

January 2013

When the Traditional Justice System is the Best Suited Approach to Conflict Management: The Acholi Mato Oput, Joseph Kony, and the Lord's Resistance Army (LRA) In Uganda

Charles Baguma

Makerere University, cbaguma@elitemail.org

Follow this and additional works at: <https://digitalcommons.kennesaw.edu/jgi>

Part of the [African Studies Commons](#), [Legal Studies Commons](#), and the [Peace and Conflict Studies Commons](#)



This work is licensed under a [Creative Commons Attribution 4.0 License](#).

Recommended Citation

Baguma, Charles (2013) "When the Traditional Justice System is the Best Suited Approach to Conflict Management: The Acholi Mato Oput, Joseph Kony, and the Lord's Resistance Army (LRA) In Uganda," *Journal of Global Initiatives: Policy, Pedagogy, Perspective*: Vol. 7 : No. 1 , Article 3.

Available at: <https://digitalcommons.kennesaw.edu/jgi/vol7/iss1/3>

This Article is brought to you for free and open access by DigitalCommons@Kennesaw State University. It has been accepted for inclusion in Journal of Global Initiatives: Policy, Pedagogy, Perspective by an authorized editor of DigitalCommons@Kennesaw State University. For more information, please contact digitalcommons@kennesaw.edu.

When the Traditional Justice System is the Best Suited Approach to Conflict Management: The Acholi Mato Oput, Joseph Kony, and the Lord's Resistance Army (LRA) In Uganda

Charles Baguma
Makerere University

Abstract

The majority of Acholi recognize that most combatants in the Lord's Resistance Army (LRA) were forcibly abducted and have themselves been victims. This creates a moral empathy with the perpetrators and an acknowledgement that the formal justice system is not sufficiently nuanced to make the necessary distinctions between legal and moral guilt. This has generated a remarkable commitment to reconciliation and a peaceful settlement of the conflict rather than calling for retribution against the perpetrators of serious abuses. The Acholi religious, cultural, and local government leaders have advocated for traditionally-based ritual processes for war-related justice, reconciliation, and reintegration, particularly mato oput, the ritual climax of an Acholi justice process bringing reconciliation in the wake of a homicide within the community

The Kony War

The Northern Uganda conflict that finally spread to the Democratic Republic of Congo (DRC), Central Africa, and Sudan originated in the marginalized Acholi ethnic group of Northern Uganda. It offers an ideology that is a cult-like mish-mash of Christianity and traditional mysticism, held together by the force of Kony's charismatic and cruel leadership (Boswell, 2011). For more than two decades, the communities in Acholi, Lango, Teso and West Nile in Northern Uganda were subjected to the effects of a violent conflict between the rebel movement, the LRA and Ugandan forces. The conflict revolved around access to state power and resources, with Northerners increasingly being excluded from national decision and policy making process (The Justice and Reconciliation Project, 2011a).

The LRA is a brutal rebel group headed by a messianic madman whose victims are captured boys turned into soldiers, captured girls forced into sexual slavery and villagers put to the machete" Apart from the killings, abductions, rapes

and sexual enslavement of children, the war created a humanitarian disaster in the region, with more than a million huddled into the squalor and degradation of camps (Barney, 2002).

Estimates by human rights groups calculate that at the height of the violence, more than two million people were forcibly relocated to internally displaced persons (IDP) camps, tens of thousands of civilians including men, women, and children had been abducted and uncounted thousands more killed by the LRA (Northern Uganda Transitional Justice Working Group (TJWG)).

Many villagers suffered from persistent LRA attacks. The people of Uganda still remember the April 20, 1995, massacre when the LRA, after an intense offensive, defeated the Ugandan army and entered the trading center of Atiak. They rounded up hundreds of men, women, students and young children and marched them a short distance into the bush. After being separated according to sex and age, they were lectured for their alleged collaboration with the government. The LRA commander in charge ordered his soldiers to open fire three times on a group of about 300 civilian men and boys as women and young children witnessed the horror and told them to applaud the LRA's work. Youth were forced to join the LRA to serve as the next generation of combatants and sexual slaves (JRP 2007b).

