

## ‘The Cooling of Hearts’: Community Truth-Telling in Northern Uganda

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Published online: 7 September 2011  
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**Abstract** Recent national and international debates on truth and reconciliation in Uganda have emphasized the importance of incorporating local-level mechanisms into a national transitional justice strategy. The Juba Peace Talks represented an opportunity to develop and articulate sufficient and just alternatives and comple-

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The word ‘cwiny’ in the language of Luo (of the group in this study) refers to the ‘nature’ or the ‘inside’ of a person, or that part which drives people to act in certain ways, and to be happy or sad. Thus a person can tell you ‘cwiny col’ to mean you are bad, or ‘cwiny yom’ (you are happy) or ‘cwiny cwer’ (you are feeling sad). Appeasing a person who is sad is referred to as ‘kweyo cwiny’, or the English equivalent of ‘cooling the heart’. Respondents often used the latter expression to describe the process of healing and reconciliation derived from truth-telling, acknowledgement and compensation, and so forms the title of the article. The article is based on a report of the same title by the Justice and Reconciliation Project.

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mentary mechanisms to the international criminal model. The most commonly debated mechanism is the Acholi process known as *mato oput* (drinking the bitter root), a restorative justice approach to murder. Drawing on 2 months of research in nine internally displaced persons' camps in 2007, we examine local justice practices in the region of northern Uganda to consider their potential, promise and pitfalls to realizing a successful truth-telling process. We find that although local mechanisms could help facilitate reconciliation in the region, truth-telling is but one part of a conciliatory process complicated by a national context of fear and the complexity of the victim–perpetrator identity at the community level. These locally informed insights help move forward the debate on such mechanisms in Uganda and add useful insights into community processes in the field of transitional justice more generally.

**Keywords** Community based transitional justice · Truth telling · Northern Uganda · Lord's Resistance Army

## Introduction

Within the field of transitional justice, 'truth-telling' is considered a vital process in the reconciliation of violently divided societies and the consolidation of peace after violent conflict (UN Secretary General's Report 2004). Civil society debates have begun to focus on relevant mechanisms for gathering the truth about human rights violations made by past and present regimes and armed groups, with a general consensus that reconciliation and a collective national identity is both possible and desirable. Strikingly, various calls for national truth and/or reconciliation processes agree that bottom-up strategies, starting within communities, are preferable (see Refugee Law Project 2006; Justice and Reconciliation Project 2006). This has been particularly evident in the case of northern Uganda (the Acholi sub-region) where fighting between the armed group the Lord's Resistance Army (LRA) and the Government of Uganda for more than 20 years has involved gross human rights violations by both parties and has led to an intense debate about appropriate mechanisms for redressing these violations.<sup>1</sup>

After sustained lobbying by Acholi elders, civil society and religious leaders, in 2000 the Government of Uganda passed the *Amnesty Act*, granting individual combatants (of the LRA and other paramilitary groups) immunity from prosecution.<sup>2</sup> Once the International Criminal Court (ICC) intervened in the region in 2004, however, the validity and appropriateness of the Amnesty was challenged. Proponents of Amnesty claimed that forgiveness would pave the way for peace

<sup>1</sup> Although the LRA and its leaders remain at large in Central African Republic, the Democratic Republic of Congo, and Southern Sudan, its soldiers have not entered Uganda since signing a Cessation of Hostilities Agreement with the Government in August 2006.

<sup>2</sup> The *Amnesty Act* 2000 defines an amnesty reporter (recipient) as any person above the age of 12 who, having taken up arms against the Government, pursues pardon and renounces rebellion.

while its opponents charged that the Amnesty was a tool for impunity.<sup>3</sup> The so-called peace versus justice debate speaks to the need for pluralistic justice practices in northern Uganda. For example, the Kampala-based rights organization, Refugee Law Project (RLP), recommends the need for ‘a specific mechanism that allows for dialogue and the telling of truth within communities’.<sup>4</sup> In late 2006, the RLP began to explore the prospects of a national truth and reconciliation process for Uganda and how it might work in practice, identifying local justice mechanisms as a promising vehicle and referring in particular to the Acholi practice of *mato oput*, described below. ‘We also believe that the truth-telling elements embedded in *mato oput* and many other Ugandan cultural reconciliation mechanisms should be emulated and adapted into a wider process’, they concluded (RLP and HURIPPEC 2006). These sentiments are echoed in other forums as well.<sup>5</sup>

These explorations occurred in tandem to the Juba peace talks between the Government and the LRA, mediated from July 2006 to April 2008 by the Vice-President of Southern Sudan, Riek Machar. Although General Joseph Kony, the LRA’s leader, ultimately refused to sign the Final Peace Agreement, several provisions of the agreements are worth noting here. Agenda Item Three, the ‘Agreement on Accountability and Reconciliation’, provides that ‘traditional justice mechanisms’ shall be a central part of the accountability and reconciliation framework (operative clause, 3.1) while ‘truth-seeking and truth-telling processes and mechanisms shall be promoted’ (operative clause, 7.3). Although the Juba negotiations failed to end the conflict between the belligerents, Chief Mediator Machar noted in his June 2008 report that the agreements that had been signed are not provisional instruments but are indeed legally valid (Machar 2008). The Government of Uganda is thus mandated to proceed with the aforementioned provisions and the creation of the Justice Law and Order Sector in Uganda is

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<sup>3</sup> When the ICC began investigating the situation in northern Uganda and subsequently unsealed indictments for five LRA commanders in October 2005, stakeholders and observers alike criticized the Government’s seemingly contradictory approach to transitional justice and conflict resolution in the North (e.g. see, Hovil and Lomo 2005).

