

## CHAPTER NINE

### CONCLUSION AND RECOMMENDATIONS

#### 9.1 Conclusion

The LRA conflict and the attendant atrocities rages on in the tri-border area of Sudan, DRC and Central African Republic and continues to contribute to the vicious cycle of violence, and displacement in Africa Great Lakes Region. The duration and spread of the conflict is a clear manifestation of how an internal conflict can easily be ‘exported’ to have repercussions on neighbouring territories. Ethnic division, weak state structures, and the illegal exploitation of natural resources ensure that states in the region actively extend military, logistic, economic and financial support to irregular forces operating in the neighbouring territories. This has led to suspicion and mistrust among the regional governments including the governments of Uganda, DRC, South Sudan and the Sudan. It is such mistrust that led to the continuous and significant support that the government of Sudan gave the LRA from 1994 to 2005 that rendered the conflict internationalised.<sup>1</sup> However, since 2009, the regional governments started paying attention to the common problem caused by the LRA in the region and are working together to ensure the capture of the LRA leaders, to bring the conflict to an end and to protect civilians affected by the conflict.<sup>2</sup>

The fighting groups, however, continue to pay little or no heed to rules of international humanitarian and human rights law. The groups continue to perpetrate atrocities against civilians. Some of the atrocities include, attacks against the civilian population; torture or inhuman, cruel or degrading treatment; wilful killing or murder; pillage; use of child soldiers; and sexual violence among others all amounting to war crimes and crimes against humanity.<sup>3</sup> This is despite the ICC investigations and ongoing prosecutions of international crimes in the region<sup>4</sup> and the accountability undertakings underway in Uganda. The

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<sup>1</sup> See detailed discussion in chapter two of this thesis.

<sup>2</sup> Detailed discussion is contained in chapter one of this thesis.

<sup>3</sup> Detailed discussion is contained in chapter two of this thesis.

<sup>4</sup> Countries under ICC investigations in the region are Uganda, DRC, Sudan, Central African Republic and Kenya. Note that, in the Ugandan situation, the ICC indictees have only been charged with offences allegedly

continuity of mass atrocities, despite criminal investigations and other accountability pursuits in the region clearly shows that unless the LRA top commanders are apprehended, or surrender, the mass atrocities will continue for decades to come. The two conflict resolution methods that have been prominent from the start of the conflict, military solution and/or a negotiated settlement are still being pursued. Both mechanisms require sustained commitment and new diplomatic, financial and material resources from the regional governments and their international partners to coordinate a successful regional effort to end the LRA conflict.<sup>5</sup> The success of such endeavours will ensure an end to the conflict, and will create an environment in which the government can comprehensively address questions of accountability to promote justice, truth and reparations.

Nonetheless, the referral of the Ugandan situation to the ICC and resultant warrants of arrest to some extent undermined the authority of the LRA leaders and constrained their operation, including the withdrawal of support by the government of Sudan; part of the reason why the LRA called for peace talks in 2006 that accounts for the stability in Northern Uganda since 2006.<sup>6</sup> There is every indication that the local population in Northern Uganda gain more and more confidence each passing year that the conflict has finally come to an end.<sup>7</sup> However, the fact that LRA leadership have not been captured, coupled with LRA atrocities in neighbouring countries that is aired on local radios everyday makes the population cautious and fearful of a possible LRA return in Northern Uganda. Several people still maintain two homes, one in the parishes and other areas closer to towns and another in

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committed within the territory of Uganda although there is ample evidence to suggest that the LRA have perpetrated similar offences in South Sudan, DRC and Central African Republic.

<sup>5</sup> Presently, there is an AU led initiative to tackle the LRA problem in the region. The AU initiative is in collaboration with international organisations such as; the UN, EU, World Bank and International Conference on the Great Lakes Region (ICGLR). Also in support of this initiative is the US government that has provided military support to the UPDF. In this initiative could lead to the capture of LRA suspects and other culpable LRA leaders to undergo accountability.

