



**MAKERERE UNIVERSITY**

**COLLEGE OF HUMANITIES AND SOCIAL SCIENCES**

**PROSPECTS OF TRADITIONAL JUSTICE SYSTEMS IN COMPLEMENTING  
FORMAL JUDICIAL SYSTEM TO REDUCE CASE BACKLOG IN UGANDA**

**A CASE STUDY OF MATO OPUT IN ACHOLI SUB REGION**

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**THIS DESERTATION IS SUBMITTED TO THE DIRECTORATE OF RESEARCH AND  
GRADUATE TRAINING IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR  
THE AWARD OF THE MASTER'S DEGREE IN PEACE AND CONFLICT STUDIES  
OF MAKERERE UNIVERSITY.**

**DECEMBER, 2025**

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I Kaija Stephen, hereby declare that this research report is original, and has not been published and/or submitted for any other award to any other academic institution.

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## **DEDICATION**

This dissertation is dedicated to my Love LT Arch Sandra Kayongo, whose unwavering support and sacrifice while I was at Senior Command and Staff College, inspired my academic success to a life time achievement. Her tireless encouragement amidst challenges and support have always motivated me to the next life ladder!

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## **LIST OF ABBREVIATIONS**

ADR:	Alternative Dispute Resolution
CSO:	Civil Society Organization
FGD:	Focus Group Discussion
JLOS:	Justice Law and Order Sector
KI:	Key Informant
KII:	Key Informant Interviews
LC:	Local Council
LG:	Local Government
LRA:	Lord's Resistance Army
TJS:	Traditional Justice System

## GLOSSARY

**Mato-oput;** a stage in a traditional justice system in Acholi sub region, or a process in traditional Justice System of the Acholi

**Moyo cero-** “(communal justice systems), performed in murder where a suspect is not known

**Gangi;** an Acholi dialect referring to a home or homestead

**Gomo tong;** synonymous with Mato-oput, used during interventions where none Acholi are involved as a party

**Kaka;** an Acholi dialect referring to a clan

**Ker-Kwaro;** the Acholi cultural institution

**Lakerket;** truth telling or confession ritual

## ABSTRACT

This field research examined the prospects of Traditional Justice system (TJS) Mato-oput, in complementing the Judiciary to reduce case back log in Uganda. It was not to suggest that the TJS overthrows the (formal justice) system, but to explore the meeting points that would enhance cooperation and complementary effort, for the purpose of reducing case backlog and provision of justice to Ugandans. The study used a qualitative approach, using Focus Group Discussions (FGD), Key Informant Interviews(KII) and observation as the researcher attended mediation meeting at the *Ker Kwaro* Acholi. Respondents were sampled in Gulu City and Gulu District, using snowballing, given the limited knowledge on the subject that was under investigation. They purposively included elders, Local Council officials, JLOS officers and Transition Justice researchers. The researcher also reviewed official documents and secondary literature, to enhance the study. Findings indicate that Traditional Justice system handle a substantial volume of cases including minor civil and family disputes, and land disputes at all stages of the justice system ladders. That despite the challenges and weakness of the TJS, they provide rapid settlement, local legitimacy, and restorative outcomes that prevent escalation. Weakness mentioned included the cultural biases, especially against the marginalized or vulnerable groups, lack of standards, lack of known systematic referral mechanisms between the formal justice institutions and the TJS, the inadequate knowledge of Mato-oput by many actors, limited or no data and statistics at all, but also the misconception that every matter handled by traditional and cultural leaders is Mato-oput. The report concludes that strengthening complementary links (clear referral pathways), training for traditional leaders on human rights and documentation, integration and codification of TJS, can materially reduce backlog, while protecting rights of vulnerable groups. Recommendations included formalizing Traditional Justice System (TJS) strategies, establishing monitoring and referral protocols, capacity-building, and targeted public awareness. This study contributes practical, field-based evidence for stakeholders including policymakers, JLOS and scholars, to advance more efficient and effective measures for tangible efforts to reduce case backlog in Uganda. Key empirical and documentary claims were supported by Judiciary & JLOS reports, and scholarly analyses.

## **CHAPTER ONE: GENERAL INTRODUCTION**

### **1.1 Introduction**

This study is about examining the prospects of Traditional justice systems to complement formal justice institutions in reducing case back log in Uganda. Whereas formal justice systems mean the formal courts as per the judicial structure of Uganda, in this study, traditional justice systems refer to informal, traditional systems that communities use to manage conflicts and disputes. This study focused on Mato-oput as practiced by the Luo people of Acholi-Sub region, Northern Uganda.

Traditional justice systems are undertakings by communities or societies that they believe in and are used to solve conflicts outside the formal justice systems. TJS is built on African traditions, norms, mores and values. These values are expected to be the thumb rule of African communities, and are rewarded as well as sanctioned when community members contravene them. They differ from one community to another. African communities from time immemorial thrived due to adherence to these traditions and customs, they drove welfare of the people, economic prosperity, communal works, justice, war, peace and African elders were the custodians of culture.

African communities lived in cultural diversity before the coming of Europeans, and coexisted in peace, but also had mechanisms to resolve domestic, community, tribal and inter-tribal conflicts amicably, this would help to prevent war and collateral damage. Traditional justice in Uganda includes: Local Council Courts (informal/community structures), clan and sub-clan systems, religious reconciliation forums, and customary practices in rural and urban settings. Much of the daily “justice” needs, family disputes, land boundary conflicts, minor commercial disagreements—are resolved informally without lawyers or formal litigation. Several studies and sector reviews emphasize that less than 5% of disputes historically reach formal courts, and that formal legal representation is rare in most cases. However, the challenge is these cases that are managed through non formal systems are not documented, hence failure to trace the role these informal efforts play in the dispensation of justice, maintenance of law and order, as well as overall peace in the communities.

Mato-oput is a Luo dialect that literally means drinking of the bitter roots of the *oput* tree, and the fact that it is too bitter, the parties are not supposed to spit it out. This signifies the level of acceptance of guilt or forgiveness not to take such an action in future. It is officiated by traditional leaders; it is implied that once this rite is done, the spirits of the deceased will not attack the perpetrator because they are appeased, it sometimes goes an extra level where an initiation of marriage is done, to replace the dead person and create a bond and relationship between the two clans.

Mato-oput is preceded by a confession of the killer; the elders sit with the heads of clan of both the perpetrator and victim, mediated by a neutral elder from neither clan on neutral ground. Each clan is represented by three people, and a line is drawn to separate them. They then come and meet in the middle where the line is. The offended side presents their case first, and in a remorseful matter, the second party responds as asked by elder mediator, and if the offended side is willing to forgive. A sheep is brought by both sides as it symbolizes humility, and it is cut into two pieces, each taking a part of the other's sheep, as detailed in the preceding chapter of findings.

According to Prudence (2009), in 2008, during the LRA peace processes, the government established a Transition Justice Working Group that included international crime prosecutions, truth and reconciliation and traditional Justice. In 2009 the JLOS conducted a survey that overwhelmingly reported that Ugandans desired truth, reconciliation and reparations, the major values of Mato-oput. This calls for the need to integrate Traditional justice systems in formal and even international judicial processes for acceptability of the communities that most times are the victims of the instability and injustices.

Traditional justice systems in Acholi sub region play a significant role in absorbing large number of cases and disputes which at time are already reported at police establishments. This explained the low numbers of cases that reach court, compared to the reported cases at police stations. The study found out that TJS offer faster, accessible services besides social repair, reducing potential revenge, but also reducing case backlog.

“Mato-oputo is not a traditional justice system, but rather a reconciliation rite. it is a rite performed to reconcile parties in conflict, after justice has been administered. Oput trees are

found in a group; some time back, there was a murder and the deceased was found under an *oput* tree, hence the origin of drinking the roots of the *oput* tree to signify burying the hatchet or bitterness. Most respondents didn't know the Mato-*oput* processes, and those who knew admitted that it was a lengthy process. The ritual is only performed in premediated murder, hence, it is not very common, since truth telling and confessions are difficult to do.

Once the offender admits that he committed that offence and the victim or the offended accepts to forgive, both bring a ram, which are cut into two parts. Each party takes a part of the ram and the mediator brings the roots of the *oput* tree, whose juice is mixed with ram's offal excrete and blood, including the livers of both rams. The mediator administers the awful mixture to be drunk from the same calabash. The offender truly apologizes, while the offended commits not to revenge.

When accidents happen, the matter is taken to police, then the police can advise the parties to sit and reconcile, and they refer to the cultural institution that mediates and reconciles the parties. A resolution is then made and sent to police or court, and matters are settled, however this and other cases handled through mediation are mistaken for Mato-*oput*. Mato-*oput* is only for intentional murders and should involve the clans of the perpetrator and the victim, hence it is not commonly practiced. However, the other aspects of traditional justice are practiced on a daily basis, when there is violence or conflict in communities.

*Moyo cero*- "(communal justice systems) is performed in murder where a suspect is not known. General cleansing is done in a ceremony which involves sacrificing a sheep before mid-day, and it is believed that the spirits are still around, since it is not very hot. The members of the community come and share the sheep; if the sheep cries, it signifies that the spirits are not happy, and the ceremony has to be repeated.

The positive effect on backlog is demonstrable at community level, but is not fully quantified in official JLOS records, and at National level, due to weak documentation and referral systems. Despite the positive role TJS play, the risks especially to women and marginalized groups exist where traditions and customs tend to marginalize, especially women and children, questioning gender neutrality and biases. This calls for mitigating risks via deliberate integration, standardized referral pathways, capacity building and minimum procedural standards.

This chapter covers the background of the study, including the problem statement, study objectives, justification, significance of the study, as well as the conceptual frame work. The study may inform policy frameworks to consider Traditional Justice Systems such as Mato-oput as complementary to the formal justice system, to reduce case backlog.

### **1.1.2 Operational Definitions of Key Terms and Concepts**

**Traditional Justice System;** will refer to all those mechanisms that African peoples or communities have applied in managing disputes/conflicts since time immemorial. Broodryk (2008:45) traces Africa traditional justice systems as far as 1500 BC in Egypt, that tradition values like UBUNTU are the origin of Africa's values and norms, and stress seven cardinal values including; truth, justice, propriety, harmony, balance, reciprocity and order. These have similarities across the whole of Africa.

**Formal justice system;** this is a state sanctioned framework of institutions lead by judicial systems they include justice law and order sector stakeholders (the police, state prosecutors, judges and defense attorneys). Their functions include legal interpretation, dispute resolutions, imposing sanctions, upholding rights and maintenance of order through state power.

**Gender;** social cultural and psychological, behaviors and identities associated with being male, female or any other gender.

**Gender bias;** unconscious bias towards or against one gender.

## **1.2 Background**

Formal justice systems especially in Africa and other developing nations were imposed by the colonial powers after 1894, and largely aimed at maintenance of law and order, generally oppressive in approach, adversarial and not suited to the restorative precepts of the Traditional justice systems. The formal justice systems constitute ruins of a transplanted colonial legal system since early 1900s, largely influenced by adjudication of justice, and understanding of the law. It has however not been without challenges, but principally the system was not specifically suited for African people.

While there has been a lot of social economic and political transformation in Africa from pre-colonial, colonial and post-colonial era; African traditions, customs and values have remained very strong, influencing most social economic and even political activities. Traditional Justice Systems (TJS) existed before Western legal systems were introduced in Africa. They are increasingly re-surfacing as a version of traditional institutions within the modern state systems. Modern states face “state failure” and criticism for imposition of Western models of justice. From Rwanda, Kenya, Ghana to South Africa, Malawi, Botswana, Zimbabwe and Namibia, customary courts have recently been formally re-established for the first time since colonization. Their functional and procedural approach not only complements, but sometimes outshine Western judicial systems, relieving the overburdened formal legal systems. TJS is about search for better, more effective forms of justice, restoration of relationships and reconciliation at their core (Oomen, 2006).

### **1.2.1 Contextual Background**

The Justice Law and Order Sector (JLOS) is struggling with inadequate resources to dispose of cases; the system has become clogged, inefficient, delaying dispensation of justice. The high case back log has also caused mistrust in the JLOS, hence increased conflicts and mob justice in communities. His Lordship Stephen Mubiru in *Uganda vs Mathew Kanyamunyu*, asserted that most TJSs in Uganda have no effective system of regulation and review in place, and are shrouded in ambiguity. He further noted that TJS interface with the criminal justice system is still opaque, but contends that social structures, the set of relationships like residences, kinships and lineage create intra societal power and cohesion, that make dispute settlement possible. However, he observed that “In a setting like Uganda with multiple tribes, clans and cultures, it is difficult for TJSs to appropriately deal with crimes allegedly committed by people from different cultures away from the victim’s geographical location.

