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Modern Challenges to Traditional Justice: The Struggle to Deliver Remedy and Reparation in War-Affected Lango

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Photo Credit

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Executive Summary

As part of the *Juba Peace Agreement*, under the *Agreement on Accountability and Reconciliation* and its *Annexure*, traditional justice mechanisms were envisioned as instruments to help address serious crimes and resulting harms suffered by civilians in the Greater North of Uganda during more than two decades of conflict between the Government of Uganda (GoU) and the Lord's Resistance Army (LRA).¹ Traditional justice mechanisms were envisaged to work alongside other transitional justice mechanisms within the larger justice and reconciliation framework. The *Annexure to the Agreement on Accountability and Reconciliation* specifically states: 'The Government shall, in consultation with relevant interlocutors, examine the practice of traditional justice mechanisms in the affected areas, with a view to identifying the most appropriate roles for such mechanisms. In particular, it shall consider the role and impact of the processes on women and children.'²

This report aims to contribute to an understanding of the parameters and practices of traditional justice mechanisms within Lango sub-region,³ one of the areas heavily affected by the GoU-LRA conflict. The report seeks to identify and analyse efforts by Langi traditional justice mechanisms to address serious crimes and violations committed during the conflict in Lango sub-region, as well as their resulting harms.

Traditional justice mechanisms, however, have undergone dramatic change over the past century, due to a range of factors. Traditionally, the life and work of the Langi were organized around numerous patrilineal clans that mediated birth and marriage, property and inheritance. Clan leaders and village elders oversaw traditional rites, many of which were associated with the sacrifice or transfer of livestock, and enforced customary law provisions. The impoverishment of the war, and specifically the cattle raiding by the Karamajong, has depleted Langi herds so dramatically that cattle's centrality in the Langi livelihood system is now much diminished. This has greatly contributed to the undermining of traditional justice mechanisms in the Lango sub-region. In addition to impover-

ishment as a driver of cultural change, Langi traditional institutions have been undermined by the rise of Christian institutions and practices. Anecdotal evidence suggests that, among northern tribes, the Langi demonstrate some of the highest rates of conversion and participation – and also that many Christian leaders actively discourage traditional practices. In general, available evidence suggests that traditional authority in Lango experienced a downward trajectory during the colonial and post-colonial periods.

However, the same time frame also witnessed a curious centralization of traditional institutions. Historically, the Langi did not have any central tribal authority.⁴ Any cooperation among the different factions was primarily for discrete goals such as raiding or fighting an enemy. In the anarchic Lango tribal system, a paramount chief, or Won Nyaci, was chosen as a temporary martial leader, not a permanent administrator. However, the current office of the Won Nyaci is far different in character than its antecedent. The office of the Won Nyaci's attempts to centralize authority was imposed on the Langi tribes under the Europeans, who typically attempted to use clan leaders as political surrogates. Thus, many villagers today do not see the Won Nyaci as having any real 'connection' or authority in their villages.

All of this informs a context in which traditional justice systems operate under extreme duress and are challenged by circumstances for which they may be ill-equipped. Traditional justice systems exist primarily for the purpose of resolving conflicts within and between communities. They therefore depend upon the maintenance and policing of inter- and intra-clan relationships. The practices or remedy and compensation were limited mainly to cases of harms involving two clans and where a perpetrator is known and takes responsibility for the harm caused. The challenges presented by a post-conflict environment are clear. The perpetrators in the war between the GoU and LRA are largely unknown or unwilling to take responsibility for their actions; they exist separate from the network of relationships that allow traditional justice mechanisms to function. Yet in spite of these challenges, traditional justice mechanisms still operate – albeit

in a weakened form – to bridge social fissures in the aftermath of harm. As their purpose is not simply to punish an individual perpetrator, but to restore severed social ties, their continued existence, in whatever form, provides an important process for helping mend damaged communities.

During field research, however, we found that there exists very little knowledge among victims and victims' communities about the role of traditional justice mechanisms in addressing serious crimes and violations. Very few people knew that the *Juba Peace Agreement* envisioned such a role for traditional leaders and justice mechanisms in Lango.

Similarly, during fieldwork, we were repeatedly told by informants in Lango that people are not referring any cases of serious crimes and violations committed by parties to the conflict to traditional justice mechanisms for redress and remedy. The community members who reported cases with their traditional leaders did so to obtain letters of recommendation or acknowledgement to bring the case forward to higher level governmental authorities, particularly at the district level. Our study found that there are five main factors that explain this reality, including:

- (1) Traditionally, the Lango did not have any central tribal authority;
- (2) Most respondents reported that traditional leaders do not have the competence, skills, capacity and resources to handle cases of serious crimes committed during the GoU/LRA conflict and their resulting harms;
- (3) The lack of well-codified procedures to handle cases of serious crimes and their effects makes claims for redress and remedy almost impossible for victims who may wish to bring forward a claim;
- (4) Women respondents especially mentioned that most traditional justice mechanisms as they exist in the past and present in Lango are biased and favour males and promote male dominance; and
- (5) Provisions under the *Juba Peace Agreement* prohibit bringing to account state actors alleged to

have committed serious human rights violations through traditional justice systems.

Endorsing international standards, the *Juba Peace Agreement*, under Agenda Item Three, confirms right to remedy and reparation for victims of serious crimes and violations committed in the LRA/GoU conflict. The idea under Agenda Item Three was that traditional justice mechanisms would play an important role in partially helping victims of serious crimes and violations realize their rights to remedy and reparation. However, our study finds that currently, traditional justice mechanisms in Lango sub-region are unable to provide any remedy or reparation for such victims, with an even more complicated situation for female victims who suffered gender-related crimes such as sexual violence.

We conclude that if traditional justice mechanisms are to have any meaningful impact on helping victims of the GoU/LRA hostilities, and particularly victims of serious crimes to realize their rights to remedy and reparation, efforts need to be made to determine what traditional justice systems are actually capable of doing.

I. Introduction

This report contributes to the existing discourse around the capacity of traditional justice mechanisms to deal with serious crimes and harms suffered during the GoU/LRA hostilities in northern Uganda. It specifically looks to provide more nuance and understanding of the capacity of existing traditional justice mechanisms to address serious crimes and harms suffered during the GoU/LRA hostilities, as envisaged under the *Juba Peace Agreement*.

The research leading to this report explored the knowledge, strengths and limitations of Lango traditional justice mechanisms in dealing with serious crimes and violations and the capacity of these systems to provide remedy and redress. In particular, the study focused on: (a) traditional justice systems and mechanisms in Lango, taking into account historical perspectives and use; (b) the extent of the effects (past and present) of serious crimes and violations committed during the GoU/LRA hostilities and local responses to serious crimes and violations by victims and their families; and (c) the response

by traditional justice mechanisms to serious crimes and harms suffered as a result of the GoU/LRA hostilities in Lango sub-region. Gender and generational analyses were used throughout the study.

