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Beyond the *Mato Oput* Tradition: embedded contestations in transitional justice for post-massacre Pajong, Northern Uganda

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Abstract

Human beings to a great extent are what community stories narrate about them. This paper is informed by an ethnological field research carried in one of the remotest villages of Mucwini Sub-county in Kitgum district, northern Uganda, scrutinizes people's stories as they echo concerns about justice from different perspectives of victimhood in the aftermath of a Lord's Resistance Army-commanded massacre which claimed the lives of 56 people in a night, the majority of whom (21) were from the Pajong clan. After a decade, all direct violent confrontations have no doubt ceased, however, the search for peace still is utterly skewed by the contesting voices echoing "justice" for the past evil deeds.

Basing on ethnological fieldwork, this study essentially employed a qualitative approach to data collection and analysis although with minimal involvement of quantified data (collected through a structured questionnaire and processed in with the aid of Statistical Packages for Social Sciences software). The findings of this study are discussed within a theoretical framework built on Habermas' theory of communicative rationality (1996), Freire's pedagogy of hope (1992) and Seligman's pedagogy of tolerance (2004) which reveal that in the event of a transitional society (emerging from past violent conflict) like post-massacre in Pajong-A village, where much contestation seems to arise not from the form of the pursued transitional justice but rather from the content in terms of prioritization about the very pursuit of transitional justice. The case of post-massacre scenario in Pajong-A village in particular and northern Uganda in general reiterate the shortcomings of applying the generally agreed *Mato Oput* tradition among the Acholi people, in the aftermath of a large scale devastation with implications beyond customary prescriptions.

Key terms: victimhood, transitional justice, sustainable peace

Introduction

No individual member of a given community lives as though detached from a history of that particular community to which one belongs. This sense of belonging to a past is not only treasured by members of a given community, as it fully explains their origin (both mythical and historical); it is also what shapes their primary conviction of good or evil, what they hold onto as ‘values’ as well as all that constitutes the justification for their acts. What is even more specific is the fact that a people’s past becomes the most referential element to reckon with in the aftermath of a violent conflict.

This paper acknowledges that the need for crafting peaceful coexistence and harmonious living in the aftermath of violent conflict cannot be overemphasised. The study, which has been based on ethnological fieldwork, was carried out in a small human society, Pajong-A village. The village was carved out as a result of the decentralisation policy which was formally enshrined in the 1995 Uganda Constitution. It is located in Pajong Parish, Mucwini Sub-County, Kitgum District in the north of Uganda. In today’s Pajong-A village, a fragile small society which was the epicentre of the horrendous Mucwini massacre in 2002, questions about how best to deal with the bitter legacy of violence are of paramount importance to the survival of such post-war human society. The war, together with all direct violent confrontations, has no doubt ceased; however, peace still is utterly disturbed by the continuing voices echoing “justice” for the past evil deeds. Should priority be given to dealing with the instigators of past atrocities in a punitive manner, thereby combating the culture of impunity that has come to characterise many internal conflicts? Or is it more important to start by focusing on restorative measures designed to ensure that reconciliation and peaceful coexistence, and with them the prospects for a society’s longer-term recovery, are bolstered?

There is no doubt that the often conflicting understandings of justice held by different post-conflict communities (victim- and offender-community) threaten to disturb any peaceful settlement in the aftermath of violent conflict. The case of post-war Pajong-A village, marred by deep-seated clan antagonisms, reminds us that the basis for durable peace lies not merely in reconstructing a legitimate and inclusive national-level government, but rather in reconciling conflicting justice expectations from different communities of belonging (clans, lineages, and

families) as well as engaging in judicial and socio-economic reconstructions at the local tier of society like a Ugandan village. Such reconciliation may never come into existence unless the differing concerns of justice following mass atrocities are genuinely negotiated and then considered accordingly.

The second half of the year 2006 which followed the signing-off of “Agreement on Comprehensive Solutions” under Agenda Item 1 of the Juba Peace Process ushered into a relatively tranquil northern Uganda, with civilian populations (former IDPs) having resettled in their respective home areas. This however has not been the case for all formerly displaced families of Pajong-A village, who have been taking shelter in the vicinity of the headquarters of Mucwini Sub-County. More conspicuous, some family lineages from the Pubec clan are still being held in the then established IDP camps neighbouring the Sub-county headquarters as a consequence of non-acceptance for resettlement by members belonging to Pajong clan.

Living within such distinct communities of belonging, these clan members separately possess their own beliefs, codes and myths; their own trajectories, stories told and retold over time (community narratives); their own obligations and taken-for-granted worlds; their own flavours and tastes; in brief, their own understandings of home and destiny. In this respect, individual members from a common group will categorise ways of understanding, moral judgments, boundaries of what is permissible and prohibited, basic frames of meanings, fears and desires, pleasure and suffering, and so create a strong sense by which their community is framed (Seligman, 2004).

As communal individuals, Seligman (2004) further reiterated, members from a given community of belonging, framed in by the thread of community narratives, always search for bits of characterisation in terms of some “us” as against some “other.” This development of *othering* further bestows a socially acceptable reason for compensation or restitution to members of the in-group (considered as victims) on the one hand, and a call for retribution or punishment to members of the out-group (considered as offenders), on the other hand, in the aftermath of violent conflict.