However, Counsel to the accused argued that seeking justice from Mato-oput would create inter-tribal unity between the people of Ankole and Acholi, but not overthrow the formal legal regime. The judge’ assertions are argued by (Courage, 2021), asserting that courts have not been well informed about TJS like Mato-oput and its processes, because of the little data and publications. Whereas there may be little or no data about TJS, Baines (2007) argues that justice and reconciliation in Northern Uganda is far more complex than a justice debate, especially with the

breakdown of social order, neutrality and capacity of elders and cultural leaders to adapt to local approaches and therefore required community based approaches, rather than formal justice prosecution. Ochen, (2014), also contends that there is strong potential for utilizing traditional systems and practices, to address rehabilitation and reintegration dynamics among children and young people, with complementary initiatives to enhance the efficacy and adaptability of institutions.

Prudence (2012), cites that the Lord's Resistance Army (LRA) insurgency in Northern Uganda caused a lot of human rights violations and internal conflicts. These required intervention of internal conflict resolution mechanisms, hence the truth and reconciliation commission to ensure domestic prosecutions, traditional justice, truth-telling and reparation processes in Uganda. The need for mechanisms to investigate the truth about past harms, to ensure effective steps to investigate human rights violations, and provide reparation for violations and harms influenced preference of truth commission and the traditional justice, which worked along the International Court of Justice and the International Criminal Division of the High Court of Uganda, to hear and adjudicate over LRA atrocities. The commission therefore cemented traditional justice, truth telling, reparations, and reconciliation processes.

They can promote access to justice because they are: accessible by the rural poor and the illiterate people, flexible, voluntary, they foster relationships, tender restorative justice and give some level of autonomy to the parties in the process. Most TJS are concerned with the restoration of relationships (as opposed to punishment), peace-building and parties' interests and not the allocation of rights between disputants.

According to Kariuki (2007), whenever conflicts arise amongst African communities, parties often resort to negotiations and, in other instances, to the institution of council of elders or elderly men and women, who act as third parties in the resolution of conflicts. He gives an example of the *gacaca* system in Rwanda. It is reported that the initial conflict and problem resolvers were the headmen of the lineages or the eldest male or patriarchs of families, who resolved conflicts by sitting on the grass together, to settle disputes through restoration of social harmony, seeking truth, punishing perpetrators and compensating victims through gifts. The main aim of the *gacaca* process was to ensure social harmony between lineages and social order,

throughout the Rwandan ethnicities. After the Rwanda Genocide, the Rwandan Government institutionalized *Gacaca* courts, as a means to obtain justice and deal with a majority of the genocide cases that the formal courts and International Criminal Tribunal for Rwanda (ICTR) could not handle. Institutionalization of the *Gacaca* courts aimed at establishing the truth about the Rwandan Genocide, expedite proceedings against suspects of genocide, remove impunity, reconcile Rwandans, and use Rwandan customs to resolve their disputes.

ATJs are part of the African cultural heritage as they are home-grown, culturally-appropriate, operate on minimal resources, and are easily acceptable by the communities they serve. On the contrary, formal justice systems such as litigation and arbitration, employ legal technicalities and complex procedures, are expensive, not expeditious, and are located in major towns, and are therefore not easily accessible.

TJS are critical justice processes based on cooperation, communitarism, strong group coherence, social obligations, consensus-based decision-making, social conformity, and strong social sanctions. They are rooted in dispute resolution, conciliatory dialogue, the admission of guilt or wrongdoing, and ‘compensatory concessions and a ritual commensality where food exchanges symbolize the end of animosities, and the harmonious re-engagement for cohesion and development.

They promote access to justice due to their; accessibility by the rural poor and the illiterate people, flexible, voluntary, they foster relationships, offer restorative justice and give some level of autonomy to the parties in the process. Most TJS are concerned with the restoration of relationships (as opposed to punishment), peace-building and parties’ interests, and do not duel on who is right or wrong.

Kariuki (2007) notes that the types of conflicts in the area include land boundary disputes, disputes over grazing area and cultural disputes, especially due to intermarriages, this implies that the conflicts are between kinsmen, hence easy to resolve suing the ATJs, while maintaining fluid relations which formal justice systems are insensitive to. TJS are thus properly suited in mediating issues of ownership and access to resources in Africa, which are held communally and intergenerationally, and some of it is sacred.

He lists several ATJs, including After the Rwanda Genocide, the Rwandan Government institutionalized *Gacaca* courts, as a means to obtain justice and deal with a majority of the genocide cases that the formal Courts and International Criminal Tribunal for Rwanda (ICTR) could not handle. In Uganda a two decades Lords's Resistance Army war destroyed the social fabric, political institutions, and was wrapped in absence of justice. This called for the use of Mato-oput processes to have peace, reconciliation and reconstruction.

Similarly, amongst the Tswana of Botswana it is documented that dispute resolution starts at the household (*lolwapa*) level. If a dispute cannot be resolved at the household level, it is taken to the *Kgotlana* (extended family level), where elders from the extended family sit and listen to the matter. The elders emphasize mediation of disputes. If the *kgotlana* does not resolve the dispute, the matter is taken to *kgotla*, which is a customary court with formal court like procedures. It consists of the chief at the village level, and the paramount chief at the regional level.

Amongst the Giriama people of Kenya, there were two main dispute resolution institutions: the council of elders and the oracles. Two sets of council of elders existed. The first set was the senior age set known as the *kambi*, that listened to normal and day-to-day complaints and resolved them. The most revered set of council of elders was known as the *vaya*, which consisted of a few select elders who operated as a secret society. The *vaya* governed the whole of the Giriama community by determining planting and harvesting seasons, praying for rain, initiating of youth into age-sets. The *vaya* also presided over trial by ordeals as oracles. Supernatural and superstitions played a great role in dispute resolution, especially in seeking and finding the truth. The Giriama used ordeals to determine the guilt or innocence of parties to a dispute through their reaction to the ordeals. Two ordeals were common among the Giriama: ordeal by fire and ordeal by poison. This setting was relatively similar to the Ameru people of Kenya. There is a council of elders called Njuri Njeke, which plays a key role in dispute resolution.

Traditional justice systems while over looked by especially the elite urban class, they are critical in daily dispute resolution, especially among the rural communities who face challenges related to top resource use, and inheritance, especially due to scarcity. The urban elites ironically are involved in such disputes as perpetrators or victims. They prefer formal courts which take long time to manage the disputes, but sometimes do not understand the root causes of these

challenges. This makes the disputes recur, hence insecurity and instability in the communities. Embracing TJS not only helps to address the root cause of the problem, but brings a wider community knowledge of the problem, also wisdom and logic to conclusively handle the matters, hence lasting peace.

### **1.3 Problem Statement**

The government of Uganda has put several efforts including plea bargaining, increased funding, community service, increase of judicial officers and infrastructure development to address case backlog in the judicial system. However, the challenge has persisted. During the Africa Chief Justice Summit on Alternative Dispute Resolution (ADR), the Chief Justice, His Lordship Alfonse Chigamoyi Owiny-Dollo noted that “*the judiciary alone may not adequately attend to the needs of the people through the formal process alone*” (Ruth, 2024).

Flew & Rynn (2009), argue that Uganda’s judicial system faces several challenges including shortage of judicial officers and other essential personnel, limited public participation and little confidence in justice institutions, Corruption and bribery and inadequate infrastructure. Due to the challenges in the formal and informal or traditional justice systems, it is worth noting that in no country is there "one justice system for all" and in no country is the state system the most important vehicle for delivering justice (or injustice).

Mbabazi in “building lives and relations through forgiving and reconciliation in Northern Uganda” argues that the aftermath of the LRA in Northern Uganda left communities so broken with inadequate institutional interventions, and yet victims and war crime perpetrators were living in the same communities and sharing utilities and resources like water sources, markets, and their children went to the same schools. This situation could not be easy to handle with formal justice institutions, which are retributive, hence the need to have community interventions for healing and forgiveness. In fact, during this study, one of the respondents a high profile political figure narrated that while sitting in Garamba in Kony’s compound, Mato-oput was high on the agenda, and Kony himself welcomed it and invited him to discuss it. This shows how relevant and important TJS is.

The author described the above situation as “rebuilding of relationships and lives”, this is in tandem with the tenets of African mores and values, norms and cultures, where forgiveness and reconciliation was key for peaceful co-existence and navigation of social relations amidst real or alleged mistrust and betrayal. This is only possible when internal, indigenous efforts like TJS are employed.

ATJ emphasis is on forgiveness and reconciliation than punishing the offenders as is in the formal justice institutions with honesty, truth telling, which calls for resilience which are critical in Mato-oput. The strength and success of ATJ, as well as Mato-oput, lies in the moral judgement, empathy for perpetrators and the need to repair broken human relationships.

Due to the above arguments and the institutional challenges not only in the Uganda’s judicial systems but the larger Justice Law and Order Sector (JLOS), this study sought to study Mato-oput as TJS that seeks to complement the formal justice system to reduce case backlog. Mato-oput is the second last step in the process of reconciliation and restoration of peaceful co-existence following a grave harm of one Acholi against another, while *Gomo Tong* is performed as part of reconciliation if an Acholi was involved in matter with another ethnicity or tribe, which would require Mato put. The ritual involves drinking of the bitter roots of the *oput* tree by both the perpetrator and victim, which signifies “*swallowing*” the “*bitterness*”, hence reconciliation and harmony.

This study examined the prospect of traditional justice systems in complementing the formal judicial system in Uganda, in reducing case backlog using Mato-oput as a case study.

## **1.4 Objectives**

### **1.4.1 General objective**

To examine the prospects of traditional justice systems in supplementing formal judicial system to reduce case backlog in Uganda

### **1.4.2 Specific objectives**

- i. To evaluate the relevance of traditional justice systems in the formal judicial system in Uganda
- ii. To discern effectiveness of Mato-oput in resolving disputes and reducing case backlog in the formal justice system
- iii. To study the challenges of applying Mato oput in Uganda’s judicial system
- iv. To suggest ways of improving Mato-oput to supplement formal judicial systems in Uganda

### **1.5 Research questions**

- i. How relevant are traditional justice systems like Mato-oput in resolving disputes and reducing case backlog in Uganda's formal judicial system?
- ii. How effective is Mato-oput in resolving disputes and reducing case backlog while ensuring fair and timely justice?
- iii. What are the potential benefits and challenges of integrating Mato-oput with the formal judicial system to reduce case backlog?
- iv. How can Mato-oput be improved to complement the judicial system in Uganda to reduce case backlog?

### **1.6 Significance of the study**

There is a general breakdown of the JLOS institutions due to internal and factors beyond control, which has led to lost public trust. There is also high cost of dispensing and access to justice in Uganda. This is attributed to the long distances to attend court, legal fees, the formalities and the language of court. Although criminal justice aims at retributive justice, TJS aims at restorative or reconciliatory justice, with the primary actors as individuals and the wider society or those aggrieved. TJS addresses retributive justice, since they address material needs through benefits or reparations to victims. This study will add a body of knowledge on Traditional justice systems like Mato-oput, as a complement to the formal justice system, to reduce case backlog, promote reconciliation, and restorative justice in Uganda.

The researcher highlighted the strength and weaknesses of TJS, the existing knowledge gaps and ways of strengthening TJS, to complement the formal justice system in dispensation of justice in Uganda. This study therefore raises awareness generally on TJS, and specifically on Mato-oput processes, and how they can complement the formal justice systems to reduce case backlog in Uganda

## **1.7 Justification**

Until the colonial and post-colonial era, African traditional institutions such as the council of elders, native tribunals and later African courts primarily resolved disputes among societies. In 1930, the colonial administration in Kenya revised the court system relating to indigenous Africans with the lowest courts being a panel of elders. The African customary law was to guide the Court of Appeal, the High Court and all subordinate courts in civil matters (Kariuki, 2015). Kariuki furthers that, Article 159 (2)(c) and (3) of the Kenya Constitution 2010, implores Courts to be guided by principles of traditional dispute resolution mechanisms provided the principles do not contradict the Bill of Rights and the Constitution.

