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RECKONING WITH THE PAST: THE EXPERIENCE OF UGANDA

In the aftermath of political turmoil and social deterioration, many societies are left trying to find a way to move forward. Some states choose simply to try to move forward without attempting even to comprehend what has happened. Others confront past atrocities head-on, and meet with varying degrees of success. Many times, a combination of these approaches is employed.

The “going forward” of a state may involve many different things. This theoretical examination looks at many of them, individually and in tandem, in an attempt to discern both a beginning and a goal of some kind, along with the many stages through which the country will have to pass on its path between the two end points. A successful working through of the issues will include some form of coming to terms with the past, emotional response, and memory and remembering, in both its emotional and physical manifestations (through commemoration). These steps form the basis of what I call “acknowledgement”. In all cases, some form of forgiveness or

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“ceasing to feel angry” must occur in order that any type of reconciliation, social trust, or the rebuilding of democracy and its various institutions may occur.

It is my hypothesis that the one stage in the theory through which any successful process must pass is acknowledgement. Acknowledgement in and of itself is not a conclusion. Nor is it able to affect some kind of meaningful change. Rather, in the language of the social scientist, it forms a necessary but not sufficient condition. These steps outline a general overview of a legacy of past abuses and of a general moving forward. Acknowledgement is but one of these steps. They are by no means exhaustive, and there is no reason they should have to proceed in this particular order.

In attempting to “test” this hypothesis, a case was selected which has undergone a process of reckoning with the past. In 1986, Uganda appointed a truth commission which set about determining the truth about past events; The Commission of Inquiry into Violations of Human Rights was an instrument used to launch the process of acknowledgement which took place in Uganda. A description of the Commission, its work, and its outcomes follows.

Conceptual Framework

Each of the stages outlined above comprise what I have come to call “the politics of acknowledgement”. The following is an attempt to summarize many of the positions taken by those experts in the fields explored briefly above. Although whole papers could and have been written about each of these in isolation, in the interest of time and space, condensed versions are offered here.

Coming to terms with the past deals with elements of both consciousness and acceptance. My theory of acknowledgement assumes that in dealing with the past, one must accept “the admission something as true or as stated and the recognition of the authority of the claims of

others,” as it is defined by the Oxford Canadian Dictionary. Adorno advocates a forgetting of the past and “turning the page.”² Others, including Hayner, reflect a belief in the processes of uncovering evidence and enabling past deeds to be recognized.³ There are also a number of scholars exploring the need for truth commissions and trials.⁴ It is my belief that in a society’s quest to overcome a legacy of mass violations of human rights, it must not only confront its past, but begin to do something to overcome it.

In reckoning with past injustices, a society must deal with its emotional responses in order to move forward in the process. Kübler-Ross puts forward a rudimentary conception of the stages of grief that is helpful in providing a picture of the process of grieving: denial, anger, bargaining, depression and acceptance.⁵ Denial is a response which has gained significant attention as a means of coping.⁶ Tied to this process is the experience of mourning; I argue that until the facts are recognized and people have come to terms with the events of the past, society cannot begin to

² Theodor W. Adorno, “What Does Coming to Terms with the Past Mean?” in *Bitburg in Moral and Political Perspective*, ed. Geoffrey Hartman (Bloomington: Indiana University Press, 1986) 114.

³ Priscilla Hayner, “Fifteen Truth Commissions – 1974 to 1994: A Comparative Study,” *Human Rights Quarterly* 16 (1994): 597-655; and Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001) 24-31.

⁴ See Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998) chapters 3, 4, 5; Diane F. Orentlicher, “Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime,” in *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, vol. 1, ed. Neil J. Kritz (Washington, D.C.: United States Institute of Peace Press, 1995) 376-383; Samantha Power, “The Stages of Justice: Review of Mark Osiel’s *Mass Atrocity, Collective Memory and the Law*,” *The New Republic* Mar. 02, 1998: 34; and Mark Osiel, *Mass Atrocity, Collective Memory and the Law* (London: Transaction Publishers, 2000) chapters 5,6.

⁵ Elisabeth Kübler-Ross, *On Death and Dying* (Don Mills: Maxwell Macmillan, 1969) 34-105.

