



Annexure to the Agreement on Accountability and Reconciliation

This Annexure to the Agreement on Accountability and Reconciliation signed between the Government of the Republic of Uganda (the Government) and the Lord's Resistance Army/Movement (LRA/M) (the Parties) on 29th June 2007 (the Principal Agreement) provides as follows:

THE PARTIES:

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

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

HAVING CARRIED OUT broad consultations within and outside Uganda, and in particular, with communities that have suffered most as a result of the conflict;

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

RECALLING their commitment to preventing impunity and promoting redress in accordance with the Constitution and international obligations, and recalling, in this connection, the requirements of the Rome Statute of the International Criminal Court (ICC) and in particular the principle of complementarity;

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

NOW THEREFORE AGREE as follows:

Primacy of the Principal Agreement

1. This Annexure sets out a framework by which accountability and reconciliation are to be implemented pursuant to the Principal Agreement, provided that this Annexure shall not in any way limit the application of that Agreement, whose provisions are to be implemented in full.
2. The Government shall expeditiously prepare and develop the necessary legislation and modalities for implementing the Principal Agreement and this Annexure ('the Agreement').
3. The Government, under clause 2 above, shall take into account any representations from the parties on findings arising from the consultations undertaken by the Parties and any input by the public during the legislative process.

Inquiry into the Past and related matters

(Principal Agreement: clauses 2.2 & 2.3)

4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:
 - (a) to consider and analyse any relevant matters including the history of the conflict;
 - (b) to inquire into the manifestations of the conflict;
 - (c) to inquire into human rights violations committed during the conflict, giving particular attention to the experiences of women and children;
 - (d) to hold hearings and sessions in public and private;
 - (e) to make provision for witness protection, especially for children and women;
 - (f) to make special provision for cases involving gender based violence;
 - (g) to promote truth-telling in communities and in this respect to liaise with any traditional or other community reconciliation interlocutors;
 - (h) to promote and encourage the preservation of the memory of the events and victims of the conflict through memorials, archives, commemorations and other forms of preservation;
 - (i) to gather and analyse information on those who have disappeared during the conflict;

- (j) to make recommendations for the most appropriate modalities for implementing a regime of reparations, taking into account the principles set out in the Principal Agreement;
 - (k) to make recommendations for preventing any future outbreak of conflict;
 - (l) to publish its findings as a public document;
 - (m) to undertake any other functions relevant to the principles set out in this Agreement.
5. In the fulfilment of its functions, the body shall give precedence to any investigations or formal proceedings instituted pursuant to the terms of this Agreement. Detailed guidelines and working practices shall be established to regulate the relationship between the body and any other adjudicatory body seized of a case relating to this Agreement.
6. The body shall be made up of individuals of high moral character and proven integrity and the necessary expertise for carrying out its functions. In particular, its composition shall reflect a gender balance and the national character.

Legal and Institutional Framework

(Principal Agreement: Part 5)

7. A special division of the High Court of Uganda shall be established to try individuals who are alleged to have committed serious crimes during the conflict.
8. The special division of the High Court shall have a registry dedicated to the work of the division and in particular, shall make arrangements to facilitate the protection and participation of witnesses, victims, women and children.
9. For the proper functioning of the special division of the court in accordance with the agreed principles of accountability and reconciliation, legislation may provide for:
- (a) The constitution of the court;
 - (b) The substantive law to be applied;
 - (c) Appeals against the decisions of the court;
 - (d) Rules of procedure;

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

Investigations and Prosecutions
(Principal Agreement: Part 4)

- 10. The Government shall establish a unit for carrying out investigations and prosecutions in support of trials and other formal proceedings as envisaged by the Principal Agreement.
- 11. The unit shall have a multi-disciplinary character.
- 12. The Director of Public Prosecutions shall have overall control of the criminal investigations of the unit and of the prosecutions before the special division.
- 13. Investigations shall:
 - (a) Seek to identify individuals who are alleged to have planned or carried out widespread, systematic, or serious attacks directed against civilians;
 - (b) Reflect the broad pattern of serious crimes and violations committed during the conflict;
 - (c) Give particular attention to crimes and violations against women and children committed during the conflict.
- 14. Prosecutions shall focus on individuals alleged to have planned or carried out widespread, systematic, or serious attacks directed against civilians or who are alleged to have committed grave breaches of the Geneva Conventions.