Although section 176 of the Kenya Penal Code provides for compensation, there is no method for determining the amount which may explain why courts imposed customary compensation. In Kenya, Court decisions coming after the promulgation of the Constitution have applied customary law principles and traditional dispute resolution mechanisms in criminal law including capital cases *R v. (Mohamed Abdow Mohamed)* court upheld a decision from a traditional dispute resolution system based on Article 159(1) and Article 157 of the Kenya Constitution. Whereas customary laws are rejected for being distasteful to justice and morality, during colonial days, even European judges were made to understand customs of local tribes so that they contextualize justice to the indigenous settings and values. Despite their shortcomings, advantages of TJS have influenced multinational criminal law. The Gacaca in Rwanda were essentially localized courts, but also addressed (doctrine of complementarity) in International Criminal law to bridge national and international law.

Like Mato-oput, the rationale for Gacaca is partly vested in their authenticity, homegrown and being culturally grounded to answer the horrors of the genocide. Initially they were used to adjudicate over land disputes, succession matters, small theft and other relatively small cases but

also handled cases of international magnitude, (Sullo,2018). Local council courts in Uganda are recognized as the first courts of instance, presided over by indigenous people with no formal judicial training or knowledge. They are conducted in the indigenous setting and language, and have been crucial in dispensing justice and creating a degree of peace and harmony.

This study implored TJS to be given similar legal recognition and framework to supplement the existing judicial efforts to reduce backlog, but also increase people participation in managing their grievances.

## **1.8. Theoretical Framework**

Traditional Justice Systems are dispute resolution systems passed on from one generation to another, embedded in customary law. They are also known by other scholars as Traditional Justice Mechanisms, Non formal, informal, indigenous or non-state justice systems. This study was guided by three theories, the Traditional Justice theory (formal justice), Structural Violence Theory, and the System Justification Theory.

### **1.8.1 Formal Justice**

This theory is also known as retributive justice and aims at punishing offenders and to maintain social order and uphold moral standards in relation to the severity of the committed offense. Sterba (1977), argues that traditional justice, while quite successful in countering most versions of retributivism, it cannot meet the challenges of a particular contractual theory of retributive justice. The “traditional justice theorists” view formal justice systems as institutionalized revenge without considering social consequences. One of the proponents of the of the justice theory H.L.A Hart contends that punishments can only be given to a person who commits an offence with a *mensrea*, and this is very difficult for traditional justice systems to investigate, but rather duel on morality.

Formal justice ensures that the punishment or sentences fits the crime and that individuals should be held accountable, and that sentences given to offenders should be deterrent to future or intending offenders, and also views punishment as a means of achieving justices.

## **Criticisms**

Critiques of the theory point out bias in the system with bias application of punishment, above all not addressing the underlying social issues that cause crime.

The theory prioritizes punishment over rehabilitation or restoration, yet human beings are capable of changing, apologizing and self-rehabilitation.

Traditional or formal justice institutions ignore social factors, mitigation factor, social relations contributing to the crime, and do not promote healing and reconciliation.

Opponents of this theory like the critical criminology theorists also claim that it can be used as a tool of social control in form of racial bias, class, and gender bias.

### **1.8.2 The Structural Violence Theory**

In 1969, John Galtung coined the Structural violence theory, he argued that formal structures and systems like judicial systems can affect individuals and group welfare, living standards including injustice. He points out that pervasive forms of violence “built into” structures, institutions, ideologies, and histories cannot be accounted for by liability based agency models (Dilts et al, 2012).

The challenges in Uganda’s judicial system include the formalities, the court language, the high cost of justice and long court adjournments affect the poor and local communities. He asserts that breaking structural barriers is only possible through traditional systems, which favour local people, who have the power and voice to overcome the structural impediments, and such power can use Traditional Justice systems like Mato-oput.

Galtung, states that structural violence is seen as normal to the rest of the society save for those who suffer from it, it is difficult to notice. Those in the system and those who have money manipulate the legal and judicial systems to their benefit, yet they are also responsible for the would-be reforms, this makes it difficult to redeem the poor and vulnerable to access justice.

## **Critics**

Coady (2009) in *Morality and Political Violence* criticized Galtung's theory asserting that terrorism, interventionism, revolution and the violence of mercenaries are the major focus of contemporary states. His discussion ranges widely over the concept of violence, terrorism, weapons of mass destruction and ethical issues in war rather than state structures.

### **1.8.3 System Justification Theory**

The theory presupposes that people will rationalize and justify existing social systems even if they are unfair or unjust. Jost *et al* (2004) posits that people will legitimize the status quo of any system if it helps them to make sense of the world or helps them to achieve their needs or to reduce their disconcerting contradictions, helps in avoiding social disorder, and helps them to get emotional reassurance and reduce anxiety.

Blasi & Jost (2006) argue that in light of the complexity of the systems theory where there is a tradition and interconnectedness between the judiciary, the Police and the Office of the Directorate of Public Prosecutions (ODPP), the common people can find solace in justifying TJS as handy in solving their grievances within their social, tradition and cultural norms to achieve social stability.

The theory can be used to justify TJS as an alternative or complement to the formal justice system, bringing out logical explanations to justify and convince policy makers to advance it to the national policy agenda, thus legitimizing TJS, even if it has some weaknesses, therefore advancing the voices of the groups that support TJS to bridge social inequality.

The theory, if applied in the study would help to recognize and address the systemic, structural and psychological mechanisms that perpetuate social injustices and work towards creating cohesion between formal and TJS to provide justice especially to the vulnerable.

## **Critique**

The theory tends to regard social order as something that is imposed by one group and resisted by the other

Theories of social identity and social dominance fail to account for the degree to which psychological responses to the social and political status quo are characterized by active bolstering and system justification, especially among members of disadvantaged groups.

## **1.9 Scope**

This study based on the System Justification Theory, focusing on Mato-oput of Northern Uganda among the Acholi community, as an example of TJS in Uganda. The study was conducted in Gulu District and Gulu city, and focused on TJS as a complement to formal justice system. The researcher used theories for and those opposed to TJS, giving merits and demerits for each, as well as meeting points for both.

The study drew respondents from all age groups ranging from 30- 70 years, including those working with in the Justice law and order sector, private legal practice, the academia, traditional justice researchers and practitioners, as well as members of the local government, traditional institutions and civil society.

The study was done in 2025 but covered several years of events given the age of some of the respondents who have amassed a wealth of experience both practical and theoretical in the field under study. The study excluded the age brackets under 30 years due to the methodology and the fact that they may not have had the required knowledge to inform the study. However, this presents a new opportunity for further studies including young people and collect their opinion on TJS in complementing formal justice systems in reducing backlog.

## **CHAPTER TWO: LITERATURE REVIEW**

### **2.0 Introduction**

This chapter reviews TJS literature and Uganda's formal justice system, it presents a review of the theories that inform the study, including the different TJSs. It focuses on literature on the correlation between the independent variables and TJS and lastly the summary of the literature review.

### **2.1 Traditional Justice System**

Traditional justice system is based on the African customs and cultures while formal justice systems are based on western systems emphasizing the rule of law. Though not widely known, lacking skills and capacity, integration of TJS can contribute to a comprehensive approach to sustainable peace-building, conflict resolution, and the establishment of a just rule of law in African states (Emmanuel et al,2024). The essence of this study was to explore the merits and demerits of both systems, and implore how they can co-exist for the purpose of dispensing justice.

Sangroula (2013) asserts that restorative justice, and reconciliation are worthy discourses for the local traditions of all societies to engage. He furthers that they both focus on relationship, respect, and dignity, which are of concern in all national conversations about justice. Traditional justice is more precise, respectful of local ownership of justice traditions.

Lambourne (2013) asserts that although initially criticized, restorative justice is being promoted in many states across the world including in the United States of America, Europe, Australia, New Zealand, and South Africa. Traditional Justice Systems are influencing many country' justice systems that are undergoing major systemic changes. The principles of restorative justice draw upon the wisdom of many cultures throughout the world, are pro-people, indigenous and generally acceptable among the community members.

None formal or TJS are credited for higher levels of victim and offender satisfaction with the process, outcome and a greater likelihood of successful restitution completion by the offender than formal justice systems. Research has also shown that restorative justice programs have

reduced fear among victims and decreased the frequency and severity of further criminal behavior among offenders.

In Australia Family Group Conferencing (FGC) models, Victim-Offender Mediation (VOM) have emerged and these are being trained in USA and Canada among police officers and law enforcement officers to replicate the Australian model. Pennsylvania-based organization, REAL JUSTICE, is vigorously promoting FGC, funded by the Minnesota Legislature piloted in nine communities in the First Judicial Districts (Umbreit,1998).

## **2.2 Formal justice system**

In the twenty-first century, all nations have a state justice system and due to globalization, history of colonialism, all but a handful are based on one European system of formal law or another, or some hybrid of different European systems (Braithwaite, 2014). Braithwaite (2007) notes that TJS have influenced agenda of international organizations including at the 2000 United Nations (UN) Congress on the Prevention of Crime and Treatment of Offenders, where many were surprised that a resolution for all nations to encourage restorative justice was made. It stated that;

*“After genocide in Rwanda the Gacaca, a system of transitional justice was instrumental in conflict resolution. The term 'Gacaca' can be translated as 'short grass' referring to the public space where neighborhood male elders (abagabo) used to meet to solve local problems.”*

However, Sullo (2018) argues that the healing power of the truth and justice depends on the what truth and justice is admitted and by whom, he concludes that Gacaca courts in Rwanda have done more harm than good”. The UN Charter Art 33 stresses the need for member states to seek solutions by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. This gives TJS some space in conflict resolution on the international arena.

### **2.3 Review of Related literature**

TJS is as old as the History of state formation and society development. The surplus production during state formation brought about conflicts between societies as well between the rich and poor over resources. This created the need to find conflict resolution mechanisms hence security institutions, judicial institutions including TJS. Traditional justice systems are deeply rooted in their respective societies culture, values and belief. According to Emmanuel *et al* (2024), these systems are regarded as essential elements of African communities, symbolizing unique philosophies, rituals, and practices that have historically played a crucial role in resolving conflicts and fostering peace.

British colonialism in Uganda introduced alien judicial systems based on their norms values and culture, these that suppressed traditional justice systems. The foreign language, prison sentences, court fines were all alien to Ugandan communities, (Rukare & Banik, 2008)

Relatedly Ng'weshemi (2002:39) states that colonialism distorted African values, cultures and norms branding them as evil, un civilized and lacking hence the introduction of the western legal systems. Colonialism contributed to the destruction of African fabric and way of life including; traditions, family values and social life.

This study therefore sought to bridge the challenges faced by the formal justice system, with suggested reconciliation with the Traditional justice system like Mato-oput, especially to serve justice and reduce case backlog.

### **2.4 Historical review**

In Uganda, different societies have their own TJS including; *Embuga* among the Baganda, *Ailuc* among the Iteso, *Tolu*, *Vuria a lejjo jo ka* among the Madi people of West Nile, Lugbara have *Ondaa Suu* and *ejuke* (which means reconciliation). The Langi of Northern Uganda have *Kayo Ocuk*, the Mato-oput of the Acholi people, the Jopadhola in Eastern Uganda have *Kayo Choko* while the Banyakigezi of the Kigezi region practiced *okuhonga*. The Basamia and Banyole had the *Ohutangara* or *Okusasania*, among the Bamasaba/ Bagisu Lukhobo was practiced (Lamony, 2007)

Most TJS are embedded in African customs and traditions, reflecting traditional African norms and values. They are part of the social fabric in Africa, explaining their resilience to date. They are based on cooperation, communalism, strong group coherence, social obligations, consensus-based decision-making, social conformity, and strong social sanctions, Kariuki, (2007). They involve the use of shared patterns of dispute resolution, conciliatory dialogue, the admission of guilt or wrongdoing, and ‘compensatory concessions and a ritual commensality where food exchanges symbolize the end of animosities and the harmonious re-engagement of the flow of social life, hence the Mato-oput is one such.

Restorative justice encompasses both a set of contemporary practices and a philosophical approach to repairing the harm caused by interpersonal conflict, especially violent crime. It can be independently implemented or in concert with institutionalized criminal justice systems. Restorative justice involves the participation of a victim, offender a facilitator but may include other stakeholders like family member who may be interested in the matter, well-being of the victim and offender but also the peace and harmony of the community (Speed, 2020)

Scholars argue that restorative paradigms embedded in customary forums emphasize reconciliation, restitution, and social harmony features that can be faster and less costly than formal adjudication. However, critiques stress the risk of unequal outcomes (gender bias, power imbalances), lack of formal procedural protections, and conflicts with statutory human rights. Comparative literature suggests cautious integration and standards for referral, training, and monitoring.

