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# The Complex Combatant: Constructions of Victimhood and Perpetrator-hood in Gulu District, Northern Uganda

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The Complex Combatant:  
Constructions of Victimhood and Perpetrator-hood in Gulu District, Northern Uganda

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*Explain to them – it [was] not our will to be there and the bad things that we did [were] even not our will... You just tell them, so that they know.*

*-Former LRA Member, Female, Age 25*

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*Apwoyo matek!*

### Abstract

In the wake of the Lord's Resistance Army (LRA) conflict in Northern Uganda, both the local and international community struggle to define the "victims" and "perpetrators" of a conflict that transformed ordinary civilians into combatants. Made up primarily of child soldiers, the LRA forcefully abducted and conscripted children across Northern Uganda to fight in a guerilla war against the Ugandan government. LRA members were forced to murder their own families and terrorize their home villages in an attempt to disorient and desensitize them to lives of violence. Some became willing, even eager fighters; others struggled daily to live with their actions.

Nearly ten years after the guns went silent in Northern Uganda, various methods of transitional justice have been employed to resolve the ambiguity of victims and perpetrators. Most recently, the International Criminal Court indicted Dominic Ongwen, a high-ranking LRA commander abducted at the age of ten. As the date of his trial nears, debates over his victimhood and perpetrator-hood intensify. The stakes of the trial are high both for the affected communities promised reparations and for the future of child soldiers in international law; Dominic Ongwen is the first person to be tried for a war crime of which he is also a victim.

This research examines the complex victimhood and perpetrator-hood of former LRA members and how this complexity is constructed by members themselves, local communities, and the ICC. Data was collected over the period of four weeks from November to December 2016 in Gulu district and Kampala through case studies with former LRA members, focus group discussions, and interviews with local opinion leaders. This research concluded the following: (1) former LRA members exhibit overlapping factors of victimhood and perpetrator-hood, and thus cannot be categorized as solely victims or solely perpetrators; (2) most former LRA members construct themselves as victims when faced with the risk of punishment, but in risk-free environments recognize their complex victimhood and perpetrator-hood; (3) most local community members recognize the complexity of former LRA members, but their constructions are influenced by self-interest; and, (4) the ICC struggles to recognize the complexity of Dominic Ongwen's victimhood and perpetrator-hood, instead constructing

him as a perpetrator to legitimize its method of retributive justice. This paper concludes with recommendations to the International Criminal Court, the Government of Uganda, local opinion leaders, and future researchers based on findings.

### Definitions

*Victim:* In this work, a “victim” is defined as someone who helplessly suffers a wrongdoing.

*Perpetrator:* In this work, a “perpetrator” is defined as someone who willfully commits a wrongdoing.



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## Chapter 1: Introduction

### 1.1 Introduction

On August 20<sup>th</sup>, 1989, twenty-one-year-old Lyle Menéndez and his eighteen-year-old brother Erik shot their wealthy parents, Jose and Kitty, while they were watching television in their living room.

When faced with seemingly incomprehensible atrocities, it is comforting to sort actors into the neat boxes of “evil perpetrator” and “innocent victim.” In doing so, we transform perpetrators into monsters, people so far removed from ourselves that we could never imagine committing the same atrocities (Mohamed, 2015, p. 1211). We breathe a sigh of relief, knowing we could never relate to the likes of the Menéndez brothers.

But the boxes of “victim” and “perpetrator” only tell part of the story. They fail to recognize the crippling control exerted over the Menéndez brothers by their overbearing father, and even allegations of mental and sexual abuse (Noble, 1996). They skirt contextual clues that might make the Menéndez brothers’ actions fathomable, and perhaps even sympathetic.

In Luo, the language of the Acholi of Northern Uganda, there are no words for “victim” or “perpetrator.” Instead, the Acholi refer to *lakomakec*, or the unfortunate ones. Indeed, many were unfortunate in Northern Uganda. In the wake of the three-decade-long Lord’s Resistance Army (LRA) conflict that transformed the community’s children into killers through abduction and forceful conscription, Northern Ugandans are working simultaneously to forgive and achieve justice for actors in the conflict.

Amid debates over the “right” method of justice for Northern Uganda, the International Criminal Court (ICC) issued five arrest warrants for LRA leaders in 2005. As of 2016, the only warrant successfully executed was that for Dominic Ongwen, a rebel leader who himself was abducted as a child. In 2015, Ongwen was taken into the ICC’s custody; his trial will begin in December of 2016 (“The Prosecutor v. Dominic Ongwen,” 2016).

The complexity of Dominic Ongwen’s status as both a victim of abduction and a perpetrator of atrocity has brought to the fore debates over the constructs of “victim” and “perpetrator” in international justice. As the first known person to be tried for “a war

crime of which he is also a victim,” Ongwen’s case will test how the ICC handles those with ambiguous victim/perpetrator status (Baines, 2009, p. 163-164).

Through case studies of former LRA members, this research aims to lay bare the complex backgrounds and motivations of former LRA members such as Ongwen, questioning the applicability of a victim/perpetrator dichotomy. Further, it seeks to understand how LRA members’ complex victimhood and perpetrator-hood is constructed by members themselves, the local community, and the International Criminal Court in the face of Ongwen’s impending trial.

As Christopher Browning emphasized of Holocaust perpetrators in his book *Ordinary Men*, “Explaining is not excusing, understanding is not forgiving” (as cited in Govier & Verwoerd, 2004, p. 375). The purpose of this paper is not to exonerate former LRA members. It is only to offer a deeper, more nuanced understanding of their complex roles in the conflict in Northern Uganda. In doing so, this research attempts to combat polarized narratives of victims and perpetrators, instead advocating for the recognition of the complex victimhood and perpetrator-hood of actors in conflict.

## **1.2 Background to the Conflict in Northern Uganda**

### *1.2.1 History of the LRA Conflict*

Seeds of conflict were planted in Uganda as early as the colonial era when British administrators assigned cheap labor, security, and defense to Northern Ugandans; meanwhile the central region gained control over the country’s economic and political development (Happold, 2007, p. 162). Since then, a lack of national reintegration has fueled lingering regional and ethnic tensions. Post-independence Uganda endured fourteen different insurgencies, transitioning rapidly through leaders who each favored different regions of the divided country (Di Giovanni, 2005, p. 31). Milton Obote rose to post-independence power mostly due to chance; unable to build a strong base of support within his own party, he adopted a “divide and rule” policy that cleaved the country along religious lines and dissolved democratic checks and balances to favor Obote’s own party (Uzoigwe, 1983, p. 262-263). His support gradually deteriorated, and General Idi Amin overthrew Obote in 1971, ending parliamentary government in Uganda (Uzoigwe, 1983, p. 265-266). Idi Amin retaliated against those who had supported Obote, executing

thousands of Acholi, Langi, and other elites and founding his regime on terror and oppression (Brett, 1995, p. 138-139). The years following Amin's regime were marked by rapid transitions of power that further dissolved national unity, and Obote regained power in 1980 (Brett, 1995, p. 141). After two more coup d'états, current president Yoweri Museveni's National Resistance Army overthrew General Tito Okello in 1986. Resistance groups soon sprouted in an attempt to fight back against the oppressive regime of Museveni (Happold, 2007, p. 162).

Alice Lakwena emerged as a powerful spiritual rebel in Acholiland, establishing the Holy Spirit Movement in 1986, which "sought to energize the northern Acholi society and restore the imbalance and disorder caused by all of the violence they faced" (Happold, 2007, p. 162; as cited in Di Giovanni, 2005, p. 33). After an attempted takeover of Kampala, Lakwena's movement was defeated. The Uganda People's Democratic Army, another major rebel group, surrendered to the Ugandan Government during the Pece Peace Accords of 1988 (Happold, 2007, p. 162).

What few rebels remained united as the Lord's Resistance Army (LRA) under the leadership of Joseph Kony, a spiritual medium who claimed relation to Lakwena (Happold, 2007, p. 163). Although Kony's political motivations were ambiguous (Di Giovanni, 2005, p. 33), he declared the ultimate goal of overthrowing Museveni and establishing a government based on the Ten Commandments (Traylor, 2009, p. 25). Kony's guerilla war against the Ugandan Government was concentrated mainly in the north. Instead of fighting the Ugandan Government, however, the LRA largely terrorized civilians, resulting in thousands of innocent deaths and widespread fear of the LRA among Northern Ugandans (as cited in Happold, 2007, p. 163).

### *1.2.2 Conscription and Retention in the LRA*

Throughout its existence, the LRA remained dependent on abduction to sustain itself ("The Dust Has Not Yet Settled," 2011, p. 44). In a 2008 survey of war-affected youth, more than one-third of male youth and one-fifth of female youth in Northern Uganda reported abduction by the LRA (as cited in "The Dust Has Not Yet Settled," 2011, 42); as of 2015, over 60,000 children had been forcefully abducted and conscripted

into the LRA (Odong, 2015, p. 3). In the case of women, such abductions often included sexual enslavement (“Victims, Perpetrators, or Heroes?” 2006, p. 12).

After abduction, new LRA members endured gruesome initiation rituals that included beatings, long marches, and being forced to kill relatives; others were made to taste or roll in blood, or eat while sitting on dead bodies (Baines, 2009, p. 170). These rituals were designed to disorient and brainwash new abductees into obedience (Schauer & Elbert, 2010, p. 321-322). One former LRA reported being in a “confused state” for a week after being forced to cut his sister (Schauer & Elbert, 2010, p. 330).

The LRA’s command structure was “based on fear” (“Victims, Perpetrators, or Heroes?” 2006, p. 12), and its leadership discouraged youths’ vulnerability through violent punishment (Boothby, 2006, p. 248). One former LRA member reported, “If you show how you feel, you will be killed” (Schauer & Elbert, 2010, p. 321). Many LRA members were convinced that Joseph Kony could read minds due to the LRA’s “spiritual indoctrination,” which contributed to widespread fear and obedience (Baines, 2009, p. 170). In addition, the LRA employed political indoctrination, spreading false rumors among its members that the government was trying to kill off the Acholi people (Baines, 2008, p. 9). Commanders convinced LRA members that once the LRA overthrew Museveni, members would be given important positions in the new government (Baines, 2009, p. 171). Thus, LRA members sought promotions both as a way to protect their personal security and ensure success in the future.

### *1.2.3 Dominic Ongwen*

Dominic Ongwen’s circumstances mirrored those of many LRA members (Baines, 2009, p. 164). Abducted at age ten while on his way to school, Ongwen was forcefully conscripted into the LRA. Young and impressionable, he became “efficient” and “fearlessly loyal” to his superiors, eventually rising to the rank of commander. Those who knew him told mixed stories about his victimhood and perpetrator-hood during his time in the LRA. Some remembered Ongwen releasing people from captivity “at considerable risk to himself.” Others, however, recalled Ongwen killing pregnant women and boiling people in pots (Baines, 2009, p. 172-173). Like many other LRA members, Ongwen’s seemingly contradictory actions reveal a complex character, one whose

motivations were a “product of the context he lived in” (Baines, 2008, p. 10). Yet unlike many other LRA members, Ongwen was obedient and skilled enough to be promoted to the “inner circle” of the LRA (Baines, 2009, p. 164).

#### *1.2.4 ICC Intervention*

Ongwen’s unique position became evident to the International Criminal Court, which began its investigation of the “situation concerning the LRA” in 2004 after a referral by President Museveni. In 2005, after the completion of its investigation, the ICC issued arrest warrants for what it determined to be the top five LRA commanders: Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo, and Dominic Ongwen (Happold, 2007, p. 159-161).

The ICC’s intervention sparked much controversy in Northern Uganda. Many were afraid that the arrest warrants would discourage LRA members from surrendering under Uganda’s Amnesty Act, prolonging the conflict. Others accused President Museveni of manipulating the ICC by only referring “the situation concerning the LRA,” shielding his own forces from investigation into the atrocities they committed on the other side of the conflict (Happold, 2007, p. 161). More broadly, many Northern Ugandans condemned the ICC for its brand of retributive justice; they favored traditional justice mechanisms that promoted forgiveness and reconciliation over punishment (Baguma, 2012).

Nevertheless, the ICC pushed on; after ten long years, Dominic Ongwen was arrested and brought into ICC custody. His charges were confirmed in early 2016, and his case is set to begin in December of 2016 (“The Prosecutor v. Dominic Ongwen,” 2016). Ongwen is first known person to be charged in international law with “a war crime of which he is also a victim” (Baines, 2009, p. 163-164).

### **1.3 Problem Statement**

The existence of a false victim/perpetrator dichotomy polarizes those with ambiguous victim/perpetrator status (McEvoy & McConnachie, 2012, p. 532; Mazinani, 2014, p. 289); in Northern Uganda, this dichotomy manifests in the polarization of former LRA members. The local and international community place former LRA members into

boxes of “helpless abductee” or “evil criminal”; both characterizations fail to recognize the complex context and motivations of former LRA members. Limited research has examined the complex victimhood and perpetrator-hood of former LRA members; to the author’s knowledge, no studies have utilized case study research to illuminate the difficult choices faced by LRA members during war. This study thus offers critical insight into both the study of former LRA members as well as broader scholarship on victims and perpetrators.

Various parties to the conflict construct the complex victimhood and perpetrator-hood of former LRA members based on their own self-interest (Govier & Verwoerd, 2004, p. 372). Much literature exists on the social construction of “victims” and “perpetrators,” yet this literature only briefly touches on the motivations behind such social construction. By laying bare the incentives for the social construction of “victims” and “perpetrators,” this study attempts to combat simplistic constructions in favor of nuanced understanding.

#### **1.4 Statement of Objectives**

This study seeks to:

1. Understand the complex victimhood and perpetrator-hood of former LRA members through in-depth case studies;
2. Conceptualize former LRA members’ constructions of their own victimhood and perpetrator-hood;
3. Conceptualize local community members’ constructions of the victimhood and perpetrator-hood of former LRA members; and
4. Conceptualize the ICC’s constructions of the victimhood and perpetrator-hood of former LRA members.

#### **1.5 Significance of the Study**

The impending Dominic Ongwen trial at the ICC will be the first time that a person is tried in international law for “war crimes of which he is also a victim” (Baines, 2009, p. 163-164). In the lead-up to this historic trial, it is essential to fully understand the complexity of former LRA members such as Dominic Ongwen. Beyond the trial,

understanding these complexities is essential to identifying key contextual factors that motivate or force those with complex victim/perpetrator status to commit atrocity. By identifying these key contextual factors, this research moves one step closer to preventing similar conflict-inciting contexts in the future.



