

LEFT TO THEIR OWN DEVICES

THE CONTINUED
SUFFERING OF VICTIMS OF
THE CONFLICT IN
NORTHERN UGANDA AND
THE NEED FOR
REPARATIONS

AMNESTY
INTERNATIONAL



Amnesty International Publications

First published in 2008 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Copyright Amnesty International Publications 2008

Index: AFR 59/009/2008
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the publishers.

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations

**AMNESTY
INTERNATIONAL**



CONTENTS

1.	introduction.....	5
2.	The government’s obligation to provide full and effective reparations.....	6
2.1	Reparations as complementary to truth and justice	8
3.	The continued suffering of victims and survivors	10
3.1	“I am still suffering as a result of the sexual violence that I was subjected to”	10
3.2	Reintegration of child soldiers and former abductees	12
3.2.1	The experiences of formerly abducted male children and youth.....	13
3.2.2	Lack of counselling and psycho-social support	13
3.2.3	Educational opportunities and constraints to resuming education.....	14
3.2.4	Vocational skills training and dilemma of what to do with training.....	14
3.3	Restitution for destroyed land and property and compensation for death and injury	15
3.3.1	Restitution/compensation for destroyed land and property	15
3.3.2	Compensation for death and injury.....	15
3.4	General medical needs.....	16
3.5	The suffering of parents of abducted persons.....	17
3.6	The case of the disappeared	18
3.7	Re-burials and memorials	19
3.8	Inability to pursue reparation claims before courts	19
3.9	Apology	20
4.	Government response to reparations needs	21

This section provides an overview of what steps the government of Uganda has taken so far to alleviate the plight of victims of the conflict and highlights gaps in the government's response.	21
4.1 Peace, Recovery and Development Plan (PRDP) for Northern Uganda.....	21
4.2 Amnesty International's concerns about the agreements signed by the GoU and the LRA on reparations	22
4.2.1 The Agreement and Annex on Accountability	22
4.2.2 The Agreement on Disarmament, Demobilization and Reintegration.....	23
4.3 The DDR program under the PRDP	24
5. The role of non-governmental organizations in northern Uganda	25
6. The role of the International Criminal Court's Trust Fund for Victims	26
7. Conclusion.....	27
8. Recommendations.....	28

1. INTRODUCTION

The conflict in northern Uganda between Government of Uganda's (GoU) armed forces and the Lord's Resistance Army (LRA) lasted nearly two decades from 1986. Since 2006, with the cessation of hostilities between the parties following a peace process, it has abated and an uneasy calm has returned to the region.¹

During the conflict widespread human rights abuses were committed by the LRA against the civilian population. Amnesty International documented the LRA's abduction of thousands of children and adults, unlawful killing of thousands of civilians, the rape of thousands of women and beatings of men, women and children. The organization also documented human rights violations committed by the government's Uganda Peoples' Defence Forces (UPDF). These included unlawful killings, rape and beatings of civilians. There was general impunity for soldiers who committed human rights violations against civilians. Also documented as one of the most enduring effects of the conflict on civilians was, and remains, the massive displacement of about 1.8 million people from their homes into internally displaced persons' (IDPs) camps² in which living conditions were often dire for IDPs in relation to shelter, hygiene, health and nutrition.

Many years on, victims and survivors of human rights violations still bear the scars of these violations. Little has been done to ensure that victims and survivors have access to effective reparations which address their continued suffering and help them to rebuild their lives. The Agreement on Accountability and Reconciliation signed between the LRA and the government of Uganda (GoU) in June 2007, and an Annexure signed in February 2008 (the Annex), make provision for reparations for victims and survivors of human rights violations. Under the Annex, the government will establish mechanisms to provide reparations.³ Yet this commitment is marked by significant flaws and falls short of ensuring prompt and effective reparations for victims.⁴ Furthermore, this commitment remains a pipedream and has to date not been backed by any concrete action plan to address the suffering of victims and survivors through a reparations program.

An Amnesty International delegation visited the northern Uganda districts of Gulu, Amuru, Kitgum, Pader and Lira in August 2008 and interviewed hundreds of victims of human rights violations suffered during the conflict. Amnesty International delegates also met with government officials and non-governmental organizations (NGOs) including victims' groups. Victims expressed the urgent need for the government to put in place an action plan, in consultation with them, to provide reparations, which addresses their current suffering.

2. THE GOVERNMENT'S OBLIGATION TO PROVIDE FULL AND EFFECTIVE REPARATIONS

All victims of crimes against humanity, war crimes, torture, extrajudicial executions, enforced disappearances and other human rights violations have a right to full and effective reparations.⁵ Reparations programs should focus on addressing the suffering of the victims and taking measures to help them rebuild their lives. There are a broad range of recognized measures which can be taken to achieve this, which fall under five categories: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.⁶

Restitution involves measures aimed at restoring the victim to the original situation before the crime occurred, including, as appropriate:

- restoration of liberty;
- enjoyment of human rights, identity, family life and citizenship;
- return to one's place of residence;
- restoration of employment and return of property.

Compensation involves monetary awards for economically assessable damage, such as:

- physical or mental harm;
- lost opportunities, including employment, education and social benefits;
- material damages and loss of earnings, including loss of earning potential;
- moral damage;
- costs required for legal or expert assistance, medicine and medical services and psychological and social services.

Rehabilitation includes medical and psychological care, as well as legal and social services.

Satisfaction includes measures such as:

- verification of the facts and full and public disclosure of the truth;
- the search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and for assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
- an official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- public apology, including acknowledgement of the facts and acceptance of responsibility;
- judicial and administrative sanctions against persons liable for the violations;
- commemorations and tributes to the victims.

Guarantees of non-repetition involve measures aimed at ensuring that victims are not subject to other crimes or that the crimes are not committed again. Such measures include:

- Reforming the army and the police;
- ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;
- strengthening the independence of the judiciary;
- educating different sectors of society in human rights and international humanitarian law education;
- promoting conflict resolution;
- reviewing and reforming laws which contribute to or allow crimes under international law.

Under international law “reparation must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed.”⁷ In situations where horrific crimes are committed on a wide-scale as with the conflict in northern Uganda, it will often be impossible to undo the consequences of crimes. However, the testimonies of victims gathered by Amnesty International, some of which are discussed in subsequent sections of this report, reveal there are many measures that can be taken to help address victims’ suffering.

When faced with the question of reparation – in particular compensation - for victims, the response of government officials has been varied. Some have stated that “it would be difficult to compensate victims because they [victims] are many and the crimes [committed during the conflict] were diverse”.⁸ Regarding destroyed property, other government officials have suggested that “the burden of compensation” must be shared between the LRA and the government.⁹

International human rights law is clear that the obligation to provide reparation to victims rests primarily with the state. The government of Uganda (GoU) is therefore responsible for establishing effective mechanisms and programs to provide reparations. Such programs should cover all violations committed during the conflict, including violations by the UPDF and the LRA. The government is of course directly responsible for providing reparations for crimes committed by its forces. In addition, the programs should be extended to victims of crimes by the LRA on the basis that the government has in the last two decades failed to protect the people in northern Uganda from these violations. Furthermore, the government has also established barriers to victims claiming reparations against the LRA including adopting an amnesty law, which has served as a direct barrier to victims seeking justice and reparations before national courts. Victims of all violations should be able to seek reparations directly against the government or perpetrators before national courts.

Indeed, according to the Agreement on Accountability and Reconciliation and the Annex signed between the GoU and the LRA, the government has committed itself to putting in place mechanisms to provide reparations.¹⁰ Civil society groups, international agencies and donors should also play a role in developing and implementing reparation programs. Such programs should be established in consultation with victims to ensure that initiatives meet victims' needs.