The report aims to contribute to the discourse around the role of traditional justice mechanisms in dealing with cases of serious crimes and violations committed during the LRA/GoU hostilities for two primary reasons. First, within the *Juba Peace Agreement* under Agenda Item Three on Accountability and Reconciliation, there is emphasis on the role and functions of traditional justice mechanisms to deal with serious crimes and harms suffered by victims.⁵ Second, there is repeated mention and recognition of the role of traditional justice mechanisms in dealing with serious crimes and the resulting harms of the GoU/LRA hostilities in high-level policy meetings, warranting the need to explore and provide a grounded perspective to inform the basis for such discourses.

Study Methods

The report presents evidence primarily gathered from interviews with 103 people from 2009 to 2011. In our initial study design, to determine the study site and methods, investigations were made within the Lango sub-region to see where traditional justice mechanisms were being used to address cases of serious crimes and harms suffered in the GoU/LRA conflict; surprisingly, we could not find a single site. We then revised the study design and decided to select some of the heavily war-affected communities to see what, if any, response utilized Lango traditional justice mechanisms to deal with cases of serious crimes and harms perpetrated by parties to the conflict.

We chose two rural sites within Lango sub-region for the study. The rural sites were those villages that had been the locations of large-scale atrocities and attacks and were located in Ogur and Okwang sub-counties.⁶ In all locations there were hundreds of cases of war-related killings, people intentionally set on fire, torture, cruel and inhuman treatment, mutilation, abduction, forced recruitment, enforced disappearance, sexual violence, and widespread, wanton destruction and pillaging of property. We

interviewed victims, victims' groups, local officials, clan leaders, grassroots cultural leaders, and CSOs on their use of traditional justice mechanisms in order to seek remedy and redress for serious crimes and harms perpetrated by parties to the conflict. The data presented in this report draws principally from the primary data collected between 2009 and 2011. Where relevant, the authors cite secondary literature.

The research team then analysed the data to generate the findings presented in this report. The team explored: (a) Lango traditional justice practices that deal with cases of a grievous nature; (b) the serious crimes and violations interviewees alleged were committed during the GoU/LRA hostilities and the impacts on victims in the past and present; (c) interviewees' views on the ability of traditional justice system in Lango to deal with serious crimes committed and harms suffered; and (d) interviewees' views on the strengths and limitations of Lango traditional justice mechanisms to deal with serious crimes and violations from a gender perspective.

The validation of findings was assessed by (a) triangulation; (b) comparing findings from secondary literature; and (c) feedback from secondary interviews with key informants within the Lango Cultural Foundation (LCF.)

II. Traditional Justice in Lango

As part of the *Juba Peace Agreement*, under the *Agreement on Accountability and Reconciliation* and its *Annexure*, traditional justice mechanisms were envisioned as one of the mechanisms to help address serious crimes and their resulting harms suffered by civilians in northern Uganda during the conflict between the GoU and the LRA.⁷ Traditional justice mechanisms were envisaged to work alongside other transitional justice mechanisms within the larger justice and reconciliation framework. The *Annexure to the Agreement on Accountability and Reconciliation* specifically states:

The Government shall, in consultation with relevant interlocutors, examine the practice of traditional justice mechanisms in the affected areas, with a view to identifying the most appropriate roles for such mechanisms. In particular, it shall

consider the role and impact of the processes on women and children.

This section of the report seeks to contribute to an understanding of the parameters and practices of traditional justice mechanisms within Lango sub-region and seeks to identify efforts by Langi traditional justice mechanisms to address serious crimes and violations committed during the conflict in Lango sub-region and their resulting harms.⁸

The section first provides a brief background of the people of Lango sub-region, and Lango traditional culture, structure and systems. It then outlines which traditional justice mechanisms are being used, if any, to address serious crimes and violations committed by parties to the LRA-GoU conflict and the resulting harms.

Overview of the Langi

The Langi provide a problematic case for ethnographic classification.⁹ Driberg famously identified the Langi as a Nilotic tribe who originated east of Bahr al Jabal and were related to the Shilluks. Due to water scarcity and incursions by Hamitic invaders in the early sixteenth century, several Nilotic peoples – including the Acholi – emigrated south. The Langi followed, but later, in the latter half of the seventeenth century. The migration of the Langi continued over a long period punctuated by conflict with the Madi, the Acholi, and the Alira. They began to arrive in present-day northern Uganda around two hundred years ago, overrunning their present location by the end of the nineteenth century.¹⁰ Tosh offered a somewhat different account of Langi origins, identifying them as an amalgam. The Langi have traits typically identified with both Nilotes and Para-Nilotes. In terms of their Nilotic roots, the Langi language is classified as a Southern Lwo tongue and is closely related to Acholi. Also, the Langi social organization more closely resembles the hereditary clan chiefdoms common to the Lwo rather than the more variegated social structures found among the Para-Nilotes. However, Langi cultural traditions suggest strong ties to the Para-Nilotes; indeed, there is linguistic evidence that the Langi once spoke a Para-Nilotic tongue. Significantly, other Lwo groups tend not to regard the Langi as Lwo at all, and Lwo traditions have

little or no place in Langi folklore.¹¹ According to Tosh, this is all to suggest that the Langi represent a fusion of both Nilotes and Para-Nilotes.¹²

Perhaps as a consequence, the identity of the Lango has been a matter of some contestation. A period of long migration, possibly including the amalgamation of different groups, resulted in a people without centralized institutions of authority. The norm was constant intra-tribal bickering only occasionally arrested by the rise of a powerful war leader. According to Tosh, the Langi owed their collective identity not to internal consistency, but to a historical experience that set them apart from their neighbours.¹³ In fact, the Langi did not identify collectively as Langi before the nineteenth century. Even then, the term ‘Lango’ had been invented by neighbouring Nilotes to describe someone who was not Lwo. Nevertheless, with the end of migration, Lango identity began to crystallize, a process that was perhaps accelerated by colonial administrators responsible for registering tribes and drawing administrative boundaries. Whatever the exact character of their long migration, where the Langi finally stopped approximately aligns today with the Lango sub-region.

Ethnic Groups of Uganda



Source: GIS Research and Map Collection, Ball State University Libraries, bsumaps.blogspot.com/2011/10/ball-state-university-libraries-maps-in.html

While their origins are somewhat mysterious, the Langi have long been an agro-pastoral people. Their traditional mechanisms and practices are thus tied to land and livestock. Historically, the cultivation of crops was carried out in conjunction with raising cattle. Cattle ownership had important social and cultural implications for the Langi – in addition to being a food supply and serving as plough animals, herd size correlated to social status.¹⁴ The impoverishment of the war, and specifically the cattle raiding by the Karamajong, has depleted Langi herds so dramatically that cattle's centrality in the Langi livelihood system is now much diminished.