According to Baguma (2013), the Juba Peace accord and the Lira Declaration during the Lord’s Resistance Army (LRA) insurgency in Northern Uganda were able to deliver tangible peace because of the TJS aspects. The Juba peace talks made several recommendations including; truth, reparations, reconciliation and complementarity and most importantly it made a call for traditional justice mechanisms to be used for justice and reconciliation. Murithi (2002), also contends that for peace processes to be reconstructive and sustainable, peace actors have to employ mechanisms that seek to heal social divisions, and to redress the exclusion and inequality that often characterizes societies, and therefore must focus on the restoration of broken

relationships, through the involvement of the family, community, and even the nation as a whole, which is a hallmark of TJS.

Whereas Machado et al (2019), criticizes TJS like Mato-oput for gender insensitivity, they acknowledge the support for the practice of Mato-oput, due to the need to adopt a more thoughtful perspective on gender justice that balances international values with the ideas and desires of war survivors.

## **CHAPTER THREE: METHODOLOGY**

### **3.0 Introduction**

This chapter highlights research methods that were used in the study, research designs, sampling, procedure for data collection, data collection and analysis

### **3.1 Research Design**

The researcher used a case study design with a qualitative approach. The study used qualitative approaches. This guided the designing of research tools, data collection and analysis, in relation to the study objectives and research questions. The study adopted the qualitative method due to the specificity of the study, requiring knowledgeable persons on the subject matter

#### **3.1.1 Research Tools**

The researcher applied Focus Group Discussions(FGDs), Key Informant Interviews (KIIs), and observation during the *Ker Kwaro Acholi* mediations meetings. These were guided by FGD guides, the KII guide, as well as the observation guide or framework.

### **3.2 Geographical scope**

This study was conducted in Acholi Sub region in Gulu City and Gulu District in Northern Uganda, where Mato-oput is practiced. The sample was selected by snowballing, since the area of study was known, but knowledge on the subject matter was in adequate, hence the need for informed respondents.

The choice of Gulu City and District was due to the existence of elders, researchers and traditional justice practitioners, these have a wide range of practice knowledge, having participated in the post LRA war peace initiatives, and therefore central in traditional justice discussions.

### **3.3 Target Population**

The researcher purposively sampled judicial officers, law enforcement officers, legal and Mato-oput practitioners, as well as civil society stakeholders. During the study, the researcher also

interacted with mediation sessions at the *Ker Kwaro* Acholi. KIs also included Transitional justice researchers and practitioners.

### **3.4 Sample Selection**

The researcher drew KIs from legislators, judicial officers, law enforcement officers Mato-oput practitioners, elders, CSOs, traditional leaders, as well as religious leaders who were purposively selected or snowballed.

The researcher conducted as many interviews until the point of saturation where by no new information would be got. Purposive samples are the most commonly used form of nonprobability sampling, and their size typically relies on the concept of “saturation,” or the point at which no new information or themes are observed in the data, (Guest et al, 2006).

### **3.5 Sampling techniques/procedures?**

#### **3.5.1 Sampling techniques and procedure**

Sampling is an essence of most qualitative researches, since they deal with phenomenon in its natural setting. Sampling therefore helps the researcher to identify persons or localities rich in information, and can be studied in much depth (Patton, 1990; Marshall & Rossman, 2014).

#### **3.5.2 Convenient sampling**

The study adopted convenient sampling for KIs, and respondents who were attending mediation meetings were also interviewed as the researcher made observations of the sessions. The researcher did not have an opportunity to attend any mato-oput session. According to Etikan (2016), convenient sampling has many limitations, due to subjectivity, but it is a good sampling technique when dealing with a large population with limited resources.

#### **3.5.3 Purposive sampling**

Etikan et al., (2016) argues that purposive sampling can be used when a researcher has something in mind and participants that suit the purpose of the study. It is in this regard that the researcher applied this technique for KIIs including; judicial officers, law enforcement officers,

CSOs, policy consultants and transitional justice practitioners. The researcher also included Local Council (LC) leaders, local government officials, and opinion leaders.

### **3.6 Data collection**

Data was collected using qualitative tools including; Focus Group Discussion (FGD) and Key Informant Interviews (KIIs) triangulated with information from desk research, as well as observation. This required selection of respondents knowledgeable in the subject matter, legal practice, mediation, ADR and law enforcement, these were interviewed to the point of saturation.

#### **3.6.1 Data collection methods**

The researcher used FGD guides, as well a KII guide. The study also employed participant observation method, taking photographs, short videos of key events and activities relevant in answering the research questions. This helped the researcher memorize aspects of the study that were not captured in the main tools.

#### **3.6.2 Focus Group Discussions**

The researcher using FGDs recorded respondent's attitudes, feelings, beliefs, experiences and reactions in a way which would not be possible using other methods, for example, observation, one-to-one interviewing, or questionnaire studies. The researcher sought views on understanding Mato-oput, relevance, strength and weaknesses as well whether Mato-oput as a traditional justice system can complement the judiciary to reduce case backlog in Uganda

These attitudes, feelings and beliefs may be partially independent of a group or its social setting, but are more likely to be revealed via the social gathering and the interaction during FGD (Creswell, 2009). While individual interviews aim to obtain individual attitudes, beliefs and feelings, FGDs stimulate a multiplicity of views and emotional processes within a group context. Compared to observation, an FDG enables the researcher to gain a larger amount of information in a shorter period, (Tritter& Landstad, 2020). The FGDs comprised 6 - 8 participants as small groups limit discussions, while larger groups are not easy to manage or control; (Stewart& Shamdasani, 2014).

### **3.6.3 Key Informant Interviews (KIIs)**

KIIs are one-on-one interviews with respondents aimed at exploring a topic in-depth. According to Kumar, (1989), KIIs involve interviewing a select group of individuals who are likely to provide needed information, ideas, and insights on a particular subject.

This study engaged key stakeholders such as Legislators, judicial officers, mediators, law enforcement officer's Cultural leaders, Local government (LG) leasers, Civil Society Organizations (CSOs) and Mato-oput practitioners for expert opinion. They provided the researcher with information and statistics, trends, and challenges of Mato-oput that enriched the study.

Data was collected in form of opinions, experiences and recommendations which were cleaned, transcribed coded and analyzed. KII guides were used to guide the interviewer to ensure that the questions administered to respondents are relevant and consistent with the study.

### **3.6.4 Document Review**

A systematic review of documents by objectives of the study was done using the document review guide to enable the researcher to generate background information about Mato-oput, deeper understanding of the practices, legal impediments, and opinions from stakeholders among others. Specifically, desk review enabled compilation of statistics that cannot be collected from primary sources.

## **3.7 Data Quality control**

### **3.7.1 Validity**

Joppe, (2000) defines validity as the determinant of whether the study truly measures that which it was intended to measure or how truthful the research results are. He continues that validity is whether the research instrument allows the researcher to hit "the bull's eye" of the research object. The study ensured accountability for the integration of gender and the different stakeholders needs and interests, hence promoting equal participation of women and men, but also concentrated on the thematic issues to address the objectives of the study.

The researcher also conducted Women-only and men-only FGDs, to facilitate balanced and free expression of the groups without bias or fear.

### **3.7.2 Reliability**

Fogelman & Comber (2002), Joppe (2000), contend that reliability is the extent to which results are consistent over time, that the results of a study can be reproduced under a similar methodology. If a similar study is done using the same methodology and results got are similar, then the research instrument is considered reliable.

Proponents of reliability argue that if a later investigator applies the same methods and tools to study the same phenomena, they would get similar results or conclusion.

### **3.7.3 Validity and Reliability for Qualitative Research**

Noble & Smith (2015); Birt (2016) argue the relevancy of validity and reliability in qualitative research., questioning whether it is just a procedure to cross check findings unlike for quantitative research, where numerical constructs have to be crosschecked, since it is for generalizing.

The researcher ensured data trustworthiness by paying attention to details that could affect ‘trust’ (Kyngäs et al, 2020). This study ensured trust by applying the four key components of trustworthiness including;

**Credibility;** according to Aradau & Huysmans (2019), developing understanding of validity makes it possible for studies to displace disputes about ‘post-truth’ with transversal practices of knowledge creation, circulation and accreditation. This study ensured confidence in the ‘truth’ of the findings, using content experts, KIIs, notes, still photos, video and audio for verification to ensure truth.

**Transferability;** means that the findings are also applicable in other contexts and therefore the researcher was cautious of quality control so that the data can be generalized to bigger sample or context. This called for “thick” description of participants and the research process to ensure findings are transferable (Korstjens & Moser, 2018).

**Dependability;** indicates that the findings are consistent and could be replicated, the researcher will ensure that the right sample is dealt with, conduct a pilot study as well as make proper content analysis.

**Confirmability** describes the degree of neutrality or the extent to which the findings of a study reflect the respondents' opinions and experiences rather than the researchers' biases, motivations, or interests (Gupta, 2018). The researcher ensured participation of the critical sectors and stakeholders in the sample, and their responses were fully recorded without biases, backed by evidence of photographs, video, and audio recordings.

### **3.7.4 Validity and Reliability Quantitative**

Kirk & Miller, (1986) dissect reliability in quantitative research into; degree of consistency of results, the stability over time and the similarity within a given time period. Sürücü& Maslakçi, (2020) define validity using the *Factor analysis model*, which uses mathematical procedures to simplify interrelated measurements to explore patterns in a set of variables. It summarizes the data to easily interpret and understand the relationships and patterns of observed variables in the measuring instrument.

This study used qualitative method augmenting observation, primary and secondary data. This can be verified by another researcher, as well as testing the findings.

### **3.8 Data analysis**

The researcher transcribed the recorded data and information in verbatim, coded it stratifying data and responses of the same meaning in relation to the research questions and thematic areas for easy analysis.

FGDs and KIIs were transcribed verbatim into Microsoft Word, and fed into qualitative for initial analysis. No names were used but numbers during the transcription; each speaker was identified only by gender and numerical concepts. All transcriptions were translated into English, and checked.

**Data Cleaning or Editing;** this was done to check for any errors of commission or omission arising from the field research, this is to minimize or reduce obvious errors.

**Coding;** this was used for qualitative data analysis where participants remained anonymous, coding was also used to classify responses so that they are easy to analyze or to tag essential patterns during analysis

**Contextual analysis** is the core analytical framework for qualitative data and it involved analyzing documents, key informant interviews, group discussions and focus groups notes to identify emerging common trends, themes and patterns for each objective.

**Content analysis** was used to highlight diverging views and opposing trends. Information from primary sources was used to triangulate responses with that from desk review.

### **3.9 Ethical Consideration**

The researcher ensured that practitioners and beneficiaries of Mato-oput are fully involved in this study. The Traditional leaders (Rwot), the Ker kwaro Acholi were fully informed and involved in the study. The researcher also contacted the different security offices like the police, and internal security for clearance.

According to Neuman (2011); Scott, (2013), safeguarding participants is paramount in research hence the need to adhere to the standard ethical principles, which include respect for the autonomy of the participants, protecting participants from harm, confidentiality, informed consent and voluntary participation.

Connelly, (2014) contends that informed consent is an essential part of the research process, and that in some cases, consent may be implied if participants complete the survey. However, they advise that, information about the conduct of the study should be shared with the participants, often as part of the survey instructions.

The researcher presented an introduction letter from Makerere University authorizing him to conduct the study and ensured informed consent, confidentiality, anonymization of respondents, and sensitivity around gender-based matters. The study also put into consideration principles of equity, confidentiality before, during and after the research.

### **3.10 Conclusion**

This study will add on the existing knowledge base, and enhance the information available to researchers who wish to use the qualitative descriptive approach in similar or related academic or applied researches.

## CHAPTER FOUR: PRESENTATION, ANALYSIS AND INTERPRETATION OF RESULTS

### 4.0 Introduction

This chapter presents analysis and interpretation of study findings. The purpose of the study was to assess the relevance and effectiveness of TJS in reducing case backlog in Acholi sub region, taking Gulu City and Gulu District as areas of the study. This chapter has three sections, section one gives the background information, while section two highlights the demographic characteristics of respondents, and section three presents descriptive analysis and interpretation of data by objective in relation to the research questions and thematic areas.

**Table 1; Respondents by gender**

No	Gender	total
1	Male	06
2	Female	30
	<b>Total</b>	<b>36</b>

### 4.1 Background information

Atkinson (2015), describes the Acholi people as having originated from the Sudan and settled in the “Acholi District” as of post-colonial demarcations. They speak the *luo* language and located in Northern Uganda. He furthers that the Acholi were highly decentralized under chiefdom with a paramount chief (Rwot) at the helm of their social political system.