Amnesty International believes that the government should not wait for the conclusion or progress of the peace process in order to develop a reparations program or an action plan on reparations. As the subsequent sections of this report show, different categories of victims and survivors of the war still bear the brunt of human rights violations and immediate measures are required to address their suffering.

2.1 REPARATIONS AS COMPLEMENTARY TO TRUTH AND JUSTICE

A comprehensive action plan to deal with the conflict in northern Uganda should consist of mutually reinforcing principles of truth, justice and reparation, each of which plays a distinct but complementary role. In this sense, reparation programs should be complementary to truth and justice mechanisms.

Under the Agreement on Accountability and Reconciliation signed between the GoU and LRA, different mechanisms and measures have been proposed to ensure these principles. Amnesty International has analyzed the proposed framework and concluded that it falls short of a comprehensive plan to ensure that the truth is told, justice is done, and that reparation is provided for all the victims of the conflict.¹¹

Justice mechanisms, including the International Criminal Court (ICC), the national criminal justice system operating in compliance with international law; and traditional justice mechanisms (established in compliance with human rights standards and independent of but supplementary to the criminal justice system) are an important form of reparations in so far as they ensure accountability for the crimes committed during the conflict, and aim to ensure that victims will not be subject to future crimes.¹² The formation of a body of inquiry which is

expected to “inquire into the conflict and promote truth-telling” is proposed under the Accountability and Reconciliation Agreement. Such a body, if established effectively, may be a form of reparation.¹³ By officially acknowledging that there was a pattern of human rights violations in the past, and taking measures to investigate the facts, disclose the truth and expose misinformation, a truth telling process provides victims and their families with an initial form of satisfaction.

Amnesty International refers the government to its earlier recommendations on measures that should be put in place to ensure a comprehensive action plan for truth, justice and reparations so as to ensure redress for crimes committed during the conflict.¹⁴

3. THE CONTINUED SUFFERING OF VICTIMS AND SURVIVORS

3.1 “I AM STILL SUFFERING AS A RESULT OF THE SEXUAL VIOLENCE THAT I WAS SUBJECTED TO”¹⁵

The testimonies of victims of rape and other forms of sexual violence revealed that most of them still suffer the effects of severe physical injury and psychological trauma. In addition, they face widespread discrimination and stigma from the community. Many of the women and girls who suffered sexual violence and interviewed by Amnesty International reported that they were still highly traumatized and were in need of urgent medical, surgical and psychological responses.

18 year old Arach Nighty¹⁶ from Pader district narrated her ordeal in the hands of LRA captors and expressed relief that she remains alive while many of those she was abducted with were killed. Of the impact of her experience she explained:

“...Even though I am back to the community and my life is normal, I still hallucinate and dream a lot about what happened. I dream about my forced marriage and the people I was made to kill and others who were killed during our time with the LRA...Because of my experience, I sometimes find myself shouting uncontrollably...”

All the five districts of northern Uganda – Amuru, Gulu, Kitgum, Pader and Lira - visited by Amnesty International have very few health centres and hospitals which are all ill-equipped thus exacerbating the challenge of providing these women with urgent psychological, medical and surgical responses. The majority of the formerly abducted female victims interviewed narrated having undergone weeks' long rehabilitation programs, including counselling immediately upon their return to the community, in rehabilitation centres run by NGOs,¹⁷ for which they were appreciative and “had gained much”.¹⁸ However, most of them expressed the need for some kind of provision for “ongoing and continuous” counselling programs tailored to their individual problems.¹⁹ Some have received counselling from their parents and relatives. Others have neither had access to the rehabilitation programs run by NGOs nor had the opportunity to talk about their experience with their parents and relatives – from whom some of them face discrimination.²⁰ 24-year old Acul Doreen of Kitgum district told Amnesty International that:

“...I was abducted and forcefully married off to an LRA soldier with whom I stayed with,

against my will, for five years. During this period, I underwent many abuses...Upon returning to the community, I was at the UPDF child support unit for some days and then taken to the reception centre from where I was helped to trace my home within a matter of days...The time spent at the reception centre was very short – about three days. I did not receive any counselling nor was I involved in the life skills programs which I have heard that some other abductees under went...Because of my psychological problems which relate to the painful memories of my experience, I know that attending regular counselling programs would help me to move on. I know because my friend attended a one-week counselling program and appreciates its benefits...It would have helped if the community members, in particular older women, were more receptive to taking on counselling as a role especially for some of us who are orphans...”²¹

Many victims and survivors experienced multiple human rights abuses and as a consequence are faced with different challenges. 17- year old Pilaya Vicky from Gulu district narrated to Amnesty International how she was abducted by the LRA when she was only 9 years old, made to carry heavy luggage and corpses some times for long distances (often without food to eat), forced to kill a fellow young female abductee and eventually married off to a rebel commander. She also explained how her experience in captivity affects her today:

“...The memory of my experience has left a big mental scar in me. From time to time all this come back and haunt me. I was only thirteen years old when I gave birth to the rebel commander’s child. I was not ready to carry the pregnancy and remember very well how painful the experience was...Upon delivery, I bled a lot and feared that I would die as I just gave birth by the roadside. One of the biggest effects of my experience is that I feel pain as a result of the experience...I feel constant pain around my waist and feel that this is as a result of the difficult childbirth that I had and a result of repeated beatings by the rebel commander with sticks around my waist...I also suffer chest pains...”²²

Most victims of sexual violence suffered during the conflict still endure the physical effects of their experiences. Many of the women and girls abducted by the LRA were subjected to sexual violence, sexual slavery and torture for which they still complain of pains and medical infections as a result of their experiences. This is in addition to psychological difficulties already highlighted in this section. In previous research, Amnesty International also recorded testimonies of women and girls who suffered sexual violence, including rape, in the hands of government soldiers.²³ Some of the victims had contracted sexually transmitted diseases including HIV/AIDS as a result of the sexual violence.²⁴ The plight of these women and girls is worsened by the current dearth of health facilities in the region and as a consequence, their limited ability to access medical treatment.

Amnesty International delegates were also told of the widespread stigma that female victims of sexual violence face. Oyela Grace of Amuru district explained that stigma remains prevalent from the general community and people they live with:

“I have a step-mother whose child was also abducted and killed in LRA captivity. Now she vents out her anger on me and says she wishes I was killed too because I am a ghost haunting her...Although it is not true, my friends tell me that because of the period I spent in captivity my brain does not work or that I don’t think clearly. Even my father now tells this to my mother although I am his child...Since God has brought me back home and given me

lessons, let me concentrate, maybe I'll do better in future. This is the only hope I have..."²⁵

20-year old Apiyo Jane of Lira district who is also a victim of abduction and forced marriage by LRA told of how she would not be left at home with her relatives' children because people often think "she would kill them".²⁶ 22-year old Akello Jane of Pader district, also a victim of LRA abduction, narrated to Amnesty International how she was rejected by her mother upon returning back to the community when her mother was traced and brought to see her at the NGO reception centre. As a result she has had to live at an NGO reception centre since she returned eighteen months ago. She "hopes that one day my mother will have a change of heart". Amnesty International delegates heard many similar accounts of female victims of abduction encountering discrimination and stigma.

In addition many of the victims were abducted when they were children of primary-school going age.²⁷ Since their return to the community they feel that they have lost out on the chance to go back to school and feel self-remorse when comparing themselves with others now in school.