On October 9, 1996, 139 girls between the ages of 12 and 15 years were abducted from St. Mary's College in Aboke, in Northern Uganda. Sister Rachele, the Italian deputy headmistress, followed the abductors. Her journey took her to the LRA. She secured the release of the majority of her girls, but she had to leave behind 30. It is also on record that the Aboke Girls, as they came to be known, were given to LRA commanders as sex slaves. They were beaten and forced to become child soldiers, raiding villages and killing wantonly on command. Those who tried to escape were taken to the camp's execution field to be hacked and beaten to death by their peers (Can West, 2007).

On October 23, 2002, an estimated 44 fighters of LRA entered Omot sub-county from Par Samuuelo Acak near the river Agago with instructions from their Commander "to abduct whoever they come across until they reached Corner Gang pa Aculu in Opota Trading Centre" (insert citation here with page number). The team, consisting mostly of young soldiers, first moved northeast, abducting 12 people in Lawal Ode, an additional eight people in Lalur Onyol and finally another 12 people were abducted from Latin Ling before they reached the point of slaughter in a brutal and dehumanizing Omot massacre. People were murdered, cut into pieces and then placed in cooking pots in front of dozens of witnesses (JRP 2010b).

Two years later, the LRA committed one of the largest single massacres during its 26-year insurgency at a quiet displaced person's camp called Barlonyo. In a space of less than three hours, over 300 people were brutally murdered by LRA rebels and an unknown number abducted. Camp residents were burned alive

inside their huts, hacked to death with machetes, stabbed with bayonets, clubbed with sticks and shot as they fled. The bellies of pregnant women were slit open, their not-yet-formed babies thrown into the fires. Others were abducted and marched north into Acholi-land. Many died in captivity of violence, sickness, or starvation and the ultimate fate of several abductees remains unknown. It is also on record that on May 19, 2004, LRA raided the village of Lukodi, and carried out a massacre that led to the death of over sixty people (JRP, 2009a).

According to the Northern Uganda Transitional Justice Working Group (TJWG) these actions amount to international war crimes and crimes against humanity, and do contravene both social values and the laws of Uganda (TJWG, 2011). The United States classifies the LRA as a terrorist organization and in October 2011 President Barack Obama sent about 100 combat-ready U.S. forces to help regional governments capture or kill Joseph Kony and his top lieutenants. The decision to deploy was based on legislation called the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act, passed by Congress in 2010 (Muhumuza, 2012).

The International Criminal Court (ICC) charged Kony and two of his top lieutenants with crimes against humanity and would theoretically face trial if captured alive. However, when the chief prosecutor at the ICC announced its intention to investigate the LRA in 2004, many local leaders in Northern Uganda were opposed to the initiative. Traditional, religious and civil society leaders continue to argue that the ICC places "their" children at greater risk, and threatens to further damage their cultural identity and beliefs. Traditional justice, based on restorative principles is widely supported as a favorable alternative to the punitive approach of the Court. A number of advocates, therefore, argue the Court should cease its current investigation until local approaches are given an opportunity to work, or until peace is realized in the region.

Talking Peace to the LRA

During the period from 2006 to 2008, the government of Uganda and the LRA conducted a series of negotiations (the Juba Peace Talks) in the attempt to reach a peace agreement and to discuss terms of justice and accountability. This Juba process produced four agreements integral to transitional justice, including comprehensive solutions to the war; accountability and reconciliation; disarmament, demobilization and reintegration of armed combatants; and formalization of the ceasefire (JRP 2006). However, in April 2008, Kony failed to sign the Final Peace Agreement, an act that led to the eventual collapse of the process.

It is interesting to note, however, that Joseph Kony instead sought clarifications on the specificities on the protocol of accountability and reconciliation as well as the disarmament, demobilization and re-integration agreements. In particular, the LRA leader wanted to know more about the Acholi traditional justice

system of *mato oput*, and its linkage to the proposed special division of the High Court and other formal institutions in the agreements (JRP, 2008a).