## Chapter 2: Theoretical Framework

In retrospective examinations of conflict, a clear line is drawn between victims and perpetrators. Post-conflict experts promote healing for victims and punishment and rehabilitation for perpetrators. But in the face of new war tactics, such as the use of child soldiers, how does one determine who deserves pity and who deserves punishment? As the nature of conflict evolves, so too does our understanding of victims, perpetrators, and those who do not fit perfectly into either category. The following section reviews existing literature on the categories of victim and perpetrator, and how to deal with the complications that arise when attempting to apply these categories in the context of new wars.

### 2.1 The Victim/Perpetrator Dichotomy

Since its origin from the Latin word “*victima*,” meaning “a person or animal killed as a sacrifice” (“Victim,” n.d.), the word “victim” has come to embody innocence and helplessness. Its “juxtaposition with the wickedness of a perpetrator” in Western culture through narratives of conflict and retributive justice has created a stark victim/perpetrator dichotomy in which all sufferers are powerless and all wrongdoers are inherently evil (McEvoy & McConnachie, 2012, p. 532; Mazinani, 2014, p. 289). Even among international relations scholars, categories of victim and perpetrator are taken for granted, constants upon which conflict analysis is based (as cited in Jacoby, 2015, p. 512).

As scholars probe the context of conflict more deeply, many conclude that the ideas of “victim” and “perpetrator” are socially constructed and fail to reflect the true nature of actors in conflict. In what they refer to as the “fallacy of a false dichotomy,” Govier and Verwoerd explain that, “People often tend to focus on the contrastive ends of that spectrum... seeking to divide reality into two distinct chunks.” However, the dichotomy of victims and perpetrators is not “exhaustive” or “exclusive,” because some actors may occupy both categories, or neither (Govier & Verwoerd, 2004, p. 372). Characterizing a person as either a victim or a perpetrator overemphasizes a single facet of the person’s experience at the expense of contextual complexities (Govier &

Verwoerd, 2004, p. 371). Drumbi (2016) cites the example of the Holocaust, where some victimized Jews conspired to help their Nazi persecutors in order to protect themselves or make money (p. 3). In another example, Tyler and Beal cite homeless populations, who often exist both as victims of economic deprivation and, in response, perpetrators of petty crime (as cited in McEvoy & McConnachie, 2012, p. 531). Clearly, actors in conflict cannot always be put into neat boxes.

In her study of narratives of rape, Brenner (2014) condemns the victim/perpetrator dichotomy, which assumes perpetrator “agency” and victim “passivity” while “fail[ing] to acknowledge that...multiple subjective truths might be possible.” She found that the victim/perpetrator dichotomy inhibited college students’ understandings of complex situations of acquaintance rape and “nonconsensual, unwanted, or confusing” sex (p. 503-504).

Analyzing actors only through the lenses of victim and perpetrator “limits the imagination,” inhibiting a nuanced understanding of complex conflicts. According to Govier and Verwoerd, “to regard ex-combatants as irredeemably evil is to disregard their humanity” (Govier & Verwoerd, 2004, p. 372, 375-376). Mohamed’s study of the trauma criminals often endure during and after their crimes “erodes the all-too-common perception of perpetrators as cartoonish monsters by exposing their ordinariness and humanity” (Mohamed, 2015, p. 1157). Examining the complexity of such perpetrators – and recognizing that they may simultaneously be victims – allows for a more realistic and grounded understanding of complex conflicts.

## **2.2 Self-Interested Social Construction of Victims and Perpetrators**

If the categories of victim and perpetrator are oversimplified, why do they exist? As Brenner (2014) found in her study of rape narratives, “there is a tangible political benefit to formulating the issue of rape in such dichotomous terms. Beyond the theoretical clarity of it, the victim/perpetrator framework offers a clear picture of who deserves our sympathy” (p. 517). Constructing falsely clean-cut “victims” and “perpetrators” allows various actors to make sense of atrocity and manipulate it to serve their own interests.

Titeca and Costeur (2015) analyzed how different major political actors framed the LRA, and found that varied framings of the LRA were informed by geopolitical and strategic interests. The following literature explores micro-level framings of LRA members; these micro-level framings are equally influenced by micro-strategic interests.

### *2.2.1 The Interests of Primary Actors*

Often, the primary actors in a conflict construct narratives of their own victimhood to “explain, justify, and legitimize their political behavior” (as cited in Pilecki & Hammack, 2014, p. 813). Narratives of victimhood increase one’s relative power by creating a “moral debt” and eliciting sympathy for questionable actions (Pilecki & Hammack, 2014, p. 823). The accuracy of these narratives is often uncertain, however, since “both victims and perpetrators have self-serving motives that result in the distortions of transgression events” (Stillwell & Baumeister, 1997, p. 1158; Kearns & Finchman, 2005, p. 321). Those accused of crimes tend to emphasize aspects of their victimhood (Jacoby, 2015, p. 515), advancing “self-serving distortions” to protect their sense of self-worth (Kearns & Finchman, 2005, p. 321). Or, they may choose to emphasize their heroism; due to the stigmatization of victims in post-conflict Northern Uganda, former LRA members often portray themselves as heroic survivors (“Victims, Perpetrators, or Heroes?” 2006, p. 14).

In a study conducted by Stillwell and Baumeister, participants were asked to identify with either a victim or perpetrator and retell a story of a situation in their own words (Stillwell & Baumeister, 1997, p. 1157). Both groups “edited” stories to serve their own interests, consciously or unconsciously (Stillwell & Baumeister, 1997, p. 1168), reaffirming that the social construction of victims and perpetrators is self-serving.

### *2.2.2 The Interests of Local Communities*

Local communities also have stake in the social construction of victims and perpetrators. In a survey conducted in 2005 when the LRA conflict was ongoing, 31% of respondents said their most immediate need was peace; 0% said their immediate need was justice (“Forgotten Voices,” 2005, p. 25). This coincided with the popular perception of LRA members – even those of the ranks of Dominic Ongwen – as victims (Baines,

2008, p. 10). Constructing LRA members as victims, and thus allowing them legal amnesty and encouraging them to surrender, was one step closer to peace for frustrated and exhausted local communities (Agger, 2012, p. 1).

With the silence of the guns, local views of LRA members as victims evolved. Interviews with community members in Lukodi, one of the areas affected by Dominic Ongwen's atrocities, reflected perceptions of Ongwen as a perpetrator and a desire for his conviction at the ICC. These views were likely influenced by the promise of reparations if Ongwen is convicted (Nyeko & Aloyocan, 2015, p. 5). On the contrary, community members in Coorom, Ongwen's hometown, viewed Ongwen as a victim of circumstance, and emphasized consideration of his victimhood in the ICC case (Nyeko & Aloyocan, 2015, p. 2). Varying interests in the ICC case thus correlated with various constructions of the complex victimhood and perpetrator-hood of LRA members in the case of Dominic Ongwen.

### *2.2.3 The Interests of Justice Mechanisms*

Mohamed (2015) credits the social construction of "victims" and "perpetrators" as "collateral damage of accountability" (p. 1214). In the race to achieve accountability for crimes, justice mechanisms do not always recognize the complex backgrounds of actors in conflict, instead constructing them as either entirely perpetrators or entirely victims (Baines, 2009, p. 183; Fletcher, 2016, p. 302). This polarization legitimizes various justice mechanisms by necessitating punishment for constructed perpetrators and justice for constructed victims (Fletcher, 2016, p. 302).

Rwanda, a neighbor of Uganda, provides an example of the polarization of victims and perpetrators to serve the interests of justice mechanisms. In the wake of the Rwandan genocide, local *gacaca* courts were created by the Rwandan government to try perpetrators. Despite the appearance of *gacaca* as a fair and unbiased assessment of crimes, according to Begley, "the lasting legacy of *gacaca* is the collective criminalization of all Hutu" due in part to its "restricted mandate to only try genocide crimes." This mandate ignored crimes committed by the Rwandan Patriotic Front against Hutus, instead only focusing on the crimes of Hutu *genocidaires* (Begley, 2016, p. 4-5). While Hutus perpetrated the majority of crimes in Rwanda, polarizing their status ignored

the complexities of the Rwandan genocide in favor of legitimizing *gacaca* as a method of justice. Some even condemned *gacaca* as “victors’ justice,” promoted by the Tutsi government to maintain its newfound power over the majority Hutu population post-genocide (Tiemessen, 2004). By polarizing the perpetrator status of Hutus, *gacaca* and the Tutsi government are, according to Hutu participants in Begley’s study, “corrupting the institution for their own benefit” (Begley, 2016, p. 16).

Some scholars believe that the ICC similarly constructs “victims” and “perpetrators” to its own benefit. In her theory of the “imagined victim,” Fletcher (2016) explains that international criminal justice mechanisms construct victims as pure sufferers deserving of justice, consequently necessitating punishment for perpetrators (p. 302). In the face of recent withdrawals by African states, the ICC is facing a crisis of credibility and must take steps to improve its status in the public eye (Black, 2016, para. 5). One such step could be the construction of pure victims and evil perpetrators to legitimize the ICC’s form of justice – this time in the case of Dominic Ongwen.

### **2.3 The Complexity of Victims and Perpetrators in New Wars**

Modern conflicts often blur the line between victim and perpetrator (Jacoby, 2015, p. 511). Characterized by the use of mass atrocities, semi-automatic weapons, and “irregular forces,” these “new wars” often target civilians both as the enemy and as recruitment pools for child soldiers (Schauer & Elbert, 2010, p. 312-313). As of 2015, approximately 250,000 children were “involved” with armed groups globally (Derluyn, Vandenhoe, Parmentier & Mels, 2015, p. 1). As unwilling children are forced into combat, “the categories ‘civilian’ and ‘combatant’ become fused” (Boyden, 2003, p. 344). Soldiers, who would generally be constructed as “perpetrators,” are prevented from making moral choices due to their forceful conscription; they are “coerced moral agents” (as cited in Vaha, 2008, p. 6).

#### *2.3.1 The Phenomenon of Child Soldiers*

Child soldiers have existed throughout history, but discussion around child soldiers has come to the forefront with their recent prevalence in new wars. The 2007 Paris Principles define a child soldier as:

Any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys, and girls used as fighters, cooks, porters, messengers, spies or for sexual purposes.

(As cited in Derluyn, Vandenhole, Parmentier & Mels, 2015, p. 1).

According to Article 38 of the Convention on the Rights of the Child, children must be fifteen before they can be legally recruited for armed conflict. International humanitarian law and criminal law use this same standard. The Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) says that children must be 18 before they can be recruited for armed conflict, excluding volunteers for state forces. The African Charter on the Rights and Welfare of the Child is unique in its use of a “straight 18 approach” (as cited in Derluyn, Vandenhole, Parmentier & Mels, 2015, p. 3). Regardless of the legal age of recruitment, the vast majority of child soldiers are young enough that their recruitment is considered illegal and a violation of their human rights.

With the recent increase in dialogue surrounding child soldiers and children’s rights, much debate has arisen around the complex victimhood and perpetrator-hood of child soldiers. Child development psychologists assert that when children become soldiers, they are not yet fully morally developed; as a result, many consider these children victims of indoctrination and brainwashing (Schauer & Elbert, 2010, p. 311). Conversely, child soldiers often commit atrocities such as torture, rape, and murder. The brutal nature of these atrocities – and the view that child soldiers often commit these acts willingly – leads others to see child soldiers as perpetrators, and thus accountable under international law (Leveau, 2013, p. 37). Trials such as that of Dominic Ongwen bring the legal responsibility of child soldiers into the limelight; their moral responsibility however is another question. Thus, the debate over the complex victimhood and perpetrator-hood of child soldiers rages. The following sections explore arguments for child soldiers as victims, perpetrators, or both.

### *2.3.2 Child Soldiers as Victims*

The baseline argument for the victimhood of child soldiers stems from society’s failure to protect them from conscription. Unlike adults, who possess both rights and responsibilities in society, children are owed rights and protection by society, yet do not

bear the responsibility that accompanies these rights (as cited in Vaha, 2008, p. 13). Thus, if children are not granted the fundamental right of protection by society, many argue they are not responsible for the crimes they commit when they become child soldiers.

Arguments for the victimhood of child soldiers extend to the psychological realm, as well. Studies of child development offer contradicting views on the development of morals and a sense of right and wrong, but most findings suggest a comparative lack of moral reasoning in children compared to adults. Child psychologist Piaget argues that children remain irrational throughout much of their childhood, suggesting the delay of their moral development (as cited in Boyden, 2003, p. 350). Other disciplines such as cultural anthropology argue that a child's moral development hinges on the presence of a "moral community"; without such a community (as in war), a child's moral compass will not fully develop (Boyden, 2003, p. 352).

When a child is surrounded by war, developmental disorientation can occur, halting moral development and obscuring empathy and personal beliefs and behaviors (as cited in Boyden, 2003, p. 352). Due to the constant stress of a war environment, the brains of child soldiers are prone to developing along stress-responsive pathways. Conditioned to survive in intense conditions, child soldiers often exhibit rapid transitions to anger, aggression, or flight in response to any sort of threat (Schauer & Elbert, 2010, p. 332). Child soldiers may also cope by dissociating from the reality of trauma, distancing themselves from the repercussions of their actions (Schauer & Elbert, 2010, p. 334). Some child soldiers stated how violence became "normal" and even "arousing" as they acclimated to their environment (as cited in Hermenau, Hecker, Maedl, Schauer, and Elbert, 2013, p. 2). Further, military leaders can often replace the parental figure in a child's life, and children are more readily to trust these leaders without thinking of the consequences of their actions (Schauer & Elbert, 2010, p. 319). Bruce Auster accused war of "deform[ing]" children's sense of right and wrong, "turning 12-year-olds into cold-blooded killers." According to Punamäki, if the "behavior of the whole society is based on ... the denial of human values," as it is often in war, "then moral development ultimately ceases" (as cited in Boyden, 2003, p. 353). Thus, he argues, child soldiers are victims of circumstance.

Psychological trauma aside, child soldiers face tangible threats that influence them to act in ways they otherwise would not. Brutal initiation processes make child soldiers fear punishment if they attempt to escape (Schauer & Elbert, 2010, p. 319). According to Baines (2009), “children may ‘play stupid’ to avoid being forced to kill, or ‘play smart’ – include demonstrating a willingness to kill – in order to secure a better life, such as access to better food or security” (p. 179). McEvoy and McConnachie (2012) propose the idea of a victim “who is no longer chained to characteristics of complete innocence and purity, but remains a victim nonetheless” (p. 534-535). The seemingly incomprehensible actions of child soldiers often stem from the need for survival; many view them thus as victims of circumstance.