Most of the female victims interviewed testified that as a result of the forced marriage while in LRA captivity, they had children who they came back with to the community. In addition to expressing the challenges in relation to their and their children's livelihoods, the women and girls expressed that these children also faced considerable stigma not only from the community at large but also from people close to them, including their family and spouses. The story of 30-year old Atto Millicent of Gulu district is illustrative:

*"I was abducted with 7 other girls...All of us were about 10 to 12 years old...and we were made wives at a very young age. After about 4 years of life in captivity, I managed to escape and came back with 2 children and I now live with them here as a single parent. These children have difficulties. We have no money for food, school fees...And the culture...My children are treated differently, they have no clan, they don't belong. It is as if they are not meant to be..."*²⁸

Regarding the lack of a comprehensive reparation program targeting victims and survivors, she added:

"What breaks me down is that we were abducted and forcefully married off to commanders, many of whom are now granted amnesty and resettlement packages when they return...Some of us women that come back with children to care for are given nothing. The government should see that this is not fair...Most of us are in need of some skills training and income generating projects..."

Many women victims of sexual violence have also been widowed. In addition to having to cope with the consequences of the sexual violence they suffered during the conflict, they have to take on the role of sole family breadwinners.

3.2 REINTEGRATION OF CHILD SOLDIERS AND FORMER ABDUCTEES

3.2.1 THE EXPERIENCES OF FORMERLY ABDUCTED MALE CHILDREN AND YOUTH

Many formerly abducted children and youth returned back to community only to find that their parents were killed as a result of the conflict or that they died of natural causes. They have to take responsibility as heads of households and provide means of livelihood for other, often younger, siblings. 20-year old Odong Walter of Lira district explained that:

“...the biggest challenge I face today is how to feed and ensure the education of my younger siblings...They are seven in number and are all of a primary school-going age. I returned from LRA captivity only to find out that my father had been killed in the conflict and my mother died from disease...I have to ensure our survival by doing all I can, including having to make and sell local brew on a daily basis...”²⁹

As with the female victims many of the formerly abducted male children and youth interviewed explained that they have often faced discrimination especially upon immediate return to the community. 16-year old Okot Richard of Kitgum district who returned to the community two years ago, told of how the community was hostile to him and how fellow youth taunt him by calling him “a killer...I can barely mingle with other youth who were not abducted...Instead I am at ease with those who are like me – formerly abducted. The government should address the stigma in the society. We continue to suffer a lot of discrimination yet it was not our choice to be abducted”.³⁰

Some of the children and youth interviewed by Amnesty International delegates explained how this discrimination has led to other members of the community dispossessing them of their ancestral lands “because they feel we are not part of the clan now that we were abducted”.³¹

3.2.2 LACK OF COUNSELLING AND PSYCHO-SOCIAL SUPPORT

In addition the male children and youth who talked to Amnesty International also decried the ongoing acute lack of counselling, psycho-social support and in some cases mental health services. They narrated their ordeals at the hands of the LRA – some of which included being forced to kill and their inability to live with these experiences. 26-year old Ojok Dennis of Gulu district narrated his 10-year experience in LRA captivity and how he was “forced to kill over one hundred people in the bush” and that the memories of the killings still haunt him to date. He added, “we need some support to help us manage our emotions and conscience and deal with these experiences”.³² 20-year old Ongwech David of Amuru district narrated how he has had to drop out of school upon returning to the community because his “level of concentration in class was almost nil as a result of regular flashbacks and memory of the terrible things I was made to do, including the forceful participation in the beating of my dad and the killing of other abducted persons...When I think of these things I find myself losing my sense of being normal...I find myself acting erratically...”.³³ Many victims reiterated similar concerns.³⁴

Other victims – mostly children and youth - also talked of the trauma of witnessing the killing

of other people including parents and relatives.³⁵ Most of them talked of the positive aspects of immediate counselling for days or weeks in NGO reception centres upon returning back to the community but indicated that this was not adequate in the long run.

The acute need for mental health services, counselling and psycho-social support is further vindicated by recent reports of the findings of other studies.³⁶

3.2.3 EDUCATIONAL OPPORTUNITIES AND CONSTRAINTS TO RESUMING EDUCATION

Many children and youth were abducted when they were in primary school. Some have had a chance to resume school but face considerable difficulties. Many others have not been able to return to school as a result of different challenges. Common to both these categories is the difficulty in meeting costs of schooling despite the GoU's policy of Universal Primary Education (UPE) that was started in 1997.³⁷ 16-year old Atieno Jennifer, a former LRA abductee now returned to her home in Pader district explained:

"I am back to school because through education my future would be better...However I have to walk a long distance every day to make it to the nearest school and my schooling is often interrupted for failure to pay money. I don't know if UPE actually means free education – there are lots to be paid for...My parents died during the conflict. My uncle who assists me in meeting some costs always says he cannot afford my demands for school uniform and scholastic materials and monies required to be paid at school...I have no choice but to make do with going to school without uniform and books...I don't think I am learning much ..."

For girls, this problem is compounded by the fact that some of them are now child mothers (mainly as a result of forced marriage or sexual violence during the period when they were abducted) with the obligation to take care of their children and perform domestic chores. This leaves little or no time for schooling. The ongoing high prevalence of sexual and gender-based violence against girls and women in the region has also meant that many girls drop out of school as a result of the fear of sexual and gender-based violence.³⁸ The result of these and other challenges is the huge under-representation of girls in the enrolment rates in the region.³⁹

Many victims who were abducted when they were at a primary school-age express the view that to them, the UPE has not made much difference in addressing constraints to resuming education. UPE has resulted in huge national increases in the primary school enrolment rates,⁴⁰ but faces considerable challenges, such as the lack of adequate educational facilities and inadequate number of teachers, which in the case of northern Uganda are worsened by the impact of the conflict.⁴¹ Particularly highlighted by many female victims interviewed by Amnesty International was the case of formerly abducted girls who are now single child mothers - with most children born during the period of abduction – who are unable to meet the costs associated with their children going to school. Additional measures are required to ensure that formerly abducted child mothers and their children have access to education.

3.2.4 VOCATIONAL SKILLS TRAINING AND DILEMMA OF WHAT TO DO WITH TRAINING

Some of the formerly abducted youth expressed the fear that they returned back to the community when they were “too old for school” and would not want to resume formal education from where they had left off - especially at primary school level. Many who spoke to Amnesty International delegates expressed the need for vocational skills training rather than formal education because, as in the words of 20-year old Okello James of Lira district, “it would be intimidating to rejoin school from where I left when I was abducted (grade six) when the children there are much younger than me...” Some narrated their experience of having resumed formal primary schooling only to drop out as a result of an inability to concentrate in their studies in part due to mental and psychological problems.⁴²

On the other hand, some of the victims, including a few female victims who spoke to Amnesty International, have completed vocational skills training with the assistance of NGOs and community based groups, mostly in tailoring. For this category, the main challenge that was expressed related to the lack of opportunities to apply the skills that have been learnt.

3.3 RESTITUTION FOR DESTROYED LAND AND PROPERTY AND COMPENSATION FOR DEATH AND INJURY

3.3.1 RESTITUTION/COMPENSATION FOR DESTROYED LAND AND PROPERTY

Almost all victims interviewed by Amnesty International talked of destruction of their homes, crops and the killings of their livestock and expressed the view that these losses should form some part of a compensation/restitution scheme. A group of victims stated; “we lost a lot. Our homes, our crops in the farms, we were moved from our lands into IDP camps and many of us lost a lot of livestock which had until then provided our means of livelihood. We should be compensated for these losses... There should first be a process of identifying who suffered what loss”.⁴³ Although most victims interviewed attributed blame for the destruction of their property to the LRA forces, Amnesty International also interviewed victims who narrated how UPDF forces deliberately destroyed their property including burning homes and agricultural crops “without giving reason” and some times “so as to force us out of our homes into camps”^{44, 45}.