Its supporters regarded the Amnesty as a tool of restorative justice and conflict resolution, at odds with the retributive principles of the ICC. While local leaders had used the prospect of amnesty as a tool with which to build the trust and confidence of LRA leaders in the bush, critics of the ICC charged that the Court’s intervention compromised the peace process (e.g. see, Branch 2007).

By 2006, the Government had amended the *Amnesty Act* in order to exclude the five ICC-indicted commanders from its provisions, and by March 2010 Parliament had enacted legislation to give the High Court of Uganda jurisdiction over crimes defined by the Rome Statute (1998) (e.g. see, Otim and Wierda 2010).

<sup>4</sup> In a study of the Amnesty law, the Refugee Law Project recognized the limitations of the Amnesty—while popular—did not incorporate a process of truth-telling and, as a result, has a limited role in promoting longer-term reconciliation (Hovil and Lomo 2005).

<sup>5</sup> For example, (1) the Coalition of Organizations and Institutions working towards sustainable Reconciliation in Uganda (CORU), active since April 2006, has drafted legislation for National Reconciliation which was endorsed by 150 participants at a workshop in February 2007 and calls for a regional approach; (2) The Northern Ugandan Peace Initiative calls itself a Portal for Reconciliation in Uganda (see <http://www.nupi.or.ug/>), and also highlights local and regional practices; (3) Civil Society for Peace in Northern Uganda (CSOPNU)—a coalition of 50 national and international organizations issued a study on national reconciliation and is an active voice in reconciliation debates; and, (4) the Historical Commission on Memory and Reconciliation has held local-level consultations in Luwero and in northern Uganda.

charged with developing the Government's transitional justice strategy. However, such efforts are the subject of increasing scrutiny (see literature review below), with cautionary lessons from other regions wherein community-based mechanisms have become politicized and even dangerous.

Given the considerable attention to local and national mechanisms in the Agreements, and given more recent debates about the relevance of community-based truth-telling mechanisms, we designed a qualitative research questionnaire to survey victims about their desire for and concerns regarding such a process. The paper first elaborates on the principles of the process of *mato oput*, situating the debate over the local Acholi dispute mechanism in the wider literature on the region, and more generally, in the field of transitional justice. Second, it outlines the most common reasons respondents stated they needed a truth-telling process before highlighting their fears and concerns regarding such a process. Finally, it concludes with reflections on community-based truth-telling in Uganda, arguing that a locally informed and owned process is necessary to avoid imposed or politicized processes.

### Recent Debates on Community Truth-Telling

While the field of transitional justice has discussed the relative strengths of truth commissions over trials since the field was established in the early 1990s, more recent consensus has been reached that a mixture of different approaches may be necessary after mass atrocities, including the need for both international and locally based mechanisms. The possibilities of adapting culturally specific mechanisms such as African conflict resolution mechanisms or indigenous reconciliatory practices were given full attention after the release of the 2004 Special Representative Report to the UN on *Rule of Law and Transitional Justice*. The report, which sets a broad working mandate for the United Nations on transitional justice, emphasizes the importance of local consultation, ownership and leadership, and recognizes the role of local mechanisms. Truth-telling is recognized as one of many desirable processes in the pursuit of transitional justice, but its possibilities are fraught by the challenges of local realities, including lack of political will.

Scholars have begun to scrutinize the ability of truth processes to reach their goals, particularly those designed along universal principles and implemented in widely different cultural contexts. In her analysis of the truth commission in Sierra Leone, Rosalind Shaw notes it was limited in its local impact, given that it contradicted established practices of memory, healing and social coexistence (Shaw 2007). Tim Kelsall found in his study of one truth-telling forum in Sierra Leone that the truth was seldom told and, in fact, this aspect of the forum mattered far less to victims than the ultimate result of the process, which culminated in a meaningful reconciliatory ceremony (Kelsall 2005). Perhaps the most studied and controversial community-level mechanisms are the Gacaca courts in Rwanda, designed to try the hundreds of thousands of accused genocidaires overwhelming the Rwandan judicial system. Based on an adaptation of truth and accountability seeking mechanisms at the community level, the post-genocide Rwandan Government has attempted to standardize and swiftly carry out not only a judicial settling of accounts, but a national catharsis, promoting national unity. Some ethnographic studies of the courts

argue they are not an opportunity for reconciliation, but rather represent the securitization of identity, generating new levels of anxiety and fear amongst the populace and consolidating authoritarian control (Burnet 2008; Ingelaere 2009).

In northern Uganda, community mechanisms for justice have been the subject of on-going debate. These centre on the principles and practice of *mato oput*, a method of dispute resolution employed after the murder or unintentional killing between clans in Acholi. The ultimate goal of *mato oput* is to restore relations between the offended clans, and thus truth-telling remains an integral part of the practice. It is a voluntary process that consists of a cooling-off period, after which representatives of the clans engage in shuttle diplomacy in order to collect confessions and establish the truth. This is followed by material compensation given to the clan that has suffered the death. The practice, which can last from months to decades, concludes with a ceremony and feast during which clan representatives share a drink made of sheep's blood and roots from the bitter *oput* plant, symbolizing the washing away of bitterness between the clans. Several studies suggest that these processes could offer both practical and ceremonial importance to community truth-seeking in northern Uganda, offering an important supplement to international and more recently, national trials of accused war criminals (see Liu Institute for Global Issues, Gulu District NGO Forum, and Ker Kwaro Acholi 2005). Civil society leaders in particular have been advocates of this approach, arguing that, in part, they are necessary given the complex nature of victims and perpetrators in the region but also that such mechanisms offer the potential to resonate with the belief systems of the Acholi.