Agriculture in Lango has operated on a subsistence basis characterized by a number of limiting features. First, their millet-based agriculture is far more labour intensive than plantain agriculture. As a consequence, both men and women have historically worked in the fields, in contrast to the neighbouring Bantu, who depend much more on banana crops historically harvested by women. A second challenge is the uneven distribution of annual rainfall. Similar to other Nilotic regions, there are two seasons rather than four, the rainfall coming to a single peak, rather than two. The dry season lasts from December to March, and the rainy season from April to November. This two-season pattern limits harvests and increases the chance of shortage, particularly in dry years.¹⁵

Traditionally, the life and work of the Langi were organized around numerous patrilineal clans that mediated birth and marriage, property and inheritance. Clan leaders and village elders oversaw traditional rites, many of which were associated with the sacrifice or transfer of livestock, and enforced customary law provisions. Broadly speaking, identity was rooted in kinship, ancestry, and obligations to one's village.

Traditional practices have eroded with the rise of Christianity, where missionaries made deeper inroads than they have among, for example, the more traditional Acholi. The breakdown of traditional forms of authority has been further exacerbated by years of internal strife. The impoverishment and dislocations resulting from Uganda's post-colonial conflicts has had the collateral effect of drastically

undermining the clan system and institutions that underwrote customary practices.

The Institution of the Paramount Chief

The Won Nyaci ('paramount chief') is, in theory, the dominant Langi cultural leader. However, in its current incarnation as a permanent position of very limited authority, the office is far different in character than its historical antecedent.

Prior to colonization, the Langi did not have any central tribal authority.¹⁶ Any cooperation among the different clans was primarily for discrete goals, such as raiding or fighting an enemy, and in such cases the various clan leaders (Owitong) might select a 'paramount chief' to organize for a common purpose. In the anarchic Lango tribal system, then, the Won Nyaci was a temporary martial leader, not a permanent administrator.

The notion of the Won Nyaci as a provisional leader changed after the arrival of the British. Langi clan leaders, operating as local administrators within the Protectorate, sought to amplify their authority by proposing the institution of the Won Nyaci as a permanent administrator responsible for all of Lango. A Langi clan chief would, it was thought, fill the role. The British, however, had reservations about centralizing local authority under the auspices of a native chief. Instead, in the post-war period, a series of political reforms reduced the authority of the clan chiefs in favour of a district council.¹⁷ Nevertheless, the vision of a permanent Won Nyaci, as a counterbalance to centralized political authority, had been articulated. In the years following independence, the office of the Won Nyaci was eventually established as a permanent office to advocate on behalf of the Langi tribe, to represent the Langi culture, and to advance tribal solidarity.

However, rather than serving as a counterbalance to the centralized authority of the state, the Won Nyaci was integrated into the political scheme of Kampala. In 1993 the NRM government acted to reinstate traditional leaders. President Museveni convinced parliament to amend the 1967 constitution to restore tribal kingships, but only as cultural leaders.¹⁸ The reinstatement of cultural leaders was

followed shortly in 2006 by the adoption of the policy on culture known as ‘The Uganda National Culture Policy’.¹⁹ The current Won Nyaci, Adwong Yosam Odur, is the third to hold this modern position, and was inaugurated on December 10, 1995.

The restoration of cultural leaders is largely viewed by local people, as well as some national and international analysts, as a political tool for the NRM government to gain political capital and patronage in particular areas of the country with strong cultural institutions; most notably in the central region among the Baganda.²⁰

Cultural and Traditional Leadership Structure in Lango

The traditional system in Lango is largely structured along the clan systems. There are 126 clans spread throughout Lango headed by a clan leader called Awitong (or Owitong for plural.) Each of the Owitong is in charge of the members of their clans. The collective clan heads (Owitong; sing. Awitong) nominates one of them to fill the position of Won Nyaci. The Owitong is assisted and supported in their work by the various clan heads at the lower level of the hierarchy, which ranges from the district, sub-county, parish, village and homestead levels.²¹ Despite the existence of the different clans and their leadership, the Won Nyaci is seen as the head of the Langi people and defender of their traditional practices.²² The Won Nyaci relies on the Awitong of a particular clan to reach the grassroots and vice versa.

The Won Nyaci is assisted by a governing council comprised of selected Owitong. The council is composed of cabinet ministers and representatives from other institutions and special interest groups making a total of 31 members.²³ The cabinet is composed of nine different sectors: Finance, Health, Education, Gender, Culture and Security, Agriculture, Lands, Works and Technical Services, Ministry of the Palace and the Prime Minister’s office of the Lango Cultural Foundation (LCF). The governing council has technocrats in respective ministries to advise the ministers/committee chairpersons on appropriate technical matters to ensure they are on par with GoU policy and interests. The

Structure of Lango Cultural Foundation (LCF)

Won Nyaci



Governing Council

(The technocrats and committee members of various sectors headed by a Chairperson and advised by a technocrat for each sector.)



Owitong

(The clan heads spread throughout Lango. They elect the Won Nyaci, who is drawn from their ranks.)



Rwode



Jagi



Janjagi



Owi-Otema

(This is at the homestead or village level and is the lowest level of clan leadership.)

council is assisted by the office of the Prime Minister who is the official head of the LCF.

Traditional Justice Systems in Lango Culture

There is little up-to-date literature on Lango generally and Lango traditional justice system and cultural practices particularly. Most of the information available has been drawn interviews and oral traditions. Given the dynamics of cultural change in evidence in Lango, it is very difficult to find uniform information on Lango traditions, and many practices have undergone dramatic change.²⁴ Furthermore, local variation is evident.²⁵ Nevertheless, there are large areas of general continuity, and explicit cross-regional modalities and mechanisms. Generally speaking, traditional justice systems in Lango exist primarily for the purpose of resolving

conflicts within the community. Within the traditional justice system of the Lango people,

a crime committed by any member of a clan, is attributed to the whole clan and all the members of that clan are responsible for the crime and have to share the punishment or responsibility for the crime. On the other hand, the person who has been killed is also taken as a loss to the whole clan and the grief is jointly shared by the clan.²⁶

Traditional Practices for Cases of a Grievous Nature

Driberg writes that no permanent judicial or administrative body existed among the Lango. The difference in treatment of complaints within the system paid more attention to the communal consequences and less to the actual offence suffered by the direct victim. Thus there were different types of crimes and responsibility: the family and communal level and the civil and criminal level. The former related more to individual consequences and was addressed through compensation, while the latter had communal consequences and thus was an offence against the entire society and, as such, could be punishable by death. Such crimes included incest, witchcraft, and sexual aberrations, among others.²⁷

The main traditional justice mechanisms practiced in Lango relating to cases of a grievous nature, such as killing, are the complementary practices of ‘*Kayo Cuk*’ and ‘*Culo Kwor*’.