Situating the contestation

Huyse (2008) echoed that a recent move from a retributive type of justice to restorative justice and reconciliation has seriously sparked off an on-going debate in most post-conflict societies such as post-war northern Uganda. In this highly controversial debate about transitional justice, political leaders, members of civil society organisations, and academics (at both local and international levels) are divided on numerous points. By and large, the most divisive question is how to balance the demands of justice against the many political, economic, social and cultural contingencies.

Those who emphasise the beneficial effects of prosecution, including among others Vinjamuri & Snyder (2004) and Bass (2005) bring forward two sets of arguments. The first argument is victim-oriented; it is argued that a post-conflict society has a moral obligation to prosecute and punish the perpetrators, because retribution is exactly what most victims want. It serves to heal their wounds and restore their self-confidence due to the fact that it publicly acknowledges who was right and who was wrong and, consequently, clears the victims of any labels of ‘criminal’ that were placed on them by the authorities of the past or, indeed, by the very wrongdoers (rebel groups) or the new elites (Huyse, 2008).

The second set of arguments, Huyse (2008) argues, has to do with establishing and upholding peace and stability. It is thus argued that prosecutions (trials) will avoid unbridled private revenge. Otherwise, victims may be tempted to take justice into their own hands. Therefore, the survival of a newly established order in the aftermath of violent conflict, it is argued, depends on swift and firm judicial action against those who are responsible for the gravest violations of human rights.

On the other hand, advocates of restorative justice including amongst others Wierzynska (2004) and Latigo (2008) question whether outright punishment is the appropriate response in any and every context. The end of a civil war or of a period of violent repression creates an intricate agenda including rebuilding the political machinery and the civil service, guaranteeing a minimum of physical security, disarming rebel movements and re-organising the army and police, rebuilding the socio-economic infrastructure, stabilising the economy, establishing a non-

partisan judiciary, healing the victims, repairing the damage inflicted on them, and guaranteeing a reliable security force for civilian protection among other items.

It is argued that dealing with the perpetrators, possibly by means of criminal prosecutions, is only one of many challenges. More often than not, it will be impossible to tackle all tasks simultaneously. Choices therefore have to be made; it is said that the place of justice in general, and or prosecution (trials) in particular, on the post-conflict agenda depends on the particular conjunction of political, cultural and historical forces. Other problems and needs may be more important and/or more urgent than seeking justice through trials. Furthermore, proponents of this argument believe that prosecutions are ambivalent in certain transitional contexts; they can have highly destabilising effects on a peaceful settlement.

The sense of justice as punishment, on the one hand, is not only treasured by members of a victim-community as it promises future assurance in the post-conflict context, but it is also what shapes their primary conviction of what is and ought to be done. So a victim-community, a community of belonging *par excellence*, which grants or refuses to grant moral credit to both in- and out-group members, is in no way universal, but restricted (just as a family is bounded) by the thread of love and trust (Seligman, 2004). In the aftermath of massive human rights abuses, Vinjamuri and Snyder, (2004) maintained, victims have well established rights to see the perpetrators punished, to know the truth, and to receive reparations. It is argued that a history of unaddressed massive abuses is more likely to be socially divisive, to generate mistrust between groups and the institutions of the state, as well as hamper or slow down the achievement of security and development goals. As has been noted in most post-conflict societies where massive human rights violations have taken place, the claims of justice (retribution) refuse to go away. Hence, in trying to ensure criminal accountability for the past evil deeds, retributive justice claims to establish the rule of law and so guarantee secure communities in the aftermath of conflict.

On the other hand, unlike retributive justice, the sense of justice as restoration is more welcomed by the offender-community. This understanding of justice seeks to engage the post-conflict society in a dialogue that includes elements of truth telling, apology, and forgiveness, and that ultimately leads to reconciliation. The underlying drive for restorative justice is geared towards

an evolving understanding that any dealings with the past should focus on impacting the future of the post-conflict society constructively (Wierzynska, 2004). The goals of restorative justice thus include addressing the root causes of the conflict, involving all stakeholders (both victims and offenders) in the restoration process, emphasizing the importance of truth telling, apologising and seeking forgiveness, and preventing future conflicts through precautionary measures instituted to rebuild the affected communities.

The antagonist community narratives being recounted by the differing clans (the Pubec and the Pajong), who are now considered as parties to the conflict, could make it possible for recurrence of social violence. These post-war invigorated stories of victimhood and denunciation, narrated by the conflicting groups, continue to contribute toward reducing the social capital, of which trust matters most, and if not well checked, may degenerate into yet another deadly conflict. Despite the conspicuous observation that most parts of this region can rightly be considered as post-conflict in context and hence calling for reconstruction and rehabilitation, considerations for post-conflict conflict prevention still ought to be exploited holistically, especially in the case of post-war Pajong-A which could possibly be one of the most (if not simply the most) precarious villages in today's northern Uganda. Moreover, chances for the resumption of conflict (even more violent) are more likely unless issues pertaining to post-war peace (harmonious co-living) and justice (socially acceptable reparation for wrongdoing) are directly addressed.

The post-war situation in *Acholiland* presents a vivid case contrasting criminal liability to community reconciliation through restorative justice. Although the situation in today's northern Uganda could be discussed in a context of post-war reconstruction, locating justice in the post-war public discourse remains a huge challenge. Simply put, if any peace agreement failed to address the issue of criminal accountability for the LRA leaders and their accomplices or instigators (offender-community), the agreement would be rejected by the international community and doubtless by the victim-community itself. Similarly, if the LRA leaders together with their accomplices were not somehow shielded from prosecution by the international community (the International Criminal Court for this matter) and by the respective community of victims—an argument vehemently presented by most local opinion leaders and civil society organisations—disarming and fully integrating this community of offenders would still be

unlikely and equally most unlikely would be the prospects of building sustainable peace in such post-war context.

