



**JOINT NON-GOVERNMENTAL ORGANISATIONS SUBMISSION TO THE UNITED
NATIONS HUMAN RIGHTS COUNCIL**

**3RD CYCLE OF THE UNIVERSAL PERIODIC REVIEW (UPR) OF THE REPUBLIC OF
UGANDA**

FOR CONSIDERATION AT THE 40TH SESSION OF THE UPR WORKING GROUP

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I. INTRODUCTION

1. The Transitional Justice Consortium Uganda (The Consortium) welcomes the opportunity to contribute to the Third Cycle of the Universal Periodic Review (UPR) of the Republic of Uganda by the Human Rights Council during the 40th Session of the UPR Working Group. The consortium is convened by the International Center for Transitional Justice, The African Youth Initiative Network, Avocat San Frontières, and The Refugee Law Project, and comprises sixteen organizations and groups. The members of the consortium work to advance accountability for serious crimes, promote truth, justice, and acknowledgment for victims and prevent violent conflict in Uganda. sixteen organizations and groups contributed to the preparation of the report.¹
2. The report assesses the government's progress in implementing the recommendations related to transitional justice that it accepted during the Second UPR cycle in Uganda, held in 2016. It will examine the gaps, challenges, and emerging concerns. Each part is accompanied by recommendations to the Government of Uganda on these specific issues. The consortium acknowledges the Government of Uganda's efforts to participate in the UPR process since its inception in 2010.

About the submitting organizations.

3. **The International Center for Transitional Justice (ICTJ)** is a nonprofit human rights organization that works across society and borders to challenge the causes and address the consequences of massive human rights violations. Founded in 2001, ICTJ aims to affirm victims' dignity, fight impunity, and promote responsive institutions in

societies emerging from repressive rule or armed conflict as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ has been working in Uganda since 2009 to advance truth, justice, and acknowledgment for victims of mass atrocities.²

4. **Avocats Sans Frontières (ASF)** is an international NGO specializing in the defense of human rights and support for justice. With field offices in Burundi, Chad, Central African Republic, Indonesia, Morocco, Central African Republic, DRC, Tunisia and Uganda, ASF brings over 25 years of experience in delivering legal aid services, capacity building and advocacy to assist people, particularly those in a vulnerable situation, to become emancipated by demanding and asserting their rights.
5. **African Youth Initiative Network (AYINET)** is an NGO, founded in 2005, which focuses on addressing the harmful effects of violent conflict by empowering survivors to manage conflict, prevent future violence, and promotes solidarity for healing, stability, and development.
6. **The Refugee Law Project (RLP)** is a community outreach project of the School of Law, Makerere University that seeks to empower asylum seekers, refugees, deportees, IDPs and host communities to enjoy their human rights and lead dignified lives. RLP envisions is a world where all people enjoy their human rights, irrespective of their legal status.

II. BACKGROUND

7. During 2016 UPR cycle, out of 226 recommendations received, 143 were accepted by the Government of Uganda, and 78 were noted.³ The consortium welcomes the opportunity to engage with the third UPR of Uganda on the following issues:
 - a) The right to an effective remedy.
 - b) The rights of children born of war to nationality and birth registration.
 - c) Enforced disappearances.
 - d) Conflict-related sexual violence

III. ABOUT THIS REPORT AND METHODOLOGY OF COMPILATION

8. The report is a culmination of joint efforts of the Transitional Justice consortium (cluster) under the CSO National Stakeholder's Forum on the UPR- a loose network of over 300 NGOs dedicated to following up in the UPR mechanism coordinated by the National Coalition of Human Rights Defenders Uganda.
9. The report relies on first-hand information collected through in-depth community interviews conducted by the organizations as well as formal and informal discussions

with victims, affected communities and policy makers. This report also includes an extensive review of previous UPR reports, UN legal instruments, news articles, and Uganda's legal framework.

