

Country/entity	Uganda
Region	Africa (excl MENA)
Agreement name	Annexure to the Agreement on Accountability and Reconciliation
Date	19 Feb 2008
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Ugandan Conflicts (1970 -)

Uganda has long experienced tensions along ethnic, religious and national lines. On independence in 1962, Ugandan politics were defined by smaller monarchies, among which the Southern Kingdom of Buganda dominated the national sphere. Resistance to this system was the campaign platform of the Uganda People's Congress (UPC) led by Milton Obote, who won the 1962 elections. Tension between the Buganda's ruler King Mutesa II and Obote with his then-ally Idi Amin, led to Obote changing the constitution, abolishing the monarchic system and thus, centralizing power. However, a split between Obote and Amin eventually led to a military coup d'état in 1970, which brought Amin the presidency where he instituted his genocidal regime.

Despite economic collapse, President Amin was only removed from power following a failed attempt at invading Tanzania in 1979, whereby the Tanzanian counter-attack alongside forces loyal to former-President Obote toppled Amin. Authoritarianism continued under the new regime, after Obote won the 1980 elections under dubious circumstances, and in 1985, Obote was once again deposed in a coup. Out of the fray, Yoweri Museveni and the National Resistance Army (NRA) captured the presidency in 1986 and began instituting economic and democratic reforms.

Resistance to Museveni, however, continued with various insurgencies across the country including by former-supporters of President Obote or President Amin. Other insurgencies based on chiliastic beliefs based on the return of Jesus Christ, most notably the Holy Spirit Movement, fought in the late 1980s before splintering into several smaller factions. One such faction later became the Lord's Resistance Army (LRA) led by Joseph Kony. Many of the 22 or more insurgency groups estimated to contain more than 40,000 insurgents, operate from across the Ugandan border and are based in either South Sudan or the Democratic Republic of Congo.

Close
Ugandan Conflicts (1970 -
)

Stage	Framework/substantive - partial
Conflict nature	Government

Peace process	Uganda peace process
Parties	Hon. Ruhakana Rugunda (Dr) Minister of Internal Affairs and Head of GoU Delegation Dr David Nyekorach Matsanga, Leader of the LRA/M Delegation
Third parties	Witnessed by: H.E. Lt. General Riek Machar Teny-Dhurgon (PhD), Vice President, Government of Southern Sudan And Chief Mediator of the Peace Talks. H.E. Andre M Kapanga (PhD), for the Government of the Democratic Republic of Congo. H.E. Japheth R. Getugi, for the Government of the Republic of Kenya. H.E. Nsavike G. Ndatta, for the Government of the United Republic of Tanzania. H.E. Francisco Caetano Madeira, for the Government of the Republic of Mozambique. Lt. Gen. (Rtd.) Gilbert Lebeko Ramano, for the Government of the Republic of South Africa. H.E. Jan Ledang, for the Government of Norway. Ms Anna Sundström, Political Advisor to the EU Special Representative for the Great Lakes Region, For the European Union. Mr Timothy R. Shortley, Senior Advisor to the Assistant Secretary of State for African Affairs, for the Government of the United States of America.
Description	The annexure to the ‘Agreement on Accountability and Reconciliation’ sets out mechanisms that will allow for the implementation of the provisions of the principal agreement. It establishes a body in charge of inquiring past atrocities, and a special division of the High Court of Uganda to deal with serious crimes. It also entails transitional justice provisions such as reparations and traditional justice mechanisms.
<hr/>	
Agreement document	UG_080219_Annexure to Account Recon Agreement.pdf (opens in new tab) Download PDF
<hr/>	

Groups

Children/youth

Groups→Children/youth→Rhetorical
Page 4, Investigations and Prosecutions
Article 13.

...

(c) Give particular attention to crimes and violations against women and children committed during the conflict.

Page 5, Traditional Justice,

20. The Government shall in consultation with relevant interlocutors examine the practices of traditional justice mechanisms in affected areas, with a view of identifying the most appropriate roles for such mechanisms. In particular, it shall consider the role and impact of the processes on women and children.

Groups→Children/youth→Substantive

Page 2, Inquiry into the Past and related matters,

4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:

...

(c) To inquire into human rights violations committed during the conflict giving particular attention to the experiences of women children;

...

(e) To make provisions for witness protection, especially for children and women;

Page 6, Provisions of General Application, Transitional Justice,

24. All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings.

Disabled persons

Groups→Disabled persons→Substantive

Page 6, Provisions of General Application, Transitional Justice,

24. All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings.

Elderly/age

No specific mention.

Migrant workers

No specific mention.

Racial/ethnic/ national group

Groups→Racial/ethnic/national group→Substantive

Page 3, Inquiry into the Past and related matters, Article 6.

