

# FORMER LRA CHILD SOLDIERS IN TRANSITION: Rethinking International Justice Processes in Northern Uganda

Dominic Ongwen is a perpetrator and should be punished!

But we are the **REAL** victims

Former child soldiers are mere victims in need of help

We are no useless, helpless and vulnerable victims



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**Former LRA Child Soldiers in Transition:  
Rethinking International Justice Processes in Northern Uganda**

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**“This is why I said that the dust has not yet settled”**

- Rebecca on 7 June 2018

## **Abstract**

*As seen in conflict worldwide, it is extremely difficult to provide former child soldiers with justice as they have played a crucial role in the conflict. It is debatable how to see and treat them on a local and global level. Despite the fact that child soldiers tend to figure among those groups eligible for victim reparations, which refer to interventions of international non-governmental organizations (INGOs) among others, Dominic Ongwen was the first former child soldier to be charged with seventy counts of war crimes and crimes against humanity at the International Criminal Court (ICC) in The Hague, The Netherlands. Both INGOs and the ICC aim at justice in post-conflict northern Uganda and affect the daily lives of Acholi war survivors. To explain the functioning of transitional justice actors, I conducted a three-month ethnographic field research in the northern districts of Uganda from April until July 2018. This thesis outlines how war survivors narrate about the needs and victim-perpetratorhood of former LRA child soldiers, and what these narrations imply for the operations of international actors involved in transitional justice processes. In the thesis, I demonstrate that the child soldier 'crisis', a modern political crisis that questions how to deal with former child soldiers in the aftermath of war, transcends international law. I argue that international actors should mitigate their dominant Western approach to victimhood, perpetratorhood and justice and must focus on welfare, acknowledgement and forgiveness in order to promote a sense of justice among war survivors. The thesis concludes that unless transitional justice actors change their approach, the operations of both national and international actors remain seriously impaired.*

### **Keywords**

*Northern Uganda, Acholi, Lord's Resistance Army (LRA), Child Soldiers, Transitional Justice, Victimhood, Reparations, Accountability, International Non-Governmental Organizations (INGOs), International Criminal Court (ICC)*



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When I arrived in Gulu Town, I was accompanied by my Ugandan friend Eddie, originally from Kampala. He told me to be careful, that the northern districts of Uganda are significantly different from central and south Uganda in terms of culture and safety. He urged the guest house owner to take very seriously the fact that I was a stranger, a newcomer to Acholiland, who must be taken care of. After Eddie had given his phone number to the guest house owner in case of emergency, he left. Eddie proved to be right. The northern districts are far from peaceful and some parts are certainly unsafe for a white European girl. I could not have managed to conduct this ethnographic research without being accompanied by the many beautiful Acholi people who took care of me and supported me during the fieldwork period.

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# Maps

# UGANDA



Source: <https://reliefweb.int/map/uganda/general-map-uganda>

# ETHNOGRAPHIC UGANDA



Based on Minority Rights Group International's 'Ethnic Groups and Tribes of Uganda', Uganda: The Marginalization of Minorities (2001). Boundaries are not definitive but are intended to show traditionally inhabited areas.

Source: <https://reliefweb.int/map/uganda/ethnographic-uganda>

# 1. Introduction

In times of chaos and armed conflict, children are particularly vulnerable to all kinds of abuses, including recruitment by military organizations. A child's body is often considered to be an icon of a war's troublesome character and their recruitment into armed forces has been hitting the headlines in politics and the media for many years. It is estimated that about 300.000 children under the age of 18 worldwide, both boys and girls, are involved in armed groups where they take direct part in combat as fighters, suicide bombers and human shields or act in other roles, such as spies, messengers, cooks, porters and/or sex slaves (Ranjan, 2013). Whereas the humanitarian narrative construes child soldiers as direct victims, witnesses or forced participants (UN OSRSGCAC, 2019), war survivors, including former child soldiers themselves, might narrate differently about the issue of child soldiering. During times of armed conflict, there is often a blurred line between victim and perpetrator, which is especially evident in the case of child soldiers who might, or might not, have been abducted (Derluyn et al, 2015). The real-life experiences of children who are exposed to an environment which is not stable due to violence, abuse, killings, and violation of rights, influence their way of thinking, action and the way they look out for solutions. They live the experiences.

As seen in conflict worldwide, it is extremely difficult to provide former child soldiers, referred to as 'war survivors' in this thesis, with justice as they have played a crucial role in the conflict. It is debatable how to see and treat them on a local and global level. During the last decades, more and more attention has been paid to transitional justice in relation to child soldiers. The first case concluded at the International Criminal Court (ICC) related to the recruitment and conscription of child soldiers in the Eastern DR Congo, for which Thomas Lubanga was sentenced in 2012<sup>1</sup>. Another case is the trial of Dominic Ongwen<sup>2</sup>. He was a former commander in the Lord's Resistance Army (LRA) and the first former child soldier to be charged with seventy counts of war crimes and crimes against humanity at the ICC in The Hague, the Netherlands (International Criminal Court, 2016). Ongwen's trial, which started on 6 December 2016, came together with particular challenges owing to his status as a former child soldier. One might argue that Ongwen should not avoid justice because of his childhood experiences. The fact that he has been a victim of a similar crime is not a defense in itself. However, it would be a potential injustice not to take into account his past traumatic experiences when determining a sentence (Child Soldiers International, 2016). While Ongwen's trial is still

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<sup>1</sup> Lubanga Case. The Prosecutor v. Thomas Lubanga Dyilo. ICC-01/04-01/06

<sup>2</sup> Ongwen Case. The Prosecutor v. Dominic Ongwen. ICC-02/04-01/15

ongoing, other former child soldiers have been provided with victim reparations as they are eligible for (international) victims' rights, for example by international non-governmental organizations (INGOs). Since *retributive* justice practices typically focus on the punishment of perpetrators and *restorative* justice practices on the interests of victims, the blurred victim-perpetrator status of child soldiers has large implications for actors involved in transitional justice processes (Derluyn et al, 2015), which is also evident in post-conflict Uganda<sup>3</sup>.

Academic attention and a more nuanced view to recognize the complexity of victim-perpetratorhood and justice, should deepen our ability to wrestle questions concerning the child-soldier 'crisis', a modern political crisis that questions how to deal with former child soldiers in the aftermath of war. Since discourses on justice often tend to exclude the people who are being talked about (Dhawan, 2012), in this case former child soldiers, I consider it a fundamental task for the cultural victimologist to capture the narratives mediated by war survivors themselves. Therefore, rather than solely adopting a 'top-down' approach by focusing on judicial provisions to prosecute human rights abuses based on international law as the most important aspect of transitional justice processes, I addressed 'local' perceptions on victim-perpetratorhood<sup>4</sup> and justice and the peculiarity of the social context in which transitional justice is to be applied by international actors through a narrative approach<sup>5</sup>. I aimed this by answering the following main question:

***“How do war survivors narrate about the needs and victim-perpetratorhood of former LRA child soldiers, and what does this imply for the operations of international actors involved in transitional justice processes in northern Uganda?”***

In my quest for the implications for the operations of international actors, this thesis balances the readings of the literature on child soldiers and transitional justice in the first place, against the voices and stories of my informants, gathered during three months of ethnographic research in the northern districts of Uganda. These districts endured more than two decades of terror at the hands of Joseph Kony and his rebel group, the Lord's Resistance Army (hereafter the LRA or simply the rebels). Data is collected on the basis of five sub-questions. The first sub-question is: *“What international victims' rights are former LRA child soldiers entitled to?”* and can be

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<sup>3</sup> In chapter 9, I will elaborate on international intervention that aims to deal with former LRA child soldiers in order to promote transitional justice in Uganda and what this means to war survivors

<sup>4</sup> This term is used throughout the thesis to refer to the thin line between being a victim or perpetrator and to explain someone's victim or perpetrator status as integral parts of identity politics

<sup>5</sup> In chapter 5, I will elaborate on the research methods and explain the narrative approach

answered by analyzing legal documents. In order to investigate whether these victims' rights have had an effect on the living conditions of former child soldiers, the second sub-question is: "*What are the difficulties former child soldiers face as a result of LRA captivity?*". The third-sub question is: "*How do former LRA child soldiers represent themselves and how are they represented by victim and support organizations based in Gulu Town?*" In order to investigate how narratives about former child soldiers' victim-perpetratorhood are linked to perceptions of justice, the fourth sub-question is: "*What does 'justice' mean to war survivors in northern Uganda?*". Answering this question is pivotal in understanding what war survivors need in terms of 'justice'. The last sub-question is: "*What concerns do war survivors have with regard to international involvement?*". By answering this question, I show how uncertainties, worries, and (political) frustrations are related to international involvement. All the sub-questions will give insight into the needs and victim-perpetratorhood of former child soldiers and some major obstacles for successful implementation of transitional justice practices by international actors.

There are several reasons that emphasize the scientific and social relevance of this research. First, this research contributes to the theoretical relevance of linking the phenomena and concepts of child soldiering and transitional justice, which has not been given much attention in victimological and criminological literature<sup>6</sup>. The modern child soldier 'crisis' implies that there exists a connection between child soldiers and transitional justice and shows significance in studying their relation. Second, this research adds context to abstracted legal definitions of what child soldiering and transitional justice is. It demonstrates that issues of victimhood, perpetratorhood and justice transcend the law and it explains what this means when taking a closer look at the issue of child soldiering in relation to transitional justice. Third, this research is able to challenge hegemonic narratives upon which the operations of international actors involved in transitional justice practices are based. It goes beyond Western notions of victimhood, perpetratorhood and justice and gives us more in-depth understanding of what it means to be a victim-perpetrator in relation to justice in the particular context of northern Uganda. Fourth, I believe this ethnographic research and narrative approach to be valuable as it enables transitional justice actors to critically evaluate laws and programs directed at former

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<sup>6</sup> There are two major reasons for this: the first concerns the fact that transitional justice is a relatively new concept that emerged as a subject of academic study by the late 1980s and early 1990s. Several developments, including the end of the Cold War, democratic transitions in Latin America, and the atrocities of the Balkan wars, formed the background for the increased attention given to various national and international policies and issues of transitional justice (Forsythe et al, 2011:554; Garcia-Godos, 2008:111). The second reason concerns a dichotomy between perpetrators and justice, whereby the relationship between the complex victim-perpetratorhood of former child soldiers and transitional justice has therefore been neglected



child soldiers. I hope the insights of this study to be used by different judicial and non-judicial international institutions, in particular INGOs and the ICC, in order to improve their functioning in providing justice for former child soldiers and other war survivors. Last, on a more general level, there is a strong need for thorough documentation of the consequences of the conflict and for war survivors to tell their stories. This research contributes in introducing these stories of war survivors to a broader, international public.

In order to gain insights about the operations of international actors involved in transitional justice processes in northern Uganda, the following chapters will be discussed. In the second chapter, I will present theories, ideas and debates concerning child soldiers and transitional justice. In chapter 3, the specific context in which former LRA child soldiers were recruited and in which transitional justice mechanisms are to be applied by international actors will be discussed. The fourth chapter will give the reader an understanding of international victims' rights in relation to child soldiers. After these theoretical chapters, the methodology is discussed in chapter 5. This chapter will elaborate on why and how certain research methods were adopted during fieldwork in northern Uganda. Chapter 6 discusses narratives about the difficulties of former LRA child soldiers in northern Uganda today and gives insights into their needs. The following chapter, chapter 7, explores how war survivors and victim and support organizations in northern Uganda narrate about the victim-perpetratorhood of former child soldiers. The link between the needs and victim-perpetratorhood of former LRA child soldiers and perceptions on justice will be discussed in chapter 8. Chapter 9 will give an overview of war survivors' concerns with regard to the involvement of INGOs and the ICC, international actors that aim to promote a sense of justice among former child soldiers. In the conclusion/discussion, chapter 10, I will link the different chapters to one another and elaborate on the implications for the operations of international actors involved in transitional justice processes in Acholiland. The thesis concludes with recommendations for dealing with former child soldiers in light of the current transitional justice processes in northern Uganda and the potential for practitioners and future researchers.

## **2. Child Soldiers and Transitional Justice: A Theoretical Exploration**

### **2.1. Introduction**

In this chapter I will refer to previous studies concerning the issue of child soldiering and the concept of transitional justice. I will start by analyzing the phenomenon of child soldiering; I will discuss how child soldiers are conceived of internationally, outline different international laws in relation to child soldiers, explain how they constitute important weapons of war and elaborate on the complexity of the phenomenon in relation to processes of transitional justice. Subsequently, I will take a closer look at the concept of transitional justice; I will describe the components and aims of transitional justice, explain victim reparations and accountability as two elements of a holistic approach of transitional justice, and mention Western notions of justice. I will conclude with the argument that child soldiering transcends being a legal problem that can be solved by international laws and clear-cut definitions, and that the phenomenon imposes challenges for international actors involved in transitional justice processes.

### **2.2. Child Soldiers**

Child soldiering is not a new phenomenon or concept. The existence of child soldiers has been a universal problem for centuries. The difference now is that, with the development of modern weapons technology, children can be involved in large scale and horrific acts during conflicts (Freeland and Walther, 2017). Also, as will be discussed below, it is only recently that humanitarian discourse has linked the phenomenon of child soldiering to adult abuse and exploitation, and that international law has specially directed toward addressing it. The number of child soldiers worldwide has grown significantly in the last two decades and despite a series of protocols designed to restrain this trend, there are no signs that it is decreasing (Freeland and Walther, 2017; Kandi-Dayeni and Mollae, 2018). Approximately 10.000 children have been abducted by the Lord's Resistance Army (LRA) around Gulu Town in northern Uganda, alone.

#### **2.2.1. The Term 'Child Soldier'**

The most comprehensive and internationally endorsed definition of child soldiers can be found in the 2007 Paris Principles, drawing on the 1997 Cape Town Principles and refers to "*any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys, and girls used as*

*fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities*". Rosen (2007) argues that, similar to the concepts of 'child laborer', 'child bride' and 'child prostitute', the 'child soldier' is conceived of as a deviant product of adult abuse and criminality. Humanitarian imperatives tend to emphasize the idea of child soldiers as dependent, exploited and incapable victims of adults' abusive compulsion, which implies that they cannot be held responsible for the war crimes committed due to a lack of legally relevant agency (Derluyn et al, 2015; Rosen, 2007). In line with this argument, Tiefenbrun (2007:432) states that children are "obedient, fast to indoctrinate and control, physically vulnerable, and easily intimidated", which makes them suitable targets. As a result, the laws regarding child soldiers were not developed with the involvement of children, nor do they consider any framework for understanding the agency of children other than extreme protectionist constructions of childhood. As will be discussed in the following chapters, this perception of child soldiers as particularly vulnerable is indifferent to context as it does not represent the broad range of war survivors' own perceptions on child soldiering and violates local understandings of blameworthiness and justice.

### 2.2.2. International Legal Frameworks

Over the last decades, children have come to be viewed as rights-bearing subjects rather than objects, which caused a range of children's rights-based legal and policy developments (Derluyn et al, 2015). The first international instrument that focused on the protection of children during times of war and peace was the United Nations Convention on the Right of the Child (CRC), adopted in 1989. The CRC specifically protect against child trafficking by asserting a child's right to protection from economic exploitation, child military recruitment, and participation in armed conflict<sup>7</sup>. The international definition of trafficking of a child involves three necessary elements: consent, exploitation, and movement within a country or across a border and therefore, the CRC considers the forced recruitment of child soldiers as a form of human trafficking. Before the adoption of the CRC, most treaties, declarations, resolutions and reports were adopted to eradicate slavery<sup>8</sup>. The almost universal adoption of the CRC, ratified by every country in the world except the United States, is shows a shift in the world's thinking about children and their rights (Tiefenbrun, 2007).

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<sup>7</sup> UN Convention on the Right of the Child (1989), art. 32 and 38

<sup>8</sup> E.g. the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966)

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict adopted in 2000, strengthened protection for children in armed conflict; it requires State parties to increase to eighteen years the minimum age for compulsory recruitment and for participation in hostilities, it codifies a legal norm by which States can be held accountable and it encourages States to implement existing national laws and policies or enact domestic standards that will reflect the standards enunciated in the statute. Hereby, the Optional Protocol prohibits not only the recruitment of children under the age of eighteen, it also refers to the State's duty to protect civilians during armed conflict. This also accounts for the African Charter on the Rights and Welfare of the Child adopted in 1990 and the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Convention 182) adopted in 1999, both ratified by Uganda.

Besides international human rights law, Uganda must act in accordance with international humanitarian law prohibiting the recruitment and use of children as codified in the four 1949 Geneva Conventions and the two 1977 Additional Protocols. While international humanitarian law is specific to situations of armed conflict, international human rights law is applicable in times of armed conflict and peace. Thus, during an armed conflict, the two bodies of public international law complement each other (UN, 2011, HR/PUB/11/01). Also, international criminal law plays a vital role in punishing those that violate these rules. The international community has tried to restrain child soldiering by shaming and punishing those who recruit and use children in armed conflict, which makes such crimes costlier (Beber and Blattman, 2013). The Rome Statute of the International Criminal Court (ICC), which addresses criminal acts that are not limited by territorial boundaries, is one of the instruments created by the international community that pertains to a child soldier's legal status. Article 8 of the Rome Statute considers soldiers under the age of 15 as child soldier victims and recognizes the use of child soldiers as a war crime. Children between 15 and 17 years of age have no status as child soldier victims or as potential perpetrators, nor can they be considered the subject of child soldier crimes. Only when one becomes 18, he/she becomes a potential perpetrator of mass atrocities, according to the Rome Statute's legal fiction. The Rome Statute of the ICC is an example of how international law abstractly theorizes that child soldiers, in particular those under the age of 15, are vulnerable as victims of adult abuse and criminality.

### 2.2.3. Weapons of War

Children who are on the move because they are displaced and impoverished by conflicts are particularly vulnerable for being recruited by military organizations (Tiefenbrun, 2007). Most

child soldiers can be found in intrastate conflicts in the poorest areas of the world where political, economic, and social instability are more commonplace and where approximately half the population are children (Tiefenbrun, 2007). However, Rosen (2007) argues that factors such as poverty and a lack of educational opportunities fail to explain the big differences in the proportion of children that constitute members of military groups and that there is no simple formula for identifying the types of conflicts or societies in which child soldiers are most prevalent. What can account for this variation is an organization's demand for children in order to use them as weapons of war (Gates, 2011). Tiefenbrun (2007) explains that the main reason for the recruitment of children by armed groups lies in the fact that children are perceived of as cheap labor and expendable. Children are deliberately targeted as they are manipulated more easily than adults and can be indoctrinated to commit crimes (Tiefenbrun, 2007).

