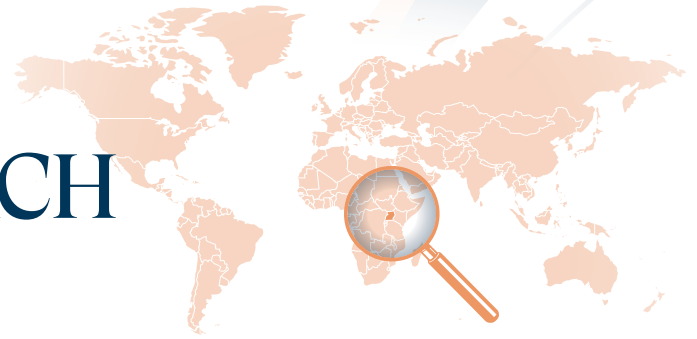




ADVANCING A HOLISTIC APPROACH TO JUSTICE AND ACCOUNTABILITY FOR CRSV SURVIVORS



The following case study has been written by an independent consultant on behalf of the Global Initiative for Justice, Truth and Reconciliation (GIJTR). This case study is informed by a combination of desktop research, document analysis and interviews. It therefore reflects these perspectives and findings, as compiled and written by the consulting author(s). Interviewees have been anonymized to ensure their safety and privacy but GIJTR extends its gratitude for the time and participation of all interviewees.

A Case Study from Northern Uganda

Author: Jackson Odong

Introduction and Background

OVERVIEW

This case study presents a brief about Northern Uganda's conflict history, nature, forms, and scale of conflict-related sexual violence (CRSV). It includes judicial and non-judicial pathways and processes for seeking justice and accountability for survivors of CRSV piloted in the Northern Ugandan context, specifically highlighting insights and lessons pertaining to criminal accountability, memorialization, screening, and documentation and survivor-led advocacy as some of the innovations used for redressing CRSV in Northern Uganda. The findings presented in this case study largely stem from the review of academic literature, reports, and policy briefs produced by government, non-governmental organizations (NGOs), and civil society organizations (CSOs) related to the Northern Ugandan context, including some select key informant interviews of stakeholders involved in the response to CRSV in Northern Uganda.

BRIEF HISTORY OF THE NORTHERN UGANDAN CONFLICT

Northern Uganda is a war-ravaged area in Africa following the conflict between the Lord's Resistance Army (LRA) and the government of Uganda that started in 1986 and has displaced over a million people.¹ The northern region as conceived in this case study consists of the Acholi, Lango, West Nile, Teso, and Karamoja sub-regions in Uganda. It is important to note that Uganda's post-independence struggles can be traced back to British colonial rule that polarized the country along ethnic, political, and religious lines. Analyses of pre- and post-independent Uganda reveals that the country has suffered several military coups, dictatorships, and armed rebellions. The 2014 Compendium of Conflicts in Uganda, for example, indicates that Uganda has experienced more than 125 conflicts.² The vast majority of these conflicts involved armed violence waged by various armed groups, including the Holy Spirit Movement,³ which evolved into the LRA,⁴ and Uganda National Rescue Front.⁵ The LRA war overshadows the various other conflicts in Uganda that remain largely unknown beyond the areas that are immediately affected and continue to impact on locals' perception of justice. Nevertheless, these conflicts devastated large parts of Northern Uganda for over two decades⁶ and have had an enduring impact on the region.⁷ While the motives behind these conflicts remain unclear, they are reported to have been mainly formed to address the North-South divide in the country due to unfavorable social, economic, and development policies.⁸ Since the signing of a cessation of hostilities agreement in 2006 following the Juba Peace Process,⁹ Northern Uganda is often described as relatively peaceful inasmuch as there is no armed conflict. However, the legacy of conflict remains unaddressed, with victims still demanding justice and that their rights to be upheld.

The Global Initiative for Justice, Truth and Reconciliation

In 2014, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth and Reconciliation (GIJTR), a consortium of nine international organizations focused on offering holistic, integrative and multidisciplinary approaches to issues of truth, justice and reconciliation. GIJTR works primarily with local populations, civil society organizations, survivors and governments to develop transitional justice approaches that are victim-centered, collaborative, and support dignity, respect, inclusion, and transparency in societies emerging from conflict or periods of authoritarian rule. Since its founding, GIJTR has engaged 801 local civil society organizations; 78 countries; 43 publications; collection of over 8,000 narratives of human rights violations; and supported 588 civil society organizations dealing with human rights violations.

For more information, please visit gijtr.org.