⁶ Rafael Moses, “Denial in Political Process,” in *Denial: A Clarification of Concepts and Research*, ed. E.L. Edelstein, Donald L. Nathanson, and Andrew M. Stone (New York: Plenum Press, 1989) 291-295; Hillel Klein and Ilany Kogan, “Some Observations on Denial and Avoidance in Jewish Holocaust and Post-Holocaust Experience,” in *Denial: A Clarification of Concepts and Research*, ed. E.L. Edelstein, Donald L. Nathanson, and Andrew M. Stone (New York: Plenum Press, 1989) 299-304.

grieve its losses.⁷ Another emotional response is revenge; the literature is divided into two camps: those who see revenge as a good and natural process,⁸ and those who recognize the dangers inherent in it.⁹ Emotional responses as a whole are important in the process of achieving a civil society; however, not all of these are particularly healthy. It is foolish, though, to repress any of these responses. Rather, things such as denial and revenge must be explored and then alternate means found to allow these responses to come to fruition.

A key component of coming to terms with the past is memory and remembering. A significant portion of the literature contends that forgetting is harmless.¹⁰ Others, however, see much potential in remembering, arguing that initially unpleasant memories will be transformed into building-blocks for an even stronger society.¹¹ It is also important to recognize the distinction between personal memory and collective memory, that which is shared as a group by the people in a given society.¹² Collective memory is a concept which stands on its own as a consequential

⁷ Alexander and Margarete Mitscherlich, *The Inability to Mourn: Principles of Collective Behaviour* (New York: Grove Press, 1975) xii.

⁸ Jeffrie G. Murphy, "Retributive Hatred: an essay on criminal liability and the emotions," in *Liability and responsibility: Essays in law and morals*, eds. R.G. Frey and Christopher W. Morris (New York: Cambridge University Press, 1991) 360; Susan Jacoby, *Wild Justice* (New York: Harper and Row, 1983) cited in Trudy Govier, *Revenge, Forgiveness and the Unforgivable* (Calgary: unpublished manuscript, 2001) 18-20.

⁹ Willa Boesak, *God's Wrathful Children: Political Oppression and Christian Ethics* (Grand Rapids, MI: Wm. Eerdmans Publishing Co., 1995) 178; Trudy Govier *Revenge, Forgiveness and the Unforgivable* (Calgary: unpublished manuscript, 2001) 29-34.

¹⁰ Aharon Appelfeld, "The Awakening," in *Holocaust Remembrance: the shapes of memory*, ed. Geoffrey Hartman (Cambridge, MA: Basil Blackwell, 1994) 149-151; Saul Friedlander, "Trauma, Memory and Transference," in *Holocaust Remembrance: the shapes of memory*, ed. Geoffrey Hartman (Cambridge, MA: Basil Blackwell, 1994) 262-212; and Martin Jay, "Against consolidation: Walter Benjamin and the refusal to mourn," in *War and Remembrance in the Twentieth Century*, eds. Jay Winter and Emmanuel Sivan (Cambridge: Cambridge University Press, 1999) 221-230.

¹¹ Carina Perelli, "Memoria de Sangre: Fear, Hope and Disenchantment in Argentina," in *Remapping Memory*, ed. Jonathan Boyarin (1994) 39, 49-50 in Mark Osiel, *Mass Atrocity, Collective Memory, and the Law* (London: Transaction Publishers, 1997) 14; Dietrich Bonhoeffer in Geiko Müller-Fahrenholz, *The Art of Forgiveness: Theological Reflections on Healing and Reconciliation* (Geneva: WCC Publications, 1997) 43.

¹² Osiel, *Mass Atrocity, Collective Memory, and the Law* 18-19, 256-261; Marita Sturken, *Tangled Memories: The Vietnam War, the AIDS Epidemic, and the Politics of Remembering* (Berkeley, CA: University of California Press,

phase through which a society bent on moving forward will pass. Like emotional response and coming to terms with the past, memory and remembering are important concepts.

Commemoration in a transitional society serves as one indication of the society's acknowledgement of past events. Monuments and memorials can provide an important gauge of the state administration's position on the moving forward of a society in the wake of past atrocity. They exist as a tool of participatory remembrance,¹³ important in the collective psyche and common loci of a culture.¹⁴ Official memorials provide a means by which the state can ensure that those who have died will be remembered.¹⁵ The literature recognizes the charges of historical revisionism which are levelled at those who attempt to physically commemorate.¹⁶ Commemorations, therefore, provide an important outlet for memory.