As argued above, child soldiers are often perceived of as particularly vulnerable, and Tiefenbrun (2007) is one of those scholars who describe child soldiers in terms of a lack of agency. She argues that children are kept obedient by means of frequent beatings, mind-altering drugs, threats of death and threats of retaliation against the children's relatives. Of course, child soldiers are subjected to dehumanizing atrocities on a daily basis. There are many instances known in which children are threatened or forced to witness or even participate in the death or maltreatment of their own relatives and friends, or to watch the punishment of other child soldiers who attempt to escape the group. The result of desensitizing children to the sight and commission of atrocities is not solely obedience; it also draws divisions, hatred, and creates an environment of fear both among members themselves and the population at large (Gates, 2011; Tiefenbrun, 2007). By breaking the bonds with loved ones, groups and whole communities, defection and desertion are prevented, which is critical to the survival of the armed group. The fact that war children have difficulty turning into peace children due to the fact that they are traumatized in various ways also contributes to prolonging conflicts, a harmful distortion of local value systems and even new conflicts in the future (Derluyn et al, 2015; Tiefenbrun, 2007:431). This shows that child soldiers constitute important weapons of war.

One might say that sexual violence has similar functions in times of (armed) conflict. Some young child soldiers are raped, function as sex slaves, are given to military commanders as 'wives', deal with forced pregnancy and experience sexual violence on a daily basis (Tiefenbrun, 2007:424). Whereas different scholars associate sexual violence with a conscious process of intimidation by which the perpetrators keep their victims in a state of fear, Miller (2009) and MacKinnon (2007) go a step further and argue that sexual violence has the potential to humiliate different ethnic, religious, or political groups. The harm caused by sexual violence

can destroy the identities and meanings that bind a particular group (Miller, 2009; MacKinnon, 2007). “In some real sense, to destroy a group, especially to end it forever, is to destroy the idea and meaning of it within and between those whose relationships compose it” (MacKinnon, 2007:225). In this sense, sexual violence can be perceived as a crime to destroy people whereby victims are not targeted solely (or primarily) because of their gender, but because of the fact they are representatives of a particular group. This makes clear why the abduction of young girls by military organizations in order to sexually abuse them is common practice in times of war. In order to address this issue, the United Nations named rape as a ‘constitutive act with respect to genocide’<sup>9</sup>, since “rape serves as an effective tool of genocide because of its predictably dehumanizing, subordinating, soul-crushing results” (Miller, 2009:512).

#### 2.2.4. Complexity of Child Soldiering

In relation to the trafficking of child soldiers, Shelley (2010) and Tiefenbrun (2007) see a vicious circle in which one form of trafficking sustains another form of trafficking. They explain that the trafficking of children in war is often accompanied by the trafficking of drugs, as child soldiers are often forced to take drugs in order to make them fearless, which explains the huge amount of money it generates in times of war. Also, the traffic of weapons plays a pivotal role in war to empower child soldiers with weapons to commit the worst war-time crimes (Shelley 2010; Tiefenbrun, 2007). This shows the complex network that constitutes a trafficking industry run by international organized crime groups that are in the trafficking business for reasons of profit. Therefore, Shelley (2010) argues that the exploitation of the population of child soldiers is at the basis of a complex ‘economy of war’ which is difficult to tackle, and that war, organized crime, and large-scale human rights violations are interwoven with each other. Unfortunately, poverty leaves many societies without the resources to seriously address these issues (Tiefenbrun, 2007).

Child soldiering thus constitutes a form of human trafficking and, as mentioned earlier, child soldiers are mainly considered to be victims. Besides that, international children’s rights law contributes to this notion of child soldiers as victims as international laws heavily rely on binary models (victim-perpetrator, below or above the minimal age of criminal responsibility (MACR), and child-adult), thereby ignoring the thin line between being a victim and a perpetrator (Derluyn et al, 2015; García-Godos, 2008). In fact, there is a fuzzy distinction

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<sup>9</sup> The United Nations Security Council Resolution 1820, adopted on 19 June 2008, condemns the use of sexual violence as a tool of war, and declares that “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide”

between victims and perpetrators during war, which is particularly evident with regard to child soldiers. Often forced by rebels to kill or torture members of their community or even their family, the children find themselves trapped in the military logic and find it difficult to return to their communities (Derluyn et al, 2015). Such situations in which a victim assumes the perpetrator role and vice versa, are good examples of the so-called ‘role reversals’, well-known within criminology and victimology.

The ambiguous status of child soldiers poses particular challenges to general processes of peacebuilding and transitional justice, both in the short and the longer run. On the one hand, there is the view that children need special protection and priority care as they are considered to be victims of adult abuse and criminality. On the other hand, children are recognized as autonomous individuals and ‘fully-fledged holders of human rights’, which is reflected in the CRC. Derluyn et al (2015) argue that these two perspectives on childhood (protection versus autonomy) makes it unclear to what extent the recognition of the child soldier’s autonomy would also imply its responsibility – including the criminal responsibility. Although children may be seen as perpetrators of crimes as soon as they have reached a certain age of criminal responsibility, the MACR remains highly uncertain under international children’s rights law and hegemonic discourses about child soldiers and notions about victimhood and childhood are not always in line with stories and experiences of war survivors themselves and with the way some societies look at child soldiers. Therefore, in the context of transitional justice, there is a need to better comprehend the blurred line between being a victim and perpetrator and the social conditions under which war survivors are recovering from war.

### **2.3. Transitional Justice**

There is no fixed definition of justice, since its meaning and significance differ and are continually negotiated between diverse social and cultural contexts and historical periods (Dhawan, 2012:271). According to Derrida in Dhawan (2012), justice may best be understood as an ultimate goal, which never achieves a moment of closure. Rather, it is a permanently deferred, always ‘to come’, a utopian moment of anticipation. *Transitional* justice refers to a field of practice, study and research. People in this field research processes in countries that are recovering from war and conflict. The various ways societies deal with their past in practical terms are commonly referred to as ‘transitional justice’, that is, the attempt to see justice done in relation to past sufferings and harm (García-Godos, 2008). Transitional justice can thus be understood as a means toward undoing past violence and injustice, and toward ensuring peace and security (Dhawan, 2012:264). Following De Greiff (2012:31), transitional justice refers to

the “full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation”.

### 2.3.1. Components and Aims of Transitional Justice

The measures that aim to redress legacies of human rights abuses consist of both judicial and non-judicial measures. The desire to see justice done for past wrongdoings in a society that has made a transition from armed conflict can be fulfilled in different ways. Transitional justice processes and mechanisms are commonly regarded to consist of four major components, including criminal prosecutions, truth commissions, victim reparation policies, and various types of institutional reforms that might enhance the rule of law in democratizing societies (García-Godos, 2008:119-120). First of all, one may choose to prosecute perpetrators and punish them; this is referred to as *retributive* justice. Secondly, one may try to figure out the truth about what happened, which is the aim of truth-seeking processes. Thirdly, victim reparations in transitional justice is a way to address the needs and demands for redress of those who suffered harm, that is, the victims. This is what is commonly referred to as *restorative* justice, a dimension of transitional justice that focuses on the victims of such abuses rather than the perpetrators, by acknowledging their suffering and needs, and attempting to restore the damage done. The underlying assumption is that physical, psychological and social damage must be acknowledged and addressed in order to heal and reconcile (García-Godos, 2008:120). Finally, institutional reform can also be promoted in order to address present and future needs to avoid the mistakes of the past; this is the aim of *prospective* justice. According to De Greiff (2012), these different forms should not be seen in isolation from one another, since they must work together in order to contribute to a sense of justice and achieve its aims.

De Greiff (2010, 2012) mentions two mediate aims of transitional justice practices, i.e. to provide recognition and to promote civic trust. He argues that recognition can fulfil the demands of victims to obtain recognition of the fact that they have been victimized as subjects to harm effected by others, and to restore and affirm victims’ standing as full citizens, as individuals with agency (2012:126). Civic trust, on the other hand, is promoted by reaffirming the importance of the norms that perpetrators violated, norms that turn natural persons into rights bearers and by responding to the anxieties of war survivors (De Greiff, 2012:46). Besides recognition and civic trust, García-Godos (2008) considers social solidarity, the ability to empathize with the situation of others, as an important element of justice as well. Referring to



De Greiff, she argues that the three elements are not only the aims of transitional justice, but also necessary conditions and consequences of justice (García-Godos, 2008:126).

Aiming at recognition, civic trust and social solidarity entails that both judicial and non-judicial transitional justice mechanisms give force to certain basic norms and thus promote the rule of law. They do so by offering procedural guarantees, by trying to redress the violation of rights, by the notion that legal norms matter, or by contributing to understanding the ways in which legal systems failed to protect the rights of citizens and providing the basis on which legal systems can behave in the future (De Greiff, 2012). The promotion of the rule of law may, as explained by De Greiff (2012), contribute to reconciliation and democracy, which thus can be seen as the final aims of transitional justice. As a matter of fact, the international community provides much more support for peace and security issues than for justice issues that must lead to these final aims of reconciliation and democracy. Although peace and security issues are not equal to justice, they do promote recognition and civic trust (De Greiff, 2010). In this way peace and security cannot be seen separately from justice.

### 2.3.2. Victim Reparations

As a mechanism of transitional justice, victim reparations have emerged as a way to address the needs of victims as well as a means to achieve inclusiveness in the sense that all citizens are equal participants in a common project, which in turn promotes reconciliation and peace (De Greiff, 2010). In international law, victim reparations refer to all sorts of reparatory measures implemented to address human rights violations, without necessarily targeting specific violations. Such reparatory measures are meant to return victims to the situation they were in before their rights were violated by repairing or restoring the injustice done. Therefore, victim reparations are typically linked to *restorative* justice in the context of transitional justice. No reparations program, however, has approached the satisfaction of this criterion. Although some restorative justice processes do pursue the re-establishment of the status quo ante<sup>10</sup>, this might be problematic in the context of transitions as it locates justice in the past rather than building it for the future (Clamp, 2016). Whereas the terms ‘restoration’ and ‘reparation’ are often associated with monetary compensation for victims, one should consider a broader definition which encompasses other forms as well (García-Godos, 2008).

There are two basic distinctions to be made concerning types of reparations. Both regarding their form (symbolic or material) and its distribution (individual or collective).

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<sup>10</sup> The term status quo ante bellum (often shortened to status quo ante) is a Latin phrase meaning “the state existing before the war”

Symbolic reparations include various forms of recognition and acknowledgement for the suffering of victims, such as days of commemorations, rituals in homage to the victims, places of memory, and official apologies in the name of nation. Material forms of reparations include all tangible help provided to repair the harm done to victims, such as money, goods or services. Thus, it includes not solely monetary compensation, but also services such as educational and (mental) health programs, legal counseling, scholarships, priority in housing schemes, the return of lost property, and more (García-Godos, 2008:124). Following the juridical definition of reparations as provided in the Van Boven/Bassiouni Principles<sup>11</sup>, one can identify five categories of reparation: compensation, restitution of property and rights, rehabilitation measures, satisfaction, and guarantees of non-repetition in the future for the past violations. It is particularly the latter three categories that make reference to collective reparations, reparations that are focused on collectives rather than individuals in order to repair the collective harm that has been caused as a consequence of a violation of international law<sup>12</sup>. These collective reparations are the most preferred options for governments facing redress for massive human rights violations (García-Godos, 2008:124) and are not only related to the disclosure of truth and judicial and administrative sanctions; it may even include reform processes and symbolic acts.

Whether development projects may be considered to be a form of victim reparation as well, is contested. Whereas García-Godos (2008) argues that provisions of basic public infrastructure (water and sanitation, health posts, schools, bridges and local roads) can be considered to be a form of collective reparations, De Greiff and Duthie (2009) make a clear distinction between reparations and development responsibilities of governments. They argue that victim assistance, reconstruction and development programs differ from reparations “first by their roots as a legal entitlement based on an obligation to repair harm, and second by an element of recognition and wrongdoing as well as harm, atonement or making good” (De Greiff and Duthie, 2009:172). Thus, without the requisite recognition of state responsibility and unambiguous symbolic acknowledgement of victims, programs cannot be considered victim

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<sup>11</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, the Van Boven/Bassiouni Principles (2005)

<sup>12</sup> Rehabilitation measures include medical and psychological care as well as legal and social services. Satisfaction refers to measures ranging from those aiming at a cessation of violations, to truth-seeking, the search for the disappeared, the recovery and reburial of remains, public apologies, judicial and administrative sanctions, commemoration and memorialization, and human rights training. Guarantees of non-repetition is a broad category, which includes institutional reforms tending toward civilian control of military and security forces, strengthening judicial independence, the protection of human rights workers, law enforcement, among others (see General Assembly resolution 60/147, annex, paras. 19-23)

reparations. However, in practice the distinction between development projects and reparations becomes blurred as intentions are not always clear<sup>13</sup>. Besides development programs, humanitarian interventions in the name of humanity (individual rights) – mostly referred to as DD(R)R-programs (Disarmament, Demobilization, (Rehabilitation) and Reintegration – are also closely linked to the idea of victim reparations (De Greiff, 2010). DD(R)R programs have included efforts to ‘repair’ children who served as soldiers from presumed damage caused by their traumatic experience suffered during armed conflict. Mainly operating in rehabilitation centers, interventions – such as trauma-focused counselling, group therapy, vocational training activities and psycho-educative programs, among others – have aimed to facilitate former (child) soldiers’ re-adaption and return in their families and communities (Derluyn et al, 2015). According to De Greiff (2010), DD(R)R-programs’ primary goal is to enhance peace and security. Although peace and security are no equivalent to justice, and DD(R)R-programs are often considered not to promote justice per se, humanitarian interventions and transitional justice mechanisms such as victim reparations have in common that they aim to provide recognition to victims, especially in the case of child soldiers who are referred to as victims in humanitarian discourse, and to foster a minimal sense of civic trust. It is for this reason that humanitarian interventions and victim reparations as a transitional justice mechanism should not be seen as two separate things; a holistic approach with regard to transitional justice also involves humanitarian interventions (De Greiff, 2010).

Whether humanitarian interventions achieve their goal of providing recognition and promoting civic trust, is context-dependent. There are many examples of former child soldiers whose rehabilitation and reintegration process develops problematically, and who continue to experience difficulties in several areas<sup>14</sup>. Thus, while there exists the right to reparation in international law, the outcome of this right as well as its implementation differs. It is especially the socio-political context of each country attempting to implement programs that plays a crucial role in shaping the conceptual framework upon which the program is based – and this is a highly contested process (García-Godos, 2008:112). García-Godos (2008) argues that the way victim reparations are conceptualized in a certain society is related to the interpretations and construction of the past – a past which reparations try to heal. In this sense, victim

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<sup>13</sup> Whether or not development programs are a form of victim reparations is an ongoing debate in countries such as in Uganda where some people associate development projects with reparations and others do not. There is no clear position among residents of Uganda and human rights organizations on whether or not development projects can or should be considered as an appropriate form of reparation. Different positions can be found in different segments of the population

<sup>14</sup> In chapter 6, I will elaborate on the difficulties former LRA child soldiers face up to the present day

reparations can be seen as a social process, one which starts from an interpretation of the past and leads toward a re-interpretation of that past. One can imagine that this process does not necessarily reflect the actual past experiences of all parties involved.

### 2.3.3. Accountability

The field of transitional justice is not only concerned with the consequences of atrocities for victims, but also aims at establishing the accountability of the perpetrators of serious crimes and human rights violations. Measures to establish accountability can consist of both judicial and non-judicial measures, including the prosecution and punishment of offenders, which is commonly referred to as *retributive* justice, and alternative ‘local’ justice mechanisms with an accountability dimension. An example of punitive judicial accountability can be found in the involvement of the International Criminal Court (ICC), a juridical mechanism that aims to provide accountability and punishment of the accused. Established by the Rome Statute of the International Criminal Court on 17 July 1998, it binds only those States that formally expressed their consent to be bound by its provisions. The ICC, an intergovernmental organization and international tribunal based in The Hague, the Netherlands, is not only concerned with criminal prosecutions; it is the first court that complements international criminal justice proceedings that aim at punishing perpetrators of mass atrocities with an extensive package of victims’ rights under its mandate, such as the right to present victims’ views and concerns, as well as the right to claim and receive reparations (Balta, Bax and Letschert, 2018; Garbett, 2017).

Besides international criminal justice, non-judicial mechanisms, remedy processes which occur outside of the courts, are an important means by which victims of human rights abuses may be able to receive justice. This is especially true in the case of child soldiers. The fact that child soldiers cannot be held criminally responsible for their criminal acts under a certain age, while their status as both victims and perpetrators is ambiguous, raises serious problems in terms of accountability. This creates the need to develop other than purely judicial forms of accountability of child soldiers in order for them to assume responsibility for their deeds, and hence become members of society and the community again (Derluyn et al, 2015). *Mato Oput* (“to drink the bitter root”) in Uganda, traditionally applied in cases of intentional or accidental killing, is an example of such a non-judicial traditional ritual. *Mato Oput* can be defined as “a process of separating the affected clans, voluntary confession by the perpetrator, mediation and truth-seeking by elders, payment of compensation, and drinking blood of a sacrificed sheep mixed with the bitter root, *Oput*, symbolizing reconciliation between the clans” (Gould, 2016:59). This (reconciliation) ritual includes all stakeholders (victims, perpetrators

and everyone in between) who discuss the background of the atrocities committed and propose solutions and thereby, it combines different elements, including truth-telling, accountability, compensation and reconciliation (Finnström, 2010:142). It is then the role of the chief to act as an arbitrator and reconciler and to maintain peace<sup>15</sup>. *Mato Oput* should not be characterized as either *restorative* or *retributive* justice. Rather, it manifests equality between the different parties and brings a kind of acceptance of the complexities of the situation so that life can continue (Finnström, 2010). As Finnström (2010:145) argues: “The ritual is not about remembering and assessing every detail of a long and violent conflict. Rather, it is about finding a consensual understanding about what the conflict essentially was about, and how to now coexist”. Even though *Mato Oput* cannot be characterized as *retributive* justice per se, as *Mato Oput* promotes truth-telling whereby the offender must admit his or her guilt and express remorse, the ritual is sometimes seen as an alternative for criminal justice (Gould, 2016).