No doubt that the notion of justice per se has a plethora of different meanings to different communities of belonging, especially in reference to victim-offender communities. Yet what is required for peace and criminal accountability is a much deeper understanding of justice. What is even more challenging is to agree on the implementation of a working definition of justice in the aftermath of a violent conflict. Noll (2011) alluded to this when he ascertained that the conflict between the community of victims and that of offenders is significantly a conflict concerning meanings of justice. For a victim-community emerging from bloody civil war, concerns about how best to deal with the bitter legacies of the past almost always point to some sort of retributive or punitive justice: giving the offenders ‘what they deserve!’ The offender-community, on the extreme end, remains disturbed by the general pursuit of justice in the post-conflict scenario due to the fact that retribution is inclined to their disfavour. More often than not, the search for “justice” in the aftermath of violent conflict ends up frustrating the search for stability and “peace” much wanting in the very aftermath of violent conflict.

Considering past bitter memories and subsequent post-war narratives of criminal liability within the broader peace discourse in the context of post-war northern Uganda, this paper attempts to grapple with the many obstacles to building a sustainably peaceful village of Pajong-A in the aftermath of violent conflict (massacre). Can justice as perceived by those who were victimised be complementary to and compatible with the pursuit of peace as conceived by those who effectively victimised them? Is it always that the pursuit of justice as reparation will eclipse the search for peace as harmonious co-living in the aftermath of violent conflict? Can sustainable peace be attained in a post-war context without deliberate consideration of various demands of justice? Should community reconciliation in the aftermath of violent conflict take precedence over socially acceptable compensation for past wrongdoing? These remain questions which have significantly shaped the conceptual framework in this paper.

Interrogating the *Mato Oput* tradition

Most, if not all African societies have had alternative methods of reintegrating the wrong-doers into society and letting them assume their societal roles as it might have been prior to the conflict (whether violent or not). The *Gacaca* courts in Rwanda, the *Magamba* spirits in central Mozambique, the *Mato Oput* rituals among the Acholi in northern Uganda, the *Ngele Gbaa* rite among the Kpaa Mende in Sierra Leone, and the *Obushingatahe* institution in Burundi are among traditional reconciliation mechanisms which have been advocated, and to some degree, embraced by affected communities in the aftermath of violent conflict (Huysse & Salter, 2008). Given the intricacies which have almost always characterised civil wars in most African societies, these types of transitional justice mechanisms have thus emerged as ways-out to best serve the interests of a post-conflict scenario.

More specific, the *Mato Oput* ritual—the communal drinking of a concoction of a bitter local brew by former antagonists—provides a ritualised form of reconciliation. This traditional justice ritual reflects a cultural understanding of justice that sees social pardon as better addressing the requirement of reconciliation than punishment meted out within legal structures (Gayron, 2002). In a way to ritualise remorse caused by the past evil deeds, *Mato Oput* (the drinking of the concoction of a special bitter root) as a ritual becomes a way of accepting former offenders back into the community once they have acknowledged and accepted responsibility for what they have done.

Bartlet (2009) however pointed out that anthropologists remain divided about its significance. In many of his arguments about contemporary application of transitional justice, (Allen, 2006) emphasised the limitations of *Mato Oput* and other traditional justice mechanisms, outlining the dangers of exceptionalism in presenting the Acholi as ‘other’ and outside the Ugandan cultural mainstream. He suggests that an ‘obsession of so many concerned about suffering in northern Uganda with “traditional justice” inadvertently reinforces a tendency to demonise the people of the region (Allen, 2006).

Traditional and religious leaders in northern Uganda, on the one hand, have emphatically argued for the many benefits of the Acholi traditional justice mechanisms as the best alternative means of criminal accountability for the past evil deeds by offenders. Retired Anglican bishop of Kitgum and then vice president of the Acholi Religious Leaders Peace Initiative (ARLPI), Rt. Rev. Macleord Ochola II once reported: “*Mato oput* is one of the best justice systems in the world because it forgives, and restores broken relationship and creates the process of healing in the hearts of those who have been wounded by violence and death” (Bartlet, 2009, p.51). In connection to the practice of Acholi traditional justice mechanisms vis-à-vis conventional international criminal justice, *Rwot* David Onen Acana II, the current Paramount Chief of *Acholiland*, is reported as having said that the ICC needed to learn about ‘forgiveness and reconciliation’ from the people in *Acholiland* and that the ‘eye for an eye’ form of justice that the ICC was attempting was not suited for *Acholiland*, ‘where it is widely perceived here that this is primitive’ (Bartlet, 2009, p. 52).

Komakech (2008), on the other hand, underscored that while the subject of traditional justice has been in the limelight recently, most of the research conducted has not been sufficiently differentiated to provide adequate guidance and inform the aforementioned policy shifts. He [Komakech] further noted that discrepancies in the importance attached to traditional justice and in the degree of individual familiarity with such practices may be linked to the nature and level of exposure to violence and to the duration of conflict in the respective areas, or it may indicate differences in the relative prevalence of traditional justice in the respective districts of northern Uganda.