<sup>6</sup> Other reasons advanced for the cessation of support by the Sudan government is the signing of the Comprehensive Peace Agreement between the SPLA and the government in Khartoum in January 2005 that ended the north and south civil war and therefore the direct military contribution that the LRA had made to the military in South Sudan. Further discussion on this issue is contained in chapter one of this thesis.

<sup>7</sup> Unlike during the 2008 field trip where several villages were still abandoned and a lot of land remained uncultivated, in the October 2011 field I carried in Gulu, Pader, Amuru and Nwoya districts, the country side was bustling with activities, a lot of homes were undergoing construction or had been constructed and evidence of cultivation in most places along the way.

the villages in the homes of origin, where they carry out farming in case of any eventualities.<sup>8</sup>

The ICC warrants of arrest are no doubt a great concern of the LRA leadership and part of the reason why they called for talks in 2006. Ironically, they were also a major stumbling block to securing a comprehensive peace agreement that was not reached.<sup>9</sup> The ICC involvement in the LRA situation is imbued with legal and political complexities but the ICC remains an important accountability forum in Uganda as the government has shown a clear unwillingness to investigate and prosecute LRA leaders indicted by the ICC.<sup>10</sup> In addition, the ICC involvement acted as a constant reminder to the negotiating parties in Juba that questions of accountability must be fully addressed at the domestic level. It also brought to the forefront, the government's international obligations to investigate violations, prosecute and punish offenders if found guilty and to ensure rights of victims to reparations and truth.<sup>11</sup>

The resulting Agreement on Accountability and Reconciliation and its Annexure set in motion a comprehensive accountability strategy that incorporates various accountability measures including domestic prosecutions, historical clarification and truth telling, use of traditional justice and reparation measures.<sup>12</sup> The Agreement however, did not clarify the relationship of the measures envisaged with the ICC but it is clear now that the ICC investigations will complement the national undertakings. ICC activities will therefore be complementary and must be accompanied by national processes, especially so, that its temporal jurisdiction of July 2002 limits it from comprehensively addressing questions of accountability including justice and reparations for all victims of the LRA conflict that began

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<sup>8</sup> In Feb 2012, some people in Lalogi sub-county in Amuru district claimed to have cited some strange people in the area, leading to widespread fear that the LRA had returned to Northern Uganda. This rumour was however, not confirmed but an indication of the fear that people still live with.

<sup>9</sup> RR Atkinson 'The Realists in Juba? An Analysis of the Juba Peace Talks' in T Allen & K Vlassenroot (eds) *The Lord's Resistance Army: Myth and Reality* (2010) 211 – 212.

<sup>10</sup> Detailed discussion is contained in chapter five of this thesis.

<sup>11</sup> Accountability and Reconciliation was the third agenda item during the Juba talks. See also chapter three of this thesis for a detailed discussion on international obligations for international crimes.

<sup>12</sup> Agreement on Accountability and Reconciliation clause 2. Although these domestic measures were reached with the intention that the processes would replace the ICC investigations, the government refused to start any processes to stall or stop ICC investigations until a comprehensive peace agreement was reached and the LRA refused to sign a comprehensive peace agreement until ICC investigations were called off.

in 1986. In addition, the ICC will only prosecute only a limited number of people and it has targeted only non-state actors for crimes committed only in Uganda.<sup>13</sup> This may be due to policy and practical limitations of the Court, but puts emphasis on the fact that the ICC can only complement national processes that must comprehensively deal with questions of accountability to ensure justice, truth and reparations.

In the domestic arena, the government of Uganda through the Justice Law and Order Sector (JLOS) established a high level Transitional Justice Working Group (TJWG) to give effect to the provisions of the Agreement on Accountability and Reconciliation and its Annexure in 2008. The five thematic sub-committees of the TJWG that includes: international crimes prosecutions; truth and reconciliation; traditional justice; sustainable funding; and integrated systems has since held a number of high profile meeting and started a process of a country wide consultations to get views on appropriate accountability and reconciliation forums.<sup>14</sup> The TJWG has since 2009 began to put in place mechanisms to carry out consultations with Ugandans including victims of crimes committed in the conflict to get their views on truth telling, reparations and traditional justice mechanisms. With the views collected, the TJWG has also embarked on the task of developing a national transitional justice policy that seeks to be holistic and victim centred and provides a framework on accountability and reconciliation, in line with the Agreement on Accountability and Reconciliation.<sup>15</sup>