IV. SUBMISSIONS ON STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS AND KEY EMERGING ISSUES

A. The right to an Effective Remedy

10. During the second UPR of Uganda in 2016, the government accepted **Recommendation 155.22**, to “speedily enact the respective policies and bills on legal aid and transitional justice to fulfill the constitutional mandate to provide justice for all”.⁴
11. Uganda is party to several international treaties and covenants that provide the right to an effective remedy.⁵ Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR) requires states to ensure that persons whose rights or freedoms have been violated have access to an effective remedy.
12. The UN General Assembly Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of Human Rights Law and Serious Violations of International Humanitarian Law⁶ recognizes victims' right to an effective remedy, including the right to "adequate, effective and prompt reparation" and "access to relevant information concerning violations and reparation mechanisms.”
13. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power recognizes the right of victims to access judicial processes and receive prompt redress for the harms they suffered.⁷
14. In June 2019, the Government of Uganda passed the National Transitional Justice Policy (NTJP) to address the Country's legacy of conflict and related peace, justice, reconciliation, accountability, and social reintegration concerns.⁸ We welcome the government's approval of the transitional justice policy, which constitutes a milestone in the Country's efforts to provide justice for victims of armed conflict and address the legacies of conflict.
15. The Government of Uganda has established the International Crimes Division (ICD) of The High Court, tasked with fighting impunity by prosecuting perpetrators of international crimes. In June 2016, the ICD, adopted its Rules of Procedure which provide for the protection and participation of victims in criminal proceedings at the ICD.

16. In February 2021, the International Criminal Court (ICC) found former Lord's Resistance Army (LRA) commander Dominic Ongwen guilty of 61 counts of war crimes and crimes against humanity, including 19 counts of sexual crimes committed in Northern Uganda between July 1, 2002, and December 31, 2005.⁹ Ongwen's conviction paves the way for victims of his crimes to obtain reparations.

Emerging Human Rights Concerns:

17. Almost two years after the NTJP was approved, there has been limited progress towards its implementation. Parliament is required to enact legislation (The Transitional Justice Bill) which will establish the different mechanisms in the NTJP, including reparations programs, processes that contribute to nation-building, and witness protection measures during the prosecution of international crimes. The long delay in implementing the NTJP deprives victims of conflict-related atrocities of access to an adequate, prompt, and effective remedy and reparations.
18. There is limited civil society participation in the development of the transitional justice legislation, which is inconsistent with the NTJP objective to “promote the participation of intended beneficiaries, outreach programs and matters of accesses.”¹⁰ Civil society and victims have minimal information of discussions and processes within Parliament and Government. The meaningful participation of victims in transitional justice processes and criminal proceedings can help determine whether these processes contribute to overall change and acknowledgement for victims in the places where the atrocities occurred, while advancing the fundamental goal of ensuring equal access to justice for all.
19. Since its establishment in 2008, the ICD has only handled one case of international crimes. This is the case involving former LRA commander Thomas Kwoyelo who is charged with 93 counts of war crimes and crimes against humanity. There has been minimal progress in the trial, and Kwoyelo has been in detention since his capture in 2009. The delay in conducting his trial violates Kwoyelo's right to a speedy and fair trial.¹¹ The delay is partly due to the frequent rotation of judges and court staff, and government's failure to provide the court with adequate resources to fulfill its mandate.
20. In 2018, the African Commission on People's and Human Rights held that the Uganda government violated Kwoyelo's right to a fair trial and ordered the government to pay Kwoyelo adequate compensation for breaching his rights under the African Charter.¹² Despite the Commission's ruling in 2018, the prosecution has not made much progress and the government has not awarded Kwoyelo compensation as ordered.

21. Apart from the transfer of Dominic Ongwen to the Netherlands to stand trial before the ICC, the Government of Uganda has not demonstrated any substantial efforts towards ensuring accountability for the serious violations committed against its citizens in the past. Moreover, the government's limited efforts on accountability have been selective, targeting LRA perpetrators while ignoring calls to investigate and prosecute members of the Uganda Peoples Defense Forces (UPDF) that committed atrocities in Northern Uganda.¹³
22. In November 2016, the UPDF launched a military attack on the Palace of the Obusinga Bwa Rwenzururu, which resulted in the death of over 150 civilians, including children and 46 Palace Royal guards.¹⁴ Following the attack, the government arrested and charged more than 169 individuals, including children and the King of the Rwenzururu Kingdom, Omusinga Charles Wesley Mumbere, with murder, treason, and terrorism, among other charges of malicious damage of property.¹⁵ The detained persons were subjected to torture, cruel, inhuman, and degrading treatment, resulting in at least three deaths.¹⁶ In January 2021, the High Court granted bail to 132 detainees, and no trial date has been set to date.¹⁷
23. In 2020, the office of the Prosecutor of the ICC announced that it would not further investigate those violations as they do not meet the threshold of crimes under the Rome Statute. At the same time, it acknowledged that the UPDF soldiers used indiscriminate and disproportionate force, resulting in the killing and serious injury of civilians.¹⁸ The court left it to the Ugandan Government to investigate and prosecute the perpetrators; however, the government has made no effort to deliver justice to the victims.
24. There have been no investigations into the security forces' military attack on the Rwenzururu palace, and none of the perpetrators have been held accountable, thus depriving the victims of the right to equal protection before the law, the right to truth and the right to an effective remedy.¹⁹ The families of the disappeared and the killed have not received answers from the government about the fate of their missing relatives, why the killings occurred, and who is responsible.