Related to this is the famous Lira Declaration signed by cultural and religious leaders in the sub-regions of West Nile (Madi), Teso, Lango and Acholi, after the first anniversary of the Juba Peace Talks. It made several recommendations in the areas of truth, reparations, reconciliation and complementarity. Most importantly it made a call for traditional justice mechanisms to be used for justice and reconciliation. It said in part,

That traditional approaches to justice and reconciliation in Northern and Eastern Uganda (*mato oput* of Acholi, *kayo cuk* of Lango, *ailuc* of Teso and *tolu koka* of Madi, among others) share similar principles including truth-telling, confession, mediation, and reparation and resulting in reconciliation and the restoration of relations, and that such traditional mechanisms are therefore locally and culturally relevant to meeting the justice needs of victims of the conflict. (JRP, 2007, p.12)

On the other hand, the Juba peace process arguably delivered a physical peace in Uganda. The LRA has not attacked within Uganda since the cessation of hostilities was signed in 2006. The year 2009 was marked by a significant improvement in the humanitarian situation in Northern Uganda as the region embarked on the long road to recovery from conflict. The security situation improved substantially, allowing thousands of IDPs to return to their original homesteads while many of the displacement camps were demolished as proof of the finality of the return process. The determination to return to former homesteads and rebuild lives and villages stands as a testament to the capacity of those affected by the conflict to persevere amidst challenges such as lacking educational, health and other social services (JRP, 2009a).

The process, however, is not complete. There is also a handful of activists, who met in Kampala recently that say the northern civilian population saw serious abuses and violations at the hands of both the LRA and Uganda Peoples Defense Force, and they should be compensated.

Some of the serious abuses stressed include killing, torture, inhuman or degrading treatment, abduction, slavery, forced marriage, forced recruitment, mutilation, sexual violence, serious psychological harm, forced displacement and looting. The activists want government to compensate the population in terms of medical, educational, and housing assistance as well as cash, vouchers, pension or other benefits in monetary value. The Minister of State for Northern Uganda Rebecca Amuge, who officiated at the meeting, said the victims claim their perpetrators are currently receiving greater packages for reparation than themselves in the name of amnesty. The chairperson of the Uganda Human Rights Commission, Med Kaggwa, said reparation programs can only succeed if they are linked with other transitional justice measures particularly prosecution, truth telling and institutional reforms (UNHCR 2011).

There is also a few other issues to sort out. The explosive weapons planted during the insurgency are still far from being cleared. The Danish Demining Group (DDG) in Uganda and Mine Action in south Sudan have revealed that the two countries' border areas are still unsafe for human settlement and other activities as they harbor unexploded ordnances. Emmy Katukore, the supervisor of DDG revealed that so far, they have cleared only 34,255 millimeters, recovering five anti-personnel mines in the process (Makumbi 2012).

The First Domestic War Crimes Trial

Thomas Kwoyelo, a former LRA Commander, was arrested by the Uganda People's Defence Forces (UPDF) in the DRC in 2009. The Ugandan Department of Public Prosecutions (DPP) decided to charge Kwoyelo with war crimes under the Geneva Conventions and with crimes under national law. This was the first case of the newly created International Crimes Division (ICD) of the Ugandan High Court. The ICD had been founded in reaction to questions of accountability that arose during the Juba peace talks between the Government of Uganda (GoU) and the LRA. At about this time the Ugandan Parliament passed the International Criminal Court (ICC) Act, which allows the ICD to prosecute Rome Statute crimes on the domestic level. In short, the ICD referred the Kwoyelo case to the Constitutional Court when Kwoyelo's defence lawyers protested that he had been denied under the Amnesty Act. In their view, this constituted a violation of equal treatment under the Ugandan Constitution. The Constitutional Court decided in late September 2011 that Kwoyelo should be eligible for amnesty and ordered the ICD to cease the case against him.

Even though the case was stopped, Kwoyelo remained in detention. He then decided to sue the GoU for illegal detention and petitioned the Ugandan High Court for amnesty on November 23, 2011. The High Court indeed ruled that Thomas Kwoyelo should be given amnesty and be set free. The Department of Public Prosecutions and the Amnesty Commission are the two competent institutions in this case and decided to meet to consult about the Kwoyelo case after the High Court ruling. In early February 2012 the Department of Public Prosecutions again denied amnesty to Thomas Kwoyelo, citing that there can be no amnesty for charges of war crimes. Thomas Kwoyelo thus remains imprisoned in Luzira in Kampala to date (Wegner, 2012).