GIJTR
Global Initiative for Justice
Truth & Reconciliation

NATURE AND SCALE OF CRSV

Fifteen years after cessation of hostilities between the government of Uganda and the LRA in Northern Uganda,¹⁰ conflict-related human rights violations remain largely unaddressed, while thousands of victims are yet to experience any form of justice. Instead, they continue to suffer the consequences of the human rights violations, of which sexual violence was particularly prominent. Victims/survivors continue to live with the physical, psychosocial, and economic implications of CRSV. According to the United Nations, CRSV takes multiple forms, such as, inter alia, rape, forced pregnancy, forced sterilization, forced abortion, forced prostitution, sexual exploitation, trafficking, sexual enslavement, forced circumcision, castration, forced nudity, and any other form of sexual violence of comparable gravity.¹¹ Specifically in Northern Uganda, forms of sexual violence reportedly perpetrated by government and police forces as well as other rebel groups and Karamojong raiders included rape and sexual abuse, abduction, forced incest, sexual slavery, and forced marriage.¹²

A recent study reveals that one in three women in Northern Uganda report having suffered from CRSV, including forced marriage and rape.¹³ Furthermore, over two-thirds of participants said they continued to face physical and psychological issues, including untreated sexually transmitted infections, anxiety, and depression.¹⁴ According to a United Nations International Children's Emergency Fund (UNICEF) study on sexual and gender-based violence (SGBV) at a northern IDP camp, 469 cases were reported to police in Gulu District in 2004. The three most common forms of violence were rape, child sexual abuse, and physical assault. Teenage girls and young women were the most common victims of gender-based violence.¹⁵ In its 2007 Humanitarian Action Report, UNICEF stated that since the late 1980s, nearly 25,000 children had been abducted for use as child soldiers and sex slaves, including almost 7,500 girls, 1,000 of whom returned from LRA captivity having given birth to children.¹⁶ A seminar on "The Impact of the Northern Uganda Conflict on Young Girls," held on May 24, 2007, in Gulu and hosted by the World Vision Mother Daughter Project and the Agency for Co-operation and Research in Development, concluded that, "over 90 percent of the girls abducted were forced into marriages with their abductors and 94 percent of the girls and women sexually abused, violated and entered into forced marriages feel that there has been no justice in relation to their experiences. 97 percent do not want to be reunited with the man forced on them as husbands."¹⁷ Consequently, aid workers that operated in Northern Uganda have yet to establish the exact burden of children born outside marriage as a result of rape, defilement, and celibate affairs.¹⁸

Meanwhile, the reality of sexual violence against men during the early stages of the conflict is poignant in Northern Uganda.¹⁹ According to a survey by the BMC international Health and Human rights, 6.7 percent of the men reported having been exposed to CRSV, particularly "homosexual rape" and "abduction with sex/rape."²⁰ As showcased in many of the documentaries produced by Uganda's Refugee Law Project,²¹ male victims of sexual assault no longer, in the eyes of their society, identify as "men," which affects their self-image and gender identity.²²

Another recent review on the physical, material, and psychosocial harms suffered by the victims

(between 2002 to 2005) of Dominic Ongwen, a former LRA commander in massacres committed in three Internally Displaced Camps (IDP) in Northern Uganda notes that victims/survivors have significantly lower availability of appropriate health services and medications, as well as the burden of having to travel significantly greater distances in order to receive these services.²³ Securing basic needs and earning a livelihood is therefore problematic for victims/survivors of CSVR, resulting in limited access to food and essential services such as health care, social protection, education, and economic opportunities, and therefore rendering them more vulnerable to chronic poverty.²⁴

Structural gender inequalities and cultural norms associated with SGBV²⁵ exacerbate challenges for female victims, and this trauma can be intergenerational.²⁶ These findings demonstrate that Africa's Great Lakes region continues to experience some of the worst cases of CRSV, including mass sexual abuse of entire rural communities such as that of Northern Uganda. Moreover, the popular narrative that "Northern Uganda is now stable and recovered" limits the commitments by the government and development partners to recognize and address CRSV issues impacting the region at present. Yet, Northern Uganda, with its large rural population, is one of the most disadvantaged regions currently in transition, with the overwhelming majority of CRSV victims/survivors seeking justice and accountability after war.

