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Country/ entity	Uganda
Region	Africa (excl MENA)
Agreement name	Annexure to the Agreement on Accountability and Reconciliation
Date	19 Feb 2008
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict (Ugandan Conflicts (1970 -))
Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Uganda peace process
Parties	Hon. Ruhakana Rugunda (Dr) Minister of Internal Affairs and Head of GoU Delegation Dr David Nyekorach Matsanga, Leader of the LRA/M Delegation
Third parties	Witnessed by: H.E. Lt. General Riek Machar Teny-Dhurgon (PhD), Vice President, Government of Southern Sudan And Chief Mediator of the Peace Talks. H.E. Andre M Kapanga (PhD), for the Government of the Democratic Republic of Congo. H.E. Japheth R. Getugi, for the Government of the Republic of Kenya. H.E. Nsavike G. Ndatta, for the Government of the United Republic of Tanzania. H.E. Francisco Caetano Madeira, for the Government of the Republic of Mozambique. Lt. Gen. (Rtd.) Gilbert Lebeko Ramano, for the Government of the Republic of South Africa. H.E. Jan Ledang, for the Government of Norway. Ms Anna Sundström, Political Advisor to the EU Special Representative for the Great Lakes Region, For the European Union. Mr Timothy R. Shortley, Senior Advisor to the Assistant Secretary of State for African Affairs, for the Government of the United States of America.
Description	The annexure to the 'Agreement on Accountability and Reconciliation' sets out mechanisms that will allow for the implementation of the provisions of the principal agreement. It establishes a body in charge of inquiring past atrocities, and a special division of the High Court of Uganda to deal with serious crimes. It also entails transitional justice provisions such as reparations and traditional justice mechanisms.

Groups

Children/ youth	<p>Groups→Children/youth→Rhetorical</p> <p>Page 4, Investigations and Prosecutions Article 13.</p> <p>...</p> <p>(c) Give particular attention to crimes and violations against women and children committed during the conflict.</p> <p>Page 5, Traditional Justice, 20. The Government shall in consultation with relevant interlocutors examine the practices of traditional justice mechanisms in affected areas, with a view of identifying the most appropriate roles for such mechanisms. In particular, it shall consider the role and impact of the processes on women and children.</p> <p>Groups→Children/youth→Substantive</p> <p>Page 2, Inquiry into the Past and related matters, 4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:</p> <p>...</p> <p>(c) To inquire into human rights violations committed during the conflict giving particular attention to the experiences of women children;</p> <p>...</p> <p>(e) To make provisions for witness protection, especially for children and women;</p> <p>Page 6, Provisions of General Application, Transitional Justice, 24. All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings.</p>
Disabled persons	<p>Groups→Disabled persons→Substantive</p> <p>Page 6, Provisions of General Application, Transitional Justice, 24. All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings.</p>
Elderly/age	No specific mention.

Migrant workers	No specific mention.
Racial/ethnic/national group	Groups→Racial/ethnic/national group→Substantive Page 3, Inquiry into the Past and related matters, Article 6. The body shall be made up of individuals of high moral character and proven integrity and the necessary expertise for carrying out its functions. In particular, its composition shall reflect a gender balance and the national character.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women,
girls and
gender

Page 2, Inquiry into the Past and related matters
Article 4.

The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:

...

4.c. To inquire into human rights violations committed during the conflict, giving particular attention to the experiences of women and children;

...

4.e. to make provision for witness protection, especially for children and women;

...

4.f. to make special provision for cases involving gender based violence;

Page 3, Article 8.

The special division of the High Court shall have a registry dedicated to the work of the division and in particular, shall make arrangements to facilitate the protection and participation of witnesses, victims, women and children.

Page 4, Investigations and Prosecutions
Article 13.

Investigations shall

13.c. Give particular attention to crimes and violations against women and children committed during the conflict.

Page 5, Traditional Justice, Article 20.

The Government shall in consultation with relevant interlocutors, examine the practices of transitional justice mechanisms in 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.

Page 6, Provisions of General Application, Article 24.

All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings.

Page 6, Article 25.

