

EXECUTIVE SUMMARY

Addressing the potential and limits of the '*mato oput*' process as a basis for accountability, justice and reconciliation for children in Northern Uganda Prudence Acirokop

The paper is based on a desk review and field research carried out in Gulu and Amuru districts of northern Uganda in February 2008 and a little of the author's own reflections as a member of the Acholi community.

More than two decade conflict has ravaged northern Uganda and neighbouring countries and children continue to play a central role as victims, perpetrators and witnesses. In the recent years, debates both national and international have inevitably explored potential transitional justice mechanism to address questions of justice, accountability and reconciliation in this region, this brings to light question of accountability for alleged child perpetrators.

Many child rights advocates, scholars and other activists have argued that subjecting children involved in armed conflict to accountability measures such as prosecution leads to increased stigmatisation and complicates the process of community reconciliation for the children in question. As much as there is merit in this argument, this paper takes the view that alleged child perpetrators would benefit a great deal from a process that ensures accountability for one's actions, respects procedural guarantees appropriate in the administration of juvenile justice and takes into account the desirability of promoting reconciliation and the capacity of the child to assume a constructive role in society.

To this end, the paper examines the efficacy of the Acholi traditional justice mechanism of *mato oput* to address questions of accountability for alleged child perpetrators. The strengths and potential drawbacks of *mato oput* as a justice mechanism in light of General Comment 10 of the Committee on the Rights of the Child on juvenile justice are evaluated and recommendations are provided for improvements.

Some children who have undergone traditional justice process attest that it has been helpful in restoring their psychological being and communal reconciliation and recommend it for the rest of the children in similar circumstances, while many others who have undergone traditional ritual say it has made no impact in their lives, whatsoever.

In addition, traditional practices worked well historically but times have changed, the cultural identity of the Acholi people today is shaped not only by tradition but also religious faith and judicial processes. When developing interventions to support justice and reconciliation, the complex and dynamic blend of identities and beliefs must always be kept in mind. It is important to acknowledge all the potential of traditional rituals as well as religious approaches and the more formal judicial systems as complementary and not contradictory approaches.

Suffice to say that, the legal base that was developed in the recent past in Uganda already provides for that. The Amnesty Law provides for total amnesty and forgiveness to end the conflict and ensure reintegration of former combatants

including former child soldiers, the Principle Agreement on Accountability and Reconciliation and its annexure provides for a Special Section of the High Court of Uganda to try those most responsible for the crimes committed during the conflict. This is in addition to the adaptation of different traditional justice mechanism to promote accountability and reconciliation in the different areas affected by the conflict in Uganda.

Main Recommendations

GoU and donors must hugely invest in sensitization programs to inform children on the nature, content and duration of the envisaged transitional justice mechanism and all possible consequences for taking part and also give full momentum to sensitisation and education work being done to promote reconciliation in the society.

GoU with the help of traditional leaders and elders when implementing mato oput must encourage and implement the adoption of a child-friendly process that also ensures privacy to safeguard the rights of children who become involved to build the child's confidence and restore his/her sense of justice in the social and political order. GoU, traditional leaders, elders and local government with support of donors should undertake a cultural analysis in consultation with the community, including victims and witnesses to define and categorise atrocities committed including sexual offences, abduction and use of child soldiers to assign proper and acceptable types of rituals and compensation.

The government of Uganda, NGOs and other developmental partners should utilise all these opportunities to their fullest potential, systematically collecting disaggregated data on all aspects of the different form of justice, accountability and reconciliation mechanism and to regularly evaluate the practices and its effects, invariably involving children, with due respect to their privacy, and other safeguards.