

ANNEX G

Public

“Where is justice in the case of Dominic Ongwen”, authored by Bishop MacLeod
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WHERE IS JUSTICE IN THE CASE OF DOMINIC ONGWEN, WHO IS BEING TRIED, BY ICC, IN THE HAGUE, IN THE NETHERLANDS. BY BISHOP OCHOLA II M.B (B.TH. U of S CANADA). CORRECTED VERSION.

THE UNFORTUNATE FORMERLY ABDUCTED CHILDREN OF NORTHERN UGANDA.

The unfortunate formerly abducted children of Northern Uganda, who found themselves in the LRA captivity, are actually the victims of circumstances. As a matter of fact, every one of us, the parents, the community, the government of Uganda, and even the international community, all failed to protect the children of Northern Uganda from the forceful LRA abductions, between the year 1994 to 1999 and later from 2002 to 2005. This uncalled for abductions of the innocent children of Northern Uganda, by the LRA, lasted for a period of ten years, while the whole world was helplessly looking on. As a result, over 60,000 innocent children were taken into the LRA captivity, and over 100,000 innocent people were brutally killed during the war of insurgency, in Northern Uganda.

DOMINIC ONGWEN

Dominic Ongwen, who is currently in The Hague, in the Netherlands, was, indeed, one of the numerous formerly abducted unfortunate children of Northern Uganda, by the LRA. We have been told, by the International Criminal Court (ICC), that Ongwen was abducted at the age of 14, when he was on his way to school. Dominic Ongwen, like, many other formerly abducted unfortunate children of Northern Uganda, Lost his humanity, by being forced to kill other human beings, eat human flesh, and drink human blood, while sitting on dead bodies. Consequently, they all lost the opportunities for their potentials growth and development in life. To put it in a nutshell, all their future potential in life as normal children in other parts of the world had been ruined and lost

completely. No doubt, these were the circumstances under which Dominic Ongwen like all other formerly abducted children of Northern Uganda were forcefully subjected and conditioned to becoming a killing machine in the hands of the LRA as an organization.

THE ICC

The ICC in the Hague, in the Netherlands, claimed that it has gathered more than enough evidence to try Dominic Ongwen, who was formerly abducted by the LRA, at the age of 14, when he was on his way to school. The Hague-based judges also confirmed 70 charges against Dominic Ongwen. According to the judges, Dominic Ongwen, is responsible for all the crimes committed against humanity in Uganda between 2002 - 2005, such as war crimes, genocide, murder, rape, sexual enslavement, torture, and the use of innocent children as child-soldiers against their own communities. The judges also claimed that Dominic Ongwen was the 'tip of the spear of the LRA'. This means that Dominic Ongwen was the most notorious LRA commander who did a lot of killing of the innocent civilians in Northern Uganda. He was also the one who carried out ruthless abduction of the innocent children of Northern Uganda, who were below the ages of 15. Worse still, Dominic Ongwen was also the one who ordered his hostages to kill, cook, and eat the dead bodies of human beings as a way of destroying their own humanity.

It must also be noted that the cultural justice system of Mato Oput and the Western justice system of the Courts, both requires fair and just investigations, fair and just trials, and fair and just prosecutions, for every case brought before the Courts of Law, to be carried out in the most transparent manner. However, it must be noted that ICC, has not been able to investigate the situation of Northern Uganda in its totality. In this context, ICC, is seen by

many as completely bias. Thus, its impartiality and independence in regards to its role in dispensing justice in the world still remains questionable.

What is the position of the ICC in the case of the formerly abducted children of Northern Uganda like Dominic Ongwen? Does the ICC look for real justice to be done to these unfortunate children of Northern Uganda? Is ICC aware that all these unfortunate children have lost both their humanity and opportunities for their future potential growth and development in life? Is ICC aware that all these unfortunate children have been subjected and conditioned to becoming serial killers in the world in the hands of the LRA as an organization?

Is ICC, ready and willing to punish all these unfortunate children twice in spite of all these facts and evidence concerning their own circumstances in the LRA captivity? The whole world knows that LRA as an organization destroyed and completely ruined the potential future of all these children in life by turning all of them into serial killers in the world. Does the ICC want to add more insults into injuries already suffered by all these formerly abducted children of Northern Uganda in the hands of the LRA? God forbids!