Recommendations to the Government of Uganda

25. Quickly enact the Transitional Justice Bill and establish measures that provide truth, justice, and reparations to victims of mass atrocities.
26. Widely consult victims, war affected communities, and civil society to inform the enactment of the Transitional Justice Act. It should prioritize the views, interests, and the participation of victims during the design, implementation, and monitoring of transitional justice processes.

27. Provide full political support and adequate resources to International Crimes Division to enable it to fulfill its mandate, while respecting its independence.
28. Enact the Witness Protection Bill to, among others, establish mechanisms and procedures for providing protection and assistance to witnesses.
29. Establish an enabling legal framework and mechanisms for the effective participation of victims in international crimes proceedings.
30. Urgently conduct an independent and transparent investigation into the November 2016 killings and disappearances of civilians in Kasese district and hold the perpetrators accountable.
31. Establish a special fund to provide urgent and comprehensive reparations for victims of conflict related gross human rights violations.
32. Expedite the trial of Thomas Kwoyelo at the International Crimes Division and uphold his right to a fair trial by affording him adequate time and facilities to prepare his defense.
33. Establish an effective coordination structure to implement policy directions for the NTJP across sectors, coordinate the respective contributions of the multiple actors involved and to facilitate the participation of civil society organizations and victims' groups.²⁰

B. The Rights of Children Born of War to Nationality and Birth Registration.

34. During the second UPR of Uganda in 2016, the government of Uganda accepted **Recommendation 115.100**, to adopt measures to reduce the number of children without birth registration.²¹
35. Article 7 of the Convention of the Rights of the Child sets out children's right to be registered immediately after birth, to a name, a nationality, and to know and be cared for by their parents. It requires State Parties to fulfil these rights, especially where children would otherwise be stateless.²² Moreover, the African Union agenda 2063, and the African Union Charter on the Rights and Welfare of the Child all have provisions geared towards ensuring that states remove legal impediments around birth registration and the conferment of nationality.
36. The Constitution of Uganda provides that “[t]he State shall register every birth, marriage and death occurring in Uganda.”²³ Similarly, section 4(1)(d), (e) of Uganda’s Children Act stipulates that a child has a right to be registered after birth and to be given a name and nationality.²⁴ Section 28 of the Registration of Persons

Act 2015 provides for compulsory registration of any birth in Uganda.²⁵ Section 34 provides for registration of birth of any child born outside Uganda to a Ugandan Citizen and Section 54 provides for the compulsory registration of all citizens of Uganda by the National Identification and Registration Authority (NIRA). However, Uganda still has a weak birth registration system and one of the lowest rates of birth registration in Africa.²⁶ According to a 2016 Demographic and Health Survey (DHS), about 32 percent of children under the age 5 had their births registered with the civil authority.²⁷ Lack of awareness, fees, and difficulties in accessing registration for rural and remote communities contribute to the issue.²⁸

37. Universal birth registration is crucial to prevent and reduce childhood statelessness. Birth registration is the first step to recognizing everyone as a human being with rights and ensuring that they have a name and nationality. These are core elements of all individuals' identities. Without them, children remain invisible into adulthood: they have no legal identity, no voice, and are at greater risk of other rights abuses.

