

# A REPORT DESCRIBING PROBLEMS A RIGHTS-BASED RESPONSE TO THE CONFLICT IN NORTHERN UGANDA?

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	<b>Abstract.</b>	

North and North-Eastern Uganda have faced a war conflict situation for over 20 years which brought with it commission of war crimes and other human rights violations by both state (UPDF) and non state actors (LRA). Although the government of Uganda had underestimated the havoc and atrocities that the LRA would occasion on the population, especially on the innocent civilians, the reverse was true. The war persisted and prompted the Museveni government to engage different means including military action, dialogue, referring the situation to International Criminal Court, provision for amnesty laws, establishment of the war crimes court and provision for non- formal justice mechanisms in a bid to address both the war conflict and the post war conflict situation in the region.

## 1 Introduction.

Northern Uganda has been affected by constant civil wars and turmoil for over two decades and was characterized by violence and gross violations of human rights (Uganda Peace Foundation Initiative, 2011). Rebel groups emerged after 1986 in Northern and North-Eastern Uganda and these included the Lord's Resistance Army (LRA) under the leadership of Joseph Kony, the 'Holy Spirit Movement' under the leadership of Alice Lakwena, the Uganda Peoples Democratic Army/Movement (UPDA/M) and Uganda People's Army (UPA) all claiming to fight against the Museveni government that had just captured power (Kasaija, 2005:391-392). Different actors including the government of Uganda, the Lord's Resistance Army, and the Sudanese government were involved in the conflict

## 2 Background.

Northern Uganda is comprised of over 14 districts which include Arua, Gulu, Apac, Moroto, Nebbi, Adjumani, Lira, Moyo, Kotido, Pader, Nakapiripirit, Yumbe, Kitgum, Amuru, Koboko and others. The period between 1987 and 2005 saw grave human rights violations, commission of war crimes and crimes against humanity in North and North-Eastern Uganda by both state and non-state actors. According to a January 2004 ICC press release on the Situation in Uganda, cited in Ssenyonjo, (2005:411):- "during the course of the conflict, the LRA had burned at least 1946 houses and 1600 storage granaries, looted at least 1327 houses, 116 villages and 307 shops". According to a Human Rights Watch press release (2004), about one thousand children were abducted by the LRA by 2002. The report also indicated that "violations committed by the UPDF include extra judicial killings, rape and sexual assault, forcible displacement of over one million civilians and the recruitment of children under the age of 15 in to government militia." (HRW,2004). In addition Kathryn Westcott (2003), cited in Kasaija (2005:402), stated that "many of the abducted women and

girls are subjected to rape, unwanted pregnancies and risk sexually transmitted diseases, including HIV/AIDS.” Forced abductions, forced pregnancies and rape are all crimes envisaged in Section 7(1) of the Rome statute and were all used against women and girls population of Northern Uganda by the LRA and the UPDF.

### **3 Problem Statement**

War crimes and human rights violations were massively committed in Northern Uganda by both state and non-state actors. Although some figures of numbers of people killed by LRA have been recorded by some authors (Kasaija) and international organizations like human rights watch not everything is reflected. For example, Kasaija (2005:400), writes that “in 1995, the LRA butchered 240 civilians at Atiak in Lira district in a single day, in 2004 killed 50 civilians after attacking an IDP camp at Abia in Lira district (...) in the same month attacked Barlonyo camp and left close to 200 people dead.” In October 2003, 1.4 million people were stated to live in camps in Northern Uganda. The War Crimes Court in Uganda was established in 2008 to;-

- 1.To try suspects of war crimes and human rights violations committed during the war in Northern Uganda by the Lord Resistance Army (LRA)
- 2.To demonstrate Uganda’s willingness and ability to carry out its primary and international treaty obligation to investigate and prosecute perpetrators of war crimes and other human rights violations as mandated by the Rome Statute to which Uganda is a state party

### **4 Research Significance.**

My professional background as a victim and personal interest in issues of human rights and justice inspired me to look in study post war conflict Northern Uganda so as to bring out tensions between legal and traditional means and end of justice with a view of contributing to policy formulations by coming up with recommendations to government, policy makers and other stake holders, such as international community; about the most desirable venture of redress for post war conflict victims of Northern Uganda.

### **5 Aim and Objectives.**

#### **5.1 Aim or general objective.**

To find out how people in Uganda, especially the stake holders in the War Crimes Court, view the contribution of the Court.

## 5.2 Specific Objectives

To conduct a system analysis in order to identify the current state of the system.  
To find out the requirements needed to develop the proposed system. To use the requirements to design the system. To implement the design of the system.  
To test and validate the system.

## 6 Main Research question.

Do stakeholders in post-war conflict Northern Uganda view the War Crimes Court and does it contribute effectively towards providing a rights-based response to the crimes and human rights violations that were committed in Northern Uganda between 1987 and 2005?

Sub questions;

1. Why and how was the War Crimes Court established?
2. How do relevant actors view the establishment of the War Crimes Court?
3. Is the War Crimes Court a rights-based response to the war crimes and human rights violations committed during the war in Northern Uganda?
4. Do stakeholders view the practice of the War Crimes Court as contributing towards a rights-based response (e.g. in terms of impartiality, accessibility, reliability in providing remedies and adequacy of remedies)?

## 7 Research scope.

The study covers the geographical area of Northern Uganda which comprises the districts of Gulu, Amuru, Kitgum, and Lira among others. The time period covered in the study is from 1987 to 2011. The study concentrates most on the views of the victims on the War Crimes Court and its activities in Northern Uganda.

### 7.1 Methodology.

This paragraph gives an account of how the study was designed and executed. The researcher used a cross sectional survey design basing on the use of qualitative and quantitative approaches that were used to investigate the war crimes and human rights violations committed in Northern Uganda; the views of the people on the activities of the War Crimes Court.

## 7.2 Population of study.

The target population was 10 respondents from Makerere university students who hail from Northern Uganda. College registrars who availed more of their details Magistrates etc

## 7.3 Datacollection methods and instruments

- Secondary Literature Review The researcher visited the ISS library to access the already existing literature related to the subject. The literature review included scholarly journals, text books, government reports and records, reports of specialized non-state actors, NGO reports, web sites and media publications.
- Primary data Questionnaires I used form created on my odk to conduct the research

## 8 References.

; <http://www.hrw.org/news/2004/02/04>; <http://faculty.ncwc.edu/mstevens/300/300lecturenote01.htm>  
Kasaija, P. A (2005), The International Criminal Court (ICC) and The Lord's Resistance Army (LRA) Insurgency in Northern Uganda: Criminal Law Forum (2004) 15: 391-409.