
THE WOMEN'S HUMAN RIGHTS IN THE WAR ZONE

A CASE STUDY OF NOTHERN UGANDA

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INTRODUCTION:

Northern Uganda is composed of 16 districts¹ and by 2003 it had a population² of 6.5 million people that represented 35% of the Ugandan population, which is now estimated at 31 million. The Acholi Region, parts of Lango and Teso Region have experienced insecurity for over 20 years since August 1986³. This civil war was waged by the Lord's Resistance Army (LRA) under the leadership of Joseph Kony and has adversely affected civilian population, as a result of which more than 1.6 million people have been displaced⁴, massively killed, tortured, mutilated, abducted, conscription of young boys into the LRA rebel group as combatants, defilement, rape and sexual abuse of young girls and women, forced into marriages and pregnancies and destruction of property.

Owing to a series of attacks launched by the LRA against the civilian population, the people fled from their homes and settled in camps which came to be known as the Internally Displaced Persons Camps (IDPCs) wherein the women and children constituted 80 Percent⁵. In the IDPCs there has been gross violation women's Human rights including: sexual abuses, rape, defilement, torture, murder, lack of essential amenities like food, shelter, health facilities, water and insecurity. Such continuous violations of the women's Human Rights in the IDPCs was n contravention of the 1995 Uganda Constitution, ⁶the regional,⁷ and the International Human Rights Treaties⁸ and more importantly the Rome Statute of International Criminal

1 The Uganda Human Rights Commission 6th Annual Report, 2003 at p.61.

2 Ibid.

3 Ibid at p.52.

4 The 8th Annual Report 2005 to the Parliament of Uganda by the Human Rights Commission at p.99.

5 Joyce Namutebi, "Abducted girls return," The New Vision, Thursday march 29, 2007 at p.9.

6 Chapter 4

7 See the African Charter on Human and Peoples Rights and the African Charter on the Rights and Welfare of the Child.

8 See the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture; and the Convention on the Rights of a Child.

Court (1998) to all of which Uganda is a signatory.

The worsening of the Human Rights situation in the IDP camps coupled with persistent mass killings by the LRA, and the lukewarm response by LRA towards the call for embracing the Amnesty policy prompted President Yoweri Museveni to refer the matter to the International Criminal Court (ICC) with a view of prosecution. The ICC made its investigations of the crimes and established that LRA rebels have committed war crimes and crimes against humanity which should be accounted for. Arrest warrants were issued against the five LRA rebel commanders but these warrants have not been executed yet.

The government of Uganda and the LRA rebels are now in peace talks in a bid to settle the conflict amicably and provide a long term solution in order to restore peace and Human Rights in the region. Several agreements have so far been signed including; the Cessation of Hostilities Agreement, the agreement on comprehensive resolution to the war and also agreement on accountability and reconciliation. Despite this positive out-come, the people are still living in fear and most of them spend the night in the camps and return to their homes during the day.

The research paper is intended to explore the impact of this war on the women's Human Rights, to look into the present peace processes embarked upon by the Government and LRA, in seeing its impact on the realization of the women's Human Rights, and lastly to examine the solution to the victims of the war in terms of recommendations.

THE IMPACT OF THE WAR IN NORTHERN UGANDA ON WOMEN'S HUMAN RIGHTS

The war in Northern Uganda has caused immense suffering to the women and has totally eroded their Human Rights. Several violations have been occasioned to the women including; the denial of the right to life, liberty and Security of a person whereby the LRA carried out indiscriminate mass killings.¹ It is reported that during the Patong massacre, the LRA rebels 'chopped and cooked people,² and that abductees who failed to walk or carry the luggage were killed and their blood collected in containers for the

1 The Uganda Human Rights Commission 6th Annual Report, 2003 at p.55, see also the 7th Annual Report 2004 to the Parliament of Uganda by the Human Rights Commission at p.109-110.

