

# **Public Annex A**

# PAPER ON DOMINIC ONGWEN SENTENCING MITIGATION

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## Preamble

I am from Northern Uganda, witnessed all the phases of the conflict and personally lost people to the conflict. I remember the war broke out when I was 11 years old and I witnessed personally how our community changed from tranquil stability to an environment of bombs, chaos, uncertainty, sporadic gunfire, and virtual incandescent turmoil. This situation left my family, like many others within the region, no option but to vacate our much cherished home and seek refuge in the safer urban centres such as Gulu town. Many families were, however, not able to migrate to towns and had to contend with the difficulties of life in the internally displaced person camps (IDPCs) within the villages. I lost many contemporaries and playmates to the war, some joining the rebel groups and others dying in the ensuing cross-fire. Perhaps I myself survived abduction only out of good fortune. In this testimony, I talk of issues and environment I am not only familiar with but grew in and still interacts with.

My participation as a defence witness, and the case I laid as a former social worker working with former child soldiers who like Dominic Ongwen were abducted at a young age, was both informed and influenced by my experience over the last 20 years working in northern Uganda. This paper was also informed by my own research and interactions with formerly abducted children and young people, and key actors within northern Uganda. In this paper, I plead for leniency and compassion for Dominic Ongwen. I request the learned Justices to look into the complicated and difficult circumstances of Dominic Ongwen, as both victim and forced perpetrator of the unfortunate conflict situation in northern Uganda and grant him leniency in the sentencing. Based on my own consultations with formerly abducted persons, opinion leaders and general community in northern Uganda; the conviction of Dominic Ongwen was received with much astonishment, disappointment and unbelief. Yet these are communities against which Dominic Ongwen was accused to have wronged. A key question to ask; could we look too at the local Acholi cultural remedies as one way of enabling the accused to make peace with his community-the wider Acholi community?

## Introduction

Most former abductees and rebel fighters, like many other stakeholders, were not happy with the conviction of Dominic Ongwen, noting the fact that Ongwen, abducted at only 9 years, was in no position to influence or set the policy objectives, ideology and strategy of the LRA<sup>1</sup>. The general view is that while Ongwen (like many abducted children who spent years in rebel captivity) may have indeed done some regrettable acts, it was under duress and superior command. Ongwen is notably apologetic for those acts which led to loss of lives and maiming of some people. It behoves the court to consider whether, on his own he would have pursued the conduct and done the acts he is alleged to have committed.

## Methodology

The materials for this paper was derived from my work with children affected by war in northern Uganda for a period of 20 years of actual work and development consultancy supporting interventions in the region<sup>2</sup>, and designing post-conflict recovery programmes, targeting mainly formerly abducted

<sup>1</sup> Interviews with 6 formerly abducted child mothers since release from rebel captivity, couple of stakeholders including community development officers

<sup>2</sup> Examples of consultancy done for international development agencies, USAID, NORAD and UNDP: <https://www.oecd.org/countries/uganda/42886936.pdf>

child mothers, other formerly abducted youth, children born in captivity and other abducted persons. I have also relied on my own and other researches within northern Uganda, and consulted with both published and unpublished organisation reports.

## **The Effects of Rebel Captivity on the Judgement and Action of Mr Dominic Ongwen**

### **a) Abduction as a mitigating factor for Mr Ongwen**

The vulnerability of children (both boys and girls including Mr Ongwen) to abduction was partly explained by the rebels' strategy of abducting young children who would be more amenable to implementing rebel objectives and activities<sup>3</sup>. It was the view of the key informants, especially local government and NGO staff, and the returning formerly abducted children that the decision to abduct young children barely able to distinguish between right and wrong was apparently predicated on the presumption that they would be easily indoctrinated and made to carry out orders with utmost loyalty. Most of the children that returned who were interviewed over the years<sup>4</sup> expressed a sense of betrayal: an inaction which resulted in their abduction<sup>5</sup>. It is understandable that children felt betrayed because they expected to be protected by their families, communities, the government and the international community, but this did not happen. The Paramount Chief of the Acholi made the following statement when interviewed by the writer:

