultural demands for reconciliation. Indeed, the findings suggest that incorporating specific cultural ceremonies into the process of resettling reporters makes a significant difference to the way in which they are accepted back into the community.

However, such practices were not uniform and did not appear to allow for any specific process of dialogue. It was clear that offering amnesty is only a legitimate process when

¹²⁰ A Handbook for Implementation of the Amnesty Act 2000: Procedures and Principles of Operation. Amnesty Commission (undated) Section 3.4.2

¹²¹ This was referred to as ‘pabbo’, or the ‘stepping on the egg’ ceremony

preceded by dialogue between the victims and perpetrators that allows, specifically, for the acknowledgment of guilt, followed by some form of reparation. Without this in place, the requirements of reconciliation place unrealistic demands on the victims. As a former female abductee said, “If someone has offended and I say sorry and admit, then you forgive. If they are not sorry, then you punish, if they’re sorry, forgive.”¹²² Or, in the words of a cultural leader, “Acholi culture says, restore the relationship, you are wrong, you have accepted, since you have accepted you repent and are forgiven by the community. Of course there is some compensation of some sort, but no punishment, even if you [have] kill[ed]. The amnesty is similar because it is about forgiveness.”¹²³

Indeed, some informants referred to such a process of admittance of guilt as being a recognised form of punishment. One cultural leader described this in some detail:

I think amnesty is not very different with our traditional ways, because here, the Acholi do not have corporal punishment. We believe that a wrongdoer will not be punished by death because he will not realise the effect. We want him to be alive to see - let him feel the shame. Let him be blamed and return, and it will teach very many people that ‘I should not behave in the manner of so and so because it caused many problems.’ So the amnesty is the same because it pardons people in the same way the Acholi culture does. You are free, but feel the weight of what you’ve done. However, you don’t let that person go totally free, he has some mild punishment, which involves the whole of the clan. The whole of the clan feel the effect because they have to contribute towards the compensation for the bereaved family.¹²⁴

Such complex mechanisms go beyond the scope of this specific research and present issues that clearly need further investigation: it is vital to gain a deeper understanding of how different cleansing and reconciliation ceremonies take place, and the part they should play within the amnesty process.¹²⁵ While there were some reports of cleansing ceremonies occurring, what is apparent is that dialogue and the admittance of guilt is not happening with any frequency during the reintegration of former combatants. This omission points to a fundamental weakness within the amnesty process: nowhere within the Act are the rights of victims addressed, nor does the Amnesty Commission have the power to compel any reporters to testify before it.¹²⁶ Thus the issue of accountability remains only implicit within the process: while amnesty is clearly a good tool for encouraging insurgents to leave the bush, it does not adequately address issues of ensuring that they accept responsibility.

Therefore the Amnesty Commission needs to ensure that dialogue is integrated into the process of resettlement by facilitating meetings between the communities and ex-combatants whereby it enables a formal handing over of reporters to the communities. This gives the ex-combatants an opportunity to express remorse for previous actions and for victims to discover the truth of what has taken place. Without this component, truth is sacrificed in the desire to end violence, and there is a danger that the amnesty process becomes superficial.

¹²² Interview with female former abductee, Gulu, 10th November 2004

¹²³ Interview with cultural leader, Gulu town, 13th November 2004

¹²⁴ Interview with cultural leader, Gulu Town, 16th November 2004

¹²⁵ This is the subject of the RLP’s next field research trip to northern Uganda

¹²⁶ This point is made by Moses Chrispus Okello, *Conflict and Amnesty in International Law: The compatibility of Uganda’s Amnesty Law 2000 with International Standards for the Protection of Human Rights*. MA Thesis, American University in Cairo, December 2004. Okello goes on to point out that in the case of South Africa, amnesty, as catered for under the Promotion of National Unity and Reconciliation Act 34 of 1995, was “individualised and contingent upon full disclosure of the act and the determination of political objective.”