Although ‘traditional’ justice mechanisms are sometimes seen as an alternative for criminal justice, De Greiff (2012) points out that judicial and non-judicial measures should neither be seen as one and the same, nor as separate measures to be implemented in isolation from one another. Rather, he argues, they are more likely to be interpreted as instances of justice when they complement each other. De Greiff (2012) illustrates his point by explaining that (international) criminal prosecutions or reparations, in the absence of truth-telling, are not likely to be interpreted by victims as honest efforts to bring about justice. In turn, truth-telling seems to call for criminal prosecutions and reparations if words are to be seen, in the end, as more than insignificant chatter. Therefore, judicial and non-judicial measures that aim to establish accountability should be conceived of as parts of an integrated policy, whereby one must resist the tendency to expect victims to see a certain transitional justice measure as an alternative for another measure (De Greiff, 2012). We should think about transitional justice holistically.

#### 2.3.4. Western Notions of (Transitional) Justice

Various international organizations and international criminal tribunals have been dealing with the issue of justice for war survivors within local, national, and transnational environments. As the literature and policy-making on transitional justice have emerged from the many political

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<sup>15</sup> However, this research shows that today’s chiefs have lost much of their importance. My informant Frank argued: “The chief is supposed to be highly respected, but now we look at a chief who’s also striving for a piece of land... who drinks together with the community members and becomes more drunk and vulgar... So, his importance in the community reduces. Most of the chiefs have failed to understand the tradition. They get to do things they are not supposed to do.” Frank’s argument is supported by many other informants

transitions in the world in the 1980s and 1990s, transitional justice initiatives are mainly focused on violations of civil and political rights and the corresponding international crimes (such as killings, disappearances and torture). Less focus is on the violations of economic, social and cultural rights, problems of discrimination, marginalization and distributive justice resulting therefrom, which often created the root causes leading to violence, civil war and international conflicts (Derluyn et al, 2015:5). Besides this focus on human rights, transitional justice initiatives are focused on Western countries' notions of what is right and righteous. Therefore, transitional justice processes related to international criminal justice, truth commissions, memory projects, and reconciliation initiatives among others, are based on Western norms and values (Dhawan, 2012:264). Dhawan (2012:264) argues that this shows that "colonial relations still inform how problems are perceived and what solutions are offered". Of course, the focus of transitional justice initiatives affects how diverse international actors employ their various capabilities regarding transitional justice and the impact it has in a particular context. Subsequently, the legitimacy and efficiency of 'traditional' mechanisms and practices, such as *Mato Oput*, are eroded through the 'top-down' Euro-Anglo Canadian, British, or American models of transitional justice, which ignore the peculiarity of the social and cultural context in which transitional justice is to be applied (Dhawan, 2012). In line with Dhawan (2012), Rosen (2007) argues that humanitarian discourse press on universal legal solutions to transitional justice dilemmas. This asks for a conceptualization of transitional justice processes as contested social processes, thereby acknowledging that transitional justice practices involve choices that reach well beyond the realm of the merely administrative or technocratic and deep into the realm of the political (García-Godos, 2008:129). Also, it is important not to ignore, or even better, to understand the context in which policies are to be applied and take into account the multiple subjectivities and complex practices and experiences that armed conflicts entail.

#### **2.4. Conclusion**

With regard to child soldiers, we see that the dominant approach in international discourse is to view them as mere victims of the armed conflict, whereby they constitute important weapons of war. International laws heavily rely on binary models (victim-perpetrator, below or above the minimal age of criminal responsibility (MACR) and child-adult), which ignore the fuzzy distinction between victims and perpetrators during war. The human rights discourse informs most of the transitional justice literature and practices. Transitional justice is the attempt to see justice done in relation to past suffering and harm, and aims at recognition, civic trust and social solidarity. While the identification of victims and perpetrators in post-conflict contexts is the

cornerstone of any transitional justice mechanism, it is necessary to problematize the neat, clear-cut, legalized categories since it flattens multiple subjectivities and complex practices; an individual becomes either a victim or a perpetrator, and a violent act either a human rights violation or not. The blurred line between victims and perpetrators becomes particularly evident in the case of child soldiers and poses particular challenges to processes of transitional justice.

*Restorative* justice is linked to victim reparations: a way to address the needs and demands for redress of those who suffered harm. Following the juridical definition of reparations as provided in the Van Boven/Bassiouni Principles, one can identify five categories of reparation: compensation, restitution of property and rights, rehabilitation measures, satisfaction, and guarantees of non-repetition in the future for the past violations. There is no clear answer to the question whether development projects can be considered a form of victim reparations. This is also true for humanitarian interventions. The punishment of perpetrators is referred to as *retributive* justice. Measures to establish accountability can consist of both judicial and non-judicial measures. An example of punitive judicial accountability can be found in the involvement of the International Criminal Court (ICC), a judicial mechanism that aims to provide accountability and punishment of the accused. Besides international criminal justice, non-judicial measures as *Mato Oput* play an important role in accountability. Victim reparations and accountability are two elements of a holistic conception of transitional justice.

When proposing recommendations on reparations for victims, child soldiers tend to figure among those groups eligible for victim reparations as direct victims of the first generation. With regard to accountability, international children's rights prohibit any criminal accountability under the age of 18, and definitely under 16, and therefore it is very difficult to install some form of criminal accountability for child soldiers. Here is one of the main challenges for transitional justice actors who are dealing with the crimes of the past: How to conceive of child soldiers in relation to transitional justice practices as possessing an ambiguous status as victims and perpetrators alike? Therefore, the child soldier 'crisis', which questions how to deal with child soldiers in the aftermath of war, transcends being a legal problem. It is important to go beyond Western notions of victimhood, perpetratorhood and justice, and to call for a critical and complex understanding of transitional justice processes in their immediate context.

### **3. Context: Acholiland, a Region in Post-Conflict Transition**

#### **3.1. Introduction**

Causes and consequences of the war in Uganda, the reasons for it, and facts about it – they all differ, depending on whom you are listening to. There is no one version that is fully agreed upon by all parties involved. According to Finnström (2008), an anthropologist who conducted fieldwork in Acholiland (i.e. the districts of Amuru, Gulu, Kitgum and Pader, more often referred to as ‘northern Uganda’) during the war, contemporary conflict analyses often tend to emphasize single causes for war and conflict in ways that are reductionist. He argues that regarding war in Africa, ethnicity is most often invoked as one such single cause (2008:8). Reductionist images of the war and its causes must be taken with great caution since it would decontextualize the complexity of war and the feelings of victims and perpetrators, and everyone in between. Notice that the context in which war occurred in northern Uganda described below are not meant to illustrate causal links for war but must help the reader to understand the historical context. In addition to the emergence and the impact of the Ugandan Civil War (1986-2006), this chapter discusses the different attempts to end the war, mechanisms that have been put in place to provide help to war survivors, and the importance of narratives in examining a local context.

#### **3.2. Pre-War Conditions**

The causes of the war are complex and could be traced as far back as to the period when Uganda was still under British colonial administration (1894-1962). Like in many other parts of the world, the British colonial administration in Uganda contributed to regional income inequalities and inter-ethnic competition for power. Most economic activities, for example crop production, were undertaken in the south, while the northern part and its inhabitants were used for cheap labor (Finnström, 2008). The colonial administration had also recruited many northerners into the armed forces, especially Acholi, based on the idea that the Acholi were a ‘martial tribe’. This idea is also reflected in the work of Lloyd (1908:211), an Anglican missionary, who regretted in his writing that “no centralized authority seemed to exist to govern the warlike instincts of this potential fighting race” and contributed to the concept of ‘Acholi-hood’. I do not want to argue that this concept of Acholi-hood did not exist prior to the arrival of European colonizers, however, as Atkinson in Amone (2014:73) argues, it was limited: “It was not a fully formed, self-identified ethnicity until early twentieth century, at the height of colonial and



missionary power”. Due to European colonialism, clear differences between northern and southern Uganda and different ethnic groups became most evident.

When the country became subjected to the dictatorship of Idi Amin due to a military coup less than a decade into its independence from Britain, Amin, a West Niler from the Kakwa ethnic group, ordered mass killings of Acholi army personnel as well as executions of prominent Acholi intellectuals and politicians. Thousands of Acholi individuals died and many more fled the country. The Amin-period (1971-1979) was characterized by massive human rights violations, untold suffering of the masses and economic breakdown (Finnström, 2008). Unfortunately, the overthrow of the president in 1979 and the first multi-party elections held in 1980 did not make an end to extreme violence. Even worse, the election of president Milton Obote II ignited an official civil war in which thousands of Ugandans lost their lives. During the Obote II government (1980-1985), ethnicity became part of the politics of the military, the Uganda National Liberation Army (UNLA), with Acholi and Langi (Obote’s ethnic group) competing for power (Finnström, 2008). Early on during Obote’s second term in power, soldiers in the new army, including Acholi individuals, took revenge on people living in the West Nile region. Many blamed West Nilers in general for the violence and other failures of Amin’s regime (Finnström, 2008:65). For that reason, most West Nilers who lived in Gulu Town fled. Within a few years, approximately 300.000 people had fled to neighboring Sudan. In 1985, Acholi officers, in their attempt to survive against the Langi, precipitated a *coup d’etat* that gave the Acholi officers full control of the army. The coup, which brought president Tito Okello to power from 1985 to 1986, was the result of ethnic tension and growing distrust in the Ugandan army due to the violent developments under Obote’s leadership (Finnström, 2008).

### **3.3. Uganda Civil War**

The new, unstable government led by Okello was short-lived. In 1986, Yoweri Museveni and his National Resistance Army (NRA) staged a *coup*, overthrowing Okello’s Acholi-dominated government. It was already since 1981 that the NRA launched a guerrilla war in central Uganda, restricted to the so-called Luwero triangle, with the aim to replace Milton Obote’s second government since they found there was an absolute need to revolutionize Ugandan politics in the aftermath of Amin’s fall from power (Finnström, 2008:67). When Museveni came to power in 1986, Uganda’s succession of rulers from the north came to an end – Amin was from the Kakwa ethnic group from the West Nile region, Obote was from Langoland, Okello was an Acholi. Museveni was from the south of the country (he was a Munyankole from the southwest). The presidency of Museveni meant the end of the civil war and therefore, the NRA

was a relief to many (Finnström, 2008). However, as had been the case after the overthrow of Idi Amin, things became worse; Museveni's NRA rebellion exploited the ethnic tension between northerners and southerners (Finnström, 2008), which caused civil wars to erupt in several parts of the country and the situation to be out of control.

### 3.3.1. Evolving War

When Museveni's NRA took control of the government, it ordered the combatants to return to their barracks, which the Acholi soldiers refused to do. Instead, they reorganized themselves and retreated to the north, determined not only to defend themselves, but to regain political power (Murungu and Biegon, 2011:200). Museveni's forces followed the fleeing Obote and Okello's Acholi soldiers toward northern Uganda and commanded with firm hand. Reports indicate that retaliation massacres by the forces of the new government, the NRA, were carried out against civilians in northern Uganda. Also, torture and maltreatment aimed at non-combatants became the order of the day, and thousands of suspected rebels were taken into detention. As a result, the war in the Luwero Triangle (the epicenter of the NRA rebellion) was seen as a war between northerners, i.e. the Acholi, and southerners (Murungu and Biegon, 2011). In fact, the battle zone simply shifted location, from central Uganda toward the north and the country's other peripheries where different rebel groups were resisting the NRA, renamed the Uganda Peoples' Defence Forces (UPDF) in 1995.

Within two years of Museveni's takeover, twenty-seven different rebel groups were reported to be resisting the new government. The several rebel groups included the Uganda Peoples Democratic Army (UPDA), which mainly consisted of soldiers from the previous governments who fled northward to bases in Sudan, the Holy Spirit Mobile Forces (HSMF) and the Uganda Christian Democratic Army (UCDA), later renamed the Lord's Resistance Army (LRA). In subsequent years other groups, including the UPDA and HSMF, either disappeared or joined the LRA, led by Joseph Kony. Kony, who can be considered to be a military, political and spiritual leader, claimed to represent a new generation of Acholi. His mission was to purify Acholi and implement a new moral order, with the objective of breaking with the violent postcolonial history of Uganda (Finnström, 2008). Whereas the war in Uganda involved mainly military and political objectives at its beginning, with the emergence of the LRA the situation changed. The war was not only a northern rebellion against the Museveni's UPDF (former NRA); it was also motivated by an Old Testament-style apocalyptic spiritualism (Finnström, 2008). Support for the LRA was mainly built around Acholi nationalism.

Paradoxically, the majority of violent attacks, involving massacres and abductions by the LRA, were directed at Acholi people. In total, approximately 60.000 children and youth have been abducted by the LRA in the course of the conflict to function as combatants, porters or sex slaves for Kony and his commanders (Amnesty, 1997; Finnström, 2008). At some points, 90% of the LRA forces consisted of minors (Amnesty, 1997; Blattman and Annan, 2008). Finnström (2008:5) argues that the claim to a new moral order provided the LRA with the legitimacy to abduct children to their ranks as children were suitable targets to be initiated into this new order. In addition, he states, these abductions were used as a means of stopping the local population from supporting the government; the community would in fact be supporting the government army to kill its own children in the LRA. The claim to a new moral order has also provided the rebels with the motivation to mutilate or even kill people, especially old men and women as well as teachers, who practice ancestral worship or otherwise promote the existing Acholi moral order (Finnström, 2008:5). Violent attacks were also considered as retaliation for the support Acholi people had given to the government during war. From this time, attacks became routine. These attacks were characterized by killings and the cutting off of ears, lips, breasts and hands of civilians suspected of being sympathetic to the government (Finnström, 2008). One of the most horrific attacks by the LRA was the 1995 Atiak massacre on April 20 in which over 300 civilians were killed. The Atiak massacre was followed by a massacre in January 1997 of over 400 people in Kitgum district. The fact that the LRA never established a base inside Uganda, reduced its vulnerability to attacks and is one of the factors that explain Kony's ability to sustain the war for such a long time (Finnström, 2008). Instead, it used southern Sudan as the base for its operations and received support from the Sudanese government as retaliation for Uganda's support of the Sudanese Peoples Liberation Army (SPLA). The conflict was thus strengthened by geopolitics as the Khartoum-government of Sudan supported the LRA while the government of Uganda aided the SPLA (Borzello, 2007; Conciliation Resources, 2014).

In 1996, a decade after Museveni gained state power, the government initiated a new strategy: the sudden and violent forced displacement of the entire rural population of western Acholiland into 'protected villages', most of around Gulu Town (Branch, 2013; UN OHCHR & UHRC, 2011). Hundreds of thousands of peasants were given 48 hours to leave their homes and to gather in designated areas (UN OHCHR & UHRC, 2011). Soon after, the military began bombing villages, burning down huts/properties, and arresting, torturing and killing civilians who did not comply and people who did not listen would be considered a rebel (Acholi Religious Leaders' Peace Initiative, 2001; Finnström, 2008; UN OHCHR & UHRC, 2011). A

considerable number of the population, approximately 40.000, did not go into the ‘villages’ (i.e. camps) but remained night commuters; they would remain in the camps during the day, of course at risk of being subjected to violence, and move to towns such as Gulu and Kitgum to spend the night (Finnström, 2008). This practice was a response to the LRA attacks that usually occurred in the middle of the night (Murungu and Biegon, 2011; Finnström, 2008). Branch (2013) argues that once concentrated, people were often forbidden to leave those areas and risked being shot. This led to a situation in which civilians were unprotected from rebels since the camps failed to offer adequate protection, and there was no provision made for food, shelter or water (Branch, 2013). From 1996 until 2006, the government’s policy of forced displacement expanded and affected over one million people, almost the entire rural Acholi population, most of whom moved to camps or to Gulu Town, which became the center for the internally displaced persons (IDPs) from throughout Acholiland (Finnström, 2008).

As a matter of fact, Gulu Town was one large camp eventually housing approximately 90.000 people from 1996 onwards (Branch, 2013; Finnström, 2008). The forced displacements created a humanitarian crisis and multiple international organizations – by 2003, there were over 100 relief organizations working in northern Uganda – came to provide help to those most in need. The arrival of these organizations made Gulu Town the primary beneficiary of the humanitarian industry as they established their offices in town (Branch, 2013:3156). Since most (food) aid was provided in rural camps – the conditions in the camps were terrible, with very high mortality rates due to violence, diseases and malnutrition – the town’s population was sustained largely through its own economic activity, made possible by the town’s expanding humanitarian industry (Branch, 2013; Finnström, 2008). Branch (2013) explains that in the first place, this growth led to significant economic opportunities for Gulu’s displaced as aid agencies employed them and the service sector expanded. However, he argues, as economic opportunity increased, soon the supply of labor in town exceeded the demand. This led to chronic unemployment and underemployment, a ruthless job market, low wages and bad working conditions (Branch, 2013:3156). This contributed to Gulu Town becoming a place for frustrated and economically and socially desperate population (Branch, 2013:3160).

### 3.3.2. Coming to Peace

For over 20 years, the government of Uganda unsuccessfully tried to end the conflict by military means. Although there were some attempts to resolve the conflict through peaceful means, including negotiations, most of these efforts were unsuccessful (Murungu and Biegon, 2011). In the efforts to end the war, local politicians as well as cultural and religious leaders have

frequently focused on the rebels' incomprehensible religious practices and gross abuses of basic human rights whereby the rebels were characterized as hyenas, terrorist, and agents of Satan (Finnström, 2008:115). Also, after the September 11 attacks, the United States designated the LRA as a terrorist group. This rhetoric, Finnström (2008; 2010) argues, caused comprehensive peace talks for many years to be dismissed on moral grounds. The first serious attempt to end the war through peace negotiations was initiated by Betty Bigombe, then a government minister from the Acholi region, who initiated contact with the LRA leader Joseph Kony in June 1993. However, in the middle of negotiations, president Museveni announced that he was planning on using military force to end the conflict and he ordered the rebels to surrender. The rebels did not listen to the call of Museveni.