On the other hand, some scholars argue such claims de-historicize the practice of *mato oput* and belittle the need for universally applied justice principles. Tim Allen, for instance, argues such processes have already become politicized by non-government agencies, foreign donors and the Ugandan government, reiterating a romanticism of some imagined past; an 'invention of tradition' (Allen 2006). Adam Branch goes further in his criticism of one such report of the process, arguing that the practice is the subject of neo-colonial interventions that privilege particular structures of power and patronize Acholi subjects (Branch 2008). Sverker Finnström, in a response to Allen, argues that he makes a false distinction between 'modern' justice (as in the ICC) and 'traditional' (as in local justice practices), and moreover, protests the false distinction between international and local processes, arguing instead that these are intertwined (Finnström 2010). More importantly, Finnström draws the reader's attention to the particular coping strategies of the war affected and the insights such strategies provide into processes of repair and reconciliation at the community level. In his book, *Living with Bad Surroundings*, he argues that in each attempt to protect an indigenous practice from the brutality of the conflict, or in embracing one to counter-balance the misfortunes that arise during war, everyday people are exercising agency, seeking to cope with intolerable surroundings (Finnström 2003).

Ceremonial practices, such as cleansing rituals and performances, glean important insights into how Acholi people reconcile themselves with what is happening to them. Erin Baines, building on Finnström, states that Acholi religious beliefs provide further recourse to victims in seeking vengeance, justice and peace after mass atrocities (Baines 2010). For instance, some Acholi believe that ritual cleansings are

critical to the process of appeasing spirits of those killed badly during the war and preventing future misfortune to the clan. For this reason, some persons have refused to return to their villages where massacres or murders were committed during the war until they have been cleansed. Others took decisions to bury murdered loved ones in a way that their spirit would seek vengeance on their murderers. This is not to state that all Acholi ascribe to local religious beliefs regarding the spirit worlds, nor that those who do, do so all the time and to the exclusion of other belief systems. Indeed, as Finnström usefully argues, in times of great need people tend to draw upon whatever means are available. This is not to suggest that local mechanisms preclude a desire for more formal mechanisms for justice, reparation or healing. We do suggest, however, that Acholi belief systems offer recourses to relief, conciliation and healing and, practically, mechanisms to facilitate truth-telling, acknowledgement and accountability. As such, they should inform any formal or informal truth-telling process, or, at very least, not contradict or usurp them. The research findings presented here, based on extensive consultations with victims, offer critical insights into community mechanisms in the northern region in this regard, shedding new insights into the promise, potential and pitfalls of such mechanisms in transitional justice in general.

## Research Methods

Research for the article was carried out by a team of Canadian and Ugandan researchers, the latter of which carried out all data collection and are conversant in the local language of Luo (spoken by respondents).<sup>6</sup> Semi-structured interviews were implemented in nine internally displaced persons (IDP) camps between January and March 2007 (Amuru, Anaka, Kitgum Matidi, Padibe, Pajule and Kalongo), and three in camps chosen as ‘case studies’ because large-scale massacres had occurred there (Atiak, Koch Goma and Corner Kilak). The case studies presented an opportunity to assess how communities that experienced serious atrocities remember or acknowledge them, what role (if any) local leaders have played in addressing the atrocities, and what expectations and fears victims have with respect to truth and reconciliation. Atiak and Koch Goma are compelling cases where the LRA is alleged to have ordered and carried out massacres of up to 300 civilians in the mid 1990s and mid 2000s respectively. Corner Kilak was selected on the basis that it is believed to be the site of a massacre by the National Resistance Army in 1986–1987. All three camps reportedly have experienced repeated attacks and human rights abuses by the LRA and Ugandan People’s Defence Forces (UPDF).<sup>7</sup> Massacres remain

<sup>6</sup> Interview questions were written in English and translated into Acholi by independent professional translators. Each question was then translated back into English by translators to ensure linguistic consistency. Research officers were trained to use the same phrases and terms in the questions in order to maintain accuracy. The interviews were then given in Acholi, tape recorded, and translated into English by the research officers.

<sup>7</sup> In all three case studies, victims reported crimes by both UPDF and LRA soldiers, such as torture, sexual violence and other brutal acts—including burying persons alive in pits and toilets by the Government army, or cooking people in pots by the LRA.

undocumented and, with the exception of Atiak, are generally not discussed in public for fear of retaliation by either the LRA or the Government of Uganda.

Twenty three focus group and *wang oo*<sup>8</sup> discussions were held in nine different camps with those greatly affected by the conflict, such as survivors of massacres, parents of the disappeared, and youth who had returned from the bush. Both mixed-sex and single-sex discussion groups were held—and most were composed of no greater than 10–12 persons, for an approximate total of over 250 persons consulted. Semi-structured interviews were carried out with 19 individuals knowledgeable of, or directly involved in the proceedings of local mechanisms used to resolve conflict, including elders, chiefs, local leaders (camp commandants and Local Councillors I–III) and religious leaders. Sixty-four semi-structured interviews were also carried out with survivors of either LRA or Ugandan military massacres and parents of the disappeared to accurately develop a narrative of incidents and to gather their perspectives of truth-telling as related to the conflict.<sup>9</sup>

A quantitative survey was conducted using random sample techniques with 1,145 persons in six displaced persons camps to come up with an objective measure of people's views and perceptions about truth-telling. Zones were randomly selected in the camps. Researchers walked to the middle of a zone in the camp, randomly selected a direction to walk in, and selected every third household in the area to interview.<sup>10</sup>

## Truth-Telling and Northern Uganda

### I Am an Old Man. I Need to Hear the Truth Before I Die<sup>11</sup>

Every county in northern Uganda holds a story of atrocity, a story with no official record, no acknowledgement by perpetrators, and no support for its victims. In researching just three areas where massacres had occurred, the researchers were unable to obtain definitive numbers and names of the dead or missing, where records have been improperly recorded, lost, or exist in memory only.<sup>12</sup> What does exist is the testimony of survivors, partial, informal records of NGOs, elders and government officials, and the bones of the dead. Given proper attention and time,

<sup>8</sup> A *wang oo* is a central fireplace where extended families gather to hear stories and proverbs from elders and *mego* (female elders) on a nightly basis (Liu Institute for Global Issues, Gulu District NGO Forum, and Ker Kwaro Acholi 2005).

