



UGANDA VICTIMS FOUNDATION

C/o Africa Youth Initiative Network,
P.O.Box 981 Lira, Plot 12, Otim Tom road, Junior Quarters

STATEMENT ON THE NATIONAL RECONCILIATION BILL OF 2009

4th November 2009

The Uganda Victims Foundation (UVF) is a coalition of human rights and civil society NGOs in Uganda working with victims and on victims' rights issues. The objectives of the UVF are to lobby and advocate for victims' rights especially with respect to the conflict in northern Uganda. The group was formed in 2006 following an International meeting of the Victims' Rights Working Group in London and a second in Kampala attended by participants and representatives of about seven NGOs working with victims who acknowledged the absence of an independent victims' rights advocacy group in the country. UVF is a registered charity in Uganda.

The members of the UVF, having met at Lira, northern Uganda from 2nd to 4th November 2009 to consider, discuss and analyze the National Reconciliation Bill of 2009, resolve as follows:

RECALLING the National Reconciliation Bill of 2009, a Bill proposed for enactment into an Act entitled THE NATIONAL RECONCILIATION ACT of 2009; which is intended to provide for the establishment of a National Reconciliation Forum with a mandate to direct an independent national reconciliation process in Uganda for the purpose of establishing the causes, nature and extent of the legacy of violence beginning with the creation of the nation to the date of cut off date, including all its antecedents and circumstances, and taking into account the perspectives of victims and the motives and perspectives of the persons and institutions responsible for creating and perpetuating this legacy;

APPLAUDING the efforts of the Government of Uganda and the civil society in drafting the National Reconciliation Bill of 2009;

RECALLING that Uganda is a signatory to a number of international human rights instruments, and that her own 1995 Constitution guarantees respect for and protection of human rights irrespective of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability;

RECOGNISING that a national mechanism and process of truth telling, forgiveness, healing and reconciliation can help Uganda to arrive at determining the nature, causes, and consequences of violent conflict; and the impact on victims;

RECOGNISING also the continued concerns, efforts and calls for an end to impunity for the most serious crimes of international concern in Uganda;

MINDFUL of the delicate nature of the achievements of the peace process in Juba and Uganda's international legal obligations to the International Criminal Court with respect to the LRA indicted persons; and

DETERMINED to continue to promote the rights of victims of the most serious crimes especially regarding their fundamental rights to be informed, to be treated with respect for their dignity, to be protected, and to participate in and access justice for the crimes suffered.

THE UVF CALLS UPON THE GOVERNMENT OF UGANDA TO ENACT THE NATIONAL RECONCILIATION ACT OF 2009, NOTING THAT:

In respect of interpretation section of the proposed law:

- 1) The proposed law's definition for the term 'victim(s)' is insufficient in light of the internationally recognized legal standards;
- 2) The proposed law does not define or spell out what amounts to 'reconciliation'.

In respect of the proposed National Reconciliation Forum:

- 1) That the choice of name for the body as a 'Forum' was not authoritative enough, and needed to be changed;
- 2) On the quorum for the Forum, as it is presently proposed at five representatives, is too few if the body is to avoid manipulation and ensure transparency;

- 3) The proposed law does not state under which ministry the proposed Forum would be situated;
- 4) That the tenure for representatives on the Forum was too short;
- 5) That reporting procedure of the Forum to the president, would impact on the implementation process.

In respect of reparations for victims:

- 1) The proposed law does not clearly spell out the source of funding for the reparations;
- 2) The proposed law does not provide for the creation of a trust fund for victims.

In respect of other stakeholders to the reconciliation process:

- 1) There is no role assigned to the civil society especially those involved in human rights, gender, children's rights and victim rights;
- 2) The Forum has insufficient power and mechanisms to follow up on recommendations for prosecution.

In respect of alternative justice systems:

- 1) That the forum as a coordinating body lacks the power to recommend traditional and alternative justice systems and mechanisms.

THE UVF THEREFORE RECOMMENDS:

- 1) A more weighty name should be used instead of 'Forum', and it be called the Uganda National Truth and Reconciliation Commission;
- 2) Review of the definition of terms 'victims' and 'perpetrators';
- 3) Provision in the interpretation section for the word 'reconciliation';
- 4) Increase the quorum of the forum to 2/3 (13 out of 19) not just some people;
- 5) Specify in the Act the source of funding for reparations for victims;
- 6) Provide for the creation of a special trust fund for victims, and also ensure funding for the body from the Consolidated Fund;
- 7) Specify the Ministry in Government where the Forum shall be situated for structural and implementation purposes of recommendations of the Forum;
- 8) Specify the role of civil society; the civil society should be able to actively participate. In this regard, they should be represented on

- the Forum itself and its activities such as: outreach, information sharing, advocacy, monitoring and evaluation, awareness raising, and implementation;
- 9) The Forum should have power to recommend prosecution and other traditional or alternative justice systems and mechanisms;
 - 10)The tenure of the representatives on the Forum should be increased to five years;
 - 11)The Forum should be reporting to Parliament for implementation purposes of reports of the Forum;
 - 12)The time jurisdiction or mandate of the Act should be extended back further in time to 9th October 1962 rather than 1986;
 - 13)A proper system of identifying victims should be provided for;
 - 14)The Forum should have a defined time limit of five years within which to conclude its work;
 - 15)Provision should be made in the Act for the respect of all victim rights;
 - 16)Implementation Committees should be deleted from the Bill since they would waste time and other resources (instead, the 'Forum' should address the modalities for implementation directly in its report, and identify the bodies best suited to implement its recommendations); and
 - 17)It is proposed that the structure of National and Regional Forums should be replaced with a national body with regional offices.