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Complex political perpetrators: reflections on Dominic Ongwen*

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ABSTRACT

Dominic Ongwen is an indicted war criminal and former child soldier in one of the world's most brutal rebel organisations, the Lord's Resistance Army (LRA). Ongwen is at once victim and perpetrator: what justice strategy is relevant? I introduce the concept of complex political perpetrators to describe youth who occupy extremely marginal spaces in settings of chronic crisis, and who use violence as an expression of political agency. Ongwen represents a troupe of young rebels who were 'bred' in the shadows of illiberal war economies. Excluded from the polity, or rather never having been socialised within it, such complex political perpetrators must be recognised in the debate on transitional justice after mass atrocity, lest cycles of exclusion and violence as politics by another means continue.

INTRODUCTION

Dominic Ongwen was about ten years old when he was abducted by the notorious Lord's Resistance Army (LRA) on his way to school. As a child, he was trained to fight against the Government of Uganda and forced to kill, mutilate, loot from and rape civilians. He became so efficient and fearlessly loyal to his superiors that he was eventually 'promoted' to the 'inner circle' of the LRA. In October 2005, the International Criminal Court (ICC) issued arrest warrants for Ongwen for crimes against humanity, including massacres and the abduction and enslavement of children. Ongwen is the first known person to be charged with the war

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crimes of which he is also a victim. While he may be unique in this regard, his ambiguous status as victim and perpetrator is not.

A growing number of persons hold such contradictory status in fragile African states, where many children and youths have been recruited or forced to join military groups in the past two decades (Abbink & van Kessel 2005; Bøås 2007; Francis 2007). In northern Uganda alone, Ongwen represents one of 30,000–60,000 children and youths abducted by the LRA since the start of the conflict between the rebels and the Government of Uganda (GoU).¹ Entire groupings of African youth in conflict-affected countries remain uninitiated into the polity; their citizenship belongs to no state but rather to deterritorialised military forces. Violence is their political expression (Beneduce *et al.* 2006; Hoffman 2005, 2006). The field of transitional justice scarcely addresses questions of child soldiers, let alone those who are ‘born of war’ (as the result of forced marriage and rape), or ‘grow up in war’ (after abduction or ‘voluntarily’ joining an armed group) (Carpenter 2007). On one hand, justice advocates seek to protect child soldiers from prosecution; while on the other, they work to prosecute those who enslave children and force them to fight in rebel groups. That some children, like Ongwen, grow up to be both victims and oppressors is a dilemma unaddressed in the field of transitional justice.

Yet Ongwen’s case raises vexing issues of justice. How should individual responsibility be addressed in the context of collective victimisation? What agency is available to individuals who are raised within a setting of extreme brutality? How can justice be achieved for Ongwen and for the victims of the crimes he has committed? In the first part of the paper, I examine the everyday experiences of children abducted by the LRA and provide a composite picture of what the last eighteen years were like for Ongwen. This narrative is set against a wider backdrop of crisis in northern Uganda, the role of regional and international parties in that crisis, and the role of the overt and structural violence that shapes the decisions Ongwen made about taking and giving life. As such, it sets the groundwork for considering the degree to which Ongwen exercised choice, and is thus responsible for his acts. I do so not to deny the atrocities he committed, but to make them intelligible. As Hannah Arendt (1963: viii) eloquently argued in her discussion of totalitarianism, ‘comprehension does not deny the outrageous ... [it] means the facing up to, and resisting of, reality, whatever that may be’.

In the second part, I draw upon Erica Bouris’ (2007) theory of victim agency to introduce the term ‘complex political perpetrator’. The concept aptly describes a generation of youth who have grown up in settings of

chronic crisis and, presented with a set of ‘choiceless decisions’ (Coulter 2008: 61), develop strategies to navigate complex, violent terrains. Vigh (2008: 6) pens the term ‘chronic crisis’ to describe settings in which ‘decline and conflict become ... the societal states from which people make sense of events inscribing “the devastation in the everydayness of life”’. ‘Agency’, he continues (*ibid.*: 10–11), ‘is not a question of capacity – we all have the ability to act – but of possibility; that is, to what extent we are able to act within a given context.’ Ongwen was raised in one of the fiercest rebel groups known to humanity, in a region riddled by decades of structural and open violence. In the final part of the paper, I consider how such complex political perpetrators are addressed (or not) within the most popular transitional justice mechanisms pursued in Uganda under the Peace Agreements, and suggest that the recognition of complex political perpetrators might generate a much needed break in cycles of victimisation and exclusion in settings of chronic crisis.

A NOTE ON METHODOLOGY

The first time I met a former LRA combatant, I met 400 of them. All had been forcibly abducted by the LRA at a young age. It was at a communal cleansing ceremony at which we sat together under the hot afternoon sun. The ceremonial speakers encouraged communities to ‘forgive’ those who had returned from the LRA and now lived amongst those in attendance. To me, those being cleansed *looked* indistinguishable from the rest of the population, save for perhaps mannerisms that revealed their nervousness at being grouped together and made to sit in one place: fidgeting, darting eyes, beads of sweat on their foreheads. They certainly didn’t look like the ruthless rebels I had heard about: most shyly looked downwards, fearful to speak above a whisper as I tried to engage them. After completing the ritual ceremony that involved stepping on an egg and a branch to symbolise cleansing (see Baines 2005), they were told to go home and confess any crimes they had committed to their clan elders and to reconcile with the dead. The community members observing were reminded that none had willingly gone to the bush, and so none were to blame. The oldest person to undergo a cleansing was about thirty; the youngest was two.

I would remember this group later, while in Kalongo in 2006, when a sixteen-year-old girl told me about an encounter she had with a local militiaman: ‘Once the war is over, we will round you up and ship you off to jail!’ he had threatened her. She carried a child born of rape strapped to her back. The local militiaman beat her, ‘You killed my mother! You killed my father!’ The girl’s parents were also killed by the rebels just

months before she was abducted. She and many like her had no sense of security living in displaced persons camps, where up to 1.7 million people had been forced to live by the Ugandan government. They feared re-abduction by rebels and tried to hide their identities to protect themselves from public scorn. Even those who had once been abducted were held responsible by the civilian population. 'They return with a rebel mentality', explained one parent who had turned her daughter out upon the daughter's return from several years in the bush. Others told me that the combatants come back polluted: filled with the spirits of the people they have killed. As my research team and I observed, a few even became mad and tried to kill community members, or themselves.

As Finnström (2008a: 26) reminds us, 'War and social unrest, one could say, bring ambiguities of the lived situation to the surface. [The war-affected unravel] such ambiguities in the effort to govern the lived surroundings.' When violent conflict becomes a 'normal' part of everyday life, people struggle to redefine themselves and their relationships within that landscape. The children return with blood on their hands;² the community grants them amnesty for things that were not their fault. Mothers of missing children are among the most vehement of persons who shun and stigmatise children who return from the bush – jealous that their child did not come home, fearful of who their child might return as. Social and spiritual problems are attributed to the presence of former combatants, and so the community copes by marking their presence through marginalisation, exclusion, and purification or cleansing.

It was an interest in how communities of victims and perpetrators live together that first drew me to work in northern Uganda. In 2003, I struck a research partnership with Michael Otim, coordinator of the Gulu District NGO Forum and Human Rights Watch (HRW), to document the scale of abduction during the military campaign Operation Iron Fist 1 and advocate for international intervention. The relationship with HRW was short-lived. When the ICC announced its intention to investigate the LRA, HRW celebrated, but the local Ugandan partners objected: why would Kony negotiate a peace deal only to return and be arrested? It also sparked a heated debate about the relevance of an international judicial approach versus a locally based solution (Allen 2006, 2007; Branch 2007; HRW 2007; Lomo 2006; Wadell & Clark 2008). The elders insisted that amnesty coupled with local justicial practices, frequently referred to as *mato oput* (drinking the bitter root), was more suited to the context. *Mato oput* involves the spirit world, cleansing the wrongdoer and repairing relationships destroyed through acts of violence or neglect (Baines 2005; Finnström 2008b).