<sup>9</sup> Respondents were purposively selected based on the identification of victims, with the assistance of a JRP focal point or a local leader (elder, LC or religious person). This approach was then combined with a random technique of selection through cluster and snowballing methods. Qualitative data was then coded according to discernable patterns and themes, analyzed and cross-checked by research officers to determine an objective set of observations and conclusions.

<sup>10</sup> In each selected household, only one individual above the age of 15 completed the survey. Researchers alternated between male and female respondents to ensure equal gender representation was made. When a household or individual was unable to participate, the researchers selected the next available household or individual. This random method resulted in the survey being taken by 12 self-identified former LRA commanders, 36 former UPDF and Local Defense Unit commanders, 229 formerly abducted persons, 155 parents of formerly abducted persons and 711 community members. Data were then analyzed using SPSS.

<sup>11</sup> Interview with elder, Corner Kilak camp, 12 March 2007

<sup>12</sup> In one instance, a parish priest lamented the lack of writing materials to be able to record atrocities.

these could provide important evidence in providing a detailed account of what happened in northern Uganda during the course of the conflict. Most importantly, the survivors of these atrocities want to be involved in establishing the truth themselves, and see this process as vital to moving beyond the conflict. More than 90% of the population surveyed stated they wanted some form of truth-telling process. In particular, people want to know why this war happened, who is to be held accountable and what has happened to their loved ones who are missing.

In the majority of qualitative interviews and focus group discussions, persons argued that truth-telling was needed for a number of pressing reasons. First, respondents argued it is necessary in order to understand the root causes of the conflict (in particular, why the LRA or Government took the actions they did) in order to prevent future conflicts. A truth-telling process involving the community that acknowledged harm done was considered by some respondents as essential for engaging the next generation in learning about what happened, and to help them become advocates for peace in the future. 'It is important for such information to... be written down in a book so that...all the [younger] generations...know what happened and [they] avoid repeating the same mistakes that were made by their grandparents',<sup>13</sup> opined one grandmother. More urgently, people viewed the idea of a truth-telling process as necessary to prevent future conflicts between those who have returned from the LRA and other war-affected persons, a conflict potentially exacerbated by contending land claims. One community leader noted:

There is a need for truth-telling to cover all the crimes committed and those that are likely to be committed in the future, such as land disputes. People will in future fight returnees,<sup>14</sup> even when the returnees have been rehabilitated and have settled back in the community. They will think the returnees—after killing their children—now want to take their land. Then people will start remembering all the atrocities that happened in the past. That is why when the truth is being told; it should also address conflicts that are likely to occur in the future.<sup>15</sup>

A second frequently cited reason is to bring knowledge of what happened to loved ones who are missing and move persons toward psychological closure:

[My son] was abducted while riding towards Rachkoko. He was abducted while he was traveling alone. He just disappeared, and we never saw him again. I think what can bring me healing is for someone to come and tell me that he is still alive...if someone can come and tell me that he is dead, and then I will forget about ever seeing him again.<sup>16</sup>

Not surprisingly, the parents, relatives, or loved ones of persons who have gone missing in northern Uganda continuously search for their whereabouts or seek to learn of their fate. 'When I think of my boy [abducted during the 1995 Atiak massacre] who is still missing, I wonder if he will return. I would wish to know his whereabouts',<sup>17</sup> lamented one father.

<sup>13</sup> Interview with *mege*, Corner Kilak camp, 14 March 2007

<sup>14</sup> A 'returnee' refers to a person formerly abducted by the LRA.

<sup>15</sup> Interview with elder, Corner Kilak camp, 13 March 2007.

<sup>16</sup> Interview with young mother, Corner Kilak camp, 13 March 2007.

<sup>17</sup> Interview with male youth, Atiak IDP camp, 27 February 2007.

While tracing programs exist for persons who return to rehabilitation centres established by NGOs, no system is in place to trace those who have not yet returned. Names are sometimes collected and recorded by NGOs such as the Concerned Parents Association or local authorities such as the Local Councillors (LCs), but the most common means parents, relatives, and loved ones search for the missing is to informally meet and interview those who have returned from LRA captivity, or to listen to radio programs (sponsored by the Government to promote the Amnesty), which host former LRA captives and commanders who have returned. One man explained to us:

My child was abducted in 1991, but up to now I have not heard anything about him. I tried listening from radio thinking that 1 day I will hear that he has returned, but nothing has yielded fruits. When I hear that there are returnees at the rehabilitation centre who have just returned I go there to see if mine is among, but I have never found him.<sup>18</sup>

