

Children's Rites

Examining the Role of Local Justice in the Ugandan Transitional Justice Process through a Child Rights Approach

“If you try someone at the ICC ... does that mean justice? ... Take a child who has been abducted... does [a trial] bring justice to this kid? Does it bring back those years that this kid lost...? Does it repair the damage that was done to his brain, to his heart, to his psyche, to his overall world perspective? These are the kind of questions I have about justice.”¹

“When I came home I was not accepted into the compound right away. I was first brought to the junction, and they brought three eggs for me. They asked me to step on each egg, ... and that's what I did. The ritual signifies that 'you are welcome back home son, we embrace you back in the family, and feel free, you are now cleansed of whatever has happened to you. ... And I felt that yes, I am back, I am loved, in the family. Despite all what happened.’”²

¹ Interview with participant P4 conducted on 19/03/2014 (henceforth: P4).

² Interview with participant P6 conducted on 21/03/2014 (henceforth: P6).

Introduction

As transitional justice (TJ) is entering a “global phase”, one of the major developments in the field is a shift of focus from institutional reforms to bottom-up civil society initiatives.³ Within this tendency, calls have been made for more attention to local justice mechanisms.⁴ An illustrative case is Uganda, where in 2005 local leaders lobbied with the International Criminal Court (ICC) Prosecutor to drop investigations and let the Lord’s Resistance Army (LRA) commanders be tried through local justice. While this proposal has been subject to a heated debate at the international level, little attention has been paid to which mechanisms are *actually* applied in Northern Uganda, and to how they are perceived locally.⁵ In particular, the perspective of children returnees, that constitute the largest group subject to (some of) these mechanisms, has been largely overlooked.⁶

This study aims at filling this gap by analysing the potential of one specific local justice mechanism, *Nyono Tong Gweno* (‘stepping on the egg’), through a child-sensitive lens. The main research question is: ‘How, if at all, can *Nyono Tong Gweno* play a role in facilitating a child-sensitive approach to TJ in Northern Uganda?’ The main objective of this study is to provide insights for the design of a TJ policy in Uganda. Secondly, this study also aims to contribute to the academic debate, uncovering an often-disregarded perspective in the field, that of children. It will thus be of interest to the Ugandan government, TJ practitioners, and the academic community.

After outlining the methodology (*Section I*) and theoretical framework (*Section II*), the conflict in Uganda and the relevant local justice mechanisms are discussed in the contextual framework (*Section III*). The core of the study consists in a detailed analysis of *Nyono Tong Gweno* through a child-rights approach (*Section IV*). In conclusion, ways to revise this mechanism to comply with and further enhance children rights are suggested.

³ Teitel 2008, p. 2.

⁴ Afako, 2002; Nyamu-Musembi, 2003; Huyse & Salter, 2008; Chapman & Kagaha, 2009; Fiechter, 2009; Boya, 2010; Sarkin, 2012.

⁵ In this study the focus is placed on Northern Uganda because of the fact that most calls for the inclusion of local justice mechanisms in TJ have come from this region.

⁶ Calls for child-sensitive approaches to TJ have been made by Aptel & Ladisch (2009) and Atri & Cusimano (2012).

I. Methodology

This study falls within the socio-legal research tradition⁷ and relies on both primary and secondary data are used. Primary data were generated through a series of semi-structured interviews conducted by the author via Skype with local NGO employees working in the field of child-soldiers reintegration in Uganda.⁸ Participants have been selected through purposive and snowball sampling. Data analysis involved transcribing and coding interviews. This perspective was complemented by a synthesis of secondary literature on the topic. Primary legal sources were also used to map the relevant children's rights.

A clear limitation of this study is that it attempts to understand the perspective of children returnees through the words of local NGO workers. While this mediated perspective is problematic, it is also the only possible one to attain through short-term, long-distance and internet-based research. The limited sample size also involves problems for generalizability, but this is corrected by reliance on complementary secondary literature. This study is also limited in scope, as it only targets the perspective of a very selected population, that of children returnees of the Acholi community in Northern Uganda.