*The girls and boys who were abducted by the rebels did not go on their own accord but as a result of failure in their protection. As members of society, we did not prevent their abductions. All stakeholders in child protection failed these children. The local leadership structures, the local government, the central government, the police, the military, the community, the family in which these children were domiciled; the religious leaders and the cultural institutions all did not effectively provide protection.*

As indicated in the preceding quotation, it is possible that such abduction were not preventable on the part of the majority of the population as the rule of law had severely broken down with resultant limited control by government and refusal by the rebel to spare children from the conflict<sup>6</sup>. Abduction exposed the abducted children to significant critical events. In the context of this paper a critical event is conceived as an event which affects the psychological, emotional and social well-being of an individual. A critical event can thus precipitate the development of a crisis in the life of a person. It is therefore, important to point out that most of the events in the lives of the formerly abducted young people, including Dominic's own struggles and coming to terms with his experiences of rebel activities starting from abduction, can be termed as critical events. Dominic indicated that he tried to kill himself 8 times, with five of those in the bush<sup>7</sup>, when he thought his life was useless based on the sufferings he went through and all he was forced to do during his times with the LRA. Incidentally all these attempts failed and Dominic now seems determined to face life and rebuild his life and when released and contribute to the productivity within the country, Uganda, by learning trade and skills he can use after more than six years of detention at the International Criminal Court. This is an opportunity Dominic was never afforded in the last three decades of life: the world owes Dominic an opportunity to rebuild his life and to support the many children he has begotten that he loves and should care for. Jailing Dominic for many years will deprive all his dependants of his support, and his innocent children of fatherhood, guidance, love and mentorship, something he was not able to get from his father or extended family (on account of no fault of his). Let us afford him this little crevice

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[http://hdr.undp.org/sites/default/files/undpug2015\\_ugandahdr2015.pdf](http://hdr.undp.org/sites/default/files/undpug2015_ugandahdr2015.pdf)  
[http://pdf.usaid.gov/pdf\\_docs/PA00K45N.pdf](http://pdf.usaid.gov/pdf_docs/PA00K45N.pdf)

<sup>3</sup> McKay, S. & Mazurana, D. (2004)

<sup>4</sup> Through almost 20 years of engagement with local communities in northern Uganda both as a social worker, a programme manager and a social development consultant.

<sup>5</sup> See also Wessels, 2006

<sup>6</sup> Ochen and Okeny, 2009;

<sup>7</sup> Meeting with Dominic Ongwen, 1<sup>st</sup> March, 2021

of peace, if only as a symbol of acknowledgment by the society of its moral duty and failure to protect Dominic and the thousands of young people (male and female) who were subjected to the cruelty and indignity of abduction and made to commit crimes and atrocities against their own families and communities.

### **b) Effects of the indoctrination of the LRA abducted young children**

Interviews with formerly abducted children indicates that most of them were made to kill other abductees or those rebels deemed to have violated orders or shown cowardice at the front line (battle). All this was made to harden them as fighters and make them ruthless, to carry out rebel instructions without question<sup>8</sup>. Psychology suggests that when people are subjected to the same situation repeatedly, they developed some form of numbness and follow the new norm without any question. In the narration of their experience with the rebels, participation in killing innocent children exerted a strong impact on all the abducted persons taken as children. Their recall of these events was accompanied by regret and deep emotional pain, same as exhibited by Mr Ongwen in my interaction with him over the current case. In other situations, the participants wept openly when they remembered such incidents and realized the full weight of what happened in the bush.