In 2005, Otim and I co-founded the Justice and Reconciliation Project (JRP), recruiting twelve local youth and providing them with research skills training. We began to conduct 'grass-roots' level research with ex-combatants and their communities, producing several reports on *mato oput* and local coping mechanisms (see JRP 2006b, c; 2007a, b, c; JRP & QPSW 2008a, b) over several years as the peace talks began. Our work focused on the coping skills employed by local communities to help them absorb children and youth who had 'escaped' from the LRA and were trying to reconcile both with what they had experienced, and with the communities traumatised by years of LRA terror. Most communities, even the families of the returned children and youth, regarded them with deep suspicion. Many, unable to shake off the memories of the bush, would act out old LRA roles and, as a result, would be actively shunned, marginalised and harassed by school mates, parents, local militia, elders, teachers and community leaders. Others were able to adapt more quickly, drawing on a variety of strategies (faith, forgetting, hiding their identity) to fit in. The research team examined the role of elders and traditional rituals and the processes used to facilitate this healing process, finding that for some, it had a therapeutic effect, while for others, the legacies of the conflict were too great (Baines 2007). None of these local coping mechanisms address what Finnström (2008b) describes as 'bad surroundings': nearly all returned from the LRA and were 'reintegrated' into a setting of chronic crisis, characterised by massive population displacement, internment within confined areas, constant surveillance by military factions, severance of access to agricultural land (the mainstay of life), reliance on international humanitarian aid, collapsed social services, restrictions on mobility, and vulnerability to repeated LRA attacks (raids on camps, on nearby gardens and ambushes on the road) and to Ugandan Government military counter-insurgency tactics.

We work in all four districts of Gulu, with satellite offices and 'focal point' researchers located in Amuru, Anaka, Pajule, Kitgum Matidi and Padibe displaced persons camps. On-going community dialogues, in-depth interviews and participant observations are the main techniques used to assess the 'justice needs' prevalent at the local level, and the capabilities of the local population to navigate the painful paths they were forced to tread. We recruited 'volunteers' to liaise with the community and act as our eyes, ears and sometimes mouth; some of these volunteers were once abducted persons themselves and all lived within one of the camps.

During the course of our work, it was rumoured that one of the five indicted commanders, Ongwen, had been abducted by the LRA as a

child. We attempted to verify this through our local interlocutors, one of whom was able to identify Ongwen's family members, who in turn confirmed that Ongwen had indeed been abducted. The story intrigued us. After all, what was the difference between Ongwen and many of the 'youth' (also aged thirty, having spent fifteen years in the bush) whom we had met in the course of our study of reintegration and reconciliation? Some had escaped, but nearly all had faced the same set of decisions as Ongwen: kill or be killed. If these young men and women were afforded amnesty for being 'captured' or having risked escape, then what about those youth who had not yet done so? What was justice for this group who were also both victim and perpetrator? So this research project was begun.

Our focal points approached some of our regular volunteers to further identify persons who might have known Ongwen while in the bush. JRP and focal point researchers met fifty persons altogether, including Ongwen's clan family (whom we interviewed repeatedly over a period of a year); former escorts who had spent anywhere from one to ten years in the bush; former 'wives' given to Ongwen in the late 1990s/early 2000s and who were released or escaped in 2005 (in total we interviewed three of the known five); former 'wives' of Ongwen's equals in the LRA command structure; and Ongwen's former senior commanders.³ We also interviewed several civilians who had met Ongwen during his 'information gathering' efforts, and some persons whom he consulted to assess if it was safe to return home and to inquire about the ICC. We asked them general questions on the following themes: whether Ongwen had been abducted and if so when; his indoctrination, training and ascension through the ranks of the LRA; his character and the roles he played in the LRA; and whether they believed he should be held accountable for his actions. I provided supervision and guidance to the team, developed the research design, and drafted findings into a policy paper (JRP 2008). In this way, we co-researched the topic; but reflections here on the wider significance of Ongwen's situation to the field of transitional justice are mine.

INSIDE THE LRA

Ongwen was born into a time of turbulence and unpredictability in Ugandan politics. If he was born in 1980, as our research indicates,⁴ by the time he was five years old the country had already gone through three *coups d'état*. A fourth, the overthrow of the first president to have hailed from what is known as Acholiland (northern Uganda) by Yoweri Museveni's National Resistance Army (NRA), sparked the start of the war in the north that would come to dominate his life. The NRA, embittered

by the long and bloody bush war fought against the Acholi military, chased the soldiers northwards towards Acholiland (see Gersony 1997; Okello 2002). Entering their villages, the NRA raped, pillaged and killed (AI 1999). By the time he was six, then, Ongwen would probably have learned to fear and hate the soldiers of the NRA, later renamed the Ugandan People's Defence Forces (UPDF). Ongwen's family, like many Acholi people, may have slept in *alup* (the bush) to avoid attack by the UPDF or forced recruitment by former Acholi soldiers who had now become rebels. The devastation was great (Dolan 2000). From the rebels emerged a spiritual leader, Alice Lakwena. Through her, it was believed, the Holy Spirit spoke: it reasoned that the calamities that had befallen the Acholi people were due to their own self-indulgence and impurities. She led her followers and former soldiers into a Holy War, forming the Holy Spirit Mobile Force. They made it as far south as Jinja before defeat (Behrend 1998, 1999). In the wake of the war, new leaders emerged, among them a young Joseph Kony who would eventually re-organise scattered factions into the present day Lord's Resistance Army.

By the time Ongwen was ten, in 1990, his family were well aware of the possibility that he, like so many other children, might be abducted and forced to fight. Born Dominic Okumu Savio, the child gave a false name (in this case Ongwen) to the rebels and reported that he was from a village the opposite side of the district from where he was actually born. Such misinformation upon abduction is a common 'survival strategy' that Acholi parents teach their children. The LRA keep records of the names, clans and village of birth of those they abduct. This intimidates children, who know that the LRA often retaliate against the clans of abductees who escape and report to the UPDF. The process of hiding one's identity begins on the day of one's abduction.

Ongwen's lapwony is Vincent Otti

According to our respondents, Ongwen was so small he had to be carried for the first few days by other captives. He was placed in the home of Vincent Otti, then a senior commander, who would later become second-in-command to general and rebel commander Joseph Kony. Otti would be Ongwen's teacher.⁵ It is common for LRA commanders to bring boys and girls too young to fight into their homes, to train them, and to inculcate a sense of loyalty. I witnessed the allegiance given to senior commanders in Uganda on several occasions. When a commander returned from captivity, he would often be paid a courtesy visit by the children he had once abducted; young women knelt before him, a sign of respect.

Commanders are called *lapwony*, meaning teacher. A good *lapwony* would force the children to immediately forget about their old lives, teaching them that even thoughts of escape could be detected and punished by death. The LRA exhaust and intimidate the children, using tactics such as hard physical labour, long marches, disorientation, frequent beatings and rituals involving cleansings. Many children told us that they soon 'forgot' about home altogether.

Children are 'initiated' into the LRA by their commander through a series of cruel beatings and are then left to recuperate.⁶ Once disoriented and 'initiated', new abductees are provided military training, which involves long drills in using a gun and conducting raids. Children as young as fourteen could be put in command of small groups of children and sent on raids, looting goods from trading centres or food from gardens and stores. Spiritual indoctrination is another means to control the behaviour of children and dissuade them from attempting to escape. Former child soldiers and commanders report that Kony has omnipresent powers: he can predict the future and uses this power to defeat his enemies. Most former LRA are convinced that Kony can read minds and take the form of animals to spy on those contemplating escape.⁷ As suspicion of escape could lead to a severe beating or death, and because such suspicion can be founded on little to no direct evidence, abductees tend to self-police. For instance, formerly abducted youth warn other children that should they be abducted, they should never cry, regardless of the circumstances, as displays of emotion, such as keeping to oneself, or being quiet or remorseful, may be construed as longing for home (and thinking of escape). These emotions are therefore suspect and punishable.

Some youth are forced to kill or to witness the killing of people who try to escape. Some commanders also force their new 'recruits' to participate in 'rituals' involving tasting blood, rolling in a person's blood, eating with bloodied hands or eating while sitting on the bodies of persons who have just been killed. While its tactics are extreme, the LRA is not without a political ideology that appeals to its soldiers and contributes to retention. Children and youth frequently told us they were convinced that the overthrow of the Ugandan Government was imminent. Letters from the LRA to the population include a list of historical grievances against the current government, and express the belief that it is purposely exterminating the Acholi people, with the assistance of international actors.⁸ Many children believed they would soon overthrow the government, liberating northern Uganda and leading to political positions and material benefits to those who had remained loyal (Blattman & Annan 2007). Children were often informed that their village no longer existed, that

their parents had been killed, and that the Government had forced all Acholi into internment camps to eliminate them. 'While spiritual messages and initiation were commonly received, former abductees were at least as likely to report political propaganda and the promise of material rewards as spiritual dogma', observe Blattman and Annan (2007: 10). Loyalty to Kony and stated beliefs in his promises and powers increased among those children who had been with the LRA longer than a year. Similarly, the younger the recruit when abducted, the more probable it was that he or she would be indoctrinated easily and thus remain with the LRA (*ibid.*: 11–12, 17). In other words, the LRA is both a political and spiritual project that re-imagines the child as someone who can be purified and made into a superior being, capable of delivering Ugandans from evil. Fighters often used the word 'Holies' to describe themselves, an allusion to their belief that they fight with the Holy Spirit on their side.

