

Webinar: A Pathway to Peacebuilding and
Restorative Justice in South Sudan and
Regional
Experiences

By Nono Francis- African Center for peace
and Conflict memory

Structure of presentation

1. Context: Thicker TJ, weak(er) transitions, History of Uganda
2. Uganda's Transitional Justice Journey Reparative Justice Vs restorative Justices
3. Take aways



The formalisation of TJ

TRUTH

JUSTICE/PROSECUTION

REPARATIONS

GUARANTEES OF NON
RECURRENCE

The dilemmas of Uganda post-conflict TJ

Reparative Justice Vs Restorative Justice



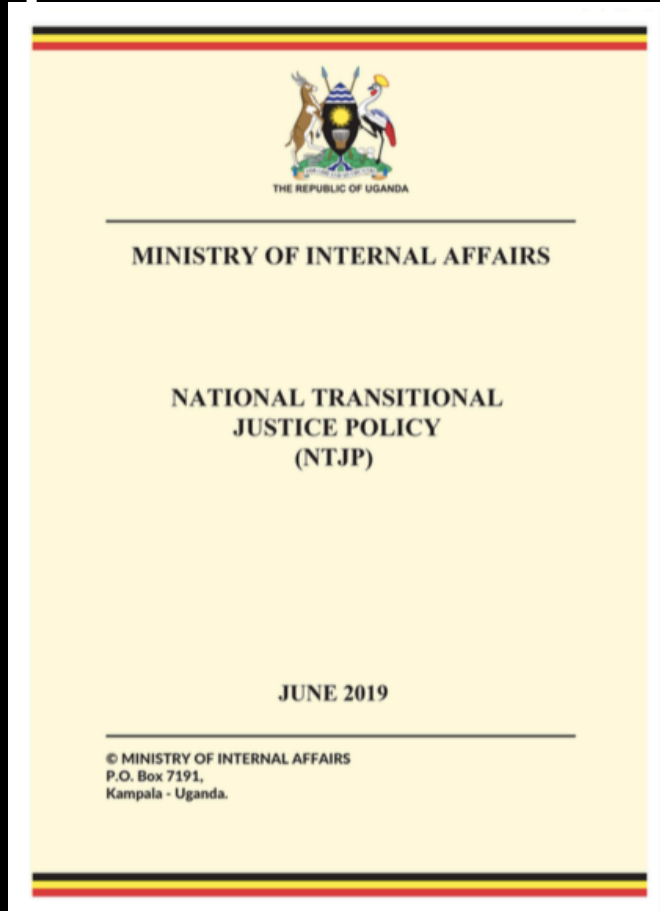
UGANDA



© https://asf.be/wp-content/uploads/2019/05/ASF_UG_201905_FatigueVictims_3.jpg

“Beggars can’t be choosers”

2006-25: A tale of unfulfilled TJ promises



- 1986-2006: armed conflict between LRA and gvt
- 2005: ICC indictments
- 2008: Juba agreement, incl. annex on Accountability and reconciliation
- 2010: Establishment of the ICD
- 2014-19: Development of TJ policy – no implementation to date
- 2021: Ongwen's conviction before the ICC
- 2024: Reparation Orders
- 2025: Confirmation of Charges(Kony)

Reparative Justice in Uganda: 1 court – 1 trial



Civil society's efforts to support the criminal process:

- Capacity-building of ICD, staff and lawyers
- Outreach to victims
- Advocacy for DPP to open new prosecutions
- Advocacy for Gvt to adopt TJ policy

- 2009: Kwoyelo's arrestation, in PTD since
- 2011-15: challenge of amnesty denial
- 2016: pre-trial starts
- 2018: confirmation of charges: beginning of trial
- 2020-22: suspension of trial

'A cynical rumor is spreading in Northern Uganda that one had better be "a victim of Ongwen than of Kwoyelo."'

Source: <https://www.ijmonitor.org/2018/10/thomas-kwoyelo-in-uganda-victims-participation-brings-hope-and-challenges/>

The TJ advocates' dilemma(s)

The Government's capture of TJ

- TJ limited scope (LRA)
- Informalisation of TJ (pledges and development discourse)
- Museveni's stop-and-go strategy (e.g. TJ policy)

Meanwhile...

- The vicious circle of victimhood
- Self-repair (Gilmore & Moffett)
- Beyond Acholi
- Shrinking civic space

⇒ **DO NO HARM**: Dealing with victims' fatigue while refraining from generating unfulfillable expectations;

⇒ **Rule of Law imperative** (*working for delivery of justice & demanding more*) v. **political pragmatism** (*wait for better days to come?*)

Take-aways



- Political context yet too often overlooked in the operationalisation of TJ
- Risk of losing the objectives behind the mechanisms?
- Beyond the principles, the difficulty to go beyond a top-down approach



- TJ principles still useful drivers of change
- Civil societies as actor of change
- Risk of losing the victims' voice on the way
- Risk of crystallising TJ over time and need to take into evolving context?

Thank you

Contact: nonofrnecs@gmail.com