Latigo (2008) too noted that the two-decade long war in the northern region of Uganda has eroded the hitherto solid and rich Acholi social fabric which was the foundation upon which these traditional norms, belief systems and practices were meaningfully and effectively regulated. Furthermore, some rituals, Latigo (2008) emphasised, might not have been performed for a long time in a particular area because wartime insecurity and the resultant extreme poverty made it impossible to put together all the necessary components.

While many of the questions concerned the prevalence of traditional justice practices in resolving everyday crimes and disputes, Komakech (2008) noticed that the underlying issue remains whether these same principles [of traditional justice mechanisms] can be extrapolated to form the backbone of a national reconciliation process aimed at addressing the legacy of violence left by Uganda's many conflicts. Some traditional practices may be viable and desirable in a local setting, but may not be easily incorporated into a national system. Latigo (2008) alluded to this when he pointed to the fact that even were the Acholi traditional justice mechanisms to be incorporated into the national legal system, they might currently be less relevant to some of the people to whom these mechanisms are expected to be applicable; young people who have been born and have grown up during wartime, with restricted opportunity to experience or participate in such restorative practices.

Notwithstanding the statistical dimension according to which the majority of victims of the two-decade long turmoil in northern Ugandan region are young people and that today some Acholi Christian believers tend to reject traditional practices outright as being pagan and/or satanic, the *Mato Oput* tradition as well as other Acholi rituals for restorative justice remain culture-specific and not flexible. Though the benefits of such transitional justice system need not be overlooked in the aftermath of a violent conflict, the fact that a perpetrator of mass atrocities may not necessarily belong to the culture in reference makes the applicability of today's Acholi traditional justice mechanisms even more problematic in such specific cases.

Learning from post-massacre Pajong

In the early morning hours of July 24, 2002, it was reported that the LRA had attacked the villages of Mucwini Sub-county, in a massacre that claimed the lives 56 civilians (men, women and children) in a night. To date, ten years after the massacre had occurred, many a survivor still perceive this dreadful event as a deliberate and ruthless retaliation by the LRA rebels, which came as a result of deep-seated betrayal by a local dweller in Pajong (belonging to the Pubec Clan), having escaped from the LRA abduction with the rebels' gun after having allegedly misrepresented the family of another Pajong dweller (belonging to the Pajong Clan) in a statement recorded by the LRA at the time of his abduction.

The retired Anglican Bishop of Kitgum, Rt. Rev. Macleord Baker Ochola II, 80, who happened to be the chairperson of the Mediation Team (a joint stakeholders' intervention to mediate between the people of Pajong and Pubec Clans in Mucwini) reported:

What happened before the massacre had taken place is something to reckon with. The people of Pajong and Pubec clans lived together harmoniously for ages, earning their living through communal farming in the *aker* equitably divided into cleared farming fields, known as *kitaara*, per households. It was only when the people of Pubec Clan—spearheaded by Otim Katende with the support of the then LC III of Mucwini, Onek Atube (a member of the Pubec clan)—claimed singular ownership of parts of the communal *aker* in the year 1992 that the deep-seated land dispute became manifest, leading the antagonism that still characterise the relationships of the two clans to date. The abduction of Otim Katende by the LRA in 2002, the misrepresentation of the family of Okello Manweri, who was a respected Pajong clan elder, and the subsequent massacre itself fuelled and escalated this long-standing antagonism...

(Interview on April 28, 2012 in Kitgum Town)

In the aftermath of the massacre in Mucwini and general turbulent times caused by the LRA-led insurgency in north of the country, Pajong returnees who were previously mixed up in IDP camps at the peak of armed conflict (2002-2005), have persistently denied some displaced people from the Pubec Clan the right to resettle in their perceived homeland in Pajong-A village. Precisely, members from the Pamong lineage who are directly linked biologically to Otim Katende—the instigator of the LRA-led devastating massacre—are still not accepted to either dwell or till the land in Pajong-A village, where they previously co-lived with their counterparts (Pajong clan members) for ages.

Surviving victims from Pajong Clan, precisely those related to the family of the late Okello Manweri (a respected prominent Pajong clan elder) continue to consider the occurrence of the massacre as a purposely orchestrated venture by Pubec clan members to finalise the long-standing land dispute by exterminating Pajong members. This, they affirm, was evidenced by the LRA-targeted killing of Okello Manweri, his wife Acen Duculina Okello, and their first-born son Toowili Okello together with 53 other people gathered along the rebels' way to Okello's home, the majority of whom (21 individuals) reported to have been Pajong clan members. In its detailed report on the Pajong-Pubec conflict produced in November 2008, Justice and Reconciliation Project (JRP) alluded to the fact that, in the aftermath of the massacre, victims from Pajong still

accuse Otim Katende—who escaped from LRA abduction with the rebels’ gun—of purposely orchestrating the massacre to resolve the long-standing dispute over land for farming in Pajong.

Ten years after the dreadful LRA attack in Mucwini had occurred different communities of belonging (clans) continue to wear various fabric of victimhood. The latter is manifested in the attitudes each group portrays vis-à-vis the other. On the one hand, Pajong clan members almost always tend to emphasise the victimisation they incurred in the course of the massacre and so justify the cold-blooded relationship with their Pubec counterparts. Pubec-Pamong people, on the other hand, underscore the sheer marginalisation they have been undergoing for now a decade. Clan elders of Pamong strongly argue that their people have not only become destitute following the displacement from their homeland to the so-called protected camps, but they have also been denied any chance to get out of the mud of destitution and despair, given the fact that until now they are prohibited from farming in the communal *aker* in Pajong.