According to the Justice and Reconciliation Project, "there are several conclusions that can be drawn out of the way this first domestic war crimes trial in Uganda developed."

First and foremost, the going back and forth concerning Thomas Kwoyelo's amnesty underlines that Uganda is at the crossroads with transitional justice. The actions of the DPP hint at a re-orientation towards more accountability and less amnesty in the future. The DPP has made that clear by repeatedly denying amnesty to Kwoyelo, despite court or-

ders, and by announcing that it has prepared additional cases against former LRA rebels that it will pursue should Kwoyelo be found guilty. JRP further argues that there is no explicit government position on how amnesty and prosecution should relate to each other in the future, and the lack of clarity might well spark fears and unrest among LRA returnees. Secondly, the first case of the ICD has arguably also shown that demands for more positive complementarity, meaning more domestic trials, in ICC cases should be voiced more carefully. Creating institutions that are legally able to try ICC cases in the situation countries is an important goal. Yet just creating these institutions is not enough. One has to ensure that appropriate laws are in place and that the court is qualified to deal with international war crimes cases. (JRP 2010 p. 5)

There was a recent rapid situational analysis carried out by the Justice and Reconciliation Project between November 28 and December 6, 2011, in the sub-counties of Bobbi and Unyama (Gulu district) and Koch Goma (Nwoya district), and Gulu and Kitgum towns. The objective was to gauge the perceptions and opinions on amnesty and whether it is still relevant today in post-conflict Northern Uganda. Analysis revealed that an overwhelming majority of the population still strongly support amnesty and consider it as vitally important for sustainability of the prevailing peace, reconciliation and rehabilitation.

There are divergent opinions among the war-affected people in Northern Uganda concerning how post-conflict issues of justice and reconciliation should be handled. Responses gathered by the project camp focal persons from four community dialogues conducted in Kitgum and Amuru districts in 2008 indicate that while many people in Northern Uganda are of the view that perpetrators of war crimes need to be forgiven, a significant majority would also like to see some form of accountability meted out. While it has always been assumed that war-affected communities wholeheartedly support the use of local mechanisms such as *mato oput*, it is noted that a significant minority have reservations about the effectiveness and relevance of these mechanisms (JRP, 2008b).

Mato Oput

Mato oput is a long and sophisticated process that begins by separating the affected clans, mediation to establish the “truth” and payment of compensation according to by-laws. It is both a process and ritual ceremony to restore relationships between clans in the case of intentional murder or an accidental killing. This process and ceremony is undertaken only in the case of intentional or accidental killing of an individual. The ceremony involves two clans bringing together the perpetrator and the victim in a quest for harmony.

Ugandans have had to grapple with the meaning of justice in this context. For a country with such a troubled history, amnesty has come to be seen as the most effective way of drawing a line between the past and the present in order to rebuild the nation. Uganda’s Amnesty Act, introduced six years ago, provides a legal framework for this. It recognizes traditional justice mechanisms like *mato*

oput which is bitter drink well known by the Acholi people of Northern Uganda that may have the ingredients for peace between the Ugandan government and the rebel LRA as well as promoting community reconciliation.

Acholi Traditions

Acholi tradition embodies the principles and practices which have been central to the support for reconciliation and amnesty within that community. Through the mediation of the traditional chiefs (rwodi) many offences, including homicides, have traditionally been resolved by reconciliation. Whenever a homicide takes place the rwodi intervene in the situation to “cool down the temperature” and to offer mediation. Although the traditional chiefs had since 1911 been supplanted by the colonially appointed chiefs (Rwodi Kalam), their legitimacy has never been destroyed. The 1995 Constitution, which allowed for traditional or cultural leaders to exist in any part of Uganda, has led to the revival and celebration of cultural and traditional institutions in all parts of the country. Today, in a project supported by the Belgian government, the rwodi of all the Acholi clans have been reinstated and the Lawi Rwodi (head chief) has been elected by the other rwodi. After years of conflict and marginalization, the chiefs, like most of their people, are poor and royal houses are in need of repair. However, the greatest asset of the chiefs—their political independence—gives them enhanced credibility in mediating reconciliation (Barney, 2002).