Each of these steps comprises that which I define as acknowledgement. I believe that this process, while difficult, must be undertaken in order to realize any kind of success in moving forward after a period of mass violation of human rights. It is a key ingredient in reckoning with

1997) 2; Paul Connerton, *How Societies Remember* (New York: Cambridge University Press, 1989) 1-3; Jay Winter and Emmanuel Sivan, "Introduction," in *War and Remembrance in the Twentieth Century*, (Cambridge: Cambridge University Press, 1999) 1-5; Müller-Fahrenholz, *The Art of Forgiveness*, 48; Lawrence L. Langer, "Remembering Survival," in *Holocaust Remembrance: the shapes of memory*, ed. Geoffrey Hartman (Cambridge, MA: Basil Blackwell, 1994) 253.

¹³ James E. Young, "Memory and Monument," in *Bitburg in Moral and Political Perspective*, ed. Geoffrey H. Hartman (Bloomington: Indiana University Press, 1986) 110, 112.

¹⁴ Harriet F. Senie, *Contemporary Public Sculpture: Tradition, Transformation, and Controversy* (New York: Oxford University Press, 1992) 24; James E. Young, *The Texture of Memory: Holocaust Memorials and Meaning* (New Haven: Yale University Press, 1993) 6; Maya Lin, "Making the Memorial," *The New York Review of Books*, 02 November, 2000, 33-35.

¹⁵ Don Handelman, *Models and Mirrors: towards an anthropology of public events* (New York: Cambridge University Press, 1990); James W. Mayo, *War Memorials as Political Landscape: The American Experience and Beyond* (New York: Praeger, 1988) 169-170.

¹⁶ Robin Winks in Sanford Levinson, *Written in Stone: Public Monuments in Changing Societies* (Durham: Duke University Press, 1998), 64; Young, "Memory and Monument," 111; Kelley M. Wickham-Crowley and Catherine E. Karkov, "A Dialogic Commentary: Speaking with the past," in *Spaces of the Living and Dead: An Archaeological Dialogue*, eds. Catherine E. Karkov, Kelley M. Wickham-Crowley, Bailey K. Young (Oxford: Oxbow Books, 1999) 149.

the past, both on an individual level and in the context of societal recovery. And without acknowledgement, the following stages, I argue, are nearly impossible to attain.

Forgiveness, defined by the Oxford Canadian Dictionary as to “cease to feel angry or resentful towards [someone or something]” is a critical step in the process of reckoning with the past. It is an interpersonal¹⁷ and cognitive process¹⁸ that encompasses the progression of acknowledgement and which may lead, in due course, to reconciliation. The literature suggests that “the teleology of forgiveness is reconciliation,”¹⁹ arguing that “forgiveness sets the stage for renewed relationships built on trust.”²⁰ The outcomes toward which the process of acknowledgement, if allowed to function properly, will lead, are simply varying degrees of the forgiveness process; for it lies at the heart of reconciliation, and reconciliation leads to trust, by which I infer social trust and potentially democracy.

Trust is a construct which exists specifically within the context of social relationships. It is an important determinant in the outcome of a society.²¹ Without trust, people inevitably stop

¹⁷ Robert D. Enwright and Catherine T. Coyle, “Researching the Process Model of Forgiveness Within Psychological Interventions,” in *Dimensions of Forgiveness: Psychological Research and Theological Perspectives*, ed. Everett J. Worthington (Philadelphia: Templeton Foundation Press, 1988) 140; Roy Baumeister, Julie Juola Exline, and Kristin L. Sommer, “The Victim Role, Grudge Theory, and Two Dimensions of Forgiveness,” in *Dimensions of Forgiveness: Psychological Research and Theological Perspective*, ed. Everett J. Worthington (Philadelphia: Templeton University Press, 1988) 79-83.

¹⁸ Jeffrie G. Murphy and Jean Hampton, *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988) 4-8, 116-120.

¹⁹ Robert C. Roberts, “Forgiveness,” *American Philosophical Quarterly* 32 (1995): 299.

²⁰ Müller-Fahrenholz, *The Art of Forgiveness*, 36.