Almost all victims that Amnesty International delegates interviewed identified the need to be compensated for the mass displacement from their homes and expressed the wish that the government should institute a dedicated scheme to assist them in the process of returning to their homes (from IDP camps) and in building new homes.⁴⁶ Particularly highlighted for special consideration was the case of widows, the elderly and child-headed households most of whom wondered whether they would be able to access land and afford to build new homes.

3.3.2 COMPENSATION FOR DEATH AND INJURY

Nearly all victims who were interviewed by Amnesty International expressed the need for a compensation scheme for different categories of victims and survivors and expressed the view

that such a scheme should be informed by the different human rights violations or abuses suffered by victims. They recommended that such a scheme should be developed “in consultation with them”.

All the victims of human rights violations, whether committed by the LRA or the UPDF, expressed the need for compensation. 28 year old Apio Rose of Amuru district narrated to Amnesty International how four of her relatives were killed by government forces in a counter-operation against the LRA. Amongst the four was her elder brother, whose four orphaned children are now under her care. 24-year old Okumu Geoffrey of Pader district described how his father and brother were shot dead by government soldiers who sought to find out if they had assisted LRA rebels or had a gun one day in May 1990: “The UPDF Battalion came to our home and arrested my father, two of my brothers and myself... They accused us of assisting the LRA rebels who had been in the area and also told us that we had a gun which we must surrender to them...My father and brother had been vocal in denying their accusations and the soldiers took them away not far away from where I remained. I just heard gun shots and later we realized that they had been killed...It has been hard since my father was killed – I have got younger siblings who I have to fend for since then. I could not continue with my schooling because I had to fend for my family. We lost a breadwinner and my family would wish we are compensated for this so my younger siblings can continue with their education...”⁴⁷

Ocan Peter of Gulu district, a 2003 victim of torture by UPDF officers resulting in both his hands being subsequently amputated, told Amnesty International delegates that he wants the officers who tortured him to be punished, and that because both his hands were amputated, he is unable to work as he used to as a casual labourer. He said he needs to be compensated “so that I can use the compensation to help me restore my ability to work by starting some income generating project”.⁴⁸

Two landmine victims who spoke to Amnesty International delegates explained that they face discrimination because of their disability and expressed their plight as follows: “we find difficulties in movement unless you wait for someone to carry you...We would wish that we may be able to move. We have been doubly affected in this war. Some of us lost children and other loved ones to unlawful killings...In addition we are now disabled by injuries sustained from the explosion of landmines...”⁴⁹

3.4 GENERAL MEDICAL NEEDS

Amnesty International interviewed many victims who still suffer physical pain and are in need of medical attention as a result of human rights abuses and violations suffered during the conflict. The case of female victims of sexual violence has already been highlighted above. Other categories of victims include victims of landmines. 42-year old Okello William from Lira district described the injuries he sustained when he stepped on a landmine in 1995 and said that because he was unable to access proper medical care, some of the wounds

sustained in his now amputated right leg have not healed.⁵⁰

Almost all victims – men, women, boys and girls - who were abducted by the LRA, held in captivity for days, months or years were made to perform hard labour, often involving being in active combat or carrying heavy goods (including artillery, other military equipment and goods looted from the villages). Many times this was over long distances. Many of them still suffer the effects of injuries sustained in the process and have indicated the need for urgent medical attention. 26-year old Ayet Sandy of Pader district who returned to the community one year ago after 10-years of captivity by the LRA suffered serious injury to her right leg as a result of an attack. She told Amnesty International that:

“There is still a (bomb) splinter inside my right leg which hasn’t been removed...I have endured terrible pain for the last three years. I can barely walk more than one hundred meters...You can also see that the wound is still very bad...I don’t know whether I can access medical treatment...I also doubt if I will have the money to pay for it...As it is, the only thing I do is to occasionally clean the wound by myself...”⁵¹

The medical problems of most victims range from the pain and infections suffered by female victims of sexual violence, including HIV/AIDS; chest infections and pains; injuries sustained from beatings, gun shots and bomb splinters and infections such as eye infections sustained during the conflict.⁵² Many victims indicated that they had had some access to the few government health facilities available. Some, particularly a few female victims, had accessed and continue to access medical care from health facilities run by NGOs in the region. However a majority of the victims interviewed were unanimous that there are many constraints to accessing the existing health facilities, owing partly to their paucity in the region and partly to the fact that accessing the few government facilities available always required victims to walk long distances or raise transport and some medical fees. 17-year old Ogwal David of Kitgum district, a victim of LRA abduction, is recovering from leg and abdominal injuries sustained in 2006 when he was caught up in fighting between UPDF forces and an LRA group that he was part of. He has accessed medical treatment, including an operation to remove four bullets lodged in his body, and continues to receive medical care with the assistance of a local NGO. He however points out that he knows of many fellow former abductees who have not been able to receive such assistance because of the limited number of NGOs with capacity to help ensure access to medical care.⁵³

3.5 THE SUFFERING OF PARENTS OF ABDUCTED PERSONS

In addition to having been victims of LRA abduction and ill-treatment themselves, a number of adults who spoke to Amnesty International narrated the pain they have to live with as a result of the abduction of their children, some of whom have never returned. This is over and above the fact that they also have to deal with the consequences of the unlawful killings of relatives and loved ones. The experience of 40-year old Orama Nelson of Lira district is illustrative:

“...On 21 June 2003, the LRA came to the village and abducted me and my then 9-year old

son...We were made to walk long distances carrying luggage with other abductees...At one point they thought some of us were too old and they said they did not want us with them. Some of the commanders suggested that we be killed. They instructed my son to hit me around my groin area repeatedly with a log of wood...He declined and was seriously beaten...They then did this (hit me) themselves and the result is that my bladder was damaged to this day. I still feel a lot of pain...As if this experience was not enough, when we eventually returned after weeks with the LRA we came back here only to find that another group of the LRA had returned and abducted tens of people and killed some not far away from this place. Amongst those killed on that day were my wife, two children, mother, a sister and two brothers..."⁵⁴

Many of those interviewed expressed the view that more needs to be done by the government to, as expressed by Orama, "see how some of us with specific medical problems can access adequate medical care because many times I have been told the necessary treatment is not available here and that I need to go for an operation".

Parents whose children had been abducted by the LRA expressed the difficulties they faced in motivating their children to succeed in school and the constraints that they faced in assisting their children resume schooling upon their return back into the community.

3.6 THE CASE OF THE DISAPPEARED

"For us whose children were abducted by the LRA and have no idea where they are, it would be good to know where they are. For me, it would be good to know where my four children are or if they are dead...Just having confirmation of what happened to them would make me feel at peace and wipe away my stressful thoughts..."

Akello Simon of Kitgum district.

Amnesty International spoke to dozens of victims and survivors who want to know what happened to their children, parents, guardians and other loved ones. The Agreement and Annex on Accountability and Reconciliation provides that the "government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include the gathering and analysis of information on those who have disappeared during the conflict".⁵⁵ However as with other provisions of the Agreement and Annex that are yet to be implemented, such a body has not been created and it is not clear if, and when, it will be. This is in spite of the ongoing suffering of affected victims and with the danger that useful information or evidence in this regard deteriorates with every passing day. Different figures have been cited regarding the number of people abducted by the LRA.⁵⁶ However the number of those still at large and those still held captive by the LRA to date remains unknown. This uncertainty calls for the urgent establishment of the inquiry body referred to in the Agreement on Accountability and Reconciliation and for the LRA to be further lobbied to release any abductees still within its ranks.