Oloya, (2015) acknowledges that the social political organization of the Acholi people was under *gangi* (households) and later *kakas* (clans), including majorly the Lamogi and Alero from the western political zone, Patiko and Payiira from the central and Pajule from the eastern political zone. These were later abolished in 1900s to pave way for British colonial administrative establishments. The *kakas* were the back born of social order, community cohesion and harmony as everyone was conditioned to adhere to communal governance akin to “brotherhood” than

“ruler ship”. The Acholi mores were the basis of disciplinary concepts like the *Mato-oput*, the *chulkwol* and peaceful living edjucated by the chief, the head of clans and elders.

Gulu District which later subdivided to create Gulu city is situated in northern Uganda and was and is still the center (capital) of the Acholi sub region. It was affected by over 20 years of the Lord’s Resistance Army civil war that is said to have eroded social safety nets hence increasing the rate of violence and crime complicating social order as explained by KI10;

*“There are dilemmas and questions in people’s lives children are born and they progress through growth and development without guidance, with lot of traumatic experiences. There are people who are young men and women who don’t know how to be young men and women, how to be a husband and wife, they are not nurtured into this kind of thing due to the effects of war”.*

KI 2 argued that the effects of war are still affecting the communities and that while the internally displaced camps closed people still leave with trauma due to war. This kind of community may not fit the formal JLOS system, but community mechanisms that understand the historical, social economic, and cultural aspects.

#### **4.1.1 Mato-oput Processes**

KI 1&R3 noted that communities or clans that are aggrieved cut off ties after the conflict; this includes attending joint ceremonies, marriage, sharing of resources including water and hunting grounds with the family of the perpetrator.

Whereas most of the respondents did not know the Mato oput process off head, R2&3, K1,4&7 tried to break down the process into;

#### **4.1.2 Truth-telling and Confession**

The offender’s clan voluntarily admits and confesses hence taking responsibility for the harm (normally murder) and “this is what happened to some of the returnees, they admitted to killing” KI 7. The family or clan of the offender approaches the Rwot (chief or elder) of the victim’s clan for discussion and how to proceed with the matter KI 1,4,9, R 2,8, 9. The elder mediators will ask the victims clan whether they are willing to forgive and if it is in affirmative the next stage of

negotiation on compensation will take place. This ritual is referred to as *Lakerket* in the Acholi dialect and it is performed in the field not in a home setting.

#### **4.1.3 Negotiation and Mediation**

Elders from both clans come together to negotiate compensation (usually livestock, food, or money). The Rwodi Moo (mediating chiefs) play a central role in organizing and directing dialogue ensures both sides feel respected and heard. KI 1, KI 7, R1,5 &8

Payment of Compensation is then arranged "Gomo Tong" (bending of the spear) KI 7. Compensation is symbolic—it acknowledges the loss of life and expresses remorsefulness and therefore It's not about “buying justice” , but restoring social balance. According to K I5, this is called *chulu kwol* in the local dialect.

#### **4.1.4 The Mato-oput Ritual (Culminating Ceremony)**

According to R 1,7,8, after reconciliation and compensation the two clans or parties gather in public and perform the ritual known as Mato-oput. The offender and representatives from both clans drink a mixture made from the bitter root of the *Oput* tree.

KI 5 adds that each side brings sheep which are cut into two vertical pieces, each party takes half of the sheep. The sheep or animal’s offal’s residues and blood are mixed with juice from *oput* roots, local brew in a calabash for both parties to drink(Mato-oput) (no spiting is allowed)

both parties bring a sheep which is cut into two halves for sacrifice and appeasing the spirits. Sheep is preferred as assign of humility and during its slaughter, the mouth is held tight so that they don’t cry as it is a sigh of bad omen when it bleats during the slaughter. The three representatives from each party are prepared to take a mix of juice from *oput* tree, with dung from the offals and blood as presented in a calabash. The mixture is so bitter and not pleasant and drinking it symbolizes “swallowing” of bitterness by both parties hence no revenge is expected from either parties hence Mato-oput

KI 4 argues that the bitterness of the mixture symbolizes the pain caused and the need to overcome it. It is a profound moment, and by drinking together, both sides "swallow the bitterness" and agree to bury the conflict.

#### **4.1.5 Feasting and Celebration**

A communal feast is organized, and this marks the restoration of peace, and the offender is readmitted into society. KI 3 supplements that there is sometimes a marriage initiation to bond the two clans, but also to replace the lost human being, although it is not mandatory. The performance of these rituals is done in sequence aimed at restoring relations, because in African traditions and cultures, family ties form the core of unity, development and sustainable growth.

#### **4.2 Document Review**

Gulu City and District, don't have clear distinctive features and still operate like one entity including sharing some of the administrative, social, political and cultural infrastructure. It was therefore rational for the researcher to include both entities in the study.

Annual statistics (2024) from the Gulu Chief Magistrates Court show that 1,107 Cases were registered, out of which 988 were criminal cases, of these 074 were criminal in nature. The same statistics show that of the registered cases 31 are still backlog, 037 were referred to Alternative Dispute Resolution(ADR), while none was referred to TJS, (Annual Court statistics ,2024)

Whereas the Uganda Police Annual crime report 2024 doesn't show Gulu District and City among the 15 Districts with high crime rate, in 2021 Gulu was listed 5th among Districts with highest common assault cases and Aswa policing region where Gulu District and City fall was second in murder by assault (98) cases, and third in murder by Domestic violence with 34 cases, (UPF Annual Crime report 2021)

Respondents unanimously agreed that “Backlog delays justice for the parties” but also smears negative perception on the judiciary, because there is no justice seen to be done because of the speed and perceived corruption. The study revealed that previously, there was a shortage of judicial officers and advocates have multiple cases in various courts, and are not able to appear in all, hence cases end up being adjourned, but also they noted a large number of land matters especially due to the customary land tenure system. This is very complicated especially in determining boundaries hence cases take a lot of time. This complicates matters before court, increasing backlog.

Additionally, they argued that advocates ask for exorbitant fees and in most cases the public is not able to afford these fees hence they abandon them in court, this not only delays dispensation of justice but gives an upper hand for the rich to manipulate formal justice institutions. This calls for cheaper, affordable and accessible solutions like Mato-oput, making it more desirable.

The study also found out that some matters unnecessarily stay in court while suspects actually did not commit the offences and culprits often go to court expecting that their matter is heard as quickly as possible, some are actually victims of circumstance and others may not have committed the offences but end up locked up for a long time, even in event that the suspects committed the offences they expect expeditious process which does not happen hence backlog, family break down as well as affecting the welfare of the family if they are the bread winners.

#### **4.3 Presentation of Findings**

The study revealed that there is no clear cut difference and understanding between Mato-oput ADR and TJS they are used concurrently and so will the presentations in this report. Whereas Mato-oput is a process in a Traditional Justice system of the Acholi people, not all TJS is Mato-oput or end into Mato-oput, even the most cited case (Uganda vs Mathew Kanyamunyu has not undergone Mato-oput contrary to what the public and some scholars allege.

#### **4.4 The prospects of Traditional Justice System in complementing the formal justice system to reduce case backlog**

KII 1,11&12 cited TJS as suited to resolve non-criminal or culturally sensitive cases such as land disputes, family disagreements, or minor assaults outside the formal court system. This eases pressure on magistrates and judges by reducing the number of cases entering the judicial system. The study

KII 3 acknowledges that in post-conflict areas like Acholi, many disputes are deeply interpersonal or clan-based, making them better suited for TJS than formal justice institutions.

KII 2 adds that by restoring social harmony using TJS, escalation of prolonged legal battles or revenge cycles are prevented. For instance, a land boundary disagreement between clans may take years in court, but can be settled within weeks through clan mediation.

“Mato oput doesn’t take a lot of time compared to the formal justice system which requires formal processes, taking a lot of time for the trial and conclusion of the case, which takes from 5-10m yrs besides mato oput is more accepted by the community” KI 2

“They are relevant, the people understand their system and can easily agree and compromise instead of it taking long while the parties wait for court sessions which take long and they are most case quarterly” KI 3

“Mato oput reduces the possibility of revenge and if properly administered it reduces the number of cases that will be channeled to the formal justice institutions but also eases the otherwise tedious work of investigations since the offender confesses” R11

#### **4.4.1 Benefits of using Mato-oput in managing cases**

KI 2,3, R 5&8 observe that TJS promotes harmonious living, Community cohesion, reduces pain and revenge rates, deescalating animosity among the parties. Faster speedy processes and promotes co-existence. KI 1 also associated TJS to reawakening the power of traditions and culture heritage hence in social economic development. KI 2 TJS can resolve minor, customary, or reconcilable disputes, reducing the number of cases entering formal courts. KI 5,9& 10 points out that community-led reconciliation in homicide cases using Mato-oput helps avoid lengthy murder trials. Allows the formal system to focus on serious, complex, or high-profile cases.

R2,6&9 also note that TJS reduces alienation caused by distant or complex formal procedures, encourages local ownership of justice processes hence people feel heard and involved in dispute resolution, rather than sidelined. R2,9, K2,4,5 TJS focuses on healing, truth-telling, and restoring relationships, unlike formal systems that emphasize punishment.

#### **4.4.2 The relevance of TJS/Mato-oput in the formal judicial system**

Mato-oput and similar systems are deeply rooted in local customs, making them more acceptable, trustworthy, and accessible to communities than formal courts KI 3,7,12. In many rural areas, people prefer traditional mechanisms over formal litigation, which they see as expensive, slow, and corrupt KI5

Mato-oput focuses on healing relationships due to the willful effort to forgive, not just determining guilt or innocence. It gives time for confession and also to seek forgiveness, compensation and total reconciliation not only with the aggrieved parties but the entire community R3,8&KI 10

K10, R1, 6&8 submitted that TJS reduces retaliation, revenge and other crimes that would be associated to the matter before court, being restorative rather than punitive. It is a fair balanced system which promotes co-existence and is more acceptable to the community hence relieves JLOS system which is already burdened by backlog and prison congestion.

According to KI3, from a cultural institution custodian, TJS like Mato-oput are very important especially in appeasing the spirits which are always associated with the phenomena at hand. This is in agreement with KI5 and 5, who associated TJS to spirits arguing that whether one has appeared in court and was convicted or a phenomenon is under the formal Justice system, there has to be intervention of TJS to appease the spirits.

Reduces cases that otherwise would be registered in formal justice system and handle cases registered in court on court's referral. According to KI 2 who is a judicial officer, Art 26(2b) encourages compensation while S16 of the Magistrate Court Act (MCA) encourages reconciliation which are similar to the values of TJS like Mato-oput.

KI 5 argues that TJS like Mato-oput are not only important in dispensing justice, but a cultural heritage that should be documented, invested in and preserved not only for Acholi, but Uganda as well. He furthers that is well practiced and promoted it could work as a tourist attraction, hence revenue generation to improve community welfare.

#### **4.4.3 The effectiveness traditional justice systems**

Most of the respondent both in the KIIs and the FGD acknowledged that TJSs are quick in handling matters and take shorter time compared to the formal justice system that involves, investigations, perusal of files by the state attorneys, taking plea and hearing.

KI 7 contended that TJs are effective and have stood a test of time especially the Mato-oput in Acholi sub region and has become part and partial of the values and culture. KI 2,4,8 R3&R6

observed that the fact that there is no legal representation, TJSs are less costly, are handled in the local community, using local languages hence encourage total openness.

KI 6 stated that Mato-oput brings about total healing hence preventing revenge especially due to its openness but also involvement of the wider community, accepting responsibility and forgiving, which makes it effective. Whereas Mato-oput may have some challenges it is acceptable at community level and therefore effective in handling disputes in communities, KI 9. Ironically KI 2 one of the judicial officers admitted that acceptance and formalization of Mato-oput would render formal judicial systems as inefficient due to the delays in case management compared to the TJS.

#### **4.4.4 The challenges of applying traditional justice systems**

Although Mato-oput was rated as relevant and effective in reducing back log in the formal justice system, the study identified numerous short comings that hinder its operations. KI 1,2,5, R3&12 critiqued Mato-oput for only being applicable in intentional homicides or murder and it cannot work alone without involvement of JLOS stakeholders for instance suspects have to first be arrested and detained or else they will be killed by the mob. It cannot be performed if the accused is still in prison on remand or serving a sentence.

KI 1 noted that in the event that the accused person doesn't confess or admit to the murder, TJS processes may be delayed and added that TJS resolutions are difficult to enforce, since there is no legal framework and not legally binding, KI 3 a cultural custodian admits that TJS can hardly be acceptable to the elite class.