2 Henry Mukasa, 'A year of Peace Talks,' The New Vision Saturday, July 14, 2007.

rest of the abductees to drink or else die of thirst.¹ There has been massive displacement of the people most of whom were forced to abandon their homes for the IDPCs in search for security. By 2004, 80% of the population in northern Uganda continued to live in camps² of which 80% were women and children.³ Several people were physically tortured and mutilated by the LRA, some women had their noses, ears, breasts cut off,⁴ others had their lips pierced with knives by fellow abductees on orders of the LRA and big padlocks were passed through the holes.⁵

The women and young girls received inhuman and degrading treatment at the hands of the LRA including; mass rape, defilement and it was reported that sexual abuses including rape and defilement were meted on the girls as young as 10 years by the IDP camp soldiers, in camps like Amida and Aleka.⁶ As a result of the sexual abuse, some women are currently suffering from Vascular Vaginal Fistula (VVF) whereby the urine goes through the vagina instead of the Urinary Tract due to violent tissue damage.⁷

Most of the women and girls who were abducted were forcefully impregnated by the LRA, and 'of nearly 25,000 children estimated to have been abducted since the late 1980s, and 7,500 are girls and 1,000 of whom returned from LRA captivity having conceived and produced children.'⁸ The high rate of poverty in the region as a result of the war also drove women and young girls into prostitution for survival,⁹ this has increased the outbreak of diseases including HIV/AIDS and by 2004, northern Uganda is stated to have had the highest HIV/AIDS prevalence rates in Uganda, 'ranging from 9.3% in Kitgum to more than 13% in Gulu, compared to the national average of 6%.¹⁰

1 Harriette Onyalla, 'I lost my leg to bullet wounds,' Sunday Vision, July 15, 2007 at p.15.

2 The 7th Annual Report 2004 to the Parliament of Uganda by the Human Rights Commission at p. 109.

3 Joyce Namutebi, 'Abducted girls return,' The New Vision, Thursday march 29, 2007 at p.9

4 Ibid at p.109.

5 Harriette Onyalla, 'I lost my leg to bullet wounds,' Sunday Vision, July 15, 2007 at p.15.

6 The 7th Annual Report 2004 to the Parliament of Uganda by the Human Rights Commission at p. 109.

7 Dr. Mungherera, 'The Psychosocial situation in Norther Uganda,' Article in "Access; Victims' rights before the International Criminal Court,' Victims' Rights Working Group Bulletin, Issue 8. Spring 2007 at p.4.

8 Joyce Namutebi, 'Abducted girls return,' The New Vision, Thursday march 29, 2007 at p.9

9 Ibid at p.114.

10 The 7th Annual Report 2004 to the Parliament of Uganda by the Human Rights Commission at p. 114.

The denial of a right to standard of living adequate to health whereby the camps had limited supply of food which resulted into malnourishment of the children, emaciation of the adults and sometimes death due to starvation.¹ Water shortage was also a problem especially in rural camps, other camps had few or no boreholes or some boreholes were broken down.² The shelter was inadequate with some IDPs sleeping under shop verandas, tree shades or poorly grass thatched huts.³ The hygiene was in deplorable condition due to congestion in the camps, there was poor hygiene reaching to the extent that 'in some parishes, one toilet was shared by 7000 IDPs.'⁴ The health facilities were in a deplorable condition with few health units, with medical personnel, shortage of drugs.

It should be noted that the violation of the right to adequate standard of living is still continuum to date and has highly impacted on the expectant mothers who have now resorted to delivering from the camps with the help of a traditional birth attendant because, according to them the midwives in health centres 'are allegedly very far, expensive and rude.'⁵ The conditions under which the traditional birth attendant work are appalling, she has two grass thatched huts, one serving as labour ward and another as waiting room, papyrus mats act as beds and she 'delivers a minimum of five mothers during day time and seven at night.'⁶ With the high rate of poverty levels, mothers can hardly afford safe delivery items like gloves, sterile plastic sheet and cotton wool or baby clothes.