The exposure of the formerly abducted young people (ex-combatants included) to battles and other combat environment in the bush significantly predisposed them to critical events. Such critical events which can induce trauma and traumatic events include killing, witnessing gruesome killing incidents and the trauma of battle, and the hard life in the bush itself (including certain starvation). It is therefore conceivable that ex-combatants and abductees who get such significant exposure would have more difficulties and challenges reintegrating within the community compared to those that did not. Consultation with agency staff in the rehabilitation centres also indicated that child mothers who got exposed to significant amount of trauma through their direct or indirect participation in battle and as fighters often show more signs of trauma including depression, withdrawal and isolations. Comparatively, it was revealed that those with less exposure to battles did not present much trauma symptoms. Suicidal tendencies and suicide incidents have also been reported to be quite high in northern Uganda, and more so among young people returning from rebel captivity; perhaps due to their perception of rejection or isolating treatment among the communities they have returned to. It is probable to conclude that the exposure within the rebel captivity and attendant indoctrination created a new human being who may not be able to integrate well without psychosocial support. Even then healing is often a long-term process requiring significant investment of social, economic and other associated resources<sup>9</sup>.

### **Indoctrination and life of Dominic Ongwen the child in rebel captivity**

#### **a) Macabre Socialisation; white washing and other psychological tools to indoctrinate young people**

Findings further indicate that the political economy and socio-political requirements of life in the rebel camp were that of obedience and “blind and forced loyalty”. No one was expected to question any authority<sup>10</sup>. Perceived disobedience was heavily punished. This could involve severe corporal punishment or psychological torture. Humiliations and *macabre socialisation* (like group killing of fellow abductees, and cutting them to pieces) were used as tools to deprive the children of their sense of dignity, confidence and humanity as well as the hope of returning to normal society: how do you live with what you have done out of the bush? Evelyn Amony shows in her book, *I am Evelyn Amony* that navigating life within the LRA “conveys the unflinching moral difficulties of choosing survival in a situation fraught with violence threat and death” (back page of the book, *I am Evelyn Amony* 2015 UWP). In this book Amony narrates her life as an abductee, baby sitter and later wife to Kony and mother of his children: herself a victim of sexual abuse. Amony states that “if people are to read

<sup>8</sup> See Ochen 2011; Allen 2006

<sup>9</sup> Allen and Schomerus, 2006; Ochen and Okeny 2009

<sup>10</sup> See Ochen 2011, Chapter six; Interviews with former child abductees

these stories they will know the tough conditions I was in...that it was impossible to escape”. .... in the past if you escaped it was risky, the government soldiers could easily kill you or take you directly to the military barracks and keep you there”<sup>11</sup>. It is possible that the violent socialisation the abducted children were subjected to instilled significant fears among them and intimidated them to a point of not considering escape. This may as well partly explain why capture in battle remained the dominant way of LRA abductees and rebels returning home.

The court processes may have missed a very important point in understanding how Dominic Ongwen himself lived through the difficulties of rebel captivity and developed a strategic and painful resilience to remain alive in rebel captivity and perhaps one day return home to his family, to more specifically see his siblings and other relatives. It is noted that this resilience at times implied children like Dominic had to trample on the rights of others, and do things that may be considered obnoxious, or even an aberration, through force. As Evelyn Amony<sup>12</sup> mentions in her book, those who write about the conflict and those who view the conflict from outside, rarely, if any, understand it's inner workings and are quick to make judgements about the culpability of ex-combatants without adequately appreciating the challenges and difficulties these people went through. As Amony mentions further, escape and extricating themselves from the rebel ranks was not as simple as those who view the conflict from outside perceive it to be. In Amony's own words, escape was an *impossibility* driven by the complex arrangement within the rebel settlements, the influence of Joseph Kony, the spirituality factor and the protracted indoctrination of the abductees over the years, what I call macabre socialisation

The indoctrination of abductees took an elaborate process. They were told that the LRA was their new family and those left at home had been killed by the government forces...for most of these children there was now no other life but to immerse themselves completely in the new normalcy within the rebel establishment<sup>13</sup>. Apart from firing squad<sup>14</sup> there were several other ways to scare and indoctrinate the abducted children; with the children reminded continually that they were already soldiers, being told things like “you should concentrate on your work, that God prepares people lives differently for different tasks...for the people at home you don't need to think about them...they are now bad people they have become your enemies and are bad people and we have to forget about them adding that even if we meet them we should target them as enemies”<sup>15</sup>. Some of the things Kony would talk about would reportedly happen; as the former combatants would bear witness. As such the children followed all instructions which they saw as the only guarantee of their protection and safety in the bush<sup>16</sup>. Discussion with five returning ex-combatants and child mothers also confirmed this perspective. One added that for those abducted early like Dominic Ongwen they easily follow instructions (of superior officers) and many also came to believe what they were doing was the only way, and did not fathom any other narrative.