In a highly interactive focus-group discussion with nine Pajong male youths, one of them, aged 24, (directly linked to the family of Okello Manweri) said:

These people of Pubec-Pamong are indeed stubborn. Our elders emphatically told us they should not be allowed to come and dig in any of the fields here in Pajong anytime soon, for we in Pajong are still nursing our wounds of the massacre they brought to us. It is as if they always want to test our position; we still can see them come and endeavour to till the prohibited land with no prior notice whatsoever. Such are some of the attitudes which are fuelling the on-going conflict up to date.

(Focus-group discussion on May 11, 2012 in Pajong-A village)

Drawing from yet another occurrence, almost a decade since the massacre took place, one respected Pubec-Pamong elder, 72, described what recently happened to him in the following terms:

One gentleman from the Pajong clan has just passed on having succumbed to a chronic disease. The ceremony for his funeral was organised and conducted at his home in Pajong-B. I had to make sure that I attend the funeral given the fact that he was a friend but even most importantly a person who married from the family of my wife. Surprisingly, upon my arrival to the funeral at his home, I was

ridiculously told to vacate the place, for this was considered a Pajong affair! I just could not argue with anyone there... I simply found myself chased out. This, I think, shows you [the researcher] the extent of harshness we are faced with.

(Interview on May 06, 2012 in Owinyi village)

Some Pajong clan elders at the helm of decision-making processes in the village persistently put forth the defence for their non-acceptance of Pubec-Pamong members (to settle back and co-live with Pajong members) by reiterating the following:

It is well known to any Acholi person that there always is responsibility for wrongdoing in our human society. According to our Acholi tradition, this responsibility is to a certain extent collective. The massacre, although perpetrated by the LRA rebels, clearly fell within the collective responsibility of Pubec-Pamong people. As the latter continue to deny any sort of responsibility for this past evil, we thus find no reason to accommodate them back into this village. After all, it is not that easy for a community (previously victimised) to live again side by side with the other community of wrongdoers unless important milestones are achieved. And this is well known to the Pubec-Pamong people. Besides, we the elders of Pajong continue to watch over and so discourage any eventuality of violence in our village. Chances of violence are higher if Pubec-Pamong people simply come back and live with us without sorting out critical issues.

(Focus-group discussion with seven Pajong clan elders on May 07, 2012 in
Pajong-A village)

That some members of Pubec clan, particularly those of Pubec-Pamong are still living in former IDP camp premises ten years after the massacre is ample evidence of demands for justice after violent conflict in post-massacre Pajong. Justice per se seems to mean different things to different people in today's Mucwini, and consequently, clashes about what justice after violence ought to mean seem to invigorate tension in such a post-massacre context. In line with this, Webber (2012) argues that more often than not, arguments between or among parties to conflict or those emerging from violent conflict are over different conceptions of justice, not merely the balance between justice and expediency or even between justice and forgiveness. By and large, members from the Pajong clan, on the one hand, do consider their Pubec counterparts as wrongdoers who have had sheer moral deficit that led to the evil, hence, bearing the duty of reparation for the past collectively experienced evil. Pubec-Pamong members, on the other hand,

consider their Pajong counterparts as much crueler following the dreadful massacre, and consequently, the former portray the latter as victimisers deprived of any good in them.

There seems to be a tendency by most external interveners in the Pajong-Pubec conflict, including non-state actors (NGOs, IGOs, CBOs, CSOs, and FBOs) as well as government players (both the local and central governments) to believe that since both Pubec and Pajong clan members are Luo people first and foremost, there is no doubt that they do have a shared understanding of justice after violent conflict, given their shared culture and tradition. Greatly ignored is the fact that following the dreadful massacre different communities of belonging (clans) in today's Mucwini have been framed in different categories (victim-offender communities) basing on what happened (remote past), what has just taken place or takes place (recent past/present) as well as what is planned to take place (future). Accordingly, at a much deeper level, the understanding of justice (what it ought to mean) for one given community in post-massacre Mucwini tends to differ and even clash with that of another community of belonging in the same context, regardless of the shared belongingness to the Acholi culture and tradition.

Not only is justice itself a complex and contested concept, but in many transitional societies (those emerging from a violent past), Webber argues, there are at least two substantially different forms of justice at issue and, indeed, often, a third. Webber terms the first two forms as “retrospective” (backward-looking) and “prospective” (forward-looking) justice and the third, “adjustment of contending legal and political orders” (Webber, 2012, p.99). No doubt, most debates within the transitional justice literature concern the tension among these forms of justice. Noll (2011) too acknowledges that the notion of justice per se has a lot of different meanings: retributive, restorative, distributive, or social justice as different interpretations of the notion of justice. From the viewpoint of mediation after violent conflict, Noll ascertains an inherent tension between criminal accountability and peace-making and so argues that peace mediators “must have a firm grasp of the many meanings of justice” (Noll, 2011, p. 206).