In July 2008, the government established the International Crimes Division (ICD)<sup>16</sup> of the High Court of Uganda to try individuals alleged to have committed international crimes during the conflict. The ICD has the mandate to try international crimes defined in Uganda's Penal Code Act, the 1964 Geneva Conventions Act, the 2010 International Criminal Court Act, or any other criminal law in Uganda. The ICD operates alongside Uganda's Amnesty Act

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<sup>13</sup> Further and detailed discussion on this is contained in chapter five of this thesis.

<sup>14</sup> JLOS Report *Transitional Justice in Northern, Eastern Uganda and some parts of West Nile Region* (March 2008); JLOS in addition carried out consultations in eight sub-regions including Buganda, Teso, Bugisu, Bugwere, Busoga, Karamoja, Acholi, Ankole, Toro, Bunyoro, Lango and West Nile of Uganda.

<sup>15</sup> Keynote address by the Chair of JLOS TJWG during a conference hosted by Uganda Human Rights Commission in collaboration with the UN Office of the High Commissioner for Human Rights and UN Women in Kampala entitled: *Thematic Conference on the Right to Remedy and Reparations of the Conflict in Northern Uganda* (13 – 14 Feb 2012).

<sup>16</sup> Previously, designated the War Crimes Division of the High Court of Uganda.

2000, which was introduced in the midst of the conflict with the intent of ending hostilities and bringing the warring parties to the negotiating table. The Act granted a 'blanket' amnesty to all engaged in rebellion against the government of Uganda, if they renounced rebellion. In 2006, the Act was amended, requiring the Minister and Parliament to declare certain persons ineligible for the grant of amnesty. The Minister did not make any such declaration.<sup>17</sup> On 25 May 2012, the minister allowed Part II of the Amnesty Act to lapse, this paves for accountability pursuits in Uganda.<sup>18</sup>

The blanket grant of amnesty that operated for eleven years in Uganda has however, presented a challenge to the mandate of the ICD to hear cases against those alleged to have committed international crimes in the course of the conflict. For instance, activities of the ICD stalled in November 2011 when the Constitutional Court ordered it to cease the trial of Thomas Kwoyelo. The Court reached this decision in light of the Amnesty Act that entitled Kwoyelo like all other perpetrators engaged in armed rebellion against the government of Uganda to a grant of amnesty without an investigation into the lawfulness of their conduct.<sup>19</sup> The lapse of Part II of the Act ensures that the DPP can now continue with investigations and issue more indictments without any concern over contradictions in the laws.

Uganda has taken a pragmatic approach to accountability, ushering in several accountability measures including domestic prosecutions, truth telling and traditional justice processes. The approach, does not presume any one-measure best suited. This is consonant with the view of the UN Secretary General who has persuasively argued that in the aftermath of mass atrocities, accountability strategies must be holistic, incorporating integrated attention to individual prosecutions, reparations, truth seeking, institutional reform, dismissals or an appropriately conceived combination thereof.<sup>20</sup> Indeed, the accountability measures underway in Uganda correspond to the political, social and historical conditions in the country; in particular, decades of armed conflict, numerous coups and rebellion with

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<sup>17</sup> Further and detailed discussion is contained in chapter four of this thesis.

<sup>18</sup> Further and detailed discussion is contained in chapter four of this thesis.

<sup>19</sup> Detailed discussion is contained in chapter four and six of this thesis.

<sup>20</sup> United Nations *Report of the Secretary General: Rule of Law and Transitional Justice in Post Conflict Societies* S/2004/616 (23 Aug 2004).

impunity of perpetrators that for decades denied victims the right to justice, truth and reparations.

