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# Harmonizing Reconciliation and Amendments to the Amnesty Act: Lessons Learned from Other Peace Processes

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## Harmonizing Reconciliation and Amendments to the Amnesty Act: Lessons Learned from Other Peace Processes

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At the request of the Ministry of Internal Affairs, the Northern Uganda Peace Initiative (NUPI) has drafted the following Strategy Paper as a part of its technical assistance to the Ministry, its key liaison partner as specified by H.E. the President of Uganda. On the basis of NUPI's international experience and research on peace processes across Africa, it is hoped that the findings presented here – as lessons learned from similar cases of justice and reconciliation that are relevant to the Ugandan context – will be useful to the Government in its considerations.

As with any conflict, preparing for the post-war environment in northern Uganda is an important issue that requires careful consideration. The Government's current policy plans with regard to this issue are therefore important steps: an approach to deliver justice to former LRA commanders as one policy, and the other to foster dialogue and national reconciliation. As lessons from other cases suggest, it is important to strategically integrate these two processes to a) harmonise policies and send unified messages to the public; and b) build trust between the Government and communities in the conflict zone (in this case, Acholi communities in northern Uganda). Amending the Amnesty Act with a view to reconciliation is therefore a key issue for consideration.

Amending the Amnesty Act will be a way to minimise impunity and enforce justice against the terrorist LRA leadership. Indeed, the concept of sharing power with former warlords is now changing across the continent, with trials for atrocities from Sierra Leone to Rwanda. However, it is important to recognise that the LRA is extremely unpopular among the Acholi communities, who are the main victims of the terrorist attacks. In cases like this, it is useful to draw a firm line separating the LRA top commanders on the one hand, and the Acholi communities and the lower-ranking LRA on the other hand. This situation is similar to other conflicts such as Sierra Leone, where the RUF rebel leaders forced children to kill their relatives and friends and based their power on fear, having no support among civilian communities. Similarly in Rwanda, the organisers of the genocide brainwashed and forced ordinary citizens to kill large numbers of Tutsi people.

In dealing with this kind of two-tiered violence, the lessons from other conflicts in Africa suggest that it is wise to adopt a corresponding two-pronged policy approach. While prosecuting the top perpetrators on the one hand, an approach by the government to reach out and dialogue with community leaders is often fruitful. In the case of Uganda, **justice should be coupled with measures to foster community support.** Community ownership of the justice process is a key element of consolidating the peace, as lessons from other cases highlight. Enlisting the support of community leaders such as traditional chiefs, elders, religious leaders, and others allows for a much smoother justice process, while leaders who are not brought into dialogue can often rally support against the government or court system. A community outreach strategy by the government has shown to be effective in other conflicts in building support for government policies in regions that were previously critical, and also in lessening tensions between the affected community and the government. In northern Mali, for example, a long series of 17 community dialogue sessions were held in the conflict area to invite all who wanted to participate to express their views on how to end the war. These sessions, which were followed up by more discussions some years later, increased the legitimacy of the Government among the people of northern Mali (who were from a different ethnic group from most people in the Government) and increase general tolerance for other northern ethnic groups. Similarly, a

“Special Court” was formed in Sierra Leone to deal with those most responsible for the violence, while at the same time a Truth and Reconciliation Commission was established to reach out to the affected communities and forgive the lower-level perpetrators.

In line with a similar approach, the **Government should come out strongly in support of dialogue with the Acholi communities as a measure to complement the Amnesty amendments.** The Acholi communities still have deep-rooted grievances against the current Government – dating back from the UPDA rebellion – and are currently not in support of amending the Amnesty Act to exclude any LRA leaders. However, Government can do much to change this situation and gain the support of the northern communities using other outreach measures. As learned from other cases, this can be done in a variety of ways. The following policies are regarded as possible options:

**In the short-term:**

- Before the Amnesty Act is amended, organise two community dialogue meetings – one in Gulu town and the other in an IDP camp – to solicit the views of both community leaders and the peasants on ways in which top LRA commanders should be dealt with. This approach was effective in Mali, where the government received advice and support, which were then incorporated in part in its policies. It is important that the meetings be seen as real consultation with the communities, rather than simply sensitisation.
- After the Act is amended, organise a sensitisation campaign to educate people in the northern and north-eastern communities on why top LRA commanders will be dealt with in a particular manner. This can be done cost-effectively through a series of radio programmes with listener call-ins (which reach the most number of people) and/or outreach by the 3 District Reconciliation and Peace Teams (DRPT) in Gulu, Kitgum and Pader. Such campaigns in Sierra Leone increased support for the Special Court significantly in 2003.
- Announce a policy of national reconciliation. While opposition to the Amnesty amendment may remain, this will likely be cooled by Government’s commitment to dialogue and reconciliation, particularly with northern communities.

**In the longer-term:**

- Take special care to ensure that the trials of LRA leaders are perceived as independent by the Acholi communities. Again, Acholi leaders can make the trials very difficult, if they are not part of the process – this is a lesson from the trial of Sam Hinga Norman in Sierra Leone, as well as Somali elders who were not consulted during the U.S. intervention, who then rallied support against the Americans.
  - Pre-trial consultations with Acholi traditional chiefs and other leaders. These meetings can even be held in private.
  - Careful selection of judges. Some international judges may be brought on. If the ICC process develops, then possible inclusion of national judges. ICC outreach campaigns to northern communities are important.
- Vocal Government support for local reconciliation processes. Traditional chiefs (*rwodi*) are probably the most influential persons among ordinary people on the ground in the Acholi sub-region. Their ceremonies of reconciliation, known as *mato*

- oput*, will likely be the most critical element in reconciling the majority of ex-LRA combatants with their former communities. If the Government actively supports these ceremonies by speeches from top-level politicians and possible financial assistance, significant trust will be re-built between the Government and the Acholi people. Active government campaigns for the *gacaca* process in Rwanda shows a good example of government supporting traditional reconciliation.
- A process of truth and reconciliation (not necessarily a South African-style TRC) is another possibility. If it is seen as independent by the people and investigates atrocities committed by all parties, a truth process can minimise antagonism against a trial and contribute significantly to reconciliation. TRCs can play a complementary role to trials, as has occurred in East Timor and Sierra Leone. In these cases, top-level officials were tried by a court system, while lower-level perpetrators testified under amnesty at the TRC.

As the post-conflict setting draws near, Uganda faces a number of issues of justice, peace and reconciliation. Thankfully, this is not the first time that such issues have arisen, and lessons can be drawn from similar situations in other peace processes. While every lesson may not be applicable to the Ugandan context, certain approaches of how to integrate strategies of justice and reconciliation may be useful for Uganda to consider in its search for the way forward. As lessons from cases across Africa suggest, amending the Amnesty Act and building trust among northern communities can indeed be a complementary process, if done in a strategic fashion.