In a thoughtful focus-group discussion with some seven women of Pubec-Pamong, whose families have been refused the right to settle back in Pajong-A (considered to be their homeland for the past four generations) following the end of the LRA insurgency, one woman, 50, said:

... We have been made to silence all our claims, following the LRA attack. Is it really fair that we and our generations to come deserve doom? What kind of justice if we have lost any say after the massacre? The very fact that this conflict has got to be mediated by third-party interveners confirms that the understanding of justice held by Pajong people has been different from ours. We believe in justice in accordance with a third-party's stand, including cultural and religious leaders, government and NGOs. The massacre cannot in any way be taken to be a Pajong affair given that some of our members too were mercilessly killed.

(Focus-group discussion on May 12, 2012 in Owinyi village)

In today's Mucwini clans remain divided over what justice means and/or ought to mean following the devastating massacre which amply affected many communities of belonging in Mucwini and beyond. In the very first fact-finding report by the Justice and Reconciliation Project published in November 2008, it was reported that among the 56 people who got killed in that fateful night on July 24, 2002 some were abducted on the rebels' way from Namokora (the bordering Sub-county west of Mucwini) and one of those killed was a Sudanese citizen. In Mucwini itself, the damage of the massacre (death and loss of property) extended to other many communities including the Pajong, Pubec, Yepa, Bura, and Akara, Pachua and Okol. While the people of Pajong still emphasise their primary victimhood (considering themselves as targeted and direct victims of the massacre as well as having the most killed) the people of Pubec together with other communities of belonging (more distinguishingly the people of Bura) persistently insist that what took place in Mucwini in 2002 should never be considered a Pajong clan affair in terms of victimhood.

At the core of these viewpoints, as Noll (2011) rightly put it, much of the squabble between criminal liability (retributive) and negotiated peace (reconciliatory) settlement is actually an argument about whose understanding of justice should be applied in order to settle down the conflict in today's Mucwini. Additionally, there seems to be existing alliances among the different communities in terms of both sympathy and defence. On the one hand, key decision-makers of Pajong clan, in consonance with their allies from Akara clan, untiringly echo the call for reparation or compensation in a bid to restore the broken relationships. Today's leaders of the people of Pubec-Pamong, who are at one with their allies from the Bura clan, underscore that the call for compensation in the context of post-massacre Pajong falls outside the realm of possibility in two ways: first, the realisation of compensation by the Pubec-Pamong is entirely impossible

given the fact that the massacre consisted of a merciless killing by LRA rebels, and second, due to the vulnerability of the people of Pubec-Pamong, who were and still are equally victimised by the massacre.

Nonetheless, sheer disagreements tend to interrupt the methodology of forgiveness and reconciliation following violent conflict. In today's post-massacre Mucwini, some stress that reconciliation and peace (*kuc*) after violence will come as a result of reparation for wrongdoing (*culo kwor*) while others still underline that the emphasis for *culo kwor* [compensation] is actually what puts *kuc* [peace] outside the realm of possibility. In the same spirit, Webber (2012) draws attention to the following realisation: given that individuals strongly argue over the meaning and implications of justice, one of the great challenges facing any community is how to persuade people that they should acquiesce in the decisions made by a community's institutions even when they espouse a differing conception of right—as invariably occurs, to some extent, in all communities.

In a focus-group discussion with some four clan elders of Pajong, on the one hand, one elder aged 73 said:

The responsibility for the dreadful massacre which took place here in Pajong rests on the shoulders of Pubec-Pamong people for peace to be restored; the letter written by the LRA and later found at the scene of the massacre says it all. This responsibility entails compensation for the dead as per the *Acholi Ker Kwaro* arrangements. This is what our tradition dictates.

(Focus-group discussion on May 13, 2012 in Pajong-C village)

At the other extreme, while discussing with the leaders of Pubec-Pamong people, most of whom still live in previous IDP camp premises around the Sub-county headquarters, one Pamong elder aged 72 stated:

The dreadful massacre was but perpetrated by the LRA rebels in their fight with the national government, which utterly failed to protect us, civilian populations. The rebels' tactics of warfare consisted of abducting innocent civilians who then were forced to serve the rebels' purpose. If anything, it is therefore up to the government to compensate the unfortunate losses (human lives and properties) for which we [Pubec-Pamong] should all be beneficiaries. This is the type of justice we look forward to.

(Focus-group discussion on May 13, 2012 in Obiya village)

It therefore appears that negotiating a nuanced understanding of justice in the aftermath of massacre is of paramount importance for peace to be imagined and prevail in today's Mucwini. What justice means vis-à-vis what it ought to mean remains one of the greatest contestations among different communities of belonging (clans) in post-massacre Mucwini. Furthermore, prescriptions about the understanding of and demands for justice as per the established Acholi tradition seem not to accommodate fully the intricacies of this massacre: its circumstances, actors, and scale. More specific, the institution of *Ker Kwaro* Acholi, which constitutes the supreme cultural decision-making body in *Acholiland*, appears to be under-equipped in terms of nitty-gritty tools for a long-term settlement of tension between Pajong and Pubec-Pamong clans.

Perhaps, one exceptional trait of this massacre compared to other similar dreadful events that took place in the very *Acholiland*; namely, Barlonyo, Atiak and Namokora at around the same period, is the subsequent polarisation of different understandings about what sort of justice is to be pursued in the much needed search for peaceful coexistence among post-massacre communities of belonging in Pajong. For some, it is argued that fear to accept responsibility is what undermines the attainment of justice and peace in such post-massacre context. Others still argue that the understanding of what is just and what is wrong is not and never shall it be the sole prerogative of a few individuals over the rest. At the bottom line of all claims, the remaining argument tends to suggest that although truth and justice may never vary, people do approach them in various (and often conflicting) ways.