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<sup>11</sup> Evelyn Amony, 2015, page xii ...These viewpoints have also been echoed by many children passing through the GUSCO rehabilitation centre when I worked there as a social worker, and again through more than the 90 interviews and several focus groups with returning child mothers and other formerly abducted persons over the years. See also

<sup>12</sup> Amony, 2015

<sup>13</sup> see also Evelyn Amony 2015, page 39; and also reference made to interviews with three formerly abducted person, specifically for this paper. See also Ochen 2011. *An exposition of intra-bush and post-bush experience of formerly Abducted Child Mothers in Northern Uganda Issues in Rehabilitation, Resettlement and Reintegration*, PhD thesis University of Huddersfield.

<sup>14</sup> For those who disobey the rebels' commands, including the abductees, fighters, girls or “wives” and senior officers of the rebels.

<sup>15</sup> Interview with a formerly abducted child mother, based in Gulu town.

<sup>16</sup> This is the key message among all former child soldiers and ex-combatants that I have had the privilege to talk with regarding life in LRA rebel captivity in my research over the last twenty years. I estimate this number to be over 600 young people, both male and female, interviewed both directly, through focus groups and through interactions within the reception centre as a social worker.

## Spiritualism in the LRA

Reports from former LRA combatants and abductees suggests that the LRA practised extensive spiritualism. Kony would tell people that the angels had told him that people should follow rules and regulations and if they didn't they would go for operation and die on account of their sins. These rules included things like if you are in your periods...you don't go to fetch water, you don't cook food, you wait for things to be brought to you, you use your own individual plates etc....this was called OP...men were not to have sexual encounters with women. Men were also expected not to put their hearts on women unless when given but concentrate on the work that they had. Kony would deliver his teachings, framed on the LRA's own religious tenets, standing from 6.00am up to 6.00pm in the evening and talk for all that long non-stop, without eating. The several abductees consulted indicated that they believed Kony would be teaching under the influence of some supernatural spirits, with his sermons written down by Okodi and Lapeko, his secretaries (clerks) and personal bodyguards.

Consultation with former abductees suggests further that under such moments Kony would exhibit 'very white eyes'... and he would say a spirit called "*Juma Ori*<sup>17</sup> the bore...would be the one giving the teaching through him,. This would be done occasionally but mainly on Fridays...fasting would be part of this. Sometimes people would fast for one, two or three months, with food served only at night, not at dawn like the Muslims. When asked what could be the objectives of such fasting prayers, the former abductee indicated that they were to pray for success of their missions such as battles against the SPLA or the NRA/UPDF soldiers in Southern Sudan and northern Uganda respectively...and sometimes to stem away diseases that may break out within rebel settlements in southern Sudan. According to former rebel abductees, Kony exerted serious influence on all people in rebel captivity; he would even call out people who are planning to leave or try to escape...and assure them they would not do it.

Testimonies of the children and former abductees all point to Kony being able to foretell certain things e.g. attack by government forces even the nature of attack such as a plane/helicopter or foot soldiers. When these happened, it made the abductees to more willingly believe the powers that Joseph Kony had. Furthermore, Kony made his fighters and abductees believe that when they follow the guidance as issued by the spirits, they will not die or get hurt in battles. Evelyn Amony also talks of strange behaviour by Kony, and appearance of strange fires surrounding them, which burnt many of their fighters, wives and children, all apparently conceived as the works of the spirits. Kony as a prophet also apparently initiated his commanders on usage of white stones and cleansing rituals as one way of jamming the guns of their enemies<sup>18</sup>. The beliefs among senior commanders, junior commanders, officers and men of the LRA as well as those that had stayed longer in rebel captivity made it also procedural for other new abductees to believe what was said to them about the spiritual issues within the rebel ranks.