20-year old Adong Harriet of Amuru district who was amongst five other children from one family who were all abducted by the LRA on the same day in December 2000, narrated their ordeal and concluded that “of the five of us who were abducted, we believe that three remain in captivity or have since died as only two of us managed to escape and return home two years ago...”⁵⁷

3.7 RE-BURIALS AND MEMORIALS

Some of the victims whose relatives were killed during the conflict described the agony of conducting hurried mass burials or burials in unknown fields. They stated that they need “assistance” from the government in order to accord “decent re-burials” to their deceased loved ones.⁵⁸ In a group discussion with survivors of an LRA attack⁵⁹ whose loved ones were killed and then hurriedly buried, participants expressed the wish for government assistance to re-bury their loved ones and “if possible an exhumation of the bodies and a respectful re-burial with the building of a memorial in remembrance of those who were killed”.⁶⁰ One community leader pointed out that there was a precedent with the memorial constructed for the mass burial in memory of victims of another LRA attack known as the Barlonyo ‘massacre’.⁶¹

Some victims also talked about the disappearance of their relatives in the hands of the UPDF. For example, 38-year old Abit Martin of Pader district narrated how his eldest brother was arrested in a UPDF counter-operation against the LRA and in the process gunned down along with several other persons – he does not know whether his brother was killed by LRA or UPDF – but that the UPDF battalion took his body with them and promised to give the body to the family for burial. Abit Martin laments that to this day the body has never been given to the family for burial and expressed the wish that the family be told where the body is buried “so we may re-bury the body”.⁶²

3.8 INABILITY TO PURSUE REPARATION CLAIMS BEFORE COURTS

Many victims who spoke to Amnesty International expressed the view that any government plan to put in place measures to help them deal with the consequences of human rights violations they suffered should not exclude their individual rights to pursue reparation claims before national courts directly against persons (whether in the LRA or UPDF) found to be responsible for the violations against them. Ocan Peter whose case is highlighted above and seeks compensation for alleged UPDF torture leading to the amputation of both of his hands, expressed the view that “if it were possible, I would have sought a remedy in court” but decried the excessively long delays before a case is finalized in the courts, and his inability to afford the legal expenses attendant to the process of litigating a court claim.⁶³

Victims ought to be able to pursue reparations claims individually. The government should ensure that mechanisms are put in place to enable this – including raising awareness on the

formal justice system as it applies to the victims⁶⁴ and that legal aid is available to victims to pursue reparation claims.

3.9 APOLOGY

A number of victims who spoke to Amnesty International expressed the view that a formal acknowledgement by the government of the abuses they suffered would help them deal with the human rights abuses they suffered. A few victims of UPDF violations, in particular those who were beaten and tortured in counter-LRA operations and those whose relatives were unlawfully killed, said that they are a forgotten lot.⁶⁵ Participants in one focus group discussion said that it is almost as if the violations and abuses suffered by civilians in the conflict were exclusively committed by the LRA.⁶⁶ In expressing their views about what the government should do to help them rebuild their lives, a number suggested that in addition to the need to ensure that peace prevails in the region and “that the war never happens again”, the government and the LRA need to formally acknowledge the fact that they suffered human rights violations and abuses during the conflict.⁶⁷

4. GOVERNMENT RESPONSE TO REPARATIONS NEEDS

This section provides an overview of what steps the government of Uganda has taken so far to alleviate the plight of victims of the conflict and highlights gaps in the government's response.

4.1 PEACE, RECOVERY AND DEVELOPMENT PLAN (PRDP) FOR NORTHERN UGANDA

In September 2007, the GoU unveiled the three-year PRDP to be implemented between 2008 and 2010.⁶⁸ The Plan, which envisages joint government-donor funding, has the overall objective of “consolidating peace and security and laying foundation for recovery and development” in the northern Uganda region (including the areas affected by the conflict).

PRDP expressly lists four ‘strategic objectives’ as part of post-conflict reconstruction and development. These are: ‘consolidation of state authority’; ‘re-building and empowering communities’; ‘revitalization of the economy’ and ‘peace building and reconstruction’. Included within these objectives are priority programs intended to be achieved, such as; ‘the improvement of life of displaced populations’; ‘completing the return and reintegration of displaced populations’; enhancement of counselling services and reintegration of ex-combatants’.

The fulfilment of these objectives may overlap with individual and collective reparation needs of victims. Amnesty International believes that the government obligation, arising from victims’ right to full and effective reparations, must be separated from post-conflict reconstruction and development. The fulfilment of the government’s obligation to provide reparations requires an action plan to ensure the establishment of a reparation program which is developed in consultation with victims. This, while related to post-conflict recovery and development, must be specific and distinct from victims’ suffering as a result of human rights violations suffered.

In addition although the PRDP has been in force for almost one year, its implementation has been delayed partly because the funding mechanism is not clear⁶⁹ and the institutions responsible for implementing the PRDP, such as the coordinating body, are not yet functional.

4.2 AMNESTY INTERNATIONAL'S CONCERNS ABOUT THE AGREEMENTS SIGNED BY THE GOU AND THE LRA ON REPARATIONS

4.2.1 THE AGREEMENT AND ANNEX ON ACCOUNTABILITY

On 29 June 2007, the GoU and the LRA signed an 'Agreement on Accountability and Reconciliation' followed by an 'Annexure' signed in February 2008, which provided implementation details for the June 2007 Agreement. Amnesty International welcomes the proposal in the Agreement and the Annex to establish a reparations program. Under the Agreement and the Annex, the government will establish mechanisms to make reparations - including "rehabilitation, restitution, compensation, guarantees of non-recurrence and other symbolic measures" and will analyze the appropriate financial arrangements for doing so.⁷⁰

However, the organization is concerned that the proposed system does not take a victims focused approach towards developing and implementing the program. The importance of such an approach cannot be underestimated, as the United Nations Basic Principles on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law recognize:

in adopting a victim-oriented perspective, the international community affirms its human solidarity with victims of violations of international law... as well as with humanity at large...⁷¹

Hence, any government seeking to fulfil its legal obligations by establishing a reparations program should engage with victims and involve them in planning and implementing the program.

Although the Annex provides for the body of inquiry to make recommendations on the "most appropriate modalities for implementing a regime of reparations"⁷² there are no provisions for building a reparations program which engages with victims and takes into account their views. In addition, it is not clear when this body would be formed or when the process leading to its formation will be initiated.

In addition to engaging victims in the process of developing a reparations program, a victims' focused approach allows victims to challenge decisions about the program through judicial review before a competent, independent and impartial court. Furthermore, to the extent that the program does not provide full and effective reparations, victims should be able to seek other reparations measures before national courts. Legal aid and other necessary assistance should be provided to all victims seeking to enforce their right to reparations before national courts. The Agreement and the Annex do not provide for such challenges or litigation. It is, therefore, not clear whether victims could seek to enforce their right to full and effective reparations before national courts.

The Agreement and the Annex do not ensure the complete independence of the reparations

program. Indeed, the proposal is undermined by the following provision of the Annex:

*Prior to establishing arrangements for reparations, the government shall review the financial and institutional requirements for reparations, in order to ensure the adoption of the most effective mechanisms for reparations.*⁷³

The provision raises concern that the development of the reparation program will not be driven primarily by the needs of victims, but by the government's decisions on how many resources to allocate to it.⁷⁴ Already, victims who spoke to Amnesty International expressed this concern and said they did not know about the Agreement and Annex, or about provisions on victims' right to reparations. Most of them told Amnesty International that all they knew about the peace process and agreements signed under its auspices was "about ending the conflict". According to one victim:

"...It is my first time to narrate my story. I don't think the government has ever been interested in looking at how this conflict affected us... It would be good if the government came down here and consulted with us. Our needs are varied. If the government came and talked to us, they may find a way of coming up with relevant policies for dealing with these needs..."

