

In the pursuit of Justice for Gross Human Rights Violations: Truth as a vital yet seemingly unattainable form of Justice

By Solomy Awiidi¹

Annually, [March 24](#) is observed as the International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims. Established on December 21, 2010 by the UN General Assembly, the day acknowledges three main resolutions;

- i) the importance of honoring the memory of victims of gross and systematic human rights violations and the need to promote the right to truth and justice;
- ii) the need to pay tribute to those who have devoted (and lost) their lives to the struggle to promote and protect human rights for all and
- iii) the work of Archbishop Oscar Arnulfo Romero who actively engaged in denouncing human rights violations of vulnerable populations in El Salvador and was assassinated on March 24, 1980.

The United Nations Human Rights Commission determined an inalienable and autonomous right to know the truth about gross human rights violations and severe violations of human rights law in 2006. In this blog, I argue that in the aftermath of devastating conflicts, repressive regimes or intense political riots, knowing the truth about what happened is more than just a step towards justice, but rather a vital key towards acknowledgement, redress, forgiveness, healing and (potentially) commitments for non-repetition. It is also a recognized human right to which all victims and survivors of armed conflicts and repressions are entitled.

In both humanitarian and development discourse, “right to truth” is frequently invoked in situations/contexts of gross violations of human rights and grave breaches of international humanitarian law. The right implies *knowing the full and complete truth* about the events that transpired, the specific circumstances under which these events transpired, and the reasons for occurrences of these events, as well as who participated in them. As a matter of relevance, good practice, and in the pursuit for access to justice, relatives of victims of summary executions, enforced disappearance, missing persons, abducted children, and torture victims need to know what happened to their loved ones.

Truth seeking in Uganda’s context

The right to truth is linked to the duty and obligation of governments to protect and guarantee human rights, to conduct effective investigations and inquiries into violations occasioned to its populace as well as to guarantee effective remedy and reparations.

From pre-colonial to post-colonial struggles, and mired in civil strife triggered by political instability, Uganda’s turbulent past is not a tale for the faint-hearted. The lauded ‘Pearl of Africa’ has witnessed an unspeakable history of military coups, decades long insurgency in northern Uganda, socio-economic and ethnic-based clashes, election-related violence, etcetera. People living in Uganda have a lot of uncomfortable tales of loss of property, lives, abductions, inhumane treatment, and displacements that continue to negatively impact both *direct* and *indirect* victims across generations. An outward perspective into many post-conflict settings reminds us that efforts to establish a reliable account of what happened during conflict has taken the form of

¹¹ Gender Justice Activist, Transitional Justice Practitioner, Programme Manager, Conflict, Transitional Justice, and Governance Programme, Refugee Law Project, School of Law, Makerere University

a truth commission, official inquiries established to determine the facts, causes, and consequences of human rights violations. Uganda has had two noticeable efforts towards establishing the truth regarding human rights violations. Firstly, the [1974 Commission of Inquiry into the Disappearances of People in Uganda](#), established by the then-President Idi Amin to investigate disappearances. Whereas that was a bold move towards tackling human rights violations, the commission lacked the much-desired political will to carry out their mandate. In addition, when the finding of the 1974 Commission of Inquiry report implicated the State Research Bureau, the Commissioners had to flee for their lives, leaving the various volumes of report as records that remain housed in Museums to date.

Uganda's second effort at truth-seeking during the [1986 Commission of Inquiry into the Violation of Human Rights](#) was established by President Yoweri Kaguta Museveni with the aim to investigate human rights violations in the past regimes and establish a path towards national healing. Like that before it, this report was not widely disseminated either and many of the recommendations made could not be acted upon due to the continuous [shortages of finances](#) required for the implementation of the recommendations. Central to this report however was the creation of Uganda's celebrated 1995 Constitution (as it then was) with the constitutional changes around individual rights and liberties, customary rights and women's rights among others. Little effort was achieved in addressing concerns of many Ugandans, whose quests for truth following abuses in the form of arbitrary arrests, detentions and killings prior to the 1986 went unanswered.