PATHWAYS AND PROCESSES FOR SEEKING JUSTICE AND ACCOUNTABILITY

The relentless pursuit of justice and accountability for those who have endured the horrors of CRSV in Northern Uganda remains. Northern Uganda demonstrates a context where there are competing sovereignties "debating justice" and accountability.²⁷ Prosecutorial and traditional justice in Northern Uganda can be seen as two justice outcomes arising from two pathways and processes: criminal prosecutions and traditional practices. Prosecutorial justice is grounded in international law and the application of criminal law to bring about justice for victims/survivors of CRSV. Traditional justice, on the other hand, is embedded in the cultural and social structures relating to "cosmologies" of the various ethnicities such as the Acholi people.²⁸ Traditional justice approaches are based on collective community responsibility achieved by the application of cultural and traditional reconciliatory mechanisms to bring about justice for victims of CRSV. Analyses in this cases study, however, focus on pathways and process of seeking justice through criminal trials where prosecutorial justice is the ultimate vision, with the moral imperative of putting an end to impunity.²⁹

In advancing jurisprudence on CRSV, as well as the prosecution of atrocious crimes³⁰ committed in Northern Uganda, both the International Criminal Court (ICC) and the International Crimes Division (ICD) of the High Court of Uganda have included charges of sexual offenses in their trial proceedings. In February 2021, the ICC delivered its long-awaited verdict on Ongwen, who was convicted of war crimes and crimes against humanity, including 19 counts of crimes of SGBV committed in Northern Uganda. Meanwhile, the ICD is still holding a domestic trial of Thomas

Kwoyelo, a former mid-level LRA commander.³¹ Kwoyelo has been in custody since 2009 and is facing trial for 93 counts of charges of war crimes and crimes against humanity, including murder, rape, sexual slavery, torture, enslavement, kidnapping, and pillaging.³² However, both the ICC and ICD have been criticized for not prosecuting members of the Uganda People's Defence Force (UPDF) for their role in atrocities during the Northern Ugandan civil war.³³ This has led to the argument that in Africa there appears to be a growing trend that, whenever there is a war, and it comes to an end, there is a tendency toward "victor's justice" to be installed to initiate prosecutions for war crimes and atrocities committed by those on the losing side.³⁴ Often, those who count themselves among the winners (or at least exclude themselves from the losers) are not tried for similar or even worse atrocities and crimes.³⁵

Innovations, Opportunities, and Challenges

Since the 1990s, activists and legal and civil society actors have succeeded in pushing for sexual violence to be recognized as a stand-alone crime while exploring existing and emerging connections with torture. Through international legal courts, community reconciliation, and advocacy campaigns, efforts have focused on raising awareness about CRSV, as well as highlighting challenges that still exist when combatting continued perpetuation of CRSV and all its resultant consequences.

INNOVATIONS FOR REDRESSING CRSV IN NORTHERN UGANDA

| Broadcasting Criminal Accountability Initiatives

Prior to Ongwen's confirmation of charges hearing at the ICC and the pre-trial of Kwoyelo at the ICD, CSOs in Uganda have partnered with the ICC Field Outreach Office in Uganda and the ICD in conducting a series of victim consultations and dialogues. In addition, some CSOs have facilitated live community screenings³⁶ and published briefs about the trials at the ICC and ICD.³⁷ Such innovations are crucial in raising awareness around criminal accountability and act as a means for stimulating victims'/survivors' participation in judicial processes.

In December 2003, Uganda became the first African country to refer the Northern Uganda situation to the ICC. In this context, the story of the relationship between the ICC and Uganda as it pertains to criminal accountability found its full expression when on October 13, 2005, arrest warrants were issued against five members of the LRA: Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya, and Ongwen. The aim of these arrest warrants was to ensure that certain key individuals suspected of a range of serious war crimes would come to trial eventually. The underlying assumption for starting this process was that national courts were both unable and unwilling to take on this task.³⁸ Ongwen has since faced criminal charges and was found him guilty of crimes against humanity and war crimes committed in Northern Uganda.³⁹ He was consequently sentenced to 25 years of imprisonment and an order for submissions on reparations was issued. While victims/survivors of CRSV await reparations, CSOs continue to support them with interim measures, such as medical rehabilitation and psychosocial support.

In the spirit of complementarity under the Rome Statute, Uganda established the War Crimes Court under the Ugandan High Court, also known as the ICD of the High Court of Uganda, in 2011. The birth of the ICD follows the negotiations of Juba Peace Talks Agenda Item No 3 on Accountability and Reconciliation (AAR) and an implementing protocol (the AAR accords), which had been signed by both the Ugandan government and LRA delegations in June 2007 and February 2008, respectively.⁴⁰ The accords laid out national procedures for dealing with LRA and UPDF crimes committed during the conflict, including setting up a special division of the High Court of Uganda to hear domestic war crimes trials.⁴¹ Kwoyelo has been on trial since his March 2009 capture in the Garamba National Game Park in Democratic Republic of Congo and is facing charges for 93 counts of war crimes and crimes against humanity, including sexual violence, murder, hostage-taking and kidnapping, robbery, and pillaging, among others allegedly committed between 1993 and 2005 in Pabbo Sub-county, Amuru District.⁴² As the trial of Kwoyelo continues with approximately 53 state witnesses testifying against him out of the total 120 witnesses lined up since the trial commenced in 2018, civil society continues to mobilize and empower victims/survivors, thus giving them hope in the interim.⁴³ Relatedly, some civil society organizations are providing legal aid for victims of CRSV, including facilitating their access to basic and other pressing needs such as land rights and other property rights.