Referring to Volf's *Exclusion and Embrace*, McAdams (2006) is not far from realising the complexity in achieving a balance of sorts between these twin objectives of justice after violent conflict. In numerous occasions, in the pursuit of justice after past violations, embrace and justice (to borrow Volf's usage of the word) have apparently assumed mutually exclusive proportions. On the one hand, proponents of the more aggressive perspective (aggressive truth-seeking and retribution), McAdams (2006) notes, have been inclined to define reconciliation as, above all, a victim-oriented enterprise (exclusion), which presupposes that the instigators of injustice first be forced to own up to their offenses and prove themselves worthy of the trust and respect of full citizenship.

On the other hand, another opposing group of activists has tended to emphasise the inclusionary side of reconciliation (embrace), which presupposes a largely offender-based activity that is meant to bring outsiders back into the public fold and to restore harmonious relations among all of society's diverse parts. In this regard, truth and justice are considered as, at best, secondary pursuits along the path to unity and peace. Again, as seen in the case of post-massacre conflict between Pajong and Pubec clans, the tension seems to be powered by the potentially destabilising consequences of pursuing both victim-centred and offender-based strategies simultaneously.

Beyond the *Mato Oput* tradition: a conclusion

Following the massacre in 2002, many attempts have been undertaken by different interveners (actors) including cultural and religious institutions, NGOs as well as the State (local government of Kitgum District) in a bid to restore harmony and peaceful co-living in the disturbed human settlements in Mucwini. Of special mention are arguments for traditional justice mechanisms to ensure reconciliation among conflicting post-massacre communities in today's Mucwini. By and large, civil societies as well as non-governmental organisations have played a crucial role in advocating and assisting in the design of these mechanisms at the time of transition. *Mato Oput* tradition, from the Acholi ethos (*Mato*, which culturally signify "to drink" and *Oput*, a uniquely bitter root of tree grown in the wilderness of *Acholiland*) is heralded by the Acholi people as the venerated reconciliatory practice which has the ability to midwife peace after deadly conflict.

Based on the existing literature and on-going debate about transitional justice in practice, it can be substantially agreed that the scope and boundaries of transitional justice remain igneous. Subsequently, the measures and mechanisms advanced within the framework of transitional justice cannot, and should not indeed, be prescriptive, for these ought to be context-dependent. In the aftermath of the Juba peace talks, which led to the signing of an agreement on reconciliation and accountability in June 2007, it was noted that the application of Acholi reconciliatory rites, including among others *Mato Oput*, were appropriate mechanisms to address the issues of accountability and reconciliation (Huyse, 2008).

However, it is important to note that such performance of *Mato Oput* as a cultural transitional justice mechanism among the Acholi people is decided upon by a much smaller group of individuals who are considered custodians of the tradition. More specific, Latigo refers to “the traditional masters of ceremony, conciliators and elders from both clans” as attendants of the *Mato Oput* ritual performance (Latigo, 2008, p.104). Furthermore, from a deeper interrogation about the performance of the *Mato Oput* tradition, the latter seems to be uncalled for in the case of this massacre—a dreadful event carried out by LRA rebels regardless of the circumstances under and parameters within which it was perpetrated. Culturally, the performance of the *Mato Oput* reconciliatory rite is warranted by direct killing, whether deliberate or accidental, of person(s) from clan A killed by person(s) from clan B (Latigo, 2008).

It is reported that in the aftermath of the massacre, given the tense atmosphere that prevailed in Mucwini, the Office of the then Resident District Commissioner (RDC) in the very first instance took up the matter and so endeavoured to reconcile the two antagonist clans (Pubec and Pajong) through some cultural reconciliatory practice of animal slaughter. This RDC’s intervention however did not yield any successful result, for it was never wholly embraced by the grassroots who perceived it to be a mere government hand-out. In the second place, the contested Acholi Paramount Chief, *Rwot* David Onen Acana II to whom the matter had been referred to by the *Rwot* of Chua, gathered together Pubec and Pajong clan members in a mediated dialogue and implored the prevalence of forgiveness and reconciliation for harmonious co-living in post-massacre Mucwini. This too did not yield any satisfactory results. Finally, in the year 2008, the then Kitgum District Chairperson (LC V Chairperson), Ogwok Komakech contacted Bishop M.B. Ochola II and requested him to initiate a mediation process between the two conflicting clans, due to the frustration the on-going conflict has brought in the implementation of government policies in post-war northern Ugandan region at large.

Teitel (2000) too argues that reparations as such have a strong dimension of prospective justice about it, in that, they often respond to the past precisely in order to place the descendants of the original victims in a better position today. Echoing Minow (1998), Webber (2012) further points out that payment (compensation) may be necessary as an earnest in order to emphasise the seriousness of an apology, so as to overcome the impression that words are cheap. Nevertheless,

the stance of other respondents aged 50 and above, mostly clan elders in Mucwini vis-à-vis the performance of *Mato Oput* in the aftermath of the massacre, suggested a clear-cut rationale for the inapplicability of the *Mato Oput* tradition in this context. The *Rwot* of Chua, who doubles as the Chairman of the County *Ker Kwaro*, stated the following:

In the case of the Mucwini Massacre where the killing was done by a third party (the LRA rebels) it is culturally impossible to conduct the reconciliatory performance of *Mato Oput*. Traditionally, *Mato Oput* can only take place where a person (a) from clan (A) went on to kill a person (b) from clan (B) with direct means; such a killing warrants the performance of *Mato Oput* which may reconcile and restore the previously broken relation caused by evil (killing). In my opinion, the three things expected to be done in a way to reconcile Pajong and Pubec clan members consist of the following: culo kwor, which in this case ought to be a third party (the Uganda government with or without support from other NGOs), followed by ngonyo laa, a cleansing ceremony before Otim Katende could come back to his homeland, and finally ribe ki kelo ber bedo which implies the sharing of food and drink after a detailed dialogue for reconciliation and peace.