The unique contribution of the rwodi is through their mediation of the reconciliation process, mato oput, which many Acholi believe can bring true healing in a way that a formal justice system cannot. This ceremony of clan and family-centered reconciliation incorporates the acknowledgement of wrongdoing, the offering of compensation by the offender and then culminates in the sharing of symbolic drink. Early in November 2001, a group mato oput ceremony was held in Pajule. This involved about 20 recently returned LRA combatants and included many others who had already settled in the community. The ceremony was supported by non-governmental organizations (NGOs), churches and by Acholi in the diaspora. Government officials, the amnesty commissioners, senior army commanders in the region and several representatives of NGOs attended the function, demonstrating the support of the wider Ugandan community. Another ceremony has taken place in Pabbo, in the Gulu district, and others are planned for different parts of Acholi.

In addition to mato oput, individual cleansing rituals routinely take place whenever former LRA members return to the community. Most agencies that receive and reintegrate ex-combatants ensure that traditional rituals are integrated into the process. In a demonstration of the value attached to traditional approaches locally, in Kitgum the district earmarked some funds for elders to carry out atonement rituals. The Amnesty Act enjoins the Amnesty Commission to “pro-

mote appropriate mechanisms of reconciliation in the affected areas and the Commission has been supportive of the initiatives in Acholi. Although all these efforts have contributed to a successful reintegration process it is difficult to attribute specific effects to each element” (Barney, 2002, p.34).

In Acholi, *mato oput* is performed after a mediated process has brought together two families and clans. The offender accepts responsibility, asks for forgiveness and must make reparation to the victims. The perpetrator and the victim’s family then share the root drink from a calabash, to recall and bury the bitterness of the soured relations (Okello, 2002).

Another Acholi ritual, *gomo tong*—the bending of spears—symbolizes the ending of hostilities between groups and is also preceded by discussion and truth-telling. Other cleansing rituals are already used to welcome former LRA combatants into the communities. This option, however, is threatened by the war crime indictments issued by the ICC for four senior LRA commanders.

Challenges to Mato Oput as a Method of Conflict Management

The perception of whether justice has been served or injustices committed in the course of a war is a judgment that follows from two possible lines of assessment. First, opinions are formed on the general accounts of the conduct of the conflict and a verdict is passed. Second, individual acts or events in the course of the war need to be considered, and give separate judgments of their just or unjust characteristics. It ought not to be an “either—or” judgment that glosses over complex and serious issues that demand careful consideration. *Mato oput* and partial ICC indictments of the LRA suffer from such generalization and limited focus to a truncated period of the conflict. It is partly for this reason that *mato oput*—the Acholi traditional practice of conflict resolution—has been criticized in Northern Uganda (see also Pillar, 1988).

Mato oput as a model for war termination makes no distinction between degree of gravity of crimes and categories of responsibility of perpetrators—abducted children and those who abducted, trained and deployed them and the crimes they committed. The principle of retributive justice demands that there must be proportionality; that is, the punishment must be commensurate with the crime.

War crimes, crimes against humanity are committed against individuals as subjects of human rights discourses. By overemphasizing the fears, misery and psychological trauma of a collective, faceless, nameless mass of Acholi survivors and their wish for a quick fix, focus is removed from the necessity of exacting justice also for those who died horrible deaths because of abuses. Adopting this approach obscures the ultimate objective of war and war termination: the vindication of human rights by punishing unjustifiable abuses committed in the conduct and duration of the conflict (see also Waltzer, 2000).

Mato oput and supplemental state or ICC special courts try only alleged LRA perpetrators and this biases the whole process of mato oput as a war termination model to favor the ethics of national security against ethics of human security. In effect, we would not be punishing the LRA for crimes committed against Northern Ugandan non-combatants, for which the National Resistance Army/Uganda Peoples Defense Forces (NRA/UPDF) are equally culpable, but for crimes against the Ugandan state. Therefore, mato oput as a war termination model that lays claims to justice and equity would not be ensuring equal justice but abetting a possible NRA/UPDF victor's justice, a justice girdled by political expediency.