ACCOUNTABILITY

It is true that nobody in Northern Uganda who is in his or her right mind can dispute all these facts about the unfortunate formerly abducted children who have been subjected and conditioned to becoming a killing machine in the hands of the LRA as an organization. The truth of the matter is, all these worst crimes committed against humanity have been committed by the formerly abducted children of Northern Uganda who had been forced to do so by the LRA as an organization. No doubt, these were the circumstances under which all these formerly abducted children of Northern Uganda were subjected and conditioned to for years.

The question is, who should be responsible and accountable for all these incredible crimes against humanity in Northern Uganda, in South Sudan, in Democratic Republic of Congo (DRC) and in the Central African Republic (CAR)? Is it the formerly abducted children of Northern Uganda like Dominic Ongwen who unfortunately had become the victim of circumstances? Or is it the LRA as an organization which had deliberately subjected and conditioned all these children to becoming a killing machine against humanity?

Where is justice in the case of Dominic Ongwen as one of the formerly abducted children of Northern Uganda? Does the ICC have the gut to inflict injustice with impunity upon the formerly abducted children of Northern Uganda like Dominic Ongwen? Just like the LRA as an organization which had deliberately subjected and conditioned with impunity all these children into a killing machine? The truth of the matter is, the LRA as an organization had successfully destroyed the future potentials of all the formerly abducted children during their captivity in the bush.

Where is the distinction between the formerly abducted children of and the LRA as an organization as well as their captor? Does the ICC has the probity, transparency, and the purity of the heart to administer real justice to the formerly abducted children of Northern Uganda like Dominic Ongwen by taking into consideration the most unfortunate circumstances under which they had been subjected and conditioned to?

THE RATIONALE

Why is Dominic Ongwen being tried in The Hague, in the Netherlands, by the ICC? Where is justice in the case of Dominic Ongwen? Can a woman who has been kidnapped and repeatedly abused sexually by her captors, either in Europe or in North America, be taken to the Court of Law by, either, her father or her husband, and accusing her of committing adultery with such wrong elements in society? God forbids! Can her husband or her

father, be taken to the Court of Law, either, in Europe or in North America, for paying ransom money of two million US dollars to her captors for her release from captivity? God forbids!

As a matter of fact, her captors have absolutely no legal right to receive the ransom money from any quarters, for her release from their captivity! Nevertheless, either her husband or her father will be very much obliged to save her dear life from the hands of her captors by paying the ransom money to her captors. This is because her captors are completely out of the jurisdiction of any given government in the world, either, in Europe or in North America. Thus, neither her husband nor her father nor even her government will have the choice, except to pay the ransom money as demanded by her captors in order to save her life! Otherwise, all these wrong elements within society must be held solely responsible and accountable for kidnapping her as well as for abusing her sexually during her captivity!

In the case of the formerly abducted children of Northern Uganda, the truth of the matter is, whenever a child is abducted by the LRA, his or her humanity will be completely destroyed by being forced to kill other human beings, eat human flesh, drink human blood, and sit on dead bodies while eating food. The question is, how can the formerly abducted children of Northern Uganda like Dominic Ongwen be compared to normal children in any parts of the world whose future potential growth and development in life have not been interrupted at all? Can a plant which has been conditioned and subjected to a bending position for ages be compared to a normal tree in the forest? The Lwo have a saying that, 'a bent plant cannot be straightened'. Otherwise, it could easily be broken off! Can the conditions of the formerly abducted children of Northern Uganda like Dominic Ongwen be changed automatically when they have become of age, while still in the LRA captivity? Right from the

time immemorial, the psychologists from all over the world do think that trauma usually takes a life time whenever a person goes through a traumatic experience in life. Trauma will definitely take a life time to heal, if at all, the healing process is possible! How comes that the ICC, in the Hague, in the Netherlands, thinks that the conditions of the formerly abducted children of Northern Uganda are completely different from that of the other persons in the world who have gone through the traumatic experiences in life?

Where is the rationale for holding such a position by the ICC in the Hague, in the Netherlands? The formerly abducted children of Northern Uganda or of the DRC or of the South Sudan or of the CAR, cannot be held responsible and accountable for all the crimes they had been forced to commit against humanity, in their respective countries! This makes the question of real justice very pertinent to the case of Dominic Ongwen as one of the formerly abducted children of Northern Uganda.