Culo Kwor literally means ‘compensation for the dead’. When a crime has been committed, the guilty one is required to make restitution. Traditionally, this restitution came in the form of livestock. For instance, someone accused of murder would, upon the judgment of the community elders, provide cows from his herd – or, lacking a herd, from his family’s – to satisfy the demands of the victim’s family. Up to six head would be provided to the deceased’s next-of-kin. *Culo Kwor* compensated the family for the loss of the dead.

Kayo Cuk follows. Where *Culo Kwor* is the act of compensation, *Kayo Cuk* is the ritual of reconciliation. It is a rite also mediated by livestock. In a case of homicide, in addition to the six head of

cattle provided for *Culo Kwor*, an additional cow – normally a bull – is provided by the murderer (or, again, his family). The bull is ritualistically slaughtered and eaten. By bringing together the families of perpetrator and victim, *Kayo Cuk* is a rite of reconciliation necessary to reaffirm communal bonds and avoid a harmful feud.²⁸ Notably, the ceremony of *Kayo Cuk* is only performed and attended by elders; young women and children – as well as the offender – are considered unfit to take part.²⁹

Both *Culo Kwor* and *Kayo Cuk* have transformed over the years, mainly due to widespread and increased poverty. As a result, in recent times, practices of *Kayo Cuk* are often not performed even after the fulfilment of *Culo Kwor*. Even in the case of *Culo Kwor*, the recommended numbers of cattle are sometimes not fulfilled and people can either pay less or more cattle depending on the social status, gender and age of the victim.³⁰ In some cases, because of the widespread and significant loss of livestock due to armed raiding and the wars, and the resulting high level of impoverishment in most parts of Lango, *Culo Kwor* is made using money and not cattle. Today, it is normally the responsibility of the offender’s household to make the required payment (in terms of money or material objects) and, in contrast to the past, clans rarely contribute.

Incidents such as death or injuries by accident on the road and during employment by government bodies and private companies have also been treated under the traditional mechanisms of *Culo Kwor*. Such institutions are subjected by the deceased’s clan to pay compensation for the loss of their member who was an employee and died due to the employer’s negligence.³¹

The practices of *Culo Kwor* and *Kayo Cuk* only happen after the acknowledgement and acceptance of responsibility for the harm caused by the offender and his/her clan. The offender or the perpetrator is known and accepts or takes responsibility for the harm. His or her clan may also take responsibility on his/her behalf and thus also jointly contribute to pay the compensation for harm caused by their member. Traditionally the process was consultative and mediated by an approved clan mediator. Under the practice of *Culo Kwor*, the *Rwot Kwor* (clan official responsible for compensation) was mandated

to oversee the process to finality. All the affected clans (usually only two) agree on the appropriate traditional justice mechanisms, which was normally compensation (*Culo Kwor*) as payment for the dead and the performance of reconciliatory rituals (*Kayo Cuk*) to mark a fresh start without any bitterness and conflict.

Thus, the underlying purpose of the practices of *Kayo Cuk* and *Culo Kwor*, which are noted and most often referred to as Lango traditional justice mechanisms, were primarily used to restore individual and community ties and relationship after cases of a grievous nature. Remedy is limited to compensation and usually decided and agreed upon by the clan regardless of the magnitude and effects of the harms on the affected family/household. The practices were limited mainly to cases of harms involving two clans and where a perpetrator is known and takes responsibility for the crime/harm caused.

Other traditional justice mechanisms, rituals or ceremonies practiced in Lango relating to dealing with cases of a grievous nature include:

'Tumo Kirr' – A practice to stop a bad omen from befalling a person, family or community resulting in physical or psychological harms due to the bad behaviour or breaking of a taboo by a member of the clan/family. Such acts may include incest, walking naked, among others.

'Wetto Pii' or *'Onyo Pii'* – The practice of cooling or pouring water which is performed to restore relationships between two or more conflicting people who wished each other bad fortune or did something evil to the other.

'Gatto Cen' or 'sending away the evil spirits' – A ritual performed to drive away evil spirits in order to ensure normalcy in the person after they committed bad acts against someone or against highly held beliefs/values of the people.

'Nyonna Tong Gweno' – A practice whose name literally means 'stepping on an egg'. This ritual is performed when one had been away from the family/community over a long period of time, usually in unknown places such as in the case of formerly abducted persons.³² Before re-entering the family compound or house, the returning person is made to step on an egg with one foot and the other egg with the other foot and later cleanse with some herbs and rituals performed on

him/her and in the house before he/she is allowed to enter.³³ This practice is intended to cleanse the person of all evil spirits or bad omens that could befall him/her such as sicknesses, etc. in case he/she committed some bad acts while they were away from the family.³⁴

As described above, the practices of justice within Lango traditional justice mechanisms are geared more towards accountability, reconciliation and cleansing, rather than punitive measures.

III. Response by Lango Traditional Justice Mechanisms

The serious crimes and violations that people were subjected to by parties to the GoU/LRA conflict were numerous, multiple and recurring. These crimes and violations are well documented, well known to those who follow Uganda, and have been the subject of dozens of reports and studies. A large scale, multi-year study by OHCHR, Uganda and the Uganda Human Rights Commission (2012) recently found that:

Civilian populations suffered serious violations at the hands of both the LRA and the Uganda People's Defense Force (UPDF) . . . including killing, torture or cruel, inhuman or degrading treatment, abduction, slavery, forced marriage, forced recruitment, mutilation, sexual violence, serious psychological harm, forced displacement, and pillaging, looting and destruction of property. Attacks that resulted in these violations were generally indiscriminate, showing no respect for traditional or international legal norms.³⁵

This section explores the ability for Lango traditional and local justice mechanisms to respond to serious crimes committed and harms suffered as a result of GoU/LRA hostilities.