Emerging Human Rights Concerns

38. During the armed conflict in Northern Uganda between LRA and the Government of Uganda, tens of thousands of women and girls were targeted for sexual violence by the LRA and Uganda People's Defense Force (UPDF). Consequently, many girls and women gave birth to children resulting from forced marriage and rape. These children are commonly referred to as Children Born of War (CBW).²⁹
39. CBW face enormous challenges accessing birth registration documents. Most of the children born in LRA captivity were born in South Sudan or the Democratic Republic of the Congo (DRC), outside of a formal clinic and outside their home country. There was no provision for the registration of their birth. For children whose parents have died, they may not know sufficient information to prove their origin.³⁰ Consequently, these children are undocumented and lack civil status registration, rendering it difficult if not impossible for them to prove their nationality and citizenship, thus exposing them to the risk of statelessness.
40. CBW experience immense social stigma, exclusion, and discrimination stemming from their mothers' victimization. The UN Secretary-General has acknowledged the challenges experienced by CBW. He noted that “[c]hildren conceived through wartime rape often struggle with issues of identity and belonging for decades after the guns have fallen silent...[they] suffer stigma, shame, and exclusion in societies polarized by armed conflict.”³¹

41. While the total number of CBW in the country is unknown, a pilot study carried by the Justice Law and Order Sector (JLOS) in the Acholi sub-region on the birth registration of CBW revealed that an estimation of between 4,000 to 6,000 children were born in captivity as a result of forced marriages by the LRA rebels.³² The study identified several challenges that impede CBW from accessing civil registration documents or national identity cards. These include the lack of information to satisfy the questions required to complete the registration. For instance, civil registration documents require the father's name, which poses a challenge for children who do not know their father, which is particularly prevalent among children born of war.
42. A lack of birth certificates and civil registration documents has long-term impacts for children born of war. It limits their access to health care, their ability to enroll in school, or access other social benefits that require birth certificates. Victims of conflict-related sexual violence in northern Uganda reported to ICTJ that their children were prevented from registering for their Primary (School) Leaving Examination because they lacked birth certificates. This ultimately jeopardizes the future of CBW.³³
43. At a 2019 dialogue organized by ICTJ and the JLOS, NIRA undertook a review of their birth and civil registration procedures to provide for specific measures and guidelines for documentation and registration of CBW.³⁴ However, the special procedures and registration guidelines are yet to be adopted. The NTJP recognizes CBW as a special category of victims that require specific interventions; however, the delay in implementing the policy leaves CBW at a heightened risk of human rights violations and denial of fundamental rights.
44. Uganda has yet to sign as a State Party to the UN Convention on the Reduction of Statelessness.

Recommendations to the Government of Uganda:

45. Amend the Registration of Persons Act to exempt Children Born of War from certain registration requirements which they are unable to fulfill due to being born during conflict. These include names of both parents, clan place of origin, and birth certificates.
46. Adopt simplified, trauma sensitive administrative procedures that are tailored to avoid stigma and allow flexibility in civil registration requirements to ensure that Children Born of War are not denied registration. For example, NIRA should work with survivor groups and local leaders to identify and confirm the nationality of Children Born of War who do not have birth certificates or other formal identification.

47. Train registration personnel on child-sensitive and rights-based approaches, which consider specific vulnerabilities of Children Born of War and complies fully with Uganda's obligations under international and regional human rights instruments.
48. Abolish fees associated with birth registration.
49. Accede to the UN Convention on the Reduction of Statelessness.

C. Enforced Disappearances.

50. During the second UPR of Uganda in 2016, the Government of Uganda noted the recommendation to “[r]atify and accede to the International Convention for the protection of All Persons from Enforced Disappearance...”³⁵
51. Article 1 of the International Convention for the Protection of All Persons from Enforced Disappearance stipulates that no one shall be subjected to enforced disappearance; and no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.³⁶ Article 4 further requires the government to take necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law.
52. Uganda signed the International Convention for the Protection of All Persons from Enforced Disappearance in February 2007. However, it has not acceded to the Convention.
53. Article 23 of the Constitution of the Republic of Uganda protects individuals' right to personal liberty, and states that persons shall not be deprived of their liberty except as authorized by the law. The Constitution further provides that any person deprived of their liberty must be brought before a court within 48 hours. During those 48 hours, arrested persons have a right to access a lawyer, their next of kin, and medical treatment. Article 44 of the Constitution stipulates that the right to a fair hearing and the right to an order of habeas corpus (produced before court) are non-derogable. This is enforced by Section 11 of the 2019 Human Rights Enforcement Act (HREA) which imposes criminal sanctions on those that violate a non-derogable right.