In the appointment of members and staff of institutions envisaged by the Agreement, overriding consideration shall be given to the competences and skills required for the office, and gender balance shall be ensured-

Men and boys	<p>Gender→Men and boys→Gender neutral wording Page 2, Inquiry into the Past and related matters</p> <p>Article 4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include: 4.f. to make special provision for cases involving gender based violence;</p> <p>Page 6, Provisions of General Application 24. All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings.</p> <p>Page 6, Article 25. In the appointment of members and staff of institutions envisaged by the Agreement, overriding consideration shall be given to the competences and skills required for the office, and gender balance shall be ensured-</p>
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general)	No specific mention.
State configuration	No specific mention.
Self determination	No specific mention.
Referendum	No specific mention.
State symbols	No specific mention.

Independence/ secession No specific mention.

Accession/ unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society Page 1, PREAMBLE

...

HAVING ESTABLISHED through consultations under Clause 2.4 of the Principal Agreement that there is a national consensus in Uganda that adequate mechanisms exist or can be expeditiously established to try the offences committed during the conflict:

Traditional/religious leaders Page 2, Inquiry into the Past and related matters, Article 4.

The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:

...

(g) To promote truth-telling in communities and in this respect to liaise with any traditional or other community reconciliation interlocutors:

Page 4, Legal and Institutional Framework, Article 9.

For the proper functioning of the special division of the court in accordance with the agreed principles of accountability and reconciliation, legislation may provide for:

...

(e) The recognition of traditional and community justice processes in proceedings.

Page 5, Traditional Justice, Article 19.

Traditional justice shall form a central part of the alternative justice and reconciliation framework identified in the Principal Agreement.

Page 5, Traditional Justice, Article 20

The Government shall in consultation with relevant interlocutors examine the practices of traditional justice mechanisms in affected areas, with a view of identifying the most appropriate roles for such mechanisms. In particular, it shall consider the role and impact of the processes on women and children.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation Page 4, Investigations and Prosecutions
Article 14. Prosecutions shall focus on individuals alleged to have planned or carried out widespread systematic or serious attacks directed against civilians or who are alleged to have committed grave breaches of the Geneva Conventions.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/ access	No specific mention.
Protection measures	Rights related issues→Protection measures→Other Page 2, Inquiry into the Past and related matters Article 4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include: ... (e) To make provisions for witness protection, especially for children and women;
Other	Page 2, Inquiry into the Past and related matters Article 4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include: ... (c) To inquire into human rights violations committed during the conflict giving particular attention to the experiences of women children;

Rights institutions

NHRI	No specific mention.
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Regional or international human rights institutions

Justice sector reform

Criminal justice and emergency law

Justice sector reform→Criminal justice and emergency law→Reform to specific laws

Page 4, Cooperation with Investigation and Proceedings, Article 15.
... Provided that a person shall not be compelled to disclose any matter which might incriminate him or her.

Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform

Page 4, Investigations and Prosecutions, Article 10.

The Government shall establish a unit for carrying out investigations and prosecutions in support of trials and other formal proceedings as envisaged by the Principal Agreement

Page 4, Investigations and Prosecutions, Article 11.

The unit shall have a multi-disciplinary character.

Page 4, Investigations and Prosecutions, Article 12.

The Director of Public Prosecution shall have overall control of the criminal investigations of the unit and of the prosecutions before the special division.

State of emergency provisions

No specific mention.

Judiciary and courts Page 3, Inquiry into the Past and related matters
Article 5

In the fulfilment of its functions, the body shall give precedence to any investigations or formal proceedings instituted pursuant to the terms of this Agreement. Detailed guidelines and working practices shall be established to regulate the relationship between the body and other adjudicatory body seized of a case relating to this agreement.

Page 3-4, Legal and Institutional Framework

Article 7.

A special division of the High Court of Uganda shall be established to try individuals who are alleged to have committed serious crimes during the conflict.

Article 8.

The special division of the High Court shall have a registry dedicated to the work of the division and in particular, shall make arrangements to facilitate the protection and participation of witnesses, victims, women and children.

Article 9.

For the proper functioning of the special division of the court in accordance with the agreed principles of accountability and reconciliation, legislation may provide for:

(a) The constitution of the court:

(b) The substantive law to be applied:

(c) Appeals against the decisions of the court:

(d) Rules of procedure.

(e) The recognition of traditional and community justice processes in proceedings.

Page 6, Provisions of General Application

Article 23.

Subject to clause 4.1 of the Principal Agreement, the Government shall ensure that serious crimes committed during the conflict are addressed by the special Division of the High Court; traditional justice mechanisms; and any other alternative justice mechanism established under the Principal Agreement, but not the military courts.