Memorialization of CRSV

Memorialization as a pathway to addressing CRSV in the Northern Ugandan context is largely civil society led as opposed to state led. Ugandan CSOs are innovatively promoting documentation and exhibition in present day transformative memory projects to build a wider understanding of the unspeakable experiences of CRSV. One of the most well-known memorials is the National Memory and Peace Documentation Centre (NMPDC) in the Kitgum district. The NMPDC aims to paint a more holistic picture of Uganda's history of conflict based on available documentation and memories of victims/survivors, while also providing war-affected communities with a platform for dialogue and remembrance.⁴⁴ The NMPDC holds a museum, library, collection of artifacts, and an exhibition display under the sub-themes; The Past, Harms of War, Transitional Justice Engagements, and Emerging Issues.⁴⁵ In addition to the research, education, and healing purposes of the exhibition, the NMPDC also hosts a notable exhibition about the experiences of girls in LRA captivity, launched in 2019 under the theme "Ododo Wa; Stories of Girls in War" as an illustration of how victims/survivors of CRSV are using stories to seek justice and accountability.⁴⁶ The rationale behind NMPDC memorialization innovations is to preserve memories so that people do not forget the things that happened to ensure non-repetition.⁴⁷ The NMPDC memorial also links Uganda's historical violence to sexual violence in other war zones, such as South Sudan and the Democratic Republic of Congo, and to contemporary refugee crises, thus merging the often segregated fields of transitional justice and forced migration within the Great Lakes region of East Africa, which is really innovative.

It suffices to say that curation and incorporation of CRSV in existing museums and memorials in Northern Uganda are slowly gaining prominence. The example of the NMPDC by the Refugee Law Project is one among many existing memorials remembering sexual violence in conflict initiated by various Ugandan CSOs working on issues of transitional justice and peacebuilding as part of their advocacy and drive to facilitate social healing among victims/survivors of atrocious harms. The importance of making connections between different forms of sexual violence in memorials to adequate reparation for victims/survivors of CRSV as a viable pathway

to justice and accountability is that it enhances the ability to continuously assess psychosocial support needs of victims/survivors at each stage of their journey to full recovery, even after criminal justice has been served. This brings into focus the aspect of commemoration.

Dozens of commemorative events, particularly memorial prayers, are held annually in various massacre sites in Northern Uganda. Some of the massacres regularly commemorated include the Abia Massacre, Barlonyo Massacre, Burcoro Massacre, Atiak Massacre, Lukodi Massacre, Obalanga Massacre, Ombaci Massacre, Achol Pii Massacre, Mukura Massacre, Mucwini Massacre, Namokora Massacre, and Omot Massacre located in the Acholi, Lango, West Nile, and Teso sub-regions. Almost all of them are conducted with support from CSOs in Uganda. While the majority of these massacres were perpetrated by the LRA and other rebel groups, the Mukura Massacre and Burcoro Massacre incidents were reportedly perpetrated by the National Resistance Army (NRA), which is now Uganda People's Defence Forces (UPDF)—Uganda's national army.⁴⁸

According to a report by the Justice and Reconciliation Project (JRP), "The Beasts at Burcoro," a brutal operation, was carried out by the 22nd Battalion of the NRA in a village located 16 kilometers northeast of Gulu town, in the sub-county of Awach, Gulu District. Hundreds of people were arrested, detained, interrogated, tortured, and/or sexually abused at Burcoro Primary School.⁴⁹ Between April 14 and 16, 1991, the NRA soldiers, commanded by Major Reuben Ikondere, under the auspices of Operation North, reportedly suffocated 35 men by forcing them into a tiny pit.⁵⁰ Several people died during this operation, however the actual number of those who died after the incident is still unknown. President Museveni, while emphasizing the importance of having a disciplined national army, noted that there are incidents to be "ashamed of" regarding the way the NRA fought rebels in Northern Uganda.⁵¹ While an official apology has been given by the government, victims are still waiting on the president's promise of punishing "elements of his army who participated in killings in Northern Uganda."⁵²

Meanwhile, the community's request for a monument was answered by a group of CSOs that worked with the community to construct a monument to remember the killings in Burcoro while victims/survivors wait for any possible compensation.⁵³ The monument is in the form of a sculpted tree on a high concrete stand, representing the killing of several innocent civilians during the search of a suspected LRA collaborator, Kapere. This symbolically references the Burcoro Massacre: each branch tries to signal to the viewer with words such as, "killing," "rape," and "sodomy," while the trunk reads "Human Rights Violations."⁵⁴ This particular commemorative space was inaugurated during the 16 days of activism against gender-based violence in 2015 under the theme: "From Peace in the Home to Peace in the World: Let's Challenge Militarism and End Violence against Women and an advocacy." Equally, a film entitled *Buchoro Memories* was produced as part of a global campaign of activism to end gender-based violence against women.⁵⁵ Such continued interaction with victims/survivors of CRSV and documentation of their experiences of rape and other forms of sexual violence and torture is a display of innovation by CSOs in the push for justice and accountability.