²¹ Clifford Geertz, “The Rotating Credit Association: A ‘Middle Rung’ in Development,” *Economic Development and Cultural Change* X.2.II (1962): 259; Trudy Govier and Wilhelm Verwoerd, “Trust and the Problem of National Reconciliation,” (Calgary: unpublished manuscript, 2000) 13-14; James S. Coleman, *Foundations of Social Theory* (Cambridge: The Belknap Press of Harvard University Press, 1990) chapters 6,7; and Trudy Govier, “An Epistemology of Trust,” *International Journal of Moral and Social Studies* 8.2 (1993): 158-169.

accepting the word of their superiors, stop participating in the stuff of civil society.²² The development of trust in a given society, then, is of great importance in the kinds of institutions which grow and thrive in a society.

Where properly nurtured, trust can develop into far-reaching networks of civic engagement and democracy is able to take a firm hold.²³ The same holds true for institutions of justice and law; in many situations, where at least some level of trust has been re-established after a period of estrangement, communities are able to come together to carry out acts of justice and resolve conflict.²⁴ And in these cases, the development of a functioning judiciary and the strengthening of democracy and democratic institutions is of particular importance.

The Commission of Inquiry into Violations of Human Rights

The restoration of peace to Uganda began when Yoweri Museveni came to power in 1986. A new Constitution was delivered in 1995, and a new system of governance has since begun to emerge.²⁵ One of Museveni's first changes was the establishment in May, 1986 of a Commission of Inquiry into Violations of Human Rights (CIVHR).²⁶ This commission followed an emerging

²² Gabriel Almond and Sidney Verba, *The Civic Culture* (Princeton: Princeton University Press, 1963) chapter 10.

²³ Robert Putnam, *Making Democracy Work* (Princeton: Princeton University Press, 1993) 169, 177; Almond and Verba, *The Civic Culture*, 264-265, 284; Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley: University of California Press, 1984) chapter 6.

²⁴ Sinclair Dinnen, "Restorative Justice in Papua New Guinea," *International Journal of the Sociology of Law* (1997), 25: 245-262.

²⁵ J. Oloka-Onyango, "Uganda," *Human Rights in Developing Countries Yearbook 1996*, eds. Peter Baehr, Lalaine Sadiwa, Jacqueline Smith in cooperation with Annelies Bosch (The Hague: Kluwer Law International, 1996) 369, 377.

²⁶ Joe Oloka-Onyango, "Uganda," *A Yearbook on Human Rights in Countries Receiving Aid from the Nordic Countries, the Netherlands and Canada*, eds. Bård-Anders Andreassen and Theresa Swinehart (Oslo Universitetsforlaget: Scandinavian University Press, 1992) 321.

trend, one that had been attempted by Uganda's neighbour, Zimbabwe (1985).²⁷ Uganda had tried and failed with an earlier attempt at a truth commission:²⁸ in 1974, Amin instituted the *Commission of Inquiry into 'Disappearances' of People in Uganda Since the 25th of January, 1971*; the results and final report were published, but none of the recommendations was ever carried out and the four commissioners faced retaliation²⁹ at the hand of the state in the wake of their revelations.³⁰ As well, upon Obote's return to power in 1980, he attempted a similar process. A Commission of Inquiry into the Disappearance of Dr. Ibanda established during this period was virtually ignored and was eventually abandoned.³¹ Clearly, the search for truth under Obote was met with resistance.

The *Commission of Inquiry into Violations of Human Rights* was established by Legal Notice Number 5 of 1986³² "to inquire, *inter alia*, into 'the causes and circumstances' surrounding the whole range of human rights violations and breaches of the rule of law"³³ between 1962 and January, 1986 when Museveni and the NRM assumed power. In commissioning the CIVHR, Minister of Justice Joseph Mulenga stated that the government "intended first to facilitate the

²⁷ Hayner 616-628; Alexandra Barahona de Brito, *Human Rights and Democratization in Latin America: Uruguay and Chile* (New York: Oxford University Press, 1997) 2-3.

²⁸ This commission, although it meets the definition of the truth commission, as laid out earlier, was clearly not meant to discover any kind of truth. Thanks to Dr. Rhoda Howard-Hassmann for her clarification of this point.

²⁹ All of the Commissioners were targeted by the state. One, an expatriate Pakistani judge, lost his job. Another was framed with fabricated murder charges and sentenced to die. A third fled the country to avoid arrest.

³⁰ Hayner 611-613.

³¹ Commissioner Mrs. Joan Kakwenzire, "Problems of Implementing Human Rights in Uganda," *Three Papers Presented before the Commission of Inquiry into Violations of Human Rights, February 15-16, 1990, Kampala, Uganda* (Washington, DC: U.S. Committee for Refugees, 1990) 21.