Children and youth abducted in large numbers from one community are one of the best sources of information, where some members of the group are likely to escape or be released at some point, and will therefore know the last whereabouts and status of others abducted in the same group. Otherwise, parents may seek out children and youth who were part of the same battalion as their child in the LRA, although this can be more complicated by the fact that they tend to change their names while in captivity in order to protect themselves and their relatives from the LRA's retribution should they escape. Those abducted also take steps to ensure they can be identified and given a proper burial should they not survive captivity.<sup>19</sup> 'There was a case when a boy was killed in the bush and in his pocket the people were able to find a paper that had his name plus those of his close relatives. This was used to come and tell the people at his home about his death and later saw for his burial ceremony being organized',<sup>20</sup> recounted a mother in a focus group discussion. Parents we spoke to emphasized their desire to learn the fate of children who were abducted, to at least know whether or not they should proceed with steps to lay them to rest: '[If they have died], it gives us a chance to organize a funeral rite for them so that their spirits are laid to rest in peace'.<sup>21</sup>

A third reason persons wanted a truth-telling process was to obtain reparations, both symbolic and material. Respondents frequently cited that truth-telling was important, but not sufficient in bringing healing to the afflicted. They expressed the expectation and desire to be compensated for the deaths of their family members, both symbolically (through memorials and shrines, for example) and materially (*culu kwor*, compensation payment for death), to recompense for the loss of life. The need for monetary assistance in order to search for missing children and other abductees

<sup>18</sup> Focus group discussion with ten male residents, Corner Kilak camp, 15 March 2007. Statement by an elder in response to question.

<sup>19</sup> During peace talks, elders and religious leaders went to Garamba. Many were approached by young LRA fighters who requested they take their names and photo to inform their families that they were still alive.

<sup>20</sup> Focus group discussion with mothers of missing children, Corner Kilak, 15 March 2007. Statement by a mother.

<sup>21</sup> Interview with male youth, Corner Kilak camp, 13 March 2007.

was also frequently requested. Some respondents argued that in order to reconcile, payment of *culu kwor* was required. However, some respondents also recognized that most former LRA fighters would be unable to pay compensation in the state of poverty in the camps (Civil Society for Peace in Northern Uganda 2006)<sup>22</sup> (which were still widely populated at the time the research was conducted) and given the magnitude of crimes. ‘It is not possible for (LRA) to pay compensation for all the people who died, they killed very many people. Even me who lost someone, I cannot ask (LRA) to pay compensation, but he has to ask for forgiveness and he is forgiven’,<sup>23</sup> explained one respondent. Others argued it was the Government of Uganda, for failing to protect the civilian population from LRA attacks, which should pay compensation for lives lost and crimes committed over the course of the conflict. When asked who should construct memorials and pay for reparations, victims frequently assigned the responsibility to the Government of Uganda. Some respondents stated that, regardless of fault, it is not within the means of the LRA or its individual members to provide reparations. One individual was asked who should pay for reparations: ‘Those who caused suffering to me. If they cannot do this then they should come out and tell us that they can’t. I think the Government will help them out’.<sup>24</sup> Another respondent, when asked if senior LRA commanders should compensate for damage, laughed and remarked, ‘But it is the Government who is our father. Why can’t they compensate me?’<sup>25</sup>

A final reason identified by respondents was the need to be able to move towards reconciliation. Respondents indicated that the policy of ‘forgiveness’ under the Amnesty was critical to end the conflict. By embracing the spirit of forgiveness, the civilian population indicates to the rebels that it is willing and ready to reconcile with those who remain in the ‘bush’, thereby giving them confidence to return home where they will be accepted by the population. Forgiveness, therefore, is like an olive branch—a way for civilians to indicate their willingness to reconcile. It is not, however, the same as *mato oput* (reconciliation) which is a process involving truth-telling through mediation, acknowledgement, compensation and symbolic reconciliation.<sup>26</sup> As one elder explained:

Forgiveness comes before *mato oput*. *Mato oput* is a ceremony that marks an end to every kind of anger that exists among the affected people. For the sake of this war I think you should forgive so that the abducted children come home and *mato oput*.<sup>27</sup>

The elder went on to explain that senior LRA commanders needed to know that people were willing to talk. For some respondents, then, ‘to forgive’ is interpreted as willingness to engage in dialogue, to tell the truth and eventually, to reconcile. Amnesty (and reference to forgiveness under it) is not considered the end of a process of reconciliation, but the beginning. Truth-telling was imagined as a process

<sup>22</sup> It was reported that 70% of the population in northern Uganda has no access to monetary income and 95% lives in absolute poverty (UN IRIN 2006).

<sup>23</sup> Interview with elder, Atiak camp, 27 February 2007

<sup>24</sup> Interview with young male survivor, Atiak camp, 28 February 2007.

<sup>25</sup> Interview with *meگو* survivor, Atiak camp, 27 February 2007.

<sup>26</sup> Liu Institute for Global Issues, Gulu District NGO Forum, and Ker Kwaro Acholi 2005.

<sup>27</sup> Interview with elder resident and elder, Atiak camp, 26 February 2007.

wherein former LRA members, UPDF soldiers and communities would sit to discuss what happened, to explain why it happened and to identify, with the assistance of a mediator, a means of agreeing on compensation (which could be symbolic) and reconciliation (*mato oput*). It involves acknowledgement of what happened. 'In Acholi culture, truth means being open and talking freely, confessing for the wrong committed against others. It also means acceptance for what you have done and agreeing to correct that wrong that has occurred',<sup>28</sup> we were told. Indeed, the *Amnesty Act* does contain provisions to promote community-level reconciliation.