Documentation of CRSV

Advocacy films and video documentaries combined with community screenings are being used by various civil society organizations as viable pathways for pursuing healing, justice, and accountability. In the larger Northern Ugandan context, CRSV has been portrayed as an injustice that results in debilitating consequences, impacting social relations, inclusivity, and

productivity as symbolized in the short film *Buchoro Memories*.⁵⁶ This film recounts the horrors of CRSV following a brutal operation carried out by the 22nd Battalion of the NRA in April 1991. One woman's testimony carries throughout the film, highlighting the worst cases of gang rape, HIV infection, and sterilization resulting from the trauma. Creative methods, such as audio-visual documentation, are being used to research and theorize CRSV in Northern Uganda. To expose the hidden world of SGBV against men in the conflicts of the Great Lakes region of Africa, the Refugee Law Project for example has produced four video documentaries/short films. They include *Gender Against Men*,⁵⁷ *They Slept with Me*,⁵⁸ *Can Police Understand Conflict-Related Sexual Violence against Men?*⁵⁹ and *Men Can be Raped Too*.⁶⁰

In February 2016, the International Center for Transitional Justice (ICTJ) and Media Storm also released a short documentary film depicting the devastating effects of stigma and discrimination against children born of wartime sexual violence, and their mothers in Northern Uganda entitled *I Am Not Who They Think I Am*.⁶¹ This video highlights that more than 60,000 children were abducted in Northern Uganda during the conflict, and some 8,000 were born as a consequence of sexual violence.⁶² Relatedly, there have been a number of grassroots initiatives on documentation of conflict events and experiences spearheaded by various CSOs and most recently by the Uganda Human Rights Commission (UHRC).

Using the International Protocol on Documentation and Investigations of Sexual Violence in Conflict (PSVI Protocol),⁶³ the Refugee Law Project has promoted its uptake through training and building awareness among the security forces, particularly the UPDF, targeting the UPDF senior officers, including Chieftaincy of Military Intelligence (CMI) and officers in the UGABAG XXI & XXII contingents prior to deployment in Somalia on the AMISOM peace-keeping mission with the hope of building their skills in the documentation and investigation of CRSV for accountability purposes.⁶⁴ The training is critical in strengthening the capacity of senior officers in effectively and proactively documenting and investigating sexual violence in order to address the prevailing challenge of under-reporting and under-documentation of CRSV cases.

Further, the UPDF working in refugee-host communities in Northern Uganda has been trained on refugee law and transitional justice, since Uganda hosts over 1.5 million refugees, making it the largest refugee-hosting country in Africa.⁶⁵ The training is meant to enable the police to support the prevention of sexual violence and forced marriage among forced migrants and their hosts and to achieve post-war accountability in Northern Uganda.

Victim-/Survivor-Led Advocacy and Support Groups

State and non-state actors have recently started to appreciate a victim-/survivor-centered approach in the pursuit of justice and accountability for victims/survivors of CRSV, their families, and friends. There is a convergence of sorts among various stakeholders in Northern Uganda on the importance of support and education groups for victims/survivors, and CSOs would conduct community outreaches without direct involvement of victims/survivors. However, there is gradual improvement, with nearly all justice actors innovating various kinds of structured outreach initiatives that place victims/survivors at the core of their engagements. The Spotlight Initiative by the International Justice Mission (IJM) is one example in which survivor groups in Uganda perform short plays to educate the community on violence against women and children.⁶⁶

Meanwhile, international organizations, such as the ICTJ, have provided technical assistance, capacity building, and, in some cases, even partnerships with victims' groups in Northern Uganda.⁶⁷ As a result, victims/survivors of CRSV have been able to engage and mobilize around different transitional justice issues and advocate for justice. Similarly, national organizations, such as the RLP, have consistently sought to empower and work with victim groups such as the Burcoro Massacre Survivors Association to provide support in the areas of physical repair, psychological rehabilitation, and livelihood training. Thus, much-needed individual and social healing in the aftermath of the violent armed conflicts in Northern Uganda is fostered. Such innovations help create and widen platforms for victims to interact with and voice their concerns to state actors.