## Compulsion by Joseph Kony

The personality of Joseph Kony loomed large and imperious within the rebel establishment. He wasn't regarded as a normal rebel commander but as kind of a *priest* who speaks *with the spirits* and receive direction and guidance on his missions and by default controlled the lives of all his combatants and captives through spiritual, military and psychological means. To all the former child soldiers spoken to over the years, Kony was an enigma, and a very feared personality. The abductees believed Kony through his spirit medium knew all their thoughts and plans, so they had to be careful about what they think, say or even dream. In such kinds of situation and environment, how could one fathom of how to escape, whether young or senior officer? Joseph Kony further made them believe that they were the only pure Acholi generation, and they will eventually replace the tainted Acholi communities outside the bush who should all be regarded as enemies of his movement. Kony orders were executed as directed. There were no ifs, buts and whys. In my consultation with one formerly abducted child mother on choices Dominic Ongwen had, she commented: "He couldn't refuse any

<sup>17</sup> This was apparently the chief of all Kony spirits.

<sup>18</sup> Amony, 2015, page 94

command as any command you refuse would tantamount to death, and you are in the mouth of the lion and the lion opens its mouth and orders you...what would you do?<sup>19</sup>

## 5) The coercive environment within the LRA

### a) Socialisation into violence within rebel establishment

Abducted children were trained, coerced and made to abduct other people's children. Many times, at the very point of abduction the young children are made to lead rebel soldiers to other people's homes with the children performing the role of identifying other village children for abduction. The latter would later be used against the children to prevent them from escape, especially where violence (beatings, torture and killings) would be meted out in those locations they led the rebels to. In Evelyn Amony's book, her initial abduction story epitomises the moral difficulties of following the LRA instructions and dictums against their own belief about what is right. However, it should be noted that the choices and resilience of the abductees were significantly skewed against the whole rubrics and structural dispositions within the LRA. The torture and intimidation of young abductees in the bush<sup>20</sup> (Evelyn Amony for example was beaten for more than 50 strokes of canes on both her buttocks and neck), tying of legs and hands of abductees and other torture methods were meant to obfuscate the minds and mentalities of abductees and make them forget their own society and embrace the new reality within the rebel establishment.

In the case of Dominic Ongwen, he was made on abduction to carry very heavy luggage and was also subjected to horrible events within his first days in rebel captivity. To initiate him into the culture of the LRA a young Dominic Ongwen of only 9 years and several of his co-abductees were made to kill and skin two young children who tried to escape as a testimony to what happens to children who tries to do such things (escape). After piercing them to death, they were made to sit under the two corpses with blood dripping on their heads and later served food (beans and Posho) and made to eat it with the blood continually dripping on both their heads and the food. All this was done under duress, with the aim of destroying the young people's humanity, a thing the accused testifies to and still maintain has given him protracted trauma and psychosocial challenges. According to Ongwen's own testimony after eating the food, he vomited all of it and this brought unspeakable trauma on him. This marked the beginning of Ongwen's macabre socialization in the rebels' clutches, with him confessing that of all the difficult situations he endured in the bush, this was the most terrifying and most imprinted on his mind.

Notably, the subjection of abducted children to physically gruelling activities; exposure to battles, injuries and killings; physical and psychological torture and humiliation, and compulsion to commit other atrocious acts demonstrates not only a violation of their rights and bodies but also propels them into adult roles and responsibilities for which they are neither mentally nor physically equipped. As a child abducted at the age of 9, Dominic grew up in an environment which was devoid of compassion, love, care, motherly nurturing, fatherly guidance and community social sanctions (including the law as we know it) whose structures and presence would have surely mentored Dominic differently. And this is the sad reality of thousands of children abducted from northern Uganda by the LRA<sup>21</sup>. Surely such persons deserve more mercy in sentencing than an adult who joins or forms rebellion and lead acts of atrocities against his own people. Surely this was not the absolute case with Dominic who was made to join the rebel ranks by force, against both his will and best interest as a child<sup>22</sup>. It is an act of injustice to make him pay for the crimes of those that sent him

<sup>19</sup> Interviews with Formerly abducted child mother, Gulu, February 2021

<sup>20</sup> Amony Evelyn (2015) *I am Evelyn Amony: Reclaiming my Life from the Lord's Resistance Army*. Madison: University of Wisconsin Press.

