



## UGANDA VICTIMS FOUNDATION

### Transitional Justice Working Paper Series 2014

#### Restoring Hope for Humanity through Interim Reparations August 2014 (Gulu, Uganda)

The Uganda Victims Foundation (UVF) has previously consulted with victim communities in the greater north and published its findings in a series of public statements.<sup>1</sup> However, to date, there has been little or no progress on the part of the Government of Uganda (GoU) to address in a tangible sense the issues of concern.

UVF acknowledges that the GoU is in the process of developing a comprehensive Transitional Justice (TJ) policy that will, if adopted and fully implemented, address many of UVF's concerns. While this engagement by the GoU is welcomed by UVF, time continues to pass without a clear outcome to the discussions and in the meantime, victims continue to suffer. Furthermore, the lives and rights of the many victims of the violent conflict in the greater north do not and cannot be made to depend on development of policy alone. The adoption of a policy framework is only the first of several steps: **the goal is the implementation of victims' rights and the provision of practical support to address victims' suffering.**

International law recognises the right to life, human dignity, security of the person and redress. Numerous people have been victimised through the violent armed conflict in the greater north of Uganda. Impunity for these acts of violence persists, whether they were carried out by state or non-state actors. **Victims are entitled to justice. They are also entitled to reparations from the perpetrators directly if these are known and apprehended, or from the State, if the perpetrators are unknown, not apprehended, or without the funds to afford reparations to victims.**

It is on this understanding that UVF, after holding intensive discussions with its membership, has identified the need for **interim reparations**. The objective of interim reparations is **to restore hope and dignity to the most vulnerable victims who are in need of immediate support, whilst the policy development continues for a holistic government intervention.**

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<sup>1</sup> All documents and statements published by UVF can be found at the following link:  
<http://www.vrwg.org/about-vrwg/uvf>

Interim reparations would also demonstrate a sign of solidarity with the victims and of good faith on the part of the GoU that it recognises the specific vulnerability of certain victims and the need to provide urgent and immediate assistance to them. UVF stresses that, the provision of interim measures should not exclude but rather complement and be complemented by, a comprehensive and long-term reparation programme.

In this briefing paper, we identify categories of victims, types of interim support needed, processes necessary to meet the reparative needs and proposed time frames that the government policy should target for interim reparations. UVF is mindful that the government has to mobilise resources if it is to meet these interim needs, however it must be recognised that the categories of victims listed herein have lived in inhuman and degrading circumstances from the time of their victimisation until today and hence there is a clear need for urgent intervention. We hope that this Briefing Paper may constitute a useful point of departure to discuss and implement interim measures and thus assist the many victims of the conflict in Uganda.

### **CANDIDATES FOR INTERIM REPARATIONS:**

Below is a list of some of the categories that the UVF has identified through the work of its members, as amongst the most vulnerable and thus requiring urgent support.

#### ***Children:***

Ugandan law recognises any person under the age of 18 years as a child and makes it clear that children must benefit from special protection. Accordingly, children born in war situations, including those born while the mother was in captivity, children with critical medical needs (wounds, tuberculosis, asthma, HIV), those who lost one or both parents, and those now taken into drug abuse as the case may be, should be identified for interim reparations support. Child mothers should also be included among the most vulnerable victims.

#### ***Women:***

The following particularly vulnerable groups have been identified by the UVF membership:

- 1) formerly abducted girls: These would include girls who were sexually abused and have contracted HIV from the perpetrators; and women and girls with reproductive problems stemming from their abuse (e.g. fistula, urine problems, etc);
- 2) women whose children were abducted or disappeared and are traumatized as a result of these events;
- 3) widows who lost their husbands in the war and are in grave material need;
- 4) women with children born in captivity (“children of rebels”): These children are rejected by their families and have not been reintegrated into their communities, thus creating a problem for the mothers to sustain them;

- 5) women and girls with physical (lips, ears cut off, nose, legs, arms mutilated) and mental disabilities (women and girls who were forced to kill, were raped, subjected to slavery and forced labour, or girls who had to carry the body parts of their relatives, etc.).

### ***Persons Living with Disabilities:***

Like the other victims discussed above, persons living with disabilities as a result of the violent armed conflict are numerous. However, in this briefing paper we identify as relevant categories abducted children, victims of sexual and gender based violence including men and victims in need of medical support.

## **TYPES OF INTERIM REPARATIONS:**

### ***Children:***

The categories of children listed above have wide ranging needs. However for the purposes of interim reparations, UVF members through their daily contacts with such victims have identified and propose the following support measures as most applicable: medical examinations and respective treatment, counselling, education, vocational training, reintegration, resettlement, rehabilitation, financial support, registration of children's identity by clan leaders, better feeding programmes for infants, access to medical care for HIV-affected children.

UVF notes that family members of abducted girls often do not want to care for the babies born in captivity. There is thus a need to talk to parents and communities, to work towards a reintegration of these children into their communities and to assist them to access education and other programmes which can aid in their re-integration.

### ***Women:***

As set out above, the needs of victims differ depending on the nature of victimisation. Our consultations reveal that formerly abducted girls should have access to specialised programmes providing psycho-social support and physical rehabilitation, including general and plastic surgery and provision of artificial limbs. Women with fistula and HIV need medical care, surgery, medical tests.

In relation to mothers of unaccounted children, UVF members note that there is a need for psychological support and information on missing persons which should be provided by the GoU, CSOs, and/or local leaders.

Many women lost their spouses to the violent conflict and in this post conflict environment, they are exposed to various challenges in respect of their civil and political rights on the one hand and economic, social and cultural rights on the other. Accordingly this category of women needs legal aid support in order to exercise their rights in full equality. In particular, support is needed to help widows to access land and properties, to arbitrate land disputes and/or to receive restitution.