In the just war tradition, no peace can come out of an unjust war. And a just peace cannot prevail if war termination rules are dictated by assumed victorious NRA which waged a war in violation of other's rights in the first place. Lives, property and security have been destroyed through vindictive, politically motivated counterinsurgency strategies. The defeat of violators or their punishment is the only means to vindicate those rights, and mato oput as a model seems inadequate to make these transcending moral and political arguments. In ending the Northern Uganda war, we must not only concern ourselves with what can be done but also what ought to be done, a proposition that mato oput as a model for war termination is incapable of making. In other words, justice of the ends and justice of the means of war must be central to the contemplation of a just peace at the end of the Northern Uganda war (Okello, 2002).

For a just peace to be concluded, judgments about motives of the war and how the war was conducted and ended are critical. The most important goal at the end of a conflict is the securing of human rights and a just peace. On the scales of the principles of the just war tradition of Aquinas, Grotius, Augustine and their followers, both the LRA and the Uganda government's motives and means used in prosecuting the Northern war cannot be morally justified. This would still be the case even if we allowed for the accepted contradictions in the just war tradition that lives may have to be destroyed in order to save other lives, and that sometimes destructive war is a necessary evil in the defense of certain values that constitute fundamental social and moral mainstay of society (Okello, 2002).

Irin's (2010) report, *When the traditional practice of Mato Oput comes into play*, states that mato oput is "a traditional process of justice that aims to foster reconciliation after a killing" (page). Most often this involves two clans—the clan of the "aggressor" and the clan of the "survivor"—coming together with reconciliation as their aim.

The process is broken into a few specific steps:

1. The aggressor confesses their wrongdoings—specifically naming the crimes they have committed and those they have killed.
2. The clan of the aggressor and the clan of the survivor come to an agreement regarding compensation for the harm that has been done.

3. The two clans perform rituals which symbolize that an agreement has been reached.

To apply *mato oput* and partial ICC indictments to end the Northern Uganda conflict and as a basis for a just peace, is tantamount to consciously promoting impunity and acquiescing in state-led propaganda that seeks to absolve the Ugandan state from responsibility to protect (R2P), and its own unjustifiable counterinsurgency strategies that, like the LRA's insurgency methods, victimized unarmed women and children and targeted entire ethnic group for collective punishment in order to discourage support for insurgency. We are familiar with Amnesty International's and Human Rights Watch's documented cases of rape, sodomy, extrajudicial killings, forced displacements and forcible recruitment into both rebel and government paramilitaries and militias by both sides. It is not coincidental that the LRA and the Ugandan state both are strident proponents of *mato oput*; this is not because of any real possibility for truth-telling, but a means for escaping accountability and punishment for their criminal motives, behaviour and actions in the war (Otunnu, 2006, p 2).

Proponents of *mato oput* fail to appreciate the facts that war crimes, crimes against humanity, and genocide committed in Northern Uganda center around issues of the exercise of state power, human rights, and those who claim to have picked up arms to defend themselves or have challenged the legitimacy and powers of an unjust state.

Obviously, the state and human rights are subjects of both municipal law and public international law, but specifically, the individual is the subject of international humanitarian and human rights laws. Therefore, war crimes, crimes against humanity and genocide, are international crimes that must be subjected to the exigencies of international norms, justice and appropriate punishment without exception. The Northern insurgency, which was originally organized around Acholi factions of remnants of a former national army, was a contestation of state power and response to perceived persecution by the state.

Over the years, it permutated to co-opt regional and geopolitical dimensions of politics, ideology, natural resource economics and other aspects of strategic international calculation that had nothing to do with Acholi grievances or internal Uganda national politics. Consequently, its termination and equitable resolution cannot be adequately captured by Acholi traditional or cultural jurisprudence as a war termination model that ought to address outstanding grievances and issues in order for a just and durable peace to be established by the termination of the conflict.