The body shall be made up of individuals of high moral character and proven integrity and the necessary expertise for carrying out its functions. In particular, its composition shall reflect a gender balance and the national character.

Religious groups

No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender

Page 2, Inquiry into the Past and related matters
Article 4.

The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:

...

4.c. To inquire into human rights violations committed during the conflict, giving particular attention to the experiences of women and children;

...

4.e. to make provision for witness protection, especially for children and women;

...

4.f. to make special provision for cases involving gender based violence;

Page 3, Article 8.

The special division of the High Court shall have a registry dedicated to the work of the division and in particular, shall make arrangements to facilitate the protection and participation of witnesses, victims, women and children.

Page 4, Investigations and Prosecutions
Article 13.

Investigations shall

13.c. Give particular attention to crimes and violations against women and children committed during the conflict.

Page 5, Traditional Justice, Article 20.

The Government shall in consultation with relevant interlocutors, examine the practices of transitional justice mechanisms in affected areas, with a view to identifying the most appropriate roles for such mechanisms. In particular it shall consider the role and impact of the processes on women and children.

Page 6, Provisions of General Application, Article 24.

All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings.

Page 6, Article 25.

In the appointment of members and staff of institutions envisaged by the Agreement, overriding consideration shall be given to the competences and skills required for the office, and gender balance shall be ensured-

Men and boys

Gender→Men and boys→Gender neutral wording
Page 2, Inquiry into the Past and related matters

Article 4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:
4.f. to make special provision for cases involving gender based violence;

Page 6, Provisions of General Application

24. All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings.

Page 6, Article 25. In the appointment of members and staff of institutions envisaged by the Agreement, overriding consideration shall be given to the competences and skills required for the office, and gender balance shall be ensured-

LGBTI

No specific mention.

Family

No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society Page 1, PREAMBLE

...

HAVING ESTABLISHED through consultations under Clause 2.4 of the Principal Agreement that there is a national consensus in Uganda that adequate mechanisms exist or can be expeditiously established to try the offences committed during the conflict:

**Traditional/
religious leaders**

Page 2, Inquiry into the Past and related matters, Article 4.

The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:

...

(g) To promote truth-telling in communities and in this respect to liaise with any traditional or other community reconciliation interlocutors:

Page 4, Legal and Institutional Framework, Article 9.

For the proper functioning of the special division of the court in accordance with the agreed principles of accountability and reconciliation, legislation may provide for:

...

(e) The recognition of traditional and community justice processes in proceedings.

Page 5, Traditional Justice, Article 19.

Traditional justice shall form a central part of the alternative justice and reconciliation framework identified in the Principal Agreement.

Page 5, Traditional Justice, Article 20

The Government shall in consultation with relevant interlocutors examine the practices of traditional justice mechanisms in affected areas, with a view of identifying the most appropriate roles for such mechanisms. In particular, it shall consider the role and impact of the processes on women and children.

**Public
administration**

No specific mention.

Constitution

No specific mention.

Power sharing

**Political power
sharing**

No specific mention.

**Territorial power
sharing**

No specific mention.

**Economic power
sharing**

No specific mention.

**Military power
sharing**

No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation Page 4, Investigations and Prosecutions

Article 14. Prosecutions shall focus on individuals alleged to have planned or carried out widespread systematic or serious attacks directed against civilians or who are alleged to have committed grave breaches of the Geneva Conventions.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	Rights related issues→Protection measures→Other Page 2, Inquiry into the Past and related matters Article 4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include: ... (e) To make provisions for witness protection, especially for children and women;
Other	Page 2, Inquiry into the Past and related matters Article 4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include: ... (c) To inquire into human rights violations committed during the conflict giving particular attention to the experiences of women children;

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law Justice sector reform→Criminal justice and emergency law→Reform to specific laws
Page 4, Cooperation with Investigation and Proceedings, Article 15.

... Provided that a person shall not be compelled to disclose any matter which might incriminate him or her.

Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform

Page 4, Investigations and Prosecutions, Article 10.

The Government shall establish a unit for carrying out investigations and prosecutions in support of trials and other formal proceedings as envisaged by the Principal Agreement

Page 4, Investigations and Prosecutions, Article 11.

The unit shall have a multi-disciplinary character.

Page 4, Investigations and Prosecutions, Article 12.

The Director of Public Prosecution shall have overall control of the criminal investigations of the unit and of the prosecutions before the special division.

State of emergency provisions No specific mention.

Judiciary and courts

Page 3, Inquiry into the Past and related matters
Article 5

In the fulfilment of its functions, the body shall give precedence to any investigations or formal proceedings instituted pursuant to the terms of this Agreement. Detailed guidelines and working practices shall be established to regulate the relationship between the body and other adjudicatory body seized of a case relating to this agreement.

Page 3-4, Legal and Institutional Framework

Article 7.