Amnesty International is concerned that, unless a victims focused approach is taken in devising and implementing the reparations program, the proposed system may, if implemented, fall well short of ensuring victims' rights to full and effective reparations required under international law.

4.2.2 THE AGREEMENT ON DISARMAMENT, DEMOBILIZATION AND REINTEGRATION

On 29 February 2008 the GoU and the LRA signed the 'Agreement on Disarmament, Demobilization and Reintegration' (DDR Agreement). The DDR Agreement commits both parties to "an orderly and successful disarmament, demobilization and reintegration process in line with national policies and international standards".⁷⁵

The DDR Agreement spells out the government's commitment to adopt a "Reintegration Policy" which would form an integral part of the Peace, Recovery and Development Plan. Amnesty International believes that the needs and suffering of victims are immediate and urgent and while related to the post-conflict recovery and development plan, should be specifically dealt with through a comprehensive reparations program.

The DDR Agreement expressly commits the government to, *inter alia* reintegrate "children associated with the LRA" and make special provisions for children who may require family and community mediation, treatment for war related illnesses and injuries, targeted mental health services and other specialized services.⁷⁶ The Agreement also provides that the government and the LRA "shall ensure that the DDR process fully incorporates the special rights and needs of women". It provides that "possible funding for specific measures for women and girls in the reintegration phase of the DDR process shall be earmarked".⁷⁷

Amnesty International is however concerned that there is no reference to how these

commitments relate to the promised reparation program under the Agreement and Annex on Accountability and Reconciliation.⁷⁸ It is not clear whether, when and what time frame is planned to fulfil these commitments despite the reality that victims and survivors, who would be the beneficiaries of measures proposed under the DDR Agreement, are still suffering the effects of the human rights violations and abuses they faced during the conflict. Moreover, while a few provisions of the DDR Agreement appear to apply to all persons associated with the LRA, presumably including those formerly abducted persons who were forcefully engaged in fighting but have now returned home, most provisions of the Agreement apply to persons still actively serving as LRA combatants. It is not clear whether and how the commitments of the DDR Agreement apply to victims – children, youth and adults (including female victims of sexual and gender-based violence) who were abducted by the LRA and are now back with the community.

4.3 THE DDR PROGRAM UNDER THE PRDP

Under the PRDP, the government has committed itself to applying the DDR process through the 'Amnesty Reintegration Program' (ARP) implemented by the Amnesty Commission.⁷⁹ The ARP grants amnesties to ex-combatant rebels (known as 'reporters') who surrender to the government and gives them a reintegration package – consisting payment of a fixed sum of money and provision of 'essentials kits'. The definition of reporters includes persons formerly abducted by the LRA and forcefully used in fighting and who report to government officials upon their return to the community. The PRDP extends the scope of the ARP to include: - provision of bursaries for formal education to 20% of persons formerly abducted by the LRA⁸⁰; skills training and apprenticeships to 50% of ex-combatants and income generating activities to 30% of ex-combatants.⁸¹ It is not clear how these percentages were calculated.

Amnesty International is concerned that the definition of 'ex-combatants' in the DDR program under the PRDP is unclear. There is lack of clarity whether the term 'ex-combatants' in the provisions includes all victims who were subject to LRA abduction – and whether involved in fighting –and may be termed as 'ex-combatants' - or not. The organization is also concerned that the figures in the PRDP on the proposed DDR program seem to exclude many victims of LRA abduction who were active in combat and who continue to suffer from the human rights violations as a result of their abduction. The estimates for the number of persons who should benefit in the DDR Program under the PRDP seems to be based on the statistics collected by the government drawing from the government records of those who reported their return to the community. Amnesty International is concerned that this number is grossly underestimated based on the fact that many victims returned to the community from LRA abduction without making any reports to government or UPDF officials.⁸²

5. THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS IN NORTHERN UGANDA

Despite the lack of a comprehensive government-sponsored reparation program for victims and survivors, many local and international NGOs and community-based groups have put in place initiatives targeting different categories of victims and survivors.

Since the mid 1990s NGOs have been at the forefront, running programs such as reception, registration, psychosocial counselling and reintegration of formerly abducted children and adults in the war affected areas. Reintegration programs run by NGOs have also included skills training for boys and girls, health care and limited support to some graduates of their skills training programmes. In addition, there are active advocacy groups such as the victims support groups which have been at the forefront of documenting ongoing needs of victims and survivors and raising awareness amongst victims of their right to reparations. Many other organizations have provided legal advice, aid and assistance to individual victims who have attempted to seek or sought redress in relation to particular human rights violations.

However, staff in these organizations have indicated the need for an overall comprehensive program on reparations and recognized that their services only cater to a small fraction of the reparation needs of victims- many victims are not able to access their programs, the programs are many times limited in focus areas, age group, scope and geographical areas of operation. In any event, the work of NGOs does not absolve the Ugandan government from fulfilling its obligations to provide reparations to the victims of human rights violations committed during the conflict.

6. THE ROLE OF THE INTERNATIONAL CRIMINAL COURT'S TRUST FUND FOR VICTIMS

In addition to investigating and prosecuting genocide, crimes against humanity and war crimes, the International Criminal Court has a Trust Fund for Victims which seeks to implement reparations orders made by the Court against convicted persons and to provide other assistance to victims in a situation under investigation.

The Trust Fund which is funded primarily by voluntary contributions is in the process of launching its first projects to assist victims in Uganda. In addition, on 10 September 2008, the Trust Fund launched a major appeal for 10 million Euros to fund physical, mental and emotional rehabilitation of 1.7 million victims of sexual violence in the current situations under investigation by the Court: Central African Republic, Democratic Republic of Congo, Uganda and the Darfur region of Sudan.

7. CONCLUSION

Victims and survivors of human rights violations committed during the conflict still bear the scars of these violations, many years after they were committed. Little has been done to ensure that victims and survivors have access to full and effective reparations which address their continued suffering and help them to rebuild their lives.

The PRDP, while proposing government policy on post-conflict recovery and development, does not establish a program which addresses the reparation needs of victims. In addition, the two Agreements signed between the GoU and the LRA (on Accountability and Reconciliation and DDR) under the auspices of the peace process attempt to lay a framework for reparations but contain significant flaws. In addition, these Agreements do not ensure that the proposed framework for reparation will be informed by wide consultation with victims and survivors. Even with the PRDP and the two Agreements, it is not clear if, when, and what type of reparations will be granted to victims and survivors.

8. RECOMMENDATIONS

Amnesty International calls on the government of Uganda to:-

Establish an effective reparations program which is victim focused and comprehensive. In particular, the government should:

- Ensure the provision of full reparations to victims and survivors through the establishment of a reparation program that complies with international standards and takes into account the right to participation by victims and survivors by ensuring transparency, consultation and other considerations (such as the gendered aspects of the impact of the conflict) in the implementation of the reparation program;
- Ensure that the reparations program provides for the five recognized forms of reparations: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
- Ensure that the establishment of the reparations program involves engagement with victims, their representatives and civil society in developing and implementing the program.
- Ensure that the reparations program should be developed and resourced to provide full and effective reparations to victims. The program must not be undermined by arbitrary government decisions on how much resources it wants to allocate to the process. Sufficient government funding should be made available to fully implement the reparations program.
- Ensure that victims are not precluded from challenging decisions about the reparations program through judicial review before a competent, independent and impartial court. To the extent that full and effective reparations are not granted by the program, national law should be amended allowing them to seek reparations before national courts. Victims seeking to implement their right to reparations before national courts should have access to legal aid and other necessary support.
- Enact legislation guaranteeing victims and their families the right to effective forms of reparations and establishing effective procedures to utilize them;
- Ensure that the reparation program is urgently put in place and deals with immediate challenges resulting from the conflict, including educational challenges/needs for children and youth; urgent medical treatment; medical psycho-social support and counselling on trauma and psychological effects of those affected by the conflict (including female victims); improved livelihoods to victims and survivors and an urgent inquiry into the whereabouts and fate of persons abducted by the LRA;

