

## THE IMPACT OF THE COVID 19 PANDEMIC ON THE TRANSITIONAL JUSTICE LANDSCAPE IN UGANDA\*

### Introduction

The purpose of this article is to explain the impact the COVID 19 pandemic has had on developments and work in the Transitional Justice discipline in Uganda. The article is based on the Author's experiences as a Transitional Justice Practitioner. It is divided into 3 parts. The first part begins with a background to the circumstances under which the National Transitional Justice Policy was passed, the expectations from a National stakeholder dialogue in February 2020. The second part deals with the challenges COVID 19 has caused to the entire process. The third part of the article then concludes with experiences of creative community engagement that have been adopted in line during the ongoing COVID 19 pandemic and gives recommendations on the way forward.

### Background to the passing of the National Transitional Justice Policy

On June 18<sup>th</sup> 2019, the Cabinet of the Government of Uganda passed the National Transitional Justice Policy (NTJP).<sup>1</sup> This was after more than 10 years since the first draft of the NTJP had been made. The passing of the policy was received with mixed results by various Civil Society Actors and Victim groups, for example, one researcher based in Northern Uganda wondered whether it would be possible for justice to be sought in a semi authoritarian regime? Or that the long duration taken before passing the policy is evidence of the continuing neglect of the victims of the conflict in northern Uganda? <sup>2</sup> However, other actors received the news of the passing of the policy positively because it gives the framework within which advocacy can be done to ensure that legislation that is sensitive to the needs of victims is passed such as reparations and also accountability mechanisms in

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<sup>1</sup> <https://www.jlos.go.ug/index.php/com-rsform-manage-directory-submissions/services-and-information/press-and-media/latest-news/item/697-cabinet-approves-national-transitional-justice-policy>

<sup>2</sup> <https://www.worldpoliticsreview.com/articles/28040/can-a-long-awaited-transitional-justice-policy-bring-accountability-to-uganda>

place are strengthened to ensure that perpetrators of International crimes are held accountable. An example is the proposal to replace the current Blanket Amnesty legislation in Uganda with conditional Amnesty. Victims have high hopes nevertheless, that with the passing of the policy, they will finally get justice.<sup>3</sup>

Following the passing of the NTJP, three Civil Society Organisations (CSOs), the International Centre for Transitional Justice (ICTJ), the Refugee Law Project (RLP) and Avocats Sans Frontieres (ASF) arranged a National Stakeholder Dialogue on Transitional Justice on 25th February 2020. The meeting was attended by representatives of several Victim groups, Civil Society Organisations, Donors, a Member of Parliament for Gulu district and the Technical Advisor to the Justice Law and Order Sector (JLOS) on Transitional Justice. During the meeting there were several discussions and experience sharing from other jurisdictions on the processes of implementing Transitional Justice mechanisms. Some of the recommendations from the meeting, where a need to popularise the NTJP in collaboration with the Government, a strategic retreat amongst the different CSOs to harmonize plans for helping on some aspects of policy implementation and possible synergies.

However, on 25<sup>th</sup> March 2020, the President of the Republic of Uganda ordered a curfew from 7pm to 6:30am and also put a ban to public gatherings.<sup>4</sup> These measures were later legislated as Statutory Instruments in the Public Health (Control of COVID 19) rules.

### **Challenges resulting from the COVID 19 Pandemic**

The immediate impact of the passage of the Legislation, was that I had to stop all activities that I was carrying out in the communities. Since there was a ban on public transport and use of private vehicles except those with a special permit in form of a sticker, I resorted to working from home. It has been a new experience with colleagues as we all work from home. The biggest adjustment has been in form of activities that were aimed at promoting advocacy on certain aspects of the NTJP. These were to take the form of physical meetings but this has not been possible. However, it has given opportunity for development of new ways to advance the Transitional Justice Agenda. For instance, a phone survey was used to get in touch with different colleagues from partner organisations in order to establish how they were coping and explore potential opportunities for collaboration during this season of COVID 19 and after. Also, colleagues from another organization, the Rwenzori Forum for Peace and Justice (RFPJ) carried out a survey on the nexus between COVID 19, access to