### *2.3.3 Child Soldiers as Perpetrators*

Vaha (2008) argues that the notion of child soldiers as victims is fundamentally dependent on the idea that children are “the weakest members of society and thus entitled for special protection” (p. 13). Even if they are not legally responsible before age 18, she argues, children are morally responsible (Vaha, 2008, p. 18). Brocklehurst concurs, articulating that focusing on child soldiers as only victims strips them of their agency as moral and political beings (as cited in Vaha, 2008, p. 18). Sometimes, child soldiers choose to willfully “suppress their morality in order to survive or gain a sense of power and control over their lives” (Baines, 2009, p. 178). Some former child soldiers recall going on “autopilot” or “outside of their bodies” when forced to kill; others recall committing atrocities because they were curious if it would “appease spirits,” as they were told by their commanders (Baines, 2008, p. 15). Nevertheless, according to Brocklehurst and Vaha, these child soldiers remain morally conscious beings with the full understanding that their actions are wrong.

Boyden questions the psychological argument that war warps children’s development. Citing studies that show the moral resiliency of former child soldiers, she points out that if child soldiers can remain morally resilient, their moral development has clearly not been hindered by war (Boyden, 2003, p. 359). In her and others’ view, child soldiers are perpetrators responsible for their actions by virtue of their moral comprehension.



### *2.3.4 The Complex Reality of Child Soldiers*

According to Derluyn et al. (2015), “only by moving beyond the binary distinction between victim- and perpetrator-hood, the complexity of child soldiering can be grasped” (p. 1). Rather than constructing child soldiers as solely victims or solely perpetrators – which McEvoy and McConnachie argue is “reductionist” – many scholars argue that child soldiers fall into both categories (McEvoy & McConnachie, 2012, p. 533; Hermenau, Hecker, Maedl, Schauer & Elbert, 2013, p. 2). In fact, a study of former child soldiers in the Democratic Republic of Congo revealed that child soldiers perceived themselves as both victims and perpetrators (Hermenau, Hecker, Maedl, Schauer & Elbert, 2013, p. 6).

Perhaps the victimhood or perpetrator-hood of child soldiers is determined by their time in and dedication to an army. Of a sample of child soldiers abducted into Mozambique’s rebel group Renamo, all child soldiers who had been in the rebel group for less than six months referred to themselves as “victims” rather than “members” of the rebel group, whereas those who had spent more than a year with the rebel group tended to identify more with the group itself. The second group of children expressed pride in their ranks and power in the rebel group (Boothby, 2006, p. 249-250).

Howana critiques the idea of a chronological progression of child soldiers from victims to perpetrators:

We might say that, having started out as victims, many of them were converted into perpetrators of the most violent and atrocious deeds. Yet such a linear progress does not fully represent the complex, intertwined, and mutually reinforcing acts of violence of which they were both victim and perpetrators. Some boy soldiers were most victimized in the very act of murdering others... their identification with those they mercilessly killed was not redemptive; rather, it wed them more irrevocably to the identity of soldier.  
(As cited in Baines, 2008, p. 16)

McMahan offers a similarly nuanced view. He suggests that we understand child soldiers “as people who have a diminished capacity for morally responsible agency and who act in conditions that further diminish their personal responsibility for their actions in war” (as cited in Baines, 2008, p. 16). Due to both their limited developmental stage and their violent surroundings, he views child soldiers as neither solely victims nor solely perpetrators; their victimhood and perpetrator-hood is complex and context-dependent.

In “Reflections on Dominic Ongwen,” Baines introduces the concept of a “complex political perpetrator” to describe Ongwen and others in his situation, victims of circumstance whom “adapt to violence not just to survive, but to thrive” (Baines, 2009, p. 180). These complex political perpetrators may have been forcefully abducted as children, yet remained in the LRA ranks and gained agency, as in the case of Dominic Ongwen. According to Baines, such actors must be held accountable. However, in the pursuit of justice, their dual victimhood and perpetrator-hood must be recognized and actively addressed (Baines, 2009, p. 180-181).

## **2.4 Transitional Justice in the Context of New Wars**

A Sierra Leonian religious leader explained the “chameleonic nature” of new wars, in which overlapping victims and perpetrators share responsibility (as cited in McEvoy and McConnachie, 2012, p. 534). This shared responsibility poses a problem for transitional justice: how can justice mechanisms recognize dual victimhood and perpetrator-hood? (Baines, 2009, p. 164). The following sections explore the ability of various transitional justice mechanisms to address the complex victimhood and perpetrator-hood of actors in new wars.

### *2.4.1 Child Soldiers in Domestic and International Law*

Domestic and international law both address the issue of child soldiers either directly or indirectly. Yet no law directly address child soldiers like Ongwen who matured into adulthood and continued to commit crimes. The following section explores the laws and precedents surrounding child soldiers that may influence the case of Dominic Ongwen.

The Ugandan Constitution does not directly mention child soldiers, but it defines children as those under the age of eighteen (“Constitution of the Republic of Uganda,” 1995, art. 257, cl. 1, §C). Additionally, regarding children under the age of sixteen, it states:

Children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.

(“Constitution of the Republic of Uganda,” 1995, art. 34, cl. 4)

International law frequently tackles the issue of child soldiers. According to the Rome Statute, war crimes include, “Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities” (*Rome Statute of the International Criminal Court*, 1998, art. 8, § VII). In 2012, Thomas Lubanga was sentenced by the ICC under this article for recruiting and conscripting child soldiers in the Democratic Republic of Congo (Derluyn, Vandenhole, Parmentier & Mels, 2015, p. 5).

Though the Rome Statute outlaws the use of child soldiers, laws surrounding the prosecution of child soldiers are more ambiguous. The Convention on the Rights of the Child requires that states seek, “whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings” and that any solution promotes “the child's reintegration and the child's assuming a constructive role in society” (*Convention on the Rights of the Child*, 1989, art. 40, cl. 1 and cl. 3, § B). Similarly, the U.N. Office of the Special Representative of the Secretary-General for Children and Armed Conflict emphasized that prosecution of children should be a “measure of last resort” used to “rehabilitate and reintegrate the child into society” (“Children and Justice,” 2011, p. 28).

There is no minimum age of criminal responsibility in international law; states dictate this age respectively (“Children and Justice,” 2011, 35). Most domestic systems exercise jurisdiction over those around ages 13-15 and above (Leveau, 2013, p. 42). Rule 4 of United Nations Standard Minimum Rules for the Administration of Juvenile Justice or *The Beijing Rules* states:

In those legal systems recognizing the concept of the age of criminal responsibility for juveniles, the beginning of that age shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity.

(*United Nations Standard Minimum Rules for the Administration of Juvenile Justice*, 1985, Rule 4)

The International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia did not establish a minimum age of criminal responsibility, only trying those above the age of eighteen. The Special Court for Sierra Leone had jurisdiction for those above the age of fifteen, but none were tried; instead, the

first Chief Prosecutor of the Special Court said he would indict those responsible for the recruitment of children (“Children and Justice,” 2011, p. 37). The Serious Crimes Panels in East Timor had jurisdiction of those over age twelve (Leveau, 2013, p. 41). The *gacaca* courts in Rwanda included a provision for “mitigating circumstances for children” (“Children and Justice,” 2001, p. 40).

The ICC does not have jurisdiction over crimes committed by a person under the age of eighteen (“Rome Statute of the International Criminal Court,” 2002, art. 26); thus, Dominic Ongwen will be tried only for crimes he committed over the age of eighteen. His status as a child soldier will be used in mitigation only (“Dominic Ongwen at the ICC,” 2016, p. 4).

#### *2.4.2 Retributive Justice: Incompatible with New Wars*

Retributive justice mechanisms – namely the ICC – have been condemned for their failure to acknowledge the context of criminal acts. Despite the existence of both a prosecution and defense designed to ensure a fair trial, retributive justice “individualiz[es] responsibility” by singling out a suspect, thus failing to acknowledge the broader sociopolitical context of criminal actions (Baines, 2009, p. 183).

Mawson explains the risks of retributive justice in Northern Uganda:

A narrow, punishment-oriented definition of justice is deeply problematic. It does not take into account the political and social dynamics of the conflict or of building peace.... It seems to ignore the pattern of abduction and use of extreme violence within the LRA to enforce the will of commanders. It does not take into account a fairly widely held Acholi view that their society as a whole is the collective victim of monstrous injustice: longstanding injustice on the part of the government and now the additional injustice of LRA terror.

(As cited in Baines, 2008, p. 17)

Deep dissatisfaction exists with the ability of retributive justice mechanisms such as the ICC to address complex victimhood and perpetrator-hood. Many have turned to restorative justice as an alternative, but as the following section explains, restorative justice possesses its own drawbacks.

### 2.4.3 Restorative Justice: A Flawed Alternative

Many transitional justice experts have suggested restorative justice as a way to deal with those with ambiguous victim/perpetrator status. According to Bloch, restorative justice allows communities to, “examine criminal acts not in isolation but within a broader social and cultural context” (as cited in Brenner, 2014, p. 561).

In Northern Uganda specifically, advocates for traditional justice argue that it mends broken relationships in communities (Odong, 2015, p. 10). *Mato oput*, a traditional Acholi justice mechanism, has been used for LRA returnees with ambiguous victim/perpetrator status. *Mato oput* involves mediation and compensation between affected clans, incorporating long-standing and meaningful Acholi traditions (Baguma, 2012, p. 36). According to Baguma, “The fact that the alleged offenders prefer it, the victims ask for it and the alternative [the ICC] is ill equipped to do the opposite, we could safely conclude that to date the most suited approach in this particular case is the traditional approach” (Baguma, 2012, p. 42).

While restorative justice mechanisms promote the recovery and reintegration of former child soldiers, they also reinforce their status as solely victims (Musila, 2005, p. 322; Baines, 2008, p. 5). Thus, restorative justice also fails to address the complex victimhood and perpetrator-hood of actors in conflict.

### 2.4.4 A Transitional Justice Dilemma

Evidently, transitional justice mechanisms have difficulty addressing the complex victimhood and perpetrator-hood of actors in new wars. According to the Justice and Reconciliation Project:

Both [the ICC and local justice mechanisms] reproduce the idea that victims and perpetrators are homogenous groups, separate and distinct from one another. Proponents of the ICC, for example, argue that those most responsible must be punished; proponents of local approaches treat all perpetrators as an undifferentiated collective group – they are all considered in need of forgiveness by virtue of a shared experience (being in the bush).  
(Baines, 2008, p. 5)

The polarization caused by these transitional justice mechanisms is harmful to both local communities and ex-LRA; it may frustrate and incite former LRA members to commit more violence (Govier & Verwoerd, 2004, p. 376). Alternatives such as truth

commissions have been suggested to delineate complex layers of responsibility in new wars (Baines, 2009, p. 186). Evidently, transitional justice mechanisms must be reassessed in order to ensure post-conflict stability and justice.

## Chapter 3: Methodology

### 3.1 Methodology

This study was conducted primarily in Gulu, a district in Northern Uganda, over a period of four weeks in October and November of 2016. The research was cross-sectional in design, employing case studies, formal interviews, and focus group discussions to capture diverse understandings of the LRA conflict. Respondents were selected based on their role in or relationship to the Northern Ugandan conflict.

As the epicenter of the LRA conflict, Gulu district offered a large sample of actors in the conflict and a range of perspectives on the victimhood and perpetrator-hood of former LRA members. Case studies and interviews were conducted with former LRA members, local community members, and opinion leaders in Gulu district. Respondents represented both the urban and rural populations of Gulu district. In addition, interviews were conducted in Kampala to access the opinions of institutions with central roles in the Northern Ugandan conflict.

All data collected was qualitative. Data analysis was conducted through systematic scrutiny and evaluation of interview and focus group discussion transcripts.

#### 3.1.1 Case Studies

Qualitative case studies provided the cornerstone for this study. Case studies were conducted with three former LRA members located in Gulu district. The aim of these case studies was to delineate the complex victimhood and perpetrator-hood of each former LRA member based on their unique personal experiences in the LRA. Case study participants were selected based on their status as former LRA members, their willingness to participate, and their fluency in English.

Throughout the case studies, the researcher aimed to develop a mutually trusting relationship with each respondent. This ensured respondents' comfort and led to conversations that produced rich and insightful information on respondents' experiences in the LRA.

Each case study lasted two to three days per respondent. The researcher had an initial meeting with the respondent to explain the study and develop a trusting

relationship with the respondent. Following this initial meeting, each respondent was interviewed two to three times, and each interview lasted approximately two hours.

Case study interviews were informal and semi-structured. Each interview was conducted in a private location where the respondent felt comfortable to speak freely. A questionnaire was initially used, but the conversations generally flowed naturally from the first question, allowing the researcher to probe certain relevant topics. Interviews were conducted entirely in English to ensure that no meaning or detail was lost in translation. Written informed consent was obtained prior to each interview. All responses remained confidential in order to ensure respondents' safety as a vulnerable population.

### *3.1.2 Interviews*

Qualitative formal interviews with opinion leaders in Gulu district and Kampala allowed the researcher to access a diverse range of understandings of the complex victimhood and perpetrator-hood of former LRA members. In total, twelve formal interviews were conducted. Interview participants were selected based on their status as local opinion leaders and their roles in post-conflict NGOs, transitional justice mechanisms, local government, or religious institutions.

Formal interviews were semi-structured. The researcher used a basic questionnaire, modifying questions based on the respondent's unique experience. Interviews were conducted in respondents' offices or public gathering spaces. Interviews were conducted entirely in English to reduce translation errors, and each interview lasted 30-60 minutes. Written informed consent was obtained prior to each interview. Respondents' names were used only with written permission.

### *3.1.3 Focus Group Discussions*

Focus group discussions offered insight into local communities' unique understandings of the complex victimhood and perpetrator-hood of former LRA members. In total, five focus group discussions with four to six participants each were conducted in Lukodi and Tyena Kaya, two villages in Gulu district affected directly by the LRA conflict. These villages were selected based on their unique relationships to the conflict. Lukodi was one of four sites where Dominic Ongwen was alleged to have



committed war crimes and crimes against humanity in an attack on an IDP camp (“The Prosecutor v. Dominic Ongwen,” 2016); the village was a target of ICC outreach and will receive reparations if Ongwen loses the ICC case. On the contrary, Tyena Kaya had no direct relationship to Ongwen, providing an important counter to any bias exhibited in Lukodi.