In any case, the model of *mato oput* popularized by its varying local and international proponents is a bastardized form and convoluted concept of classical Acholi *mato oput*. First, the practice was only relevant in inadvertent commission of grievous harm, manslaughter between families, clans, and villages,

but never between Acholi and non-Acholi communities. Second, in classical Acholi practice, inter-tribal and inter-chiefdom conflicts, killings and grievances were evaluated on *lapii* or *casas belli*, which gave rise to a just *ad bellum* or the moral justification for a war of revenge. The defeat of or suit for peace by the perpetrators, leading to *culu kwor*, or proportionate indemnity or punishment, led to a settlement that ended with *gomo tong* or bending of spears by both sides to signify conflict termination, but never *mato oput*, which was inter-family, inter-clan and an intra-Acholi practice for accidental harm.

Therefore, the Lord's Resistance Movement/Army and the National Resistance Movement/Army conflicts, as deliberate acts of abuses, do not qualify for *mato opu*; indeed, *mato oput*'s assumed social, psychological and metaphysical potency could not be thought to be of any value in remediation of rights abuses including unjustified killings in or outside Acholi. In other words, *mato oput* is a poor substitute for a robust, aggressive and vigorous application of international humanitarian and human rights laws to vindicate the human rights of the people of Northern Uganda and provide a basis for a just peace (Okello, 2002).

For the purpose of argument, *mato oput* is considered without any practical merits in extra-Acholi conflict context. Despite its moral relativism, the practice has attracted strident interlocutors, some with compassionate merits, but most with indefensible positions relying on faith, speculation and deliberate unwillingness to look at the history and facts of the conflicts to inform the best framework for termination and a just peace.

Under the purview of the just war tradition, a war of liberation or one fought in defense of human rights must not cause more harm, deaths and misery on the people in whose name it is fought. This is to ensure that no unjustifiable killings and abuses are perpetrated under the cover of a just war. As a key test for justice, in the course of the war or at the end of it, we must not be left worse off by the outcomes of the war than we were under prior and prevailing alleged unjust conditions the war sought to right. In the case of Northern Uganda, there is no debate about how doubly worse off we are, and none of the belligerents on either side of the war comes out of this unscathed as vindicators of human rights. In other words, no persuasive case can be made, particularly in defense of the Ugandan state that war was the last resort and the least of several more devious and immoral courses of action that would have harmed more than protected social and economic infrastructures and the fundamental rights of the people who have suffered in Northern and Eastern Uganda.

For many, *mato oput* has resulted in successful reintegration into their communities, but the road to complete healing and forgiveness can be long. As stated in the Irin (2010) report, Kenneth Oketta, prime minister of the Acholi Cultural Authority, supports the practice, saying, "...without this process there is no healing. We need to move forward" (p.23).

Conclusion

The fact that the alleged offenders prefer it, the victims ask for it and the alternative is ill equipped to do the opposite, we could safely conclude that to date the most suited approach in this particular case is the traditional approach. Local and rudimentary it may be in the eyes of many, *mato oput* has embedded in it all the internationally acclaimed components of justice: truth telling, acknowledgement and reparation. Besides, in this case one cannot met out punishment to the offending party without getting at the victim. *Mato oput* should at least in the short run be left to take the day. This is in tandem with Rosenberg (1999) that "...a country's decisions about how to deal with its past should depend on many things: the type of war endured, the type of crimes committed, the level of societal complicity, the nation's political culture and history" (p.5).