<sup>21</sup> Ochen 2015; Allen 2006 Trial Justice.

<sup>22</sup> The United Nations Convention on the Rights of the Child and its optional protocols advocates the protection of children from conscription in armed forces, and also provides for support mechanisms to rehabilitate (not jail) those who fall victims. The Graca Machel reports 1996 also behoves state parties to enhance the protection of children, for which many countries have failed. See also:

<https://childrenandarmedconflict.un.org/1996/08/1996-graca-machel-report-impact-armed-conflict-children/>

in duress, when other commanders of equal or higher ranks enjoy amnesty and freedom within Acholi land.

## **b) Issues around escape and decisions to escape**

My further consultations with formerly abducted persons on issues around whether Dominic may have had the opportunity to escape, revealed a bit of perplexity: “Why would he escape...people think escape in the bush is easy...it is not easy at all...all the commanders were under surveillance....escorts were under clear instruction that if a commander tries to show any contrary opinion (inclination to escape) he should be shot dead...all the commanders....so it was a very hard situation ...and there were many people within the battalion who would report directly to Kony himself...”<sup>23</sup>

Examples of commanders who were executed for trying to run away with soldiers were Alex Otti Lagony, Okello Director Canodonga, and Lt Kula Wire among others. At this time Ongwen was a junior commander. The execution of these people would be done in broad daylight in front of everyone to instil deadly discipline and loyalty, and send a clear message that if you try to do anything different you would be killed. Even women who committed or tried to commit adultery were all executed through firing squad. ...all these bring extreme fear on all children and abductees. Ongwen’s wives were given by senior commanders; no one had a right to say no to this allocation; you would raise more questions; if it was like that many men in rebel captivity would have chosen to live alone. In the bush Ongwen grew up to be a good person and kind to other people he was jolly and a sociable person who related well with other people; but when it came to command, no soldier could live like a civilian, they had to follow the command assigned to them, or face the consequences themselves.

## **c) Rules, Regulations and Structures**

An examination of the intra-bush lives of the formerly abducted persons including children indicate the multiplicity of the experiences. Closer scrutiny suggests that the young people maintained both hope and strong fortitude which kept them alive and later facilitated escapes or rescue in battles. While the young people were subjected to very strong structural rules and regulations which also controlled and regulated their movements and actions, some windows of opportunities still emerged from these situations<sup>24</sup>. It emerged from interview with the young people that their military training was instrumental in their identification and utilization of certain self-identification at different times in the bush, but not necessarily adequate for decision to escape. For people like Dominic Ongwen because of the coercive environment and the hopelessness of their situation, his survival instinct prevailed and he developed survival strategies, which included blind loyalty to, and execution of orders from his superiors, who, according to him, were the only guarantors of his survival. He thus had to follow the rules in place, execute the orders and obey every command that was given to him. The above were necessary for Ongwen’s survival in the bush.

## **d) Differences, if any, that existed between someone abducted in the early days of the LRA (pre-2002) versus someone who was abducted around and after Operation Iron Fist (March 2002) in relation to the spiritual beliefs of the LRA**

UNICEF estimates that between 2002 (the beginning of Operation Iron Fist) and 2004 when negotiation to end the conflict started, 8500 children were said to have been abducted. In early 2002 the government of Uganda got permission from the government of Sudan to pursue the rebels inside Sudanese territory. The operation was codenamed “Iron Fist” and had far reaching consequences for

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<sup>23</sup> Interview with a formerly abducted young mother, February 2021.

<sup>24</sup> Ochen 2011; Maina Grace, 2010

the direction of the war, especially escalation of abduction of children<sup>25</sup>.