Killing and empathy

Ongwen was reportedly keen in character and eager to please the high command, repeatedly demonstrating his natural ability as a fighter. His former colleagues, abducted at the same age and during the same period, relayed numerous stories of Ongwen as a child soldier successfully conducting raids on military installations, capturing soldiers and weaponry. At about the age of fourteen, four years after he was abducted, he relocated along with the rest of the LRA to bases in south Sudan, where Kony secured resources such as military hardware from Khartoum. In exchange, Kony helped keep the Sudan People's Liberation Army (SPLA) – supported by the Government of Uganda – in check. Ongwen, like other recruits, lived relatively well in south Sudan: the Ugandan People's Defence Forces (UPDF) did not cross the border to disturb the LRA. Here, the LRA organised large, expansive compounds, set up schools and hospitals, sent commanders for military training, and built the next generation of LRA fighters.

In south Sudan, Ongwen was put in charge of field operations, conducting raids and organising abductions of children from northern Uganda. He went on training to Khartoum and Nairobi, and attended to various shadowy international arms deals. At one point, he was in charge of the operations room, where Kony stockpiled weapons. He learned the trade of liaising with other rebel groups in the region, exchanging information, strategies and supplies. He organised many attacks against enemy rebel groups, like the SPLA, to gain strategic advantage for the LRA. These attacks were brutal, employing powerful symbolic messaging, such

as the LRA practice of lining roads with the severed heads of their enemies. Ongwen's most well-noted and known role, however, was to replenish the forces of the LRA by abduction. He was said always to deliver the exact number he abducted to Kony – none would escape. According to some respondents, Kony praised Ongwen's character, calling him a role model for other abducted children. Rewarded for each battle, capturing weapons and abducting children, Ongwen was given rank and eventually, his own 'wives', about five in total. By 2001, he was said to be a field commander, holding the rank of lieutenant.

Former fighters and escorts to Ongwen paint a portrait of a conflicted man. Respondent A, a former commander who spent twelve years in the bush and first met Ongwen in 1995, five years after his abduction, reported that he was an empathetic man unable to control his immediate circumstances:

I cannot tell you about all his life in the bush. However as a person who was close to him, I can tell you he was a person who loved people and hated killing. But in the bush you can be made to do something against your will ... I saw him release many people, for example the weak and the injured.

Respondent A 2008 int.

Another respondent confirms that, in the early period, Ongwen released children at considerable risk to himself. In one story, Ongwen disobeyed the orders of his commander and released one of two brothers. 'If your parent's children were all abducted', Ongwen asked him, 'how would they feel?' (Respondent C 2007 int.). He reportedly told another soldier: 'civilians should not be killed since they are not armed and are innocent. It's only the combatants that should be attacked' (Respondent B 2008 int.). According to witnesses, he would order his troops to loot, but not to take all of a civilian population's supplies of food. He would attack military outposts in camps, but not if it put civilians at risk. In one instance, his team was preparing to attack a camp and noted civilians were in the direct line of fire. He devised a plan to lure the military away from the camp and engage them at a safe distance from the people. A former fighter recalled him instructing those under his command: 'if you find your enemy helpless during conflict times you should cease from killing such a person'. Ongwen's mother claims she was once paid a courtesy visit by up to seventy women and children whom Ongwen had released from captivity.

In the course of our field research with former fighters in Uganda, we found that such stories are not uncommon. Most take pride in telling us that they released civilians when they could, acts of resistance in the extreme, risking death or beatings. At the same time, killing was an everyday

occurrence. Respondent A (2008 int.) explains: 'It is hard to call them atrocities especially when a person is a soldier. I don't see it as a criminal act. It's like the saying goes, when two elephants fight, it's the grass that suffers.' Along with the reports of Ongwen's humanity and compassion, many respondents described scenes of horror: Ongwen killing pregnant women, boiling people in pots, and hunting down escaped children to finish them. Our informants suggested that Ongwen took steps to protect himself and his men from harm, undermining senior commanders and killing fellow LRA members when it was advantageous to his own security. Both sets of narratives reveal that Ongwen navigated the complex terrain of the LRA to exercise agency in a given set of circumstances not of his choosing, a subject I will return to in the next section.

Iron Fist and ascension in rank

It was not until the LRA launched a major offensive against the UPDF and civilian population in 2003 that Ongwen perfected his skills as military strategist, child abductor and mass murderer. The LRA abducted 8,400 new 'recruits' between June 2002 and May 2003 alone, forcing them to carry supplies between Sudan and Uganda, and training them for battle (HRW 2003). In response, the UPDF stepped up its policy of forcing civilians into displaced persons camps. In early 2002, an estimated 500,000 persons had been displaced; by the end of 2002 an additional 300,000 were displaced. By 2003, as the LRA moved eastwards and the UPDF launched a second offensive, Operation Iron Fist II (OIF II), this number jumped to 1.7 million persons. As the LRA moved eastwards into Teso, more than 300,000 people were displaced by the violence, and hundreds more were murdered. Children were abducted by the hundreds; in one case a school was raided and over a hundred girls were taken by the LRA. In another, forty children drowned after they had been abducted and forced to cross a river. The population in Teso fought back by forming bands of young men and some women known as the Arrow Groups, and by January 2004 Ongwen and the LRA had retreated. Some 30,000 persons joined the UPDF to repel the rebels. The LRA suffered significant losses, many of whom were abducted children.

In response to the organisation of civilians into militias, the LRA launched one of its deadliest and most gruesome attacks against the civilian population. On 21 February 2004, a number of LRA commanders came together to attack Barlonyo in Lira, where over 300 civilians were hacked to death or burned alive. This massacre, while the biggest in this period of the war, was by no means singular: large groups of 100 to 300 rebels would

attack camps, killing dozens of civilians and abducting hundreds of children. Upwards of 40,000 children marched into town centres each night in an attempt to avoid LRA abduction, while at the height of the offensive, attacks and shelling on town centres and IDP camps in Kitgum, Pader and Gulu were commonplace. Some camp populations swelled into the tens of thousands. Packed into the centre, civilians lay flat with their hands over their heads as bullets and shells whistled overhead. Young abducted boys were sent ahead of the LRA battalions to reconnoitre UPDF positions and World Food Programme food convoys. Humanitarian workers were singled out and attacked; food, medical supplies and radios were raided from their vehicles (UNOCHA 2003–4). It was during this period that Ongwen rose from a field officer to the senior command, and it was for crimes committed during this period that he now stands charged with seven counts of war crimes and crimes against humanity.

Ongwen was promoted at such a rapid pace for three reasons: first, he was a killer; second, he was a loyal fighter; and third, he managed to outlive his superiors. In the first instance, Ongwen is reportedly an unwavering fighter and brilliant strategist. ‘He was so brave and inspirational that even if you were a coward, that cowardice would go straight back to your mother’s womb if [he] was leading the attack’, one former combatant told us (Respondent D 2008 int.). Killing soldiers and civilians enhances one’s status in the LRA:

The LRA would promote you when you attack enemies, acquire guns and uniforms. Or when you attack a camp and defeat the UPDF you also earn a promotion. It might be bad on the population but good on the LRA side as they will be promoted, and that is how Ongwen rose up through the ranks.

Respondent D 2008 int.

‘Good on the LRA side’ means that with each promotion, personal security improved. Rising to a higher rank improves access to food and shelter, knowledge and information, escorts and spies for protection, *ting ting* (girls who are immature, such as those who have not yet menstruated) for domestic service and forced ‘wives’ for domestic service, sexual gratification and the production of children for status. ‘Bad on the population’ implies the level of civilian death, looting or abduction that would have to take place prior to ascension in the ranks.

Second, loyalty is considered a critical factor for promotion. When we asked our respondents to describe Ongwen’s character, they used the following adjectives: ‘killer’, ‘fearless’, ‘devoted’, ‘courageous’, ‘a staunch supporter of the LRA’, ‘without mercy’, ‘a very hard fighter’, ‘a good soldier’, ‘a role model in the bush’, ‘a very respectful and loyal man who would obey orders’, and ‘not a coward’. All are attributes of a loyal,

disciplined LRA fighter. As a sign of his trust in Ongwen, Kony reportedly relied on him to execute difficult missions, such as military offensives during their 2002–3 incursions into Lira and Teso Districts. There, the LRA engaged the UPDF in large-scale battles during which many LRA commanders were killed. Ongwen gained the reputation of being able to emerge from the bloodiest of battles with the majority of his fighters alive. Many of our respondents reported that when they went into battle with Ongwen they felt confident because they ‘knew they would succeed’. Kony would often praise Ongwen in front of new recruits for his loyalty, encouraging them to follow his example. Being a killer and being loyal are intertwined. The more someone kills with the LRA, the more they are considered loyal and unlikely to attempt escape: ‘Kony used to promote those who do a lot of bad things because he knows that they will never go back home’ (Respondent D 2008 int.).