II. Theoretical Framework: Local Justice in Transitional Justice

Despite the differences in definitions,⁹ there seems to be general agreement that TJ indicates the set of institutions and/or mechanisms that are put in place to address grave human rights violations. The field has recently seen a shift in focus from top-down institutional mechanisms to victims-focussed bottom-up mechanisms. While local justice was initially incorporated into other TJ

⁷ Cowney & Bradney, 2009.

⁸ The sample includes six interviewees from Northern Uganda, two from other regions, and one Congolese national with expertise in local justice.

⁹ Teitel defines transitional justice as “a distinctive conception of justice associated with periods of radical political change following past oppressive rule” (2008, p. 1). The United Nations define it as “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation” (2010, p. 2). The International Center for Transitional Justice defines it as “the set of judicial and non-judicial measures implemented by societies to redress legacies of massive human rights abuses” (ICTJ official website).

measures, more recently it has been put forward as stand-alone TJ measure, as a ‘third way’ in the ‘peace *versus* justice’ debate.

Local Justice within the ‘Peace versus Justice’ Debate

The question in the ‘peace *versus* justice’ debate is whether peace and justice are two complementary or mutually exclusive goals. Those who believe in mutual exclusiveness argue that justice often contributes to prolonging conflicts,¹⁰ and that international prosecutions “are accountable to other agendas and only incidentally to the needs of victims.”¹¹ On the other hand, supporters of compatibility between peace and justice argue that there is no empirical evidence to prove a conflict between the two. Rather, justice is a prerequisite for peace, in that it helps to re-establish respect for the rule of law¹² and to fulfil a moral obligation towards victims.¹³

Some have suggested that local justice mechanisms can provide a creative solution to the ‘peace *versus* justice’ debate.¹⁴ In order to find a middle ground in the debate, these authors suggest a sophisticated move to a broader conception of justice than formal retributive justice. ‘Justice’, they argue, can also be understood as restorative justice. This notion of justice, they suggest, is more attuned to the African understanding,¹⁵ and thus enjoys higher local legitimacy.¹⁶ Local justice mechanisms can thus contribute to fulfilling both justice and peace.

This idea, however, is not without opponents. Some scholars have strongly questioned the use of local justice in TJ. They problematize the romanticised notion of restorative justice, maintaining that the capacity of local communities to forgive is largely overestimated.¹⁷ Moreover, they point at

¹⁰ Elster, in Williams et al., 2012, pp. 93-4.

¹¹ Trumbull, 2007, p. 312.

¹² de Greiff, in Williams et al., 2012, p. 6.

¹³ Huyse & Salter, 2008, p. 3

¹⁴ See footnote 4.

¹⁵ See Anderson, 2003; Oko Elechi, 2004; Oko Elechi et al., 2010.

¹⁶, 2009, p. 360.

¹⁷ Allen, 2005, Allen & Macdonald, 2013; Macdonald, 2013.

the diversity of local practices across different communities, their inaptitude to dealing with grave human rights abuses,¹⁸ and the patriarchal structure that underlies some of them.¹⁹

This polarised debate between the uncritical support of local justice and the total denial of it overlooks the wide array of nuanced ways in which local justice mechanisms can be used. Discussions on the application of local restorative justice either to all or to no perpetrators disregard the possibility of using such mechanisms for specific groups and not for others, to be determined through case-by case-assessments. In this study, the geographical area targeted is that of Northern Uganda, and the specific group considered is that of children returnees of Acholi ethnicity.

III. Contextual Framework: Uganda

Overview of the Conflict in Uganda

The core of the Ugandan conflict lies in the opposition between the LRA rebel movement and government forces. A mixture of political drive and strong spiritualism, the LRA is known for its practice of abducting children, especially from the Acholi region. Children are made to perform atrocities on their own communities, which results in them being perceived as victims and perpetrators at the same time.

In 2000 the Ugandan government issued a blanket amnesty. In 2003, however, it decided to self-refer the situation to the ICC. Soon after, a group of local leaders began to lobby with the prosecutor to stop investigations, claiming that they would deal with the atrocities using local justice mechanisms, most prominently *Mato Oput*, a justice and reconciliation ceremony between clans. Moreono-Ocampo avoided releasing the indictments to allow for a new peace initiative, but when this collapsed in 2005, he made the warrants of arrest public.