Focus group discussions were qualitative, informal, and semi-structured. A questionnaire was used; this questionnaire was modified based on the distinct experiences of Lukodi and Tyena Kaya. Probing questions were utilized when participants brought up new and relevant points. Focus group discussions were conducted in the communities themselves, either in public gathering spaces such as schools or in personal compounds to ensure that participants were comfortable to speak freely. In each community, focus groups were comprised of entirely women, entirely men, or mixed. The purpose of such composition was to gain access to a range of opinions and prevent gender hierarchies from influencing responses. Focus group discussions were conducted in English and Acholi through the use of a translator, allowing participants to speak in the language most comfortable to them. Each focus group discussion lasted 30-60 minutes. Verbal informed consent was obtained prior to each focus group discussion, and respondents remained anonymous to protect their personal security and to allow them to speak freely on sensitive issues.

### *3.1.4 Secondary Sources*

A wide range of secondary sources was used to supplement data gathered in case studies, interviews, and focus group discussions. Local opinion surveys produced by NGOs offered a larger sample size of opinions on the complex victimhood and perpetrator-hood of former LRA members, including specific opinions on the case of Dominic Ongwen. Reports and news stories produced by the ICC provided insight into the ICC’s understandings of the complex victimhood and perpetrator-hood of former LRA members, specifically Ongwen himself. Scholarly articles on the LRA conflict and the victim/perpetrator dichotomy, official legal documents, and human rights treaties provided contextual information essential to understanding the complex victimhood and perpetrator-hood of former LRA members.

### **3.2 Research Ethics and Limitations to the Study**

#### *3.2.1 Ethical Considerations*

Due to the sensitive nature of this research topic and the use of vulnerable populations, ethical considerations were given highest priority in the execution of this study. In order to ensure that this study adhered to U.S. federal policy for the protection of human subjects, the Local Review Board of SIT Study Abroad in Gulu, Uganda reviewed the research proposal for ethical considerations. In addition, this study was approved by the Uganda National Council for Science and Technology. In each case study, interview, and focus group discussion, the researcher obtained informed consent. Names of former LRA members and local community members were not used to ensure the protection of these vulnerable populations. Names of opinion leaders were only used with written permission.

The largest ethical concern arose with the use of former LRA members as case studies. Due to stigma surrounding former LRA members, this population often refrains from discussing its personal role in the LRA. As such, respondents were selected and accessed using SIT and local community members as gateways. Additionally, although the guns went silent in 2007, most Northern Ugandans consider the region to be in a period of “relative peace” which could be disturbed at any time. As such, many former LRA members remain fearful of speaking freely on sensitive subjects. Of particular sensitivity are discussions of crimes committed by the respondent and the role of the government in the LRA conflict. These discussions were treated with utmost confidentiality in order to protect the personal security of former LRA members. Written informed consent was obtained from each respondent, and voice recordings were only used with the respondents’ written permission. Interview transcripts and voice recordings remained anonymous and will be deleted upon completion of this research.

Lastly, many former LRA members and community members suffer from posttraumatic stress disorder or other mental health issues. When the researcher encountered traumatic recollections during case study interviews and focus group discussions, such topics were approached slowly and sensitively. Prior to these conversations, the researcher developed trust with the respondent and eased into each interview with basic, non-triggering questions. Throughout each case study interview and

focus group discussion, the researcher watched for signs of discomfort. Interview questions were adjusted based on perceived comfort levels, and respondents understood that they could terminate the interview at any point. Sometimes, the researcher terminated the interview if the respondent exhibited indirect signs of discomfort.

### *3.2.2 Limitations to the Study*

Although Northern Uganda is currently working towards reconciliation and recovery, significant stigma still exists against former LRA members. As a result, the most significant limitation to the study was accessing this vulnerable population. Despite the researcher's efforts to reach out to more former LRA members, only three were willing to participate in case studies. This limitation was exacerbated by the necessity for respondents to speak fluent English in order to reduce misunderstandings during the in-depth case study interviews. Not only did this limit potential respondents, but it also biased the sample. In Northern Uganda, fluency in English is generally a sign of education; being more educated than many of their colleagues likely biased the responses of the three former LRA members studied. This small, biased sample size was mitigated by the inclusion of focus group discussion participants who were also former LRA members. Although these participants were not studied in-depth, their limited insight helps to widen the scope of this study. In sum, this study should not be viewed as a representative sample of former LRA members. Rather, it should be viewed as an in-depth depiction of three unique cases. While these cases can shed light on the experiences of other former LRA members, they by no means represent the entire population.

Secondly, restricted access to ICC representatives limited this research. Despite efforts to reach out to more representatives of the ICC, only one representative and one intermediary were interviewed. To mitigate this limitation, the researcher interviewed several key informants with extensive knowledge of the ICC.

Language barriers also limited the accuracy and depth of this study. Although case study interviews were conducted with fluent English speakers, at times misunderstandings occurred, hindering the flow of conversation and limiting the depth of questions asked. These misunderstandings were mitigated through the use of clear, easily interpreted questions. The use of a translator mitigated language barriers in focus group

discussions, yet errors in translation still occurred; such errors were mitigated by discussing the responses with the translator after the conclusion of the focus group discussion. Time constraints also limited the researcher's ability to conduct interviews with all relevant opinion leaders in Gulu and Kampala. To mitigate this limitation, a representative sample of opinion leaders was selected.

Lastly, due to the sensitive nature of topics discussed, some respondents may have avoided giving honest answers in order to protect their security or self-esteem. When discussing crimes committed by former LRA members, respondents may have altered their responses, either due to embarrassment, self-protection, or even unconscious bias. Findings are presented directly as respondents described, and thus must be taken as the respondents' understandings rather than concrete facts. Further, the researcher's status as a *mzungu* (white foreigner) could have inhibited respondents from offering completely honest answers due to the power differential between the researcher and respondent. This limitation was mitigated by developing trust with respondents and fully explaining the extent and purpose of the study, in hopes of encouraging honest and accurate responses.

## Chapter 4: The Complex Victimhood and Perpetrator-hood of Former LRA Members

### 4.1 Understanding Former LRA Members

In order to deconstruct the complex victimhood and perpetrator-hood of former LRA members, findings from case studies of former LRA members are organized into “factors of victimhood,” that is, factors of participation in the LRA that reveal helplessness or unwillingness, and “factors of perpetrator-hood,” that is, factors of participation in the LRA that reveal willingness or enthusiasm. As these factors are delineated, it becomes clear that what may be considered a factor of victimhood also possesses elements of perpetrator-hood, and vice-versa; the categories overlap, revealing the impossibility of clearly sorting former LRA members into the social constructs of “victim” and “perpetrator.” Aggregated, these factors demonstrate the complexity of former LRA members.

#### 4.1.1 Factors of Victimhood

##### ***Prior Disdain for LRA***

*Are they there to overthrow [the government], or are they there just to destroy the community?*

(Respondent 1, personal communication, October 25, 2016)

Prior to abduction, both abducted respondents reported preexisting negative perceptions of the LRA. Despite his ambition to serve in an army and his existing distaste for the Ugandan government, Respondent 1 disliked the disproportionately negative effects of the LRA’s warfare on the community and questioned the LRA’s goals (personal communication, October 25, 2016; personal communication, October 27, 2016). At age nine, Respondent 2 simply understood the LRA to be a negative force (personal communication, October 25, 2016). Born in the bush, Respondent 3 had no pre-existing feelings for the armed group (personal communication, October 29, 2016).

Respondents’ generalized negative feelings toward the LRA indicate that even if they supported the fight against the Ugandan government, they remained unwilling to support the LRA due to its reputation for atrocities. Their subsequent abduction into the LRA was therefore against their will and ambition, contributing to their victimhood.

***Desensitization***

*There are no nightmares there... you see decomposing corpses, it is nothing.*  
(Respondent 1, personal communication, October 28, 2016)

Upon forceful conscription into the LRA, respondents reported various methods of desensitization to “remove that civilian life from you” (Respondent 1, personal communication, October 25, 2016). Designed to disorient new abductees, these initiation rituals perpetuated fear and reinforced the importance of obedience (Schauer & Elbert, 2010, p. 321-322; Boothby, 2006, p. 248). Such methods ranged from carrying heavy loots to witnessing – and even participating in – the murder of family members and kin. Respondent 2 witnessed the murder of his uncle and entered into ambush within an hour of his abduction at age nine (personal communication, October 26, 2016). He describes his feelings at the time: “I was living like a person with an empty brain... it was like a dream, because I couldn’t believe that I [was] with the killer” (personal communication, October 25, 2016).

As their time in the LRA progressed, abducted respondents reported further desensitization to atrocities. As described by Respondent 1, “The killings, very normal. The looting, very normal. The ambushing, very normal” (personal communication, October 25, 2016). While some respondents reported getting used to the trauma, others disagreed: “I cannot say I’m getting used to it, no. I became resilient because there is no choice” (Respondent 2, personal communication, October 25, 2016).

Whether former LRA members became accustomed to atrocities or simply became resilient, the LRA’s initiation processes were designed to desensitize and normalize the rebel group’s violent tactics (as cited in Hermenau, Hecker, Maedl, Schauer, and Elbert, 2013, p. 2). Whereas LRA members may have previously been able to distinguish right from wrong, the lines were blurred upon conscription into the LRA. What once was appalling and inexcusable became commonplace.

***Brainwashing***

*Somebody had played with our intelligence...whereby you [had] forgotten who you are.*  
(Respondent 2, personal communication, October 26, 2016)

Beyond simply desensitizing new recruits, the LRA brainwashed its members to support its ideologies. Thus, unwilling abductees were transformed into eager fighters. Since most LRA members were children, brainwashing was even more effective (Respondent 2, personal communication, October 26, 2016).

Perhaps the purest example of brainwashing was exhibited by Respondent 3, who was born and raised in the bush. Deprived from the reality of life outside the bush, she assumed that when she grew up, she would become a soldier like her father: “That was what I wanted...whereby I can hold a gun and shoot people” (personal communication, October 29, 2016). When asked if she understood the difference between right and wrong, she replied, “Actually, I was understanding the opposite. I was thinking that if you beat, if you fight, if you kill, all those bad things – if you do that, you are doing the right thing” (personal communication, November 1, 2016). By depriving the respondent of access to the outside world, the LRA warped her moral compass; she was victimized without her knowing.

The LRA had a more difficult job of brainwashing those it abducted, since abductees possessed preexisting conceptions of right and wrong. One respondent described spiritual brainwashing, a typical method of brainwashing in the LRA:

[Joseph Kony] comes, he sits, maybe under the tree, he talks maybe from morning up to sunset, just telling stories... quoting things in the bible: ‘[The Israelites] suffered for 40 years, then Moses came, saved them... so it’s me, Joseph Kony, who’s going to save you from all the sufferings you’re experiencing... the only thing you have to do is follow what is wanted here.’  
(Respondent 1, personal communication, October 27, 2016)

Most brainwashing occurred during prayer time and was saturated with references to the Holy Spirit (Respondent 2, personal communication, October 26, 2016). Many LRA members believed that Kony was possessed with evil spirits that protected him and allowed him to predict the future. Respondents recalled the fulfillment of Kony’s prophecies, such as swarms of bees attacking the UPDF and soldiers being killed in battle after disobeying one of Kony’s orders (Respondent 1, personal communication, October 27, 2016; Respondent 2, personal communication, October 25, 2016). These fulfilled

prophecies reinforced belief in Kony's spiritual powers and convinced LRA members that obedience was the only option for survival:

I was imagining at least that there is something in him that sees ahead, so I should at least believe in what he tells. Because if not, I see others also being killed, I see others also being shot in the legs or the arms; then I say, okay, if I don't follow what he says, it will also happen to me.

(Respondent 1, personal communication, October 27, 2016)

Brainwashing also occurred on a tactical level. After battle, LRA commanders congratulated members for their success. To children, this encouragement was particularly influential:

You take also pride in something you do as a child...you feel like, okay, I am being praised because of what I did... [It] will make you feel like you are part of something. It will remove a little bit of fear. Because you say, okay, maybe they have confidence in me. I am good in something.

(Respondent 2, personal communication, October 25, 2016)

The LRA was able to brainwash its child members to believe in what they were fighting for. Respondent 2, despite his previous negative impressions of the LRA, explained, "I thought that by fighting and liberating, the entire country will become peaceful and everyone will live a normal life" (personal communication, October 26, 2016). Kony and his commanders managed to convince their members that they were committing atrocities in the name of peace.

By brainwashing its members to believe in its cause, the LRA moved beyond physical force to psychological influence. Tactics of brainwashing forced young members into a "confused state," inhibiting their ability to distinguish right from wrong, as Schauer and Elbert (2010) found in their examination of child soldiers (p. 330). Over time, army commanders even became parental figures to vulnerable child soldiers, making it far easier for commanders to brainwash young members (Schauer and Elbert, 2010, p. 319).

In describing how they each succumbed to the LRA's brainwashing tactics, respondents reveal that they were not just physically victimized, but also psychologically victimized by the LRA. Lacking the moral cornerstone that comes with maturity, these young LRA members were coerced to believe that what they were fighting for was right.



While brainwashing contributed to the victimhood of former LRA members, some were able to see beyond the brainwashing as they matured. After many years in the LRA, one respondent began to doubt Kony's word because what he predicted did not always come true (Respondent 1, personal communication, October 28, 2016). Respondent 1 demonstrated the complexity of a child who is a victim of brainwashing eventually coming to understand that he has been victimized, yet remaining somewhat helpless to the consequences of brainwashing.

Respondent 2, once himself a victim of brainwashing, rose in the ranks to eventually perpetrate the same act. He explained that as a Lieutenant, he employed brainwashing as a less violent tactic to retain new abductees:

I would also play around with people, like their psychologies, in order to keep the person [in the LRA]. Like when somebody is abducted, in order to keep the person, it doesn't mean you have to be brutal all the time. You can politicize the person, you can play around with the brain so that you can change him from his position... to your position.  
(Personal communication, October 27, 2016)

Although he had previously condemned brainwashing as a coercive tactic utilized against him, here, Respondent 2 portrayed brainwashing in a more positive light – as a way to reduce the need for violence against new recruits. The respondent's contradictory descriptions of brainwashing illustrate the complexity of his own status as both a victim and perpetrator of the same act. It is possible that the brainwashing he experienced during his early years in the LRA influenced his decision to brainwash others as a lieutenant; perhaps he saw the act as harmless, or even beneficial, since he was made to believe that he was working for a good cause.