Third, Ongwen simply outlived a number of his superiors who were killed in large numbers during the fighting in northern and eastern Uganda between 2002 and 2005. Kony promoted Ongwen *in absentia* simply because so many others had been killed. As one respondent with the LRA for seven years summarised, Ongwen ‘was promoted because of his fighting skills and the atrocities he used to commit, and also because so many senior commanders had died’ (Respondent E 2008 int.). By 2004, the Chief Prosecutor announced his intentions to investigate the LRA and by July 2005, arrest warrants for the ‘top five’, Ongwen included, were released. Ongwen was charged with three counts of crimes against humanity and four of war crimes, including ‘widespread murder, enslavement, pillaging and attacks on civilian populations’. Operation Iron Fist succeeded in hammering the LRA back in numbers, the inner circle moved into the Democratic Republic of Congo and called a ceasefire. This left Ongwen and his fighters isolated and alone in northern Uganda, ordered not to fight. UN officials and civilians reported seeing bands of LRA, hungry and bedraggled, roaming the north.

Ongwen’s dilemma

During this period, Ongwen swung back and forth about wanting to escape. His fighters described him as quick to anger: ‘It was not an easy task for one to try to assess Dominic’s character because he changes his mind and mood like the way a chameleon does to its skin colour’ (Respondent F 2008 int.). ‘Dominic changes from good to bad and from bad to good at any moment’ (Respondent G 2007 int.). Isolated from the high command, he began to contact civilians and local leaders to ask about the possibility

of returning from the bush.⁹ One night, he sent troops to round up thirty civilians and bring them to a meeting point outside Gulu. He quizzed them on the public's perception of him and what they believed would happen to him if he returned. He asked about his parents and family, as he often did when in the area. He asked about former LRA commanders who had taken government amnesty packages and were now said to be living comfortably in Gulu. He also asked whether they thought the Government would hand him over to the foreign court. They told him of a recent radio programme in which a senior local official had said there was no way Ongwen could escape the ICC. After the discussion, he let the group go. Ongwen knew the population would hold deep resentment for his role in the community:

[Ongwen] would start saying that he is not the one who brought anybody to the bush; even he was abducted so no one should give him a headache. Even their own home is dead, he has nowhere to return. The Government sees him as bad so he is only waiting for his day to die. He will not forgive anybody because where ever he goes people know he is a killer so he has to act accordingly.

Respondent H 2008 int.

Yet he also displayed signs of doubting the rebellion. One of his former wives (Respondent I 2006 int.) says he frequently contacted her in 2006, sometimes sneaking at night into the displaced persons camp where she lived with their children in Opit, shedding his military fatigues to blend in with the local population. She said he expressed a desire to return home. After learning that one of their children had died, she recalls, 'he said it was useless for him to stay in the bush when his children were suffering [and] he could not bring anything home'. She approached local officials, who organised a meeting with the army and former LRA commanders to plan his surrender. Ongwen washed, shaved and changed into civilian clothing. But before they could leave for the meeting, he suddenly began to beat his wife, asking if she had forgotten about the ICC indictments and his fate if he gave himself up. In September 2006, Ongwen met Ugandan army commanders and some religious leaders in a remote area of the north, in an appointment apparently arranged by a civilian LRA collaborator. He and his men were promised safe passage to a neutral area in Sudan – but instead, some time late in 2007, he crossed the border into Congo to rejoin Kony. Ongwen has reportedly been promoted to third in the LRA command. The LRA continues to abduct children from Sudan, the nearby Central African Republic and Congo as well as Uganda. The rebels need young recruits to groom for their next high command, and are again training them by forcing them to kill other children.

In her book *Complex Political Victims*, Erica Bouris (2007) introduces a theory of victim agency: that is, the ability of victims of mass human rights abuses to engage in activities that resist or challenge the passivity equated with victim discourses. This is an important observation, because it breaks out of established norms regarding victim and perpetrator as discrete, homogeneous groups. Simplistic categories of 'victim' and 'perpetrator' are assigned a moral value in the field of peacebuilding: 'victims' are frequently associated with the words 'pure' and 'innocent', and perpetrators with 'evil' and 'guilt'. The ideal victim is helpless, vulnerable and in need of being rescued. This is perhaps not surprising, given that it is far easier to deliver humanitarian aid, development or justice when clear parameters are drawn around 'victims' and 'perpetrators' (Malkki 1996). Bouris is concerned that, by failing to recognise and address complex political victims in justice pursuits after conflict, new space is created in which 'mass victimisation, particularly genocide', can take place (see also Mamdani 2001). That is, the victims' exclusion from access to justice fuels the social construction of the 'other'. This construction is the first step towards de-humanising a sub-group, which often leads to violence.

The child soldier as victim

Bouris' analysis is appropriate to the subject of justice and child soldiers. To address the question of culpability of children, human rights advocates rely on legal definitions of who is an adult, focusing on the special protection needs of children in armed conflict, in particular the forcible or voluntary recruitment into state and non-state forces.¹⁰ The *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* (UN 2002) requires governments to limit voluntary recruitment under the age of sixteen. It also obliges parties to any conflict to ensure that persons below the age of fifteen are afforded adequate protection during hostilities. If, despite this provision, children are directly involved in hostilities, article 77 (3) states that 'they shall continue to benefit from special protection', including protection from death penalty or being housed in adult prisons if arrested before the age of eighteen. The Rome Statute of the International Criminal Court, adopted in 1998, identifies the age of fifteen as the limit for protection. 'Whether or not individuals under the age of 15 take part in the hostilities does not supplant their status as "children" under international law subject to special protections. This is a universalist status allotted to all people under the age of 15 with the age being the sole criteria' (Barquero 2008). The Rome

Statute identifies the forcible recruitment of children under the age of fifteen as a war crime. All children under the legal age limit are considered innocent victims.

A number of studies on the impact of violence on child soldiers verify the normative thrust of legal arguments: children are not responsible for their actions (Honwana 2007; Wessells 2006). For example, the literature recognises that children are purposefully selected because they are 'amenable to indoctrination, more loyal, and less questioning of commands that present moral difficulties' (Boyden 2003: 347). A number of children report that after a while, they stop thinking about home and operate on 'auto-pilot'; some describe 'going outside of their bodies' when forced to kill. Most psychological analyses of child soldiers argue that the longer children are within an armed group, the longer they are exposed to events inducing trauma. This can and does lead to developmental dysfunction. Jeff McMahan (forthcoming) argues that child soldiers can be understood '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'.

According to this view, Ongwen was not yet fully formed as a human and was thus moulded by adults to carry out the gross human rights violations he did as a child. Several informants agreed with this view:

Ongwen is like a dog sent to get meat. They made him fight against his own people so that he is not able to return home and live with the people he hurt. He just worked on order and became a leader because of his discipline in following orders. We are like dogs because as the dog grows it follows what it sees.

Respondent H 2008 int.

Another argued that

Ongwen was just an executioner of commands, because he would do what he was commanded to do. His only problem is that he would look too eager to do it. He [Ongwen] should not be prosecuted because in the bush if you are told to do something and you do not do it then you would be killed. That is why if you are told to kill 100, you would kill a thousand so that you leave no doubt about your loyalty and so that you could be thanked.

Respondent B 2008 int.

Morally ill-equipped, according to this psychological analysis, Ongwen cannot judge wrong from right. This does not mean that all children completely or irrevocably lose their identities or moral sensibilities, but that they might choose to do so, or simply involuntarily suppress their morality in order to survive or gain a sense of power and control over their lives. Boyden (2003) warns that children are more resilient than most studies of child soldiers portray, so that although they transgress moral

boundaries, they can and do retain their moral sensibilities about right and wrong in the long term. These explanations seem to underestimate the agency of children in war, and reveal a desire to hold fast to the idea that all children are innocent, moral and good.

The child soldier as agent

The assertion that children are passive, innocent victims of armed conflict has been contested by scholars who have documented ways in which children sometimes willingly join rebel groups, particularly to avoid structural poverty and inequality (Abbink & van Kessel 2005; Bøås 2007; Brett & Specht 2004; Peters & Richards 1998; Richards 1996; Utas 2005). Michael Wessells (2006) reminds us that even in the strictest of environments, children find ways to resist, albeit in ways conditioned by the environment itself. For example, children may 'play stupid' to avoid being forced to kill, or 'play smart' – including demonstrating a willingness to kill – in order to secure a better life, such as access to better food or security. Other motivations arise: some chose to adopt the 'bush mentality' to survive; others have reported mutilating civilians out of curiosity. Children and youth have found empowerment in joining militias and militaries, including protection from violence, access to goods, and decision-making. Some report killing unpopular soldiers to bring them respect and prestige among the group. Myriam Denov and Richard MacClure (2006: 78) provide an astute example using testimony of former girl soldiers with the Revolutionary United Front of Sierra Leone:

I was not very powerful in my own group, but I had a lot of power over civilians. The commander would give us each a civilian ... and you would kill the one that was given to you. At that time, I was quite enthusiastic about it – I was proud and confident. I felt good ... That was one way of building confidence in me that I am just like them.