¹⁸ Allen, 2005, p. 86.

¹⁹ Baines, 2007, p. 114.

This move towards judicial measures did not prevent peace negotiations from taking place in Juba (Sudan) between 2006 and 2008. A particularly relevant agreement was the 2007 ‘Agreement on Accountability and Reconciliation’, in which the sides agreed that both formal and informal (local) justice mechanisms, most prominently *Mato Oput*, would play a role in the justice and reconciliation process.²⁰ In 2008, however, Kony refused to sign the Final Peace Agreement, arguing that ICC warrants were to be withdrawn first. The government argued instead that it would not seek ICC withdrawal until the peace was signed.

The Reality of Mato Oput

Some commentators put forward the failure of the Final Peace Agreement as evidence of the fact that international justice undermines peace in Uganda, and that the ICC imposes a Western notion of justice on Uganda. *Mato Oput* was framed as a missed opportunity that would have solved the problem locally. But while *Mato Oput* has been the object of much advocacy at the national and the international level, its actual use in local realities is contested. A study of 2005 found “no widespread enthusiasm” for the ceremony,²¹ and large-scale surveys conducted in 2005, 2007 and 2010 in the Acholi districts uncovered people’s mixed feelings about local justice mechanisms.²²

Moreover, several logistical constraints make the application of *Mato Oput* to the atrocities of the conflict very problematic. First, oftentimes victims and perpetrators do not know each other, which is a condition for the performance of the ceremony. Secondly, this is a long and costly procedure that few are able to afford, especially in conflict-torn communities. Thirdly, this ritual was designed to deal with smaller scale offences than those that took place in the conflict. These difficulties make *Mato Oput* very little practiced among the local population.²³ Indeed, it is reported that only 54 of these ceremonies have been executed between 2004 and 2006.²⁴ The application of this ritual to

²⁰ Art. 3.1 reads: “Traditional justice mechanisms, such as *Culo Kwor*, *Mato Oput*, *Kayo Cuk*, *Ailuc* and *Tonu ci Koka* and others as practiced in the communities affected by the conflict, shall be promoted, with the necessary modifications, as a central part of the framework for accountability and reconciliation”. Art. 5.1 referred to the presence in Uganda of “customs and usages” that would be “capable of addressing the crimes and human rights violations committed during the conflict”. Art. 5.2 encouraged the “adoption and recognition of complementary alternative justice mechanisms”. Art. 5.1 and 5.4 referred to the modifications that may be necessary for these mechanisms to operate.

²¹ Allen, 2005, p. 86.

²² Pham & Vinck, 2010, p. 3; Pham & Vinck., 2007, p. 4; Pham et al., 2005, p. 5.

²³ Justice and Reconciliation Project, 2012, p. 6. See also Rose & Ssekandi, 2007.

²⁴ Ojera Latigo, in Huyse & Salter, 2008, p. 105-107.

children returnees is even more problematic, as it implies an assumption of responsibility which, for abductees, is far from evident.²⁵

The Reintegration Challenge and Nyono Tong Gweno

Since explicit violence has ended, former combatants, including children, are returning to their villages.²⁶ Their reintegration as family and community members poses new challenges, such as the children's emotional vulnerability, their fear of meeting the communities, and the stigmatization they are subject to.

In Acholi communities, the marker of the reintegration process is another local justice mechanism called *Nyono Tong Gweno* ('stepping on the egg'). Traditionally, this ritual is performed to welcome back family members who have been away from home for a long period of time, often after a disagreement. The returnee steps on one egg in the presence of the whole community, to symbolise both the returnee's and the community's commitment to live in harmony again.

While enjoying much less public advocacy than *Mato Oput* by Acholi religious leaders, *Nyono Tong Gweno* has been widely used in the aftermath of the conflict to welcome back formerly abducted combatants, especially child-soldiers. Because this ceremony requires little planning and inexpensive material, many families are able to perform it immediately when ex-combatants return home. It is reported that up to 12,000 such ceremonies have taken place.²⁷ Indeed, my interviewees from the Acholi region recognised the fundamental value of *Nyono Tong Gweno*. A 2010 survey conducted in the Acholi districts found that such rituals were seen as a way to help the community reconcile (39%) and forgive the wrongdoer (25%).²⁸

²⁵ Atri & Cusimano, 2012, p. 58.