Pressure to adopt a law on amnesty came from the Acholi region, led by cultural and religious leaders, who believed that a military approach to the conflict was no solution. Amnesty was seen by many in the region as formalizing the traditional mechanisms of dispute resolution and reconciliation (Murungu and Biegon, 2011), e.g. *Mato Oput*. The government passed the Amnesty Act in 2000, which gave immunity to anyone “engaging in war or armed rebellion<sup>16</sup>”, in the hope the rebels would surrender and renounce violence. It has made the return of approximately 26.000 soldiers possible (African Research Bulletin, 2012). Individuals who are “collaborating with the perpetrators of the war or armed rebellion”<sup>17</sup> or “assisting or aiding the conduct or prosecution of the war or armed rebellion”<sup>18</sup> could also take advantage of the amnesty. However, the amnesty did not end the conflict; it suffered from a number of setbacks. First, LRA rebels were frustrated by the one-sided request for their surrender whereby they were portrayed as the inferior party, the ones to be forgiven (Finnström, 2010). Second, the government was inconsistent in supporting the process (Murungu and Biegon, 2011).

Soon after the amnesty law, the international community put pressure on the government of Sudan to allow UPDF counterinsurgency operations in Sudan, from where the LRA operated. When the Sudanese government allowed the UPDF to enter southern Sudan in order to confront the LRA in “Operation Iron Fist” in 2002, the operation was widely considered unsuccessful as it resulted in massive retaliation by the LRA against civilians in northern Uganda and southern Sudan (Harvard Humanitarian Initiative, 2015). The second “Iron Fist” in 2004, however, is thought to have been more effective, resulting in the release of a number of child soldiers (Harvard Humanitarian Initiative, 2015). Nevertheless, the Ugandan army’s Iron Fist

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<sup>16</sup> Amnesty Act, s. 2(1)

<sup>17</sup> Amnesty Act, s. 2(1)(b)

<sup>18</sup> Amnesty Act, s. 2(1)(d)

operations in southern Sudan and the rebels' counterattacks in northern Uganda made the situation tense and can be seen as failed attempts to end the war (Finnström, 2008).

Not covered by the Amnesty Act were the five senior leaders of the LRA, as they were indicted by the International Criminal Court (ICC) for the war crimes they committed. In 2004, Museveni requested the ICC to issue arrest warrants against Kony, two other LRA commanders and Dominic Ongwen. The Ugandan government also requested to leave out possible war crimes and crimes against humanity committed by its own army. "Our position is if they [the ICC investigators] come across any allegations against government officials, they should let them be tried by the government", as the army spokesperson said (Finnström, 2010:138). Ongwen is the first former child soldier to be added to the ICC's list of indictments, and the only one standing trial as he surrendered in January 2015. However, the involvement of the ICC was, not surprisingly, unwelcomed by the LRA. As peace talks between the LRA and the government of Uganda began in Juba in 2006, the LRA leadership has repeatedly stated that no soldier will return home unless the ICC withdraws indictments against the commanders (Justice and Reconciliation Project, 2006). Subsequently, many saw the warrants of arrest as obstacles to the peace process in Uganda, which illustrates a classic dilemma of transitional justice arising from the question of whether and to what extent criminal justice may be compromised for the sake of peace (Finnström, 2008). Ever since the court accepted the request as one of its first cases, international retributive justice has become a hotly debated topic in northern Uganda.

Even though Kony refused to sign the final peace accord, the Juba Peace Talks (2006-2008) marked the end of the Ugandan Civil War. Today, Kony is believed to hide in Sudan or Congo and remains at large<sup>19</sup>. As Kony is expected to have 'only' 100 soldiers left, Kony is, for instance by the United States, no longer seen as a threat to northern Uganda's security (New York Times, 2017).

### **3.4. Domestic Policies: Reparations and Development Programs**

Although the Ugandan government passed the Amnesty Act and signed the Juba Agreement, little attention has been paid to the role of the Ugandan government during war and, equally important, after the war. Regrettably, the peace talks have involved little discussion of the structural deficits in the democratic governance of Uganda and to restorative justice practices to come to terms with what happened (Okello and Hovil, 2007). As explained earlier, restorative justice measures, including victim reparations and development programs, are crucial to

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<sup>19</sup> See ICC-02/04

promote justice and peace in the country. This section focuses on some domestic policies with regard to victim reparations and development programs.

#### 3.4.1. Victim Reparations

The amnesty law came together with the Amnesty Commission, which had the responsibility of monitoring programs of demobilization, reintegration and resettlement of persons granted amnesty<sup>20</sup>. Unfortunately, the Commission has not been effective in doing its job. First, this is due to a lack of funds/resources. Second, it has been criticized for its one-size fits all approach. For example, it has not taken a gender-sensitive approach to the issue of reparations as it “makes no special provision for women who returned with children, giving them the same reintegration package as those who returned alone” (Justice and Reconciliation Project, 2015:1). Considering that different people experience violence in distinct ways, reparation programs should not be neutral, instead, they should address the effects and outcomes of particular violations (OHCHR and UHRC, 2011). Also, the Amnesty Commission has done little to involve the community in the demobilization, reintegration and resettlement of those granted amnesty. As transitional justice discussions in Uganda tend to focus on male parties to the conflict, little attention has been paid to the impact of violations on other war survivors in different segments of the Ugandan population (Okello and Hovil, 2007).

Although the peace talks have involved little discussion about effective measures for different groups of victims and perpetrators, the Juba Peace Talks do serve as a reminder of the government’s responsibility to provide victims (e.g. former child soldiers) with reparations. Even though the success of the Juba Peace Agreement is debatable, it recognized the need for the government to grant remedies to victims including compensation, restitution and rehabilitation (UN OHCHR & UHRC, 2011). In 2007, the Ugandan government pledged to promote redress in the Agreement on Accountability and Reconciliation signed in Juba, affirming that it “is essential to acknowledge and address the suffering of victims, paying attention the most vulnerable groups, and to promote and facilitate their right to contribute to society<sup>21</sup>”. In 2008, the Transitional Justice Working Group was established under the Justice, Law, and Order Sector (JLOS) as the unit responsible for drafting a national transitional justice policy that must provide reparations to the victims of the armed conflict (ICTJ, 2015). However, up to today, the transitional justice policy is still not in place. Although the immense scope of

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<sup>20</sup> Amnesty Act, s. 7-9

<sup>21</sup> Juba Agreement, paragraph 8.1

the harms inflicted, and even though tragic consequences have been reported and studied locally and internationally, this research demonstrates that there has been very limited coordinated response that directly addressed victims' reparative needs (see also ICTJ, 2012).

#### 3.4.2. Development Programs

As explained in the previous chapter, whether victim reparations include development programs is debatable. Whereas victim reparations serve to redress individual harm and fulfill individual rights with a distinct symbolic component whereby the state recognizes and takes formal responsibility for the harms, development programs aim to achieve, in the words of the Ugandan government, "prosperity for all" (De Greiff and Duthie, 2009; ICTJ, 2012). However, reparations and development programs are closely related to one another since development programs are complementing and at times overlapping with the aims of reparations by providing some measure of relief to war survivors. As national policies, albeit with some regional targeting, these development programs – motivated by development and poverty reduction objectives – aimed to improve the welfare of citizens. Therefore, three major initiatives undertaken by the Ugandan government will be discussed shortly.

First, the government initiated the Northern Uganda Social Action Fund (NUSAF), which consist of three phases and is funded by the World Bank. NUSAF I (2003-2009) aimed at enhancing the capacity of vulnerable groups (e.g. former child soldiers) to "systematically identify, prioritize, and plan for their needs and implement sustainable development initiatives" (World Bank, 2002). NUSAF II (2010-2015) aimed at empowering the communities to improve their livelihoods (World Bank, 2008), and NUSAF III (2015-2018) builds on previous initiatives and includes livelihood investment and institutional development, among others (World Bank, 2015). Especially NUSAF I and II were criticized for not reaching the intended beneficiaries due to corruption (ASF, 2016). Second, the Peace, Recovery and Development Plan (PRDP) for northern Uganda was launched. PRDP I and II focused primarily on the development of infrastructure and resettlement of internally displaced persons (IDPs) in the northern and eastern regions of the country. They faced many challenges including reporting issues and insufficient staffs. Most importantly, they have been criticized for high levels of corruption and misuse of public funds, in particular, by the Office of the Prime Minister (ASF, 2016; ICTJ, 2015). The current program, PRDP III (2015-2020), focuses on livelihood assistance and issues of land (ASF, 2016). It is worth noting that the PRDP is funded by the Ugandan government and specific donations, for example from NUSAF (Institute for War and Peace Reporting, 2012). Last, the Youth Livelihood Program (YLP) is another five-year



government program running from 2013-2018. It aims at improving the socio-economic status of poor and unemployed youth through skills training and income-generating activities. Unfortunately, as is the case with the previous development programs, it is criticized for corruption (Dispatch, 2018; New Vision, 2017).

### **3.5. Local Context: The Importance of Narratives**

As discussed in the previous chapter, to solve complex national and international issues, both in terms of what should be done in relation to war survivors and in terms of dealing with those who are responsible for war crimes, we must acknowledge the importance of context, including local perspectives and practices. Therefore, postcolonial-feminist critique seeks to focus on the silencing and exclusion of ‘the Other’ from claims of justice and emphasizes the importance to recover and represent the interests of vulnerable groups (Dhawan, 2012). In other words, the narratives of ‘the Other’ should be given attention when talking about transitional justice. In the particular context of northern Uganda, a focus on the narratives of war survivors is helpful to examine the impact of transitional justice practices on this particular group. These ontological narratives include personal stories we tell ourselves about our place in the world and about our own personal history, thus the self and our immediate world (Somers, 1994:618).

Public narratives, on the other hand, are stories elaborated by and circulating among social and institutional formations larger than the individual, such as political or activist groups, the media, and the nation (Somers, 1994:619). Public narratives include stories about who is responsible for war, explains the causes of war, whether it could have been avoided, and the consequences of war. When these narratives are sustained and promoted through channels across the entire world, they acquire the status of a meta narrative that cuts across geographical and national boundaries and directly impacts the lives of every one of us (Somers, 1994:619). This is particularly evident when it comes to stories about war and transitional justice.

In line with Rosen (2007), Finnström (2008; 2010) sees an overall narrative that simplifies the causes and solutions of wars. He argues that with regard to war in Uganda, media all over the world as well as reporting of various international organizations portray the situation as a war in which LRA rebels fight for the sole reason that they want to rule the country on the basis of the Ten Commandments (2008:108). The typical conclusion is that the war in northern Uganda has its roots in ethnic mistrust in Uganda and in the “religious and spiritual beliefs of the Acholi people” (Women’s Commission for Refugee Women and Children, 2001:81). Of course, these reports are correct in noting that the war has taken on a religious dimension. However, other dimensions are left without commentary, in particular the political

dimension of the war. This political dimension is important as the rebels' violent strategies mostly contained messages to the local people (Finnström, 2008). The meta narrative often falls short when the historical background and sociopolitical context are considered, which is unfortunate as international justice and peace initiatives have followed the trend of simplifying complex wars (Finnström, 2008:111-112).

Understanding the characteristics of the war, and the explanations that people bring up to their victimization or perpetration as well as their current situation, is a critical step in the process of developing and implementing transitional justice mechanisms to address post-conflict northern Uganda. This explains the importance of narratives. Narratives allow people to construct meaning as they try to achieve some sense of governing their own fate. People invoke meanings they find relevant, as they try to comprehend and live the wider world they are part of (Finnström, 2008:169; Pemberton, 2015). As Pemberton (2015:19) explains, this line of reasoning also suggests that the ways in which war survivors address the consequences of one's victimhood and/or perpetratorhood are better understood as part of a story, rather than as separate reactions to the war. For war survivors, "the justice process is not sealed off from its social surroundings, it forms part of it" (Pemberton, 2015:19). Thus, people's emotions, experiences and perceptions regarding victimhood, perpetratorhood and (transitional) justice are elements of one's narrative that must be taken into account for transitional justice actors to solve complex questions regarding justice for former child soldiers in northern Uganda. These narratives, however, do not stand apart from public and meta narratives. Taking into account the fact that public narratives regarding transitional justice in Uganda are influenced by a Western (hetero)normative framework as described in the previous chapter, my aim is not to reject norms of justice or human rights for their Eurocentric bias, rather, to negotiate them in order to reveal the lived experiences of informants.

### **3.6. Conclusion**

All in all, the Ugandan war (1986-2006) was fought between the LRA rebels commanded by Joseph Kony, and the UPDF (former NRA) commanded by president Museveni. The war can be described as two conflicts in one whereby the conflict has its roots in ethnic mistrust between the Acholi people and the ethnic groups of central and southern Uganda as well as in the religious and spiritual beliefs of the Acholi and the manipulation of these beliefs (Women's Commission for Refugee Women and Children, 2001:81). The war can be characterized by unpredictable and extreme violence; tens of thousands were killed, tens of thousands forcibly abducted, especially children and youth, and waves of humanitarian crisis left many civilians

dead. Like in many of today's wars, referred to as 'dirty wars' by Nordstrom (2004), it was civilians who were the main targets by both LRA rebels and the Ugandan military alike. Although calm has returned to northern Uganda, the Juba Peace Agreement has never been signed. Today, there are a number of challenges for transitional justice that need to be addressed, which include questions on how to address the many years of human rights violations. Although Ugandan government has undertaken development initiatives and set up the Amnesty Commission, there is still no transitional justice policy in place that addresses victims' reparative needs. In addressing these needs, it is important to consider the historical background and socio-political context in which transitional justice measures are to be applied. Rather than reductionist views on how to deal with the aftermath of the Ugandan war, a narrative approach is an alternative to the simplistic representations of the war and its consequences. As the potential for narrative strategies in transitional justice and peace-building has barely been tapped, this thesis focuses on the narratives of war survivors in northern Uganda. It not only investigates to what extent victim's rights have been met, but also what transitional justice practices mean in the daily lives of informants.

## 4. International Victims' Rights for Former Child Soldiers

Whereas the previous chapters discussed transitional justice measures, this chapter outlines international victims' rights Ugandan former child soldiers are entitled to. Former child soldiers, whose ambiguous status as both victims and perpetrators constitute a major challenge in periods of transitional justice, are eligible for different international victims' rights. In order to discuss whether victims' rights have been met and to understand the impact of transitional justice measures implemented by international actors, it is useful to explore who 'the victim' is, to outline the different international victims' rights, and to discuss the relevance to look beyond these rights.

### 4.1. Who is the Victim?

Through the use of legal categories, often by reference to specific types of human rights violations, victims and their rights are identified. The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power was the first declaration to define victims of crime as well as victims of abuse of power<sup>22</sup> and is considered to be the 'cornerstone' for establishing legal rights for victims under international law. It describes victims as "persons who, individual or collectively, have suffered harm including physical or mental injury, emotional suffering, emotional loss or substantial impairment of their fundamental rights". A major innovation of this definition was that it included not only the direct victims, but also those who have suffered indirectly, such as the victim's family members. People, including children, can thus be victims of many sorts, i.e. they can be direct or indirect victims, they can be part of individual and collective victimhood and victims of both the first and second generation. These distinctions are relevant in identifying the harm suffered and besides, they also constitute important criteria for identifying who can participate in transitional justice mechanisms that are set up to deal with the past and construct a new future (García-Godos, 2008). Thus, in the context of victims' rights, the identification of the victim is important, as it is that person who will be entitled to whatever form of remedy or benefit is to be provided.

The above-mentioned shows that one's victimization is not depended on the type of perpetrator, rather, the victim is identified on the basis of the type of violation inflicted upon them. Not all victims of conflict are victims of human rights violations. It is possible for a

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<sup>22</sup> UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), art. 1, 2, 18

civilian to be injured in a legitimate and proportionate aerial attack by armed forces and that injury might not have been caused by criminal conduct or human rights violation (García-Godos, 2008). What does constitute a human rights violation in armed conflict situations are murder, kidnappings, torture, forced disappearance, rape, sexual abuse, mutilation, forced draft, and displacement, among others (García-Godos, 2008:122). Although the line between victims and perpetrators in times of war become blurred and former child soldiers cannot be merely seen as victims or perpetrators, they can be identified as victims under international law as they particularly experienced *personal* suffering, which refers to harm to life, body or liberty and *intangible* suffering, which refers to the loss or lack of opportunities (Elster, 2006). Thus, Ugandan former child soldiers are eligible for international victims' rights and reparations.

#### **4.2. The Right to an Effective Remedy**

This section explores the state's responsibility to provide effective remedy to victims, the legal right to an effective remedy, and victim reparations as an aspect of this right.

##### 4.2.1. The Right to an Effective Remedy: State Responsibility

While individual human beings and, to some extent, groups are rights holders under international human rights law, the State is the primary duty bearer. Hence, it must respect, protect, and fulfill the fundamental rights and freedoms. This entails that the State must not restrict the enjoyment of human rights, must protect the right holder from human rights abuses, and take affirmative action to ensure the full enjoyment of all human rights (UN OHCHR, n.d.). There is also a general obligation under the 1945 UN Charter to promote and respect human rights<sup>23</sup>. Since Uganda has voluntarily consented to be bound by the 1966 (UN) International Covenant on Civil and Political Rights (ICCPR) by means of ratification, the government must respect and ensure the treaty rights to everyone within its jurisdiction<sup>24</sup>. This also entails that a failure to "prevent, punish, investigate or redress the harm" caused by non-state parties can give rise to a breach of the State's responsibility to protect<sup>25</sup>. Therefore, the State is responsible for remedying violations of international human rights law that it commits or fails to prevent<sup>26</sup>. While it is widely recognized that the State has a responsibility to remedy breaches of human rights caused by its omission, the 2006 UN Basic Principles provides that the victim's right to

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<sup>23</sup> UN Charter (1945), art. 1(3)

<sup>24</sup> CCPR/C/21/Rev.1/Add.13, 2004, paragraph 3

<sup>25</sup> Ibid., paragraph 8

<sup>26</sup> UN Basic Principles (2006), art. 15

an effective remedy is “irrespective of who may ultimately be the bearer of responsibility of the violation”<sup>27</sup>. Notably, this is also applicable in situations of armed conflict<sup>28</sup>.

#### 4.2.2. The Right to an Effective Remedy: Legal Right

“Ubi jus, ibi remedium” is a Latin legal maxim meaning “where there is a right there is a remedy” (Oxford Reference, n.d.). The right to an effective remedy is explicitly found in several international human rights treaties to which Uganda is a Party, e.g. ICCPR<sup>29</sup>, CRC<sup>30</sup> and the 1981 (OAU) African Charter on Human and Peoples’ Rights (ACHPR)<sup>31</sup>. Besides international legislation, the right to an effective remedy is reflected in the 1995 Constitution of the Republic of Uganda<sup>32</sup>. The 2006 UN Basic Principles are based on the existing legal obligations of the State under international human rights law and international humanitarian law and do not create new duties for States. Thus, they are an affirmation of the State’s obligation to provide an effective remedy under the ICCPR<sup>33</sup>. The UN Basic Principles establishes that the right to remedy comprises two aspects: the procedural right to justice, which includes e.g. acknowledgement for serious violations and recognition that the harms occurred, and the substantive right to redress for injury suffered due to act(s) in violation of rights contained in national or international law. According to the Principles, “remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim’s right to the following as provided for under international law”:

- (a) Equal and effective access to justice;
- (b) Adequate, effective and prompt reparation for harm suffered;
- (c) Access to relevant information concerning violations and reparation mechanisms.