Emerging Human Rights Concerns

54. Enforced disappearances have been a main feature of Uganda's political instability and civil strife, which includes the armed conflict in Northern Uganda, the Allied Democratic Forces (ADF) insurgency in Western Uganda, and the recent 2021 pre-

and post-election-violence.

55. It is estimated that between 52,000 and 75,000 persons were abducted during the armed conflict in Northern Uganda between the LRA and the Government of Uganda troops.³⁷ Whereas several abductees have returned, 10,000 to 15,000 persons abducted by the LRA are still missing years after the end of the conflict, many of whom were children at the time of their abduction.
56. Civil society organizations in Uganda continue to pursue the fate of disappeared persons and support the families of the disappeared through advocacy, memorials, and memorial prayers,³⁸ documentation of victim/survivors' stories/testimonies,³⁹ and through informal truth-telling sessions as ways for families and friends of the disappeared to remember their loved ones. However, growing restrictions on civic space curtail civil society efforts to document incidents of enforced disappearance and the narratives of victims.
57. The Government of Uganda has not taken adequate steps to identify and locate persons abducted by the LRA and ADF or provide families with information about the fate of their loved ones. In addition, the government has not taken steps to ascertain the number of persons that are still missing. In some communities, the government's information about missing persons is contested by the public and families of the missing.⁴⁰
58. Enforced disappearance is one of the cruelest violations of human rights. The disappeared are stripped of their rights and placed, defenseless, at the mercy of their victimizers, with no legal protection. Families of the disappeared continue to experience profound suffering, due to the never-ending wait for the return of their loved ones and the total uncertainty of what happened to them. Most parents of abducted children are keen to know whether their children are alive or dead.
59. Extrajudicial killings, unlawful detention, and enforced disappearances of political activists reached an alarming rate during the 2021 general elections.⁴¹ In the months leading to the January election, dozens of supporters of opposition political parties were detained and tortured by state agents.⁴² On March 4, 2021, Internal Affairs Minister Jeje Odongo tabled before parliament a list of 177 missing persons detained at ungazetted military facilities who were arrested between November 18, 2020 and February 8, 2021.⁴³ President Museveni further admitted that 50 additional people were in the custody of the Special Forces Command, a unit of the Ugandan army.⁴⁴ However, the numbers disclosed by the government is contested by members of opposition parties who allege that that 680 of their supporters were forcibly disappeared.⁴⁵

Recommendations to the Government of Uganda:

60. Immediately end ongoing abductions by suspected state agents and cease the unlawful detention without trial of opposition supporters.
61. Urgently investigate all disappearances and related human rights abuses and hold the perpetrators accountable.
62. Establish an independent commission of inquiry to investigate and document narratives of victims/survivors and their communities about missing persons that were abducted during the conflicts in Northern Uganda and the Rwenzori region.
63. Establish an inclusive database of those that are still missing and locate and recover the remains of the missing.
64. Urgently ratify and accede to the International Convention for the Protection of All Persons from Enforced Disappearance
65. Create a safe and enabling environment for human rights defenders to monitor, document, and report cases of enforced disappearance without suffering reprisals.
66. Urgently implement the NTJP to enable measures that contribute to truth and healing for victims, and accountability for gross human rights violations.

