



Govt asked to implement transitional justice policy

BY SYLVIA KATUSHABE

Pre and post-independent Uganda has gone through periods of political instability characterised by armed conflicts, resulting in gross human rights violations. The years of conflict disrupted development efforts, destroyed formal and informal justice institutions, and disintegrated the socio-economic fabric of communities.

Consequently, various communities in Uganda have been faced with several post-conflict challenges. These include poverty as a result of limited livelihood options, negative perceptions towards efforts at enhancing peace, recovery, development, reintegration, and reconciliation, and dissatisfaction with the formal justice system.

Despite the numerous attempts by the government to address these issues, there has been no overarching policy to deal with post-conflict situations. That calls for transitional justice mechanisms to address and prevent future conflict. Transitional justice refers to how societies respond to the legacies of massive and serious human rights violations to achieve reconciliation and foster sustainable peace.

The Ministry of Justice and Constitutional Affairs through the Justice Law and Order Sector (JLOS), now the Governance and Security Programme (GSP), formed the Transitional Justice Working Group to steer the development of a framework for transitional justice for Uganda.

The national transitional justice policy, which was adopted in 2019, is aimed at enhancing legal and political accountability, delivering justice to victims, promoting reconciliation, fostering social reintegration, and contributing to peace and security.

The policy recognises the urgent need to introduce legislation and establish a body that can devote itself to the full-time implementation of the transitional justice process.

In line with that, the Justice Ministry in collaboration with the Refugee Law Project (RLP), the Inter-Religious Council of Uganda (IRCU), the International Centre for Transitional Justice, Avocats Sans Frontières (ASF), and the United Nations in Uganda organised a two-day national symposium.

It ran from 20th to 21st February 2024 under the theme: National healing building consensus, and giving back to conflict-affected communities. The symposium sought to build consensus for the effective implementation of the national transitional justice policy.

Speaking at the Symposium, Mr Norbert Mao, the Minister for Justice and Constitutional Affairs said the policy will not only deliver justice to societies that faced mass atrocities but also assist societies devastated by conflict to attain sustainable peace and reconciliation.

“Transitional justice is about designing institutions



Minister of Justice and Constitutional Affairs, Hon. Norbert Mao and the Belgian Ambassador, H.E Hugues Chantry.



Third Photo from Left to Right*: Judge Barney Afako; H. E. Susan Ngongi Namondo, The Resident Coordinator of the United Nations; Rachel Odoi-Musoke, Head of Justice Law and Order Sector (JLOS)/ Governance and Security Programme (GSP), Pius D. Ojara, PhD, Director, Refugee Law Project, School of Law, Makerere University.

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... policy will not only deliver justice to mass atrocities but also assist societies devastated by conflict for sustainable peace and reconciliation.”

**Hon. Norbert Mao
Minister for Justice
and Constitutional
Affairs**



Sarah Kasande
Head of International Center for Transitional Justice speaking at the Symposium



Irene Winnie Anying
Country Director Avocats Sans Frontières speaking at the symposium

that can be a lubricant, conflict is inevitable but there must be some lubricant to mitigate the impact of conflict,” he said.

Mr Mao urged the public to embrace transitional justice, even if that means losing personal property or life.

“This is a sensitive topic that people don’t want to hear about. For instance, if you killed civilians, it is only right that you face the families of the deceased For instance. For example, we had massacres in Luweero by both the government forces and individuals, and in Northern Uganda, atrocities were committed by the NRA hence massacre sites,” he said.

Adding that the proposed law makes people uneasy as no one is above it regardless of their social or political standing.

Mr Mao reiterated that peace, stability, and social cohesion are important for development.

Ms Zahara Nampewo, the Deputy Principal School of Law Makerere University said the issue of transitional justice touches the university deeply, not only because of its national character, but because they too, as an institution, have wounds.

“For many years after independence, Uganda saw records of human rights violations, many of which ended in disappearance and deaths, brutal harm and a lot of hurt,” Ms Nampewo said.

She added: “Makerere University suffered a loss when our first vice-chancellor, Mr Frank Kalimuzo passed away by brutal death. While he had been appointed vice-chancellor by the then president, Apollo Milton Obote, he was reportedly killed on the orders of

President Idi Amin in 1972.”

Ms Nampewo noted that the institution is committed to focusing on research to provide empirical data to the government and other actors to guide the country’s policy and development agenda.

She said the work of transitional justice to deal with the past and bring healing for the future, requires a wide range of actors to work together.

“Academicians are pivotal in promoting justice in Uganda. We commit to working with other justice bodies to ensure that all Ugandans have access to justice,” Ms Nampewo said.