#### 4.2.3. The Right to An Effective Remedy: Reparations

Reparations, as seen in the UN Basic Principles, are only one aspect of the right to an effective remedy. In respect of state obligations, affirming its commitment to reparations in the Juba Agreement, the government of Uganda referred to UN Basic Principles<sup>34</sup>, recognizing five general forms of reparative measures, including restitution, compensation, rehabilitation,

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<sup>27</sup> UN Basic Principles (2006), art. 3(c)

<sup>28</sup> CCPR/C/21/Rev.1/Add. 13, 2004, paragraph 15

<sup>29</sup> (UN) Covenant on Civil and Political Rights (1966), art. 2(3)

<sup>30</sup> (UN) Convention on the Rights of the Child (1989), art. 39

<sup>31</sup> (OAU) African Charter on Human and Peoples’ Rights (1981), art. 50

<sup>32</sup> Constitution of the Republic of Uganda (1995), art. 50

<sup>33</sup> (UN) Covenant on Civil and Political Rights (1966), art. 2(3)

<sup>34</sup> Juba agreement, paragraph 9.1

satisfaction and guarantees of non-repetition<sup>35</sup>. The UN Basic Principles operate with a broad definition of reparations, one which addresses also alternative or complementary transitional justice mechanisms, such as the right to truth. It is worth noting that its focus on remedy and reparations does not exclude the duty to prosecute violations that constitute crimes under international law. In spite of its status as ‘soft law’, which means that the UN Basic Principles are not legally binding, it does provide legal support to representatives and advocates of victims’ rights to the effect that victims are legally entitled to reparations (Falk, 2006).

The right to reparations for victims of grave violations of international law can also be found in international criminal law, in particular in the 1998 Rome Statute (RS) of the International Criminal Court<sup>36</sup> where Uganda is party to. For the first time in history of international criminal justice, the Court may lay down the principles for victim reparations and enter an order against a convicted person stating the appropriate reparations for the victims, which may include restitution, indemnification and rehabilitation. The Court has the option of granting individual or collective reparation, concerning a whole group of victims or a community, or both. The Court may order this reparation to be paid through the Victims’ Fund, which was set up by the Assembly of States Parties in September 2002<sup>37</sup>.

As we have seen, victim reparations have already entered the agendas of transitional justice processes around the world, including northern Uganda. However, the rights that victims of Ugandan civil war are entitled to, and the involvement of different international actors to foster justice, do not necessarily constitute satisfaction among war survivors as will be discussed in the next chapters.

### **4.3. Beyond International Victims’ Rights**

In spite of the consensus over the right to remedy for victims of human rights violations, the design and implementation of reparation initiatives are highly contested issues involving political decisions to be taken. Notwithstanding their grounding in international human rights law, there is nothing universal about the way different countries go about taking these decisions, which are highly contextual (García-Godos, 2008:121-122). García-Godos (2008) explains that such decisions not only depend on political conditions, but also on power structures, and even practical matters, such as the feasibility of implementation and funding. In addition, as the main emphasis has usually been on the need to avoid paying compensation to those not entitled,

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<sup>35</sup> UN Basic Principles (2006), art. 19-23

<sup>36</sup> Rome Statute of the International Criminal Court (1998), art. 75

<sup>37</sup> Rome Statute of the International Criminal Court (1998), art. 79

rather than to avoid denying those who are entitled, people may feel shortchanged (García-Godos, 2008). The demand for proof of one's victimhood may, for some, add to their burden (García-Godos, 2008:123). Especially former child soldiers, who experience several challenges as a result of their ambiguous status as both victims and perpetrators, may feel they have to fight to obtain a status as victims and to fight for their victimhood, as explained in the following chapters. Therefore, the fact that child soldiers are entitled to the above-mentioned rights does not mean they have benefited from these rights.

When it comes to victims' rights, international legal instruments are adopted, signed and ratified to protect the rights of victims and to provide victim reparations in order to promote justice. Thereby, as discussed in chapter 2, a distinction is made between *restorative* justice, which focuses on the victims and is to restore and repair the injustice done to them by means of reparations, and *retributive* justice. Mani (2005) explains that these concepts ask for a clear distinction between victims and perpetrators, which does not do justice to the complexity of war and the political dimensions involved in it. She explains that victims go through the process of becoming 'survivors', along with other survivors of armed conflict, which asks for a focus on both victims, perpetrators, and everyone in between. Therefore, she proposes the concept of 'reparative justice' as an alternative to *restorative* justice as it allows us to focus on different war survivors, rather than a focus on legally defined victims. This also asks to look beyond international instruments, which merely represent a framework for how justice is determined legally (García-Godos, 2008). This shows that transitional justice must be studied from disciplines other than law, particularly social sciences. Therefore, as an anthropologist, I am not solely interested in the rights child soldiers are entitled to; I would like to contribute at the analytical and empirical level by giving a voice to war survivors themselves.



## 5. Methodology

Despite the fact that researchers have learned a great deal about the phenomenon of child soldiering in war and paid attention to the topic of transitional justice, the relationship between child soldiers and transitional justice remains largely unaddressed. As discussed in the previous chapter, former child soldiers are eligible to international victims' rights. However, to date there has been no unambiguous answer to the question how to deal with child soldiers on a national as well as international level in the aftermath of war. Nevertheless, the case of Dominic Ongwen shows a growing international interest in child soldiers in relation to transitional justice and attempts to deal with this though question. Besides, little is known about the impact of various transitional justice measures on the daily lives of war survivors as notions of victimhood, perpetratorhood and justice have mainly been dominated by Western hegemonic discourse and human rights. Therefore, this thesis connects the topics of child soldiering and transitional justice. In line with the theoretical framework, two components of transitional justice processes are touched upon: victim reparations for those who have been subject to human rights violations as defined by international human rights law, and criminal accountability. It aims at a critical and complex understanding of transitional justice processes in their immediate context by focusing on the narratives of Ugandan war survivors in general and former LRA child soldiers in particular, who grew up in a troubled area and whose stories, in public only too commonly sidestepped or reshaped, can deepen our understanding of transitional justice in northern Uganda. This chapter will explain the methods adopted by this research.

### 5.1. Research Methods

The qualitative field research was carried out from the 16<sup>th</sup> of April until the 13<sup>th</sup> of July, 2018. Fieldwork involves the establishment of valuable relationships with informants by building rapport and gaining trust in order to understand the experience of social reality in all its aspects by becoming an insider in a certain community. Relevant is how “the Other” speaks, behaves, thinks and feels so that the emic perspective<sup>38</sup> of the research population can be translated into the etic perspective<sup>39</sup> of the researcher. As victimhood, perpetratorhood and justice have become complex and global objects of study and debate, for which legal definitions are no

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<sup>38</sup> The emic perspective is the perspective of the research population what ethnographers are looking for (Kottak, 2002:55)

<sup>39</sup> The etic perspective is the perspective of the ethnographer, understandable to everyone and universal (Kottak, 2002:55)

longer sufficient as explained in the previous chapters, fieldwork enables cultural victimologists to bring these concepts in the domain of cultural studies and to present them as *cultural* concepts, instead of legal ones. This way, the researcher is able to acknowledge that concepts as victimhood, perpetratorhood and justice are subject to process of social construction, shaped by history, culture and society. As my aim was to study the cultural complexity of child soldiering in relation to transitional justice, the topics discussed with informants mainly concern definitions, feelings, experiences and perceptions with regard to victimhood, perpetratorhood and justice. Besides, since transitional justice actors aim to come to terms with large-scale past abuses, attention was given to the difficulties war survivors face up to the present day as a result of these abuses, and concerns with regard to international actors involved in transitional justice processes. These topics formed the basis and goal of the research.

Fieldwork is often also referred to as ethnographic research or participant observation. “Participant observation is a method in which a researcher takes part in the daily activities, rituals, interactions, and events of a group of people as one of the means of learning the explicit and tacit aspects of their life routines and cultures” (DeWalt and DeWalt, 2011:1). By participating in the daily lives of my informants and all activities and events possible (including both public and private events), observing interactions and proceedings, and describing in a detailed way the characteristics of situations, elaborate information was gained. Descriptive information was written down in the form of field notes: “the writing of field notes is virtually the only way for the researcher to record the observation of the day to day events and behavior, overheard conversations and informal interviews that are the primary materials of participant observation (DeWalt and DeWalt, 2011:157). On the basis of short jot notes, fuller and more detailed notes or descriptions resulted in expanded field notes. Moreover, a log with a list of all the research activities, methods, and informants was kept, as well as a diary in order to personally reflect on the course of the research. By showing my informants that I was willing to listen and learn from them, participant observation helped me not only to experience what Ugandan war survivors’ life routines and culture are like, but also to gain trust and build rapport with them. Since I lived for approximately three months in the research context, built close contacts with key informants, and had access to and participated in the activities with people who are fully participants in that context, I was able to gain unique insights into the worldview of Ugandan war survivors (DeWalt and DeWalt, 2011:110-111), especially relevant as the research is focused on meaning and experience. Therefore, participant observation is highly valuable for the quality of the data. Although more than a method it is a way of approaching the fieldwork experience, gaining an understanding of the most fundamental processes of social

life. This approach provides context for more research methods (DeWalt and DeWalt, 2011:3), such as interviewing.

Another method used during the research was informal interviewing and semi-structured interviewing. Informal interviewing has mainly been practiced in the beginning of the fieldwork period, when I only just met the informant, or during activities and events. During my fieldwork, I visited my informants regularly, sometimes with the sole purpose of having a chat (referred to as conversation in footnotes). It was essential to gain trust and build rapport, as child soldiering and transitional justice may be sensitive topics to discuss for some informants. Semi-structural interviewing was conducted on the basis of a guide with certain topics (see appendix 1) and open-ended questions. During the last weeks of the research, semi-structured interviewing resulted in the most meaningful information. Especially when trust was built, and rapport established with war survivors, mental topics (e.g. about feelings, experiences, perceptions, wishes) were more elaborated upon during interviews. The quality of interviews as a research method consists of the value of a narrative, a validity in the form of subjective truths, focused on meaning. Narratives are essential for a complete understanding of human life and culture, as explained in the previous chapters. In total, 47 informal and semi-structured interviews, including follow-up interviews, of varying hours were conducted. Besides, I had numerous conversations with informants.

Data was also collected through document analysis; I analyzed reports of the International Center for Transitional Justice (ICTJ), reports of the UN Human Rights office of the High Commissioner, and international and domestic laws. Besides, additional documents consist of organizational documents, books and magazines. The abundance of documentation I received from community-based organizations (CBOs) and non-governmental organizations (NGOs) and institutions show the extent of trust and rapport that was built.

The combination of the above-mentioned methods led to methodological triangulation, which refers to the fact that data is gathered by means of different research instruments and can be compared, with the result of cross validation (Decorte and Zaitch, 2016; DeWalt and DeWalt, 2011:128). For instance, the observations made during participant observation were subject of discussion during interviews and conversations, and about these same observations could be read in the documents analyzed. Information obtained during interviews, in turn, could be observed during participant observation. As explained, participant observation was mainly used for learning the explicit and tacit aspects of war survivors' life routines and culture, while informal and semi-structured interviewing was valuable to obtain in-depth information about feelings, experiences and perceptions of Ugandan war survivors themselves. An important point

to make here, is the approach of participant observation as an iterative process. This means an alternation between the collection of data and the analysis of data, for which the qualitative data analysis software NVivo 12 was used. This process refers to the fact that coding leads to new data and new data to new codes, which results in new questions and the need to continually assess and adapt interview questions. Iterative process is also called “the spiral of analysis” (Boeije, 2010:14, 90; DeWalt and DeWalt, 2011:179) and by deepening the findings, this process improved the quality of the research. In addition, in order to improve the validity of the research, I involved key informants in assessing certain written parts of this thesis, discussed with informants about my observations and checked information of other informants while at the same time guaranteed anonymity, referred to as member validation (Boeije, 2010:177; Decorte and Zaitch, 2016). Most importantly, since the qualitative methods were chosen in order to answer questions about the feelings, experiences and perceptions of war survivors, the validity of the data is high for the reason that informants described their personal stories, referred to as narratives.

During the research, I approached narratives as a valuable tool in understanding the feelings, experiences and perceptions of war survivors concerning child soldiering and justice. The revelation of the subjective world of my informants via narrative representation is appropriate for a full expression of experiences in their own terms, and in this way, I gave a voice to war survivors themselves. Since concepts of victimhood, perpetratorhood, and justice carry different historical meanings in different socio-political contexts, the way informants narrate about these concepts will give a researcher insight in its meaning. However, narration alone is not enough. A reciprocal explanation must follow the narrative. The story remains to be negotiated through dialogue and contextualization. Meaning emerges in social situations, which also include the visiting researcher, and middle ways can hereby be accepted (Finnström, 2008). Due to the fact that mediated narratives are subjective, mediations will logically bias the final thesis. Besides, information provided is a partial account of post-conflict Uganda. For example, informants were often unaware of how different international actors involved in transitional justice processes operate. However, these partial narratives are not considered to be limitations, rather as providing insights into the ways those mediations form the base of the construction of meaning. Narratives, although partial, give insight in the subjective world of informants, a world in which the operations of international actors involved in transitional justice processes play an important role.

## 5.2. Reflection

Linked to the methodological accountability, it is necessary to reflect on the background, role and impact of myself as a researcher with respect to the research findings, as well as to discuss some ethical principles and issues. Despite having participated in the daily lives of my informants and lived life in northern Uganda, I remained at all times in a very privileged position as a Dutch Master's student. To say that I experienced my informants' difficulties and felt their suffering is disproportionate. With my return ticket in my back pocket, so to speak, the Netherlands as a well-organized and safe place was only one flight away. For my Ugandan informants, this was never the case. They experience the difficulties of the aftermath of war every single day. Thus, to claim that I do fully understand the hardships of being a war survivor in northern Uganda, would decontextualize and depreciate the sufferings, pains, and sorrows of my informants experienced during and after war. I am not a war survivor myself and therefore, I strongly feel that I cannot fully understand them.

In my attempt to experience and participate in the daily lives of former LRA child soldiers, I had move beyond Gulu Town. Even though some informants live in towns, these people were generally the more privileged war survivors, for example those who set up victim organizations<sup>40</sup> and support organizations such as CBOs and NGOs. Whereas international actors and previous researchers have mainly focused on war survivors living in towns as they are easier to reach, I visited the most remote places where many former child soldiers live an isolated existence as a consequence of war in order to give them a voice as well. However, these hard-to-reach and remote places were not always safe for me as a *munu* (white European). Whereas some people were unaware of the existence of white people, others associate whites with donors who come to help and support in the aftermath of war. As a result, I was treated as an interesting or scary object, or as a rich woman and money source. This has prevented some people from coming into contact with me, but also resulted in several (sexual) harassments and threats. For example, two police officers threatened me with their guns to hand over my belongings, I was often touched unwanted by men, and I experienced unwelcome sexual comments. Of course, I did prepare myself as best as I could before departure, for instance by participating in a masterclass given by political anthropologist Jeff Sluka at Wageningen University about fieldwork in (post-)conflict areas. During this masterclass, he explained by means of examples how he, during his research in Northern Ireland, reacted in threatening and dangerous situations. Nevertheless, I was never fully prepared for threatening and dangerous

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<sup>40</sup> With victim organizations I mean organizations *of*, rather than organizations *for*, victims

situations, which I encountered several times during my stay in northern Uganda due to the fact that I visited the most hard-to-reach and remote areas in the northern districts of Uganda.

These personal experiences are relevant to mention, because ethnographers are socially and culturally situated and engaged, and make sense of what they have seen and lived through in the field (Gay Y Blasco and Wardle, 2007). Since cultural anthropologists and victimologists are their own research tool, all information collected is locally situated and all my perceptions and conclusions are filtered by my own cultural lenses. For example, I realized that due to the negative experiences I encountered as described earlier, I became increasingly judgmental toward Acholi norms and values. To remain totally neutral and a cool observer is impossible. This is nothing new to the social sciences, but it should be acknowledged. However, through reflections on my own personal position, thoughts, emotions and experiences, and their contribution to the understanding of the specific area of study, referred to as “the shadow side of fieldwork” by McLean and Leibing (2007), I strived to be as objective as possible. What helped me, was to pause in fieldwork for intermissions in the office or at home. This allowed me to step back and rethink the experiences and stories from the field and reorient myself, something that was important in the effort to establish a proper critical distance to the collected data. Also, personal experiences were written down in a diary and often discussed with colleagues based in the Netherlands, who also have experience in doing fieldwork abroad. Some personal experiences are referred to in this thesis by means of a vignette.

Eventually it was engagement, rather than simple empathy, that guided me in the encounters with my informants in northern Uganda. To engage myself in the lives of war survivors was not always an easy task. This is because of the fact that I was a stranger to Acholiland, sometimes thought to be an angel or a ghost, an alien with healing powers, or a person with another blood color. Not surprisingly, this complicated establishing contact and made it difficult for some informants to open up immediately. As a consequence, conversations with informants I had just met were often superficial. What complicated contact as well, is the fact that Ugandan war survivors have traumatic experiences and that some of them consider war-related issues as emotional and sometimes even dangerous topics to discuss due to distrust in the Ugandan government. As I strongly believe that war survivors should feel comfortable talking to the researcher, I tried to gain trust and establish rapport, which are at the basis of collecting data. I achieved this by showing my willingness to spend time with them and to learn from them, for example by cooking local dishes together with informants. Besides, as a sign of solidarity, I often shared a meal. To share a meal is perhaps the greatest manifestation of humanity among the Acholi (see also Finnström, 2008, 2010). Once you share a dinner table,

that person cannot be your enemy. It is for this reason that *Mato Oput*, whereby victims and perpetrators share a meal, is such an effective reconciliation ritual. For me, sharing a meal has helped me to build rapport and gain trust, and to engage in the lives of my informants. The Acholi name I was assigned by some of my informants, Lamara (the loved one), shows the level of rapport and trust that was built.