- Publicly acknowledge the suffering of victims and survivors and ensure that there is a truth telling process;
- Implement Amnesty International's recommendations on the need for a comprehensive plan to end impunity for crimes committed during the conflict.⁸³

Recommendations to the international community, including the United Nations, key donors and the Justice Law and Order Sector (JLOS) donor group

- Urge the government to develop a victim focused comprehensive reparation program and a special fund for victims of the conflict;
- Facilitate civil society's – including victim groups' - participation in a transparent national consultative mechanism with civil society on reparations;
- Be involved in all stages of the planning process on the program and play a monitoring role to ensure that it takes a gender-sensitive approach forward;
- Support the allocation of funding to a reparations program (distinct and separate from the government's Peace, Recovery and Development Plan for northern Uganda) and ensure that such funding reaches the victims;
- Make voluntary contributions to the International Criminal Court's Trust Fund for victims.

Recommendations to the civil society - including victims' groups

- Advocate and lobby for the establishment of a reparation program and a special fund for victims of the conflict;
- Ensure that the development of a reparation program is widely consultative with the civil society and victims and survivors;
- Ensure there is in place a concrete action plan by civil society to engage and be involved in the reparation program lobbied for/put in place.

1The peace negotiations, which have led to the signing of a number of agreements between the LRA and the government, have been concluded but the signing of a Final Peace Agreement has not yet materialized. From early this year up until recent weeks, LRA forces are thought to have abducted hundreds of people, including women and children and committed a number of other human rights violations, including unlawful killings, in the Democratic Republic of Congo, Southern Sudan and the Central Africa Republic.

2According to a recent study by Oxfam, over half of the displaced population (about 900,000) have left the IDP camps and returned to their original villages and some 460,000 have moved to transit sites, smaller camps closer to their homes. The study however notes that the concept of 'return' is a complex one in northern Uganda and that in Acholiland- the area most affected by the conflict, only 24% of the people has returned to their villages of origin. See Oxfam International From Emergency to Recovery: Rescuing Northern Uganda's Transition, Oxfam Briefing Paper, September 2008.

3Annex to June Agreement (between the GoU and LRA) on Accountability and Reconciliation, Paras 16-17 (Appendix I) (discussed further in section 4 of this report).

4See discussion in section 4 below, of this report.

5U.N. Basic Principles on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly Resolution 147 (2005), Principle 3:-

"The obligation to respect, ensure respect for and implement international human rights

law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to:

... (d) Provide effective remedies to victims, including reparation..."

6These measures are expressed in the UN Basic Principles on the right to a remedy and reparation, *ibid*, principles 19 to 23. The five forms of reparations are recognized in clause 9.1 of the Agreement on Accountability and Reconciliation signed between the GoU and the LRA.

7Chorzow Factory Case, Merits, 1928, PCIJ, Series A, No 17, p47; Crawford, J, The International Law Commission's Articles on State Responsibility, Commentary to Article 31, p202.

8See, "ICC not useless", "New Vision", 21 July 2008 p5 (attributing remarks to the Justice State Minister).

9See, "Government rules out compensation for the north", "New Vision", 14 July 2008 (attributing remarks to the Information Minister).

10Clause 9.1 of the Agreement.

11See Uganda: Agreement and Annex on Accountability and Reconciliation falls short of a comprehensive plan to end impunity (AI Index 59/001/2008). The flaws of the Agreement and Annex in so far as reparations are concerned are discussed further in section 4 of this report.

12One of the principles of reparation is the Guarantees of non-repetition which involve measures aimed at ensuring that victims are not subject to other crimes. See UN Basic Principles on the right to a remedy and reparation (n 5 above) principles 19-23.

13See, Amnesty International Checklist for the establishment of an effective truth commission AI Index: POL 30/020/2007.

14Uganda: Agreement and Annex on Accountability and Reconciliation falls short of a comprehensive plan to end impunity (n 11 above).

15Amnesty International interview with female victim of LRA abduction, Gulu district, 6 August 2008. Although the subsequent testimonies used in the section draw from the experience of girls and women who suffered sexual violence as a result of LRA abduction, it is to be noted that rape and sexual violence were committed by the UPDF soldiers during the conflict and up until recently. See for example Amnesty International's 1999 report, Uganda: Breaking the Circle: Protecting Human Rights in the Northern War Zone (AI Index: AFR 59/001/1999). For a recent documentation see the Amnesty International report, Uganda: Doubly Traumatized- The lack of access to justice by female victims of sexual and gender-based violence (AI Index: AFR 59/005/2007).

16Not real name. The testimonies and accounts included in this report do not disclose the real names of the victim in order to maintain both privacy and security of the witness, source or victim.

17There are over ten reception centres run by NGOs in the region.

18Amnesty International interviews with victims, 4-15 August 2008.

19Amnesty International focus group discussion with a group of victims in Gulu district, 5 August 2008.

20One study has found, for example, that less than half of child returnees (formerly abducted children) pass through a reception centre, see Tim Allen & Mareike Schomerus, A Hard-Comeing: Lessons Learned from the Reception Centre Process in Northern Uganda, An Independent Study, Usaid & Unicef (2006) < available at http://pdf.usaid.gov/pdf_docs/PNADI241.pdf > (last accessed 15 September 2008).

21Amnesty International interviews, 7 August 2008.

22Amnesty International interviews, 5 August 2008.

23See Amnesty International reports "Doubly Traumatized"; "Breaking the Circle (n 15 above).

24See the report "Doubly Traumatized" (n 15 above).

25Amnesty International interviews, 6 August 2008.

26Amnesty International interviews, 12 August 2008.

27Section 10 (3) (a) of the Education (Pre-Primary, Primary and Post-Primary) Act 13 of 2008 provides that “primary education shall be universal and compulsory for pupils aged six years and above which shall last seven years...”

28Amnesty International interviews, 5 August 2008.

29Amnesty International interviews, 13 August 2008.

30Amnesty International interviews, 8 August 2008.

31Amnesty International focus group discussion, 14 August 2008.

32Amnesty International interviews, 6 August 2008.

33Amnesty International interview, 5 August 2008.

34Amnesty International interviews, 4-15 August 2008.

35Amnesty International interviews with victims, 4-15 August 2008.

36According to recent reports, the mental health unit of the Gulu district hospital, reported up to 9,600 cases of mental illness in 2006 and 2007. Between May and August 2008, more than 4,400 cases were reported. The conditions include post-traumatic stress disorder (PTSD), depression, acute psychotic disorders, and chronic psychosis. A recent survey similarly recorded high rates of PTSD. Out of 1,200 adults assessed by mental health doctors in Amuru and Gulu districts in 2006, 54 per cent were suffering from PTSD. Researchers also found that 67 per cent of the respondents had depression. According to these reports, the African Centre for Rehabilitation of Torture Victims in Gulu, an NGO, registered 1,507 cases of mental illness in 2007. Between January and August 2008, 206 cases had been recorded. The Ugandan minister of state for health has been quoted as acknowledging the need to address psychiatric issues and has stated further that; “to solve mental problems, there should be a special attention and provision of mental health services, because [it is] not only the [internally displaced who] are affected, but the entire community in the northern region”. See, Institute for War and Peace Reporting Special Report: Rebuilding Northern Uganda Northern Ugandans Bear Mental Scars, available at http://www.iwpr.net/?p=acr&s=f&o=346421&apc_state=henfacr346507 (last accessed 5 September 2008).