²⁶ LRA Crisis Tracker, 2013, p. 1.

²⁷ Ojera Latigo, in Huyse & Salter, 2008, p. 106. The source is dated 2008, and does not specify a time frame. *Nyono Tong Gweno* is sometimes accompanied by other cleansing ceremonies such as *Moyo Kum* ('cleansing the body'), and *Moyo Piny* ('cleansing of an area') (Justice and Reconciliation Project, 2012, p. 5). Data about the effective execution of these ceremonies are not readily available.

²⁸ Pham & Vinck, 2010, p. 40.

Most interviewees also drew a distinction concerning the group that is appropriate to subject to this mechanism. While opinions about submitting LRA leaders to *Nyono Tong Gweno* were mixed, the appropriateness of the ritual for children returnees was generally embraced. “I think in the end they [Kony and the other commanders] must face justice,” one interviewee said. “But then there are those young kids who were abducted... people are willing to say well, you can go through the rituals.”²⁹ These remarks support the idea that TJ requires “legally pluralistic solutions,” combining informal and formal justice to deal with different target groups.³⁰ Given the centrality of *Nyono Tong Gweno* in the reintegration process of children returnees, the following analysis focuses on this specific ritual.

IV. Analysis: *Nyono Tong Gweno* through a Children-Rights Lens

This section consists of an in-depth analysis of *Nyono Tong Gweno* through a children-rights lens. Four key groups of rights in which this mechanism can play a role are identified: rights related to social reintegration, restoration of culture, psychological recovery, and freedom of expression. For each of these, the central issue is presented and the relevant legislation is outlined. An assessment of how *Nyono Tong Gweno* contributes to implement or hinder each group of rights is then given. For each, suggestions are presented to address the ritual’s shortcomings.

The relevant legal provisions for this analysis are:

- The *Convention on the Rights of the Child* (CRC);
- The *African Charter of Human and People’s Rights* (ACHPR);
- The *African Charter on the Rights and Welfare of the Child* (ACRWC);
- The *UN Declaration on the Basic Principles on Justice for Victims of Crime and Abuse of Power* (1985 Declaration);
- The *UN Guidelines in Matters involving Child Victims and Witnesses of Crime* (2005 Guidelines).

²⁹ P4

³⁰ Waldorf, 2006, p. 87.

The following analysis and recommendations are addressed primarily to the Ugandan Government, which, having ratified the three treaties, has a duty to implement the rights enounced in them. While the UN documents are not binding, they retain persuasive authority. Uganda has discretion in deciding its own measures of implementation, and has to report on the measures adopted.³¹ The Government could and should consider putting forward *Nyono Tong Gweno* as one of the non-legislative measures in place to implement the rights enounced in the treaties, while at the same time working on the aspects of the mechanism that do not comply with these rights. This analysis is also addressed to TJ practitioners in Northern Uganda. Practitioners should consider including *Nyono Tong Gweno* as a core element of child-sensitive TJ ‘packages’, while coordinating it with other measures to avoid “excessive intervention”.³²

Social Reintegration

The main problem with social reintegration of children returnees is the issue of stigmatization. Several interviewees reported that, when children come home, many community members display “resistance”³³ towards them. They “wonder if these children, resettled, can [again] commit terrible acts.”³⁴ The widespread practice of calling abductees “people from the bush” is evidence of the fact that, while people “may have accepted the return of the former abductees, they are not ready to fully accept them as members of the community.”³⁵

The CRC imposes a duty on States to promote the “social reintegration” of children victims of armed conflict “in an environment which fosters the health, self-respect and dignity of the child.”³⁶ A key aspect of this is the provision of “appropriate assistance” for the re-establishment of the child’s “identity” and “family relations”.³⁷ The fundamental importance of the family is also

³¹ CRC Art. 44; ACRWC Art. 43; ACHPR Art. 62.

³² 2005 Guidelines, Art. 22.

³³ Interview with participant P3 conducted on 16/03/2014 (henceforth: P3).