Our review of the materials and consultations for this report suggests that children and young people abducted in the days before *Operation Iron Fist* were more exposed to spirituality issues compared to those that were abducted after March 2002. The overwhelming evidence suggests that Kony more readily found space to lecture his foot soldiers and instil the LRA spirituality and ideologies in them from the Sudan where there was a semblance of stability compared to the bushes of Uganda. In Sudan, contrastingly the post-operation *iron fist* days was full of rebels roaming the bushes of northern Uganda in smaller groups and fighting the UPDF after their bases in Southern Sudan was breached. Many of the children abducted after *Operation Iron Fist* possibly didn't even meet face to face with Kony. For some even if the meeting took place it was for a short time and didn't give them the time and space for the days long prayers and fasting that were done in Southern Sudan, with Kony 'the prophet' being visible in his actions.

## Conclusions

In my experience working with formerly abducted people over the last 24 years, I came across children with very sad stories about their lives in rebel captivity. They had little choices to make to barely stay alive, with their humanity, innocence and civility destroyed and turned on their heads. I must say however that Ongwen's story is one of the saddest yet: abducted at a very young age, 9 years, and made to spend all his childhood and significant part of adult life in the bush; and his return marked with further incarceration. It is therefore my prayer that the court look at this exceptionally difficult circumstances of Dominic and the thousands of children who lost their innocence to a lack of protective environment that prevailed in Acholiland, exposing young children to the gruesome experience that many of us (*outside observers*) may not have survived. Whatever Dominic did in captivity was for survival and self-perseveration, he had little choices if he wanted to stay alive. He never originated the orders that he may have carried them.

In mitigation, my consultation also suggests that the dominant opinion among the victims' population in northern Uganda (most of Acholi land have suffered and lost people in the war) is that Dominic Ongwen should be released from prison. Now that he has been convicted could this Court set a clear precedence that considers the *victimhood* of Dominic Ongwen and other such children who will continue to suffer rebel captivity and coercion, and protect the childhood and innocence of these children? Do we have to make it a *double jeopardy* for such children who will be forced and coerced to commit horrendous atrocities to be punished for it by a society that didn't protect them in the first place, yet our moral duty towards these children and young people was to safeguard them from such situations? Dominic will surely live the rest of his life with his conscience conflicted by what he went through, and this is something for which he needs protracted support, care and psychosocial rehabilitation<sup>26</sup>. Isn't this really enough pain for Mr Dominic Ongwen to deal with already?

The indictment of Dominic Ongwen is indictment of all formerly abducted children and young people who went through rebel captivity through no fault of their own. Ongwen was no different from them, both as a child, a soldier within the rebel rank and a commander who acted on orders that he had no authority to change, if he wanted to stay alive. This is also an indictment on the international community, the Ugandan government, the people of Uganda and the local authorities and structures which failed to protect the innocent child that Ongwen was at 9 years of age on abduction. In supporting the defence mitigation in sentencing of Dominic Ongwen, it is my well-considered view that the indictment of the accused plus the 6 years he has served in custody are adequate punishment, if he has to receive any. In sentencing Dominic Ongwen it is my view that the honourable Justices need to consider the unique situation of Dominic Ongwen as a child victim who got coached into the unfortunate situation he found himself in and grew to imagine as the whole essence of human

<sup>25</sup> McKay and Mazurana, 2004; Annan Blattman and Horton (2006); Ochen 2015

<sup>26</sup> See Acirokop 2010; Ochen 2016; Ochen 2014

existence and survival: he knew nothing else, but following orders he had been given<sup>27</sup>. These things definitely had significant effects on his mental health. Dominic Ongwen never knew the environment out there and this was by no fault of his own. I am very sure Ongwen now recognises the enormity of the things he was forced to do and surely regrets his actions. It should be noted however that where he had powers, Dominic was able to exercise his own good character<sup>28</sup> and showed significant charity, goodwill and kindness to many people he encountered.