Ms Sarah Kasande, the Head of Office at the International Center for Transitional Justice in Uganda, said transitional justice should not only focus on civil and political rights but also on violations of economic, social, and cultural rights.

“It was discovered that little was done on the healing of individuals. However, healing is a fundamental aspect of development and sustainable peace,” she says.

Ms Kasande noted that there is an urgent need to address the root cause of conflict by confronting historical grievances, fostering reconciliation and nation building, and addressing the gaps in the justice system.

“We need to work together to address issues that affected the justice system in the past. Civil society pledges collective efforts to support the systems and policies,” she said.

Mr Simon Nangiro Lowot, Commissioner, Ministry of Internal Affairs said that implementation of Uganda’s transitional justice policy has faced various challenges that include the differences in national reforms and due diligence and politicisation of the policy.

In his closing remarks, the Minister of Justice pledged to pursue the establishment of a war compensation fund for victims of mass atrocities in Northern Uganda.



H.E Dr. Katja Y. Kerschbaumer of the Austrian Embassy; H.E Susan Ngongi Namondo, The Resident Coordinator of the United Nations; PS Ministry of Justice and Constitutional Affairs, Mr. Robert Kasande; H.E Karin Boven of the Embassy of the Netherlands; H.E Maria Hakansson, Embassy of Sweden; H.E Hugues Chantry of the Embassy of Belgium; and H.E Guillaume Chartrain Deputy Head of the European Union Delegation.



From Intention to Action: pathways for implementing the Uganda National Transitional Justice Policy

Unaddressed legacies of Uganda's history of conflict and instability has left legacies of inequalities, divisions and grievances among its people. The need to reflect on this has ever been there in order to be able to build a healthier and stronger Uganda based on new and mutually respectful relationships and a common future of hope, peaceful co-existence, healing, and reconciliation.

Against that backdrop, On 21-22nd February 2024, the Ministry of Justice and Constitutional Affairs, and the Ministry of Internal Affairs working collaboratively with Refugee Law Project (RLP), Avocats Sans Frontiers (ASF), International Centre for Transitional Justice (ICTJ), Inter-Religious Council –Uganda (ICRU) and the United Nations Development Programme (UNDP) convened a symposium on the implementation of the National Transitional Justice Policy held under the theme, National Healing: Building Consensus and Giving Life Back to Those Affected by Conflict.

Represented by the Embassy of Netherlands in Uganda, the Austrian Embassy in Uganda, the Belgian Embassy in Uganda, the Embassy of Sweden in Uganda, the United Nations in Uganda, and the Development Partners commended the government of Uganda for its commitment towards charting a way forward in implementing the Transitional Justice whose adoption by the cabinet marked a significant milestone towards justice, accountability, reconciliation, and peace. The Development Partners pledged unwavering commitment and support in realising the objectives of the Transitional Justice Policy. In addition, they highlighted the importance of deliberately connecting the TJ goals with the SDG objectives in order to sustain the momentum. One obvious link is SDG 16 that emphasises building peaceful, just, and accountable institutions at all levels of society; SDG 5: Gender Equality because gender-based violence is often a significant issue in conflict and post conflict settings, and transitional justice processes can play a crucial role in addressing the rights and needs of women and girls and men and boys who have been victims of violence; SDG 10: Reduced inequality. The Transitional Justice process can help address the root causes of inequalities and discrimination in society and promote social cohesion and inclusive development; SDG 3: Good health and wellbeing. Transitional Justice can have a positive impact on the mental health and wellbeing of individuals and communities affected by conflict and human rights violations. SDG 3 aims to ensure healthy lives and promote wellbeing for all at all ages, highlighting the needs of survivors and promoting healing and reconciliation in post conflict societies; and SDG 1: Transitional Justice processes, such as truth and reconciliation commissions, reparations programs, and accountability mechanisms, can play crucial transformational role in addressing the root causes of poverty and inequality in post conflict societies. As the Belgian Ambassador noted, this will require supporting victims and war-affected communities, not only to address their immediate needs but to facilitate their long-term recovery and healing to overcome trauma and rebuild their lives. Certainly, all this will require the translation

of the Transitional Justice Policy into the languages best understood by the conflict-affected communities.