D. Conflict-Related Sexual and Gender-Based Violence.

67. During the second UPR of Uganda in 2016, the Government of Uganda accepted recommendations to implement relevant laws governing sexual and gender-based violence (SGBV), to strengthen measures aimed at protecting and rehabilitating women victims of sexual and domestic violence and to protect women's rights and combat violence against women and girls.⁴⁶
68. Article 24 of the Constitution of the Republic of Uganda provides that no person shall be subjected to any form of torture, cruel, inhuman, or degrading treatment or punishment. In addition, Article 44 of the Constitution lists freedom from torture, cruel, inhuman, and degrading treatment, or punishment among the non-derogable rights. Sexual violence is characterized as torture because it inflicts severe physical and psychological pain and suffering on the victim.⁴⁷
69. The Constitution of Uganda, further prohibits discrimination based on sex,⁴⁸ culture, laws, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status.⁴⁹
70. Uganda has ratified several human rights treaties that protect the right to equality and nondiscrimination and the right to be free from cruel, inhuman, and degrading treatment. These include the Convention on the Elimination of Discrimination against Women and its optional protocol, the International Convention on Civil and Political Rights and its optional protocol, and the Convention against Torture. Uganda has also ratified and domesticated the Rome Statute of the ICC, which recognizes sexual violence as a war crime, crime against humanity, and genocide.⁵⁰

Emerging Human Rights Concerns

71. During the conflict in Northern Uganda, women and girls were subjected to alarmingly high rates of SGBV. It is estimated that almost 25,000 young women and girls were systematically abducted by the LRA and forced into "marriage" or sexual slavery, resulting in thousands of children born of wartime rape. Approximately 20,770 households have family members that suffered during the conflict (14,601 in Acholi and 6,169 in Lango), with 24,689 individual victims of sexual crimes (14,346 in Acholi and 10,343 in Lango).⁵¹
72. Thirteen years since the conflict's end, the Government of Uganda has not sufficiently responded to the pressing needs of conflict-related sexual violence (CRSV) survivors as they continue to suffer lifelong consequences of the violations they endured.⁵² For women and girls who returned with children born of war, these consequences are magnified. They face continuous discrimination and rejection when they return to their families and communities and are often stigmatized due to their affiliation with the LRA. Pre-existing discriminatory gender and sociocultural norms aggravate the vulnerability of survivors.
73. The Government of Uganda has taken very limited steps to prevent and respond to CRSV.
74. The COVID-19 pandemic has heightened the vulnerability of victims or survivors of CRSV and exacerbated the challenges they face. During the lockdown to contain the spread of the COVID-19 virus, victims struggled to secure adequate food, clean water, and healthcare including sexual and reproductive health services and trauma counselling.⁵³ There was a reported increase in SGBV, with limited protection and support for the victims.⁵⁴

Recommendations to the Government of Uganda

75. Investigate and prosecute all perpetrators for conflict-related sexual and gender-based violence.
76. Provide prompt, adequate, and gender-sensitive reparations to victims of CRSV based on broad consultations with victims and affected communities to establish the most appropriate forms of reparations to repair the harm that they suffered
77. Urgently provide access to free, and comprehensive medical care for survivors of conflict related sexual violence, including sexual and reproductive health services, treatment for sexually transmitted infections. Government should avail information to survivors about services, including how and where survivors can access services in a timely manner.

78. Ensure access to psychosocial support for sexual violence survivors and referral systems to psychosocial support.
79. Train the police, prosecutors, and judicial officers on how to investigate, prosecute and adjudicate cases of sexual and gender-based violence in accordance with international standards.
80. Partner with civil society organizations and women’s grassroots groups to conduct awareness-raising and behavioral change programs for communities, to combat stigma and rejection of survivors CRSV, and change practices and social norms that cause CRSV.

¹ The profile of the contributing organizations is contained in Annex A

² For more information see <https://www.ictj.org/>

³ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review on Uganda*, A/HRC/34/10, Report of the Human Rights Council on its thirty-fourth session, 27 February–24 March 2017, A/HRC/34/2

⁴ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review on Uganda*, A/HRC/34/10, Recommendation 115.22; See Report of the Human Rights Council on its thirty-fourth session, 27 February–24 March 2017, A/HRC/34/2

⁵ Universal Declaration of Human Rights (10 December 1948) UNGA Res 217 A (III), Article 4; International Covenant on Civil and Political Rights (23 March 1976) 999 UNTS 1057, Art 2.3.

⁶ United Nations, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (21 March 2006) UN GA Res. 60/147, UN Doc A/ RES/60/147 (hereafter UN Basic Guidelines).

⁷ UN General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power: resolution / adopted by the General Assembly*, 29 November 1985, A/RES/40/34,

⁸ Uganda National Transitional Justice Policy (2019) <https://bit.ly/3u99mMT> (hereafter NTJP).

⁹ The Prosecutor v. Dominic Ongwen, ICC Trial Chamber (4 February 2021) ICC-02/04-01/15-1762-Red.