English is the official language in Uganda, however, not all informants were able to converse in English with me confidently due to a lack of education. Acholi, a Southern Luo dialect, is most spoken by the Acholi people in the northern districts of Uganda. In order not to exclude informants who are not fluent in English from my research as I felt these informants deserve to be given a voice too and their information and experiences are important to me, many interviews were carried out with the help of an interpreter. This interpreter tended to be familiar with the informant I interviewed, most of the times involved in a victim or support organization. I was conscious of the fact that in those cases in which I made use of an interpreter, I needed to be very precise and considerate in taking notes and documenting data, since the interpretation of the collected data could be influenced by a language barrier. In some cases, I may have simplified the questions which subsequently could have resulted in the questions being perceived as directive.

During the field research, the anthropological ethical code has been maintained. Ethical principles as informed consent, confidentiality and anonymity formed the frame of the data collection. Before semi-structured interviews were carried out, informants were informed about the subject and goal of the research, the nature of the data collection and the purpose for which the data would be used as well as potential consequences of participation, who in turn were able to choose if they wanted to participate. If so, they gave their informed consent by signing a consent form. Informants were at all times entitled to withdraw from the research and to express their wish not to use their stories in the thesis. Due to the fact that some interviews were quite so emotionally charged for informants, it happened a couple of times that either the informant or I proposed to take a break during the interview to allow the informant some time out. None of the informants refused to sign the informed consent form or regarded recording as a problem, and none of the informants withdrew from the research or expressed their wish not to use their stories. However, most informants expressed their wish to stay anonymous as the information provided may be controversial. Therefore, to protect the security of my informants, the stories of all informants were collected anonymously, and all names mentioned in this thesis are pseudonyms. The contacts and the collection and use of information were consciously and responsibly handled in the light of the ethical standard.

Having informal conversations, however, may raise ethical questions in respect to informed consent. When conducting and recording semi-structured interviews it is clear to most informants that their stories will be used, but whenever participating in people's lives and having informal conversations, it may be less obvious that everything is carefully written down and may find its way in a report (DeWalt and DeWalt 2011, 214-215). However, I tried to tackle this dilemma by carrying and showing my notebook in most social situations, thus emphasizing my intentions and role as researcher. Another ethical issue that needs to be mentioned is the issue of compensation for participation. During field trips, I was often confronted with the poor conditions in which war survivors live and I often questioned myself what I could and should do in order to improve their situation and to show my gratitude for participating in my research. I am not a psychologist, and in this way, I was not able to help them. Also, I decided not to give any monetary compensation for interviews, as I tried to prevent people from lying about their background in order to participate and receive compensation. Different, I decided on visiting some of my key informants regularly to bring soap, sugar, and other material goods that was very much needed and valued. More importantly, I helped some informants to pay the school fees of their children and medical treatment. Nevertheless, I find it frustrating that as a student, I have not been able to help and support all informants where needed.

### **5.3. Research Location and Population**

In mid-April 2018 I entered Gulu Town, from where I visited multiple war survivors in the northern districts of Uganda, including Amuru district, Gulu district, Kitgum district, Lamwo district and Nwoya district. As mentioned in chapter 3, these districts endured more than two decades of terror at the hands of Joseph Kony and his rebel group, the LRA. Since most national and international organizations that aim at supporting war survivors are – or were – based in Gulu Town, which was the center for the internally displaced persons (IDPs) during war, and transitional justice practices and mechanisms are to be applied in the northern regions of Uganda where most war survivors are to be found, northern Uganda in general and Gulu Town in particular is pre-eminently the ideal location for research.

As mentioned earlier, in order to see how many of Uganda's former child soldiers live and to participate in their daily lives, I had to visit some of the most hard-to-reach and remote areas in northern Uganda. Although I do not want to claim that those living in towns are always better off than those living in remote places as this may depend on whether someone owns a piece of land and cattle, the difficulties former child soldiers face as a consequence of war became very clear when visiting those who live an isolated existence far away from town. With



the very few possessions they own, they lack facilities, such as schools and hospitals, lack social control and support, and were often unable to move themselves from one place to another. Although my visits to these areas gave me important insights in the lives of former LRA soldiers, I spent much time in Gulu Town as well. Some of my informants established victim and support organizations in Gulu Town and with a few of them I was already in contact before my departure. Through the help of these organizations, including Refugee Law Project (Makerere University), War Victims Networking & Betty Children's Foundation Trust (WVN&BCFT), People's Voices for Peace, Youth Leaders for Restoration and Development (YOLRED), Hope and Peace for Humanity, War Affected Youth Association (WAYA) and Community Network for Social Justice – I was able to meet numerous people and capture the narratives of multiple war survivors, including former child soldiers and other victims of war, and important community members such as cultural and religious leaders. Thus, after establishing the first contacts with organizations, the snowball method, which means that an initial number of informants are asked for the names of others, who are subsequently approached (Boeije, 2010:40), helped me to get into contact with new informants. This method is especially useful when studying sensitive or taboo topics or when a certain research population is difficult to reach, such as those war survivors living in hard-to-reach and remote areas throughout the whole region of northern Uganda (Boeije, 2010).

In total, I spoke and interviewed 36 different people. 24 of them are former LRA child soldiers and 11 people other war survivors. Of these 11 people, 5 are cultural and religious leaders. Of all informants, 24 are male and 12 are female. As mentioned, some informants were visited and interviewed more often. This is especially the case with victim leaders, leaders of CBOs and NGOs and war survivors living in, or close to, Gulu Town. Those who live in the more remote places were visited less often, approximately half of them only once. The same applies to community members as cultural and religious leaders. Since semi-structured interviews were mostly conducted after I gained trust and built rapport, the topics as mentioned in the topic list for semi-structured interviews were mainly discussed with informants I met more often. Informants I met only once were mainly interviewed by means of informal interviewing. Whereas some informal interviews tried to avoid the discussion of sensitive and mental topics and had more focus on Acholi culture in general and/or someone's profession, other informal interviews have given me in-depth information about one's feelings, experiences and perceptions. This mainly depended on whether informants trusted me and whether they had problems with opening up to me, and thus differed per person. Information about the different informants can be found in the overview of informants (see appendix 2), which include their

names, gender, age, occupation/status and place of living. However, it should be noted that the age of informants might be unknown. In some cases, former child soldiers were unaware of their age due to their abduction at a very young age. Besides the information in the overview of informants, some informants are introduced in more detail in this thesis, in order to give the reader a better picture of a certain person and his/her story.

## **6. Unfinished Realities**

### **6.1. Introduction**

All former child soldiers I have spoken to were forcefully abducted as a child and escaped from captivity when they got the chance to do so. The possibility to flee often occurred during ambushes, when everyone had to take care of themselves and lost sight of other soldiers. Once one managed to leave the army behind, they returned to a society where things had drastically changed; relatives were murdered or missing, possessions were destroyed, and daily necessities were difficult to obtain. Although former child soldiers are entitled to victim reparations, meant to return victims to the situation they were in before their rights were violated, up to the present day, many former LRA child soldiers experience continued difficulties after their return from LRA captivity and struggle to build up their lives. This research shows that these difficulties can be distinguished into socio-cultural, socio-economic and socio-political difficulties. Whereas this chapter touches upon these difficulties, the next chapter will elaborate more on how some informants have used their victim-perpetratorhood to deal with these difficulties.

### **6.2. Socio-Cultural Difficulties**

The impact of years of captivity has put former child soldiers and community structures under pressure. As mentioned in chapter 2, rehabilitation and reintegration initiatives, including DD(R)R programs, are not always successful due to ongoing processes of stigmatization and even rejection, provoked by the former child soldier's relatives and community. Especially those who were with the rebels for a long time, or those who gave birth to children from rebels in the bush were said to face challenges, e.g. isolation and/or revenge upon return. In the northern districts of Uganda, especially in rural, hard-to-reach areas, former child soldiers are dealing with interference of the community concerning the fact they have been part of the LRA.

Steven is a former child soldier. Abducted as a child, he stayed for 8 years in the bush and lost his leg during an ambush in 2003 when he was shot by UPDF soldiers. Ever since he returned to his village in 2004, he has been isolated and target of several reprisals from his neighbors: "I farm and keep some animals, but people always destroy my things. [...] When I was keeping some pigs, about ten, my pigs were poisoned, and all died at once. They knew that the pigs would help me in the nearby future. They want to see me just struggling through life having nothing to support myself, being a beggar..."

that's what they want. In fact, the last one of my pigs was just pierced to death with a spear.<sup>41</sup>” Even though Steven has taken some of the incidents to the authorities, i.e. the local leaders, his cases have been dismissed.

Steven is an example of a man who experienced stigmatization and faced rejection from his community when he returned from LRA captivity. As a former child soldier who lost a leg during an ambush, he is expected to have stayed long in the bush, and thus to have committed many atrocities. Besides, he is expected to be possessed by bad spirits. According to Acholi beliefs, the spirits of people who died violently will disturb the population (see also Finnström, 2008). Therefore, community members may avoid former LRA child soldiers, saying that bad spirits had made them dangerous to their surroundings. Spirituality is thus used to provide ways of coping with individual situations of anxiety and stress. The fact that someone is expected to have committed many atrocities and to be possessed, results in receiving little, if any, compassion for one's situation. “They think: if you take that much time in the bush and come back, you shouldn't do better than them... you shouldn't prosper more than them. That's how most people think when you stayed that long in the bush.<sup>42</sup>” Another example of a former child soldier who stayed in captivity for a long period of time, and experienced extreme levels of isolation and revenge, is Achiro:

Achiro stayed in LRA captivity for approximately 14 years and returned in 2004. When she returned, she found her family living in the camp. The fact that she had spent many years in the bush and that she returned all alone, caused her to experience extreme levels of rejection: “I was the one who came back even though I was the one who had taken very long in the bush. I was the one who came back, so people were not all that happy. [...] Most of the time while in the camp I kept indoors, and I could hear what people said outside. It reached a point that they even poisoned me... I was doing so badly, and I suffered so much from that... I didn't know I would still be alive up to now<sup>43</sup>”.

Similar to Achiro, Irene mentioned that she had to deal with the bitter language from the surrounding community, aggravated by the fact that she returned alone, while other children with whom she was abducted did not.

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<sup>41</sup> Semi-structured interview Steven 30/06/2018

<sup>42</sup> Informal interview Zara 30/06/2018

<sup>43</sup> Semi-structured interview Achiro 10/05/2018

“When I reached home and started staying there, life became so hard because most of my friends with whom I was abducted had died. Because of this, people in the community looked at me badly, believing that I was the one who killed them. Life became so hard that even my children whenever they would go to fetch water, they would get beaten up. Now as a mother, whenever I would try to ask around to get to the bottom of it, they would just abuse me, saying: ‘You’re a killer, you’re possessed. These are children of rebels!’ So, this made me feel really bad<sup>44</sup>”.

As a mother of six, Irene gave birth to four children during captivity. Just like many other abducted girls, she was forced to carry out a range of duties that included domestic labor, combat, and serving as a sex slave<sup>45</sup>. As many girl soldiers<sup>46</sup> were subjected to rape and sexual abuse and to exploitation by male rebels of higher rank, many child soldiers gave birth to children while in the bush. As mothers of children born in captivity<sup>47</sup>, they face specific challenges. Irene continues:

“When they realized that I had those children, my mother-in-law told me to take my children back to our home [home of her own family] and yet there is no one to take care of them from there. So, I did not take them and instead told them that if that was their condition [to be accepted in her husband’s family], then I would rather stay alone with my children. After all, both my children and I were being verbally abused, and often referred to as rebels’ children by my own husband’s family members<sup>48</sup>”.

In Acholi culture, a woman is married into her husband’s patrilineage and its wider social group. This makes her an outsider, a link to the outside, at least initially, until full bride wealth has been provided to her father’s family and his extended patrilineage. From that moment, she obtains a formal position in her new social context as a married woman. In this patriarchal system, where women and children belong to the clan of the husbands and fathers, women and their children are often stigmatized when the father of the child is known to be a (former) rebel.

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<sup>44</sup> Semi-structured interview Irene 10/05/2018

<sup>45</sup> Sex slaves are girls who were abducted and forced to serve as wives to the combatants

<sup>46</sup> It should be noted that young boys became victims of sexual violence as well. Although men were also abused (or forced to abuse girls), this has received some media coverage but little attention at the national policy level (ICTJ, 2012), probably because it can be assumed that this happened less frequent than the sexual exploitation of girls

<sup>47</sup> This is a generic term used by all informants in everyday speech, and refers to children who were born from a mother who stayed in LRA captivity whilst giving birth

<sup>48</sup> Semi-structured interview Irene 10/05/2018

It is for this reason that mothers of children born in captivity often lack social support and face rejection. For example, they may be rejected by their husbands and relatives, may lost support from spouses, and many women try to keep their experiences concealed from the wider surroundings because they “feared the stigma, and other people blaming them... for allowing it to happen” (People’s Voice for Peace et al, 1999:44, 63). In this respect, ex-rebel girls more than ex-rebel boys are stigmatized in society, even if mutedly. In line with Miller (2009) and MacKinnon (2007), I argue that sexual violence during war has caused identities and bonds between family members, groups and whole communities to be destroyed. Many former child soldiers mentioned that they continue to suffer because of the stigma attached to their status as ‘former rebels’ and that of their children as ‘children born in captivity’ or ‘children without identity’ (in case the clan of the father is unknown). Similar stigmatization is indicated by the fact that the domestic violence rate among couples in which the woman was a child soldier is high. Damaged family and community structures are thus not only reflected in high levels of verbal abuse, as was the case with Irene, but also physical abuse. In today’s Acholiland, domestic violence is a major concern for many CBOs and NGOs based in the region. They try to sensitize people about the matter and promote women emancipation<sup>49</sup>.

As a (white) female researcher, I was often approached by men, who yelled at me, touched me wherever they felt like, who ordered me to do things or told me to be their wife. In my experience, most men expect women to be docile and subservient. Many expect to get a woman on the merits of having money and have more than one wife. In familial relationships, men would generally get to make the decisions and women would raise the children. To illustrate my point: I was brutally sent away by a man during an interview with his wife, a former child soldier, because he had not given his wife permission for the interview. I saw men drinking away their money while women were trying to feed and clothe their children with what little money they would earn alone. I met men who gambled with other men, the loser would have to provide his wife to the winner for sex. I heard firsthand from women how men are unwilling and disallowing their wives to use contraceptives. I was told a cynical story about a “white lady” who was

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<sup>49</sup> E.g. Hope and Peace for Humanity (HPH), War Victims Networking & Betty Children’s Foundation Trust (WVN&BCFT)

raped<sup>50</sup> by a man who “just wanted to know how it is to have sex with a white”. I saw how a woman got hit by a rope in the midst of the street. And I heard many more stories of domestic violence.

Domestic violence and other forms of violence are especially evident in the case of former child soldiers, as they, and their children, face high levels of stigmatization. When Irene finally got to leave her husband for another man, this man and his relatives sexually abused her child because “they consider her not to be of their own clan or family<sup>51</sup>”. Sexual violence against former child soldiers and children born in captivity is not uncommon; it serves to target people as representatives of a particular group. Although the threat of domestic violence is a significant point of vulnerability in the day-to-day experience of many former child soldiers, they often see no way to put an end to the situation.

Samantha was abducted by LRA soldiers when she was 11 years old in 1994. When she returned in 2003, she got two children. One day, a former LRA commander raped her five-year-old daughter. When she told her current husband about the incident, he reacted indifferently. Her husband, who has two wives, shows up every now and then without telling her when. He is usually drunk and violent toward her and her children when he is at home. Besides paying the children’s school fees, he does not contribute in the household. Although she is relieved when he leaves, she feels she cannot separate from him as she cannot pay the school fees of her children herself<sup>52</sup>.

Like Samantha, many former child soldiers feel they will not be able to find another husband due to their status as ‘former rebels’. As most women lack resources to support themselves and their children, they stay with their man. Others fear to face more stigmatization and rejection by community members if they leave the husband’s clan. However, what all informants have in common, is that they have not given up on their dream to improve their situation.