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<sup>3</sup> <https://redress.org/news/passing-of-the-long-awaited-transitional-justice-policy-in-uganda-is-a-welcome-step-now-it-must-be-implemented-quickly-and-effectively/>

<sup>4</sup> <http://statehouse.go.ug/media/news/2020/03/25/presidents-address-covid19-new-guidelines>

justice and human rights abuses in the Rwenzori region.<sup>5</sup> The report published gives a reader a vivid picture of what is taking place on the examined issues surrounding implementation of COVID 19 legislation and human rights abuses in several districts within the Rwenzori region. There has been an adoption of technology to ensure that work still goes on amidst the difficulty since in person meetings are still not yet allowed. There have also been several high level meetings and Webinars for example at the African Union which I have been able to attend by use of zoom, ordinarily if it was not for the COVID 19, such a meeting would be difficult to attend due to the logistical implications involved.

Another key issue emerging is the that of resource allocation. With the outbreak of the COVID 19 Pandemic, majority of financial resources of Government have been geared towards the prevention of the disease and provision of health services to those in need. It is anticipated that the resources normally distributed to other sectors of the economy such as to the Justice, Law and Order Sector (JLOS), will be reduced. This would most probably have the negative impact of reducing the momentum made after passing the policy. There is also a concern whether the situation of Victims and Survivors of conflict in Northern Uganda and other parts of the country who had been waiting for justice for over 20 years might ever get it.

### **Recommendations**

Technology such as use of Phone calls, Skype, Zoom, WhatsApp, Microsoft Teams and other social media applications have usually been at the periphery when one thinks of meetings and formal communication. However, one of the key takeaways from the COVID 19 Pandemic, is the need to keep flexible and change with the times in order to stay relevant in this fast changing world. There are some limitations associated with the use of this technology such as the inability to find out exactly who is coming to a meeting, sometimes internet connection is poor in some locations making the communication poor. Also, the technology is subject to abuse by Criminals who intend to disrupt the meeting from its intended purpose but this is being countered by ongoing updates and developments of the applications and software.

Currently, several CSOs have adopted the use of technology for work and advocacy. There are several tweet chats being organised monthly by different organisations engaging Government officials on Transitional justice issues. Though the expected outcomes from the CSO organised meeting on 25<sup>th</sup> February have not happened the way they were anticipated, with the use of applications like Microsoft teams, there is hope that these

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<sup>5</sup> <https://rfpjuganda.org/2020/06/10/rfpjs-study-features-in-the-dgf-special-newsletter/>

might take the form of Virtual gatherings in order to continue the advocacy efforts on the upcoming Transitional Justice legislation.

Online Advocacy will be a tool that needs to be utilised by various CSOs and individuals to ensure that the needs of Victims are not ignored during the process of developing legislation. Given, the high demand for the financial resources from Government, it should be noted that COVID 19 has further deepened the impoverished situation that most Victims and Survivors were in before the Pandemic.

Going forward, it is key to appreciate that Technology is here to make our lives easier. I anticipate to keep using applications like Zoom and Microsoft Teams to ensure that even when not in my normal office, I am able to meet my deliverables as outlined in my job description.

### **Conclusion**

The article set out to meet its purpose of the impact of the COVID 19 Pandemic on the Transitional Justice Landscape in Uganda. The discussion focused on the National Transitional Justice Policy after it had been passed by cabinet. Despite the meeting organized by different CSOs to establish ways in which the provisions of the Policy can be realized, this has not been possible primarily due to the legislation governing the COVID 19 Pandemic. The Author, has however given examples of how the use of Technology has ensured that some work is carried out and how there is potential for more to be done despite the limitations.