

**Position Paper:  
Views of women from North and North Eastern Uganda on the Peace Talks  
Mechanisms for Accountability and Reconciliation, August 2007**

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

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

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

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

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

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

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

**Accountability and Justice**

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

All forms of accountability should guarantee the following principles:

- Gender-inclusive justice and the involvement of women in the development of accountability mechanisms;

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

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

### **Formal Mechanisms**

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

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

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

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

### **Special Court<sup>1</sup>**

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

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

teams should be comprised of both international and Ugandan lawyers. This is to ensure impartiality and sufficient expertise in international law for a fair judicial process.

- Some of the trials of the Special Court could be held in the north, with consideration given to the security of the accused, witnesses and victims.

Overall the women of North and North Eastern Uganda require:

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

#### **Truth and Reconciliation/Justice Commission**

- We support the establishment of a Truth and Reconciliation/Justice Commission to facilitate and decide on less serious crimes and lower level perpetrators. The Commission could hear testimonies of *all* levels of crimes and perpetrators but should have a mechanism to refer the most grave and serious crimes to the formal judicial processes (such as the ICC or Special Court);
- The Commission should have a strong emphasis on victims participation and truth-telling;
- The Commission should establish a Victims Support Team and district-based Victims Support and Outreach Offices to inform communities about the commission, the process and how to participate;
- The Commission should appoint personnel with expertise in sexual and gender violence;
- The Commission should hold public hearings and make their findings publicly available;
- Compensation and reparations should be part of the work of the Commission.

## Traditional Justice

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

## Women and Children Non-Combatants

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

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

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

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

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