A combination of these measures can be effectively used and they can complement each other. Formalising of the amnesty process within a truth telling mechanism to require truth and in some cases compensation to victims even from those already granted amnesty will ensure accountability of all for the mass atrocities committed in the LRA conflict.<sup>21</sup> Formal prosecutions in response to international crimes committed in the LRA conflict will ensure justice for the victims of crimes committed. In addition, formal prosecutions can ensure that truth and history is recovered. This can be achieved through eyewitness accounts, production of documents, videos and other evidences that may create an authoritative version of the truth and thereby narrate a story that later becomes history.<sup>22</sup> In addition, the ICC has a mandate to ensure reparations and domestic courts in Uganda have the mandate to order offenders to compensate victims, which to an extent meets the reparations goal of accountability.<sup>23</sup>

To achieve these aims, the ICD and other domestic courts in Uganda must ensure scrutiny and censure of anyone who may have perpetrated international crimes and other human rights abuses in the LRA conflict. Investigations and prosecutions must be carried out without any privilege of leadership to complement the ICC undertakings, effectively. The ICD must also evoke the principle of universal jurisdiction to comprehensively investigate and prosecute all international crimes committed in the LRA conflict in whichever territory, at whatever time and by whichever perpetrator for the aims of accountability to be realised.<sup>24</sup> However, there is a further need to categorise offenders in the conflict, children and persons abducted as children, should be taken through accountability processes that puts their status as children or adults abducted as children into consideration. They should be taken through a process that respects procedural guarantees appropriate in the administration of juvenile justice and reflects the desirability of promoting the capacity of

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<sup>21</sup> Further discussion is contained in chapter eight of this thesis.

<sup>22</sup> MA Drumbl *Atrocity, Punishment and International Law* (2007) 175; see also discussion in chapter six of this thesis.

<sup>23</sup> Constitution of Uganda art 126, 28 & 50; Trial on Indictment Act of Uganda art 110. Detailed discussion is contained in chapter six of this thesis.

<sup>24</sup> Detailed discussion on this issue is contained in chapter six of this thesis.

an individual to assume constructive role in society. A truth telling process is best placed to take such a role.<sup>25</sup>

Traditional justice processes that will play a central role in the accountability pursuits in Uganda will complement formal prosecutions. Traditional justice practices are based on key principles that include; voluntariness, trust, truth telling, compensation, and restoration of broken relationships. They will offer an accountability platform by allowing perpetrators to account for their crimes, show remorse, apologise and compensate victims, encompassing the goals of justice, truth and reparations. Traditional justice enjoys significant local, national and international support but it is clear that the process cannot be effectively used as accountability measure to deal with international crimes committed in the conflict. This is because, the multi-ethnic groupings in Uganda means that different ethnic groups adhere to different cultures and practices therefore the system cannot be made uniform to apply across board. In addition, traditional justice system rely on social sanction and is grounded on a spiritual belief of the involvement of the dead in the living world from which it derives its legitimacy; formalisation of such a process to create a uniform mechanism to be applied nationally will lead to a loss of legitimacy and credibility of the process.<sup>26</sup>

Also critical is that, traditional structures in Uganda lack the capacity to take on such a massive role and transformed duty of addressing systematic and widespread crimes committed in the LRA conflict and it will not be feasible to rely on voluntary confession to propel the process in motion. Traditional justice and healing ceremonies can only complement the accountability processes for mass atrocities if its use is limited to the individual and community level. The process must also be voluntary and available to all who desire it and must complement and not be an alternative to other accountability measures. In other words, participation in traditional justice processes must be limited to those who desire it, be limited to the community, clan or family level and should not bar the prosecution of an individual or bar his or her participation in truth telling and other reparations mechanism.<sup>27</sup>

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<sup>25</sup> See further discussion in chapter five and six of this thesis.

<sup>26</sup> See further elaboration in chapter seven of this thesis.

<sup>27</sup> This argument is further elaborated in chapter seven of this thesis.