R3, KI 3,4&11 pointed out that TJS is hard to ensure uniformity and reconcile the different cultures, difficult to codify since there are many cultures and traditions in Uganda. KI 10 & R 13 observed that cultural biases and stereotype may affect dispensation of justice besides TJS being easy to manipulate due the different levels of influence and status in the community.

R9, 11, KI 2,4 &7 criticized TJS as weak and lacking punitive measures, not prohibitive, may encourage re-offending and may be used as a way of evading justice.

KI 1,9,12, R1&5 pointed to limited knowledge on Mato-oput by all stakeholders including the public and poor record keeping makes it difficult to follow up and enforce. There is also inadequate training of TJS actors in basic judicial processes and the rule of law.

The credibility of TJS actors is questionable hence their ability to adjudicate without bias or influence makes it prone to corruption and manipulation due to cultural biases and social statuses. KII 4,7 &9 observed that voluntarism of actors in TJS may compromise quality of service delivery.

#### **4.4.5 Improving TJ system to supplement formal judicial systems**

KII 7, admits that Mato-oput and other TJS systems can significantly reduce case backlog if properly integrated with Uganda's formal judicial system.

*“The goal is not to replace courts, but to create a dual-track system where restorative, community-based justice handles culturally appropriate and reconcilable disputes, while formal courts focus on serious, complex, or unresolvable cases, this nexus will greatly reduce backlog”*

Appreciation of TJS model strengthens access to justice, respect for local traditions, and reduces strain on Uganda's overburdened courts. There is need for collaboration and referring of cases by both parties (other than murder) court should refer matters not criminal in nature to TJS. R6,3,11, KI 4,7&11.

Courts should honor resolutions of TJS and mediations from the chiefs, cultural leaders and recognize TJS as partner in dispensation of justice. There should be joint community sensitization on TJS as an alternative dispute resolution or complement to formal judicial systems R5,9,13, KI 1,7,9&10. KI 5 added that even the International Court of Justice considered cultural leadership and Mato-oput done in LRA some cases.

KI 2,5,6,9 R3&2 urged the Judiciary should codify cases that can be handled by TJS and create joint committees of judicial and traditional justice actors or cultural leaders to jointly handle cases with judiciary guiding especially on sentencing. They also recommended for documentation and standardization of TJS especially on sentencing.

## **CHAPTER FIVE: SUMMARY, DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS**

### **5.0 Introduction**

This chapter provides the summary and discussion of the study findings on the role of TJS in complementing the formal judicial systems in reducing case back log in Gulu city and Gulu District. The summary of findings captures all respondent categories as data was coded and transcribed before analysis putting into consideration most common responses, emerging issues and new knowledge. The discussion has been presented according to objectives and research questions. The summary and the discussion are the basis of the conclusions and recommendations while areas for further research are suggested at the end.

### **5.1 Summary of results**

#### **5.1.1 The prospects of Traditional Justice System in complementing the formal justice system to reduce case back log**

The study revealed that where as many people including scholars define Mato-oput as a TJS, it is one of the TJS. There is no specific TJS but a combination of interventions by traditional, cultural leaders and elders, KI 8&R3.

Acholi traditional justice epitomizes restorative models rooted in deep cultural, spiritual, and communal values. It prioritizes healing over punishment, communal harmony over individual retribution, and reintegration over marginalization. These mechanisms like *Nyono Tong Gweno* [stepping on an egg], where the egg symbolizes purity and renewal and Mato Oput [drinking bitter herb from *oput* tree] which symbolizes the pain of the past and a collective vow not to revisit it, (KII 7). She discerns that these are not just rituals; they're lived expressions of communal values like truth, mercy, forgiveness, and peace, all working together to rebuild social fabric after trauma.

Traditions and cultures are still an important value in the Acholi culture and cherished by the population. These values play an important role in the social economic and political spheres,

traditional justice is one such value that helps communities to stay in harmony in times of conflict and therefore very important and preserved.

### **5.1.2 The relevance of TJS/Mato-oput in the formal judicial system**

KI 7 observed that as of early 2025, approximately 1,100 cases were pending in Acholi, with about 170 pending cases specifically in Gulu.

R2, 4, 8, KI 3&9 allege corruption at various levels in the judicial system lead to manipulation of court calendars, missing files, or compromised decisions. Bureaucratic inefficiencies also slow down administrative tasks necessary for case progress.

KI 2 cited land and commercial disputes as particularly complex and time-consuming in Uganda. These often involve multiple parties, unclear documentation, and frequent injunctions, which extend litigation timelines.

Many courts still rely on paper-based filing and scheduling, which leads to misplacement of files, duplication, and delays. Third party intermediaries or advocates delay cases, sometimes are unavailable hence time wasting R6,8, KI 2,6,7.

K I 2 added that, the police and Director of Public Prosecution(DPP) delay files and sometimes are corrupt and worsened by selective dispensation of justice.

In lieu of the above Traditional Justice systems can be handy in supplementing the formal justice system to quicken and fortify dispensation of justice since they are more informal, participatory and community oriented.

### **5.1.3 The effectiveness traditional justice systems**

Despite the challenges cited in the operations of TJS like likely compromise, lack of enforcement powers, poor record keeping and the lack of legal or policy frame work, they have a comparative advantage given the fact that they operate in the communities and cases are sometimes against their relatives hence easy to resolve or compromise.

TJS is executed without lengthy procedures and therefore cases are quickly disposed compared to the formal justice. However, they could well operate with the guidance of the formal justice systems for more effectiveness.

TJSs are less costly, are handled in the local community, using local languages hence encourage total openness hence more appealing to the local communities. They should be a legal and policy frame work to allow them operate better

Despite many societies and communities that are still living in accordance with traditional values and principles adhere to the dictates of humanity, reconciliation, the industrial revolution, urbanization and modernization in general have led to the erosion of some of the African values and norms including transitional justice system. its high time Africa and Uganda specifically embrace Africa's traditional justice systems since they are closer to the people, cheap, acceptable and community based.

Formal justice systems emphasize on punishment or compensation of the individual, while TJS including Mato-oput focusses on community unity, harmony and cohesion. KI 5 informed the study that even when the accused person dies in prison, their clan will still compensate and undergo traditional justice processes or Mato-oput. TJS believes in spiritual realm (spirit of the dead to rest) hence the need to perform ceremonies to appease the spirits. It is difficult or impossible to use formal justice systems in Afrocentric communities, hence the need to integrate the two systems for total satisfaction, peace, justice and harmony.

#### **5.1.4 The challenges of applying traditional justice systems**

The various challenges associated with TJS Mato-oput like, only being applicable in intentional homicides or murder and not being able to operate without involvement of JLOS stakeholders makes it unreliable in dispensation of justice.

Despite the similar interests to maintain peace and secure communities, the study noted that performance of TJS Mato-oput put the accused in double jeopardy as accused has to go for Mato-oput even after his sentences. In case of Uganda vs Mathew Kanyamunyu, KI 3 revealed that whereas he compensated the clan of the deceased, which influenced his conviction and lighter sentence, he is yet to perform the last ritual "Mato-oput".

Cultural biases and gender related biases are likely to compromise the traditional justice actors hence affecting the basics of Human rights like equality before the law, principles of fairness and the right to be heard.

### **5.1.5 Improving TJ system to supplement formal judicial systems**

There is need for more research specially in the field of standardization, regulate and guide TJS Systems especially on sentencing guidelines, professionalism, rationality. More studies especially on codifying and standardizing should be conducted to improve operation s of TJS.

TJS can best operate while working with knowledge of the formal traditional systems, with guidance of the formal justice system or if they are codified by the formal justice systems. There should be mutual cooperation among the judiciary and traditional justice actors to sensitize the communities on the role of TJS in supporting the judiciary to reduce backlog.

## **5.2 Discussion of Findings**

While Mato-oput is considered by many respondents in the study and other scholars as a TJS, it is not a TJS perse but part of a TJS. It is the fourth stage after *Chulkwo* or compensation. Even in the famously quoted case throughout the study Uganda vs Mathew Kanyamunyu, and as quoted in the media and literature as having undergone Mato-oput, KI 3&R3 argue that Mathew Kanyamunyu only paid compensation but has never done Mato-oput, awaiting his release from his prison sentence.

The research noted that all traditional justice processes were referred to as Mato oput contrary to the fact that Mato-oput is just one of the stages in the process and only supposed to be performed in cases of intentional homicides.

### **5.2.1 The prospects of Traditional Justice System in complementing the formal justice system to reduce case back log**

KI 2,10 said that case backlog undermines timely justice, fair trial rights, public trust in the rule of law, and economic progress especially in civil and commercial cases. For example, a land matter that takes about 6-8 years could block development, such as agricultural projects. It also creates a disparity where those with money or resources can endure the long waits, while the

poor remain stuck with an unresponsive system. This undermines the legitimacy of Uganda's judicial system, KII 10.

KI 3,12 and 13 admitted that case backlog erodes public trust, while KI 2 contends that case backlog affects justice due over stay of cases, cases being managed by many judicial officers which affects the quality of evidence and compromises the case.

Case backlog acerbates prison congestion and associated challenges, while other people find alternatives like bribing judicial officers, police officers or prisons officers further tainting the image of public service KI 1.

The above challenges require a multifaceted effort and therefore working with community based systems, local leaders, traditional and cultural leaders will be handy in ensuring cooperation and quick dispensation of justice as well as harmony and community cohesion.

### **5.2.2 The relevance of TJS/Mato-oput in the formal judicial system**

When asked about the challenges that may be causing backlog in Acholi sub region, KI 2 a judicial officer noted that, low numbers of judicial officer over large jurisdiction, unavailability of advocates which causes adjournments. He also recognized that fact that customary land tenure system is complicated hence such land disputes take long coupled with under staffed DPP (1:3 judicial officers), this is worsened by the High Court sitting only on scheduled sessions.

KII 8 argued that court technicalities frustrate parties and they lose interests worsened by the alleged corruption in the JLOS. KI10 said that none representation of accused persons especially in high court delays cases besides disappearance of accused and absconding bail.

Mato-oput and other Traditional justice systems are presided over by indigenous people who have knowledge and background of most community issues including land boundaries, integrating them in the formal justice systems would leverage the judiciary especially in community and land related matters that judicial officers find complex.

### **5.2.3 The effectiveness of traditional justice systems**

There is no contention that TJs are relevant in Acholi sub region and Gulu and City, the study also confirm that a large number of cases and disputes are resolved outside courts hence reducing real and would be backlog. Traditional justice System' speed and low cost mean they are a practical alternative to formal adjudication.

While field accounts show diversion of cases to TJS, statistical backing is absent due to lack of standardized record-keeping and formal referral data. Judiciary systems track formal case flows well, but customary fora are fragmented and rarely report into national case management systems. Inadequate or lack of data capture waters down not only the relevance but also the effectiveness of TJS' contribution to backlog reduction.

Restorative and reconciliatory approaches can promote social harmony but may reproduce power imbalance especially gendered inequities, social status inequalities and if safeguards are absent TJS would not achieve its intended objectives. This calls for strict guardianship for procedural safeguards, legal literacy, and capacity-building for customary authorities to respect human rights norms.

TJS effectiveness is only feasible with the judiciary and JLOS support, integration and cooperation. This study suggests practical steps including training, referral protocols and registration of all cases from TJS with the judiciary. This would result into evidence based and measurable contribution of TJS to case backlog reduction.

Even with greater diversion, the formal system needs improved case management, digitization, and human resources to reduce backlog sustainably. Traditional justice contributes relief mainly at the "front end", the judiciary must conform to structural reforms within courts systems, increase man power gaps and address the alleged and real corruption and bureaucracies that hinder effective dispensation of justice.

### **5.2.4 The challenges of applying traditional justice systems**

Not documented, there are no available records of cases where Mato-put was used to resolve cases, even the judiciary annual court statistics showed no record of cases that has been referred

to the TJS or Mato-oput. This is contrary to the findings that many cases are handled by traditional justice systems and that others are even referred by the judiciary.

There is misconception about Mato-oput, TJs and ADR, these seem to be used synonymously by the public, for instance when a matter is handled by the elders or traditional leaders, they refer to it as having been handled under “Mato-oput”

R2,3, K12,3,5,6,8 all referred to the murder trial of Mathew Kanyamunyu, claiming that Kanyamunyu requested the matter to be referred to Mato-oput as a preliminary step toward reconciliation. They argue that although the court declined to halt the trial, the case remains a prominent example of efforts to blend formal plea-bargaining with traditional justice mechanisms.