37The government's UPE Policy is now backed by law in the form of The Education Act (n 27 above) which came into force on 29 August 2008. UPE aims at, among other things: making basic education accessible to the learners and relevant to their needs as well as meeting national goals; making education equitable in order to eliminate disparities and inequalities and ensuring that education is affordable by the majority of Ugandans by providing, initially the minimum necessary facilities and resources, and progressively, the optimal facilities.

38For a discussion on the high prevalence of sexual and gender-based violence and the lack of access to justice by female victims, see Amnesty International's report “Doubly traumatized” (n 15 above).

39See Ministry of Education and Sports Report on Education Needs Assessment for Northern Uganda (February 2008), 5, available at <http://www.education.go.ug> (last accessed 15 September 2008).

40According to the government, with the introduction of UPE in 1997 gross primary school (national) enrolment rose

from 2.5 million pupils to 7.5 million in 2005.

41See Institute for War and Peace Reporting, "Special Report: Rebuilding Northern Uganda - Education in Crisis in Uganda's North", available at http://www.iwpr.net/?p=acr&s=f&o=346507&apc_state=henh (accessed 5 September 2008). Implementation of the UPE in the war affected region is still disproportionately affected by the fact that education in the north has been ravaged by the two decades of conflict- schools were abandoned and suffered damage during the war. Teacher: pupil ratio is very low nationally and even lower in northern Uganda where teachers often don't turn up for duty partly because they are demoralized – in terms of poor housing and living conditions and delayed pay. The scale of the problem is illustrated in the example of one school, Alanyi, which is a primary school in Abako area near Lira town, has enrolled 2,015 pupils [but] has only seven classrooms. For a comprehensive report on education needs in northern Uganda, see Ministry of Education and Sports report (n 39 above) generally. On UPE generally, see also, Human Rights & Peace Centre (HURIPPEC) (2007) Universal Primary Education in Contemporary Uganda – Right or Privilege? HURIPPEC Working Paper No.8.

42Amnesty International interviews, 4-15 August 2008.

43Amnesty International interviews, 11 August 2008.

44During the conflict, Amnesty International documented the testimony of villagers who reported that, often, the UPDF used force constituting a violation of human rights, to make them move ostensibly to protect villagers from LRA attacks. In one occasion on 11 September 1996, in Omel Parish in Paicho, villagers were forced out of their homes by UPDF soldiers and told to move to the sub-county headquarters...Those who refused to move were beaten and their arms tied. They were not allowed to collect what they could carry and property they could not carry was looted by soldiers. In other instances the UPDF was reported to indiscriminately use artillery and mortar fire to force people to move. For these accounts see the report, "Breaking the circle" (n 15 above).

45Amnesty International focus group discussion with victims, 6 August 2008

46Amnesty International interviews, 4-15 August 2008.

47Amnesty International interviews, 11 August 2008.

48Amnesty International interviews, 6 August 2008.

49Amnesty International interviews, 5 August 2008.

50Amnesty International interviews, 14 August 2008.

51Amnesty International interviews, 11 August 2008.

52Amnesty International interviews, 4-15 August 2008.

53Amnesty International interviews, 8 August 2008.

54Amnesty International interviews, 13 August 2008.

55Paragraph 4 (i) of Appendix II to the Annex to the Agreement on Justice and Accountability.

56Different sources have suggested various estimates. For example, UNICEF estimates that more than 32,000 children were abducted by the LRA between 1986 and 2005 and used as child combatants and sex slaves, see UNICEF (2005) "Children bear the brunt of Uganda's 19-year old war" available at < http://www.unicef.org/infobycountry/uganda_25704.html > (last accessed 12 September 2008). One recent study conducted by academic researchers from University of California and Tulane University estimates that, between 1986 and 2006, the LRA abducted between 25,000 and 38,000 children and that overall, between 54,000 and 75,000 people (children and adults) were abducted. See, Phuong N. Pham, et al "The Lords Resistance Army and Forced Conscription in Northern Uganda" Human Rights Quarterly 30 (2008) 404-411. Compiling a database of children who have returned and registered in reception centres in northern Uganda upon their return, this study finds that 25,231 children have returned back from LRA abduction and captivity. This leaves a deficit of several thousands children unaccounted for. With all probability, this uncertainty applies to adults abducted by the LRA. One study has found that less than half of child returnees (formerly abducted children) pass through a reception centre, see Tim Allen & Mareike Schomerus (n 20 above).

57Amnesty International interviews, 5 August 2008.

58Amnesty International interviews, 4-15 August 2008.

59In Abia, Lira district.

60Amnesty International interviews, 13 August 2008.

61The Abia and Barlonyo attacks both involved attacks and the killing of hundreds of civilians –mainly women and children, by the LRA.

62Amnesty International interviews, 11 August 2008.

63Amnesty International interview with Ocan Peter (n 48 above). This complaint with regard to the lack of access to justice is vindicated in the findings of Amnesty International and the UN Office of the High Commissioner for Human Rights on the systemic problems of the justice system in northern Uganda and a host of barriers to the access of justice. See Office of the High Commissioner for Human Rights (OHCHR) (2008) Access to Justice in Northern Uganda; Amnesty International "Doubly Traumatized" (n 15 above).

64According to OHCHR Report, as above, the population in Uganda, especially in the northern and north eastern districts of Uganda, is poorly informed about the formal justice system and traditional mechanisms of dispute resolution are most commonly used.

65Amnesty International interviews, 13 August 2008.

66Amnesty International focus group discussion with victims, 13 August 2008.

67Amnesty International focus group discussion, as above.

68Republic of Uganda (2007) Peace Recovery and Development Plan for Northern Uganda (2007-2010). The plan focuses on all the sub-regions of northern Uganda, including the Acholi and Lang'i sub-regions which were most

affected by the conflict. The estimated total cost of the plan, representing investments over a three-year period is US \$ 606,519,297 of which 31% is required in the first year, 30% and 39%, respectively required in the second and third years. The PRDP replaces “several earlier programs and sector-based projects aimed at improving the population’s welfare....[which] whilst having increased the population’s welfare [had] limited impact [because of] core conceptual challenges...”, PRDP, pp 20-21.

69See Oxfam International (n 2 above) 18 (noting that PRDP’s implementation only began in July 2008 after a “painful waiting game” over funding between government and donors who were uncertain about the funding mechanism).

70Annex to June Agreement (between the GoU and LRA) on Accountability and Reconciliation, Paras 16-17 (Appendix I).

71Ibid.

72Annex, clause 4(j).

73Annex, clause 17.

74Principle 15 of the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparations (n.5 above), states:

Adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law. In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim.

75Preamble of the DDR Agreement.

76Clause 2.7-2.9 of the DDR Agreement.

77Clause 2.14-2.15 of the DDR Agreement (referring to the commitment to comply with provisions of the UN Security Council Resolution 1325 on Women, Peace and Security).

78Discussed in sub-section 4.2.1, above.

79The Amnesty Commission was established under the Amnesty (Amendment) Act, 2006.

80Estimated under the PRDP to be about 17,200 people of whom about 5,600 are approximated to be children.

81PRDP, Chapter on DDR.

82See Tim Allen & Mareike Schomerus (n 20 above) which concludes for example that less than half of child returnees (formerly abducted children) pass through a reception centre.

⁸³Uganda: Agreement and Annex on Accountability and Reconciliation falls short of a comprehensive plan to end impunity (AI Index: AFR 59/001/2008).

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW

www.amnesty.org

AMNESTY
INTERNATIONAL