### ***Resignation and Obedience in the Face of Threat***

*If you refuse, they will kill you. So you will kill.*  
(Respondent 3, personal communication, November 1, 2016)

Common among all three respondents was the unwillingness to commit atrocities that they were nevertheless forced or coerced to commit. Respondents attributed this perceived lack of choice to the command structure of the LRA, which ultimately came down to the will of Joseph Kony (Respondent 2, personal communication, October 25, 2016; Respondent 3, personal communication, November 1, 2016). Even the high

command of the LRA remained under the command of Joseph Kony (Respondent 3, personal communication, November 1, 2016); as a result, members had no choice in their actions (Respondent 2, personal communication, October 25, 2016).

Coupled with their lack of power, LRA members faced constant threat from their superiors. As described by Respondent 2, “You have to succeed. You fail? You are being blamed. The blame that they bring on you will cost you either your life, or maybe it will cause you a serious pain” (personal communication, October 25, 2016). Actions as simple as questioning a superior’s commands or eating a forbidden food could result in a beating or killing (Respondent 3, personal communication, November 1, 2016; Respondent 2, personal communication October 25, 2016). Often, LRA commanders would kill those who disobeyed to warn the others of the consequences of disobedience:

Those killings you see the LRA do, it’s mainly to instill that fear in the abductees, ... that when I don’t do what they want – I escape, I don’t carry luggages, I do this – I will be killed like the person I’ve seen. So you follow all what they do.  
(Respondent 1, personal communication, October 25, 2016)

In the face of this constant threat, “survival is first. It almost clears all the thoughts, whether positive or negative...because you are trying to survive” (Respondent 2, personal communication, October 25, 2016). Consequently, many LRA members resigned to unhappy obedience. They refrained from thinking about their actions, because whether they liked it or not, they had no choice (Respondent 1, personal communication, October 25, 2016).

Respondent 2 explained this humiliating lack of control:

After frustration after frustration, you resign yourself – you are like, let it be. Because now you are hopeless... I see this person being killed... and because I cannot stop it, I cannot do anything, I’ll just pretend like [it’s okay].  
(Personal communication, October 26, 2016)

Respondent 1 echoed this sense of hopelessness and frustration:

I knew the war was not taking me anywhere. You were not even going to overthrow any place, but instead people are going to lose their lives each day. I knew. I knew. You see? I knew. But when you are there, what can you do? Nothing. Nothing completely... You just keep quiet.  
(Personal communication, October 25, 2016)

As LRA members resigned to obedience, they became accustomed to the indiscriminate violence of the LRA; Respondent 1 went as far as to describe the LRA as a

home (personal communication, October 25, 2016). Obedience became a ritual; violence became the norm. Paralyzed by threat, LRA members perceived that they had no other choice but to carry out violent orders. Some resisted “from inside,” but they could not openly resist for fear of punishment. Others “tend[ed] to forget that [they were] now part of the situation.” Respondent 2 explained that he likely would have done whatever the LRA asked him to, because he “need[ed] to survive” (personal communication, October 26, 2016).

If LRA members excelled at following orders, they rose in the ranks. Yet even with a higher rank, they still refrained from questioning Kony, since Kony killed many of his senior fighters – even his second-in-command – for questioning him (Respondent 1, personal communication, October 25, 2016). When asked why he did not oppose Kony as a high-ranking officer, Respondent 2 responded:

The question is very simple but people don’t understand it. Your own life is not in your hands. Somebody is controlling you. Whether you are the general, or you are who[ever], there is somebody who is above you, which is Kony himself.  
(Personal communication, October 25, 2016)

The responses of respondents indicate a lack of choice throughout their time in the LRA, regardless of rank. Although in reality, LRA members may have had a choice to either obey or disobey their superiors – perhaps in covert or subtle ways – members perceived that the choice was a matter of life and death. Faced with constrained choices, some LRA members chose to stand up against Kony and other superiors, but most refrained for fear of punishment, a theme found also by Schauer and Elbert (2010, p. 319). Victims of threat and scare tactics, they were transformed into unwilling perpetrators who committed crimes to save their own skin. Some chose to be martyrs, sacrificing their lives for their morals. But the vast majority, victims of constrained choices, succumbed to threat.

### ***Forced Maturity***

*That’s when I realized maybe my life has changed completely... I am a child... but they are not seeing that child in me.*

(Respondent 2, personal communication, October 26, 2016)

The majority of LRA members were abducted as children (F. Odongyoo, personal communication, October 31, 2016), yet the LRA’s tactics required high levels of

maturity. As the Officer in Charge of a battalion of over 700 people, Respondent 2 had to be “like their father,” with responsibilities that ranged from leading ambushes to mediating conflicts between couples. The respondent explained that making such “difficult and mature” decisions made him feel older than 17 (personal communication, October 27, 2016).

Young girls took on unique responsibilities. As young as seven years old, Respondent 3 often had to take care of her younger brother while her mother fought, a responsibility she explains was “difficult” at such an early age (personal communication, October 29, 2016).

Respondent 1 explained the effects of being forced to commit acts beyond his years:

I was a different person from the very [person] I was when I was still outside... because right now, I’m passing through very many things... I’m seeing killings... in battlefields you do – you do kill. So I’m not now the real [self]; I’m a different [self].

(Personal communication, October 25, 2016)

Respondent 2 agreed:

...When you bring [up] a child in this kind of hostile environment, and the other child you have brought [up] in a very conditioned, good environment, there will be two different personalities. This one who has grown up in the hard life, their behavior will be also like the condition he has been in. The other will be soft like the way he has been brought up.

(Personal communication, October 25, 2016)

Respondent 2 even considered himself lucky compared to those abducted at a younger age than himself. According to the respondent, a young abductee can commit atrocities “without any thought in his or her mind” (personal communication, October 26, 2016).

Child LRA members’ level of responsibility drew a sharp contrast with their level of development. Children do not possess the moral reasoning and decision-making skills of adults (as cited in Boyden, 2003, p. 350). Further, war environments can warp a child’s moral compass (as cited in Boyden, 2003, p. 353). Children were forced to make decisions that required a level of maturity and morality they did not always possess; their questionable decisions often reflected this. Victims of forced maturity, they perpetrated atrocities far beyond their years.

***Barriers to Escape***

*It was very difficult for me to put a thousand lives at risk for one, which is my life.*  
(Respondent 2, personal communication, October 25, 2016)

Faced with the perceived choice between obedience and death, many LRA members considered escape as an alternative. However, despite high rates of escape from the LRA, respondents interviewed reported several mental and logistical barriers to escape that trapped them in their positions in the LRA.

Any inclination of escape was discouraged by threats from LRA commanders. Those who attempted to escape and were caught were killed brutally in front of the rest of the group to set an example (Respondent 1, personal communication, October 27, 2016). Further, the LRA would threaten to attack the villages and families of escapees; both Respondents 1 and 2 cited this as the main reason they chose to stay for many years (personal communication, October 25, 2016). These threats was not empty; according to the Justice and Reconciliation Project (2008), the LRA massacred over 50 people in Mucwini in 2002 as punishment for the escape of an abducted man (p. 7). Respondent 1 explained, “I would rather suffer [in the LRA] than put other people’s lives into danger” (personal communication, October 25, 2016).

Even if LRA members decided they wanted to risk escape, they faced logistical barriers. Often, other members would report those who tried to escape in order to gain favor from their superiors. As such, escapees had to keep their plans secret (Respondent 1, personal communication, October 25, 2016). Even decorated officers were still monitored from below for any sign of escape (Respondent 2, personal communication, October 27, 2016). If a LRA member managed to escape, danger awaited outside the bush. Respondent 1 explained his fear of “hostile tribes” or vengeful communities who had suffered under the LRA (personal communication, October 25, 2016).

Eventually, all three respondents managed to escape the LRA; Respondent 2, noting the difficulties of escape, cites his own escape as “just a miracle” (personal communication, October 27, 2016). To the three respondents, these barriers to escape were very real and frightening threats. Yet their ultimate success call into question the legitimacy of these perceived barriers. One focus group respondent who spent a very short time in the LRA before escaping called fear for the safety of one’s family a “lame

excuse”; others agreed that those who stayed in the LRA were guilty simply for not attempting escape (personal communication, November 13, 2016). Nevertheless, respondents interviewed perceived threat if they attempted escape, and these threats were enough to keep them in the LRA for many years. Threat coupled with the reality that escape was often possible further complicates the victimhood and perpetrator-hood of former LRA members.

### ***Personal Guilt***

*I feel sorry. I feel sorry. Because I have done – even if it was not my fault, I have done.*  
(Respondent 3, personal communication, November 1, 2016)

Despite articulating that they were forced to commit violence, respondents reported feeling intense guilt for the atrocities they committed. After participating in an attack that killed his clan brothers, Respondent 1 recalled, “It was so bad. So, so, so, so bad” (personal communication, October 25, 2016).

Respondent 2 expressed regret toward his influence over those beneath him in the ranks:

[I was] not knowing that I was empowering the wrong brain to go and loot, to go and kill civilians there. I strengthened arms; I gave them knowledge... Through me, many young ones who were taken got motivated... They [would] say, ‘I want to be like him.’

(Personal communication, October 26, 2016)

Common among all three respondents were mixed feelings of responsibility and innocence. Although they repeatedly articulated that they should not be held responsible for acts they were forced to commit, they nevertheless expressed deep regret. Their guilt reflects a pervasive aversion toward committing the atrocities that they committed, contributing to their victimhood.

### ***Challenging Authority***

*If you are ordered to do things and there is any way you can play around, you try to play.*  
(Respondent 2, personal communication, October 27, 2016)

In order to resolve the cognitive dissonance of being forced to commit unwilling acts of atrocity, some LRA members boldly challenged authority. Only one of the three

respondents interviewed reported ever challenging authority; the others reported that it was too risky.

Respondent 2 subtly challenged authority in numerous ways, most often by stalling to avoid carrying out particularly violent commands. Once, when ordered to kill someone, he simply delayed; then, when there was a commotion, the man was able to escape. Other times, he would think of alternative punishments to avoid murder (personal communication, October 27, 2016). He even went as far as challenging Kony himself, demanding to know why the LRA disregarded the Bible's commandment not to kill. Respondent 2's ability to evade violent commands and even challenge Kony while remaining alive and in Kony's good favor was undoubtedly partly due to luck. However, his successful protest reveals that depending on one's status in the LRA, it was possible to challenge authority. Baines (2009) confirmed this ability in her findings that some children "play[ed] smart" or "play[ed] stupid" to manipulate their status in the LRA (p. 179). These testimonies illuminate the complexity of many former LRA members: while they supported the ideological battle of the LRA, they also fought back against unnecessary atrocity with the little power they retained.

#### *4.1.2 Factors of Perpetrator-hood*

##### ***Pride in the LRA***

*On the military side, [the responsibility] was exciting. I feel like – yes, this is what I am supposed to be doing.*

(Respondent 2, personal communication, October 27, 2016)

Even after describing their unwillingness to commit atrocities, Respondents 1 and 2 displayed pride in their roles in the LRA. Such pride typically surrounded promotions – when asked how he felt about his promotion, Respondent 1 replied, "I cannot deceive you – I was proud" (personal communication, October 25, 2016).

On the surface, pride contradicts respondents' previously demonstrated unwillingness to commit atrocities; if members opposed the LRA's tactics, why would they be proud of enforcing them? Easily influenced by praise from their superiors, these child LRA members were eager to please, and happy when their hard work paid off (Schauer & Elbert, 2010, p. 319). They failed to acknowledge that their promotion meant the perpetration of more atrocities.

Respondent 2 recalled a feeling of belonging within the LRA: “They were part of me. They were just like my family now. Because we were sharing, experiencing the same problem.” Despite his pride and attachment to the LRA, he stated that if the safety of his family and himself were ensured, he would have left sooner (personal communication, October 25, 2016). His mixed feelings reflect those of many former LRA members. After spending years in the bush, members became attached to and proud of a group that they once abhorred, yet still resented their participation.

### ***Support for the Ideological Battle***

*Now I had the opportunity to revenge or pay back what I saw.*  
(Respondent 2, personal communication, October 26, 2016)

Both abducted respondents possessed negative feelings toward the Ugandan Government prior to their forceful conscription into the LRA; these negative feelings contributed to different levels of support for the LRA’s ideological battle against the government. Growing up, Respondent 1 had “bad feelings” toward the government because it cost his father his job; he felt that the Acholi tribe should take over the Ugandan Government (personal communication, October 27, 2016). Similarly, Respondent 2 indignantly recalled a cousin and other innocent people who had been killed by the Ugandan government (personal communication, October 26, 2016). He stated, “Despite the fact that willingly I would not have gone to the bush...it has given me a reason why I should fight. I fought because of seeing all those kind of things” (personal communication, October 26, 2016). In fact, the motivation of child soldiers is commonly to “avenge” the death of a family member or “stand up” against a threat to their family (Schauer and Elbert, 2010, p. 319).

Upon conscription, both abducted respondents were brainwashed; indeed, it is difficult to distinguish their preexisting ideological support from what they were brainwashed to believe. Nevertheless, the brainwashing likely contributed to their preexisting negative feelings towards the Ugandan Government; according to Respondent 2, his preexisting negative feelings “help[ed] somebody who [was] brainwashing me to brainwash me more.” He recalled that when given orders, he would flash back to when



his cousin was killed and become motivated to carry out orders (personal communication, October 26, 2016).

LRA members' support of the rebel group's ideology was magnified by their childhood naivety. As described by Respondent 2, "I thought I was fighting for a reason... [but] I didn't know the magnitude of what I was fighting for, and I didn't know the motive of the person who started the battle" (personal communication, October 26, 2016). Many child LRA members threw their enthusiasm and support toward the LRA for reasons they did not fully understand. The toxic combination of naivety, brainwashing, and threat produced enthusiastic, even willing young fighters. These LRA members perpetrated crimes willingly, confirming their perpetrator-hood. Yet at the same time, part of this willingness stemmed from years of brainwashing and positive reinforcement of negative behavior. Their clear ideological support for the LRA thus further complicates their victimhood and perpetrator-hood.