The study also found that actually the case has to undergo Mato-oput awaiting Kanyamunyu to serve his sentence. Most respondents including some literature mistake Mato-oput for reconciliation and compensations in all cases, the study found out that Mato-oput is only performed in intentional murders or homicides (*riyot tal*). Accidents involving death are not to be handled with Mato-oput but *chulu kwo*(compensation).

Implementation of traditional Justice is very difficult as there is no legal framework to guide the compensation, or reconciliation hence depends on the good will and customary norms and cooperation of parties, it is even more complex if the other party is from another tribe or region.

### **5.2.5 Improving TJ system to supplement formal judicial systems**

KII 2,5,7 appreciates that there are efforts like; training of judicial officers in judgment writing and ADR, conducting of mediation sessions, promotion of Traditional and Community-Based ADR Mechanisms and formalizing traditional dispute resolution systems. KI 3 identified Plea bargaining, Mediation and referring to TJS as very crucial in reducing backlog in the formal judicial system.

Recognition of TJS and collaboration with the judiciary will play a very important role in harmonizing, professionalizing, acceptability and a quasi-legal status even before codification. According to Prudence (2009), in 2008, during the LRA peace processes, the government

established a Transition Justice Working Group that included international crime prosecutions, truth and reconciliation and traditional Justice. In 2009 the JLOS conducted a survey that overwhelmingly forum reported that Ugandans desired truth, reconciliation and reparations, the major values of Mato-oput. This calls for the need to integrate Traditional justice systems in formal and even international judicial process for acceptability of the communities that most time are the victims of the instability and injustices.

Traditional justice systems in Acholi sub region play a significant role in absorbing large number of cases and disputes which at time are already reported at police establishments. This explains the low numbers of cases that reach court compared to the reported cases at police stations. The study found out that TJS offer faster, accessible services besides social repair, reducing potential revenge but also reducing case backlog.

The positive effect on backlog is demonstrable at community level but is not fully quantified in official JLOS records and at national level due to weak documentation and referral systems. Despite the positive role TJS play, the risks especially to women and marginalized groups exist where traditions and customs tend to marginalize especially women and children, questioning gender neutrality and biases. This calls for mitigating risks via deliberate integration, standardized referral pathways, capacity building and minimum procedural standards.

### **5.3. Conclusions**

#### **5.3.1 The prospects of Traditional Justice System in complementing the formal justice system to reduce case back log**

The study thought to explore community understanding of Tradition Justices system and if these systems interpreted as Mato-oput. Most respondents' defined ATJs as community-based or customary way to resolve conflict or dispute, to maintain peace and harmony within the society R2, K5, KI 5, KI 6 &9.

The study also observed that there was no clear cut differentiation of Mato-oput and Traditional Justice Systems or processes that lead to Mato-oput. While very few respondents stated that Mato-oput is only meant for cases involving intentional killing or murder (KI 1,5&R3), many

stated that all cases can be handled using Mato-oput and yet many did not know the processes or steps taken to go to Mato oput

KI 2,7, 10,12, R 1,5&6 for example said the all cases including quarrels between two brothers or friends, fights between family members or clans as well as conflicts between the government and the community, past wars and conflict can be handled through Mato-oput.

There is need for TJS actors to clearly define their boundaries and the nexus with Mato-oput, ADR and this should be followed by sensitization and documentation, this will keep the real meaning of culture and preserve Mato-oput as a distinct TJS worthy practicing or integrating with judicial processes.

### **5.3.2 The relevance of TJS/Mato-oput in the formal judicial system**

Whereas TJS are deemed relevant in the Acholi sub region and in the geographical area of study, their resolutions can only be legally binding if they closely work with the formal judicial system in an informal arrangement as stakeholder's work on a legal or policy frame work.

Traditional approaches to justice and reconciliation in Northern and Eastern Uganda (Mato-oput of Acholi, kayo cuk of Iango, ailuc of Teso and tolu koka of Madi, among others) share similar principles including truth-telling, confession, mediation, and reparation and resulting in reconciliation and the restoration of relations, such traditional mechanisms are therefore locally and culturally relevant to meeting the justice needs of victims of the conflict, Baguma, (2013)

### **5.3.3 The effectiveness traditional justice systems**

The judiciary and other JLOS stakeholders should work with TJS since it has advantages like the quick disposal of cases, low costs involved as well as its proximity to the people. If well empowered, TJS practitioners can help solve both minor and seemingly complex matters especially those involving land.

The positive effect on backlog is demonstrable at community level but is not fully quantified in official JLOS records and at national level due to weak documentation and referral systems. Despite the positive role TJS play, the risks especially to women and marginalized groups exist where traditions and customs tend to marginalize especially women and children, questioning

gender neutrality and biases. This calls for mitigating risks via deliberate integration, standardized referral pathways, capacity building and minimum procedural standards.

#### **5.3.4 The challenges of applying traditional justice systems**

Capacity building programs like trainings in basic human rights practices, gender issues especially among the marginalized groups, basic record keeping and reporting would bridge the gaps in TJS. These capacity building programs could strengthen TJS to become allies to the judiciary to not only reduce case backlog but leverage the judiciary's public image and enhance public cooperation.

Whereas Mato-oput may seem to provide timely justice, the definition of justice relative, some LRA victims and accused persons may want their stories to be documented to explain their actions and cohesion aspects instead of merely appearing before a TJS or Mato-oput hence need for standardization.

#### **5.3.5 Improving TJ system to supplement formal judicial systems**

The Acholi people cherish their traditions and cultures and indeed this study found that TJS have stood a test of time and therefore not about to stop operating. The study noted that TJS is a tool in crime prevention if well intentioned, integrated with the JLOS hence need to integrate it into known formal structure guided by court.

There is also need to standardize JTS to avoid miscarriage of justice but also for applicability to people from different tribe, cultures or geographical location

### **5.4 Recommendations.**

#### **5.4.1 The prospects of Traditional Justice System in complementing the formal justice system to reduce case back log**

Indigenous Africa conflict resolution mechanisms are based on love, truth, mutual respect, trust, patience, decency, compassion, tolerance, reconciliation, co-existence, social cohesion, fairness and justice hence create sustainable peace and development. The government of Uganda should do more research into these mechanisms and enact policy frameworks that allow them to

operate along the formal justice systems to reduce backlog and cultivate harmony and peaceful coexistence in communities.

Whereas TJS have an important role to play in dispensation of justice, Traditional justice systems cannot operate in isolation from formal justice system, they should therefore be guided by a legal framework and operate under the guidance and watch of the Judiciary.

This should include clear referral path ways between the judiciary and the TJS actors, this will ensure harmony and cohesion among the stakeholders but also increase TJS legitimacy.

#### **5.4.2 The relevance of TJS/Mato-oput in complementing formal judicial system**

The Acholi should be supported by JLOS stakeholders to build capacity, document TJS proceedings, sensitize communities on the relevance and importance of the TJS and Mato-oput specifically in complementing the judiciary to reduce case backlog. This will increase acceptability and legitimacy to support dispensation of justice especially in the rural areas where judicial services are still inadequate.

Traditional leader's capacity should be built in judicial process, basic human rights aspects to strengthen their capabilities in handling cases, this will further legitimacy, acceptability to promote coexistence and case back log reduction.

The judiciary is not likely to effectively handle matters where the Acholi people attribute some cases to "evil spirits" and their "justice" is perceived differently in the traditional and the judicial spheres. There should be deliberate efforts to integrate the two for effective dispensation of justice, the hybrid system will not only reduce case backlog but also reduce conflicts in communities hence harmony.

There is need to formalize and gazette Mato-oput and other traditional justice systems as a cultural heritage. This rich cultural values are not only for dispensation of justice and community cohesion but for posterity and passing on to the young generations. The TJs can also be used for generation of income through tourism, ethnographic studies and posterity.

### **5.4.3 The effectiveness traditional justice systems**

JLOS stakeholders should take advantage of the comparative advantage of TJS as enumerated and forge a formal collaboration put into consideration the Afrocentric environment they work in. Failure to integrate and work with TJS will only increase their irregular, unjust, informal yet justified and embraced activities.

KI 7 contends that TJs are effective and have stood a test of time especially the Mato-oput in Acholi sub region and has become part and parcel of the culture. KI 2,4,8 R3&R6 observed that the fact that there is no legal representation, TJSs are less costly, are handled in the local community, using local languages hence encourage total openness.

KI 6 states that Mato-oput brings about total healing hence preventing revenge especially due to its openness but also involvement of the wider community, accepting responsibility and forgiving, which makes it effective. Whereas Mato-oput may have some challenges it is acceptable at community level and therefore effective in handling disputes in communities, KI 9

### **5.4.4 The challenges of applying traditional justice systems**

There is need for lobbying JLOS stakeholders to integrate ATJ and Mato-oput into the formal justice systems. This will bridge the legitimacy challenges, standards, miscarriage of justice, record keeping and documentation lacunas as well as sentencing standards.

Whereas Mato-oput ritual is widely talked about as a TJS, it is rarely practiced, Mbabazi, recalls that whereas she interviewed and interacted with several victims of war crimes in northern Uganda, none of them mentioned having undergone Mato-oput yet it was claimed to have been used in peace efforts. This is attributed to the nature of the processes, truth telling is a very complex matter due to the fact that the one telling the truth is not assured of the repercussions.

## **5.4.5 Improving TJ system to supplement formal judicial systems**

### **5.4.5.1 Policy level recommendations**

Adopt implementation plans aligned with the Judiciary's ADR strategy while focusing on standardized referral and reporting. This should be done along development of national minimum standards for TJS. (documenting procedure, consent, presence of parties, use of simple written records).

Integrate basic AJS indicators into court case-management systems to capture diverted case estimates and inform backlog policy (e.g., number of matters mediated at LC level that did not progress to formal filing).

Indigenous Africa conflict resolution mechanisms are based on love, truth, mutual respect, trust, patience, decency, compassion, tolerance, reconciliation, co-existence, social cohesion, fairness and justice hence create sustainable peace and development. The government of Uganda should do more research into these mechanisms and enact policy frame works that allows them to operate along the formal justice systems to reduce backlog and cultivate harmony and peaceful coexistence in communities.

### **5.4.5.2 Capacity Building & Training to strengthen TJS**

There should be joint trainings between the Judiciary, CSOs, LCs and local governments on the role and relevance of traditional justice systems in supplementing formal justice systems in reducing backlog. Capacity building programs should also focus on the major challenges or weaknesses of TJS like human rights abuses, gender-sensitive procedures, and simple record-keeping. Emphasis should also be towards voluntary consent, options to proceed to formal courts, and protection of vulnerable parties. Sensitization campaigns should be carried for communities explaining the differences between customary and formal remedies, rights to appeal to courts, and enforcement avenues.

### **5.4.5.3 Operational & Monitoring of TJS**

There should be creation of joint monitoring committees comprising all stakeholders, especially on referral and documentation and referral forms to be used when TJS or Mato-oput resolve

disputes, this will not only enhance cooperation, professionalism but also creation of data bases and case tracking systems.

These committees will also play an oversight role in the operations of TJS, making frequent researches and studies and recommendations to strengthen TJS. These committees should ensure gender-sensitivity, gender responsiveness in any TJS training modules, ensure female representation among TJS actors and practitioners especially for cases involving women and children.

The joint committees should ensure clear guidelines on matters not suitable for customary and TJS like; some criminal offenses, matters of public interest or matters of complex legal questions which may require TJS to refer to the formal justice systems or they may be handles jointly as the committee may deem fit. A case was cited by KI 4&7 that the Lord's Resistance Army (LRA) conflict and Uganda's 2006 Amnesty Act deliberately incorporating Mato-oput as part of its reconciliation framework. KI 7 furthered that former rebels accepted responsibility, asked for forgiveness, and participated in Mato-oput ceremonies, they were reintegrated into communities without prosecution. By 2007, around 20,000 ex-combatants had returned home through this culturally rooted mechanisms. This is evident of the effectiveness, the trust of traditional justice system in not only solving local land boundary matters but even matters at international level, with international partners like the International Criminal Court (ICC)

## **CHAPTER SIX: AREAS FOR FURTHER RESEARCH**

There is a thin or no line between, traditional justice system and ADR and throughout the study the researcher was perturbed by the mix while some respondents admitted that Mato-oput was the same as TJS. Whereas most literature and scholars state and describe Mato-oput is the Acholi traditional justice system practiced by the Acholi people of northern Uganda, this study found out that Mato-oput is the last ritual preceding a series of rituals in a traditional justice systems of the Acholi people which system seem no to have a specific name. Scholars and other studies should focus on the name of the Acholi traditional justice system, its evolution over time and the future of the system.