...

Article 25.

In the appointment of members and staff of institutions envisaged by the Agreement, overriding consideration shall be given to the competences and skills required for the office, and gender balance shall be ensured.

Prisons and detention No specific mention.

Traditional Laws Page 5, Traditional Justice, Article 21

The Traditional Justice Mechanisms referred to include:

i. Mato Oput in Acholi, Kayo Cuk in Lango, Ailuc in Teso, Tonu ci Koka in Madi and Okuraba in Ankole: and

ii. Communal dispute settlement institutions such as family and clan courts.

Article 22. A person shall not be compelled to undergo any traditional ritual.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/
rights No specific mention.

Pastoralist/
nomadism
rights No specific mention.

Cultural
heritage No specific mention.

Environment No specific mention.

Water or
riparian
rights or
access No specific mention.

Security sector

Security
Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed
forces No specific mention.

DDR No specific mention.

Intelligence
services No specific mention.

Parastatal/
rebel and
opposition
group
forces

No specific mention.

Withdrawal
of foreign
forces

No specific mention.

Corruption

No specific mention.

Crime/
organised
crime

No specific mention.

Drugs

No specific mention.

Terrorism

No specific mention.

Transitional justice

Transitional
justice
general

Page 4, Investigations and Prosecutions, Article 13.
Investigation shall
(a) Seek to identify individuals who are alleged to have planned or carried out
widespread, systematic, or serious attack directed against civilians:
(b) Reflect the broad pattern of serious crimes and violations committed
during the conflict:
(c) Give particular attention to crimes and violations against women and
children committed during the conflict.

Amnesty/
pardon

No specific mention.

Courts

Transitional justice→Courts→National courts

Page 3, Legal and Institutional Framework

(Principal Agreement: Part 5)

7. A special division of the High Court of Uganda shall be established to try individuals who are alleged to have committed serious crimes during the conflict.

8. The special division of the High Court shall have a registry dedicated to the work of the division and in particular, shall make arrangements to facilitate the protection and participation of witnesses, victims, women and children.

9. For the proper functioning of the special division of the court in accordance with the agreed principles of accountability and reconciliation, legislation may provide for:

(a) The constitution of the court;

(b) The substantive law to be applied;

(c) Appeals against the decisions of the court;

(d) Rules of procedure;

(e) The recognition of traditional and community justice processes in proceedings investigations and Prosecutions

{Principal Agreement: Part 4}

10. The Government shall establish a unit for carrying out investigations and prosecutions in support of trials and other formal proceedings as envisaged by the Principal Agreement.

11. The unit shall have a multi-disciplinary character.

12. The Director of Public Prosecutions shall have overall control of the criminal investigations of the unit and of the prosecutions before the special division.

13. Investigations shall

(a) Seek to identify individuals who are alleged to have planned or carried out widespread, systematic, or serious attacks directed against civilians;

(b) Reflect the broad pattern of serious crimes and violations committed during the conflict;

(c) Give particular attention to crimes and violations against women and children committed during the conflict.

14. Prosecutions shall focus on individuals alleged to have planned or carried out widespread, systematic, or serious attacks directed against civilians or who are alleged to have committed grave breaches of the Geneva Conventions.

Cooperation with Investigations and Proceedings

(Principal Agreement: clauses 3.5 & 3.6)

15. Rules and procedures shall regulate the manner in which an individual may cooperate with any investigations and proceedings arising from this Agreement, by disclosure of all relevant information relating to;

(a) His or her own conduct during the conflict;

(b) Details which may assist in establishing the fate of persons missing during the conflict;

(c) The location of land mines or unexploded ordnances or other munitions, and,

(d) any other relevant information.

(e) Provided that a person shall not be compelled to disclose any matter which might incriminate him or her.