When asked if the process of truth-telling was enough for reconciliation, respondents clarified it was one step in the process of reconciliation:

The truth is not enough. When the truth has been told and the perpetrator has accepted his mistake, then he must also fulfil cultural demands. He must go ahead to *culo kwor* and have *mato oput* so that there can be *mato oput*, because when *oput* has been drunk it washes away all the impurities. Truth-telling should be accompanied by *mato oput*, and then there will be no problem afterwards.<sup>29</sup>

Elders interviewed also emphasized the importance of ceremonies such as the cleansing of areas (for places like Atiak and Koch Goma, where people were massacred in large numbers and the bones of people still lie at large), the cleansing of individuals who killed during the conflict, and welcome home ceremonies (such as *nyono tong gweno*,<sup>30</sup> which has already been used in the re-integration of returnees):

When these rebels have returned, I as an elder, in line with customary laws, will advocate that as they go home, they should begin by stepping on an egg. When they have stepped on the egg then a goat must be slaughtered and used in a ceremony...After this ritual is carried out then he will no longer be troubled by the spirit. If you kill a stranger in secret, or a wild animal in secret, then *tim merok* must be performed for you...The killings the returnees have committed will be taken as *merok*. They must have ceremonies above performed for them. If not then the spirits of the dead people will haunt them.<sup>31</sup>

In short, reconciliation involves a series of interlinked processes of truth-telling, acknowledgement and accountability through compensation and ceremony.

### The Complexities of Truth-Telling in Northern Uganda

While respondents expressed a strong 'need' for truth-telling, they also cautioned that such a process was inherently complicated by several inter-related factors, including the political climate of silence and fear in the country, and the complexity

<sup>28</sup> Interview with elder, Anaka camp, 15 January 2007.

<sup>29</sup> Interview with elder, Corner Kilak camp, 12 March 2007.

<sup>30</sup> *Nyono tong gweno* literally means, 'stepping on the egg.' It is a ceremony meant to ritually purify persons who have returned home from an extended absence because of war, school, or other reasons.

<sup>31</sup> Interview with elder, Atiak camp, 26 February 2007.

of victim–perpetrator identity at the community level. The following section discusses each in turn.

### Fear of Retaliation

In the context of an unsettled peace and lack of democratic governance, victims fear that a truth-telling process may lead to retaliation by perpetrators, such as former or present LRA commanders, or detention or torture by the Government of Uganda. This fear is substantiated by the fact that both sides have been responsible for atrocities, and it is well known that civilians are often subject to violent retaliation if they are perceived to be cooperating with either party (Human Rights Watch 2005; Amnesty International 1999; Gersony 1997). One elder whose son was killed after being hit by an army vehicle put it bluntly: ‘We really have a lot of fear from the UPDF as they would not want you to speak anything that would tarnish their image...I have a lot of fear of the barrel of a gun and as such I would prefer to protect my life other than think of complaining’.<sup>32</sup>

Additionally, truth-telling may provoke revenge against perceived or real perpetrators who have been given amnesty and are now settled within local communities. Despite the fact that most former LRA rebels were once abducted, they tend to be viewed by the community as a homogenous, guilty group. Former commanders and foot soldiers of the LRA, abducted or not, stated they would be reluctant to voluntarily reveal the ‘truth’ about their crimes, for fear of revenge by the community. This fear is not entirely unfounded. A few revenge killings have occurred, despite the remarkable restraint of most victims. In at least one case (Koch Goma) returnees’ public confessions led to revenge mob killings of the individuals. Two other cases identified by researchers were of former LRA rebels that desired to confess publicly (Anaka, Pajule), but their clan members, for their own protection, prevented the individuals from doing so.<sup>33</sup> Other respondents warned that unless there is a mechanism to ‘cool hearts’, then reminding people of the past may lead to renewed tensions and violent aggression within the camps. Besides a witness protection strategy, community truth-telling should also be prepared to engage perpetrators in confidence-building measures. Third, respondents fear that a truth-telling process would negatively affect the Amnesty and, at the time their responses were collected, the on-going peace process in Juba, South Sudan. Victims argued that should a truth-telling process begin presently—before the talks had been completed and peace achieved—it might have a negative impact on the Amnesty and peace process. As one elder explained: ‘You see, in truth, we are pleading with these people to leave the bush and come back home. But if they get to hear that we are calling them back so that they can tell us the wrongs that they did, then they will not come back home’.<sup>34</sup>

Researchers observed that where the Amnesty is a government policy, grassroots persons often fear speaking contrary to this policy in public; that is, elaborating on

<sup>32</sup> Name, date and place withheld for protection purposes.

<sup>33</sup> These cases were identified during the course of the research by respondents or JRP focal points, and verified by researchers who then identified and interviewed eyewitnesses.

<sup>34</sup> Interview with elder and resident of Atiak camp, 26 February 2007.

what forgiveness might entail—for fear of being accused of working against the Amnesty. For this reason, the respondents were asked whether or not a truth-telling process should take place within public or private forums. The results were mixed, revealing that while many Acholi desire a truth process and accountability for past events, they continue to live in a state of fear.

The possibilities of mitigating retaliation were weighed by respondents in terms of how a truth-seeking process should be carried out, in public or in private sessions. ‘To me, I think that people should be gathered in one place and the perpetrators are asked to tell us what they did, why they did it and the way it has hurt people’,<sup>35</sup> one Acholi man said. Respondents were asked to reflect on the relative merits of requiring victims and perpetrators to provide testimony in public (before the community) or in private (in the confidence of a trusted person such as an elder, chief, religious leader, LC or NGO representative). The quantitative survey revealed that respondents were split in terms of opinion. More than half of respondents (61%) believed the process of truth-telling should take place in public spaces. There are several advantages in doing this publicly: for example, if truth was told in public, witnesses could corroborate or correct testimony provided by another person, and a more accurate truth could be arrived at: ‘The truth should be spoken publicly and not privately so that it allows for the various versions that the people would come out with to be compared [and so] we could establish the facts of what happened’,<sup>36</sup> one respondent argued. On a significant note, several formerly abducted persons were among those who agreed that truth-telling should be public. In over ten focus group discussions in Koch Goma, Atiak and Corner Kilak, most of those who were abducted and since returned from the LRA were in favour of public truth-telling. This finding is also supported by the results of the quantitative survey, where more than half of the formerly abducted people (55.9%) believed the process of truth-telling should take place in public.