Further studies should also be done into standardization of not only the Acholi traditional justice system but all traditional justice systems in Uganda if they are to be incorporated into formal judicial processes. This will help in embracing traditional justice system throughout the country. The initiative will help in reducing case backlog as per this study findings and recommendations hence quick dispensation of justice which is essential to community peace and cohesion.

Mato oput is supposed to handle very grave cases like intentional murders, which are capital cases under the laws of Uganda. This will contravene the law where all capital cases are supposed to be handled in courts of law in fact in high court. Studies should also be done on whether the Mato-oput ritual can be applied in other cases apart from premeditated murder, along other rituals being practiced by the communities like chulokwol. This will help in completion of the rituals and probably justifying having solved a matter using Mato-oput its literally meaning.

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### **Online material**

<https://www.bu.edu/wcp/Papers/Anci/AnciBhan.htm>

<https://judiciary.go.ug/data/news/> accessed on 6<sup>th</sup> Nov 2024

## ANNEXES

### Annex 1; Estimated Research Budget

NO.	ITEM	UNIT	UNIT COST	TOTAL COST
	Facilitation for FGD	3	200,000/	600,0000/
	Stationery	1	100,000/	100,000/
	Venue hire	3	100,000/	300,000/
	Transport/Travel	1	500,000/	500,000/
	Subsistence	14 days	30,000/	420,000/
	Research Assistants	2	300,000/	600,000/
	Services (Secretarial, Photocopying, Printing, Binding)	1	200,000/	200,000/
	Air time and Data	1	200,000/	200,000/
	Miscellaneous	1	200,000/	200,000/
	<b>TOTAL</b>			<b>3,120,000/</b>

## Annex 2: Work plan

<b>No.</b>	<b>Date</b>	<b>Activity</b>	<b>Place</b>	<b>Comment</b>
<b>1</b>	12/ 09/ 25	Travel	Kampala –Gulu	
<b>2</b>	13/ 09/ 25	Preliminaries	<b>Gulu</b>	
<b>3</b>	13/ 09/ 25	Appointments	<b>Gulu</b>	
<b>4</b>	14/ 09/ 25	Appointments	<b>Gulu</b>	
<b>5</b>	15/ 09/ 25	Data collection	<b>Gulu</b>	
<b>6</b>	16/ 10/ 25	Data collection	<b>Gulu</b>	
<b>7</b>	17/ 10/25	Data collection	<b>Gulu</b>	
<b>8</b>	18 /10/25	Data collection	<b>Gulu</b>	
<b>9</b>	19/ 10/25	Data cleaning	<b>Kla</b>	
<b>10</b>	20/10 /25	Codding	<b>Kla</b>	
<b>11</b>	21/10 /25	Coding	<b>Kla</b>	
<b>12</b>	22/10/25	Data analysis	<b>Kla</b>	
<b>13</b>	23/10/25	Data analysis	<b>Kla</b>	
<b>14</b>	24/ 10/ 25	Data analysis	<b>Kla</b>	
<b>15</b>	25/ 10/ 25	Report writing	<b>Kla</b>	
<b>16</b>	26/ 10/ 25	Report writing	<b>Kla</b>	
<b>18</b>	27/ 10/ 25	Report writing	<b>Kla</b>	

<b>No.</b>	<b>Date</b>	<b>Activity</b>	<b>Place</b>	<b>Comment</b>
<b>19</b>	28/ 10/ 25	Report writing	<b>Kla</b>	
<b>20</b>	29/ 10/ 25	Report writing	<b>Kla</b>	
<b>21</b>	30 / 10/ 25	Report submission	<b>Kla</b>	
<b>22</b>	31/ 10/ 25	Report submission	<b>Kla</b>	

### **Annex 3; Approval letters**

#### **lists of areas visited**

Gulu City (Ker Kwaro Acholi, Chief Magistrate Court, Grade 1 Magistrate court, Central Police Station Gulu)

Gulu District (District headquarters)

## List of selected cases

These are criminal cases only and in Chief Magistrate's Court Gulu.

### A). Number of cases registered in the last one year, 2024

1. Criminal Offence (CO) – 988
  2. Capital Offences (AA) – 74
  3. Juvenile Offence (JO) – 04
  4. Juvenile Capital (JA) – 16
  5. Traffic Offences (TO) – 05
- TOTAL =====1,107

### B). Number of cases disposed off

1. Criminal Offence (CO) – 817
  2. Capital Offences (AA) – 82
  3. Juvenile Offence (JO) – 14
  4. Juvenile Capital (JA) – 21
  5. Traffic Offences (TO) – 06
- TOTAL ===== 940

### C). Number of cases pending /Backlog

1. Criminal Offence (CO) – 031
  2. Capital Offences (AA) – 00
  3. Juvenile Offence (JO) – 00
  4. Juvenile Capital (JA) – 00
  5. Traffic Offences (TO) – 00
- TOTAL ===== 031

### D). Number of cases referred to ADR

1. Criminal Offence (CO) – 37
  2. Capital Offences (AA) – 00
  3. Juvenile Offence (JO) – 00
  4. Juvenile Capital (JA) – 00
  5. Traffic Offences (TO) – 00
- TOTAL ===== 037

### E). Number of cases referred to TJS

1. Criminal Offence (CO) – 00
2. Capital Offences (AA) – 00
3. Juvenile Offence (JO) – 00
4. JUVENILE Capital (JA) – 00
5. Traffic Offences (TO) – 00

**Annex 4: Research Instruments**

**Key Informant Interview (KII) Guide**

**Introduction**

Good morning/eve\afternoon/ evening Sir/Madam. My name is.....I would like us interact and feel free to give your opinion on the role of traditional African justice systems or Mato-oput in reducing case backlog in Uganda's formal judicial system. Your expertise and insights will contribute significantly to understanding the intersection of traditional and formal justice systems in Uganda but focusing on Mato-oput in Acholi sub region.

Profile

Name \_\_\_\_\_(optional)

Position/Title \_\_\_\_\_

Organization/Institution \_\_\_\_\_

Experience with Traditional African Justice Systems \_\_\_\_\_

Interview Guide

Understanding Traditional African Justice Systems

1. What comes to your mind when one talks of Traditional Justice Systems?

.....

2. Can you describe the Traditional Justice Systems prevalent in Uganda, what about in Acholi sub region? How do these systems operate, and what are their key features?

.....

3. How relevant is are TJS like Mato-oput in resolving disputes and reducing case backlog in Uganda's formal judicial system?

.....  
4. What types of cases do Traditional Justice Systems like Mato-oput handle?

.....  
5. On a scale of 1-5 where 1 is Not Effective at all 2 is Not Effective, 3 is Somehow Effective 4 is Effective and 5 is Very Effective. How effective are TJS like Mato-oput in resolving disputes and reducing case backlog in the formal justice system

.....  
Case Backlog in the Formal Judicial System

6. What are the primary causes of case backlog in Uganda's judicial system, in your opinion?

.....  
7. How does case backlog affect the administration of justice and public trust in the formal judicial system?

.....  
Are there any existing initiatives to address case backlog in the formal judicial system in Acholi sub region? If so, please describe

.....  
8. Have your heard or participated in Mato-oput or any other TJS? Give an insight on the process .....

Role of Traditional African Justice Systems in Reducing Case Backlog

9. In what ways can TJS or Mato-oput contribute to reducing case backlog in the formal judicial system?.....

10. How does TJS Mato-oput handle cases that might otherwise contribute to backlog in the formal system?

.....

11. Are there specific types of cases or disputes that TJS or Mato-oput is better suited to handle? Why?

.....

### Collaboration and Integration

12. How can TJS or Mato-oput be integrated with the formal judicial system to reduce case backlog?

.....

13. What are the potential benefits and challenges of collaboration between Traditional and formal justice systems?

.....

14. Are there examples of successful collaboration or integration between Mato-oput or any traditional justice system and formal justice systems in Acholi sub region or elsewhere?

.....

### Recommendations and Future Directions

15. What recommendations do you have for leveraging traditional African justice systems like Mato-oput to reduce case backlog in the formal judicial system?

.....

16. How can policymakers, judicial officers, and community leaders support the effective use of Mato-oput to complement the dispensation of justice in Acholi or Uganda

.....  
17. Are there any potential risks or unintended consequences of relying on Mato-oput or other traditional African justice systems to reduce case backlog?  
.....

Conclusion

Thank you for sharing your valuable insights and expertise on the role of traditional African justice systems in reducing case backlog in Uganda's formal judicial system. Your contributions will help inform strategies for improving access to justice and reducing case backlog.

## Focus Group Discussion (FGD) Guide

### Introduction

Good morning/eve\afternoon/ evening My name is..... I would like us interact and feel free to give your opinion on the role of traditional African justice systems or Mato-oput in reducing case backlog in Uganda's formal judicial system. Your expertise and insights will contribute significantly to understanding the intersection of traditional and formal justice systems in Uganda but focusing on Mato-oput in Acholi sub region

Profile

Name \_\_\_\_\_(optional)

Position/Title \_\_\_\_\_

Organization/Institution \_\_\_\_\_

Experience with Traditional African Justice Systems \_\_\_\_\_

### FGD Guide

#### Understanding Traditional African Justice Systems

1. What comes to your mind when one talks of Traditional Justice Systems?
2. Can you describe the Traditional Justice Systems prevalent in Uganda, what about in Acholi sub region? How do these systems operate, and what are their key features?
3. How relevant is are TJS like Mato-oput in resolving disputes and reducing case backlog in Uganda's formal judicial system?
4. What types of cases do Traditional Justice Systems like Mato-oput handle?
5. On a scale of 1-5 where 1 is Not Effective at all 2 is Not Effective, 3 is Somehow Effective 4 is Effective and 5 is Very Effective. How effective are TJS like Mato-oput in resolving disputes and reducing case backlog in the formal justice system

### **Case Backlog in the Formal Judicial System**

6. What are the primary causes of case backlog in Uganda's judicial system, in your opinion?
7. How does case backlog affect the administration of justice and public trust in the formal judicial system?
8. Are there any existing initiatives to address case backlog in the formal judicial system in Acholi sub region? If so, please describe
9. Have you heard or participated in Mato-oput or any other TJS? Give an insight on the process

### **Role of Traditional Justice Systems in Reducing Case Backlog**

10. In what ways can TJS or Mato-oput contribute to reducing case backlog in the formal judicial system?
11. How does TJS Mato-oput handle cases that might otherwise contribute to backlog in the formal system?
12. Are there specific types of cases or disputes that TJS or Mato-oput is better suited to handle? Why?

### **Collaboration and Integration**

13. How can TJS or Mato-oput be integrated with the formal judicial system to reduce case backlog?
14. What are the potential benefits and challenges of collaboration between Traditional and formal justice systems?
15. Are there examples of successful collaboration or integration between Mato-oput or any traditional justice system and formal justice systems in Acholi sub region or elsewhere?

## **Recommendations and Future Directions**

16. What recommendations do you have for leveraging traditional African justice systems like Mato-oput to reduce case backlog in the formal judicial system?
17. How can policymakers, judicial officers, and community leaders support the effective use of Mato-oput to complement the dispensation of justice in Acholi or Uganda
18. Are there any potential risks or unintended consequences of relying on Mato-oput or other traditional African justice systems to reduce case backlog?

**Annex 5: Clearance Letter from the University**

**MAKERERE**

P. O. Box 7062 Kampala, Uganda  
Cables: MAKUNIKA



**UNIVERSITY**

Tel: 256- 41-542241/542265  
Fax: 256-41-542265  
E-mail [faculty@chuss.mak.ac.ug](mailto:faculty@chuss.mak.ac.ug)

**COLLEGE OF HUMANITIES AND SOCIAL SCIENCES  
SCHOOL OF LIBERAL AND PERFORMING ARTS  
DEPARTMENT OF RELIGION AND PEACE STUDIES**

**23<sup>rd</sup> May 2025**

**RE: INTRODUCING MR. KAIJA STEPHEN**

This letter introduces Mr. Kaija Stephen, our student of the Master of Arts in Peace and Conflict Studies. His registration number is 2024/HD03/21653U. He is researching *"Examining the Role of Traditional Justice Systems in Reducing Case Backlog in Formal Judicial System in Uganda: A Case of Mato Oput in Acholi Sub Region."*

We request that you accord him the necessary support to enable her to research the above topic. Thank you for your time and support.

Yours sincerely

Assoc. Professor Veneranda Mbabazi  
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