³⁴ P4

³⁵ Baines, 2007, p. 109. Further evidence for this is provided by the results of a 2012 survey on the attitude towards children returnees in Northern Uganda. While the majority of respondents (97%) stated that they welcomed children returnees, 66% and 52% reported to be respectively angry and fearful towards the children.

³⁶ CRC Art. 39.

³⁷ CRC Art. 8(1).

stressed by the regional conventions.³⁸ The 1985 Declaration provides that “customary justice or indigenous practices should be utilised where appropriate to facilitate conciliation and redress for victims”³⁹ and to provide them with social assistance.⁴⁰

From my interviews it clearly emerged that *Nyono Tong Gweno* plays a fundamental role in social reintegration and “restoring relations.”⁴¹ My key informant, himself a child returnee who underwent the ritual, stated:

“The ritual signifies that ‘You are welcome back son’ ... I was happy to be reunited with the family ... my grandmother had to carry me on her lab, at my age of 18, just to signify that I was welcome back. And I felt that yes, I am back, I am loved, in the family, despite all what happened.”⁴²

The use of the word “son” is a clear indication of the importance of the ritual in re-establishing the original family relations and the returnee’s position as a child, deserving forgiveness and protection. Indeed, people’s acknowledgment that children returnees have undergone the ritual “positively influences the community’s attitude towards that person.”⁴³ However, the ritual does not always completely eliminate stigmatization, and is often perceived as inauthentic if performed in the camps for internally displaced.⁴⁴

Overall, it appears that *Nyono Tong Gweno* positively contributes to the implementation of the children’s right to receive assistance for social reintegration and restoration of their family relations. To complement its positive contribution, local authorities and TJ practitioners could play a role in the follow-up stage, to ensure that the removal of stigmatisation is complete. Providing employment or educational opportunities for children returnees, for example, could greatly improve the restoration of these children’s status as full and ‘normal’ members of society.

³⁸ ACHPR Art. 18(1) and ACRWC Art. 31.

³⁹ 1985 Declaration Art. 7.

⁴⁰ 1985 Declaration Art. 14.

⁴¹ Interview with participant P5 conducted on 19/03/2014 (henceforth: P5).

⁴² P6

⁴³ Justice and Reconciliation Project, 2012, p. 11.

⁴⁴ Baines, 2007, p. 111.

Restoration of Culture

A second problematic issue is the cultural disruption generated by the conflict. Social tissues have been eroded, and children who were abducted at a very young age never had a chance to learn about their communities' cultural practices.

The ACHPR protects the right of every individual to “freely take part in the cultural life of his community”,⁴⁵ and imposes on the State a duty to promote and protect “morals and traditional values”.⁴⁶ According to the ACRWC, the “preservation and strengthening of positive African morals” is part of every child’s right to education.⁴⁷ At the same time, the ACRWC provides that the State should discourage traditional practices inconsistent with children’s rights.⁴⁸

Participation in *Nyono Tong Gweno* clearly contributes to the restoration of cultural life and enables children to learn about their culture. However, children do not always participate in these rituals “freely”, but rather out of pressure by families and community elders.⁴⁹ This is particularly true for children who were abducted at a young age, and lack knowledge and understanding of these rituals. Moreover, the elders’ control over the ritual may reiterate patriarchal power structures at the disadvantage of women and children.

Attention should be paid to ensuring the voluntary character of children’s participation to such ritual. This could be done through mediation between children returnees and community elders by local NGOs working in the area of returnees’ reintegration. While NGOs’ activities and local justice mechanisms are often carried out independently from one another, more collaboration could help to ensure that children understand what they are going to be subject to and are free to choose whether to participate. While coercive participation should be avoided at all costs, children’s willingness to participate could be increased if NGOs running reception centres would provide information on the meaning and social importance of such ritual.

⁴⁵ ACHPR Art. 17(2).

⁴⁶ ACHPR Art. 17(3).

⁴⁷ ACRWC Art. 11(2).

⁴⁸ ACRWC Art. 1(3) and ACRWC Art. 21(1).

⁴⁹ Justice and Reconciliation Project, 2012, p. 8.