## References and materials consulted

- Acirokop, P. (2010) The Potential and Limits of Mato Oput as a tool for Reconciliation and Justice. In: Parmar, S., Roseman, M. J., Siegrist, S., & Sowa, T. eds. *Children and Transitional Justice: truth telling accountability and reconciliation*. Cambridge, MA: Harvard Law School in collaboration with UNICEF, pp. 267- 292.
- Allen, T. & Schomerus, M. (2006) A Hard Homecoming: Lessons Learnt from the Reception Centre Processes in Northern Uganda. An Independent study commissioned by USAID and UNICEF. Available at: [http://pdf.usaid.gov/pdf\\_docs/PNADI241.pdf](http://pdf.usaid.gov/pdf_docs/PNADI241.pdf). [Accessed the 30<sup>th</sup> of September 2010]
- Allen, T. (2006) *Trial Justice: The International Criminal Court and the Lord's Resistance Army*. London: Zed Books
- Amony E. (2015) *I am Evelyn Amony: Reclaiming my Life from the Lord's Resistance Army*. Madison: University of Wisconsin Press
- Annan J., Blattman, C. & Horton, R. (2006) *The State of Youth and Youth Protection in Northern Uganda: Findings from the Survey for War Affected Youth; A Report for UNICEF Uganda and AVSI*. Available at: <http://www.sway-uganda.org/SWAY.Phase1.Finalreport.PDF>. [Accessed on the 1<sup>st</sup> December 2008]
- Honwana, A. (2006) *Child Soldiers in Africa*. Philadelphia: University of Pennsylvania Press
- Human Rights Watch (2006) *Abducted and Abused: Renewed Conflict in Northern Uganda*; New York: Human Rights Watch
- Maina, G.M. (2010) *An Analytical Study of the Reintegration Experience of the Formerly Abducted Children in Gulu, Northern Uganda*. Unpublished PhD Thesis, University of Bradford.
- McKay, S. & Mazurana, D. (2004) *Where are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives during and after War*; Montreal: Rights and Democracy.
- Ochen, E. Awich 2011. *An exposition of intra-bush and post-bush experience of formerly Abducted Child Mothers in Northern Uganda Issues in Rehabilitation, Resettlement and Reintegration*, PhD thesis University of Huddersfield
- Ochen, Eric Awich. 2012. *Protecting and Meeting Rights of Children during Conflict?*

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<sup>27</sup> This observation has been unanimously supported by 6 former rebel captives, who all stayed in Sudan for years and knew Dominic Ongwen, five were themselves victims of forced child marriage. They do not hold Ongwen responsible for the actions he was forced to do.

<sup>28</sup> interviews with two women who were wives to Kony also confirmed that Dominic was a good man who behaved normally within the bush and never carried out any mission on his own except when ordered by superior commanders including Mr Kony. At one time Dominic carried an injured Evelyn Amony for miles when they were trekking in the bush

Reflections on the activities of three Indigenous Social Work Agencies in Northern Uganda, *British Journal of Social Work* Special Issue: Social Work and Political Context: Engagement and Negotiations, 42:1192-1212.

Ochen, Eric Awich & Robert Okeny. 2011. "Supporting Children Affected by Armed Conflict in Northern Uganda: Muse and Reflections from the Activities of Gulu Support the Children Organization (GUSCO) 1994-2010". *Reflection: Narratives of professional helping*, special issue on *Social work innovations in Africa*, 17(3):17-27.

Ochen, Eric Awich (2015) Children and Young Mothers Agency during Conflict: a review of the experiences of young people in Northern Uganda. *Journal of Child Abuse and Neglect*.42:183-194.

Ochen, Eric Awich. 2015. "Traditional Acholi mechanisms for reintegrating Ugandan child abductees". *Anthropology Southern Africa*, 37(3-4): 239-251,  
<http://dx.doi.org/10.1080/23323256.2014.993809>

Ochen, Eric A. 2016. "Psychosocial Support for youth affected by armed conflict in Northern Uganda". Pp 453-466 in *Transformative Social Work Practice*, edited by Erik Schott & Eugenia L. Weiss. Thousand Oaks, CA: Sage Publications

Wessells, M.G. (2006). *Child Soldiers: from Violence to Protection*. Boston: Harvard University Press



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**WITNESS FOR THE DEFENCE**

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