Many expressed their wish to own land. Besides the fact that land gives one the opportunity to earn a living from agriculture and to become financially independent, e.g. by

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<sup>50</sup> It should be noted that the word ‘rape’ was not mentioned during the conversation. It derives from my interpretation of rape as a physical invasion of sexual nature, committed on a person under circumstances which are coercive (see Akayesu Case. The Prosecutor v. Jean-Paul Akayesu. ICTR-96-4-T)

<sup>51</sup> Semi-structured interview Irene 10/05/2018

<sup>52</sup> Semi-structured interview Samantha 25/05/2018

farming and renting out land, it may reduce processes of stigmatization: “When you are successful, you can help others and you don’t need to ask for help... then you are a valuable member to society and you will be less stigmatized<sup>53</sup>”. Many informants argued that they are seen as a “burden” to society because they are “useless”. The alleged uselessness is part of a narrative; it gives an explanation for the high levels of stigmatization and it also gives one a way out: being useful to others. For Steven, whom I introduced in the beginning of this chapter, the purchase of land will be a solution to reduce the high levels of stigmatization he faces every day. First of all, he argues that he will “not be a burden anymore<sup>54</sup>” and secondly, the purchase of land provides him the opportunity to start an anonymous life at another place:

“In my opinion, if I had the capacity, I would get some money, buy land somewhere, and leave this place. I think it is better to start over in a place where no one knows you, where your family members are not there to torment you. People who don’t know you may treat you with some care and respect, more than those who know you. [...] In this compound other children apart from my own have no respect for me as an elder... even when they make a mistake and I try to correct them they always despise me as someone from the bush who has nothing useful to say. The situation is unbearable here, but I have no choice. I still don’t have money to buy land elsewhere so that I can move away.<sup>55</sup>”

### **6.3. Socio-Economic Difficulties**

Some informants, including Steven, desire to move close to town, as they can live anonymously and avoid the repressive aspects of Acholi society in rural areas. For these people, village life<sup>56</sup> tends to make them fearful as they lack protection from revenge attacks by people in their surroundings. They rather live in (or close to) town, with high levels of social control. For others, on the contrary, life in town adds to their challenges. Branch (2013) describes how Gulu Town has developed a monetary economy due to the establishment and involvement of several international organizations during war. He explains that the emergence of aid agencies marked an increase in employment opportunities as they directly employed people as guards, office runners, cleaners or drivers (2013:6). Also, it has led to a significant expansion in the service sector that grew up around the humanitarian industry (Branch, 2013). As a consequence, money

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<sup>53</sup> Informal interview Paul 26/06/2018

<sup>54</sup> Semi-structured interview Steven 30/06/2018

<sup>55</sup> Semi-structured interview Steven 30/06/2018

<sup>56</sup> Village life refers to life in ‘the village’, which is all areas outside town and also includes the most hard-to-reach and remote areas of northern Uganda



became increasingly important. Often with little vocational training or education, former child soldiers have sunk to the lowest end of the economic scale. Therefore, one might prefer being self-sufficient by owning land, cattle and grass huts for themselves and their entire family. Unfortunately, war has left many people without any land and cattle. In Acholiland, where such a large portion of the population has been uprooted and displaced, cattle and large areas of fertile land have been lost or destroyed (see also Branch, 2013), which has caused land conflicts:

“People were away for long... when they came back from displacement or captivity, they forgot about their geographical locations from before, the boundaries of their land... and the youth are not aware of the past of their parents... and there is the population increase. Now people are trying to get their land back, there is conflict.<sup>57</sup>”

“When we returned, we found all our parents dead. We are unable to identify the landmarks of our parents’ land and that’s why most of us are living here in town because in our home areas, we have nowhere to go, we are bullied out of the land that was supposed to belong to us. [...] The challenge is that most of us now have no access to land, especially those whose parents are dead. The land our parents left for us has been grabbed.<sup>58</sup>”

Although the Ugandan constitution allows any Ugandan to settle and buy land anywhere in the country<sup>59</sup>, many war survivors expressed exclusion from access to land. Today, land conflicts are a major concern. With ongoing stigmatization in the community, biting poverty, little access to sources of livelihood and cramped living conditions in remote areas, day-to-day life can be struggle for survival. Even though both men and women former child soldiers encounter socio-economic difficulties, this research shows that considerably more women than men struggle for a living. First of all, the challenges of women are related to the fact that community coping structures that assist women in their work – such as extended family to watch children in her absence – have been damaged due to stigmatization and rejection. Secondly, it is mainly women who carry much of the responsibility for ensuring that their families survive (in ‘safety’). In the majority of the cases, they are the ones who collect firewood, queue for water and care for children. Especially in remote areas, accessing basic services takes up an extraordinary amount

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<sup>57</sup> Semi-structured interview Thomas 06/06/2018

<sup>58</sup> Semi-structured interview Jennifer 12/05/2018

<sup>59</sup> Constitution of the Republic of Uganda (1995), art. 26

of time because of the wide dispersal and, at times, inaccessibility of resources. This is not to say that life in town is easy; due to a lack of financial means, some people suffer from hunger and are unable to pay for certain basic needs, such as education and medical treatment. As long as former child soldiers are not able to make a living and plan for the days to come, their wish to receive compensation as victims of war remain:

“Victims have never been compensated. But we need to be compensated, we need it for the years we stayed in the bush. We lost everything, we lost our possessions, we lost education... we cannot find a job... We need compensation for that to move on.<sup>60</sup>”

Compensation has not been provided to victims, however, development programs have been implemented to improve victims' welfare. Even though Gulu University, which was established in 2003, and the new private hospital in Gulu Town were signs of prosperity in northern Uganda (Finnström, 2008:103), many former child soldiers and their children have no access to it. As a senior lecturer at Gulu University argues, being able to attend school is a lifestyle that not everyone can afford:

“In many parts of the country families are unable to really send their kids to schools. We have what we call the Universal Primary Education<sup>61</sup>... people pay not that much. But they cannot even afford to buy exercise books. It's a lifestyle in a way. Sending kids to school meaning there is some small money.<sup>62</sup>”

Many war survivors continue to cultivate their dreams of higher education and good careers. Especially mothers of children born in captivity, who missed the opportunity to attend school during captivity, stressed the importance of education for their children. Education is seen as the key to success. Through education, one can pursue a career. Besides, education is necessary for people to remember the war and its victims, to learn from the past and prevent history to repeat itself. Nowadays, many CBOs and NGOs are operating in the region with the aim to ensure children to enjoy education. One of these CBOs is YOLRED, established in 2016 by two former child soldiers. William, who works for YOLRED, explained:

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<sup>60</sup> Informal interview Betty 02/05/2018

<sup>61</sup> In December 1996, president Museveni announced that four children of school-going age per family would benefit from free primary education, starting from January 1997. This national policy became known as Universal Primary Education (UPE)

<sup>62</sup> Semi-structured interview Harry 05/06/2018

“Education is priority, because it’s out of education that they [children] will be able to know tomorrow. Without education, there is no tomorrow. It is through education that one can know how to write and speak. It is only through education that one is able to think positively. It is only through education that you are able to know other parts of the world, how they resolve their issues, how they interact, how they manage their economy, their political situations, how they stay with the neighboring countries, how they generally do their things. It is only through education, nothing else.<sup>63</sup>”

William’s main argument to focus on education for children, is that “the future is in the hands of the children<sup>64</sup>”. He mentions education as the main solution for the many difficulties war survivors face in many areas of every-day life:

“Our problem here is food, but the food is for today. To make an everlasting food for tomorrow, go back to school, study. To make you know that [name] has done something wrong, go back to school and study and you become a lawyer, you get to know what is called justice and injustice. For you to be helped, or to know my problem in the stomach, go back, read and become a doctor. For you to say no infrastructure, go to school, read hard and compete in the world market... get money and build your own nation. But for the person who does not see tomorrow, he will say, ‘my problem is food, my problem is sickness or shelter,’ that’s not true and I don’t think it works. [...] So, the short-term need is to make somebody get to know of tomorrow, that is the short-term. The long term is going back to school and if you cannot go back to school, learn the skills training, that is a short-term for yourself to help you there and then<sup>65</sup>”.

However, for most former child soldiers, sending their children to school remains just a dream; they need them to take care of their siblings and to earn money, for example by searching and selling fruits. They simply cannot afford a ‘lifestyle’ in which children attend schools. The same applies to medical treatment. Due to a lack of financial means, many are excluded from medical treatment, yet it is badly needed. As war survivors in northern Uganda were mutilated, burned, shot, beaten and/or wounded by shrapnel, by both LRA and UPDF forces, many former child soldiers sustain injuries. Of course, various (inter)national organizations have provided surgical

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<sup>63</sup> Semi-structured interview William 27/06/2018

<sup>64</sup> Informal interview William 22/06/2018

<sup>65</sup> Semi-structured interview William 27/06/2018

and rehabilitative services to some war survivors. However, many still need treatment, such as surgery or prosthetic devices. Unfortunately, a visit to the hospital and the purchase of medicines require money that many do not possess. In addition to inadequate access to physical healthcare, mental healthcare and legal services are problematic to access as well. As only those individuals with enough financial means can take advantage of the facilities in town, the establishment of Gulu University and the brand-new hospital have little relevance for many former child soldiers. “Only rich people benefit<sup>66</sup>”.

Whereas in the prewar situation livestock could be sold to pay school fees and medical treatment, today important foundations of income have been disrupted by war. Besides the fact that the destruction of several forms of wealth, such as land and cattle, contribute to former child soldiers’ burden as they struggle to make a living, the destruction of wealth has also caused the destruction of certain cultural traditions. Whereas cattle were an important source of wealth in the prewar context, for example because they were used for the bride wealth, nowadays money is used to marry. As a result, young people can be wealthier than older people and elders have become financially dependent on young people. This threatens the value of certain cultural traditions; according to Acholi norms and values, elderly people play a crucial role in society and are highly respected. Former child soldiers claimed that they are often blamed for the destruction of cultural traditions and that they were talked of as “out of culture<sup>67</sup>”. The fact that child soldiers, especially those who stayed long in LRA captivity, lacked adult guidance, and thus lack cultural norms and values, is regarded as a fundamental problem in society, as was also explained by cultural and religious leaders<sup>68</sup>. This shows that socio-economic and socio-cultural difficulties are closely related to each other and that addressing socio-economic difficulties will also help in reducing socio-cultural difficulties. To break the vicious circle in which ‘the poor’ stay poor and are stigmatized, and ‘the rich’ benefit from the newly established facilities in town, money is needed. Money enables one to attend school, which in turn reduces inequalities between former child soldiers/children born in captivity, and other Acholi people, both socially and economically. Thus, money is not just necessary to provide war survivors with food and medical treatment, it may also bring about great changes in the long-term whereby different socio-cultural difficulties are addressed. Therefore, and because of frustration as many of my informants expressed the feeling that they are denied many of the most mundane and everyday aspects of citizenship, young Acholi

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<sup>66</sup> Conversation Tony 02/05/2018

<sup>67</sup> Informal interview Jacob 14/06/2018

<sup>68</sup> E.g. informal interviews Alfred & Joel

desperately seek economic assistance, which should be taken seriously. During conversations and interviews with war survivors, I was often told that financial help was very much needed:

“As long as no one support us to buy land... to do business... we are not helped. Our children are not helped. We cannot give our children what they need. Change begins with money. [...] We need donors.<sup>69</sup>”

“We need someone who can link us to any kind of available support so that we stop begging for support from the local people since they already see us as a burden. The most important ones are our children.<sup>70</sup>”

As war survivors feel disconnected from Uganda’s wider developments as will be discussed below, even future developments, they narrate about their situation as they need urgent help from external people (i.e. people who do not belong to the Acholi ethnic group such as international actors). Most often, the call for help was directed at me:

“I pray that God opens doors for you so that the work you’re doing bears fruit and that you remember us and maybe one day return. It is possible that by the time you return, I might already be dead, but I believe that with the connections you’re making while you move in the communities, you will be able to find and help my family or someone that’s close to me. [...] If you can, please find some help and let others know about our situation. We pray that you continue advocating for us because we see that as the only way we can change our lives.<sup>71</sup>”

Although (financial) support from external people is seen as a solution to tackle the many difficulties former child soldiers face, at the same time, the circulating public narrative underlines the negative consequences of the involvement of people who do not belong to the Acholi ethnic group. For example, many argue that their ancestral land has been taken over by “powerful” and “rich” non-Acholi, and that international actors hamper the peace process<sup>72</sup>.

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<sup>69</sup> Informal interview Mozes 26/04/2018

<sup>70</sup> Semi-structured interview Steven 30/06/2018

<sup>71</sup> Semi-structured interview Irene 10/05/2018

<sup>72</sup> In chapter 9, I will elaborate on how war survivors narrate about the operations of international actors involved in transitional justice processes in northern Uganda

#### 6.4. Socio-Political Difficulties

Although Uganda is widely regarded, among both academics and influential organizations such as the International Monetary Fund, as a success story of reconstruction, structural adjustment, and economic liberalization (Finnström, 2008:125), informants showed discontent as they feel the north had benefited only partially from development projects and alleged prosperity of the country. They feel deprived from developments in Uganda, which goes hand in hand with distrust regarding government politics, created by uneven distribution of wealth:

“For the people who are in the government, who are enjoying the resources being given to help the ex-combatants... to rehabilitate northern Uganda, these are the people who are seeing that Uganda is developing but we who are not enjoying anything at all... we are the people seeing that there is no development at all. I am 30 years old, what have I seen different after the 30 years? I have not seen something different. I am still seeing the same man [Museveni] with the same system with no development. [...] It is because of the few people who are getting money... they are the ones deceiving the world that there is development, but the majority is not enjoying their rights, their freedom. Their rights are being abused; they are being denied access to so many things.<sup>73</sup>”

A sense of distrust in politics became most clear when talking about the Peace, Recovery and Development (PRDP) program:

“I can say somehow on paperwork, like if you go to the PRDP program, it is written to develop the northern region because the region has been affected for the last 25 or 30 years by the LRA war. That one is written on paper, but practice is different. You find that once the money reaches, the big government officials tend to manipulate. Billions and billions of shillings have been swindled, been misappropriated and you find people are busy driving the finest cars but in the name of PRDP, in the name of ex-combatants who have returned... but in reality, that’s not what is on the ground.<sup>74</sup>”

“A lot of money got lost from the PRDP and you find that the prime minister went and bought a Mercedes Benz worth UgShs 600 million<sup>75</sup>? Money which was meant for

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<sup>73</sup> Semi-structured interview George 22/05/2018

<sup>74</sup> Semi-structured interview William 08/05/2018

<sup>75</sup> 600.000.000 million Ugandan shillings is approximately 142.000 euros

rehabilitating northern Uganda but at the same time also, when you look at the administration costs in the PRDP... at the end of the day, you find that what is meant for the north doesn't reach here, sometimes it hangs on the way or gets finished from the prime minister's office or whichever office is handling it<sup>76</sup>”.

Although different development programs have been implemented, people feel that they are excluded from various modern developments in Uganda as they continue to experience numerous difficulties. It is for this reason that most informants do not consider development programs to be forms of victim reparations. “They say it [PRDP] is part of reparation but we say no, it's not part of reparation<sup>77</sup>”. This shows that development programs should be complemented with (other) forms of victim reparations in order for war survivors to actually benefit from the efforts made by the Ugandan government. As long as former child soldiers face severe difficulties as a result of the war, informants feel that the government has failed to protect and provide for its citizens. Therefore, the government should take (transitional justice) measures that directly benefit the Acholi and their opportunities for a better future, in which they failed so far:

“The government is playing a greater role. Assuming I have not gone to school as I was abducted, most of the ex-combatants are denied a job. [...] For example, when it comes to the job market, YOLRED advertises for an accountant or maybe the District Local Council needs a senior accountant... this is the scenario when you find most of the child-combatants are being left out. They always say that they need experience for this period of time. Assume I have not got the resources to go back to school... and I don't have the experience because most of my experience time was spent in captivity... what do you think I can do? That is the scenario. When they say that they need somebody who has got first grade, someone who was in captivity for seven years and he has come back... Do you think that person will be allowed to go for the government scholarship? No. This is exactly what we are saying, that the government is denying access. [...] Give them [former child soldiers] equal opportunity... there should be a provision for them. There should be a consideration for them so that they also get education and compete in

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<sup>76</sup> Semi-structured interview Jack 03/07/2018

<sup>77</sup> Informal interview Daniel 11/06/2018

the job market... but all these things are not in place. Is that not the role of the government?<sup>78</sup>”

Many informants argue that Museveni’s government is guilty of acts of omission as it does not make (enough) efforts to improve war survivors’ current situation. The conclusion people make is that Museveni’s government must have a hidden agenda behind all this, namely revenge on the Acholi. Many of my informants argued that the Ugandan president disadvantages the Acholi as there is still tension between Acholi and other ethnic groups. The fact that the government has refused to admit their failure to protect Acholi during war, and the consistent lack of commitment to promote transitional justice on the part of the government<sup>79</sup> fosters this idea. This idea of the Ugandan authorities as having bad intentions toward the Acholi, brings fear:

“The government used chemical weapons [during war]. Now children have diseases and people are suffering from hepatitis B. People say it was genocide what was happening here in Uganda, which is not a false statement. But we cannot come up with those kind of things because of the government. Many of us talked about it, but we cannot say those things in Uganda because the moment you do that, you are cleared [by the government]. So, people keep their stories.<sup>80</sup>”

Many public narratives elaborated by and circulating among Acholi war survivors relate to government violence. One story that was often told relates to witnesses who have disappeared and were killed by the government in 2007. These witnesses were expected to make a testimony at the ICC, however, government authorities “cleared” them as they did not want them to talk about the war and its actors. The idea of the government taking revenge, not willing to improve the situation of the Acholi, cause the majority of war survivors to live between hope and fear, uncertain about their future and that of their children. Besides, the fact that Kony remains at large, without having signed the Juba Peace Agreement, cause uncertainties about the future. “As long as Kony is somewhere with his fighters, we can never really tell what will happen next<sup>81</sup>”. Even though Kony is no longer considered to be a regional threat by (inter)national actors, informants are afraid for Kony to mobilize his fighters and return to Uganda. The current

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<sup>78</sup> Semi-structured interview William 27/06/2018

<sup>79</sup> E.g. the fact that the transitional justice policy is not in place, see chapter 3

<sup>80</sup> Informal interview Rebecca 04/06/2018

<sup>81</sup> Conversation Rebecca 06/05/2018



war in South Sudan, which has the potential to expand and affect northern Uganda in the future, and distrust in Museveni's political strategies play an important role in this fear.

“We know that as long as this problem is in South Sudan... we are in problem. You can never tell about the former abductees that came back. Are they all here? You can never tell! Some are living with the South Sudan army. That's bringing fear into people. Anything can happen! As long as they [South Sudan] are not at peace, Uganda can never be at peace. We send our forces in Sudan... we made the mistake of mingling in other people's mistakes without success... If the other side wins, then we are in problem. And what is the implication of that for us? It's not good at all! We won't know when it will ever end.<sup>82</sup>”

Distrust and fear with regard to the political agenda and strategies of Museveni cause war survivors to experience socio-political difficulties. Therefore, I argue, there is no total peace among war survivors. Rather, negative peace applies to the northern regions of Uganda.

## **6.5. Conclusion**

The pain of years of conflict and suffering was palpable during my conversations and interviews with war survivors in the northern regions of Uganda. Indeed, former child soldiers (and, of course, other war survivors) live under conditions that they frequently described as “unpeaceful”. One can imagine that the absence of war has given Acholi breathing space but no peace in life and mind since the negative consequences of war are still present. Narratives about the government's role in war survivors' life function, I argue, to make sense to the socio-cultural, socio-economic and socio-political difficulties former child soldiers face on a daily basis. The stories as discussed in this chapter show that war survivors' (international) right to victim reparations has not yielded fruits. Informants narrated about their needs as they need food and medical treatment in the short-term, and financial help to enjoy education in the long-term, as a result of the extreme poverty in which most war survivors live. They need certainty about the future of themselves and their country and feel severed from the country and its economic, legal, and educational services. This requires the Ugandan government to change its policy approach and to fulfill their obligation to provide effective remedy to victims. For some

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<sup>82</sup> Informal interview Rebecca 04/06/2018

former child soldiers, the difficulties they face are to such a great extent that feel they were better off in captivity:

“Sometimes I wonder why I came back home because there is no one to help me. I find life so difficult because I think if I had remained in the bush, I would not be going through all these hardships, I would have been saved from all these problems.<sup>83</sup>”

By telling the world what their daily life is like, former LRA child soldiers express discontent over their situation, an unpeaceful situation that needs to be changed. Peace, Acholi held, is not primarily related to wealth or riches but rather to live under endurable conditions. In order to achieve this, the Ugandan government plays a pivotal role and transitional justice processes are extremely important. In the next chapters, I am going to discuss more in detail in what ways narratives on victim-perpetratorhood and justice serves to give meaning to a situation, and thus how former child soldiers find control and resist as they live their lives.