Some scholars have added the qualifier that agency within the confines of highly militarised groups is always conditional (Denov & MacClure 2006). In her study of rebel groups in Angola and Mozambique, Alcinda Honwana (2007) argues that in such an environment, children and youth have little power to disobey outright orders given to them, but they do have agency. Honwana refers to this as 'tactical' agency, that is, children make short term choices moment to moment, day to day, including moral and immoral choices about the lives of others, within the highly regulated confines of a rebel army and the insecure backdrop of conflict. Motivations behind such choices vary; however, choices are highly regulated and restricted. Tactical agency contrasts with more 'strategic'

agency, based on a position of power in which longer-term decisions are taken based on planning and a degree of control over one's circumstances.

The birth of the victim-perpetrator

To this end, I introduce the concept of complex political perpetrators to describe a generation of victims in settings of chronic crisis who not only adapt to violence to survive, but thrive (Scheper-Hughes 2008). By becoming a perpetrator, a child or youth can gain some degree of control over his or her life. For Ongwen and generations like him, the state is absent, unable to extend protection or provide basic goods or services to affected populations. In its absence, war opens spaces for social, economic and political innovation into which excluded children and youth can be either forced or willingly enter and become upwardly mobile. Gendered, soldiers are trained to be tough, fearless and aggressive, situated within a dysfunctional masculine hierarchy; they exercise power over subordinates and derive security from their own excesses. Securing a position of prestige in the rebel group involves obtaining wives, children and material wealth, derived through looting and violence. Young men and women engaged in military 'work' embrace expectations of themselves by their commanders, civilians, the state, and the international community as a form of re-claiming political space.

Across different post-conflict settings, the same phenomenon is taking place. Violence is a political tool of a young, excluded and largely male populace – many of whom are former soldiers who no longer derive anything from citizenry and vice versa (Marriage 2007; Mitton 2008; Mkandawire 2002). As noted of former Revolutionary United Front (RUF) fighters: 'For those who spent many years in the RUF, particularly those abducted at a young age or recruited at the inception of the conflict, the divorce from society was so complete as to require political induction rather than reintegration' (Mitton 2008: 197). The seeming 'chaos' of war – amputations, abduction, enslavement, forced pregnancy, forced marriage – is not singular acts of aimless, apolitical criminals. Rather, violence is the language of the complex political perpetrator, a means of searching for entry into the political conversation. In his observation of violence in Sierra Leone, Daniel Hoffman (2006: 13) argues that 'it suggests an effort to create a space of recognition as political interlocutors, at once speaking to multiple communities and searching for recognition as legitimate speakers'.

As a complex political perpetrator, Ongwen is responsible for his actions; but his accountability is mitigated by the circumstances which gave

rise to his victim status. This does not excuse his actions, but it does avoid a recreation of the idea that Ongwen is aberrant, a monster and, thus, a scapegoat. As Bouris (2007: 67) explains, 'recognizing these perpetrators as victims is quite critical, because if we do not see them as victims, we are unlikely to understand the true horror of [the context]'. To understand Ongwen is to situate the everyday lives of youth in chronic crisis. Just as they are a product of violence, they reproduce the structures of violence. 'Violence gives birth to itself', wrote Nancy Scheper-Hughes and Philippe Bourgois (2004: 1):

We all know, as though by rote, that wife beaters and sexual abusers were themselves usually beaten and abused. Repressive political regimes resting on terror/fear/torture are often mimetically reproduced by the same revolutionary militants determined to overthrow them. Structural violence – the violence of poverty, hunger, social exclusion and humiliation – inevitably translates into intimate and domestic violence.

Ongwen, a child raised in the bush, may exercise free will, crossing into the realm of perpetrator; however, it is dangerous to 'collapse the distinctions among contrasting kinds of agency that are associated with contrasting kinds of power' (R. Shaw quoted in Coulter 2008: 67). Even as persons like Ongwen embrace the role of mass murderer, rapist or slave master, they do so against the background of everyday violence, and here recognising the context in which their choices are made is of paramount importance to the development of justice alternatives.

TRANSITIONAL JUSTICE

Communities transitioning from long-term, entrenched conflicts to peace face many formidable challenges, one of which is to receive back thousands of perpetrators of heinous crimes into their neighbourhoods, even their own homes. Transitional justice is a process of coming to terms with the past, of reckoning with gross human rights abuses and of learning how to live together again (Teitel 2003). The range of mechanisms that compose the transitional justice field complement the liberal peace agenda, seeking to rebuild the rule of law and promote civic identity (Sriram 2008). Yet they do so in a way that stigmatises and further excludes the complex political perpetrator. Thus we return to Bouris' concern that the search for pure victims and tainted perpetrators will ultimately set up the process for exclusion, dehumanisation and future violence. This is particularly important in settings where transition is fragile or, in the case of northern Uganda, where a formal peace agreement has yet to be signed. All this

begs the question: what justice strategies are most relevant? I provide some preliminary reflections below.

Punitive approaches

Supporters of punitive justice after mass atrocities argue that there can be no sustainable peace without prosecution of those most responsible. Whether before a national court, special tribunal, hybrid or international court, accountability of those most responsible is a cornerstone to upholding rule of law and promoting peace and democracy. The Agreement on Accountability and Reconciliation (AAR), signed during the Juba Peace Talks by the LRA and Government of Uganda on 29 June 2007 and its subsequent Annexure on 19 February 2008, make provision for the establishment of a Special Division of the High Court of Uganda that would prosecute those who bear the greatest responsibility.¹¹ Though not specified, it is likely this would be limited to senior LRA commanders; the UPDF, children, and rank and file combatants are excluded (Wierda 2008).

Clearly Ongwen is a perpetrator and, by virtue of his rank and position in the LRA high command, bears great responsibility. He made certain choices to commit crimes against humanity – choices others did not make (by escaping, by refusal to kill, by melting into the background, by choosing death). As argued above, the further he advanced in rank, the more strategic agency he exercised. This observation alone is enough to provide a rationale for his prosecution. For, ‘where there is agency, there must be responsibility’ (Price 2001: 225). However, there are limitations to the ability of the punitive approach to deal with complex political perpetrators. For one, only a handful of senior persons will be prosecuted, yet thousands reached mid to high-level commands like Ongwen, and a complementary strategy would be required for them. Singling out Ongwen from other complex political perpetrators may send the wrong message to others, that participation in another mechanism (truth telling or local justice) could lead to their own indictment and prosecution, as was the case with ex-combatants who were reluctant to become involved in truth telling in Sierra Leone for fear of being indicted by the Hybrid Court with which the Truth Commission shared information. Second, the prosecution of the LRA and not of UPDF reinforces the perception of victor’s justice. This would reproduce the idea that once abducted children now adult LRA are to blame for their suffering, undermining a process of reconciliation among those who have returned and those in affected communities. This leads to the third, and perhaps most important,

shortcoming: prosecution cannot recognise the particular circumstances of the complex political perpetrator, namely his or her victim status. It singles out the individual as solely responsible and reinforces their exclusion from the polity. For those who struggle to live together again, it does not help to move beyond the 'othering' of those who returned; an already fragile situation could become more so, as is the case in any attempt to seek justice. Yet given the enormous number of persons who hold victim-perpetrator status, and the desire to deter them from re-arming (JRP & QPSW 2008b), it appears particularly pressing to avoid a 'victor's justice'.

Finally, individualising responsibility sweeps under the carpet inter-connecting levels of responsibility and accountability which led to Ongwen's victimisation, and that of his victims. As Nagy (2008: 279) argues, it 'focuses on specific sets of actors for specific sets of crimes ... towards a fairly narrow interpretation of violence within a somewhat artificial time-frame and to the exclusion of external actors'. Yet as Mazurana and Carlson (2008) argue in their discussion of child-soldiers and war slaves, 'the rise in youth fighters is ... linked to the failure of the state to ensure its protective obligations towards the civilian population ...' In addition, Nordstrom (1999: 21) argues: 'rather than seeing "war abuses" or "child (s)exploitation" as "outside" the rules and boundaries of "average" or "normal" society, perhaps we should be asking instead what it is that makes such behaviours possible wherever they are found, and what patterns of in/tolerance link them'. In the case of Uganda, decades of forced displacement, and denial of freedom of movement, access to livelihoods, basic services and needs (food, water, medicine), amount to what one observer terms 'social torture' (Dolan 2005). The international community, after years of servicing the camps, become complicit in their creation and maintenance (Branch 2008; Finnström 2008b: 135). The recruitment of Acholi children and youth into the Ugandan military forces and militias has not been subject to the same scrutiny as LRA recruitment by the ICC, UN or other observers. In short, while a judicial approach could deal adequately with Ongwen as the individual, the perpetrator, it would also reify a good and evil-doer, an 'us' and 'them', dichotomy, obscuring the true horror of the Ugandan conflict.