A special division of the High Court of Uganda shall be established to try individuals who are alleged to have committed serious crimes during the conflict.

Article 8.

The special division of the High Court shall have a registry dedicated to the work of the division and in particular, shall make arrangements to facilitate the protection and participation of witnesses, victims, women and children.

Article 9.

For the proper functioning of the special division of the court in accordance with the agreed principles of accountability and reconciliation, legislation may provide for:

- (a) The constitution of the court:
- (b) The substantive law to be applied:
- (c) Appeals against the decisions of the court:
- (d) Rules of procedure.
- (e) The recognition of traditional and community justice processes in proceedings.

Page 6, Provisions of General Application

Article 23.

Subject to clause 4.1 of the Principal Agreement, the Government shall ensure that serious crimes committed during the conflict are addressed by the special Division of the High Court; traditional justice mechanisms; and any other alternative justice mechanism established under the Principal Agreement, but not the military courts.

...

Article 25.

In the appointment of members and staff of institutions envisaged by the Agreement, overriding consideration shall be given to the competences and skills required for the office, and gender balance shall be ensured.

Prisons and detention No specific mention.

Traditional Laws Page 5, Traditional Justice, Article 21

The Traditional Justice Mechanisms referred to include:

i. Mato Oput in Acholi, Kayo Cuk in Lango, Ailuc in Teso, Tonu ci Koka in Madi and Okuraba in Ankole: and

ii. Communal dispute settlement institutions such as family and clan courts.

Article 22. A person shall not be compelled to undergo any traditional ritual.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

**Intelligence
services** No specific mention.

**Parastatal/rebel
and opposition
group forces** No specific mention.

**Withdrawal of
foreign forces** No specific mention.

Corruption No specific mention.

**Crime/organised
crime** No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice Page 4, Investigations and Prosecutions, Article 13.

general

Investigation shall

- (a) Seek to identify individuals who are alleged to have planned or carried out widespread, systematic, or serious attack directed against civilians:
- (b) Reflect the broad pattern of serious crimes and violations committed during the conflict:
- (c) Give particular attention to crimes and violations against women and children committed during the conflict.

Amnesty/pardon No specific mention.

Courts

Transitional justice→Courts→National courts

Page 3, Legal and Institutional Framework

(Principal Agreement: Part 5)

7. A special division of the High Court of Uganda shall be established to try individuals who are alleged to have committed serious crimes during the conflict.

8. The special division of the High Court shall have a registry dedicated to the work of the division and in particular, shall make arrangements to facilitate the protection and participation of witnesses, victims, women and children.

9. For the proper functioning of the special division of the court in accordance with the agreed principles of accountability and reconciliation, legislation may provide for:

- (a) The constitution of the court;
- (b) The substantive law to be applied;
- (c) Appeals against the decisions of the court;
- (d) Rules of procedure;
- (e) The recognition of traditional and community justice processes in proceedings investigations and Prosecutions

{Principal Agreement: Part 4}

10. The Government shall establish a unit for carrying out investigations and prosecutions in support of trials and other formal proceedings as envisaged by the Principal Agreement.

11. The unit shall have a multi-disciplinary character.

12. The Director of Public Prosecutions shall have overall control of the criminal investigations of the unit and of the prosecutions before the special division.

13. Investigations shall

- (a) Seek to identify individuals who are alleged to have planned or carried out widespread, systematic, or serious attacks directed against civilians;
- (b) Reflect the broad pattern of serious crimes and violations committed during the conflict;
- (c) Give particular attention to crimes and violations against women and children committed during the conflict.

14. Prosecutions shall focus on individuals alleged to have planned or carried out widespread, systematic, or serious attacks directed against civilians or who are alleged to have committed grave breaches of the Geneva Conventions.

Cooperation with Investigations and Proceedings

(Principal Agreement: clauses 3.5 & 3.6)

15. Rules and procedures shall regulate the manner in which an individual may cooperate with any investigations and proceedings arising from this Agreement, by disclosure of all relevant information relating to:

- (a) His or her own conduct during the conflict;
- (b) Details which may assist in establishing the fate of persons missing during the conflict;
- (c) The location of land mines or unexploded ordnances or other munitions, and,
- (d) any other relevant information.
- (e) Provided that a person shall not be compelled to disclose any matter which might incriminate him or her.

Page 4, Investigations and Prosecutions, Article 14.

Prosecutions shall focus on individuals alleged to have planned or carried out widespread systematic or serious attacks directed against civilians or who are alleged to have committed grave breaches of the Geneva Conventions

Mechanism

Page 2-3, Inquiry into the Past and related matters

Article 4.