The Local Council Courts Act Section 10 defines the Local Council legal jurisdiction:

- (1) Subject to the provisions of this Act and of any other written law, every local council Court shall have jurisdiction for the trial and determination of –
 - (a) causes and matters of a civil nature specified in the Second Schedule to this Act;

- (b) causes and matters of a civil nature governed only by customary law specified in the Third Schedule;
 - (c) causes and matters arising out of infringement of bye-laws and Ordinances duly made under the Local Governments Act;
 - (d) matters specified under the Children Act;
 - (e) matters relating to land.
- (2) In any suit relating to causes and matters specified in the Second and Third Schedules –
- (a) the jurisdiction of the local council court shall, in respect of causes and matters specified in the Second Schedule be restricted to causes and matters where the value of the subject matter in dispute does not exceed one hundred currency points;
 - (b) the jurisdiction of the court in respect of causes and matters specified in the Third Schedule shall not be restricted by the monetary value of the subject matter in dispute;
- (3) In any suit relating to causes and matters specified in the Second Schedule and in the Third Schedule, where the court awards compensation exceeding twenty five currency points, the court shall refer the case to the Chief Magistrate of the area for the purposes of execution of the order and the Chief Magistrate may, if he or she finds that the judgment award is grossly excessive; reduce the amount of the award taking into account awards in similar cases.³⁶

As noted above, the Local Council Courts Act of 2006 prohibits local councils from handling any cases of criminal nature that involve crimes of a violent nature. Any cases of criminal nature that are brought before LCs or traditional leaders are expected to be referred to a competent body with the jurisdiction to handle such cases. If LCs and traditional leaders were to go ahead to attempt to handle such cases, then they would be in contravention of the existing provision.

During our research, we were repeatedly told by informants in Lango that people are not referring any cases of serious crimes and violations committed by parties to the conflict to traditional justice mechanisms within their clans for redress and remedy.

The LCF are the custodians of the Lango traditional justice system. Members of LCF we interviewed

said that any cases related to the conflict that they handled were mainly to do with reintegration needs of formerly abducted persons and land disputes as a result of displacement during the conflict (the latter which comprised the vast majority of cases brought before the LCF).³⁷

LCF informants noted that after staff from the International Criminal Court briefed them on the work of the Court, at one point, they tried to register cases of serious crimes and violations committed during the conflict in Lango sub-region. They were not able to proceed since they did not know how to handle the issues related to required evidence. The LCF said that a handful of people did come forward to register cases of alleged serious crimes and violations, but most only had verbal accounts and did not produce evidence such as photographs, medical reports, police reports, and LC 1 letters to reinforce their verbal claims. The combination of the LCF's own lack of clarity on what to do with the cases and the lack of documented evidence rendered it extremely hard for traditional leaders to register any of the cases. As a result, the LCF has not been able to go forward to refer to the criminal justice system cases related to serious crimes and violations committed by parties to the LRA/GoU conflict.

We also interviewed victims, victims' groups and clan leaders on their use of traditional justice mechanisms in order to seek remedy and redress for serious crimes and violations by parties to the conflict and the resulting harms in our field sites, villages in Ogur and Okwang sub-counties. Very few people we interviewed in these sites reported that they had brought any case before traditional justice mechanisms regarding serious crimes or violations they suffered as a result of the GoU/LRA conflict. Of the few who did bring forward a case, all mentioned that they referred cases with their traditional leaders at the lower level only to report the violations experienced and not to seek for any form of remedy for the crimes or violations suffered.

Almost all clan leaders we interviewed acknowledged that they have some records of cases of serious crimes and violations suffered by their members during the conflict. The records that do exist

are primarily on deaths, abductions and persons seriously wounded. This was especially the case for sites of large-scale violence as occurred during the massacre of hundreds of people at Barlonyo. Traditional leaders, local leaders and victims noted that there is nothing that has been done with the records in terms of taking any measures to address the crimes and violations suffered.

At other sites where we carried out interviews in which the crimes and violations were more isolated and prevalence was lower, traditional leaders said there were no existing records of reported cases.

The community members who reported cases with their traditional leaders did so to obtain letters of recommendation or acknowledgement to bring the case forward to higher level governmental authorities, particularly at the district level. Most respondents mentioned receiving such letters, especially from their LC I (and not traditional leaders), who are the lowest level of government representation at the village level. The letters served to introduce them as residents of the areas under the particular LC I and are normally intended to help the victim seek immediate assistance, such as medical assistance from NGOs. Other needs that victims sought letters for, again from their LC 1, were for education of war orphans and formerly abducted children, and for widows of the conflict facing land disputes.

IV. Victims and the Lango Traditional Justice Systems

In this section of the report, we examine and explore victims' and victims groups' knowledge of the role of traditional justice mechanisms in addressing serious crimes and violations committed during the conflict and the resulting harms.

There exists very little knowledge among victims and victims' communities about the role of traditional justice mechanisms in addressing serious crimes and violations and their effects. Very few people knew that the *Juba Peace Agreement* envisioned such a role for traditional leaders and justice mechanisms in Lango. As a result, few people have seen the use in reporting any cases of serious crimes committed during the conflict and their resulting

effects to traditional leaders. Of those who have reported, they said the purpose was to make sure that traditional leaders and local leaders such as LC I have records of such cases that happened in their jurisdiction during the conflict, while in other cases victims sought letters of recommendations from these leaders to refer their cases forward to NGOs for assistance to try and deal with the effects of the crimes and violations.

The few people who reported that they had knowledge about the role of traditional leaders in dealing with cases of serious crimes mainly heard the information via radio programs that were broadcast during the Juba Peace Process. Even those respondents with some knowledge of the role of traditional justice mechanisms to address serious crimes and their effects said that they thought this was limited to traditional justice mechanisms in Acholi sub-region, and did not apply to the entire Greater North. These respondents did not know that traditional justice mechanisms in Lango were included in the provision and that Langi traditional justice mechanisms were envisioned to be able to deal with such cases and their aftermath.

Limitations on the Capacity of Traditional Justice Mechanisms

From our study's findings, it is clear that traditional justice mechanisms in Lango are not in any way handling crimes committed during the GoU/LRA conflict and their harmful effects, as envisioned in the *Juba Peace Agreement* under the *Agreement on Accountability and Reconciliation* and its *Annexure*. Our study found that there are five main factors that explain this reality.

1. Politicization and Centralization of Traditional Justice Mechanisms

Traditionally Lango did not have any central tribal authority. However, on occasions when the Langis needed to act in concert – i.e., to fight off a common enemy – they elected a Won Nyaci ('Paramount Chief') to unite them for a discrete time and purpose.³⁸ Today the office of the Won Nyaci is a permanent one. It was first formalized during the British colonial administration, and later revitalized by the NRM government, as part of a

policy to restore traditional leaders in most parts of Uganda, while limiting them to their cultural roles.³⁹ Because the Won Nyaci is a recent innovation, and one promoted by a central government that many Langis view with some suspicion, it is not surprising that traditional authority in Lango resides not with the paramount chief, but with the clans and local chiefs. Indeed, this research suggested a disconnect between the Won Nyaci and local leaders.⁴⁰ Local people in the community that were interviewed said that the office of the Won Nyaci is rarely in contact with lower level traditional leaders in the community. Others said bluntly, ‘We have never seen the Won Nyaci, he has never been here and we know little about him and the work he does.’⁴¹ However, that is not to say that local leaders are necessarily viewed more generously. Some of the respondents said the same is true for their Owitong, who are viewed as foreign to local people and without an understanding of what people experienced during the conflict. Some respondents said that local leaders only were elected because of their status, wealth, and education. Some of the Owitong are reported to live in the capital city – far from the sites of violence – and thus are viewed as having no capacity to appreciate and understand what happened to people during hostilities.