As such, there is an emerging acknowledgement and appreciation of the great work victim groups can play in catalyzing post-war physical and psychosocial rehabilitation as a pathway to justice and accountability. Efforts to engage and work with victim/survivor support groups to document, preserve, and communicate their conflict experiences have resulted in the realization of social support systems for healing, as well as being key platforms for advocacy. With increased civic awareness on victims' rights and steadfast growth in confidence levels, victims' ability to demand accountability as they journey toward achieving justice and emotional settlement has undoubtedly been enhanced.

Moreover, training provided to victims' groups has aided the easy identification of the accountability issues while empowering its members with lobbying and advocacy skills. In addition, victims' groups are equipped with group-dynamics skills so they can actively participate in engaging relevant stakeholders on accountability issues and strengthen their advocacy and support networks across the country. With these skills, victims/survivors of CRSV have been able to present petitions to government and demand for justice and accountability. A case in point is the petition by children born of war and their mothers, which is led by Gulu Women Economic Development and Globalization (GWED-G), a local grassroots NGO based in post-conflict Northern Uganda.⁶⁸

Screening of Victims for Rehabilitation Needs

For decades, the humanitarian practice has been to wait for victims/survivors of CRSV to come forward for assistance. While humanitarian actors are encouraged to address CRSV in emergencies, there is no clear guidance provided on how to establish prevalence in a given population as the basis for informing appropriate referral pathways and response mechanisms to minimize harm to survivors.⁶⁹ In the absence of a systematic identification process, many victims/survivors of CRSV fail to access available assistance whilst others get assisted without really disclosing the real source of the harm.

RLP has innovatively designed a tool in Uganda for screening refugees seeking assistance for experiences of sexual violence. The results of screening more than 3,000 refugees from the Democratic Republic of Congo, Rwanda, Burundi, and Somalia revealed that approximately 2 out of 3 women and 1 out of 3 men report experiences of sexual violence, which suggests that these experiences are key factors driving the decision to flee their home countries.⁷⁰ A recent screening for experiences of violence among war-affected South Sudanese refugees in Northern Uganda by RLP reveals that "more than half of all women survivors (52.8%) reported being raped by one individual, but 45.4% reported having been gang raped vaginally. 7.4% reported

being raped both vaginally and anally, and 6.5% reported vaginal rape with an object. Oral and anal gang rape were comparatively lower at 1.9% and 2.8% respectively.”⁷¹ The report further highlights several forms of both physical and sexual violence, beginning with physical violence, ranging from slapping and kicking to cutting, stabbing, and strangulation. Several specific forms of sexual violence were highlighted by the report, ranging from witnessing the rape of others to forced nudity, masturbation, unwanted touching, being used as a mattress while others are raped on top of you, genital harm, different forms of rape, sexual slavery, forced marriage, forced engagement in sexually violent acts, forced pregnancy and termination, survival sex, and forced bestiality. What is quite unique about this screening exercise is the connection to a referral pathway to rehabilitation. In most cases where issues were identified during the screening, the individual was referred to a partner organization for further referral to the relevant implementing partner in that settlement. However, where it was evident that the person was in dire need and the medical facilities were unlikely to be able to accommodate that need (e.g., cases of rectal prolapse), referrals were made through long-established channels that RLP has built with Lacor Hospital in the town of Gulu.

OPPORTUNITIES TO REDRESS CRSV IN NORTHERN UGANDA

Arising from the need for a “more victim-centered understanding of justice and redress in response to sexual violence”⁷² and an appreciation of victim-centered approaches in Northern Uganda, victims/survivors of CRSV are organizing better than before, constituting themselves into survivors’ and victims’ support groups or associations. Examples from Northern Uganda can be replicated or explored elsewhere in Africa and beyond.

Uganda, as the largest refugee-hosting country in Africa, with the majority of refugees being settled in Northern Uganda, presents a rare opportunity for piloting interim justice measures for refugee survivors of CRSV instead of waiting for them to return to their home countries for such measures to start. The space for discussing CRSV against women and men for refugees seems to be widening as opposed to the experience of victims/survivors of the Northern Uganda insurgency. Sexual violence against men with reference to refugees appears to be gaining some recognition and spaces are evolving for discussion, while the space for exploring CRSV against men with reference to former IDPs in Northern Uganda seems to be shrinking.