Local justice mechanisms

The AAR and its Annexure recognise that, in addition to trials, local justice mechanisms are a central part of the justice puzzle, and identify the rich tradition of practices such as *culo kwor*, *mato oput*, *kayo cuk*, *ailuc* and *tonu ci koka* which share common elements of negotiated settlement regarding

'mutually accepted version of events, followed by reconciliation and reparations to restore relationships between clans' (Wierda 2008: 13). Such local dispute mechanisms are receiving increasing (and critical) attention in the field of transitional justice, as a means of promoting collective healing and restoration of relationships (Baines 2007; Honwana 2007; Igreja 2008; Mawson 2004; Roht-Arriaza & Mariezcurrena 2006). Although many questions remain unanswered (such as the ability of impoverished communities to pay reparations; the degree to which such mechanisms should be codified; how such mechanism would promote equity of participation and voluntariness), the potential for both addressing accountability and restoration speak to some of the concerns of promoting reintegration and reconciliation within communities. Some observers are concerned that local mechanisms, especially the emphasis on restoration through ceremonial and symbolic rituals, would not meet international standards such as due process (Stovel 2008). However, 'in practice much of [these concerns] will fall on communities that are undergoing the process themselves, and they will necessarily come up with unique ways, to adapt traditional justice ceremonies to modern realities and to rebut criticism that they will act to reinforce patriarchal and unelected power structures' (Wierda 2008: 14). Such spontaneous processes emerged in Mozambique as communities adapted communal cleansing ceremonies to reintegrate former combatants (Igreja 2008); and community-based justice has been adopted in Rwanda with the revision of *gacaca* processes, and in Timor Leste, where a local justice ceremony was adapted to feed into the work of a truth seeking process.

As with punitive approaches, the burden of guilt in local justice approaches falls almost exclusively on former LRA combatants. Although the agreement excludes children, it makes no mention of the special circumstances of complex political perpetrators. Although local mechanisms emphasise reconciliation in a way that punitive approaches do not, it could potentially increase violence rather than restore relationships. In Rwanda, local courts revise the tradition of *gacaca*, where a group of 'wise' persons sit in judgement before a communal court. One stated aim is communal truth telling and unity building. However, only acts of genocide are tried in such courts, and so only Hutu appear before the courts. The courts have reportedly led to increased tensions and violence in communities: witnesses have been killed and threatened; people have been publicly denounced and jailed. Reportedly between 800,000 and one million cases now exist before the courts, up from 120,000 at the start of *gacaca* in the late 1990s (Chakravarty 2008). Rather than promote reconciliation, Hutu feel increasingly insecure and have adopted strategies for

disengagement from the state (Waldorf 2008). Like judicial approaches, local justice mechanisms do not address national or international crimes, and place a heavy burden on complex political perpetrators to bear sole responsibility.

Unless the special circumstances of complex political perpetrators are recognised, these may have little reason to participate in local courts or inclination to reintegrate at all. In our interviews with Ongwen's respondents, many mid to high-level commanders, once abducted, view themselves as politically invisible in Uganda. They are not politically important enough to be provided a hefty Government resettlement plan, which is the main strategy of the Government of Uganda for ensuring the reintegration of former LRA who held high-level positions. Nor can they return to the communities from which they came without deep suspicion, accusation and threat. Some live in a no-man's-land, awaiting assistance from the Government; others have turned to crime, still others simply opt to go back to what they know best – the gun (Ayugi 2007; Matsiko 2008). Failing to recognise their complex status, there is no justice strategy for those who have returned and yet not been accepted by the communities. And so Ongwen becomes their symbol of what the future holds, one that is uncertain and one to which former child soldiers turned perpetrators do not belong.

Truth seeking

An increasingly popular and common strategy for redressing abuses of the past is the truth commission, pioneered in South Africa and subsequently adapted to local situations and pursued across the world in Peru, Guatemala, Sierra Leone and Liberia, to name a few (Hayner 2001). An advantage of a truth seeking mechanism is that it can address the historical roots of the conflict, enabling victims and perpetrators to provide testimony towards a public record of wrongdoings and to advance recommendations for prevention of such abuses in the future. The Agreement on Accountability and Reconciliation does provide a provision for a truth seeking 'body' which could assist in addressing Uganda's violent history as a whole. While past commissions in Uganda have failed (there have been two), there is a large demand for such a process in northern Uganda itself, to address the root causes of the war.

Tristan Anne Borer (2003: 1091) argues that truth commissions reify the idea that victims and perpetrators are homogeneous, even opposing, groups. In her review of the South African Truth and Reconciliation Commission, she found that the definition of the word 'perpetrator'

adopted in the Commission's report 'made no distinction between the kinds of acts committed, the reasons why they were committed, their consequences or their context', despite the fact there were many different kinds of perpetrator. If such a body were created in northern Uganda, it could have in its mandate a specific committee for complex political victims, which not only discusses their role as perpetrators, but explores the circumstances which led to the commission of such crimes, and would thus usher the country into a public discussion on the wider forms of structural and overt violence that led their children to kill, abduct and enslave other children.

A commission set up specifically for complex political perpetrators could identify the overlapping layers of responsibility of national and international actors for failing to protect the Ugandan population from abduction in the first place, in addition to questions about underage recruitment and war crimes committed by all parties. Appropriate accountability mechanisms that recognise the circularity of victims and victimisers could be identified by the committee on a case-by-case basis, in terms of trials, local justice or reparations, which might involve community work to build memorials or rebuild social infrastructure. Such considerations are made elsewhere: in Canada, for instance, aboriginal offenders are channelled through restorative justice and healing ceremonies as an alternative to the criminal justice system.



In August 2006, Mike Otim and I met Joseph Kony and the LRA high command inside the border of the Democratic Republic of Congo as part of a confidence building process in the talks. We were accompanied to the bush 'parliament' as the LRA called it, by a young man of about seventeen, one of Kony's eldest sons. A precocious young man, he lectured the Acholi elders, pointing out how little they actually knew about politics, how they were soft and corrupt. By introducing the term complex political perpetrators, I hope to draw attention to the processes which 'give birth' to cycles of violence. I have argued that this group of perpetrators cannot be defined solely by acts of violence, however grave. Rather, for those like Ongwen – abducted at ten and having lived his life as a rebel – or for the son of Kony – born of rape and raised in exile – acts of violence are a means of retaining power. Without a specific strategy to address this unique status, cycles of 'othering' and exclusion continue.

Only with recognition of the complex political perpetrator can Ongwen's contradictory status be acknowledged. This recognition could

serve the broader interests of justice in several ways. First, it would start a dialogue that unpacks concepts of victim and perpetrator, including national and international connections that lead to these subject positions in the context of chronic crises, a product of a set of historical circumstances in which international, national and local actors are involved. Second, a public debate may better serve the 'lived realities' of the war-affected who, after all, live side by side with complex political perpetrators. Ongwen could be any war-affected person's child. This would help move the war-affected away from the idea that all former LRA are the same and equally responsible, and towards restoration of relationships where those like Ongwen are recognised as not the sources of all misfortune, but the products of it; victims of the same violence from which the community also suffers. Third, it could potentially end the exclusion of those like Ongwen, offering them a means of re-engaging with the polity other than violence. A number of studies on violence have indicated that impoverished, emasculated male youth are more likely to resort to violence when excluded from formal decision-making and power (Dolan 2001). This is even more the case with a group of young men who know nothing but the way of the gun. Without this, others will follow in Ongwen's footsteps and become the next generation of Africa's rebel commanders.

NOTES

1. The number of abducted youth is contested. This number is generally agreed upon by UNICEF. SWAY 2006 places the number at 66,000, which is based on a random survey sample of 1,000 households, and includes youth abducted from ages 13–30. The Berkley Tulane Initiative 2007 used data from reception centres, and by triangulating the data projected the number of youth abducted at between 24,000 and 38,000, and adults between 28,000 and 37,000.

2. In local parlance, there are a number of terms to refer to children forced into the LRA, including the politically correct 'formerly abducted children' (NGO speak), to *dwok cen paco, olum olum* – negative terms used to refer to the rebels. The children themselves use the term 'we the children who came from the bush', meaning they recognise their status as unique and different from those who were never abducted.

3. The average length of stay in the bush of all respondents was six years, eleven months for females, and four years, three months for males. In general girls and women stayed longer because they were kept as sexual slaves in Sudan for a number of years, making it harder to escape.