Psychological Recovery

The psychological disruption of children returnees is a third key problem. When they return home, many children believe to be affected by *cen*, “think they are cursed,” and fear “their communities would kill them.”⁵⁰

Both the CRC and the ACRWC impose on States the duty to “ensure protection and care of children who are affected by an armed conflict”.⁵¹ The CRC specifies that State shall “promote physical and psychological recovery” of child victims.⁵² The 2005 Guidelines further provide that child victims should be given access to professional assistance to facilitate their reintegration.⁵³

A key informant that underwent *Nyono Tong Gweno* suggested that the ritual proved essential in his psychological recovery process. He reported that, after undergoing the ritual, he felt “free at last”, and “cleansed of whatever happened.”⁵⁴ Traditionally, elders provide counselling to the returnees on how to behave socially, which is seen by local people as the most effective element of the ritual.⁵⁵ However, the ritual is not always effective in removing children’s post-traumatic stress disorders. As another interviewee noted, “these techniques work to the extent that people believe in them.”⁵⁶ Indeed, “the relevance of traditional justice mechanisms to internal and emotional conflict recovery can only be determined on an individual basis, because it is so strongly grounded in the individual’s attitude towards the traditional belief system.”⁵⁷

The psychological recovery of the returnees should become one of the central goals of the ritual. Interventions could build upon the counselling already practiced by elders, and render it more effective. As one interviewee in another study stated, “we need to see that traditional leaders are trained to help them [children returnees] recover, not just do the ceremony.”⁵⁸ One of my

⁵⁰ P4

⁵¹ CRC Art. 38(4) and ACRWC Art. 22(3).

⁵² CRC Art. 39.

⁵³ 2005 Guidelines Art. 22.

⁵⁴ P6

⁵⁵ Justice and Reconciliation Project, 2012, p. 10.

⁵⁶ P4

⁵⁷ Justice and Reconciliation Project, 2012, p. 13.

⁵⁸ *ibid*, p. 8.

interviewees suggested that rituals should be complemented by “professional psychological support,”⁵⁹ for example by having professional psychologists assist elders in the consultation process. Indeed, the psychological counselling that takes place in reception centres and the performance of the ritual could be combined in a single process to reach maximum efficacy, and to avoid “excessive intervention”⁶⁰ on children who have already suffered greatly.

Freedom of expression

One final issue is that of children’s freedom of expression in the justice process. Many interviewees mentioned the distance of the ICC as one key hurdle to victims’ effective participation and ability to express themselves in the proceedings. Moreover, formal justice systems are often not appropriate to deal with the complexities and nuances of the children returnees’ status.

Despite these difficulties, there is a well-recognised right for children to express their views on matters affecting them. In providing these rights,⁶¹ the CRC specifies that such views should be “given due weight in accordance with the age and maturity of the child.”⁶² Similar rights are outlined in the ACRWC.⁶³ The 2005 Guidelines provide a more specific right for children to express their concerns “regarding their involvement in the justice process,”⁶⁴ as well as a right for children to “be informed” about⁶⁵ and “participate effectively” in the process.⁶⁶ Finally, the 1985 Declaration gives victims a right to obtain redress “through formal or informal procedures that are expeditious, fair, inexpensive, and accessible.”⁶⁷

Nyono Tong Gweno undoubtedly helps to implement this last right, being a procedure that is relatively cheap and easy to organise. However, the ritual involves several problems concerning

⁵⁹ P4

⁶⁰ 2005 Guidelines, Art. 22.

⁶¹ CRC Art. 13(1).

⁶² CRC Art. 12(1).

⁶³ ACRWC Art. 4(2) and Art. 7.

⁶⁴ 2005 Guidelines Art. 21(b). For the purposes of the UN Guidelines, “justice process” also encompasses “customary or informal system[s] of justice” (UN Guidelines Art. 9(c)).

⁶⁵ 2005 Guidelines Art. 19.

⁶⁶ 2005 Guidelines Art. 22.