### ***Ambition***

*I thought that maybe after fighting, succeeding – then I'll be somebody.*  
(Respondent 1, personal communication, October 27, 2016)

Some LRA members saw their abduction as not just a curse, but also an opportunity. Of the three respondents interviewed, one in particular demonstrated ambition during his time in the LRA. Respondent 1, pursuing his childhood dreams of becoming a soldier, saw hope in the LRA's fight. He fantasized that one day, if the LRA seized power, he would be an army general in the new regime (personal communication, October 28, 2016).

After escaping the LRA for the first time, Respondent 1 decided to return during the Juba Peace Talks. If the peace talks were successful, Respondent 1 stated, "This could be a chance of...continuing my studies, or a way of getting me into a new life" (personal communication, October 27, 2016). Promised a diplomatic position in the LRA by a high-ranking official, Respondent 1 capitalized on the opportunity to reach success, despite the fact that he did not believe in the LRA. He explained, "I was only looking for ways of survival" (personal communication, October 27, 2016).

While those who saw the LRA as a means to success may not have believed in the LRA's tactics, they capitalized on those tactics as a path to success, contributing to the LRA's violence in the process. Some may argue that they were simply making the best of a difficult situation. Yet this ambition came at a steep price, calling their victimhood into question.

### ***Taking Initiative***

*As a human being, when you are young, you get overpowered sometimes by the wrong decision.*

(Respondent 2, personal communication, October 26, 2016)

Many LRA members moved beyond obedience to initiative. As they rose in the ranks, Respondents 1 and 2 gained slightly more control over their decisions and learned more about the inner workings of the LRA (Respondent 2, personal communication, October 27, 2016). While for the most part, they followed the orders of their superiors, Respondent 2 recalled times where he or other LRA members lost control. Once, he recalled that he was so frustrated at the injustice of the LRA that if he had not been disarmed, he would have shot someone. Homesickness and general trauma triggered such losses of control in other LRA members, causing them to commit atrocities outside of orders, such as killing civilians (personal communication, October 26, 2016).

Respondent 1 recalled "selfish" commanders who would steal money or conduct ambushes outside of orders (personal communication, October 25, 2016). Most vividly, Respondent 2 told the story of a LRA member who ordered people to be killed and cooked in pots over frustration at losing a gun (personal communication, October 26, 2016).

These instances point immediately to the perpetrator-hood of LRA members. Although they claim they were always forced to conduct atrocities, some conducted them of their own will. The circumstances under which they committed these atrocities also reflect aspects of victimhood. Violence and trauma can cause combatants – specifically child soldiers – to act in ways they otherwise would not (Hermenau, Hecker, Maedl, Schauer, and Elbert, 2013, p. 2). Once again, the complicated context and motivations of LRA members' decisions demonstrate that LRA members cannot be placed in polarized categories of either "victim" or "perpetrator."

### *4.1.3 The Complex Reality*

Disaggregating factors of victimhood and perpetrator-hood in former LRA members illuminates a world of paradoxes. Former LRA members supported the group's ideology, yet were brainwashed to do so. They detested its violence, yet later felt pride in their role in it. They took initiative to commit atrocities, yet this initiative was a response to trauma. They felt guilt for their actions, but not responsibility.

When placed into context, these clashing factors of victimhood and perpetrator-hood make sense. Former LRA members faced constrained choices in which perceived threat forced them to choose most often between killing and being killed. Even if these threats were sometimes empty, many former LRA members perceived them as real and frightening. As a result, they committed actions that they otherwise would not.

Respondent 2 explains the paralysis of constrained choices:

I was like – should I commit suicide? Should I try to escape? ... If you try to escape, they will chase you – they will kill you. If you happen to kill somebody, they will kill you. If you happen to kill yourself, you will die... I was just in the middle somewhere.

(Personal communication, October 26, 2016)

Given limited options, it is unsurprising that so many former LRA chose to kill. But does context make them victims? Or do they remain perpetrators by virtue of their actions?

Attempting to sort former LRA members into groups of “victims” and “perpetrators” is misguided, since most exhibit characteristics of both. Yet these categories are constantly used to describe former LRA members. The next sections explore how different groups understand the complex victimhood and perpetrator-hood of former LRA members, questioning why these complex characters are constantly forced into the limiting boxes of “victim” and “perpetrator.”

## **4.2 Former LRA Members' Constructions of Victimhood and Perpetrator-hood**

Essential to conceptualizing constructions of victimhood and perpetrator-hood is understanding how former LRA members construct themselves. Former LRA members are the only ones who know all of the facts surrounding their complex victimhood and perpetrator-hood, and thus the only ones who can construct themselves accurately. At the

same time, self-interest alters self-construction; therefore, LRA members' self-constructions must be analyzed with the distorting effects self-interest in mind (Stillwell & Baumeister, 1997, p. 1158; Kearns & Finchman, 2005, p. 321). The following sections examine how former LRA members construct their own victimhood and perpetrator-hood and explore the various self-interested motivations behind these self-constructions.

#### *4.2.1 Emphasis on Factors of Victimhood and Heroism*

While all respondents conceded that they had committed crimes, each emphasized the importance of the context of the crimes they committed (Respondent 2, personal communication, October 25, 2016). According to respondents, when put into the context of their abduction or birth in the bush, these crimes signified their victimhood more than their perpetrator-hood. Respondents repeatedly emphasized factors of their victimhood that led them to commit crimes, including their perceived lack of choice and fears that disobedience meant death (Respondent 3, personal communication, November 1, 2016).

Respondent 3 emphasized her personal victimhood by distinguishing herself from abductees. She explained that people who were abducted knew that "this place is not our place. But for us, the people who were born from there [the bush], we just know that this is our place." Respondent 3 perceived herself as more of a victim than the average abductee, due to her complete unawareness that her actions were wrong (personal communication, November 1, 2016).

In addition to emphasizing their victimhood, respondents emphasized their heroic acts. Respondent 1 described how he was friendly with other LRA members and discouraged ideas of escape to protect his fellow LRA members from danger (personal communication, October 28, 2016). Respondent 2 described himself as a "fighter with integrity," attempting to preserve the dignity of those with whom he fought (personal communication, October 26, 2016). He explained how following his escape, he devoted all of his time to an NGO working to end the conflict. In addition, he spoke on a radio talk show encouraging people to come out of the bush (personal communication, October 27, 2016). All three respondents said that they consider themselves to be "different" than others in the bush (Respondent 1, personal communication, October 25, 2016;

Respondent 2, personal communication, October 25, 2016; Respondent 3, personal communication, November 1, 2016).

Based on the above responses, former LRA members primarily constructed themselves as victims. In spite of tangible factors of perpetrator-hood, such as Respondent 1's willing return to the bush, respondents felt that they had been victimized and forced to commit atrocities against their will.

Former LRA members even prided themselves on heroic acts that in their minds compensated for the atrocities they committed, paralleling the responses of former LRA members compiled in "Victims, Perpetrators, or Heroes?" (2006, p. 14). Although it is impossible to know if their recollections are accurate or distorted by self-interest, it is clear that former LRA members understand themselves primarily to be victims of circumstance who often overcame culpability through acts of heroism. Even Respondent 2, who articulated that he was not just a victim, never referred to himself directly as a perpetrator. This understanding reveals a bias toward victimhood, perhaps due to denial or self-protection in the aftermath of atrocity.

Upon further probing, respondents began to admit feelings of responsibility for their actions, complicating their self-construction. The following section explores how dual feelings of responsibility and helplessness contributed to a complex self-construction that does not fit easily in the box of "victim" or "perpetrator."

#### *4.2.2 Feelings of Dual Responsibility and Helplessness*

Although respondents placed a high degree of emphasis on factors of victimhood, they still felt personally responsible for the crimes they committed, complicating their self-construction as solely victims. Respondent 1 demonstrated these conflicting feelings:

There was nothing I could do, but also I felt that I would hold that responsibility of all the atrocities being done... I was part of it. I was part of the blame... [but] it wasn't my choice.

(Personal communication, October 25, 2016)

All respondents demonstrated similar internal battles between feelings of responsibility and helplessness. They each cited feelings of guilt upon their return and realization of the gravity of the atrocities they had committed (Respondent 2, personal communication, October 26, 2016). In particular, Respondent 3 described intense feelings

of guilt after escaping the LRA and learning the difference between right and wrong, something she had not understood from the time she was born in the LRA (personal communication, November 1, 2016).

Such mixed feelings ultimately inhibited former LRA members from constructing themselves as entirely victims or entirely perpetrators. Respondent 2 admitted that he did not construct himself as a victim only, emphasizing that his circumstances did not entirely excuse his actions (personal communication, October 27, 2016). All in all, respondents showed a surprising willingness to admit responsibility or guilt for their own actions. They were able to see the complexity of their own situations, realizing that they could not place themselves neatly into the boxes of “victim” and “perpetrator.”

Yet despite their nuanced understanding of their own victimhood and perpetrator-hood, respondents unanimously argued that they must not be held responsible for the crimes they committed in the bush. As stated by Respondent 1:

Yes, I may feel guilty for what the LRA did, because I was there. But now when you tell me that maybe if I'm to be held responsible for what had happened, how would I take it? I may not accept it. Reason why? I didn't join it.  
(Personal communication, October 25, 2016)

This argument – particularly striking in Respondent 1, who did decide to rejoin to the LRA at one point – echoed in all conversations with former LRA members. Respondents' recognition of their dual victimhood and perpetrator-hood only extended to a point: their own security. While they admitted feelings of guilt, they refrained from directly calling themselves perpetrators and thus incriminating themselves. Perhaps recognition of victim/perpetrator complexity is only possible within a risk-free context; as soon as the risk of punishment is introduced, self-interest kicks in, causing former LRA members to return to constructing themselves as victims only.

#### *4.2.3 Perspectives on Dominic Ongwen*

Respondents were able to appreciate the complexity of Dominic Ongwen's victimhood and perpetrator-hood due to their similar experiences. In general, respondents demonstrated sympathy for Ongwen, pointing out that he was forced to follow orders and differentiating between Ongwen and other commanders who joined the LRA willingly

(Respondent 3, personal communication, November 1, 2016). Respondent 1 explained his sympathy for Ongwen's situation:

You can imagine a child of that tender age experiencing that jungle sort of life, that wild life. What kind of child do you expect that child to be, if it's you? What do you expect of that child? Would you expect that child to be a very humble child?

(Personal communication, October 28, 2016)

Respondent 3 concurred, saying that she would have done the same in Ongwen's situation: "If I had not escaped from the bush, if I had grown up, I think I would have done many bad things" (personal communication, November 1, 2016).

Respondent 2, on the other hand, did not sympathize with Ongwen. According to him, Ongwen committed unnecessary atrocities; with his power as a commander, he easily could have avoided committing so many atrocities. However, Respondent 2 did understand that Dominic Ongwen was often forced to commit atrocities without a choice in the matter (personal communication, October 27, 2016).

Here, respondents again showed a surprising willingness to appreciate the complexities of Ongwen's situation. Perhaps former LRA members could accurately and fairly judge Ongwen because doing so posed no risk to their personal security. The question remains whether Ongwen would construct himself with such nuance, or if he would construct himself as entirely a victim out of self-interest and self-protection.

### **4.3 Local Constructions of Victimhood and Perpetrator-hood**

While LRA members' constructions of themselves are essential to understanding their complex victimhood and perpetrator-hood, so too are the constructions of local communities affected by the LRA's atrocities. Local communities both suffered under the LRA's atrocities and lost their own children to abduction, complicating their understanding of a group that both harmed them and was a part of them. Self-interest also biased local constructions of victimhood and perpetrator-hood. During the conflict, local communities had incentive to construct LRA members solely as victims because of the widespread belief that amnesty for LRA members would lead to peace (Agger, 2012, p. 1). Now that the guns are silent, amnesty is no longer an incentive. Today, some communities have stake in Dominic Ongwen's ICC case, influencing their construction

of former LRA members such as Ongwen primarily as perpetrators (Nyeko & Aloyocan, 2015, p. 5).

The following sections explore local communities' deeply entrenched constructions of former LRA members, with particular emphasis on the villages of Lukodi and Tyena Kaya. Lukodi suffered directly under the alleged crimes of Dominic Ongwen; today, the village is the site of concentrated ICC outreach leading up to Ongwen's trial. In addition, community members in Lukodi have been promised reparations if Ongwen loses the ICC case, likely influencing their perspective on his victimhood and perpetrator-hood (Nyeko & Aloyocan, 2015, p. 5). Community members in Tyena Kaya, on the contrary, did not suffer under the crimes of Ongwen, but were nevertheless directly affected by the LRA's violence; their perspective provides an important counter to the perspectives of Lukodi community members. Finally, the views of local opinion leaders are examined to represent the views of the wider Northern Ugandan community.

#### *4.3.1 Local Definitions of Victims and Perpetrators*

Definitions of "victims" and "perpetrators" among local communities revealed significant insight into their constructions of the victimhood and perpetrator-hood of former LRA members. When asked to define "victims," both the communities of Lukodi and Tyena Kaya initially referenced those who suffered from the LRA's atrocities. Community members referenced themselves as victims of the LRA's atrocities (personal communication, November 13, 2016; personal communication, November 17, 2016). Only one community member in Tyena Kaya proposed the idea that LRA abductees were victims as well, forced to commit atrocities against their will (personal communication, November 17, 2016). Community members' views reveal an initial polarized construction of "victims" as only people who suffered at the hands of the LRA; the idea that LRA members could also be victims was seldom considered. Perhaps due to their personal victimhood, community members were unable to perceive that others in different situations could have also been victims. Or, perhaps resentment toward the LRA blocked the possibility of LRA members as victims. Later, however, when the idea of dual victim/perpetrators was suggested to community members, many accepted it.



When asked to define “perpetrators,” respondents’ definitions were heavily skewed toward LRA members. Perpetrators, according to community members, intentionally committed violence against helpless victims to fulfill their own twisted desires (personal communication, November 13, 2016). Without prompting, respondents from both Lukodi and Tyena Kaya primarily defined perpetrators as LRA members (personal communication, November 13, 2016; personal communication, November 17, 2016). Only one community member in Tyena Kaya suggested that perpetrators were not restricted to the LRA, offering the example of thieves (personal communication, November 17, 2016). The generalization of perpetrators as primarily LRA members reveals significant polarization in constructions of victimhood and perpetrator-hood among local communities. By constructing LRA members as perpetrators and only perpetrators, community members initially failed to recognize any possibility of LRA members’ victimhood. They framed the LRA conflict as “us against them.” The community in Lukodi demonstrated even more polarized constructions than Tyena Kaya. It is possible that heavy ICC outreach in Lukodi influenced community members to view actors in the conflict as solely victims or solely perpetrators, since the framework of the ICC’s retributive justice depends on such polarization (Fletcher, 2016, p. 302).

