



Multisector Collaborations for Transitional Justice in Uganda

Julia Hanebrink, MA Rhodes College; Hugh Tuller, MA Defense POW/MIA
Accounting Agency; Tricia Redeker Hepner, PhD Arizona State
University; Dawnie Wolfe Steadman, PhD D-ABFA University of Tennessee;
Paul Emanovsky, PhD D-ABFA International Commission on Missing
Persons; Jaymelee J. Kim, PhD University of Findlay

Humanitarian and Human
Rights Resource Center

Abstract

As Uganda moves towards adopting a national Transitional Justice (TJ) policy, we explore challenges and opportunities for collaborations between government officials, civil servants, nongovernmental organizations, forensic and social scientists, and residents of war-affected communities. Interviews with stakeholders in multiple sectors revealed micro and macro forces that impact implementation and participation in TJ initiatives.

Objectives

1. Identify stakeholders in forensic human rights intervention efforts.
2. Evaluate a multisector collaborative approach and identify stakeholder objectives.

Intro

Forensic human rights interventions are often incorporated into both formal and informal TJ models – temporary justice frameworks that utilize diverse tools (e.g. amnesty, human remains identification and repatriation, truth commissions, etc.) to achieve justice, accountability, and reconciliation. As such, the findings presented here are part of a multi-phase, longitudinal applied anthropology research project aiming to assess the interest and capacity in developing means to address mass graves and other forms of improper burials generated by the war between the Government of Uganda (GOU) and the Lord's Resistance Army (LRA) in the country's northern region.

In 2019, 10 years after the GOU-LRA ceasefire, a National Transitional Justice Policy was approved, a necessary predecessor for the development of a National Transitional Justice Bill– the document that will outline TJ implementation and the possible incorporation of forensic intervention.

Methods

Qualitative data were collected from 2012 to 2019 vis-à-vis observation, participant observation, and interviews with Members of Parliament, forensic and social scientists, members of government departments, and residents of war-affected communities, and cultural and civil society organizations - including non-governmental organizations that work with survivors.



Findings

CULTURAL & CIVIL SOCIETY ORGANIZATIONS (CSOs)

- Several CSOs have undertaken documentation, mapping, exhumation, and memorialization efforts in northern Uganda; however, these lack coordination and capacity due to the focus on specific and individualized mandates.
- CSOs outside of the northern region are concerned the emphasis on TJ efforts in Acholiland cause their TJ needs to be overlooked. For example, one NGO in western Uganda stated that TJ initiatives have not addressed historic and contemporary violence in their region – including massacres that took place as recently as 2016.
- Most CSOs believe that forensic mapping and documentation are important for memorialization, identification, reburial, evidentiary, and preservation purposes.
- Many CSOs expressed interest in exhumations, but others lacked interest or were divided on the desire and utility of this process.
- Community members report that previous CSO interventions have led to confusion regarding people's understanding of forensic science. For example, some development organizations have funded rituals intended to appease angry spirits and reconcile the living and the dead, but lacked documentation and scientific methodology during excavation and reburial processes.
- Potential conflicts exist between cultural or local religious practices related to burials, different religious beliefs about the dead, and the practice/requirements of forensic science.

Findings (cont.)

GOVERNMENTAL ORGANIZATIONS

- Government departments with a forensic focus are very interested in capacity building via short courses in forensic anthropology/archaeology methods and other forms of international partnerships; however, several members of departments with an explicit TJ focus were unfamiliar and/or resistant to incorporating forensic science into national policy.
- Government officials tasked with creating and implementing a national TJ policy have disparate degrees of familiarity with and understanding of various TJ processes and tools.
- Uganda has also created a blended judicial process in which traditional and contemporary justice models are presumed to work together; however, retributive and punitive contemporary justice models are often at odds with and take precedence over restorative justice traditions that focus on reconciliation.

- The quote pictured below is from the "Transitional Justice Report Card" published in Dec. 2020 by the Uganda Justice, Law, & Order Sector Secretariat.

Key issues identified during the outreach program sessions included community ignorance about their responsibilities in relation to the prosecution of international crimes, especially with regards to securing exhibits like mass graves that are used for evidence by the prosecution.

This statement - the only sentence that mentions mass graves in this 50 page report - suggests that victimized communities are expected to come forward with information and/or protect sites with potential evidentiary value; however, they lack the resources, support, and mechanisms with which to do so.

Findings (cont.)

FORENSIC PATHOLOGISTS

- Pathologists requested short courses on forensic anthropology, exhumation, and documentation.
- Forensic pathology functions largely as an unpaid service. Pathologists are paid through their university or hospital positions and volunteer their services in a forensic capacity when requested. This not only inhibits medical doctors from pursuing forensic pathology, but forensic anthropology as well.



2018 workshop with forensic pathologists

DNA lab with evidence bags



FORENSIC BIOLOGISTS & GOVERNMENT LABORATORIES

- Forensic Biologists and other government lab technicians expressed enthusiasm for collaboration and capacity building – particularly regarding DNA extraction and community sensitizations on DNA processes and possibilities.

Summary

Among NGOs, CSOs, governmental departments and organizations, and forensic scientists, there exists a wide range of understanding of and desire for forensic interventions. Forensic efforts in Uganda are currently decentralized and lack coordination with each other as well as with national TJ initiatives. All stakeholders acknowledged the need to incorporate “traditional” means of justice and reconciliation into a national TJ policy. Any future attempt to use forensic science methods in identifying remains will need to be carefully conducted and accompanied by community education and sensitization in order to manage expectations. Multisector communication and collaboration are imperative in such a process.

Acknowledgements

We would like to first and foremost, thank the members of the Ugandan medico-legal community, grassroots organizations, civil societies, community members, and our collaborators for supporting and contributing to this project. The longitudinal research was made possible by the support of diverse funding agencies, including, but not limited to the National Institute of Justice, the AAFS Humanitarian and Human Rights Resource Center, NIH-NIMHD MHIRT Program (#T37 MD001378), Wenner-Gren Foundation (Grant 9075), The University of Findlay, and The University of Tennessee.