4. Date of birth was confirmed in separate interviews with his mother, sister and brother. Birth and baptism certificates were destroyed during the war. At our request for some form of legal documentation, the family obtained a new certificate of birth from the local administrator, at the cost of around 2 US\$ (which we later reimbursed). The name on the certificate appeared as Ongwen's original name, Dominic Okumu Savio. While there were competing stories of who Ongwen's real parents are, we were convinced by competing evidence, including the fact that the UPDF itself went to the family for DNA samples when they later tried to verify whether Ongwen had been killed in battle.

5. In 1996, Otti slaughtered up to 300 persons from his home village of Atiak in a display of loyalty to the LRA (JRP 2007a).

6. In a survey with once-abducted persons, 67% reported being beaten at the time of abduction. See BTIVP 2007: 19.

7. More likely, an intricate system of spies and counter-spies existed in each sub-group of the LRA, reporting back to commanders and to Kony.

8. JRP has obtained letters from the high command written to local officials. One letter by Brigadier Sam Kolo read for more than half a dozen pages the ways in which aid agencies collaborated with the Government of Uganda to exterminate the Acholi people. For more on LRA ideology see Finnström 2008b.

9. Consultation with civilians and family members is reportedly a widely practiced means of mid or senior-level commanders to gather intelligence and, in the case of the Government amnesty, to weigh whether or not to return home. See QPSW and CR 2006.

10. No known studies examine the culpability of child soldiers who commit atrocities as adults. See Grossman 2007.

11. In part created out of the desire to address the sticking point of the ICC, recognising the Court would be more likely to acknowledge the authority of a national legal mechanisms and therefore, under the principle of complementarity, possibly lead to the withdrawal of the arrest warrants.

REFERENCES

- Abbink, J. 2005. 'Being young in Africa', in Abbink & van Kessel, *Vanguards or Vandals?*, 1–36.
- Abbink, J. & I. van Kessel, eds. 2005. *Vanguards or Vandals? Youth, politics and conflict in Africa*. Leiden: Brill.
- Allen, T. 2006. *Trial Justice: the International Criminal Court and the Lord's Resistance Army*. London: Zed Press.
- Allen, T. 2007. 'The International Criminal Court and the invention of traditional justice in northern Uganda', *Politique Africaine* 107: 147–66.
- Amnesty International (AI). 1999. *Human Rights Violations by the National Resistance Army*, 3 December. London: AI.
- Arendt, H. 1963. *Eichmann in Jerusalem*. New York: Penguin Classics.
- Ayugi, C. 2007. 'Ex-rebels return to crime', *Institute for War and Peace Reporting*, available at: <http://www.iwpr.net/?p=icr&s=f&o=341153&apc_state=henpacr>, accessed 6.3.2008.
- Baaz, M. E. & M. Stern. 2008. 'Making sense of violence: voices of soldiers in the Congo (DRC)', *Journal of Modern African Studies* 46, 1: 57–86.
- Baines, E. 2005. 'Roco Wat I Acoli: restoring relationships: traditional approaches to justice and reintegration in northern Uganda', Vancouver: Liu Institute for Global Issues, Gulu District NGO Forum and Ker Kwaro Acoli.
- Baines, E. 2007. 'The haunting of Alice: local approaches to justice and reconciliation in northern Uganda', *International Journal of Transitional Justice* 1, 1: 91–114.
- Barquero, C. 2008. 'The child protection gap', paper presented at the 2nd Human Security and Cities Conference, Vancouver, BC, Canada 3–4 March 2008 (CCHS & DFAIT).
- Behrend, H. 1998. 'War in northern Uganda', in C. Clapham, ed. *African Guerrillas*. Oxford: James Currey, 107–18.
- Behrend, H. 1999. *Alice Lakwena and the Holy Spirits: war in northern Uganda 1985–1997*. London and Athens, OH: Ohio University Press and Swallow Press.
- Beneduce, R., L. Jourdan, T. Raeymaekers & K. Vlassenroot. 2006. 'Violence with a purpose: exploring the functions and meaning of violence in the Democratic Republic of Congo', *Intervention* 4, 1: 32–46.
- Berkeley Tulane Initiative on Vulnerable Populations (BTIVP). 2007. *Abducted: the LRA and forced conscription*. Berkeley, CA: Human Rights Center, University of California, Berkeley.
- Blattman, C. & J. Annan. 2007. 'On the nature and causes of LRA abduction: what the abductees have to say', unpublished manuscript.
- Bøås, M. 2007. 'Marginalized youth', in Bøås & Dunn, eds. *African Guerrillas*, 39–53.
- Bøås, M. & K. C. Dunn. 2007. *African Guerrillas: raging against the machine*. Boulder, CO: Lynne Rienner.
- Borer, T. A. 2003. 'A taxonomy of victims and perpetrators: human rights and reconciliation in South Africa', *Human Rights Quarterly* 25, 4: 1088–1116.
- Bouris, E. 2007. *Complex Political Victims*. Sterling, VA: Kumarian Press.
- Boyden, J. 2003. 'The moral development of child soldiers: what do adults have to fear?', *Peace and Conflict: Journal of Peace Psychology* 9, 4: 343–62.
- Branch, A. 2007. 'Uganda's civil war and the politics of ICC intervention', *Ethics & International Affairs* 21, 2: 179–98.
- Branch, A. 2008. 'Against humanitarian impunity: rethinking responsibility for displacement and disaster in northern Uganda', *Journal of Intervention and Statebuilding* 2, 2: 151–73.

- Brett, R. & I. Specht. 2004. *Young Soldiers: why they choose to fight*. Boulder, CO: Lynne Rienner.
- Carpenter, C. 2007. *Born of War: protecting children of sexual violence survivors in conflict zones*. Sterling, VA: Kumarian Press.
- Chakravarty, A. 2008. 'Confessions and counter-confessions: micro-politics and macro-political outcomes of justice in Rwanda', paper presented at the Africa Studies Association, Chicago, 13.11.2008.
- Coulter, C. 2008. 'Female fighters in the Sierra Leone war: challenging the assumptions?', *Feminist Review* 88: 54–73.
- Denov, M. & R. Maclure. 2006. 'Engaging the voices of girls in the aftermath of Sierra Leone's conflict: experiences and perspectives in a culture of violence', *Anthropologica* 48, 1: 73–85.
- Dolan, C. 2000. 'What do you remember?', ACORD, available at: <<http://www.acord.org.uk/r-pubs-Cope%20Working%20Paper%2033.PDF>>, accessed 14.3.2008.
- Dolan, C. 2001. 'Collapsing masculinities and weak states: a case study of northern Uganda', ACORD, available at: <www.acord.org.uk/r-pubs-CollapsingMasculinities.doc>, accessed 18.6.2008.
- Dolan, C. 2005. 'Understanding war and its continuation: the case of northern Uganda', PhD dissertation, University of London.
- Finnström, S. 2008a. 'Reconciliation grown bitter? War, retribution and ritual action in northern Uganda', unpublished manuscript.
- Finnström, S. 2008b. *Living with Bad Surroundings: war and existential uncertainty in Acholiland, Northern Uganda*. Durham, NC: Duke University Press.
- Francis, D. J. 2007. '"Paper protection" mechanisms: child soldiers and the international protection of children in Africa's conflict zones', *Journal of Modern African Studies* 45, 2: 207–31.
- Gersony, R. 1997. *The Anguish of Northern Uganda: results of a field based assessment of the civil conflicts in northern Uganda*. Washington, DC: USAID.
- Grossman, N. 2007. 'Rehabilitation or revenge: prosecuting child soldiers for human rights violations', *Georgetown Journal for International Law* 38, 2: 323–61.
- Hayner, P. 2001. *Unspeakable Truths: confronting state terror and atrocity*. New York: Routledge.
- Hoffman, D. 2005. 'Violent events as narrative blocs: the disarmament at Bo, Sierra Leone', *Anthropological Quarterly* 78, 2: 329–54.
- Hoffman, D. 2006. 'Disagreement: dissent politics and the war in Sierra Leone', *Africa Today* 52, 3: 3–24.
- Honwana, A. 2007. *Child Soldiers in Africa*. Philadelphia, PA: University of Pennsylvania Press.
- Human Rights Watch (HRW). 2003. 'Abused and Abducted', *Human Rights Watch* 15, 12. New York.
- HRW. 2007. 'Benchmarks for assessing possible national alternatives to International Criminal Court cases against LRA leader: a Human Rights Watch memorandum', Human Rights Watch, available at: <<http://hrw.org/backgrounders/ij/icc0507/icc0507web.pdf>>, accessed 3.5.2008.
- Igreja, V. 2008. 'Gamba spirits, gender relations, and healing in post-civil war Gorongosa, Mozambique', *Journal of the Royal Anthropological Institute* 14, 2: 353–71.
- Jackson, M. 2006. *The Politics of Storytelling: violence, transgression and intersubjectivity*. Copenhagen: Museum Tusculanum Press.
- Justice and Reconciliation Project (JRP). 2006a. 'Alice's story: cultural and spiritual dimensions of reconciliation', Field Note I: Gulu, Uganda.
- JRP. 2006b. 'Young mothers, marriage and reintegration', Field Note II: Gulu, Uganda.
- JRP. 2006c. 'Accountability and reconciliation at the Juba peace talks: beyond the impasse', Field Note III: Gulu, Uganda.
- JRP. 2007a. 'Remembering the Atiak massacre: April 20th, 1996', Field Note V: Gulu, Uganda.
- JRP. 2007b. 'Abomination: local belief systems and international justice', Field Note VI: Gulu, Uganda.
- JRP. 2007c. 'The cooling of hearts: community truth telling in northern Uganda', Special Research Report: Gulu, Uganda.
- JRP. 2008. 'Complicating "victims" and "perpetrators" in northern Uganda: the life of Dominic Ongwen', Field Note VIII: Gulu, Uganda.
- JRP & Quaker Peace & Social Witness (QPSW). 2008a. 'With or without peace: demobilization, disarmament and reintegration in northern Uganda', Field Note VII: Gulu, Uganda.
- JRP & QPSW. 2008b. 'Sharing the burden of the past: peer support and self help amongst former Lord's Resistance Army youth', Special Report: Gulu, Uganda.
- Lomo, Z. 2006. 'Why the International Criminal Court must withdraw indictments against the top LRA leaders: a legal perspective', Refugee Law Project, August, available at: <www.refugeelawproject.org/resources/papers/others/whyICCmustwithdraw.pdf>, accessed 10.7.2008.