For this very reason, I appeal to the ICC, in the Hague, in the Netherlands, to consider the possibility of bringing Dominic Ongwen back to Acholi sub-region in order for him to go through the process of truth-telling where there are no denials, no lies, and no deceptions. The whole world will definitely be surprised to know the whole revealed truth if Dominic Ongwen is allowed to go through the process of truth-telling. Dominic Ongwen will definitely tell the whole truth to be known, not only to the people of Northern Uganda, who bore the brunt of this conflict more than anybody else in the world, but also to the world at large. The revealed whole truth will definitely make the Mato Oput possible between all the different category of victims and the LRA. The revealed whole truth will definitely help all the different category of victims to have time to reconcile themselves, not only with the LRA, but also with one another within the region affected by this violent conflict. The revealed whole truth will also create the healing process in the hearts of all those who have been badly wounded in the hearts by

violence and death during the violent conflict. The revealed whole truth will also help both communities concerned to own a common memory of their recent past history. As a matter of fact, mercy and forgiveness can only come out of the convictions of the hearts of the victims. Mercy comes from the grace of God, as a special gift to humanity, thus, making forgiveness very possible in human situation. The revealed whole truth becomes a genuine accountability that, in turn, leads to genuine reconciliation processes. It is this mercy and forgiveness that brings a complete difference into a situation of violence and death. Thus, it is this complete difference that is brought into a situation of violence and death that is called real justice from Lwo perspective and context. The reconciliation processes will ultimately lead into a sustainable peace and development for all in Northern Uganda, in particular, and in Uganda at large. The Lwo cultural justice system of Mato Oput, if it is adopted, by the international community, can become the best mechanism for conflict resolution in the whole world.

THE BLIND WOMAN AND THE COLLARED-FLY, A CASE STUDY ON REAL JUSTICE, ACCORDING TO LWO CULTURAL JUSTICE SYSTEM OF MATO OPUT.

The story of the blind woman and the collared-fly will definitely summarize the reality of real justice from the African perspective and context. The collared-fly, who bites the blind woman with intent of impunity, sets a series of scenarios of events that eventually resulted into destruction of the King's garden. The blind woman was, of course, the prime victim of impunity, who suffered too much pain and agony, in the hands of the collared-fly. On the other hand, the cuckoo is, one of the many, in the world, who takes great delight in the suffering of other people.

As a result, the cuckoo busts into uncontrollable laughter simply because the blind woman was in great pain. The snake who was sitting nearby, when she heard the uncontrollable laughter from cuckoo, she thought that the Cuckoo was going to swallow her alive. The snake suddenly rushed into the black ants' hole, while shivering all over the body with fear. Definitely, the black ants had no option, except to make an alarm, in order, to alert other people in the neighbourhood, about the emergency situation where the snake came from.

The elephant that was enjoying the morning sunlight from his habitation, responded to the call of alarm, made by the black ants, by running at a terrific speed and accidentally stepped on the back of the tortoise that sparked off fire that burnt the King's garden.

Immediately, the tortoise was arrested, but pleaded innocent because the accident was caused by the elephant who stepped on the back of the tortoise with such a force that sparked off fire that burnt the King's garden. The elephant was immediately arrested, but pleaded that it was purely an accident without any intent of impunity. However, he was only fulfilling his moral obligation and responsibility to the community, by responding to the emergency situation, according to the alarm, made by the black ants. The black ants, were also investigated for making an alarm, but they too pleaded innocent because the snake who suddenly rushed into their hole was shivering all over the body with fear. The black ants thought that there was an emergency situation outside there, hence, the reason for the alarm. The snake also was investigated, but also pleaded innocent for he was only running for his dear life from danger from cuckoo who wanted to swallow her alive. The Cuckoo also was thoroughly investigated, but found out that he was only taking great delight in the suffering of the blind woman. However, the Cuckoo had no ill intention with impunity to swallow the snake alive, as the snake thought. The blind woman was, of course, found out to be completely innocent, who was mistreated unfairly, by the collared-fly, who bit her with intent of impunity. The collared-fly was, of course, found out to be the primary cause of the whole problem that had befallen the whole neighbourhood. He had an intent with impunity to cause severe pain and suffering to the blind woman. In this case, the collared-fly was, indeed, held responsible and accountable for the cause of the accident that resulted into the destruction of the King's garden. On the other hand, the Cuckoo was also found guilty of gloating over the suffering of the blind woman, who was bitten badly by the collared-fly. The elephant, was, of course, forgiven for causing serious accident, though without any intent of impunity that resulted into the burning of the King's garden. The black ants, were, of course,

held in high esteem for their moral obligation, responsibility and commitment to the unity and protection of the community in the neighbourhood.