On the other hand, 39% of respondents in the quantitative survey believed a private process would be preferable, largely because they thought a public process would deter perpetrators from coming forward. Retaliation moreover, is a real threat, particularly as those who come forward may have no means to compensate others. However, a compromise between private and public could be achievable. One respondent suggested:

I think if there is a truth process it should be in the open...But if there is some sensitive information that the leaders feel cannot be released to the public, then they should deal with it in secret. But I continue to emphasize the fact that something done in secret will never help the people. Telling the truth is good. It also helps to give teaching to the public.<sup>37</sup>

Another woman explained:

A truth process should start mediating truth-telling and forgiveness in private between the perpetrator and the victim. The perpetrators should be asked if

<sup>35</sup> Focus group discussion with 10 male respondents, Corner Kilak camp, 15 March 2007. Statement by elder.

<sup>36</sup> Interview with elder, Corner Kilak camp, 14 March 2007.

<sup>37</sup> Interview with elder, Corner Kilak camp, 12 March 2007.

they are ready to come out and confess and ask for forgiveness from the people they wronged. If they accept then they should be made to go and ask for forgiveness from these people. Then the victims will grant them forgiveness. If there is a need to bring the matter before the public, then it should be when the offender has refused to confess and ask for forgiveness. But if he is willing to confess to the victim he wronged, then it should be in private and few people should be involved.<sup>38</sup>

It is clear from these responses that while there is significant opposition to a public process, at the same time those opposed often suggest the possibility of a public–private hybrid. This reflects that respondents’ aversions towards telling the truth in public have less to do with outright disdain for public confession and acknowledgement than they have *fears* of the consequences of public truth-telling:

I feel that it is better if the truth is told in public because each one can tell us what they saw with their own eyes before everyone. But also on the other hand, it can be told privately if one fears to talk about what the soldiers and the Government did because they can follow you and kill you since they own guns. After privately hearing what everyone has to say, it can be integrated into one story and told in public as the community’s general view or one voice.<sup>39</sup>

Indeed, any justice process in the North must never take for granted that a lasting peace has not been realized. While the conflict has disrupted the social order and virtually shattered the most essential long-standing moral structures, even those former LRA rebels respectfully suggest that elders act as intermediaries between public and private truth-telling. The design of a local mechanism would have to take into consideration these preferences. It could, for instance, take a phased approach, seeking to gather testimonies privately at first, to build confidence in the process to then lead to public sessions that end with a reconciliation ceremony.

Further reinforcing the assertion that truth-telling at the community level must be approached with extreme sensitivity and caution, respondents generally thought that forcing a person to participate in a truth process was undesirable. One youth leader explained: ‘People should not be forced because they will say something just for the sake of saying it and pushing the process to continue’.<sup>40</sup> The vast majority of respondents (96%) believe that no one should be forced to participate in a truth process. Respondents emphasized the importance of allowing a perpetrator to take the time to volunteer to talk about his or her wrongdoing. Elders have a particularly important role in ‘gently’ persuading perpetrators that it is in their best interest to discuss the truth. It was argued by elders that forcing one to confess results in false truths and insincerity, and distorts the process of reconciliation. A significant number of respondents in qualitative interviews also argued that the phenomenon of *cen*<sup>41</sup> compels most perpetrators to confess to a crime in order to avoid or stop sickness

<sup>38</sup> Interview with *meگو*, Corner Kilak camp, 13 March 2007.

<sup>39</sup> Interview with *meگو*, Corner Kilak Camp, 13 March 2007.

<sup>40</sup> Interview with male youth, Corner Kilak camp, 13 March 2007.

<sup>41</sup> *Cen* refers to spiritual haunting whereby the ghost of a person who was killed violently or had their remains desecrated torments those connected to their death. *Cen* is contagious and can cause nightmares, visions, sickness, and even death. (See Baines 2007).

and death that result because of haunting. ‘When the LRA come home...[they] will be compelled to come out one by one. It could start with a sickness, and then offenders will confess to the relatives who will then bring the case to us’,<sup>42</sup> explained a member of Ker Kwaro Acholi, the organization of traditional leaders in Acholi. As much as most elders adamantly stuck to their arguments that *cen* would compel the offenders to come out and confess, a few expressed doubts as to whether *cen* was still active.

### The Victim–Perpetrator Complexity

A second complication to truth-telling relates to the question of responsibility. The particular nature of this heinous war is one in which victims and perpetrators are intermixed at the community level. Until the LRA was expelled from Uganda’s borders in 2006, over 66,000 children and youth were estimated to have been abducted by the LRA—the majority from Acholi—and forced to become soldiers, ‘wives’, porters, and cooks (Annan et al. 2008).<sup>43</sup> An unknown number of youth from the sub-region joined local militias and the Government Army (UPDF) to fight against the LRA (Human Rights Watch 2003b), including those regiments of the UPDF that continue to engage the LRA in bordering countries. In the words of one mother, ‘the war has turned brother against brother’.<sup>44</sup> Some civilians became collaborators with the LRA or the Government, either for their own protection or to get some economic advantage.