³² Edward Khiddu-Makubuya, "Paramilitarism," 157, Note 14.

³³ E. Khiddu-Makubuya, "The rule of law and human rights in Uganda: the missing link," *Changing Uganda: The Dilemmas of Structural Adjustment and Revolutionary Change*, eds. Holger Bernt Hansen and Michael Twaddle (London: James Currey Ltd., 1991) 217.

assembling of evidence through which those responsible for the crimes and atrocities committed against the people of [Uganda] and against humanity in general can be identified and brought to book.”³⁴ The Commission was also expected to determine the complicity of various state institutions in both perpetrating and hiding gross human rights violations; the government promised that the results and findings of this Commission would be treated seriously, unlike previous Commissions of Inquiry. The CIVHR and its Commissioners reported directly to President Museveni.³⁵

In charge of the proceedings was Judge Arthur H.O. Oder, a veteran of human rights cases from the court system of Uganda,³⁶ and five commissioners, among them two university professors, a lawyer, a writer and a medical doctor. Also participating in the process were private citizens, government dignitaries³⁷ and international NGOs.³⁸ The commissioners were conscious both of the need for a strengthened, permanent structure to ensure respect for human rights in Uganda and of the constitutional hearings and process which were taking place concurrently.³⁹ They also viewed the CIVHR as “a necessary post-mortem of the ills of society with a view to finding a permanent cure.”⁴⁰ Indeed, one of the most important roles filled by the Commission

³⁴ Commissioner Mrs. Joan Kakwenzire 20.

³⁵ Joe Oloka-Onyango 321.

³⁶ Hansen and Twaddle, “Changing Uganda,” 2.

³⁷ Grace S. Ibingira, “Human Rights Violation Excesses: Why Uganda?” *Three Papers Presented before the Commission of Inquiry into Violations of Human Rights, February 15-16, 1990, Kampala, Uganda* (Washington, DC: U.S. Committee for Refugees, 1990) 1a.

³⁸ Roger P. Winter, “Peace and Human Rights in Uganda: The Past, Present, and Future,” *Three Papers Presented before the Commission of Inquiry into Violations of Human Rights, February 15-16, 1990, Kampala, Uganda* (Washington, DC: U.S. Committee for Refugees, 1990) 33a.

³⁹ “Introduction,” *Three Papers Presented before the Commission of Inquiry into Violations of Human Rights, February 15-16, 1990, Kampala, Uganda* (Washington, DC: U.S. Committee for Refugees, 1990) i.

⁴⁰ Commissioner Mrs. Joan Kakwenzire 19.

was that of education; prior to the hearings, many of the people of Uganda were unaware of their own human rights, and that they had a right to speak up when these rights were violated.⁴¹ The extent and legacy of this human rights education is visible today.

Specifically, the mission of the Commission of Inquiry into Violations of Human Rights was “to inquire into all aspects of violation of human rights, breaches of rule of law and excessive abuses of power, committed against persons in Uganda by the regimes in government, their servants, agents of agencies whatsoever called, during the period from the 9th day of October, 1962 to the 25th day of January, 1986 and possible ways of preventing the reoccurrence of the aforesaid matters.”⁴² In December, 1986, the Commission began to identify and choose those who would testify publicly before the Commission, after having carefully examined judicial records detailing the events of the past 24 years.⁴³ The Commission traveled widely across Uganda, and accepted testimony regarding “the nefarious activities of paramilitary agencies of Uganda... [and a] wide range of gross violation[s] of human rights by these paramilitary agencies.”⁴⁴ The Commission’s mandate was broadened, in 1987, to allow it to recommend prosecution for those involved in the crimes reported.⁴⁵ The commissioners, in addition to collecting testimony from witnesses, held a three-day workshop and seminar, and even consulted with Dr. José Zalaquett,⁴⁶ a Chilean professor and former member of the Chilean truth commission.⁴⁷

⁴¹ M. Louise Pirouet, “Human Rights Issues in Museveni’s Uganda,” *Changing Uganda: The Dilemmas of Structural Adjustment and Revolutionary Change*, eds. Holger Bernt Hansen and Michael Twaddle (London: James Currey, 1991) 202.

⁴² Edward Khiddu-Makubuya, “Paramilitarism” 155.