References

- Afako, B. (2002). Reconciliation and Justice: 'Mato Oput' and the Amnesty Act. *Accord: An International Review of Peace Initiatives*, Issue 11, 67.
- Boswell, A. (2011). African villagers embrace US role in hunt for Lord's Resistance Army leader. McClatchy Newspapers <http://www.mcclatchydc.com/2012/02/13/138737/african-villagers-embrace-us-role.html>.
- CanWest News Service. Aboke girls tell story. (2007, Oct. 25).
- Irin, F. (2010). When the traditional practice of *Mato Oput* comes into play, Kampala, Uganda.
- Katshung, Y. J. (2006). Mato Oput versus the International Criminal Court (ICC). Retrieved from September 12, 2012 from <http://pambazuka.org/en/category/comment/37403>.
- Machar, R. (2008). Report and Recommendations of the Chief Mediator of the Peace Process between the Government of the Republic of Uganda and the Lord's Resistance Army.
- Makumbi C. (2012). Uganda, S. Sudan launch joint border de-mining programme. Reported by *The Daily Monitor* February 6, 2012.
- Mato Oput Project. (2009). *Community perspectives on the mato oput process: a research study*. Institute for Global Leadership.
- Muhumuza, R. (2012). LRA hostages go hungry as militants flee. Associated Press Uganda, Cross-posted on Huffington Post. <http://www.huffingtonpost.com/huff-wires/20120213/af-africa-lra-fight/#>.
- Okello, L. (2002). Protracted conflict, elusive peace: Initiatives to end the violence in Northern Uganda. *Accord: An International Review of Peace Initiatives*, 11.
- Otunnu, O. A. (2006). The secret genocide. *Foreign Policy*. June 9. Retrieved November 7, 2012 from http://www.foreignpolicy.com/articles/2006/06/09/the_secret_genocide.
- Pillar, P. R. (1988). *Negotiating peace: War termination as a bargaining process*. Princeton: Princeton University Press.
- Refugee Law Project. (2007). Rapid assessment of population movement in Gulu and Pader, Briefing Paper, Gulu, Uganda.
- Rosenberg T. (1999). Afterword: Confronting the painful past. In M. Meredith, (Ed.), *Coming to Terms: South Africa's Search for Truth*. New York: Public Affairs.
- The Justice and Reconciliation Project. (2005). Roco Wat I Acoli Restoring Relationships in Acholiland: Traditional approaches to justice. Retrieved September 5, 2012 from www.justiceandreconciliation.com.

- The Justice and Reconciliation Project. (2006). *Beyond the impasse*. Liu Institute for Global Issues, Gulu District NGO Forum: Field Notes, No. 3, October. www.justiceandreconciliation.com.
- The Justice and Reconciliation Project. (2007a). *Lira declaration on agenda item 3 of the Juba peace talks (accountability and reconciliation)*. Cultural and Religious leaders, women and youth from Madi, Teso, Lango and Acholi sub-regions www.justiceandreconciliation.com.
- The Justice and Reconciliation Project. (2007b). *Remembering the Atiak Massacre*. Liu Institute for Global Issues and the Gulu District NGO Forum 2007: Field Notes, No. 4, April 2007 www.justiceandreconciliation.com.
- The Justice and Reconciliation Project. (2008b). *Workshop on accountability and Reconciliation in Uganda: Juba peace talks* www.justiceandreconciliation.com.
- The Justice and Reconciliation Project. (2009a). *Gulu NGO Forum Annual Report 2009* www.justiceandreconciliation.com.
- The Justice and Reconciliation Project. (2009b). *Kill every living thing*. The Barlonyo Massacre, Field Note IX, February 2009. www.justiceandreconciliation.com.
- The Justice and Reconciliation Project. (2010a). *As long as you live ou will survive*. The Omot Massacre, Field Note XI, February 2010. www.justiceandreconciliation.com.
- The Justice and Reconciliation Project. (2010b). *Missing stories: Truth-seeking processes in Northern Uganda* JRP-IJR POLICY BRIEF No. 3 August 2011. www.justiceandreconciliation.com.
- The Justice and Reconciliation Project. (2011). The Lukodi Massacre JRP Field Note XIII, April 2011 www.justiceandreconciliation.com.
- The Justice and Reconciliation. (2008a). Project Community Dialogues 2008 Victims' Voices: www.justiceandreconciliation.com.
- UN High Commission For Human Rights. (2011). "*The dust has not yet settled*": Victims' views on the right to remedy and reparation. A Report from the Greater North of Uganda.
- Walter, B.F. (2002). *Committing to peace: The successful settlement of civil wars*. Princeton, NJ: Princeton University Press.
- Waltzer, M. (2000). *Just and unjust wars: A moral argument with historical illustrations* (3rd ed.). New York: Basic Books.
- Wegner, P. (2012, Feb. 13). The Kwoyelo trial: A final roundup? <http://justiceinconflict.org/category/kwoyelo-trial/>.