¹⁰ *ibid* 21.

¹¹ Article 14(2) (c), *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171; Article 7(1) (a) of the *African Charter on Human and Peoples' Rights* 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58; and Article 28(1) of the Constitution of the Republic of Uganda

¹² African Commission on Human and People’s Rights, Communication 431/12 – Thomas Kwoyelo v. Uganda

¹³ Human Rights Watch, *Uprooted and Forgotten Impunity and Human Rights Abuses in Northern Uganda*, <https://www.hrw.org/reports/2005/uganda0905/uganda0905.pdf>

¹⁴ Daily Monitor, *46 royal guards killed in attack on Rwenzururu Palace*, November, 28th 2016, <https://www.monitor.co.ug/uganda/news/national/46-royal-guards-killed-in-attack-on-rwenzururu-palace-1677616> .

¹⁵ Daily Monitor, *Kasese Court releases 6 juveniles on mandatory bail* <https://www.monitor.co.ug/News/National/Kasese-attacks--Court-6-juveniles--bail/688334-3857966-12e6y5/index.html>

¹⁶ Nile Post, *Third Mumbere Guard, dies in prison*, <https://nilepost.co.ug/2018/03/13/third-mumbere-guard-dies-in-prison/>

¹⁷ Daily Monitor, *Jinja High Court grants 132 Royal guards Bail*, <https://www.monitor.co.ug/uganda/video/jinja-high-court-grants-132-royal-rwenzururu-guards-bail-3252264>

¹⁸ International Criminal Court, *Report on Preliminary Examination Activities 2020* (14 December 2020) <https://bit.ly/3nF2rZd>.

¹⁹ Article 2(3) and 26 of the International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

²⁰ Avocats Sans Frontières, *the long walk: Uganda adopts a Transitional Justice Policy* (14 October 2019) <https://bit.ly/3aUULwK>.

²¹ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review on Uganda*, A/HRC/34/10, Recommendation 115.100;

²² UN General Assembly, *Convention on the Rights of the Child*, November 1989, UN Treaty Series, vol.1577, p. 3,

²³ Constitution of Uganda 1995, Article 18.

²⁴ 1997 Children Act, Section 4(1) (d&e).

²⁵ 2015 Registration of Persons Act of Uganda, Section 28.

²⁶ Bronwen Manby, *Statelessness and Citizenship in the East African Community*, UNHCR, (2018);: <https://data2.unhcr.org/en/documents/download/66807>.

