

Transitional Justice in Northern Uganda: The Case of the Trust Fund For Victims

Overview

Recent debates on transitional justice have concerned whether the field responds to the needs of victims who have suffered serious crimes. At the global level, the International Criminal Court (ICC) serves as the most visible institution of transitional justice and is most famous for its prosecutions of war criminals. Critics of the Court question its relevance to victims and allege that it embodies a Western form of justice. Often overlooked, however, is the Court’s sister organization, the Trust Fund For Victims (TFV), which is mandated to deliver court-ordered reparations to victims and to provide assistance to those affected by crimes under ICC jurisdiction. This assistance mandate creates a novel opportunity to reach a wide scope of affected individuals and to bring international justice directly to those who need it most. This thesis reviews research on transitional justice and employs the Trust Fund as a case study of localizing transitional justice through reparative assistance.

Research Questions

- How does the Trust Fund fit into the dominant paradigms of justice?
- Can a focus on reparative assistance achieve justice for victims of international crimes?
- Has the Trust Fund successfully fulfilled its mandate in northern Uganda?
- What obstacles to its mission does the TFV face?

Theories of Justice

- Transitional Justice** - Helps a society transition from armed conflict or authoritarianism to social divisions, confront rights violations, and prevent future atrocities.
- Retributive Justice** - Punishes perpetrators of crimes to maintain rule of law and to deter future crimes.
- Restorative Justice** - Repairs relationships through accountability and redress of harm.
- Reparative Justice** - Focuses on redress to victims but is not contingent on perpetrator participation.

Conflict in Northern Uganda

Background
The ICC situation in northern Uganda emerged from a history of violent governance and conflict in Uganda. Beginning in 1986, the Lord’s Resistance Army, led by Joseph Kony, began terrorizing the population of northern Uganda. Kony justified his brutality by arguing that the Museveni government was illegitimate, and the Acholi people of northern Uganda were complicit with his rule.

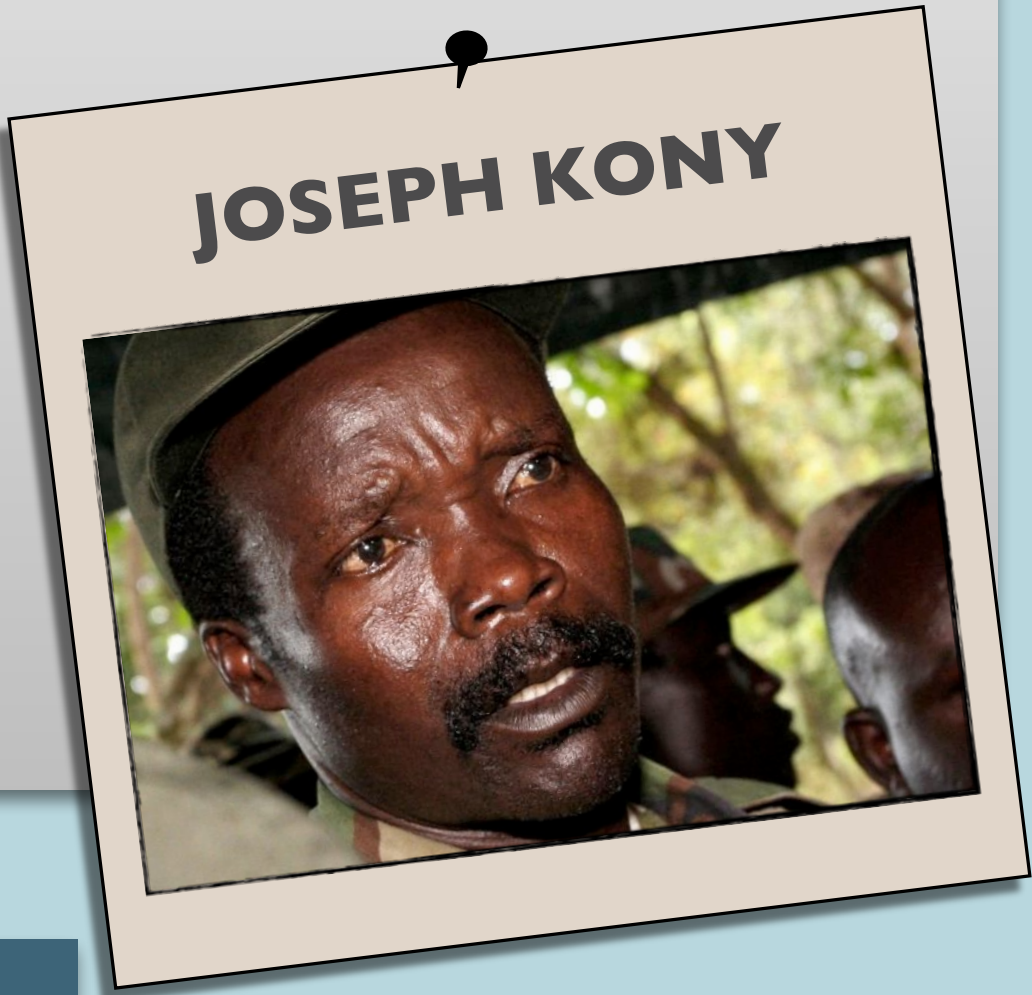
War Crimes & Crimes Against Humanity
LRA international crimes include killing, torture, abduction, slavery, forced marriage, forced recruitment, mutilation, sexual violence, serious psychological harm, and pillaging and destruction of property. These violations were indiscriminate, systematic, and widespread, often targeting the elderly, women, and children. Some of the most brutal activity includes beating or crushing civilians to death, dismembering them, and burning them alive.