The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:

4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:

- (a) to consider and analyse any relevant matters including the history of the conflict;
- (b) to inquire into the manifestations of the conflict;
- (c) to inquire into human rights violations committed during the conflict, giving particular attention to the experiences of women and children;
- (d) to held hearings and sessions in public and private;
- (e) to make provision for witness protection, especially for children and women;
- (f) to make special provision for cases involving gender based violence;
- (g) to promote truth-telling in communities and in this respect to liaise with any traditional or other community reconciliation interlocutors;
- (h) to promote and encourage the preservation of the memory of the events and victims of the conflict through memorials, archives, commemorations and other forms of preservation,
- (i) to gather and analyse information en those who have disappeared during the conflict,
- (j) to make recommendations for the most appropriate modalities for implementing a regime of reparations, taking into account the principles set out in the Principal Agreement;
- (k) to make recommendations for preventing any future outbreak of conflict;
- (l) to publish its findings as a public document;
- (m) to undertake any other functions relevant to the principles set out in this Agreement.

5. In the fulfillment of its functions, the body shall give precedence to any investigations or formal proceedings instituted pursuant to the terms of this Agreement. Detailed guidelines and working practices shall be established to regulate the relationship between the body and any other adjudicatory body seized of a case relating to this Agreement.

6 The body shall be made up of individuals of high moral character and proven integrity and the necessary expertise for carrying out its functions.

in particular, its composition shall reflect a gender balance and the national character.

Prisoner release

No specific mention.

Vetting

No specific mention.

Victims

Page 2, Inquiry into the Past and related matters

Article 4.

The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:

...

(d) To hold hearings and sessions in public and private;

(e) To make provisions for witness protection, especially for children and women;

(f) To make special provision for cases involving gender based violence;

...

(h) To promote and encourage the preservation of the memory of the events and victims of the conflict through memorials, archives, commemorations and other forms of preservations;

Page 6, Provisions of General Application, Article 24.

All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings.

Missing persons

Page 2, Inquiry into the Past and related matters

Article 4.

The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:

...

(i) To gather and analyse information on those who have disappeared during the conflict;

Page 3, (Principal Agreement: clauses 3.5 & 3.6)

15 Rules and procedures shall regulate the manner in which an individual may cooperate with any investigations and proceedings arising from this Agreement, by disclosure of all relevant information relating to;

[...]

(b) Details which may assist in establishing the fate of persons missing during the conflict;

Reparations

Transitional justice→Reparations→Material reparations
Page 5, Reparations

Article 16. The Government shall establish the necessary arrangements for making reparations to victims of the conflict in accordance with the terms of the Principal Agreement.

Article 17. Prior to establishing arrangements for reparations, the Government shall review the financial and institutional requirements for reparations, in order to ensure the adoption of the most effective mechanisms for reparations.

Article 18. In reviewing the question of reparations, considerations shall be given to clarifying and determining the procedures for reparations.

Reconciliation

Page 1, PREAMBLE

THE PARTIES:

HAVING SIGNED the Principal Agreement by which the parties committed themselves to implementing accountability and reconciliation with respect to the conflict:

PURSUANT TO the terms of the Principal Agreement calling for the adoption of mechanisms for implementing accountability and reconciliation;

...

CONFIDENT that the Principal Agreement embodies the necessary principles by which the conflict can be resolved with justice and reconciliation and consistent with national and international aspirations and standards

Inquiry into the Past and related matters

Article 4.

The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:

...

(g) To promote truth-telling in communities and in this respect to liaise with any traditional or other community reconciliation interlocutors:

Page 5, Traditional Justice

Article 19.

Traditional justice shall form a central part of the alternative justice and reconciliation framework identified in the Principal Agreement.

Implementation

UN signatory No specific mention.

Other international signatory Witnessed by:

H.E. Lt. General Riek Machar Teny-Dhurgon (PhD), Vice President, Government of Southern Sudan And Chief Mediator of the Peace Talks.

H.E. Andre M Kapanga (PhD), for the Government of the Democratic Republic of Congo.

H.E. Japheth R. Getugi, for the Government of the Republic of Kenya.

H.E. Nsavike G. Ndatta, for the Government of the United Republic of Tanzania.

H.E. Francisco Caetano Madeira, for the Government of the Republic of Mozambique.

Lt. Gen. (Rtd.) Gilbert Lebeko Ramano, for the Government of the Republic of South Africa.

H.E. Jan Ledang, for the Government of Norway.

Ms Anna Sundström, Political Advisor to the EU Special Representative for the Great Lakes Region, For the European Union.

Mr Timothy R. Shortley, Senior Advisor to the Assistant Secretary of State for African Affairs, for the Government of the United States of America.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism Article 26. The Mediator shall from time to time receive or make requests for reports on the progress of the implementation of the Agreement.

Related cases No specific mention.

Source Available at: https://peacemaker.un.org/sites/peacemaker.un.org/files/UG_080219_Annexure%20to%20the%20Agreement%20on%20Accountability%20and%20Reconciliation