⁴³ Thomas P. Ofcansky, *Uganda: Tarnished Pearl of Africa* (Boulder: Westview, 1996) 65.

⁴⁴ Edward Khiddu-Makubuya, “Paramilitarism” 155.

⁴⁵ Commission of Inquiry into Violations of Human Rights, *The Report of the Commission of Inquiry into Violations of Human Rights: Findings, Conclusions and Recommendations* (Kampala, Uganda: Ministry of Justice, 1994) 16.

⁴⁶ *The Report of the Commission of Inquiry into Violations of Human Rights*, 6.

The CIVHR was hampered by any number of circumstances. The Ministry of Justice and the Criminal Investigation Division (CID) were consulted as to details about cases recommended for prosecution which were not undertaken, but the departments could provide no satisfactory answers.⁴⁸ As well, the Commission was desperately short of funds, and was forced at one point to suspend public hearings; a February 1988 Ford Foundation Grant enabled the CIVHR to resume those hearings.⁴⁹ Commissioners reported being limited by serious shortages, including filing cabinets, stationery (at certain stages, those testifying before the Commission were asked to provide their own paper, files, and pens to the Commissioners in order that their testimony might be recorded), staff, and transportation.⁵⁰ Consequently, the Commissioners worked only part-time on the CIVHR.⁵¹ Such constraints forced the Commission to delay the release of its report, which had initially been expected in June, 1992.⁵² The Swedish International Development Agency and the Danish International Development Agency made contributions of assistance and funding, including the provision of office equipment and printing services, which allowed the Commission to complete its work.⁵³ The final report, totaling nearly 700 pages, had only a very limited distribution and is not widely available.⁵⁴ It was publicly presented “at the end of 1994.”⁵⁵ In

⁴⁷ *Truth Commissions: A Comparative Assessment*, 88.

⁴⁸ Commissioner Mrs. Joan Kakwenzire 22.

⁴⁹ Ofcansky 66.

⁵⁰ Commissioner Mrs. Joan Kakwenzire 28.

⁵¹ *The Report of the Commission of Inquiry into Violations of Human Rights*, 7.

⁵² Joe Oloka-Onyango 321.

⁵³ The Report also lists contributions from the International Centre for Human Rights and Democratic Development in Canada, the Federal Republic of Germany, and the Government of Australia. *The Report of the Commission of Inquiry into Violations of Human Rights*, 16-17.

⁵⁴ Peter Bouckaert, Africa Division of Human Rights Watch, Email Interview, 27 July, 1999.

addition, the Commission prepared a pamphlet detailing the results and findings of its work to be distributed to the citizens of Uganda.⁵⁶

The CIVHR began its work in 1986, with what was hoped would be a three-year mandate. However, significant delays were encountered, many of which stemmed from the government's haste in appointing the Commission. These included the shortage of funds discussed above, the difficulty of "the vastness of the exercise," the amount of preparation required, and the inaccessibility of many parts of the country due to rebellion for long periods of time.⁵⁷ The Commission was rebuked for not being more proactive in its search for the "truth," in that it only heard testimony presented before its hearings and did not attempt independently to explore such assertions. It was also criticized by some sections of the populace for not having looked at violations which had occurred after January of 1986; this, too, was outside of the directly-stated mandate of the CIVHR. Additionally, the Commission's reliance on the CID was seen as tainted, as the office of the CID is commonly associated with high levels of corruption.⁵⁸

The outcomes of the Commission of Inquiry into Violations of Human Rights were essentially predicated on Museveni's Ten Point Program, which centred out past violations as important and determined to end them.⁵⁹ The Ten Point Program also attempted to revolutionize the majority of the remainder of Uganda's political institutions, including the Constitution, reforming old ones and developing new ones, such as the CIVHR. The recommendations of the Commission were effective, and called for many changes to take place in terms of strengthening

⁵⁵ The precise publication date of the Report is not widely known and/or available; see J. Oloka-Onyango 376.

⁵⁶ "Letter from Justice A.H.O. Oder," *The Report of the Commission of Inquiry into Violations into Human rights*, II.

⁵⁷ *The Report of the Commission of Inquiry into Violations of Human Rights*, 16-19.

⁵⁸ Joe Oloka-Onyango 321.