Cooperation with Investigations and Proceedings
(Principal Agreement: clauses 3.5 & 3.6)

- 15. Rules and procedures shall regulate the manner in which an individual may cooperate with any investigations and proceedings arising from this Agreement, by disclosure of all relevant information relating to:
 - (a) His or her own conduct during the conflict;
 - (b) Details which may assist in establishing the fate of persons missing during the conflict;
 - (c) The location of land mines or unexploded ordnances or other munitions; and,

- (d) any other relevant information.

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

Reparations

(Principal Agreement: clauses 6.4 & 9)

16. The Government shall establish the necessary arrangements for making reparations to victims of the conflict in accordance with the terms of the Principal Agreement.
17. Prior to establishing arrangements for reparations, the Government shall review the financial and institutional requirements for reparations, in order to ensure the adoption of the most effective mechanisms for reparations.
18. In reviewing the question of reparations, consideration shall be given to clarifying and determining the procedures for reparations.

Traditional Justice

(Principal Agreement: clause 3.1)

19. Traditional justice shall form a central part of the alternative justice and reconciliation framework identified in the Principal Agreement.
20. The Government shall, in consultation with relevant interlocutors, examine the practices of traditional justice mechanisms in affected areas, with a view to identifying the most appropriate roles for such mechanisms. In particular, it shall consider the role and impact of the processes on women and children.
21. The Traditional Justice Mechanisms referred to include:
 - i. Mato Oput in Acholi, Kayo Cuk in Lango, Ailuc in Teso, Tonu ci Koka in Madi and Okukaraba in Ankole; and
 - ii. Communal dispute settlement institutions such as family and clan courts.
22. A person shall not be compelled to undergo any traditional ritual.

Provisions of General Application

23. Subject to clause 4.1 of the Principal Agreement, the Government shall ensure that serious crimes committed during the conflict are addressed by the special Division of the High Court; traditional justice mechanisms; and any other alternative justice mechanism established under the Principal Agreement, but not the military courts.
24. All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings.
25. In the appointment of members and staff of institutions envisaged by the Agreement, overriding consideration shall be given to the competences and skills required for the office, and gender balance shall be ensured.
26. The Mediator shall from time to time receive or make requests for reports on the progress of the implementation of the Agreement.

IN WITNESS WHEREOF the duly authorized representatives of the Parties have signed this Annexure in Juba on the 19th day of February 2008

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Hon. Ruhakana Rugunda (Dr)
Minister of Internal Affairs and
Head of GoU Delegation

.....
Dr David Nyekorach Matsanga
Leader of the LRA/M Delegation

WITNESSED BY:

.....
H.E. Lt. General Riek Machar Teny-Dhurgon (PhD)
Vice President, Government of Southern Sudan
And Chief Mediator of the Peace Talks

.....
H.E. André M Kapanga (PhD)
For the Government of the Democratic Republic of Congo

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H.E. Japheth R. Getugi
For the Government of the Republic of Kenya

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H.E. Nsavike G. Ndatta
For the Government of the United Republic of Tanzania

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H.E. Francisco Caetano Madeira
For the Government of the Republic of Mozambique

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Lt. Gen. (Rtd.) Gilbert Lebeko Ramano
For the Government of the Republic of South Africa

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H.E. Jan Ledang
For the Government of Norway

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Ms Anna Sundström
Political Advisor to the EU Special Representative for the Great Lakes Region,
For the European Union

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Mr Timothy R. Shortley
Senior Advisor to the Assistant Secretary of State for African Affairs,
For the Government of the United States of America