

SPEECH OF THE AMBASSADOR, ANN WEBSTER, DURING THE

CONSENSUS BUILDING WORKSHOP ON THE

TRANSITIONAL JUSTICE POLICY | MAY 21 2013

Your Lordship, the Honourable Deputy Chief Justice,

Honourable Minister of Internal Affairs

Hon. Deputy Attorney General

Honourable Justices

Honourable Members of Parliament

Heads of the JLOS institutions and representatives

Traditional and Religious Leaders

Members of the Civil Society Organisations

Fellow development partners,

Ladies and Gentlemen.

It is an honour for me to address you during this consensus building workshop on the draft transitional justice policy.

On behalf of the JLOS development partners and on my own behalf, I wish to thank all the JLOS institutions and particularly the teams who have participated in the drafting of this Policy. As you might all be aware, we have been waiting for the Transitional Justice Policy for the last three to four years and we are

pleased that it is being discussed now. We do hope that the drafting process will be expedited and the Policy passed.

We would like to commend your commitment in the drafting of the policy and do acknowledged that this draft policy covers all the components of the transitional justice, namely formal justices, truth telling, traditional justice mechanisms and reparation and also mentioned Amnesty.

However, while we warmly welcome this draft policy, the development partners would like to express some concerns, expectation and recommendations for this draft Transitional Justice Policy.

This Policy is supposed to be a framework for all transitional justice processes and should provide direction on what should be done. It should inform the users and beneficiaries on the options available for them, including providing a response to the many unanswered questions on the options available for the formally abducted person who are returning home after the lapse of the Amnesty, how the different mechanisms will operate and the responsibilities of the relevant institutions should be clearly defined.

I do remember taking part in the validation of the truth telling and traditional justice consultation report in July last year. The report was well received by the different stakeholders because it had very good findings on all the components of transitional justice that if considered would significantly inform this policy. We would therefore encourage the drafters of the Policy to utilise the findings of the consultation to better this policy. That said, the development partners (and I guess the other stakeholders who participated in the validation) are still waiting for the final version of the consultation report.

I would like to comment briefly on each component of a good transitional justice policy.

1. Formal Justice System

We commend the Government of Uganda for establishing the International Crimes Division for the prosecution of international crimes and the relevant JLOS institutions for the on- going trials and investigation. While appreciating the progress made, it is also unfortunate to see that the process stalled because there is no Coram for constitutional appeals in the Supreme Court. We would like to encourage the DPP and the Judiciary to carry out more outreaches so that the citizens are more informed of the formal processes, the International Crimes Division and are encouraged to participate. You might be aware that now that the provision for blanket amnesty is no longer there, many families of abducted children are insecure about the faith of their children, who have not yet returned. The DPP has repeatedly informed us that only the top-10 leaders of the LRA will be facing formal prosecution. The rest will be handled through other systems, e.g. truth telling or traditional justice. I think if these lines of thinking would be included in this policy, that will take away a lot of the unrest and insecurity.

2. Truth telling

Knowledge and acceptance of the truth is the first step in any recovery and reconciliation process. It is good that the Policy is looking at establishing a body to handle truth telling at all levels. As mentioned earlier, the findings of the consultations has good justification for this and there is need to expressly mention in the policy the categories of persons who are to go through this

process and how it will be handled at both the national and local level. Also, it should be inclusive, addressing wrongs committed by all parties. It would be good if the executive arm of the government could publicly express commitment to transitional justice body and particularly to fully participate in any truth telling processes and reparation since the citizens are still waiting eagerly.

3. Traditional justice mechanisms

The policy did cover in its background some of the current roles that are already being played by the traditional leaders. As a remedy to some of these challenges, the criminal jurisdiction of the traditional justice institutions has to be clearly defined either in the policy or in the other framework to be developed. I recall that during the validation of the consultation report there was quite some discussion on which crimes could and which crimes couldn't be handled through traditional justice mechanisms. The policy doesn't bring clarity on this. Thus, as we look at traditional justice within transitional justice, it is imperative for all of us to reflect broadly on how best traditional justice mechanisms can be strengthened and capacitated to enhance its compatibility with human rights principles.

4. Reparation

The development partners acknowledge the central role for reparations in this policy. Therefore the policy has to be clear on who is responsible for reparation and the different forms of reparations. The different categories of victims should know whether they would benefit from Individual or communal, in service, monetary or recovery programmes.

I would like to conclude by making a brief remark on the Amnesty. As clearly mentioned in the draft policy, though the amnesty played a significant role in the restoration of peace in Uganda, we would like to encourage the different stakeholders to critically evaluate whether Uganda still need the Amnesty Act if all their concerns and fears are addressed in Transitional Justice Policy, and if so: how?

We, the development partners, wish to reiterate the significance contribution of a comprehensive Transitional Justice Policy in promoting the enjoyment of sustainable peace and reconciliation among the war affected population, particularly those in Northern and Eastern Uganda. It will also address some of the fears that are being raised by the war affected community following the lapse of Part II of the Amnesty Act. This policy should not only raise issues but also outline clearly the way forward so that we all agree on the general direction that should be taken regarding the main pillars of formal justice, truth telling, traditional justice, reparations and amnesty.

With this few remarks I wish you all a fruitful deliberation of the Policy.

Thank you