Scope of Conflict

- 2 million people displaced by April 2006
- Between 24,000 and 28,000 children abducted
- Between 28,000 and 37,000 adults abducted

ICC Intervention

- ICC investigation began in January 2004, following a referral by President Museveni
- 5 warrants were issued for LRA commanders
- 3 have died and 2 remain at large



The Trust Fund For Victims

- Material Support**
- Aims to improve the economic status of victims by resounding to the destruction of property and the disruptive consequences of displacement
 - Includes access to safe housing, vocational training, reintegration programs for former child soldiers, support for village savings and loans associations, grants for education, classes in literacy
- Physical Rehabilitation**
- Aims to help victims recover and resume their roles of productive and contributing members of their societies
 - Includes the provision of prosthetic and orthopedic devices, bullet and bomb fragment removal, reconstructive and general surgery, and referrals to medical services for victims of sexual violence
- Psychological Rehabilitation**
- Aims to help victims recover from the psychological damage of conflict and to reduce stigma surrounding treatment
 - Includes individual and group-based trauma counseling, community-led rituals to heal memories, and community sensitization

“Retributive justice is largely Western. The African understanding is far more restorative—not so much to punish as to redress or restore a balance that has been knocked askew. The justice we hope for is restorative of the dignity of the people.”
—Archbishop Desmond Tutu

Findings & Conclusions

- Successes**
- Each type of assistance—material support, physical rehabilitation, and psychological rehabilitation—has made significant contributions to the rehabilitation of individuals affected by the conflict. This programming appeals to both normative goals of transitional justice.
 - By responding to harms of past abuses, the TFV helps redress human rights violations. Through capacity-building and reconciliation efforts, the TFV helps prepare the society for a more justice future.
- Limitations**
- **Communication:** Interview respondents often said that beneficiaries were unaware that the TFV funded their assistance and how of the TFV is connected to the ICC. The connection between the TFV assistance and the beneficiary’s status as a victim of an international crime is crucial.
 - **Transition to Government:** Victims list the government as the primary party responsible for helping them meet their post-conflict needs. However, the TFV does little to coordinate with the government or to transition responsibility to the government.

- Conclusions**
- The Rome Statute establishes a system directly concerned with the principles of transitional justice through its attempts to (a) redress past abuses and (b) pave the way for a better future
 - The TFV responds to calls to incorporate local perceptions by designing annual projects based on evaluations of victims’ needs; however, these efforts could be expanded.
 - TFV reparative assistance, when designed to respond to victims’ needs, has material and symbolic significance to victims that meet the goals of transitional justice.

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