⁵⁹ Commissioner Mrs. Joan Kakwenzire 18.

accountability and proposing certain changes to the protection of human rights within the country. Some of the other innovations included the development of Resistance Councils (RCs) to govern at the municipal level and the proclamation of a position of Inspector-General of Government (IGG).⁶⁰

A permanent Human Rights Commission is another part of the legacy of the CIVHR's activities.⁶¹ The skeleton of such an Commission had been outlined in the 1995 Constitution.⁶² The permanent Human Rights Commission, called the Uganda Human Rights Commission (UHRC) continues the tradition of human rights education begun by the Commission.⁶³ The purpose of the permanent Human Rights Commission in the era following the CIVHR is to act as a warning system, with its main focus on prevention of gross human rights violations, with an eye to the eradication of human rights abuses in general.⁶⁴ The UHRC filed its first report in August, 1998, and now sits as a permanent human rights court.⁶⁵ Its activity, however, is restricted by a lack of intervention power with regard to the courts. Its main reported function appears to be the inspection of prison facilities and the public release of its findings.

In other ways, however, the impact of the Commission has been less significant. The government's "forgive and forget" attitude⁶⁶ has led to continued offers of amnesty for former

⁶⁰ E. Khiddu-Makubuya, "The rule of law" 219-222.

⁶¹ M. Louise Pirouet, "Human Rights Issues in Museveni's Uganda" 207.

⁶² J. Oloka-Onyango 376.

⁶³ M. Louise Pirouet, "Human Rights Issues in Museveni's Uganda" 208.

⁶⁴ E. Khiddu-Makubuya 222.

⁶⁵ U.S. Department of State, "Uganda" 11.

⁶⁶ Ofcansky 67.

guerrilla/resistance soldiers.⁶⁷ In May of 1999, the NRM even went so far as to invite Obote to return from exile.⁶⁸ No such offer appears to have been extended to Amin, who lives in Saudi Arabia and was himself exiled by that government to Mecca in 1998 for his complicity in arranging to send a shipment of arms to Northern Uganda rebels.⁶⁹

The impact of the CIVHR, in the end, has been lasting. The Commission's grasp of the need for acknowledgement is especially evident in the recommendations made at the close of the Commission's work in 1994; suggestions of programs of public education and civic organizations, for example, highlight this.⁷⁰ Many of those who fled Uganda during tumultuous and dangerous periods of its recent history have begun to return, some to positions of prominence within the country.⁷¹ The 1995 Constitution reflects many of the recommendations made by the Commission. In the last presidential election, large numbers of voters cast their votes, and electoral irregularities and violence were not reported.⁷²

Conclusions

Throughout the work of the commission, reflections of the process of acknowledgement suggested above are evident. Indeed, at the heart of Museveni's Ten-Point Programme was a

⁶⁷ See, for example, *Europa World Yearbook 1998, Vol. II - Kazakhstan-Zimbabwe*, 39th ed. (London: Europa Publications Ltd., 1998) 3410 and *Keesings Record of World Events* 45.5 (1999): 42926.

⁶⁸ *Keesings Record of World Events* 45.5 (1999): 42926.

⁶⁹ *Keesings Record of World Events* 44.3 (1998): 42111.

⁷⁰ *The Report of the Commission of Inquiry into Violations of Human Rights*, chapter 13, esp. S.13.1 (III), (X), and (XII).

⁷¹ "The Face of Research," *Friends of IDRC* (Ottawa: International Development Research Centre, 2001) 4.

⁷² Chris Tomlinson, "Fraud alleged in Uganda election," *Globe and Mail* 13 Mar. 2001, A11.

commitment to “redress negative forces” that had plagued the country for nearly twenty years.⁷³ This spirit is recognized in Museveni’s promise to attend to the recommendations of the Commission “for economic and social advancement of the people of Uganda.”⁷⁴

In order to attain this end-point, as this paper contends, the work of the Commission of Inquiry must have had some success in acknowledging the past history of the country. This entailed cooperation from many sectors, including those whose own rights had once been violated, and in some cases, those at whose hands the violence had once been perpetrated. The Commission took exceptional care in ensuring the validity of all of the claims, and in preserving them as an official narrative, a lasting memorial to those who suffered.

As such, the Commission of Inquiry into Violations of Human Rights went a considerable way in reckoning with the country’s horrific past. And in acknowledging that history, it freed Uganda to move forward.

⁷³ *The Report of the Commission of Inquiry into Violations of Human Rights*, 15.

⁷⁴ *The Report of the Commission of Inquiry into Violations of Human Rights*, 16.