- ²⁷ Uganda Bureau of Statistics, *Uganda and Demographic Survey 2016*, (January 2018), <https://dhsprogram.com/pubs/pdf/FR333/FR333.pdf>.
- ²⁸ Tigranna Zakaryan, *Report on Citizenship Law: Uganda*, GLOBALCIT, (May 2019), available at: https://cadmus.eui.eu/bitstream/handle/1814/62485/RSCAS_GLOBALCIT_CR_2019_05.pdf.
- ²⁹ Ladisch, Virginie / International Center for Transitional Justice (2015): “From Rejection to Redress. Overcoming legacies of conflict-related sexual violence in Northern Uganda”, <https://www.ictj.org/sites/default/files/ICTJ-Report-Uganda-Children-2015.pdf>, p. 17
- ³⁰ Bronwen Manby, *Statelessness and Citizenship in the East African Community*, UNHCR, (2018), available at: <https://data2.unhcr.org/en/documents/download/66807>.
- ³¹ UN Secretary-General's Message on International Day for the Elimination of Sexual Violence in Conflict, (June 2018), available at: <https://www.un.org/sg/en/content/sg/statement/2018-06-19/secretary-generals-message-international-day-elimination-sexual>.
- ³² Margaret Ajok, *Pilot study on Birth Registration of Children Born of War in the Acholi Region*, Justice Law and Order Sector, (2019).
- ³³ Report of Roundtable Dialogue convened by JLOS, NIRA and the ICTJ on birth registration of children born of war, (July 2019), available on file.
- ³⁴ Ibid.
- ³⁵ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review on Uganda*, A/HRC/34/10, Recommendation 116.6;
- ³⁶ UN General Assembly, *International Convention for the Protection of All Persons from Enforced Disappearance*, 20 December 2006 A/RES/61/177
- ³⁷ The Humanitarian, Uganda struggles to come to terms with its disappeared, <https://www.theneuhumanitarian.org/news/2013/08/30/uganda-struggles-come-terms-its-disappeared> (2013)
- ³⁸ Memorial Prayers are conducted in various communities to commemorate the events many of which resulted into death of loved ones. RLP, JRP, FJDI are some of the institutions supporting memorial prayers across post-conflict Uganda
- ³⁹ Refugee Law Project documents oral histories and individual testimonies within post-conflict and fragile communities. The National Memory and Peace Documentation Center (NMPDC), documents conflicts that affected particular communities.
- ⁴⁰ In Barlonyo, Lira District, a memorial set up by government details a total of 121 people killed by the LRA but community members (some of who include victims/survivors of the massacre and local leaders) state that about 300 people are unaccounted for.
- ⁴¹ Daily Monitor, *Museveni narrates how former boxing champion Zebra was killed*, <https://www.monitor.co.ug/uganda/news/national/museveni-narrates-how-former-boxing-champion-zebra-was-killed-3244362> ;
- ⁴² Daily Monitor, Tales of abductions across the country, February 2021 <https://www.monitor.co.ug/uganda/news/national/tales-of-abductions-across-the-country-3282010>
- Aljazeera, *They came in plainclothes with guns: 'Abducted' by Uganda's army*, <https://www.aljazeera.com/features/2021/3/3/they-came-in-plainclothes-with-guns-abducted-by-ugandas-army>
- ⁴³ Daily Monitor, *Minister Odongo tables before Parliament list of 177 missing Ugandans*, March, 2021 <https://www.monitor.co.ug/uganda/news/national/minister-odongo-tables-before-parliament-list-of-177-missing-ugandans-3311826>
- ⁴⁴ Daily Monitor, *Museveni guards holding 50 missing persons*,^{8th} March, 2021, <https://www.monitor.co.ug/uganda/news/national/museveni-guards-holding-50-missing-persons-3315436>
- ⁴⁵ Daily monitor, *600 abducted NUP members still missing*,^{8th} March 2021 , <https://www.monitor.co.ug/uganda/news/national/600-abducted-nup-members-still-missing--3315338>
- ⁴⁶ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review on Uganda, A/HRC/34/10, Recommendation 115.13, and 115.68; See Report of the Human Rights Council on its thirty-fourth session, 27 February–24 March 2017, A/HRC/34/2
- ⁴⁷ *Prosecutor v. Kunarac et al., Appeals Judgement, IT-96-23& IT-96-23/1-A, 12 June 2002, para. 150*
- ⁴⁸ The Constitution of Uganda 1995, Article 20 and 21
- ⁴⁹ The Constitution of Uganda 1995, Article 33
- ⁵⁰ Rome Statute of the International Criminal Court, (last amended 2010), 17 July 1998 came into force 2002, The International Criminal Court Act (2010) Laws of Uganda.
- ⁵¹ Teddy Atim, Dylan Mazurana and Anatasia Marshak “Women Survivors and Their Children Born of Wartime Sexual Violence in Northern Uganda,” [2018] 42 (S1) Disasters S61.
- ⁵² See Ladisch, Virginie / International Center for Transitional Justice (2015): “From Rejection to Redress. Overcoming legacies of conflict-related sexual violence in Northern Uganda”, <https://www.ictj.org/sites/default/files/ICTJ-Report-Uganda-Children-2015.pdf>, and The International Center for Transitional Justice, *Confronting Impunity and Engendering the Transitional Justice Process in Uganda* (2014) <https://www.ictj.org/publication/confronting-impunity-gender-uganda> ; Nancy Apiyo and Lindsay McClain Opiyo, “Coping Alone Personal ways of seeking redress for survivors of conflict-SGBV” *Justice and Reconciliation Project* Field Note 24, March 2017
- ⁵³ Gulu Women Economic Development and Globalization (GWED-G), *Rapid Needs Assessment Impact of COVID-19 on Vulnerable Populations in Gulu Municipality* (June 2020); ICTJ Rapid assessment of the experiences of victims in Northern Uganda (May 2020)
- ⁵⁴ Ibid.