Furthermore, curation and representation of CRSV in memorial sites, museums and other spaces appears beneficial for victims/survivors on their pathway to gender-sensitive justice and accountability since it is reportedly facilitating disclosure. This presents opportunities for advancing the research agenda on various aspects of CRSV including legal research, medical research, and multi-sectorial research. Further, the potential impacts of mobile exhibitions in advancing transformative gender justice in Northern Uganda are another opportunity yet to be tapped, particularly with regard to reversing the harmful cultural practices and norms that perpetrate CRSV.

CHALLENGES IN REDRESSING CRSV IN NORTHERN UGANDA

Criminal accountability and judicial processes are unreasonably slow, with delays in prosecutions caused by funding gaps. The trial of Kwoyelo at the ICD highlights many complications involved with pursuing justice and accountability in Uganda. Kwoyelo, who has been in jail custody for close to 14 years, is the first person to be tried by ICD. The delays in his prosecution have been attributed to many factors, including funding gaps, limited capacity, and controversial amnesty laws that were interpreted at one point to include amnesty for international crimes, such as war crimes, crimes against humanity, and genocide.⁷³ That interpretation was ultimately narrowed to exclude international crimes by the Supreme Court of Uganda in 2015, when it ruled that Kwoyelo was ineligible for amnesty. This decision allowed the ICD to commence Kwoyelo's trial. These challenges have made the trial of Kwoyelo last relatively longer than expected. Furthermore, the gap between victims and court proceedings makes the ICD heavily dependent on civil society and development partners for support of its public outreach activities, including judicial trainings, exchanges, and the development of relevant judicial materials. This was necessary to enhance its efficiency, such as in the ICD's Rules of Procedure and Evidence and Judicial Bench Book on the practice and procedure for the adjudication of international crimes in domestic court.⁷⁴

Beyond its domestic prosecution of international crimes, the Ugandan government, despite involving the ICC in holding perpetrators to account, has no evidence of military officials having been held to account over crimes committed in Northern Uganda as pledged in relation to the Principle of Complementarity under the Rome Statute. Besides, the lack of information and knowledge on CRSV, including financing victim-centered advocacy initiatives, remain a challenge.⁷⁵

Whereas Ongwen is the first to be tried in an international court for forced marriage as a crime separate from sexual slavery and other sexual violations, with a verdict having been passed in February 2021, a larger section of victims/survivors of CRSV have no hope for reparations because they are not part of the victims of a case. Yet, the government of Uganda has also not established appropriate legislation that would allow for reparations as an alternative pathway to justice for the many victims/survivors already excluded by the ICC verdict. Even where the ICC has provided for reparative interim measures through the Victim Trust Fund, state-led reparations initiatives for CRSV are lacking.

Moreover, CSOs, including development partners working broadly on governance, human rights, justice, and accountability, continue to experience a backlash from government. In 2014, the RLP was closed down for hosting the Civil Society Coalition on Human Rights and Constitutional Law, and was later banned from screening the *They Slept with Me* documentary. The Democratic Governance Facility (DGF), a multi-donor facility established by eight development partners including the United Kingdom, Netherlands, and the European Union⁷⁶ became the recent victim of such backlash after its activities were suspended and later closed in December 2022.⁷⁷ In

May 2023, the Office of the United Nations High Commissioner for Human Rights (OHCHR) also stopped all its operations and exited Uganda following refusal by the government to renew an agreement that allowed OHCHR to operate in the country.⁷⁸ All this points to a shrinking civic space and a bigger challenge in redressing CRSV in Northern Uganda.

Other more practical challenges in redressing CRSV in Northern Uganda relate to lack of reliable and valid data in terms of the numbers of victims of sexual violence. An assessment of the NMPDC data set suggests that it substantially lacks reliability and validity despite its potential as an archival resource.⁷⁹ Research on the long-term effects of CRSV on the health and social well-being of survivors is scant.⁸⁰ Moreover, there are underlying assumptions in many contexts around homosexuality that seem to impact research and advocacy around sexual violence against men. Victims/survivors are also reluctant to continually narrate their experiences due to limited political will to recognize CRSV harms.⁸¹

Lessons, Reflections, and Recommendations

LESSONS AND REFLECTIONS

Achieving justice and accountability for victims/survivors of CRSV is a tall order, particularly when governments make use of judicial institutions for delivering their own form of victors' justice. While "criminal justice and related proceedings by definition do not have a societal mandate writ large,"⁸² it can be a basis for mobilizing action aimed at delivering a more holistic justice and accountability measures.

Back in 2005, a survey conducted in Northern Uganda revealed that not everyone was aware of exactly what justice meant in the aftermath of a war.⁸³ A recent study on the framings of justice in the Facing Justice program, which ran from 2009 to 2013, established that victim-centered justice and gender justice were noticeably absent from the dominant legal, and to a lesser extent distributive and restorative, justice frameworks.⁸⁴ The multiple and hybrid understandings of justice expressed by local people, on the other hand, transcended usual distinctions between legal justice, distributive justice, and rectificatory justice.⁸⁵ It is not surprising that the ICC trial of Ongwen attracted mixed responses from people in Northern Uganda, including those from victims/survivors. Consequently, the ICC had to seriously invest in community outreach to educate victims/survivors on the question of criminal justice and accountability that the court aimed to deliver.