In spite of the perceived shortcomings of the Won Nyaci, and of some of the Owitong, many long for a rejuvenation of traditional institutions. It has been suggested that if the Won Nyaci could act to unify the Owitong and pursue a goal of advancing traditional practices and rebuilding communities, then the office might do a great deal for re-energizing Langi culture.

2. Lack of Skills, Capacities and Resources

Most respondents, including lower level traditional leaders, reported that traditional leaders do not have the competence, skills, capacity and resources to handle cases of serious crimes committed during the GoU/LRA conflict and their resulting harms. The reasons for this are several.

First, Lango traditional justice practices are passed through oral knowledge and the performance of such ceremonies and practices is the work of

specialists within the clan. Traditionally, these people would be old men or women with vast cultural knowledge or clan lineage heads.⁴² However, due to the war, impoverishment and squalid living conditions in IDP camps, many of these older people who were central to traditional justice practices died, and as a result local knowledge and resources to perform these roles have diminished in most rural communities in Lango. Thus, there is a generational gap, with the younger generation having little knowledge of local traditional justice mechanisms, which combined with the influences of westernization, Christianity and modernization, makes them even less likely to seek such measures.

Second, cases of serious crimes and their resulting harms are subject to provisions within international and national law, which traditional leaders said they have little to no understanding of, rendering them incompetent to handle such cases even if they were brought to their attention. Furthermore, traditional leaders were noted as still using more archaic methods to resolve conflicts among clan members which do not match national or international human rights standards, such as extensive beatings of those found guilty.

Third, the limitation in skills, competence and knowledge is largely attributed to traditional leaders’ low level of education, especially among lower level traditional leaders in the communities. A few Owitong are reported to be highly educated, but most of them remain distant from the actual victims within their jurisdiction.⁴³ The selection process to become a traditional leader does not put much emphasis on formal education; rather the focus is on local understanding and knowledge of clan history and culture. The candidate’s age, gender and sometimes their position in the community also factor strongly into being selected as a traditional leader. Normally, older males and those regarded as ‘powerful’ (i.e., with resources to support clan work) stand the greatest chance of being elected. Most existing traditional leaders, especially at the lower levels where most of the crimes were experienced during the war, feel incapable to deal with such cases because they see these cases as outside of their legitimate jurisdiction and knowledge base.

Fourth, some respondents mentioned that they feel less inclined to report any cases of serious crimes and their effects to the traditional leaders because most of the leaders at the lower level are themselves a part of the community that was ravaged by war. ‘They too lost their children, wife, parents, and property or were equally violated during the war and also require someone to listen to them to provide remedy and redress for what they suffered during the conflict.’⁴⁴ Victims view traditional leaders as lacking any additional means or capacity to deal with the serious crimes and their aftermath.

In other cases, some of the traditional leaders are said to be so busy with their own rebuilding and activities that they have no time to give to wider community needs. To illustrate, some respondents mentioned that no meeting has been called by their traditional leaders since they returned from the IDP camps to their traditional lands to either discuss issues related to the serious crimes committed and harms suffered during the conflict or to address wider community development concerns.

Fifth, the involvement of traditional leaders is further said to be complicated when it comes to providing reparation to victims of the conflict. People expect that if traditional leaders are to handle cases of serious crimes committed during the war and their effects, then they and/or the accused and their clan should be able to provide reparation in the form of compensation. Yet most respondents acknowledge that this is impossible because of poverty. However, victims maintain that effective and prompt reparation remains important to help them deal with the effects of the crimes and harms they suffered due to the conflict.

Sixth, traditional justice mechanisms are at times viewed by respondents as fraught with inefficiencies due to corruption, biases, nepotism, and segregation. A case in point is where respondents noted that some traditional leaders are mandated by the people to provide information to access assistance, such as educational support for those children abducted and abused during the conflict. Yet a number of informants alleged that traditional leaders often forward only the names of their own children and those of other close relatives, even if those children did not suffer the requisite crimes to qualify

them for the assistance. Some traditional leaders were also accused of favouring some individuals/groups of victims over another depending on their age, gender, status, influence and resources. Most often in these cases, respondents alleged, actual beneficiaries or victims who should qualify have often been left out, raising doubts on the credibility of the traditional justice mechanisms to offer fair and impartial treatment to all victims who would come forward to seek redress and remedy from the system. In such cases, women and people who are marginalized – such as widows, children, orphans and people of low social status – tend to bear the brunt of the discrimination and exclusion. Thus, even if traditional justice systems have the capacity, skills and resources to handle cases, they may not necessarily provide the much-needed justice and accountability that victims want and deserve. Any support to increase their capacity to provide remedy and reparation should keep this in mind.

3. No Codified Traditional Justice Measures

The lack of codified procedures to handle cases of serious crimes and harms makes claims for redress and remedy almost impossible for victims who may wish to bring forward a claim.

In Lango, as noted earlier, most of the traditional system is centred on the clan system and not the paramount chief. Consequently, there is no centralized or generally codified traditional justice system that people can use in the different clans across Lango. What exists is oral knowledge known at different clan levels. Notably, there are efforts by the LCF, Lango Cultural Heritage Project and other NGOs/CSOs to build up a harmonized account of the traditional practices of the Langi, but this is still in the works and far from complete.⁴⁵

4. Gender and Lango Traditional Justice Mechanisms

While we have highlighted key gender aspects throughout the report, in this section we focus on the most important findings related to gender in the study. Victims of serious crimes and violations often hesitate to bring cases to authorities they do not trust. Women respondents in particular men-

tioned that most traditional justice mechanisms are biased, favouring men. For example, one woman victim we spoke with said, ‘They delay to attend to me, maybe because I am a woman. Usually they are faster to listen to men than women.’⁴⁶ Women reported that traditional justice systems did not accord them a fair hearing or fair treatment. They said that their traditional justice systems were not supportive of women who claimed to have been harmed and who sought justice. Women complained that the traditional leaders tend to favour men whenever family cases are brought before them. They consider men as ‘more kin’ being their brothers and relatives and they always buy beer/ alcohol for them thus compromising their ability to remain fair when handling such cases. When women refer cases, they claim they are not given the same audience as men. To deter them from referring cases, women are heavily fined if the case is not found in their favour, so often they just give up. Single mothers specifically noted that it is even more complicated for them to go through the system that is oriented to patriarchy and the privilege of men.