ICC INDICTMENTS Vs PEACE PROCESS

Several arguments have been advanced regarding the feasibility of prosecution of the LRA by the ICC visa-a-vis THE ON-GOING PEACE PROCESS IN Uganda. LRA want the indictments lifted before the conclusion of the peace agreement and on the other hand, the position of Government is that the issue of lifting ICC indictments will be addressed after peace agreement has been concluded and after the LRA has gone through the

1 The 7th Annual Report 2004 to the Parliament of Uganda by the Human Rights Commission at p. 111.

2 Jane Nafula, 'Displaced mothers flee clinics over poor services,' Daily Monitor Monday, July 2, 2007 at p.13.

3 Ibid at p.113.

4 Ibid.

5 Jane Nafula, 'Displaced mothers flee clinics over poor services,' Daily Monitor Monday, July 2, 2007 at p.13.

6 Ibid.

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This is position reaffirmed by the President of Uganda in very strong whereby he threatened that in event of failure by the LRA to sign the agreement, 'they will be arrested, if not killed.'²

The President's statement implies that Uganda will be willing and able to prosecute the case and at the same time address the issue of impunity as required by the Rome Statute and the ICC's role will only be 'complimentary to National Criminal Jurisdictions,'³ except where the ICC realizes that the courts of Uganda are 'unwilling or unable genuinely to carry out the investigations or prosecutions.'⁴ To pave way for domestic prosecutions, the agreement on accountability and reconciliation spells out, in its Paragraph 5.1, the capability of the institutions and laws of Uganda in addressing the crimes and Human Rights Violations.⁵

The formal courts are mandated to exercise jurisdiction over individuals who are alleged to bear particular responsibility for the most serious crimes, especially crimes amounting to international crimes, during the course of the conflict,⁶ except for the state actors (UPDF) who will be subjected to existing criminal justice processes and not special justice processes and not special justice processes under the agreement.⁷ The agreement further permits the formulation of a legislation introducing a regime of alternative penalties and sanctions which shall be applied; and where the non-state actors committed serious crimes or violated Human Rights in the course of the conflict, then the existing penalties and sanctions shall be replaced.⁸

As the Government of Uganda is grappling with the issue of addressing the mechanism of restoring peace and enforcing justice, the ICC has a heavy task of enforcing the warrants of arrest of the indicted LRA commanders.

- 1 Emmy Allio, Felix Osike & John Odyek, "Kony must confess," *The New Vision*, Thursday 22, 2007 at p.3.
- 2 President Yoweri Museveni, "Parasitic Teachers will be arrested," *Sunday Vision*, July 22, 2007 at p.9.
- 3 See also Article 1 of the Rome Statute of International Criminal Court (1998).
- 4 *Ibid* Article 17 (1) (a),.
- 5 Henry Mukasa, "Govern
- 6 See paragraph 6.1 of agreement.
- 7 See paragraph 4.1 of agreement, Henry Mukasa, "Government LRA agreement on accountability and reconciliation," *The New Vision*, Tuesday, July 3, 2007 at p.10
- 8 *Ibid* paragraph 6.3.

Whatever mechanism is embarked upon by the Government of the ICC, the primary objective should be not only promoting justice, but also creating long-lasting peace and establishing measures to prevent the re-occurrence of the war as well as restoring the Human Rights in the region.

RECOMMENDATIONS

1. There is a need to establish the Truth and Reconciliation Commissions to enable the LRA make accountability for their actions, confess and seek for forgiveness. This will help the victims of the war understand what happened, overcome their hunger and be able to live with the past.
2. Format courts and Tribunals which will carry out the prosecutions should conduct public hearings and also make reference to the norms of International Law in order to address the issue of impunity. For very serious offences, the punishment awarded should reflect the gravity of the offence. Compensation should be awarded to the victims to ensure that their sufferings are recognized and redressed.
3. There is a need to establish various social amenities including; hospitals, health centres, schools, construction of bore holes, markets, among others. To solve the problem of insufficient health personnel, the Traditional Birth Attendants should be trained modern method of maternal care and should be adequately facilitated.
4. There is need to establish rehabilitation centres, recruit and train more social welfare officers to counsel and treat the victims of war to enable them lead a normal life.
5. There is need to improve on Transport facilities through construction of roads in order to increase accessibility to this region and advance development.
6. There is need to supply the people with agricultural tools and equipment, quality seeds, animals to enable the people revive the agricultural sector and combat the problem of starvation.
7. To solve the problem of poor shelter, the Government should provide iron sheets and bricks to the people and the elderly and disabled should be assisted to erect new homes.