The fundamental lesson is that justice and accountability need to be qualified using more specific and perhaps local terms, such as "criminal," "transitional," "economic," and "social justice." However, even then, people may not know what these terms actually mean, especially those who are displaced and still in exile, for instance. Social justice being the broadest form of justice should be pursued in such a way that victims/survivors of CSRV can obtain a "life with peace and security and without fear."⁸⁶ Insightfully, the greatest challenge transitional justice regimes now face is how to obtain social justice for those displaced, as IDPs or across borders as refugees. A response to this challenge demands multi-stakeholder participation in redressing CRSV, including in research and advocacy as pathways to delivering justice and accountability through a gender-sensitive approach.

Even though funding for redressing CRSV is relatively limited, the conditions associated with existing funding opportunities to support victims/survivors while in the process of obtaining justice further constrain effective survivor-centered work. While donors may provide funding for medical rehabilitation and psychosocial support, for instance, one may not be able to support victims/survivors with burial expenses in the event a client or close relative is lost in the process of seeking justice and accountability. Likewise, training of media actors on a survivor-centered approach to eliminate reporting practices that might cause harm is not particularly attractive to certain donors.⁸⁷

From a grassroots perspective, legal gymnastics in courtrooms that characterize criminal justice have a tendency to retraumatize and inhibit victims' participation in criminal proceedings. The result has been abstinence of victims/survivors from proceedings, thus widening the gap between victims and court proceedings, as seen in the Kwoyelo trial at the ICD.⁸⁸ The practice of holding trials in locations so distant from victims/survivors further complicates management of victims' expectations, as was the case in Ongwen's trial at The Hague. It emerged in the northern context, however, that in setting up the ICC, there was never the intention to broadcast live court proceedings in all the war-affected communities. This issue can be ameliorated through collaboration with local actors, such as media and civil society, so as to reach all the affected and concerned stakeholders in seeking justice.

It has been observed that the reality of sexual violence against men, besides being overlooked, silenced, and neglected locally, has also widely been absent from general analyses of the war in Northern Uganda.⁸⁹ Relatedly, the magnitude of the challenge of children born of war and their mothers in Northern Uganda is reportedly overwhelming, though less prioritised. According to the ICTJ, the reintegration of these women and their children into communities is inhibited by social stigma, rejection, and inadequate access to education, health care, and other services.⁹⁰ These revelations affirm that the research agenda on CRSV is at different phases and therefore needs to be more focused. Similarly, there is need for male engagement on CRSV given that women-emancipation programming in post-conflict Northern Uganda has tended to exclude the men who should be allies in redressing CRSV.⁹¹

RECOMMENDATIONS

Advancing Research and Advocacy on CRSV. The use of action-oriented research methodologies, including documentation and empowerment of victims/survivors, may help advance a holistic approach to justice and accountability for CRSV survivors. Equally, capturing the experiences of CRSV through creative methods such as filmmaking, as explored in Northern Uganda, can motivate disclosure and encourage survivor-led activism in other contexts, such as in the Democratic Republic of Congo, Sudan, South Sudan, Burundi, Central African Republic, Mali, and Niger.

Modeling Best Practice. The approaches of redressing and preventing CRSV in Northern Uganda, such as victims/survivor support groups and memorialization, are commendable. These tactics can be replicated or explored in other contexts, including in the Great Lakes region and other African countries and continents faced with the challenge of CRSV.

Countering Backlash. It is important to prepare for any kind of backlash from governmental bodies if one's work and research unveils sexual violence as being perpetrated by state agencies. Lessons from Northern Uganda transitional justice strategies such as civil society platforms play a pivotal role in pushing for a holistic approach to justice and accountability for the CRSV agenda. The CSO platforms can act as a form of immunity against isolation and persecution by authoritarian states.

Policy and Legal Reforms. Redressing CRSV requires a more conducive and enabling policy environment that allows for the pursuit and realization of holistic justice for victims and survivors of CRSV. Uganda continues to categorize rape as an offense against morality,⁹² which has the overall effect of trivializing the seriousness of such an act. Besides, rape is defined as an attack upon the honor of a woman instead of as a gross violation of the bodily integrity of a person, regardless of their sex or gender. This categorization is problematic and should be urgently redressed through domestic reforms targeting alignment with international law.⁹³

Endnotes

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