One of the biggest challenges facing people returning from IDP camps to their traditional lands is conflicts over land boundaries and ownership. Our respondents noted that some traditional leaders are conniving and participate in grabbing land from widows and orphans in the community. As a result, many women we spoke with expressed little hope that the traditional justice system would work for issues of accountability and reconciliation in their cases.

Violations and crimes of a sexual nature against females and males by parties to the conflict carry heavy stigma, making such cases difficult if not impossible to bring forward in the present setting of most Lango traditional justice systems. Normally, the hearing of cases occurs in the open, often under a tree, with no protection or privacy for victims to come forward. The traditional leaders who comprise the body to hear the case are comprised of old men and, if one is lucky, a few old women as well. These elders tend to have no formal preparation, and shallow experience, for working in a sensitive manner with victims of sexual violence.

Consequently, many respondents were sceptical of the relevance and credibility of traditional justice mechanisms to address these highly delicate cases.

5. Limitations on Holding State Actors Accountable

Provisions under the *Juba Peace Agreement* prohibit bringing to account state actors alleged to have committed serious human rights violations before traditional justice systems or the newly created International Crimes Division of Uganda’s High Court stating: ‘state actors shall be subjected to existing criminal justice processes and not to special justice processes under this agreement.’⁴⁷ Victims of alleged violence at the hands of state officials may therefore (in theory) seek accountability, redress and remedy through the national court system, while those alleging violence by the UPDF or their associated militia are expected to bring their cases before the UPDF Military Courts. The military court, in particular, seems difficult for civilian victims to access. Victims appear unclear about how civilians can press cases in a military court and if they did, they doubt the court’s rigor and objectivity, especially regarding cases of violence allegedly perpetrated during the war, including sexual violence. Furthermore, the military courts are viewed by local civilians to lack transparency. They are viewed as not readily accessible to civilians and many civilians who have tried to use them to seek justice report a climate of non-responsiveness, hostility, intimidation and impunity for alleged perpetrators.

V. Conclusion

Victims have a clearly established right to remedy and reparation for serious violations of international human rights law and international humanitarian law. Remedy encompasses the right to: equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; access to relevant information concerning violations and reparation mechanisms; and access to fair and impartial proceedings. Reparation is a part of remedy. Reparation has five components: (1) restitution (seeking insofar as possible to restore victims to their original state prior to the violations, including

land restitution); (2) compensation for economically-assessable damage; (3) rehabilitation (ensuring access to medical and psychological care and legal and social services); (4) satisfaction (measures such as attested public disclosure of the facts around disappearances, abductions and killings; identification and burial of the dead; and apologies from and sanctions against perpetrators); and (5) guarantees of non-repetition.⁴⁸

The *Juba Peace Agreement*, under Agenda Item Three, confirms victims' right to remedy and reparation for victims of serious crimes and violations committed in the GoU/LRA conflict. The idea under Agenda Item Three was that traditional justice mechanisms would play an important role in partially helping victims of serious crimes and violations realize their rights to remedy and reparation. However, our study of finds that currently, traditional justice mechanisms in Lango sub-region are unable to provide any remedy or reparation for such victims, with an even more complicated situation for female victims who suffered gender-related crimes such as sexual violence.

The central questions thus remain, if traditional justice mechanisms are to be effective in address-

ing cases of serious crimes committed by parties to the conflict and their resulting harms, how can the present deficiencies, gaps and challenges be addressed? And, perhaps more importantly, given that it appears that the majority of victims seeking redress and remedy were envisioned under *Juba Peace Agreement* to use traditional justice mechanisms, and we can see that in Lango this is unrealistic, and the Amnesty Act has (seemingly) cut off the formal criminal courts as a site of justice for victims, what avenues for real redress and remedy now exist for victims?

If traditional justice mechanisms are to have any meaningful impact on helping victims of the GoU/LRA hostilities, and particularly victims of serious crimes to realize their rights to remedy and reparation, efforts need to be made to determine what traditional justice systems can do based on what they are actually capable of doing, not based on what people wish they could do. Additionally, serious consideration should be given to determine if these systems are unable to provide remedy and reparation, what systems will be put in place to enable victims of serious crimes to realize their rights to redress under international and Ugandan law.