WESTERN JUSTICE SYSTEM VIS-A-VIS THE CULTURAL JUSTICE SYSTEM OF MATO OPUT

Surprisingly, all the different justice systems in the world stand for two fundamental values only, namely, fairness and justice, through the processes of investigations, trials and prosecutions of every case brought before the Courts of Law.

All the investigations, trials and prosecutions of every case, must be credible, fair and just, on both sides.

The whole purpose of credible, fair and just investigations and trials, is to find out the whole truth, in order, to minister real justice to the victims and survivors of the wars and violence, in fairness, on both sides.

However, as soon as the whole truth is revealed, the western Courts system rushes to minister justice through, either capital punishment or life imprisonment or payment of fines or physical beating of culprits.

This is because, the western justice system of the Courts or ICC is not pro-life and holistic, but it is retributive or punitive in nature.

It is not restorative and transformative; it is not rehabilitating and does not bring a healing process into the hearts of those who have been wounded in the hearts. by wars and violence.

It is not liberating and does not ultimately bring new life to all in the neighborhood.

However, at best, the western justice system of the Courts, usually leads into hatred, bitterness, polarization, separation and alienation, on both sides.

The use of punishment, therefore, as means of justice, is very counterproductive to justice system in the world.

A case in point is the domestic quarrel between two brothers, Labongo and Gipir, over the ancestral spear and bead.

The quarrel between the two brothers eventually led into the tragic death of Labongo's daughter.

No doubt, this tragic death of Labongo's daughter, ultimately led to polarization, bitterness, hatred, separation and alienation, between the two families.

Punishment, therefore, is not an appropriate mechanism for conflict resolution.

The western justice system, therefore, does not set free the offender from his or her guilt and vulnerability nor does it liberate the victim from his or her bitterness and a desire for revenge.

As a result, the western justice system has become an institution of death or of destruction of human relationships.

It seems, as if, it has no genuine interest in human life, in human relationships, and in a shared future destiny for human posterity.

Punishment has miserably failed to act, as a meaningful deterrent measure against serious crimes, with intent of impunity, like, murder, against humanity.

The western justice system, therefore, has lost the two fundamental values, namely, fairness and justice, through the processes of investigations, trials and prosecutions.

On the other hand, the Lwo cultural justice system of Mato Oput, is prolife and holistic in every respect.

It is restorative because it restores the broken human relationships which have been lost during the violent conflict.

It is rehabilitating because it helps the people to be rehabilitated from the impact of traumas.

It is transforming because it brings a complete transformation into the life of both communities who have been physically affected by violence and death during the violent conflict.

It is liberating because it sets free the perpetrator community from its guilt and vulnerability. At the same time it liberates the offended community from bitterness and a desire for revenge.

But above all, it brings a healing process into the hearts of those who have been wounded during the violent conflict.

The healing process creates new trust, confidence, and hope, for a shared future destiny for human posterity. It is saving because it brings new life to all in the neighborhood.

THE FIVE GUIDING PRINCIPLES IN LIFE:

There are five guiding principles in life, as follows.

1. Do not cause the first offence to anybody in the world.
2. Have respect for all.
3. Speak the truth at all times.

4. Never, ever, tell lies under all circumstances, even if, your neck is being cut off. It is better for you to die for the truth than to tell lies.
5. Do not steal.

There are also another two very important principles in life to guide members of the community who might break one of the five guiding principles in life above, as follows.

(a) Nobody is allowed to enter into the community with the blood in his or her hands.

(b) Whoever commits a serious crime against humanity, like, murder, must give a personal testimony at the gate of the village.

First, his or her identity (name, mother, father, uncle). Mother, father and uncle, are very key people in the life of every child among the Lwo community.