- MacLure, R. & M. Denov. 2006. 'I didn't want to die so I joined them: structuration and the process of becoming boy soldiers in Sierra Leone', *Terrorism and Political Violence* 18, 1: 119–35.
- Malkki, L. 1996. 'Speechless emissaries: refugees, humanitarianism, and dehistoricization', *Cultural Anthropology* 11, 3: 377–404.
- Mamdani, M. 2001. *When Victims become Killers: colonialism, nativism and the genocide in Rwanda*. Princeton, NJ: Princeton University Press.
- Marriage, Z. 2007. 'Flip flop rebel, dollar soldier: demobilization in the DRC', *Conflict, Security, Development* 7, 2: 281–309.
- Matsiko, G. 2008. 'Ex-LRA commanders escape from safe house', *The Daily Monitor* (Kampala), 7.7.2008.
- Mawson, A. 2004. 'Children, impunity and justice: some dilemmas from northern Uganda', in J. Boyden & J. de Berry, eds. *Children and Youth on the Front Line*. New York, Berghahn, 136–41.
- Mazurana, D. & K. Carlson. 2008. 'War slavery: the role of youth in fighting forces in sustaining armed conflict and war economies in Africa', unpublished manuscript.
- McMahan, J. forthcoming. 'Child soldiers: the ethical perspective', in S. Gates & S. Reich, eds. *Building Knowledge about Children in Armed Conflict*. Pittsburgh, PA: University of Pittsburgh Press.
- Mitton, K. 2008. 'Engaging disengagement: the political reintegration of Sierra Leone's Revolutionary United Front', *Conflict, Security, Development* 8, 2: 193–222.
- Mkandawire, T. 2002. 'The terrible toll of post-colonial "rebel movements" in Africa: towards an explanation of the violence against the peasantry', *Journal of Modern African Studies* 40, 2: 181–215.
- Nagy, R. 2008. 'Transitional justice as a global project: critical reflections', *Third World Quarterly* 29, 2: 275–89.
- Nolen, S. & E. Baines. 2008. 'The making of a monster', *The Globe and Mail* (Toronto), 25.10.2008, available at: <<http://www.theglobeandmail.com/servlet/story/RTGAM.20081024.wongwen1024/BNStory/International/>>, accessed 25.10.2008.
- Nordstrom, C. 1999. 'Wars and invisible girls, shadow industries, and the politics of not knowing', *International Journal of Feminist Politics* 1, 1: 14–33.
- Okello, L., ed. 2002. 'Protracted conflict, elusive peace: initiatives to end the violence in northern Uganda', ACCORD, Conciliation Resources, available at: <<http://www.c-r.org/our-work/accord/northern-uganda/contents.php>>, accessed 10.7.2008.
- Peters, K. & P. Richards. 1998. '"Why we fight": voices of youth combatants in Sierra Leone', *Africa* 68, 2: 183–210.
- Price, L. 2001. 'Finding the man in the soldier-rapist: some reflections on comprehension and accountability', *Women's Studies International Forum* 24, 2: 211–27.
- Quaker Peace & Social Witness and Conciliation Resources (QPSW and CR). 2006. *Coming Home: understanding why commanders of the Lord's Resistance Army chose to return to civilian life*. London: Conciliation Resources, available at: <http://www.c-r.org/our-work/uganda/documents/CR_Coming_Home_May06.pdf>, accessed 17.5.2008.
- Richards, P. 1996. *Fighting for the Rainforest: war, youth and resources in Sierra Leone*. Oxford: James Currey.
- Roht-Arriaza, N. & Mariezcurrena J., eds. 2006. *Transitional Justice in the Twenty-First Century: beyond truth and justice*. Cambridge University Press.
- Scheper-Hughes, N. 2008. 'A talent for life: reflections on human vulnerability and resilience', *Ethnos* 73, 1: 25–56.
- Scheper-Hughes, N. & P. Bourgois. 2004. 'Introduction: making sense of violence', in N. Scheper-Hughes & P. Bourgois, eds. *Violence in War and Peace: an anthology*. Oxford: Blackwell, 1–32.
- Sriram, C. 2008. 'The liberal peace and transitional justice: a critique', Annual meeting of the ISA's 49th annual convention, bridging multiple divides, San Francisco, CA, 26.3.2008.
- Stovel, L. 2008. 'There's no bad bush to throw away a bad child: tradition inspired reintegration in post-war Sierra Leone', *Journal of Modern African Studies* 46, 2: 305–24.
- Survey of War Affected Youth (SWAY). 2006. 'Research brief 1: the abduction and return experience of youth', available at: <<http://www.sway-uganda.org/SWAY.RB1.pdf>>, accessed 13.6.2008.
- SWAY. 2007. 'Research brief: making reintegration work for youth in northern Uganda', available at: <<http://www.sway-uganda.org/SWAY.ResearchBrief.Reintegration.pdf>>, accessed 5.12.2008.
- Teitel, R. G. 2003. 'Transitional justice genealogy', *Harvard Human Rights Journal* 16: 69–94.
- United Nations (UN), Office of the Special Representative for Children and Armed Conflict. 2002. *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, available at: <<http://www.un.org/children/conflict/keydocuments/english/crcoptionalproto19.html>>, accessed 12.01.2008.

- UNOCHA. Humanitarian Updates: Uganda, 2003–2004, available at: <<http://www.reliefweb.int/rw/dbc.nsf/doc100?OpenForm>>, accessed 3.5.2008.
- Utas, M. 2005. 'Victimcy, girlfriending, soldiering: tactic agency in a young woman's social navigation of the Liberian war zone', *Anthropological Quarterly* 73, 4: 180–94.
- Vigh, H. 2008. 'Crisis and chronicity: anthropological perspectives on continuous conflict and decline', *Ethnos* 73, 1: 5–24.
- Waddell, N. & P. Clark. 2008. *Courting Conflict? Justice, peace and the ICC in Africa*. London: Royal Africa Society.
- Waldorf, L. 2008. 'Local agency and everyday resistance in post-genocide Rwanda', paper presented at the Africa Studies Association, Chicago, 13.11.2008.
- Wessells, M. 2006. *Child Soldiers: from violence to protection*. Cambridge, MA: Harvard University Press.
- Wierda, M. 2008. 'Transitional justice in the aftermath of Juba', unpublished manuscript.

Interviews

- Respondent A, former LRA commander (1993–2005), male, Amuru District, Uganda, 4.2.2008.
- Respondent B, former LRA commander (1994–2004), male, Kitgum District, Uganda, 6.2.2008.
- Respondent C, former LRA commander (1995–2004), male, Gulu District, Uganda, 17.10.2007.
- Respondent D, former LRA commander (1996–2004), male, Kitgum District, Uganda, 5.2.2008.
- Respondent E, former LRA commander and senior wife (1995–9), Kitgum District, 6.2.2008.
- Respondent F, former LRA fighter (1999–2004), male, Kitgum District, 5.2.2008.
- Respondent G, former wife to Dominic Ongwen (1998–2002), Amuru District, 15.10.2007.
- Respondent H, former wife to a senior LRA commander who was a colleague and confidant to Ongwen in the bush (1993–2007), Amuru District, 4.2.2008.
- Respondent I, former wife to Dominic Ongwen (1993–2005), Pader District, 21.8.2006.