A truth telling and reparations processes presents Uganda with a great opportunity to recognise the wrongs committed in the LRA conflict, to recognise that civilians were severely victimised and that the state is ready to amend the wrongs through investigations, identification and punishment of individual perpetrators and provisions of reparations. In addition, the process creates an opportunity to ensure the scrutiny and censure of state institutions and government policies and legislations to usher in legislative and institutional reforms in Uganda, which in turn will lead to the reconciliation of the different sectors of the Ugandan society.<sup>28</sup> In addition, a truth telling process will give a wider platform for victims, witnesses and perpetrators to recount their stories and generate history.

Overall, prosecution and punishment of offenders together with a truth telling process that makes recommendations aimed at addressing the root causes and outcomes of the conflict will not only counter inequalities in society but also punish perpetrators, identify them and also name them individually. These processes will allow victims to pursue compensation against those identified through civil suits and will shame and bar such individuals from the positions of public trust, thereby promoting justice. While the use of traditional justice and healing ceremonies may well facilitate justice through local ownership (if there is minimal interference of the state in the processes), encourage local participation and payment of compensation to victims. Traditional justice and healing ceremonies will also provide a broad platform for victims and will deliver a great impact to local communities that must continue to live together. In addition reparations, implemented in close association or as part of all other accountability initiatives will work best, as it will be seen as part of a comprehensive accountability policy rather than an isolated effort. Participation of the various stakeholders including victims in the design of the policy will ensure maximum impact on the victims that it is essentially meant to serve.<sup>29</sup>

The main conclusion in this thesis is that with careful treading, political will, technical, financial and material investment by the government of Uganda and its development

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<sup>28</sup> Detailed discussion on this issue is contained in chapter eight of this thesis.

<sup>29</sup> Office of the United Nations High Commissioner for Human Rights *Rule-of-Law Tools for Post-conflict States: Reparations Programmes* HR/PUB/08/1 (2008) 12.



partners, this blend of accountability measures can effectively complement each other to ensure justice, truth and reparations in Uganda. It is therefore incumbent on the state, in consultation with the local populations to remain true to this comprehensive plan not only to prosecute all persons responsible for international crimes but to also ensure that all accountability measures, including the non-judicial measures meet international standards that includes; fair and impartial proceedings; guarantee of fair trial; equal access to effective remedies to victims; and access to relevant information on the available mechanisms.

However questioned is the political will and commitment to ensure adequate funding and investment in the process as well as the sincere participation of government and security institutions and politicians, individually and collectively in the process to achieve the desired justice, truth and reparations.<sup>30</sup> The legislative and administrative processes to propel the various mechanisms into motion, in particular, truth telling and reparations processes are taking a very slow pace. This has created anxiety among victim and civil society groups in Uganda about the commitment of the government to the accountability processes. In addition, there is yet to be a concerted effort on the part of the government to document, investigate, and provide victims with access to relevant information concerning the violations that they and others in the region suffered due to the two decade conflict. Further, there has hardly been any systematic information, outreach or consultations with victims on the development or planning of the accountability processes.<sup>31</sup>

It is the expressed desire of the victimised communities that they are involved in the formulation of the mandates and design of the different accountability mechanisms as they are best place to provide the indispensable assistance to reach out to marginalised, hard-to-reach communities and victims. It is further such involvement that will make these mechanisms truly victim oriented in their scope and operation. This will show the victims

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<sup>30</sup> Detailed discussion is contained in chapter eight of this thesis.

<sup>31</sup> Interview with Ismene Zarifis Transitional Justice Advisor with JLOS, conducted on 24 Feb 2012. The main complaint by civil society groups is that their involvement in the process is very limited and so is the consultation with the local population, a meeting to ensure more civil society involvement in the process organised by the African Institute for Strategic Research, Governance and Development hosting representatives from 27 different organisations took place in Kampala on 26 Aug 2011.

that the government is responsive to public opinion and accountable for its failures.<sup>32</sup> In his report on transitional justice, the UN Secretary General points out that the most successful transitional justice experiences owe a large part of their success to the quantity and the quality of public and victim consultation carried out,<sup>33</sup> a remainder to decision makers and technocrats working on accountability processes in Uganda.