As a result, it is often difficult to disentangle victim and perpetrator. What is more, both parties to the conflict have inflicted grave atrocities on the civilian population. Rape, mutilation, humiliation, torture, murder, massacres, beatings, arson, looting, abduction, forced enslavement and internment were trademarks of this conflict.<sup>45</sup> At the height of the war (2001–2004), up to 90% of the population in Acholi<sup>46</sup> was confined to ‘IDP’ camps, cut off from agricultural production of their land and dependant entirely on food assistance from the United Nations. The camps were poorly protected and maintained.<sup>47</sup> For example, up to 40,000 children commuted from camps nightly to sleep in the relative safety of town centres to avoid LRA abduction because the UPDF was unable to protect them (Human Rights Watch

<sup>42</sup> Interview with elder, Koch Goma camp, 8 February 2007.

<sup>43</sup> These figures are taken from statistical estimates published by the Survey for War Affected Youth (SWAY). As of 2011, the LRA continues to abduct children and youth in Central African Republic, Democratic Republic of Congo, and Southern Sudan.

<sup>44</sup> In conversation with Angelina Atyam, Co-founder of the Concerned Parents Association, New York, January 2004.

<sup>45</sup> According to a random survey of over 2,500 persons in displaced persons camps by the International Centre for Transitional Justice and the Human Rights Centre, 40% of respondents had been abducted by the rebel LRA, 45% had witnessed the killing of a family member and 23% had been physically mutilated at some point during the conflict (International Center for Transitional Justice and the Human Rights Center 2005).

<sup>46</sup> The Acholi sub-region, otherwise known simply as ‘Acholi’, ‘consists of the districts of Agago, Amuru, Gulu, Kitgum, Lamwo, Nwoya, and Pader. As the bulk of the research for this paper was conducted prior to the creation of Agago (1 July 2010), Lamwo (1 July 2009) and Nwoya (1 July 2010) districts, we refer to these locations as parts of Pader, Kitgum and Amuru districts, respectively.

<sup>47</sup> In a report later denied as inaccurate by the Government of Uganda, it was estimated 1,000 persons a week were dying of conflict-related diseases and violence (Government of Uganda 2005).

2003a). Although less than 10% of the Acholi populace remains in camps or transit sites as of December 2010, the pace of return has grossly outmatched the creation and maintenance of services and infrastructure in home communities (Internal Displacement Monitoring Centre and Norwegian Refugee Council 2010). An uneasy tension exists within returning communities over previous land borders, sometimes resulting in violence. Those who have been demobilized from the LRA are occasionally scapegoats for community problems, and some report name calling. Given this strained context, community-level reconciliation between those who were abducted or forced to fight (or who felt they had no choice but to join an army or collude with one), those who went willingly and those who stood by is further complicated. How should a truth-telling mechanism differentiate its participants? What would it make of those perpetrators who chose to fight, versus those who were forced? How would *culu kwor* and *mato oput* apply to willing commanders, passive bystanders and war profiteers?

There is some evidence from previous truth commissions to suggest that a society might benefit more from non-criminal judicial methods when the lines between victims and perpetrators, collaborators and passive witnesses, profiteers and pragmatists are shady and indefinable. As Naomi Roht-Arriaza argues in her study of several truth commissions: ‘Non-judicial methods were better at dealing with the many shades of grey that characterize most conflicts. Trials divided the universe into a small group of guilty parties and an innocent majority, which was thereby cleansed of wrongdoing’. (Roht-Arriaza 2006, p. 4). For a truth-telling body to be meaningful and effective, it would therefore be important to distinguish those in high command responsible for crimes from those who were originally forced to commit atrocities and may or may not have continued willingly. It would be imperative that any mechanism delineate categories of crimes and assign appropriate jurisdictions to each of them. This would both satisfy the international legal community in its desires for specific crime accountabilities, as well as ensure that the truth-telling process remains meaningful and systematic.

## Conclusions

There are several relevant conclusions we can derive from the reflections of respondents with respect to a locally informed and owned truth-telling process. First, respondents argued that they consider truth-telling to be a necessary but not sufficient component of the process of seeking *mato oput*. Truth-telling satiates certain needs (determining the whereabouts of a missing loved one, the reasons or causes of misfortune or violence), but does not constitute reconciliation; rather it is a component part of a larger process of *mato oput* defined along general principles and practices of truth, acknowledgement, compensation and ceremony. Hence respondents highlight the need for *culu kwor*, or compensation, including reference to material and symbolic reparations by the Government of Uganda, recognizing the national dimension of the conflict. Ceremonial practices such as cleansing rituals are also important to other respondents to the process of cooling hearts, and so some argued that closure was only possible through appeasement of the spirits of those who died unjustly.

Second, respondents recognized the specificity of violence and abuses on-going in the region, including a climate of fear and impunity in which truth-seeking could lead to retaliatory measures against witnesses, by implicated Government, former or present rebel actors, and by members of the community who hold formerly abducted persons responsible for their actions. For these reasons, respondents carefully considered the merits and demerits of private versus public, and forced versus voluntary truth-telling, recognizing that certain aspects of a truth-telling process might be satisfied in the present circumstances, to lay a foundation towards future reconciliatory processes.

In these few concluding remarks, then, we are reminded that victims are often in the best position to articulate the principles and practices along which a truth-telling process should be based, including some of the challenges and dangers associated with such a process. Local consultation enriches the current debate in the field of transitional justice in Uganda and beyond by highlighting the false dichotomies often created in academia regarding traditional and modern, local and international. One does not exist in exclusion to the other, nor to the detriment of the other. Rather, justice and reconciliation processes are always and at once historically situated and informed by those who have the most at stake in the process.

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