Mechanism Page 2-3, Inquiry into the Past and related matters
Article 4.
The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:
4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:
(a) to consider and analyse any relevant matters including the history of the conflict;
(b) to inquire into the manifestations of the conflict;
(c) to inquire into human rights violations committed during the conflict, giving particular attention to the experiences of women and children;
(d) to held hearings and sessions in public and private;
(e) to make provision for witness protection, especially for children and women;
(f) to make special provision for cases involving gender based violence;
(g) to promote truth-telling in communities and in this respect to liaise with any traditional or other community reconciliation interlocutors;
(h) to promote and encourage the preservation of the memory of the events and victims of the conflict through memorials, archives, commemorations and other forms of preservation,
(i) to gather and analyse information en those who have disappeared during the conflict,
(j) to make recommendations for the most appropriate modalities for implementing a regime of reparations, taking into account the principles set out in the Principal Agreement;
(k) to make recommendations for preventing any future outbreak of conflict;
(l) to publish its findings as a public document;
(m) to undertake any other functions relevant to the principles set out in this Agreement.
5. In the fulfillment of its functions, the body shall give precedence to any investigations or formal proceedings instituted pursuant to the terms of this Agreement. Detailed guidelines and working practices shall be established to regulate the relationship between the body and any other adjudicatory body seized of a case relating to this Agreement.
6 The body shall be made up of individuals of high moral character and proven integrity and the necessary expertise for carrying out its functions. in particular, its composition shall reflect a gender balance and the national character.

Prisoner release No specific mention.

Vetting No specific mention.

Victims	<p>Page 2, Inquiry into the Past and related matters Article 4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include: ... (d) To hold hearings and sessions in public and private; (e) To make provisions for witness protection, especially for children and women; (f) To make special provision for cases involving gender based violence; ... (h) To promote and encourage the preservation of the memory of the events and victims of the conflict through memorials, archives, commemorations and other forms of preservations;</p> <p>Page 6, Provisions of General Application, Article 24. All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings.</p>
Missing persons	<p>Page 2, Inquiry into the Past and related matters Article 4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include: ... (i) To gather and analyse information on those who have disappeared during the conflict;</p> <p>Page 3, (Principal Agreement: clauses 3.5 & 3.6) 15 Rules and procedures shall regulate the manner in which an individual may cooperate with any investigations and proceedings arising from this Agreement, by disclosure of all relevant information relating to; [...] (b) Details which may assist in establishing the fate of persons missing during the conflict;</p>

Reparations Transitional justice→Reparations→Material reparations

Page 5, Reparations

Article 16. The Government shall establish the necessary arrangements for making reparations to victims of the conflict in accordance with the terms of the Principal Agreement.

Article 17. Prior to establishing arrangements for reparations, the Government shall review the financial and institutional requirements for reparations, in order to ensure the adoption of the most effective mechanisms for reparations.

Article 18. In reviewing the question of reparations, considerations shall be given to clarifying and determining the procedures for reparations.

Reconciliation Page 1, PREAMBLE

THE PARTIES:

HAVING SIGNED the Principal Agreement by which the parties committed themselves to implementing accountability and reconciliation with respect to the conflict:

PURSUANT TO the terms of the Principal Agreement calling for the adoption of mechanisms for implementing accountability and reconciliation;

...

CONFIDENT that the Principal Agreement embodies the necessary principles by which the conflict can be resolved with justice and reconciliation and consistent with national and international aspirations and standards

Inquiry into the Past and related matters

Article 4.

The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:

...

(g) To promote truth-telling in communities and in this respect to liaise with any traditional or other community reconciliation interlocutors:

Page 5, Traditional Justice

Article 19.

Traditional justice shall form a central part of the alternative justice and reconciliation framework identified in the Principal Agreement.

Implementation

UN signatory	No specific mention.
Other international signatory	Witnessed by: H.E. Lt. General Riek Machar Teny-Dhurgon (PhD), Vice President, Government of Southern Sudan And Chief Mediator of the Peace Talks. H.E. Andre M Kapanga (PhD), for the Government of the Democratic Republic of Congo. H.E. Japheth R. Getugi, for the Government of the Republic of Kenya. H.E. Nsavike G. Ndatta, for the Government of the United Republic of Tanzania. H.E. Francisco Caetano Madeira, for the Government of the Republic of Mozambique. Lt. Gen. (Rtd.) Gilbert Lebeko Ramano, for the Government of the Republic of South Africa. H.E. Jan Ledang, for the Government of Norway. Ms Anna Sundström, Political Advisor to the EU Special Representative for the Great Lakes Region, For the European Union. Mr Timothy R. Shortley, Senior Advisor to the Assistant Secretary of State for African Affairs, for the Government of the United States of America.
Referendum for agreement	No specific mention.
International mission/force/similar	No specific mention.
Enforcement mechanism	Article 26. The Mediator shall from time to time receive or make requests for reports on the progress of the implementation of the Agreement.
Related cases	No specific mention.

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