However, when asked if someone could be both a victim and a perpetrator, more nuanced perspectives arose. Multiple respondents accepted the idea of a dual victim/perpetrator, pointing out that the LRA forced its victims of abduction into acts of atrocity, transforming them into perpetrators (personal communication, November 13, 2016). One respondent from Tyena Kaya rejected the idea that a person could be both a victim and a perpetrator, but was quickly shut down by other participants in the focus group (personal communication, November 17, 2016). This suggests the possibility of an “official” community perspective; after years of interaction with NGOs promoting reconciliation, it is possible that communities have adopted certain perspectives, and the divergence from those perspectives is frowned upon (N. Opiyo, personal communication, November 8, 2016).

Respondents had less sympathy for those who chose to remain in the LRA even after offers of amnesty; these people “los[t] their victimhood status” by actively choosing to remain (personal communication, November 13, 2016). Respondents from Lukodi said

that although these LRA members may have faced threats to their families if they tried to escape, this was a “lame excuse” for remaining in the LRA (personal communication, November 13, 2016).

Socially constructing victims and perpetrators allowed community members to distance themselves from the atrocities of LRA members (Mohamed, 2015, p. 1211). However, when forced to think deeply about the issues, local community members in both Lukodi and Tyena Kaya accept the complex reality of former LRA members. In the case of local communities, self-interested social construction had its limits.

When the primary need for local communities was peace (“Forgotten Voices,” 2005, p. 25), community members tended to perceive former LRA members as victims because this allowed for legal amnesty and the promise of peace (Baines, 2008, p. 10; Agger, 2012, p. 1). Now, community members generally offer nuanced perspectives on the victimhood and perpetrator-hood of LRA members. Perhaps now that Northern Uganda is peaceful, community members are able to view LRA members through a more realistic lens.

#### *4.3.2 Local Perceptions of Particular Actors in the LRA*

To further explore their constructions of victimhood and perpetrator-hood of former LRA members, respondents were probed on their perceptions of those who were born in the bush and those who volunteered to join the LRA. Of particular controversy was the status of those who were born in the bush. Both local communities were divided on the status of these actors. Some respondents immediately emphasized that these LRA members were solely victims since their existence in the bush was no fault of their own (personal communication, November 13, 2016). Many respondents, however, stressed that those born in the bush were perpetrators of the highest level because they know nothing beyond a life of violence (personal communication, November 17, 2016). One respondent even suggested the idea of inherited sin, stating, “Just as a *mzungu* [foreign] mother and father cannot produce an African child, neither can a rebel mother and father produce a child who is a victim” (personal communication, November 13, 2016). Community members in Tyena Kaya cited examples of children who were born in the bush and returned to the community: one boy cut his brother with a panga, while a girl

killed her father by pounding his head, stating that this was how they did things in the LRA (personal communication, November 17, 2016). Incidents like these led many community members to believe that such children could not be corrected from lives of violence, and thus were perpetrators.

In this case, the social construction of the victimhood and perpetrator-hood of those born in the LRA was evident. Respondents saw these actors as either solely victims or solely perpetrators; no middle ground or consensus was reached within the focus groups. Although many members of the focus groups had lost their children to abduction and considered their children victims, they were unwilling to consider children born in the LRA as victims. Perhaps this reflects another instance of self-interested social construction of victims and perpetrators – participants were willing to consider the complexity of their own children, but unwilling to consider the complexity of others who were born in the bush.

Many community members also perceived those who volunteered for the LRA primarily as perpetrators who joined the rebels to satisfy their violent desires or acquire arms (personal communication, November 13, 2016; personal communication, November 17, 2016). Some respondents in both Lukodi and Tyena Kaya offered a different view. They pointed out that various circumstances could have influenced people to willingly join the LRA. These reasons included family problems, poverty, unemployment, propaganda from the government, and more. According to these respondents, these people are not perpetrators – they were “seduced” to join the LRA. Their actions remain criminal, but they personally are not perpetrators (personal communication, November 13, 2016; personal communication, November 17, 2016).

Nuanced views on LRA volunteers reveal an even deeper understanding among local communities of the complexity of actors in the LRA. Here, despite the temptation to construct these actors entirely as perpetrators, local communities were able to see beyond their heinous atrocities to empathize with their situation.

Local constructions of victimhood and perpetrator-hood are multifaceted. Gulu’s LC5 Chairman Martin Mapenduzi attempted to explain the perspectives of local communities based on their experiences:

If somebody came to you and abducted your children, even if those children became the worst killers, in your heart you know they were abducted, they were taken forcefully from you. So you know these children were good children until they were trained and turned into something else.

(Personal communication, October 26, 2016)

Evidently, this empathy extended to LRA volunteers, although it stopped at those born in the bush. Having experienced the complexity of the conflict firsthand, community members constructed victimhood and perpetrator-hood with equal complexity, influenced at times by self-interest.

#### *4.3.3 Local Perceptions of Dominic Ongwen*

Dominic Ongwen's victim/perpetrator status elicited the most controversy among community members. Those in Lukodi, the village that suffered directly under Dominic Ongwen's alleged atrocities, constructed Ongwen entirely as a perpetrator. They accused Ongwen of coming from a violent tribe, and utilizing his position in the LRA to cause havoc. Only one respondent from Lukodi viewed Ongwen as both a victim of abduction and a perpetrator of conflict (personal communication, November 13, 2016). Conversely, residents from Tyena Kaya were able to construct Ongwen more intricately as someone who was captured and threatened against his will, yet also worked actively for promotions in the LRA. Respondents expressed anger that Ongwen did not choose to surrender under the Amnesty Act (personal communication, November 17, 2016; Nyeko & Aloyocan, 2015, p. 2). Yet overall, they were able to appreciate the complexities of his situation rather than focusing solely on his perpetrator-hood.

The significant differences in constructions of Dominic Ongwen's victimhood and perpetrator-hood likely reflect each community's unique relationship to Dominic Ongwen. As direct targets of Ongwen's alleged crimes, community members in Lukodi were unable to see past his status as a perpetrator since this is all they have ever known him to be. Further, community members in Lukodi were promised reparations if Dominic Ongwen loses the ICC case, causing them to see Ongwen as more of a perpetrator than he actually is (A. Owor, personal communication, October 27, 2016). Tyena Kaya, on the contrary, demonstrated a more balanced view of Ongwen's victimhood and perpetrator-hood. Without any personal stake in the Ongwen case, community members in Tyena

Kaya were able to perceive his complexity uninhibited by self-interested social construction.

#### *4.3.4 Views of Local Opinion Leaders*

Aggregated, local opinion leaders' constructions of victimhood and perpetratorhood tended to be more polarized than those of the local communities themselves. The majority of opinion leaders interviewed emphasized the victimhood of former LRA members, presenting a variety of arguments that differed greatly from local communities' arguments. Many opinion leaders stressed the failure of the community, government, and international community to protect children from abduction (Bishop Onweng, personal communication, October 28, 2016; F. Odongyoo, personal communication, October 31, 2016; N. Opiyo, personal communication, November 8, 2016). In a report by the Refugee Law Project in which the feedback from a dialogue with 61 opinion leaders in Northern Uganda was compiled, the majority of participants believed Ongwen was a victim because the government failed to protect him (Odong, 2015, p. 4). Bishop Onweng expressed his frustration with justice mechanisms that fail to recognize this important point: "Why don't we arrest the Acholi people? Why don't we arrest the government of Uganda? Why don't we arrest the world?" (Bishop Onweng, personal communication, October 28, 2016). A failure of society to protect former LRA members was also reflected Vaha's 2008 study, which emphasized how this failure contributed to LRA members' victimhood (p. 13).

Other local opinion leaders condemned LRA members as perpetrators only. According to Ambrose Olaa, the Acholi Prime Minister, the ability to distinguish right and wrong is an "automatic element" even among those in the LRA. He constructed LRA members as perpetrators only, due to their choice to commit atrocities despite the knowledge that they were wrong (personal communication, November 2, 2016). This perception of choice was a common theme among those who constructed former LRA members as perpetrators. Pamela Angwech of GWED-G, a local NGO, condemned Dominic Ongwen for committing crimes despite his autonomy as a commander (personal communication, October 31, 2016).

The wide gap between opinion leaders who constructed former LRA members as victims versus perpetrators reveals a disconnect between opinion leaders and the communities whose opinions they claim to represent. While many community members were willing to consider, and even accept the idea of a dual victim/perpetrator, most opinion leaders stood firmly on one side or the other. Their polarized constructions of victims and perpetrators generally aligned with the mission of their organizations. Constructing a former LRA member as a victim was advantageous to many NGOs, because it legitimized a mission of advocacy and reconciliation (N. Opiyo, personal communication, November 8, 2016). Conversely, constructing a former LRA member as a perpetrator necessitated legal punishment and reparations (Fletcher, 2016, p. 302). Regardless, neither self-interested construction aligned with the often-nuanced perspectives of community members.

Few opinion leaders offered a nuanced perspective on the victimhood and perpetrator-hood of former LRA abductees. Those who did emphasized the context of the crimes that were committed, particularly that the actions of those in the LRA were “outside their consent” (I. Okwir, personal communication, October 31, 2016). Nicholas Opiyo, the human rights lawyer defending Thomas Kwoyelo, a former LRA member facing charges before Uganda’s International Crimes Division, advocated for a “diminished responsibility” due to the circumstances of abduction and forced retention in the LRA (N. Opiyo, personal communication, November 8, 2016). Those opinion leaders with complex constructions of the victimhood and perpetrator-hood of LRA members tended to be leaders of research or law organizations; the high level of detail with which they studied the LRA conflict likely contributed to their unique perspectives.

#### **4.4 ICC Constructions of Victimhood and Perpetrator-hood**

Beyond those directly affected by the Northern Ugandan conflict, institutions such as the ICC form their own constructions of victimhood and perpetrator-hood. In light of Dominic Ongwen’s impending ICC trial, it is imperative to understand how the Court constructs the complex victimhood and perpetrator-hood of former LRA members. Although the ICC strives to be fair and impartial in every case (Bensouda, 2015), its very nature as a brand of retributive justice influences how it constructs victimhood and

perpetrator-hood. The following sections explore how the ICC constructs victimhood and perpetrator-hood in Northern Uganda, particularly relating to the Ongwen case.

#### *4.4.1 Retributive Justice and the Construction of “Victims” and “Perpetrators”*

In general, opinion leaders in Gulu and Kampala accused “Western” methods of retributive justice such as the ICC of constructing “victims” and “perpetrators” to their own benefit. According to researcher Arthur Owor, the victim/perpetrator concept is, “not so much a concept that comes from below,” but rather, phraseology popularized by NGOs, scholars, and the ICC (A. Owor, personal communication, October 27, 2016). In prosecution, “you are either guilty or not guilty. You are either a perpetrator or a victim... there is no room to look at your complicated status” (Intermediary to the ICC, personal communication, November 10, 2016). By constructing victims and perpetrators as dichotomous, retributive justice mechanisms such as the ICC legitimize the need for punishment of perpetrators, thus validating their own purpose (Fletcher, 2016, p. 302). Such accusations against the ICC mirror those against Rwanda’s *gacaca* courts. By criminalizing all Hutus, the *gacaca* courts legitimized their method of justice at the expense of accuracy (Begley, 2016, p. 16).

This accusation contradicts the goal of retributive justice to offer fair trials to all. By granting the right to representation to both sides of a trial, methods of retributive justice attempt to level the playing field for the accused and victims, offering each a chance to defend themselves (J. Otim, personal communication, November 7, 2016). Despite its foundation in fair and impartial trials, however, the ICC lacks support among opinion leaders in Gulu district due to perceptions of its bias against Dominic Ongwen.

Opinion leaders accused the ICC’s retributive justice of constructing Dominic Ongwen as a perpetrator. According to the Justice and Reconciliation Project (2008):

To date, justice interventions in Uganda reify the idea that Ongwen is a heinous perpetrator, and reproduce the idea that responsibility for this war can be placed in the hands of a few individuals often characterized as mad.

(p. 4)

Some community members were dissatisfied with the ICC’s ability to understand the complexity of the Ongwen’s case. They felt that Acholi traditional justice

mechanisms such as *Mato oput* more accurately contextualize Ongwen's crimes. Acholi Prime Minister Ambrose Oloo stated:

Going beyond conventional definitions [of victim and perpetrator] is very important for us to deal with complex cases like the one of Dominic Ongwen. I don't think the ICC can go to that level. It may end at the conventional definition [of perpetrator]. But then it betrays...the position of the people, the other people like the Acholi people – their beliefs, their values, their understanding – which may not necessarily be wrong.

(A. Oloo, personal communication, November 2, 2016)

Some accused the ICC of constructing victims and perpetrators to maintain its legitimacy. In the face of recent withdrawals of African states from the ICC, it is imperative that the Ongwen case improves the ICC's reputation, according to Jackson Odong of Refugee Law Project. He called the Ongwen case "a test" of justice mechanisms (personal communication, November 2, 2016). A popular idea circulating in Northern Uganda is that the ICC and Ongwen are both under trial. Instead of striving to understand the complexity of Ongwen's case, Human Rights Focus director Francis Odongyoo accused the ICC of simply trying to "justify" its indictments by constructing Ongwen as a perpetrator (personal communication, October 31, 2016). An intermediary to the ICC revealed that constructing Ongwen as a perpetrator helps to fulfill the ICC's mission and justify the money it has spent on the case. He acknowledged, "It really benefits the ICC to see that Dominic Ongwen is convicted – it's points for them; it's marks for them" (personal communication, November 10, 2016).

These condemnations of the ICC have significant implications for the Ongwen case itself. In questioning the legitimacy of the ICC's motivations for constructing victims and perpetrators, opinion leaders simultaneously questioned the legitimacy of the case itself. When the ICC issued its arrest warrant for Ongwen in 2005, it was facing a similar legitimacy crisis as a brand new court. It is possible that the indictment itself was a method of maintaining legitimacy; now that Ongwen has been arrested and accused, the ICC must continue to maintain its legitimacy by constructing him as a perpetrator.

