



Refugee Law Project

School of Law, Makerere University
A Centre for Justice and Forced Migrants



A Renewed Promise for Peace & Justice: The Reinstatement of Uganda's Amnesty Act 2000

As a Centre for Justice and Forced Migrants, the Refugee Law Project would like to commend the government of Uganda (GoU) for reinstating Part II of the Amnesty Act 2000. Part II of the Act which provides for the grant of amnesty was controversially suspended last year in May 2012. The lapse of Part II not only closed doors to potential for a peaceful resolution of ongoing armed conflicts in Uganda, particularly for the over two decades lasting insurgency of the Lord's Resistance Army (LRA), currently operating in Central African Republic and the Eastern Democratic Republic of Congo, and the rebellion of the Allied Democratic Forces (ADF). Additionally, it condemned hundreds of innocent children who had been forcefully abducted to the inevitable collateral damages of a military solution.

The reinstatement of Part II of the Amnesty Act 2000 therefore, beyond righting a wrong which had been committed against the victims of abductions, forced brutality, tyranny and a failure to protect, now comes with a renewed promise for a peaceful resolution of the conflicts. This will inevitably open doors to a meaningful, inclusive and comprehensive transitional justice process for Uganda as envisaged under the July 2007 Agreement on Accountability and Reconciliation between the GoU and the LRA in Juba.

We applaud the courage exhibited by a host of peace loving civil society organizations and members of the national CSO Platform for Transition Justice in Uganda, who petitioned the Parliament of Uganda to reinstate Part II of the Amnesty Act. Furthermore we praise those who guided the Committee of Defence and Internal Affairs in reaching the inevitable conclusion that peace is indeed the first measure of justice, a position adopted by the African Union Policy Framework for Transitional Justice. The reinstatement of the Act also reinforces the Constitutional Court ruling in Col. Thomas Kwoyelo alias Latoni vs. Attorney

General that Uganda's amnesty, unlike others is unique and was crafted with a purpose to address the cycle of violence that besieged this country since 1986.

We thank the outgoing Minister of Internal Affairs Hon. Hillary Onk for heeding to the voices of conscience, the Deputy Speaker of Parliament Hon. Jacob Oulanyah for providing able leadership, the Attorney General for acting in the interest of justice and the President of Uganda H.E Yoweri Kaguta Museveni, who by sanctioning the reinstatement of the full amnesty has once again demonstrated his willingness to pursue a peaceful end to hostilities against his government.

Going forward, the Refugee Law Project on behalf of its civil society partners and members of the CSO Platform would like to urge the following:

A call for action: this reinstatement is a call to the GoU, regional and the international community to support a peaceful option to end the ongoing conflicts once and for always. Whereas, the military approach has weakened or at least kept the insurgent groups on their toes, it has certainly failed to end the insurgency and suffering of civilians in the affected areas. There is need to revive the Juba peace process and end all conflicts through peaceful negotiations.

Not a magic wand for impunity: the reinstatement of Part II is by no means a setback to pursuit of justice for victims. Instead it's an opportunity to implement the Act in its entirety and promote reintegration and reconciliation amongst the affected communities. The reinstated Part II contains provision under Section 2 A of the 2006 Amendment which provides for exclusion of certain categories of people from the grant of amnesty. The Minister and Parliament should take this opportunity to develop criteria for exclusion under the Act.

Develop a Transition Justice Policy for the future: the JLOS-TJWG has rushed forth an incoherent Transitional Justice Policy Framework for the sake of filling the legal gap created by the lapse of Part II. This reinstatement provides JLOS with ample time to properly consult and develop a robust TJ Policy that will steer this country to the future by acknowledging past atrocities and human rights abuses, ensuring accountability, serve justice and promote reconciliation. There is need to

financially support the DRT within the amnesty commission to implement its reintegration and reconciliation mandate accompanied by a clear government commitment to reparations for victims in the immediate, intermediate and long run.

Embrace a holistic approach to TJ: finally, the government through its line ministries should embrace a holistic transitional justice approach and introduce programs and mechanisms to repair or assist individual victims/survivors with medical treatment, psychosocial support and rehabilitation for returnees and victims in order to achieve social and national healing.

For more information contact Refugee Law Project, School of Law, Makerere University –Kampala www.refugeelawproject.org or research@refugeelawproject.org or call +256-776-897-003.