In terms of takeaways, the Symposium highlighted the following elements with respect to transitional justice that looks at the past, present and future:

- Many Ugandans have a deep sense of sympathy. The seeds of redemption on which transitional justice can build already exist. What most people need is space and platform to catalyse this sympathy in the community and public sphere so that, for instance, communal reconciliation happens and communities take reconciliation forward. Subsequently, we cannot presume that estrangement between communities has not changed.
- Most adjudication across communities in Uganda are outside the courts that, in any case, frequently do not bring healing and reconciliation. In this sense, traditional justice mechanisms have a big role to play in bringing and holding people together. Community engagements with traditional mechanisms also need to balance between doing and learning in order to strengthen focus on stability of individuals, communities and the country as a whole.
- Provision of National Identification Cards for children born of war is an urgent imperative as access to basic services and social and economic opportunities very much depend on having this document.
- Legacies of conflict in Uganda require mutual and all-rounded truth telling so that we can constructively to live together. Many victims of conflict have not yet made the transition to peace because their questions have not been settled right. Restoration of broken relationships to harmony requires deep national conversations and dialogue and learning the truth that is still hidden and unknown. This further calls for problem-solving collaboration and sacrifice for victims. The building of multi-layered blocks of Uganda need to stay together and strong and citizens must own the building that is Uganda.
- There is an urgent need to popularise the Transitional Justice Policy using the media, community dialogues, roundtable discussions and different local languages and not lose the momentum.
- Community engagements for reconciliation is very crucial in catalysing reconciliation that comes from within. Cultural leaders, religious leaders, civil society actors, local leader, and opinion leaders are key in engaging with and forging common solutions to unresolved grievances. A hurting and fractured society requires the cultivation of understanding, reconciliation and healing. Transitional justice cannot happen without a deep sense of humanity among people which dialogue mediates.
- There is need to frontload reparations, looked at broadly. This can be done effectively through education, psychosocial healing, improving and diversifying livelihoods opportunities, and the provision of access to land for



From left to right: Jimmy Wamimbi of ASF, Marianne Akumu of ICTJ, Elizabeth Lwanga of The Women's Situation Uganda, Samali Wakooli from the Office of the Director of Public Prosecution, and Latifah Namutebi of Women's International Peace Centre deliberating on advancing gender inclusive justice processes at the Symposium



Dr Daniel Ruhweza, Senior Lecturer at School of Law, Makerere University speaking at the symposium



Vanessa Kyomuhendo, a youth activist under the Interpeace project speaks about Youth Peace and transitional Justice

“National healing requires a cadre of champions that are self-driven for sustainable peace and stability.”

women and people who have returned from the bush. However, local reparation interventions need to be preceded by mental health and psychosocial and transgenerational trauma repair, rehabilitation, and healing.

- Strengthen evidence-based transitional justice efforts. Recognizing the different efforts and coordinating them is one way of rebuilding Uganda.
- Youth and gender as key categories need to be given profile and visibility in all transitional justice initiatives in order to focus on the question of lawlessness and productivity. This will require creative imagination, social imagination, political imagination and intellectual imagination for justice and peace, inclusion and security.
- There is the need to re-energise the Transitional Justice Working Group that can develop a plan that can become operation in the New Financial Year starting in June 2024
- Enhanced collaboration between civil society, on the one hand, and the Ministries, Departments and Agencies, on the other hand, will need to become an important modus operandi in strengthening ways of embedding understanding, planning and budgeting for transitional justice initiatives even if at modest levels.
- Capacity Building and Research: there is a need to build capacities of different stakeholders, local actors, opinion leaders, local leaders, community and religious leaders on transitional justice work. Dialogues and collaboration need to be informed by knowledge production, knowledge dissemination, knowledge critique and knowledge

application that shape guide policy discussions and formulation and field-level of transitional justice work.

- Develop legislation for Transitional Justice. It is important to embed the key pillars of transitional justice into law. In this respect, there is a need to widely circulate the draft Transitional Justice Bill and its key provisions to all stakeholders and parts of Uganda in order to facilitate dialogue and enable Ugandans to talk with each other on common difficult issues.
 - Recognition that the biggest issue of transitional justice relates to violations of social and economic rights, that is, excluding people from participation in the daily improvements of cultural, social and economic life.
 - Transitional justice and displacement. With many Ugandans having gone through the experience of displacement and with Uganda hosting many refugees as a result of the open-door policy, it is important to develop a framework that articulates transitional justice as a tool for peacebuilding efforts and promotion of reconciliation of displaced communities and hosts and enhancing collaboration and cooperation across divides.
- In conclusion, the current peace and stability that Uganda enjoys can be sustained and consolidated if we realise the objectives of the Transitional Justice policy. These involve addressing the legacy of past conflicts, promoting reconciliation across communities and building a more just and inclusive society for Ugandans. National healing requires a cadre of champions that are self-driven for sustainable peace and stability.