Others, such as LC5 Chairman Martin Mapenduzi, saw this Ongwen case as a chance for the ICC to conduct a clean, fair trial to improve its reputation: "To the best of my knowledge, the ICC is doing everything they can... to have a fair outcome" (personal communication, October 26, 2016). The Prosecutor of the ICC reinforced this statement



with a promise to Ongwen's family that Ongwen will be, "subjected to a fair and impartial judicial process of the highest international standards" (Bensouda, 2015). Indeed, despite concerns surrounding the ICC's perceptions of Ongwen, many community leaders expressed faith in the justice system's ability to fairly try Ongwen. As ICC Outreach Coordinator Jimmy Otim pointed out, "He is innocent until proven guilty... The case is up for the judges to decide" (personal communication, November 7, 2016). Indeed, the ICC's public statements indicate that the Court is taking every possible step to ensure an impartial trial for Ongwen – a trial that reveals both his victimhood and perpetrator-hood (Bensouda, 2015). The very fundamental goal of retributive justice is to fairly and represent both the accused and the victims through the right to representation. All the same, LC5 Chairman Mapenduzi admitted that a loss for the Prosecution would "send a demoralizing message to the ICC" (personal communication, October 26, 2016).

Overall, the ICC has significant incentives to construct Dominic Ongwen as a perpetrator. Its public statements reveal an impartial and unbiased perception of Dominic Ongwen, and its foundation in retributive justice reveals a desire for fair trials. Yet many local opinion leaders fear that the ICC fundamentally cannot avoid constructing Ongwen as a perpetrator. Based on earlier demonstrations of Ongwen's complex victimhood and perpetrator-hood, such constructions would defy accuracy. The follow sections explore how the ICC constructs Ongwen, both from its own perspective and the perspective of local opinion leaders.

#### *4.4.2 The ICC Investigation: Early Constructions of Perpetrator-hood*

In describing the ICC's investigations in Northern Uganda, ICC Outreach Coordinator Jimmy Otim explained, "They looked for what happened, they listened to the people that suffered the crimes, they did a thorough investigation. It is from investigation that names started emerging." The ICC then issued arrest warrants for those who were "most responsible for crimes" (J. Otim, personal communication, November 7, 2016). While most Northern Ugandans agree that Dominic Ongwen was responsible for many atrocities, many feel that the ICC's investigation did not do justice to the circumstances that led to Ongwen's crimes (F. Odongyoo, personal communication, October 31, 2016). Human rights lawyer Nicholas Opiyo explained:

The ICC doesn't look at the internal complexities of Northern Uganda and is primarily just concerned with that macro, legal-political viewpoint that they have. And they completely cannot understand the local dynamics in Uganda, the complexities, the social, cultural, and local dynamics that have informed this war. (Personal communication, November 8, 2016)

Failure to understand the complexities of Northern Uganda led to a failure to appreciate Ongwen's victimhood during investigation; according to Bishop Onweng, the ICC could not fundamentally understand the impact of abduction on a child (personal communication, October 28, 2016). An intermediary to the ICC explained that during investigations, the ICC only considered Ongwen's perpetrator-hood; it was not until the confirmation of charges hearing when Ongwen said he had also been abducted by the LRA that his victimhood as an abductee was truly recognized (personal communication, November 10, 2016).

The ICC compounded on its failure to recognize Ongwen's victimhood by announcing that it would only try crimes Ongwen committed above the age of eighteen. According to the Rome Statute, children under the age of eighteen cannot be tried ("Rome Statute of the International Criminal Court," 2002, art. 26). Jimmy Otim of the ICC explained that this article of the Rome Statute was designed to protect children from unfair prosecution. Yet many others believe that the ICC is ignoring the significance of Ongwen's childhood experiences, including abduction and indoctrination in the LRA. As explained by Francis Odongyoo of Human Rights Focus:

Adulthood is a progression, from childhood to that. It is not something that is just – poof! – there you are. He was formed by being a child to become an adult. By focusing on him and ignoring the victim aspect...[the ICC is] ready to close their eyes to that fact [of his abduction]. (Personal communication, October 31, 2016)

Justice and Reconciliation Project's Isaac Okwir echoes:

Should you listen to the counts on Dominic Ongwen, that is a clear indication that they are only looking at what Dominic Ongwen did. But they have never mentioned what happened to Dominic Ongwen... they are only looking at Dominic Ongwen through one angle, as a perpetrator. They only want to prove that he is a criminal, a perpetrator. (Personal communication, October 31, 2016)

In response to these criticisms, the ICC emphasized that Ongwen's childhood victimhood can be used as mitigation (J. Otim, personal communication, November 7, 2016; H. Kilama Komakech, personal communication, October 30, 2016).

The ICC's Outreach team, in an effort to portray the case in an unbiased way, has demonstrated its knowledge of the case's complexity in a variety of outreach initiatives in local communities. Yet it is "struggling with how to deal with [the complexity]... They pretend to acknowledge his victimhood, but only as a minor thing" (J. Odong, personal communication, November 2, 2016). As the ICC's outreach team has attempted to explain the case to local communities, it appears to have indirectly constructed Ongwen as a perpetrator. Without full understanding of legal mechanisms, many community members generally assume that he is automatically guilty of these crimes (I. Okwir, personal communication, October 31, 2016). LC5 Chairman Mapenduzi explained, "The moment you indict – the moment the indictment comes out, you are actually a suspect – a major suspect... So that does not make him appear as not yet guilty" (O.M. Mapenduzi, personal communication, October 26, 2016).

As put bluntly by a community member in Lukodi, "For him, the case is not fair, but it is fair to us" (personal communication, November 13, 2016). In the ICC's attempt to establish a fair, unbiased case, it indirectly constructed Ongwen as a perpetrator and disregarded his victimhood as a former LRA member. As a retributive justice mechanism, the ICC needed a perpetrator to legitimize itself; it found one in Dominic Ongwen. By trying only crimes he had committed above the age of eighteen, it protects Ongwen from punishment for the crimes he committed as a child; yet at the same time, it effectively disregards the context of his childhood abduction.

Despite the ICC's construction of Ongwen as a perpetrator, his case is not entirely delegitimized. Ongwen still has the right to his own attorney, who will undoubtedly highlight the factors of victimhood that contextualize Ongwen's actions. In addition, the ICC will take every step to ensure that his trial is impartial and evenhanded (Bensouda, 2005). Yet its goal of impartiality is undermined by its polarized construction of Ongwen.

Whether intentional or unintentional, the ICC's construction of Ongwen as a perpetrator has repercussions beyond Northern Uganda. According to Bishop Onweng, "The western world looks at him as a criminal... because of the ICC. Because the ICC is

the agent of the world” (personal communication, October 28, 2016). The implications of the biased construction of Ongwen’s perpetrator-hood matter not only for his case at the ICC, but also for an accurate understanding of the LRA conflict and achievement of justice for complex victim/perpetrators.

## Chapter 5: Conclusions and Recommendations

### 5.1 Conclusions

Trying to fit former LRA members into the boxes of “victim” and “perpetrator” is not only futile, but also obscures reality. As LRA members have demonstrated time and again, their motivations – even their very personalities – were warped by the situations of constrained choice and indoctrination in which they found themselves. Deep examination of the “willingness” with which LRA members perpetrated atrocities reveals a culture of fear and threat in the LRA. Failure to recognize members’ dual aspects of victimhood and perpetrator-hood is a failure to appreciate the complexity of the conflict in Northern Uganda.

However, constructions of victimhood and perpetrator-hood are useful. They simplify the incomprehensible; they distance us from the reality that we, too, could have faced similar situations as former LRA members and made the same decisions. LRA members constructed themselves primarily as victims when faced with the risk of punishment, but in risk-free environments acknowledged their complex victimhood and perpetrator-hood. Local community members also recognized this complexity, but at times were swayed by self-interest. The ICC constructed former LRA members as perpetrators to legitimize its method of retributive justice in the most concerning case of self-interested social construction.

Yet as local people and former LRA members themselves have demonstrated, it remains possible to transcend the social constructions of “victim” and “perpetrator” in favor of a more nuanced perspective. In doing so, they embraced the idea of a conflict that is more complex than meets the eye. They recognized the humanity in the most heinous of acts.

As stated by Mazinani (2014), “conflicts are viewed as a primordial and unsolvable animosity” (p. 290). Yet when the context of conflict is examined in detail, what once was incomprehensible begins to make more sense. As we look back on the Northern Ugandan conflict, we can sort actors into boxes of “victims” and “perpetrators,” punish the perpetrators, and move on. Or, we can look deeper, striving to understand the contextual factors that transformed ordinary civilians into agents of atrocity. In doing so,

we recognize the suffering and humanity of both sides of conflict. We extend our empathy toward those who suffered both conventionally and unconventionally. And most importantly, we move toward preventing the same contextual recipe for violence in the future.

## **5.2 Recommendations**

### *5.2.1 International Criminal Court*

The ICC failed to recognize Dominic Ongwen's complex victimhood and perpetrator-hood at the time when it was most important – its investigation of Northern Uganda. Since the investigation has concluded and Ongwen has been indicted, the ICC must now take steps to ensure a balanced portrayal of Ongwen's complex victimhood and perpetrator-hood. Most importantly, the ICC must objectively acknowledge Dominic Ongwen's factors of victimhood and perpetrator-hood in all outreach initiatives and public statements to encourage a nuanced view of Ongwen in Northern Uganda and the international community.

Moving forward, the ICC must publicly acknowledge the existence of actors with ambiguous victim/perpetrator status. In doing so, it will set an example for all methods of transitional justice. Further, the ICC must develop an effective framework for achieving justice for these ambiguous actors through either its own method of retributive justice or by supporting alternative methods of restorative justice.

### *5.2.2 Government of Uganda*

In order to conclusively delineate the complexity of the Northern Ugandan conflict and clarify the ambiguous status of former LRA members, the Government of Uganda must fulfill its promise to conduct a national truth commission. By bringing the hidden details of the conflict to the surface, the government can debunk the constructions of "victim" and "perpetrator" in favor of a nuanced perspective. In order to legitimize this process, the government must simultaneously acknowledge its own role in the Northern Ugandan conflict.

Lastly, the Government of Uganda must engage in and promote dialogue that contextualizes rather than polarizes the victimhood and perpetrator-hood of former LRA

members. The government has the power to set an example for the rest of the country; by engaging in nuanced dialogue, it will encourage the rest of the country to examine the LRA conflict with similar nuance.

### *5.2.3 Opinion Leaders*

This research demonstrated a gap between opinion leaders and communities themselves on perspectives of victimhood and perpetrator-hood. This indicates that opinion leaders must actively engage with communities to understand and accurately represent their perspectives on victimhood and perpetrator-hood in the Northern Ugandan conflict.

Opinion leaders must also promote nuanced and contextualized dialogue surrounding victims and perpetrators of the Northern Ugandan conflict. This dialogue should be emphasized particularly in locations of frequent ICC outreach, where community members have been influenced by the ICC's need to construct victims and perpetrators.

Lastly, opinion leaders must refrain from constructing victims and perpetrators to legitimize the missions of their particular organizations. Instead, they must employ accurate and contextualized narratives and develop the goals of their organizations based on these narratives.

### *5.2.4 Future Researchers*

The most critical and urgent goal of future researchers must be to coin a term to describe those with ambiguous victim/perpetrator status. Without a term to describe these actors, their complex status is delegitimized and polarized. With the coining of this term, future researchers must discourage the use of the polarized constructs of victim and perpetrator in academia, instead advocating for a more nuanced and accurate description of conflict.

Future research must probe deeply into the contextual factors that enabled the Northern Ugandan conflict and other similarly complex conflicts. In the process, they must develop a working list of cross-cutting contextual factors that motivate or force those with complex victim/perpetrator status to commit atrocity. By identifying

common contexts that may lead ordinary people to commit atrocities, researchers will highlight the humanity of perpetrators of conflict and move toward more practical theories of conflict prevention.



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## Appendix 1: List of Anonymous Case Studies of Former LRA Members

<b>Respondent</b>	<b>Interview Dates</b>	<b>Gender</b>	<b>Age</b>	<b>Age at Abduction</b>	<b>Years in LRA</b>	<b>Final Rank</b>
1	October 25, 2016 October 27, 2016 October 28, 2016	Male	42	16	9	Captain (3 stars)
2	October 25, 2016 October 26, 2016 October 27, 2016	Male	34	9	8	Captain (3 Stars)
3	October 29, 2016 November 1, 2016	Female	25	Born in LRA	13	No rank

## Appendix 2: List of Formal Interviews with Community Leaders

<b>Name</b>	<b>Interview Date</b>	<b>Title</b>
Ojara Martin Mapenduzi	October 26, 2016	LC5 Chairman of Gulu District
Arthur Owor	October 27, 2016	Independent Researcher
Bishop Onweng	October 28, 2016	Catholic Bishop
Henry Kilama Komakech	October 30, 2016	Human Rights Lawyer
Francis Odongyoo	October 31, 2016	Director of Human Rights Focus
Pamela Angwech	October 31, 2016	Director of GWED-G
Isaac Okwir	October 31, 2016	Representative of Justice and Reconciliation Project
Ambrose Olaa	November 2, 2016	Acholi Prime Minister
Jackson Odong	November 2, 2016	Representative of Refugee Law Project
Jimmy Otim	November 7, 2016	Uganda Outreach Coordinator for the ICC
Nicholas Opiyo	November 8, 2016	Human Rights Lawyer, Lawyer for Thomas Kwoyelo
Anonymous	November 10, 2016	Intermediary to the ICC

## Appendix 3: List of Focus Group Discussions with Local Community Members

<b>Community</b>	<b>Date of Focus Group Discussion</b>	<b>Focus Group Makeup</b>
Lukodi	November 13, 2016	Women (6)
Lukodi	November 13, 2016	Mixed (6)
Lukodi	November 13, 2016	Men (4)
Tyena Kaya	November 17, 2016	Women (6)
Tyena Kaya	November 17, 2016	Mixed (5)

## Appendix 4: Focus Group Discussion Questionnaire

1. What does the word “perpetrator” mean to you?
2. What does the word “victim” mean to you?
3. Can someone be a “victim” and a “perpetrator” at the same time?
4. Is someone who was born in the LRA a victim or perpetrator?
5. Is someone who volunteered to join the LRA a victim or a perpetrator?
6. Is someone like Dominic Ongwen, who was abducted but rose in the ranks, a victim or a perpetrator?