⁶⁷ 1985 Declaration Art. 5.

children's ability to express their own views about the process. "It is the elders that determine what should be done to you,"⁶⁸ said one participant, emphasizing the passive role given to children. Children cannot initiate ceremony themselves, and have very little say in how the ceremony will be performed.⁶⁹ This means that they have "limited opportunity to make a connection between their own priorities and the actions of the ceremony," which eventually results in the ceremony failing to address children's real needs.⁷⁰

Participation in *Nyono Tong Gweno* potentially provides a unique opportunity for children to take part in the justice and reconciliation process, being closer and more flexible than formal justice mechanisms. However, the lack of control children have on how the ceremony is organised and performed is problematic from a child-rights perspective. This could be corrected by ensuring that children are consulted before and after the ritual, and are enabled, possibly through the mediation of NGO workers, to effectively communicate their needs and concerns to elders. For example, children may express preferences for individual or group rituals; for the inclusion or not of truth-telling; and for the type of counselling they feel the need of. These views should be duly taken into account to shape each ritual process.

Conclusion

The above analysis of *Nyono Tong Gweno* from a child-rights perspective reveals the great potential of this mechanism to positively contribute to the implementation of children's rights related to social reintegration, restoration of culture, psychological recovery, and freedom of expression in the justice process. However, the analysis has also emphasized several points where such ritual does not fully meet these rights or even hinders them.

As a result, some suggestions have been formulated to improve the performance of *Nyono Tong Gweno* in the implementation of children's rights. Recommendations include providing employment and educational opportunities to children returnees to fully ensure their social reintegration; ensuring that children's participation in such rituals is voluntary and well-informed;

⁶⁸ P6

⁶⁹ Justice and Reconciliation Project, 2012, p. 8.

⁷⁰ *ibid*, p. 11.

encouraging professional psychologists to work side-by-side with elders during consultations to ensure children's full psychological recovery; encouraging child-sensitive and creative truth-telling processes; and ensuring the possibility for children to engage in a dialogue with elders concerning the specifics of the justice process. While these suggestions can be accused of constituting undue social engineering, they are formulated in the belief that transitions are a moment of opportunity. Transitions provide a platform for positive social change, which should not be forced, but can be encouraged and facilitated.

Relating this analysis back to the broader TJ framework, two key ideas have emerged.

The first idea pertains the relation between local justice mechanisms and TJ goals. Arguments for the use of these mechanisms, especially *Mato Oput*, have been initially presented by local leaders and politicians under the 'justice' goal. The argument was: 'This, not the ICC, is *our* way of doing justice'. From the interviews conducted for this study, however, most local people seem to view these rituals, especially *Nyono Tong Gweno*, as falling under the 'reconciliation' goal (although 'justice' and 'reconciliation' are of course intertwined).

The second idea pertains the 'peace *versus* justice' debate. Framing local justice under the goal of 'reconciliation' rather than 'justice' makes it a much less politicised issue than it initially appeared. At the local level, no contradiction seems to emerge between *Nyono Tong Gweno* and the ICC: local and formal justice are perceived as targeting different groups and as having different objectives. The initial argument that local justice mechanisms could serve as an alternative to the ICC under complementarity seems to be a merely political one with no real support at the local level. As one interviewee argued, "there needs to be a combination of different interventions to respond to the complex nature of the situation. You can bring people to court, but at the same time you should ask for support systems that bring reconciliation and social justice."⁷¹ This remark encapsulates the complex position of local justice mechanisms within the TJ field. While local justice has so far been at best an accessory element of TJ policies, it is here argued that, due regard given to the specificities of each context, it should instead constitute a core element of TJ. But not the only one.

⁷¹ P4

My interviewee continued: “This should also be combined with ... providing infrastructure, roads, water, food, health centres ... giving people a sense of meaning in their lives.”⁷² Indeed, while recognising its potential, this study also acknowledges that local justice is limited and cannot target all victims’ needs. Local justice mechanisms should, where appropriate, be ‘packaged’ in comprehensive child-sensitive TJ policies, that include other TJ measures among which effective reparation schemes.

It is then essential to determine how local justice mechanisms will interact with other TJ measures in such ‘packages’. This question cannot be answered here and calls for further research. Further research is also needed to investigate the perspective of non-returnees conflict-affected children on local justice and other TJ mechanisms. As the adults of tomorrow, children deserve a louder voice in TJ debates.

⁷² P4

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