Women who have suffered severe traumatisation and have developed mental illness as a result of the violent conflict need to benefit from counselling services.

***Elderly and disabled people:***

With regard to elderly and disabled people, physical and psychological rehabilitation is necessary, taking into account in particular the needs of those people who have developed depression, anxiety and post-traumatic stress disorder (PTSD) as a result of the conflict.

**PROCEDURAL ASPECTS TO IMPLEMENT INTERIM REPARATIONS:**

Aware that many of the victims UVF has interacted with are scattered in various villages of the greater north, the following steps have been identified in the process of implementing interim reparations:

- (i) Mobilisation and sensitisation of people on the issue of interim reparations at the local level (chiefs of communities, chairperson, local communities, cultural and religious leaders) and through the national media; targeting local health centres and referral hospitals; carrying out advocacy initiatives by holding press conferences, radio talk shows, publications; targeting specific Members of Parliament (MPs) who are from the North and are sensitive to victims' issues;
- (ii) Lobbying other CSOs, CDOs (Committee Development Officers), JLOS, MPs (through the chairpersons of parliamentary committees and local government), religious leaders, cultural leaders, ministry of gender and labour under youth livelihood programme, Women Parliamentary Forum);
- (iii) Undertake an assessment and registration of available information and compile data relating to victims; in particular, undertake a mapping project to identify and locate victims in urgent needs;
- (iv) Undertake urgent resource mobilisation to be able to meet the objective, through the establishment of special funds within the Ugandan budget;
- (v) Ensure there is monitoring and assessment of the intervention; in particular follow-up with stakeholders by evaluating the progress of work through the focal persons and following up with the victims committee on reparations (described below) to assess how things are proceedings;
- (vi) Document victims' actual experiences of reparations to determine whether interim reparations have achieved their goals.

We further recommend that all these processes should be implemented within the framework of Ugandan institutions (ministries of education, health) and in consultation with NGOs and CSOs who have a physical presence and well developed relationships with victim communities as well as experience in mobilising and engaging victims. In particular, it is recommended that a Committee on Reparations be established at the outset which should include representatives from CSOs and victims, and actively involve CSOs and victims in all

processes. We encourage the GoU to consult widely in order to ensure that its actions are well-informed. The role of other influential actors like religious leaders and cultural institutions should not be ignored. In some of UVF members' views, the implementation process should be led by the Uganda Human Rights Commission.

#### **TIME FRAME:**

Cognisant that 'interim' connotes immediate and timely action before the holistic reparations programme is enacted, we recommend a reasonable time frame of dealing with interim reparation. Interim reparations should begin to be implemented for the benefit of victims before the end of 2014. In any case, the intervention should take no more than three years from the date of this engagement, with immediate mobilisation of resources.

#### **Existing Opportunities:**

We note that there are a number of prevailing opportunities and broader factors which make now a particular good time to proceed with interim reparations. These opportunities include:

- I) Relative peace in the entire greater north;
- II) Availability of victims institutions/organizations: as noted earlier, a number of organisations with expertise and ability to engage and mobilise victim communities are available to support such initiatives including UVF and its members; in particular, these organisations have available data and information on victims which could be shared with the GoU;
- III) Willingness of GoU and other partners: we note that there is a demonstrated willingness of the government of Uganda to intervene and support victims (for example, through the TJ policy);
- IV) Existing national, regional and international instruments on reparations: we are fortunate to have available legal frameworks to provide guidance on the issue of reparations.<sup>2</sup> These frameworks are a useful starting point to identify

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<sup>2</sup> UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 2005, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>; Nairobi Principles on Women and Girls' Right to a Remedy and Reparation, 2007, available at <http://www.redress.org/downloads/Nairobi-Principles-on-Women-and-Girls.pdf>. In addition, the UN Office of the High Commissioner for Human Rights has recently published an analytical study on gender-based and sexual violence in relation to transitional justice. The study focusses on ensuring the effective participation of victims, as well as good practices with regard to national consultations, truth-seeking, criminal justice, reparations and institutional reform. See: [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A\\_HRC\\_27\\_21\\_ENG.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A_HRC_27_21_ENG.doc).

standards for reparation programmes, and we encourage the GoU to make use of them;

- V) Resources: the Government should consider shifting funds for PRDP to a dedicated reparations fund, while also mobilising funds from development partners.

### **Existing Challenges:**

UVF has identified a number of challenges to the implementation of interim reparations and highlights them below to assist the GoU in the process of addressing them:

- I) Slow progress in the development and implementation of the TJ policy: we are aware that the TJ policy formulation is progressing, and the discussions have been ongoing for some time without concrete results for victims. The GoU should heed our calls for action because in implanting an intervention for interim reparations, the lives and livelihoods of many victims will be given hope;
- II) Lack of data and documentation on crimes and victims: we are aware that no comprehensive victim mapping has been undertaken so far by anybody whether state or non-state agency. We are however aware that amongst us as victims' rights groups some data although not exhaustive is available. We would welcome the opportunity to sharing available data to allow for an informed interventions and encourage the GoU to create a framework to allow for data sharing with CSOs to augment its knowledge base;
- III) Lack of resources: resources remain a major challenge in realising victims' needs given the many other issues of concern to the government. We nonetheless believe that resources can be mobilised through savings in government budgets to provide for urgent interim reparations to restore humanity to the victims in need of this interim reparations;
- IV) Other challenges: we note that many other challenges exist such as children's poor understanding of reparations; lack of victims' adequate knowledge on reparations; likelihood of children being excluded from reparation processes; etc. We nonetheless offer to provide assistance in dealing with some of these challenges if there is engagement.