Endnotes

1. Traditional Justice mechanisms, such as Culo Kwor, Mato Oput, Kayo Cuk, Ailuc and Tonu ci Koka and others are practices in the communities affected by conflict, shall be promoted, with necessary modifications, as a central part of the framework for accountability and reconciliation. *Agreement on Accountability and Reconciliation* (Clause 3.1).
2. *Annexure to the Agreement on Accountability and Reconciliation* (Clause 20).
3. Lango sub-region is made up of the districts of Alebtong, Amolatar, Apac, Dokolo, Kole, Lira, Oyam and Otuke.
4. J.H. Driberg *The Lango: A Nilotic Tribe of Uganda* (London: Adelphi Terrace, 1923), 204.
5. *Agreement on Accountability and Reconciliation* (Clause 3.1) and its *Annexure* states that traditional justice mechanisms such as Culo Kwor, Mato Oput, Kayo Cuk, Ailuc and Tonu ci Koka and others a practiced in the communities affected by the conflict, shall be promoted, with necessary modifications, as a central part of the framework for accountability and reconciliation.
6. On 21 February 2004, the LRA attacked the camp at Barlonyo killing hundreds of people.
7. Traditional Justice mechanisms, such as Culo Kwor, Mato Oput, Kayo Cuk, Ailuc and Tonu ci Koka and others are practices in the communities affected by conflict, shall be promoted, with necessary modifications, as a central part of the framework for accountability and reconciliation. *Agreement on Accountability and Reconciliation* (Clause 3.1).
8. *Annexure to the Agreement on Accountability and Reconciliation* (Clause 20).
9. The bulk of northern Uganda's population is made up of either the Nilotes or the Para-Nilotes (also called 'Nilo-Hamites'). There are a number of linguistic subdivisions within each of the two groups. In northern Uganda the Nilotic Southern Lwo includes the Alur, Acholi, and the Kenyan Luo. They are now fully separate from Northern Lwo of South Sudan, which include the Shilluk. The Para-Nilotic peoples of Uganda include the Iteso, Karimojong, Dodos, Jie, and Turkana. Proximity and cultural exchange make it difficult to isolate traits specific to either the Nilotic or Para-Nilotic peoples, but generally speaking the Southern Lwo (Nilotic) social organization is based on segmentary systems of descent groups, whereas the Para-Nilotes depend more on age or generation groups, and tend more to pastoralism than their Nilotic peers. See Tosh (1978).
10. Driberg (1923), 25.
11. John Tosh, *Clan Leaders and Colonial Chiefs in Lango* (Oxford: Clarendon Press, 1978), 25–26.
12. Driberg (1923), 31.
13. Tosh (1978), 33.
14. Richard T Curley, *Elders, Shades, and Women* (Berkeley: University of California Press, 1973), 19.
15. Tosh (1978), 22.
16. Driberg (1923), 204.
17. Tosh (1978), Cherry Gertzel, *Party and Locality in Northern Uganda, 1945–1962* (London: Athlone Press, University of London, 1974).
18. See International Crisis Group (ICG) Africa Report No. 187, *Uganda: No Resolution to the Growing Tensions* (Nairobi, 5 April 2012), 8.
19. Ministry of Gender Labour and Social Development (MoGLSD), *The Uganda National Culture Policy* (Kampala, December 2006)
20. International Crisis Group (ICG), 8.
21. See the structure of Lango Cultural Foundation.
22. Driberg (1923), 204.
23. There is one female representation in the cabinet of LCF and she is the current Minister for Education.
24. In the past, in case of murder of one member of the clan, the victim's clan would revenge by committing another killing in the offending clan. Over time, the practice changed to a situation where a killing/murder was revenged/compensated by abducting a young lady (near puberty) from the offending clan with the hope that she would produce a boy to replace the one who was killed. See Concerned Parents Association in conjunction with Lango Cultural Foundation, *A Book on Lango Traditional Justice Mechanisms* (Kampala, 2008), 15. See also the MoGLSD, *The Uganda Culture Policy* (Kampala, 2006), 6.
25. Concerned Parents Association in conjunction with Lango Cultural Foundation, 2.
26. Concerned Parents Association in conjunction with Lango Cultural Foundation, 8.
27. Driberg (1923), 208.
28. Nearly a century ago, Driberg (1923) observed similar processes of compensation and reconciliation. He suggested that blood payments were likely adopted to avoid the drawn-out conflict that would ensue if amends were not quickly made. He wrote: 'Originally, killing, whether accidental or deliberate, immediate or protracted, was considered an act of war and not of arbitrament, and the relatives of the deceased would raid the murderer's village, taking blood for blood and as much more as they could. Frequently a feud of this nature would last several generations, and many years might elapse before vengeance is take for want of a good opportunity. It is not clear when or how the custom of making a blood payment originated, but it is very ancient, and probably arose from the murderer's family with the intention of staving off a raid' (210).
29. Concerned Parents Association in conjunction with Lango Cultural Foundation, 12–13.
30. When the dead person is a child, compensation may be lower. In the case of death of a person of low social status in the community, the compensation is normally less too. In the case for the death of a woman where marriage was not concluded, the clan of the husband may only be demanded to complete marrying the dead woman (i.e., paying the family the full bride price). Concerned Parents

- Association in conjunction with Lango Cultural Foundation, 15–16.
31. Concerned Parents Association in conjunction with Lango Cultural Foundation, 16.
 32. Concerned Parents Association in conjunction with Lango Cultural Foundation, 18–25.
 33. Concerned Parents Association in conjunction with Lango Cultural Foundation, 25.
 34. Concerned Parents Association in conjunction with Lango Cultural Foundation, 18–25.
 35. United Nations Office of the High Commissioner for Human Rights (UN OHCHR), Uganda and the Ugandan Human Rights Commission (UHRC), *The Dust Has Not Yet Settled: Victims' Views on Remedy and Reparation in the Greater North, Uganda* (Geneva and Kampala, 2011). Available at <http://www.ohchr.org/Documents/Press/Web-Stories/DustHasNotYetSettled.pdf>
 36. See *The Local Council Courts Act, 2006* (Kampala, 2006), 8. Under Schedule One of *The Local Council Courts Act, 2006* a currency point is equivalent to twenty thousand shillings (*The Local Council Courts Act, 2006*, 20). Under Schedule Two of *The Local Council Courts Act, 2006* (p. 21); cases and matters of a civil nature which may be triable by Local Council Courts are (1) debts, (2) contracts, (3) assaults or assault and battery, (4) conversion, (5) damage to property and (6) trespass. Under Schedule Three of *The Local Council Courts Act, 2006* (p. 22); Civil Disputes governed by Customary Law, triable by Local Council Courts are; (1) disputes in respect of land held under customary tenure; (2) disputes concerning marriage, marital status, separation, divorce or the parentage of children; (3) disputes relating to the identity of a customary heir; and (4) customary bailment.
 37. The LCF is collaborating with government organs such as Local Councils at all levels, the Local Council Three Courts and in some cases with the formal courts to handle land related cases as a result of escalating land disputes in most rural community after the war. In handling land cases, the traditional justice mechanisms are often faced with the challenges of corruption, bribery, biases among others or some cases are too complex for the mechanisms to deal with – thus the LCF refers them to formal mechanisms.
 38. Driberg (1923), 204.
 39. International Crisis Group.
 40. This disconnect is further borne out by funding. In contrast to other traditional institutions in Uganda, the Won Nyaci's budget is supported not by local (i.e., Langi) contributions, but by the central government. Consequently, the Won Nyaci is seen as a servant of the President, not of his own people.
 41. Field interview with the LC I Committee (7 members; 2 females and five males) Oyiramyem Village, Okwang Sub County, 14 July 2009. See also field interview with the LC III Chairperson of Okwang Sub County, 15 July 2009.
 42. Concerned Parents Association in conjunction with Lango Cultural Foundation, 19.
 43. Respondents mentioned that most Owitong (clan leaders/ heads) who are well educated or relatively well placed live very far away from them, some stay in the Capital in Kampala with little to no understanding of what their subjects encountered during the war. Some victims mentioned that the fact that some of their traditional leaders never experienced the war with them renders them incompetent to handle the cases of grave crimes which they experienced. The lower level clan leaders who live with them in the villages also are not able to handle the cases for many factors already noted, even though they lived with their communities during the war.
 44. Field Interview in Barlonyo village, 11 April 2009.
 45. The clan used to handle cases of grave nature such as those of un-wilful killings especially within the clan and sometimes between two clans – and the perpetrator would be known and not more complex cases as those witnessed during the LRA/GoU where the perpetrators are unknown.
 46. Field Interview in Barlonyo Village, female victim, 6 April 2009.
 47. *Agreement on Accountability and Reconciliation* (Clause 4.1).
 48. *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of serious Violations of International Human Rights Law and International Humanitarian Law*, A/RES/60/147.



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