Owing to the above, Uganda's unaddressed legacies of conflict, coupled with socio-economic and political narratives continue to fuel trouble along inter-tribal and political lines among the citizenry, with continued violations of human rights arising from these clashes as was evident in the most recent pre and post-election violence during the recently concluded 2021 Presidential Election. The elections were marred by human rights violations, accounts of which remain characterized by various versions of the purported *truths* from state actors and the fourth estate.

Right to Truth and Transitional Justice in Uganda

There is still a window of hope and opportunity for transformative changes. The attention on truth seeking and truth telling for Uganda was revisited during the 2006-2008 negotiations between the government and the Lord's Resistance Army (LRA) in the [Juba Peace Process](#). With government's commitment towards implementing its national and international obligations arising from this Peace Process, Uganda currently has a National Transitional Justice Policy² which explores 'truth seeking' in relation to nation building and reconciliation. The Policy makes note of challenges to truth seeking, pointing out the need for communal and political acceptance of the process due to the sensitivity of the issues.

Effective truth seeking is well placed to reinforce other transitional justice measures, namely prosecutions, reparations, and institutional reform, as truth-seeking measures provide an important platform for victims to voice their experiences and demands.

Working with post-conflict communities in Uganda, the value of truth-telling is often stressed by victims as one of the best ways to [promoting reconciliation](#) and central to achieving justice that is meaningful to victims as well as their communities. Like with various justice processes, truth-seeking and telling requires timely engagement. With the passing of the National Transitional Justice Policy and plans towards its implementation proving slow, unofficial truth-seeking processes are urgent, now more than ever. These processes create spaces for individuals from conflict-affected communities to share their voices contributing

² Passed in June 2019, months after the passing of the African Union Transitional Justice Policy

to restoring the dignity to victims, their families and communities by enabling them feel seen and heard. Refugee Law Project (RLP) continues to conduct memory dialogues also known as local level truth telling sessions, usually held in conflict affected communities and these have been central to providing platforms for victims to share accounts of their experiences. Moderated by selected community members, victims, their families and community members gather and participate in these dialogues narrating conflict accounts as they remember or as they were told alongside documentation of individual testimonies, all of which contribute to the documentation of conflict narratives and sharing justice needs in the communities RLP works with. With community members jointly organizing, managing and participating in Memory Dialogues, this informal process encourages creativity, demands more opportunities to share truths and creates spaces that allow post-conflict communities to re-imagine peace.

Nothing lends a voice to the need for truth like the mantra, **“to move forward, one must look back”**. Drawing lessons from our history towards national reconciliation is critical, with truth as a central component in confronting our past particularly towards non-repetition.

As Ugandans work towards implementing the National Transitional Justice Policy, it is essential to build collaborative models for transitional justice processes that can lead to transformation as we seek to understand what happened to our people and us, how we can be safe or feel safe as we continue to live in communities and in a country with those who took part in violations that harmed us at different times. Collaborative models for truth-seeking and truth-telling require all hands on deck – religious leaders, cultural leaders and the citizenry alongside government need to work together to design and implement these collaborative models including both formal and informal processes. While formal processes are easier to work with, the informal processes like RLP’s Memory Dialogues require engagements in truth-seeking and truth-telling that are participatory and free from all forms of intimidation from state and non-state actors if they are to be effective.

Conclusion

From the discussions above, Uganda’s dream of National Reconciliation will remain a desire, growing even more further away from realization if truth does not take center stage! As the world commemorates the International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims, it is important to recall that the pursuit of justice takes many forms, with truth-seeking and truth-telling more as an essential ingredient than a replacement or alternative form of justice. Truth is vital for victims as it enables closure for family members, validates one’s experience, allows for a better understanding of past conflict events and how they played out, informs actions for redress from the victim’s point of view contributing to achieving long-lasting peace.

As we commemorate this day, let’s be reminded that truth is not just about morals, it centers healing and allows for transformation that is sustainable for the building of a dignified and inclusive future, truth in Uganda has potential to overcome divisive sectoral narratives and uniting polarized citizenry by establishing an objective account of our violent past.

Piece written by Solomy Awiidi, March 24, 2022³

³³ Gender Justice Activist, Transitional Justice Practitioner, Programme Manager, Conflict, Transitional Justice, and Governance Programme, Refugee Law Project, School of Law, Makerere University