Conclusion

The findings have shown that, among both conflict and post-conflict communities, the Amnesty Law is perceived to be not only an effective tool for ending conflict, but also to have the potential for reconciling communities with ex-combatants, ex-combatants with government, and communities with other communities. Most importantly, it is a process that is clearly accepted by the victims of conflict: indeed, the resilience of the people and their willingness to forgive is tangible. However, it must not be taken for granted. A community's willingness to forgive a child who was abducted and forced to commit violent crimes is not hard to understand, but for the community to accept back a rebel who voluntarily committed atrocities, there needs to be something more than a desire to end conflict. Indeed, the main criticism of amnesty from within the international legal regime is that it can create a culture of impunity. Therefore it is vital that other locally recognised mechanisms of justice, such as the process of truth telling and public admittance of guilt, be interwoven unequivocally into the process.

Furthermore, ending the conflict in the north is, not surprisingly, the priority for all those interviewed, and there appears to be a current window of opportunity for some form of negotiated settlement. To that end, serious debate and attention needs to be given to the apparently contradictory roles of the Amnesty Law and the ICC within a situation of ongoing conflict. Findings clearly indicate that the timing of the ICC's announcement of intent to investigate members of the LRA has had a serious negative impact on the potential for resolution of the conflict in northern Uganda, and the mixed messages that have been sent as a result need to be clarified. Indeed, the stark contrast between the ICC and the amnesty process was articulated by informants: while the ICC is seen as a potential mechanism for seeking vengeance for the dead, the amnesty is perceived as an attempt to protect those who are living. Thus, for the success of any possible negotiated settlement between the government and LRA, the issue of amnesty and its credibility is going to be crucial. It would be tragic if the actions of a well-intentioned international community ended up de-railing a peace process simply because it dismisses amnesty as an unacceptable mechanism for justice. While the pitfalls and current inadequacies of the process have been outlined in the report, it is clear that, in the eyes of the victims of the conflict, the Amnesty Law currently offers the best hope for peace in northern Uganda.

APPENDIX: Detailed Breakdown of Field Research Interviews

	Kampala	Gulu	Kasese	Mbale	Kitgum	Arua	<i>Totals</i>
Persons Interviewed	19	111	50	16	97	116	409
1. Ex-Combatants	12	3	2	10	0	72	99
<i>Official Reporters</i>	12	3	2	10	0	62	89
<i>Unregistered</i>						10	10
<i>ADF</i>	12		2				14
<i>FOBA</i>				3			3
<i>LRA</i>		3		6			9
<i>UA/FUNA</i>						3	3
<i>UNLA</i>				1			1
<i>UNRF II</i>						26	26
<i>WNBF</i>						42	42
<i>Group Unknown</i>						1	1
<i>*Under 20 Years</i>							0
<i>*Male</i>	12	3	2	7		72	96
<i>*Female</i>				3			3
2. Abductees	0	60	17	2	52	1	132
<i>Official Reporters</i>		36	17	2	21	1	77
<i>Unregistered</i>		20			18		38
<i>Pending/Unknown</i>		4			13		17
<i>ADF</i>			17				17
<i>LRA</i>		60		2	52		114
<i>UNRF II</i>						1	1
<i>*Under 20 Years</i>		45			39		84
<i>*Male</i>		37	10		26	1	74
<i>*Female</i>		23	7	2	26		58
3. Collaborators	0	0	3	0	0	2	5
<i>Official Reporters</i>			3				3
<i>Unregistered</i>						2	2
<i>*Under 20 Years</i>							0
<i>*Male</i>			3			2	5
<i>*Female</i>							0
4. AC/DRT Staff	7	4	4	2	2	4	23
5. Community	0	31	13	0	31	27	102
<i>Health</i>			3		2		5
<i>IDP Resident</i>		19			15		34
<i>Religious</i>		2			2		4
<i>Other</i>		10	10		12	27	59
<i>*Under 20 Years</i>		4			7		11
<i>*Male</i>		26	6		19	17	68
<i>*Female</i>		5	7		12	10	34
6. Officials	0	13	11	2	12	10	48
<i>Government</i>		9	8	2	7	7	33
<i>NGO/CBO Staff</i>		4	3		5	3	15
<i>*Male</i>		11	11	1	8	8	39
<i>*Female</i>		2	0	1	4	2	9

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