Secondly, he or she must tell the public what were his or her motives for killing a human being, as contrary to the first guiding principle in life.

Once the community knew both his and her identity and motives for committing murder, the community would immediately take a community-based collective responsibility, on behalf of the perpetrator and of his or her immediate family.

The elders within the community would perform the ritual of 'Nyono tong-gweno' stepping on an egg, as a cleansing mechanism to cleanse the offender.

However, Nyono tong-gweno symbolizes, first, acceptance, that the perpetrator was still part of the community, a child of God, created in the image of God, in spite of the great disgrace and shame he or she brought upon the whole community.

Secondly, it symbolizes the purity and the sanctity of human life, which must not be violated or desecrated, by anybody in the world.

Thirdly, it symbolizes the destruction of self. If a person commits murder against humanity, he or she loses his or her humanity. In other words, he or she is no longer regarded, as a human being in the truest sense of the word. The ritual of Nyono tong-gweno, therefore, shows the gravity of one's action of violating and desecrating the purity and the sanctity of human life.

Once the person went through the ritual of nyono tong-gweno, he or she would be allowed to enter inside the fence of the village for protection purposes.

However, he or she would not be allowed to enter into the community, or to have contact with anybody within the community or outside the community.

He or she would be kept in isolation and confinement within the fence of the village.

Then a young girl between the ages of 6 to 12 would be selected to minister, to him or her, the basic necessities in life, namely, drinking water, food and fire.

Meanwhile, the perpetrator community would take responsibility to contact the third party community whose role would be to play arbitration between the perpetrator community and the offended community.

The third party community would be given the whole truth about the murder, as contained in the personal testimony given at the gate of the village, by the perpetrator himself or herself.

Once the offended community was satisfied with the explanation given, by the third party community concerning the murder of its member.

The offended community would ask for a period of grace, in order, to mourn for its dead.

After the period of mourning has passed, the offended community would come back to the third party community to ask them to inform the offender community to pay compensation.

The compensation ranges from 10 herds of cattle for murder by accident or 20 herds for intended murder and if the case was too serious and where the person was very important in that community, the offended community would ask the offender community to give one of their daughters to be adopted by the offended community as their own daughter. Once that is done, the adopted daughter becomes a bridge between the two communities forever.

It should be noted that payment of compensation, by the perpetrator community, is not meant to pay for the loss suffered, by the victim community, but strictly to show or to demonstrate the sincerity and the purity of the heart about what had happened.

This is because the value of human life is irreplaceable in terms of material things, such as money or cows.

Thirdly, the two communities would go through the ritual of sharing food, where each community is required to bring a lamb without blemish.

The two lambs would stand side by side, facing opposite directions, while the lamb from the perpetrator community would be pleading for mercy and forgiveness, and the lamb from the offended community would definitely be giving an assurance for mercy and forgiveness.

Fourthly, the two communities would go through the ritual of drinking the bitterness of violence and death.

Each community would select three or four representatives to participate in the ritual of drinking the bitterness of violence and death.

In case of three representatives, one must always be a woman, and in case of four representatives, two must always be women.

The truth of the matter is, there is no reconciliation, among the Lwo community, without the participation and involvement of women. The cultural justice system of Mato Oput is very gender sensitive.

This last ritual of reconciliation marks the climax of the cultural justice system of Mato Oput.

The cultural justice system of Mato Oput, ultimately, leads into restoration of the broken human relationships.

It brings a complete transformation of the two communities who have been physically involved in violent conflict with each other, for a long time.

It also creates the healing process in the hearts of so many who have been wounded during the violent conflict.

It ultimately brings new life to all in the neighborhood.

It must also be noted that mercy and forgiveness always come from the heart of the victim or from the heart of the victim community.

It is this mercy and forgiveness that bring a complete difference into a situation of violence and death.

It is this complete difference that is brought into the situation of violence and death that is called real justice from the Lwo perspective and context.

This is, indeed, the beauty of the cultural justice system of Mato Oput.

It is very Biblical and Christian, in nature, because it is prolife and holistic in every respect.

Thus, it is the best justice system, as a mechanism, for conflict resolution in the world, if justice is to be looked at from God's perspective, throughout the world! Amen!

I say this for God and my beloved Country, Uganda