(Interview on May 23, 2012 in Kabete village)

Before scholars and practitioners can delve into an assessment of strengths as well as weaknesses of many a restorative type of justice as Latigo (2008) did, it remains imperative to comprehend that the performance of such restorative kind of justice as *Mato Oput* remains context-dependent. Hence, what may have happened in the course of violence (the times of abuse) has much influence on what ought to be done in the aftermath of violence (transition); *Mato Oput* in this regard, therefore, should be called for on a case-by-case basis.

In an interview with one of the most influential civil society activists in the case of this massacre, aged 41, who happened to be a native of Mucwini, and who was deeply concerned with the resolution of the Pajong-Pubec tension following the 2002 massacre, the following was his standpoint:

[...]I am still of the view that many peace scholars as well as practitioners who have taken interest in the war which devastated northern Uganda have so far terribly failed to grasp the ingredients of the Acholi culture. Agonisingly, they always tend to push for things they have little or no knowledge about. For instance, one often hears these researchers and peace activists, most of whom outsiders as well as unfamiliar with Acholi tradition, lobbying for *Mato Oput* to

be performed in order for peace to be restored in the context of post-war northern Uganda. To remain true to Acholi tradition, the issue between Pajong and Pubec does not warrant *Mato Oput* but it rather requires a mediated settlement of conflict. *Mato Oput* is therefore out of context, the reason being that the alleged perpetrator did not commit the act in person as required by the traditional justice system.

(Interview on June 06, 2012 in Kampala City)

That many involved in the on-going conflict remain confused about the type of transitional justice mechanism to be pursued in the aftermath of this massacre does not preclude the fact that the custodians of the tradition (clan leaders and community elders) are clear about what ought to be pursued following the devastating evil of such scale. These cultural wardens still do know what course of action to be undertaken in a bid to restore peaceful coexistence in Pajong-A village, Mucwini and the entire northern Uganda by extension. Whereas a peaceful resolution of disputes in today's Pajong could be midwifed by clan elders and community elders given their privileged place in such post-massacre context, the hardest challenge tends to revolve around the pedagogy of dealing with *nipoo pi jami ma otime*, that is "to remember what took place" (memory—both individual and collective). The bottom-line preoccupation in endeavouring to redeem the previously broken tissues of society suggests anxieties for memories of past evils. Just as Osiel (1997) noticed, even in a post-war situation, parties previously involved in war watch over one another, in even the most private settings, with extreme sensitivity to the possibility of betrayal; the fragile tissue of social life wears precariously thin.

By and large, peace-building is a contextualised venture and so are transitional justice mechanisms. It therefore seems that each post-war context dictates both the content and the shape of the type(s) of transitional justice mechanisms to be applied therein. Assessing the contribution of the Acholi traditional justice mechanism of *Mato Oput* reveals the pertinent need for contextualisation of such justice mechanisms in societies emerging from violent conflicts (transitional societies). While the debate about what type of justice ought to be pursued in the aftermath of mass violence can be carried on alongside the influence of culture and tradition, contentions might still arise regarding how to go about that specific type of justice much-admired in such post-war scenario.

In today's Pajong, the on-going tension between the much wider community of perceived victims (the Pajong) and the much smaller community of perceived offenders (the Pubec-Pamong) seems to be fuelled by the sheer lack of an agreed prioritisation regarding the content (and not the form) of the pursued transitional justice. Beneath this lack of agreement on the constituents (nitty-gritties) for any such local judicial mechanisms are the economic dimensions (of which land still remains the most commanding impetus) in the status of emerging communities—Pajong and Pubec clans as well as their respective alliances—in the post-war context. These economic dimensions also include the expected compensation package (especially material) from the government in its bid to secure harmonious co-existence between Pajong and Pubec-Pamong members in the aftermath of the massacre.

It seems that conflicting communities, more especially emerging from violent abuses, tend to reaffirm their categorical attributes (identity, communal narratives as well as collective memory) in an even more pronounced way. The Pajong-Pubec case of post-massacre tension testifies to this manifestation and so does it urgently call for Habermas' dialogical framework (Habermas, 1996) consisting of an inherently inter-subjective communicative rationality, together with Freire's pedagogy of hope (Freire, 1992) and Seligman's pedagogy of tolerance (Seligman, 2004).

Hence, in the event of a transitional society (emerging from past violent conflict) like post-massacre Pajong-A village, such framework and pedagogies become the cornerstone for post-conflict conflict prevention, a viable scenario in which durable peace could be attained. Or, for so long as these communities of belonging (Pajong and Pubec clans) continue to claim monopoly of victimhood through dangerous narratives of self-righteousness and bitter memories of past sufferings, peace (at whatever cost) in post-massacre Pajong-A village will still remain disturbed and elusive in the long run.

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