There are further, serious doubts about the government's ability or willingness to resolve long standing divisions in Uganda that is the root cause of the LRA conflict or to ensure accountability for mass atrocities committed in Uganda. The re-election of a broadly based NRM government in 2011, access to material resources, tactical skill, ability to deflect international criticism and President Museveni's ambition to control Uganda's transition as an oil exporter suggest that he will try to continue to consolidate and direct Uganda's future, no matter the consequences on the country and the impact on accountability.<sup>34</sup> It is worrisome, that Uganda's accountability undertakings depends on how the attendant policies will affect the NRM government rather than whether it resolves long standing national problems including impunity for international crimes and other gross human rights violations. Unless this changes, impunity will reign and so will violent conflicts in Uganda.<sup>35</sup>

Critical challenges that require immediate attention to ensure accountability for mass atrocities in the LRA conflict remain. The thesis therefore makes a number of recommendations as below.

## **9.2 Recommendations**

### **9.2.1 Amendment and adoption of certain laws and policies in Uganda**

Lapse of Part II of the Amnesty Act that allowed for a blanket grant of amnesty in Uganda took effect on 25 May 2012. This opens doors to the investigation, prosecution and

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<sup>32</sup> Uganda Human Rights Commission & United Nations High Commissioner for Human Rights *"The Dust has not yet Settled"*, *Victims View on a Right to Remedy and Reparations: A Report from the Greater North of Uganda* (2011) XIX.

<sup>33</sup> United Nations (n 19 above) para 16.

<sup>34</sup> International Crisis Group 'Uganda: No Resolution to Growing Tension' Africa Report No 187 (5 April 2012)1.

<sup>35</sup> As above.

punishment of those found guilty of international crimes committed in the LRA conflict. However, the government of Uganda must now expedite the adoption of the national transitional justice policy for Uganda, within 12 months as recommended by JLOS after the amnesty review process.<sup>36</sup> In addition, the government should adopt a new law to take forward a truth telling process that complements traditional justice practices. The truth telling body should incorporate a conditional amnesty for lesser offenses in exchange for the truth, apology and in some instances compensation before a grant of amnesty. Amnesty should further only be granted in cases where the DPP indicates that he does not intend to bring criminal charges against a person. To show commitment to its policies and laws, the government should not unilaterally revoke amnesty already granted, as this could lead to loss of faith by the public in the government and doubts on the seriousness of accountability pursuits in Uganda.<sup>37</sup> There is however, a need for a new policy on a truth commission and traditional justice to spell out that, even those granted amnesty should undergo those non-prosecutorial measures without fear that criminal proceeding will be instituted against them. This will ensure accountability of those who already received amnesty and will ensure that victims of the crimes they committed receive justice, truth and reparations.

In addition, the government must immediately enact a policy that ensures victim assistance, to deal with urgent cases, for instance, for victims suffering from serious physical and mental injuries and illnesses. The government and the various stakeholders must make known to the victim community that the grant of amnesty does not bar civil liability, therefore victims can proceed against such perpetrator in courts, administrative or quasi-judicial bodies in Uganda to receive compensation.<sup>38</sup> It is also important to point out that amnesty granted in Uganda does not bar prosecutions by other interested states, where international crimes may have been committed; therefore, the government should reach agreements with the other states who wish to investigate and prosecute culpable LRA perpetrators who may have received amnesty in Uganda to allow them to do so.

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<sup>36</sup> Joint Leadership and Steering Committee 'Presentation by Hon Justice Gidudu, Chair Transitional Working Group' (18 May 2012) available at [www.jlos.go.ug/page.php?](http://www.jlos.go.ug/page.php?) (accessed 10 July 2012).

<sup>37</sup> Also note that 'pardon' is a constitutionally protected right in Uganda; Constitution of Uganda art 28(10).

<sup>38</sup> This will be in line with art 50 of the Constitution of Uganda.

In addition, Uganda must repeal the constitutional provisions on immunity of head of state to ensure scrutiny and censure of all Ugandans for their role in the LRA conflict. Uganda must further amend its penal laws providing a uniform sentencing regime, so that international crimes do not attract lesser sentences than ordinary crimes in the penal code. This in effect will require the removal of the death penalty from Uganda's penal legislation.

### **9.2.2 Political will and commitment**

Accounting for crimes committed in the LRA conflict will require political will and the commitment of the government of Uganda at every level. The government must ensure adequate financial, technical and material investment in all accountability undertaking including investigations, trials, legal aid, witness protection, outreach, and reparations among other undertakings. The government should seek additional funding from the international community where the state budget falls short. The international community should also make an undertaking to provide oversight, technical expertise and other support the accountability process in Uganda. In addition, a founding legislation of a TRC should include a clause requiring reparations to be financed through the state budget, to ensure effectiveness in procuring the necessary financial resources for this undertaking.

The government of Uganda should allow the accountability mechanisms to honestly deal with crimes and violations to allow reform and accountability. That will include giving its full cooperation and room to the mechanisms to investigate state officials and institutions and to prosecute state officials who may have committed international crimes during the conflict. The government must also give the accountability mechanisms full powers to conduct searches, seize relevant documents, issue warrants, conduct investigations and require attendance of witnesses in complete independence and a guarantee of non-interference from the executive for a successful outcome of the accountability processes. This independence from the executive must not only be in writing but must be observed in practice.

### **9.2.3 Conduct of outreach**

It is clear that the most successful processes owe a large part of their success to the quantity and the quality of public and victim consultation carried out.<sup>39</sup> Despite the failure to reach a comprehensive peace agreement in Juba, the talks sparked off a process of soliciting views of the affected population and consultation with all other stakeholders. This should continue but with even more rigor than currently, right from the present preparation phase, during and also after the accountability processes end to ensure that national needs and aspirations are met.

In addition, the staff of the different accountability mechanisms must carry out robust outreach programmes clarifying the functions and roles of the different processes; purpose of each mechanism; linkages among the processes; protection mechanisms; and confidentiality guarantees for each mechanism to all sections of the Ugandan society and beyond. This will ensure effective participation of all, especially, the most affected and most vulnerable groups such as children, women, the illiterate and the very poor sections of the society. In addition, the different mechanisms should collaborate with each other in the outreach efforts. Joint publicity campaigns to explain the distinct and autonomous nature of the different institutions, while at the same time avoiding contradictions and rivalry thereby enhancing confidence in all the processes.

### **9.2.4 Regional collaboration**

The LRA conflict was exported from Uganda to other regional states; therefore, accountability undertaking must have a regional dimension to it. The governments of Uganda, South Sudan, Sudan, DRC and Central African Republic, together with international partners must work together not only to ensure the end to the conflict but to also ensure that all international crimes committed in the LRA conflict are effectively prosecuted. This in effect will require that the governments evoke the principle of universal jurisdiction to

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<sup>39</sup> United Nations (n 18 above) para 16.

ensure that international crimes committed by whomever, whenever and in whichever territory is effectively prosecuted in any one of the affected states to fight impunity as provided for in the Protocol on Sexual Violence and the Protocol on Genocide.

The regional governments must also go beyond criminal accountability and make an effort to ensure truth and reparations, not only among the citizens of the different states that may have been harmed by the conflict but also the regional governments. This will remove mistrust that may have developed due to the support that may have been extended to irregular armed forces fighting a government in the region and other atrocities committed by national armies including the illegal exploitation of natural resources in different territories. The conference on the Great Lakes Region provides a platform for this and there is an additional need for a regional truth and reconciliation commission with the mandate to consider matters relevant to the LRA conflict and the other conflicts in the region. This truth commission would ensure that the governments in the region acknowledge the support (material, financial or moral) that has been extended to non-state actors. It would further determine motive, pattern and the systematic violations and abuse of human rights and rules of humanitarian law; restore the dignity of victims by giving them the opportunity to tell their stories and acknowledgment by perpetrators and make recommendations on the appropriate mechanisms for reconciliation, reintegration, rehabilitation and reparations for victims (including states) in the region.