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<sup>83</sup> Informal interview Irene 12/05/2018

## 7. Victim-Perpetratorhood

### 7.1. Introduction

In order to design appropriate transitional justice interventions for and on behalf of victims, international actors construct one's victim-perpetratorhood. These constructions are often based on hegemonic discourses surrounding victims and perpetrators. However, as transitional justice aims at addressing the needs of victims, a serious discussion on the social construction of victimhood and perpetratorhood is important. Therefore, this chapter challenges the image of former child soldiers as it is presented in what Somers (1994) calls the public narrative. It will outline how former child soldiers narrate about their own victim-perpetratorhood and how victim and support organizations based in Gulu Town represent former child soldiers.

### 7.2. Representation by Ugandan Government

During war, the Acholi were frequently accused of being rebellious and promoters of war (Finnström, 2008). Those who did not support the Ugandan government explicitly were occasionally arrested, such as potential rebel supporters and government critics (Finnström, 2008). At the same time, the Lord's Resistance Army (LRA) considered those who did not fight the government to be government supporters, one explanation for why LRA soldiers killed their fellow Acholi on such a large scale (Finnström, 2008:86). One can imagine that the distinction between government and LRA supporters, and between 'civilians' and 'combatants' became blurred. Nevertheless, the public narrative has created a homogenous picture of the Acholi and contributed to a simplified explanation of the conflict; Acholi ethnic identity (Finnström, 2008). This black-and-white thinking has limited Acholi's ability to maneuver their way in life as it provided them with only two possible options; one was either on the side of the government or on the side of the LRA. Not surprisingly, many Acholi disagreed with the way they were represented in the public narrative as the dynamics of the conflict were much more complex<sup>84</sup>. The representation of the Acholi being rebellious and promoters of war, has caused many Acholi in northern Uganda to oppose the Ugandan government and thus to be labeled 'supporter of the enemy' (Finnström, 2008). Up to the present day, the political dimensions of the war in northern Uganda, including the complex interplay between local social worlds and large-scale political processes, are not properly acknowledged. Former child soldiers argued that government officials frequently refer to them as former supporters of the LRA, thereby

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<sup>84</sup> See also chapter 3 on the Uganda civil war

emphasizing and downplaying their position during war. This, and given its passivity as ‘protectors’ and frequent misconduct during and after war, cause the Acholi to have little confidence in the government to promote transitional justice for war survivors<sup>85</sup>.

### 7.3. Self-Representation

As transitional justice measures intend to support ‘victims’ and a nation attempts to deal with legacies of human rights abuses ‘on behalf of victims’, former child soldiers stressed the importance to be acknowledged as a victim. They strive for acknowledgement of a legally defined victim status and international victims’ rights that result from this status<sup>86</sup> and argue that they have been victimized. When I asked about experiences of victimization, informants’ narratives contained explicit references to the perpetrator who have caused their victimization. The Ugandan government was often mentioned as a perpetrator, either because former child soldiers were directly harmed by the government army or indirectly as the Ugandan authorities failed to protect them from being abducted as a child. Atim explained:

“The government didn’t protect. Where was the government? They should have protected us, they should accept their weakness for not protecting. That’s why the LRA abducted me. [...] Because we were young children when we were abducted, we didn’t know, and we were forced. If you don’t do this... you refuse on the expense of what? Of your own life! [...] The government should take the responsibility, but they cannot take the responsibility because they know they did bad. They fight us. [...] They fight the rebels... also us as children.<sup>87</sup>”

Besides, references were made to the LRA. Informants often elaborated on the fact that they were forced to commit the most horrible atrocities, including the killing of relatives, and that they feared their lives if they did not follow the orders of the commanders. As child soldiers were under constant surveillance, attempts to escape were difficult to plan, both strategically and morally. The fear to escape is not only linked to the fear for the LRA commanders, but also linked to fear for government soldiers and societal reactions. Hence, most informants narrated about their victimization as resulting from a lack of protection from the government. Although informants stressed the importance to be seen as a victim under international law, those eligible

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<sup>85</sup> See also chapter 6.4 on socio-political difficulties

<sup>86</sup> See also chapter 4 on international victims’ rights

<sup>87</sup> Informal interview Atim 29/06/2018

for victims' rights, a difference between informants can be noticed with regard to self-representation. Whereas some informants called themselves a "real" victim, others stressed the negative connotations of the word 'victim' and construct narratives to deal with the stigma that is connected to the label. This section discusses two narratives as elaborated by former child soldiers: the first narrative refers to former child soldiers as the "real" victims, while the second narrative dissociates former child soldiers from the victim label. These narratives may seem paradoxical, however, it shows how former child soldiers deal with, and give meaning to, their victimization through self-representation.

Former child soldiers who narrate about themselves as being a victim often refer to themselves as being a "real victim". I argue that this "real victim" narrative can be seen as a response to wider societal reactions as well as an implication of competitive victimhood. First of all, the "real victim" narrative stems from societal reactions that they are seen as 'violent rebels'<sup>88</sup>. Although many Acholi did empathize with the LRA in some way (e.g. Finnström, 2008), the violent practices that did occur during war made little sense to most Ugandans. Therefore, former child soldiers do not want to be associated with rebels, rather, they position themselves on the other side of the spectrum and adopt a victim status. The status of a "real victim". Thus, the "real victim" narrative derives from societal reactions which causes many former child soldiers to feel misunderstood. "They do not know what has happened, so they marginalize us. Society must be made aware that we are the real victims!<sup>89</sup>". This "real victim" narrative is often in contrast with other views, for example that former child soldiers may have a share for what occurred during the civil war. Secondly, the "real victim" narrative implies competitive victimhood. Competitive victimhood refers to the efforts of members of groups involved in violent conflicts to establish that a group has suffered more than the adversarial group (Noor et al, 2012:2). During my field research, former child soldiers often stressed the differences between their victimhood and the victimhood of other war survivors, i.e. those who were not abducted as a child. This is not surprising, as many encounter difficulties that are specific to their status as a former child soldier. Due to the fact the Ugandan government has not shown initiative in recognizing former child soldiers as victims by providing them with victim reparations even though they experience severe difficulties, the "real victim" narrative provides a way to express their worthiness of special treatment.

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<sup>88</sup> See also chapter 7.2 on representation by Ugandan government

<sup>89</sup> Conversation Zara 24/05/2018

“The wrong people are being helped, not the real victims. They don’t care about us [mothers of children born in captivity]. We are abandoned but we are the ones who need to be supported. [...] We came back with 2, 3, 4 children? I have to take care of them, but no one helps me. I have to feed them, clothe them, educate them. By myself. But I can’t. They [government authorities] should help the real victims.<sup>90</sup>”

The stories of informants are important, as it enables individuals to construct parallels between their personal experiences and experiences of the group, which contribute to the construction of collective identity based on similar experiences and one’s victimization. The incorporation of victim stories into collective identities is conducted for the purposes of mutual recognition and legitimization (Jacoby, 2016). In the case of former LRA child soldiers, the desire for recognition and legitimization can be traced back to the fact that former child soldiers encounter numerous difficulties as a result of their victimization and that the Ugandan government has not made (enough) efforts to support them. Also, informants feel a high inconsistency in the treatment of the different war survivors. For example, I was often told that male former soldiers were ‘compensated’ by the government as most of them were offered a job in the government army after their return. This all contributes to competitive victimhood, increases in-group cohesiveness, a feeling of worthy of special treatment and explains why there are numerous victim and support organizations, which are mainly targeting female former child soldiers.

The second narrative dissociates former child soldiers from the victim label. As is often the case in conflicts, war survivors who disclose that they had been victimized are frequently perceived of as a threat by both the state army and guerilla forces, and therefore pose a certain danger (De Waardt, 2016). This is more than true for former child soldiers. As discussed, up to today, former child soldiers encounter several difficulties as a result of their victimization. Also, the *victima* label for victims of crime may not do justice to own feelings, experiences and perceptions about victimhood (Van Dijk, 2009). As William, whom I introduced earlier, states:

“Yes, if you say, ‘you’re a victim’, it’s like you’re vulnerable, you cannot do anything. But I don’t want to be one myself because I am able... I am able in the sense that I can speak to you. I can say no... I can say yes to something that is negative or positive.<sup>91</sup>”

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<sup>90</sup> Informal interview Leah 11/05/2018

<sup>91</sup> Informal interview William 22/06/2018

Best (1997) and Van Dijk (2009) argue that the term ‘victim’ has undesirable connotations: it is often related to views as damaged, passive, helpless and powerless. This explains why William, and many other former child soldiers, dissociate themselves from a victim status. Rather, they emphasize their abilities and strengths, their agency. Naming someone a victim implies vulnerability of whom the agency is denied, which is not always in line with how people feel and want to be perceived and undermines their capabilities and wellbeing. This is why the hegemonic discourse surrounding (former) child soldiers as mere victims of the conflict may be problematized. Vincent was the only informant, however, who explicitly referred to the ambiguous victim-perpetratorhood of former child soldiers:

“You should see it [child soldiering] as an addiction. We developed the desire to suppress our emotions. Inflicting pain on other people reduced our own pain. That’s why we did it. To suppress emotions and the pain we felt. It’s not good but... no one wants to kill. We were trained and brainwashed.<sup>92</sup>”

The above-mentioned is not to say that those who do not call themselves a victim do not strive for acknowledgement of their victimhood. Rather, they do not want to be considered useless, helpless and vulnerable. This explains why those who experience less difficulties prefer more positive and empowering terms such as survivors or recovering (see also Van Dijk, 2009) and those who are in need of help, mostly women (with children), prefer the “real victim” narrative. Having said that, I do not intend to criticize these victim narratives, rather, I aim to demonstrate that victimhood and perpetratorhood are social constructs. The construction of one’s victim-perpetratorhood through narratives should be seen as a way to cope with everyday life realities.

#### **7.4. Representation by Victim and Support Organizations**

After the conflict, several organizations arose to support former child soldiers in different ways, including victim organizations and support organizations such as CBOs and NGOs. These victim and support organizations use the notion of victimhood to influence to what degree war survivors receive legal, political and social recognition (De Waardt, 2016). Legal recognition is necessary for war survivors to claim their rights as victims<sup>93</sup> and, as will be discussed in the

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<sup>92</sup> Informal interview Vincent 22/06/2018

<sup>93</sup> See also chapter 4 on international victims’ rights

following chapter, political and social recognition to achieve a sense of justice<sup>94</sup>. It is therefore useful to examine what kind of notions of victimhood they use to identify their target groups in order to facilitate the design of their support programs. All victim and support organizations discussed in this section, with the exception of People's Voices for Peace, are set up by former child soldiers themselves in order to support other war survivors.

As mentioned in chapter 2, De Greiff (2012) states that recognition of the fact that one has been victimized, and intentionally so, is an important need of victims. Therefore, many former child soldiers are motivated to be part of a victim or support organization, either by working for such an organization, or by participating in gatherings/activities. This motivation derives from the desire to be with others who have similar experiences. As former child soldiers face difficulties different from other war survivors' difficulties, being a "real victim" and having experienced the same type of hardship is important to be part of a victim organization. This shows that war survivors' notions of who belongs to their group is based on specific rather than general victim categories (see also De Waardt, 2016:445). However, recognition of the fact that someone belongs to a certain victim group is not enough; as important is to recognize that someone is the bearer of rights and that these rights have to be restored (De Greiff, 2012). As Stella argues: "The government should see us as full Ugandan citizens."<sup>95</sup> Stella, together with other former child soldiers and children born in captivity, advocate for their rights as "real victims" with help of the Uganda Association of Women Lawyers (FIDA-Uganda) by visiting the Ugandan parliament<sup>96</sup>. To recognize victims as full citizens and respected rights-bearers is exactly what victim and support organizations seek to accomplish. George, a former child soldier who works for YOLRED, explains:

"We are not different from them [other war survivors]. There is only one way to prove to the people, to prove to whoever thinks they [former child soldiers] are useless... we need to engage them [engage society in YOLRED's activities]. [...] This is how we are trying to deal with this stigmatization, we do not want the former child soldiers to be stigmatized and to be segregated from the community members... this is why we are engaging them. To bring them together. So, it is a strategy of first bringing them together

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<sup>94</sup> The denial of political and social recognition provides the basis for social struggles (see chapter 6 on difficulties)

<sup>95</sup> Informal interview Zara 30/06/2018

<sup>96</sup> See appendix 3 for photos



and then of course we should not forget some other important services for former child soldiers like the ones I mentioned [e.g. related to education, livelihood activities]<sup>97</sup>”

Thus, on the one hand one wants to belong to the “real victim” group consisting of people who need specific services related to their status as former child soldiers while on the other hand one wants to be seen as a full Ugandan citizen, equal to other war survivors. This is especially the case when one talks about notions of uselessness, helplessness and vulnerability. These notions contradict the way former child soldiers see themselves and how they want to be seen. Although William mentioned that he does not want to be associated with a victim as mentioned in the previous section, he also argued that the real victims are the ones taking lead, referring to himself and others who set up, or work for, victim and support organizations. By doing so, he recognizes the fact that he belongs to a certain victim group, while at the same time renouncing his alleged uselessness, helplessness and vulnerability as a victim. Instead, he emphasized the capability of taking lead:

“You are seeing practically that the real victims are the ones taking lead, the ex-combatants are the ones taking lead for their own... it is initiated by the former child-combatants... it is led by them and they are the ones on the inside of their problem and they are the ones who know how to solve their problems.<sup>98</sup>”

Although victim and support organizations acknowledge the fact that different war survivors face different difficulties and have other needs to be addressed, CBOs and NGOs stressed the importance to include different war survivors in their programs. Although some organizations focus solely on women, CBOs such as War Victims Networking & Betty Children’s Foundation Trust (WVN&BCFT), People’s Voices for Peace, YOLRED, WAYA, and NGOs such as HPH and CNSJ are not exclusively targeting former child soldiers (and/or their children born in captivity)<sup>99</sup>. Instead, they include other community members in their programs as well. According to people working for these support organizations, this is most effective in reducing stigmatization, one of the main difficulties former child soldiers face.

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<sup>97</sup> Semi-structured interview George 22/05/2018

<sup>98</sup> Semi-structured interview William 08/05/2018

<sup>99</sup> The first support organizations emerged during the Uganda civil war, when war survivors committed themselves to support other war survivors and to build up the northern districts of Uganda by providing services including medical, social and psychological services as well as integration activities, care and nursing, material and financial support, educational and information services and training. CBOs and NGOs differ from one another with regard to levels of voluntary involvement

“Counseling a certain group alone doesn’t make sense. We [People’s Voices for Peace] do trauma counseling with victims in their own environment together with community members because we want them to be accepted back by family members. If reintegration was to happen and stop people stigmatizing them, then it is useful to make them work together, with other people who suffered in a different context. That is one of our principles. We do not separate. Most international organizations were only targeting formerly abducted children but for us, we would get them, get the other women that were raped in the camps and also got children, and we all call them child mothers.<sup>100</sup>”

“Never keep people separate. When you want them to reconcile... in Africa it’s easy. You don’t only help your relatives, but everyone who is in problem.<sup>101</sup>”

In line with these arguments, Jacob argues that support programs must focus on the community as a whole. He adds that such programs should pay attention to shared norms and values and states: “We [WAYA] teach them Acholi culture. They should know what their culture is to live peacefully together.<sup>102</sup>” Thus, Jacob acknowledges that the difficulties former child soldiers come across are not solely related to their past experiences; they are also related to socio-cultural structures, norms and values that need to be addressed through promoting social equality rather than diversity among war survivors.

## **7.5. Conclusion**

Former child soldiers feel that their experiences do not correspond with the way they are portrayed by the Ugandan government, which have used a black-and-white rhetoric and refers to former child soldiers as ‘former (violent) rebels’. Narratives function as a way to give meaning and to make sense to one’s experiences as well as the experiences of other individuals who deal with similar experiences. Through victim narratives, one’s victim-perpetratorhood is produced, contested, negotiated and adapted and distinction is made between different groups of war survivors. Many former child soldiers experience severe difficulties as a result of their status as ‘former rebel’, and by using the label “real victim”, members of the group identify themselves as those who are entitled to specific treatment. This refers to competitive victimhood: the efforts of members of groups to establish that a group has suffered more than

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<sup>100</sup> Informal interview Rebecca 04/06/2018

<sup>101</sup> Informal interview Michael 18/06/2018

<sup>102</sup> Semi-structured interview Jacob 16/06/2018

the adversarial group. Other former child soldiers, however, avoid using the label 'victim' as they run the risk of being seen as useless, helpless, and vulnerable people. Therefore, those war survivors who are successful, for example in setting up a victim or support organization, argue that they do not want to be called a victim. In setting up victim or support organizations, war survivors use their victim-perpetratorhood as a valuable tool in addressing the difficulties they, and other war survivors, face as a result of their victimization and perpetration. Although different war survivors face different difficulties and have other needs to be addressed, people working for support organizations argue that a focus on social equality rather than diversity among war survivors is important for former child soldiers to blend into the society and to be seen as 'full Ugandan citizens'. Victim narratives may seem paradoxical, however, these different narratives should be interpreted as a strategy that leaves room for the terms 'resistance' and 'control'. Through narratives, war survivors are able to explain and resist the difficulties they face. Besides, it is a way of individual coping in situations of stress and uncertainty as it enables one to gain a sense of control over the situation (De Waardt, 2016). Letting the world know about one's situation are ways to respond and to deal with one's lived realities in post-conflict Uganda.

## **8. Perceptions on (Transitional) Justice**

### **8.1. Introduction**

In order to understand the impact of international involvement, it is not only relevant to discuss war survivors' perceptions on victim-perpetratorhood; it is as important to pay attention to perceptions on justice. After all, as is often cited, "justice is seen to be done when it is seen in the eyes of the victimized population" (Balta, Bax and Letschert, 2018:2). Thus, war survivors themselves should determine whether transitional justice actors have actually contributed to their achievement of justice. As discussed by García-Godos (2008), transitional justice processes and mechanisms are regarded to consist of four major components: criminal prosecutions, truth commissions, victim reparation policies, and various types of institutional reforms. Victim reparations, in turn, consist of compensation, restitution of property and rights, rehabilitation measures, satisfaction, and guarantees of non-repetition<sup>103</sup>, and are offered by INGOs among others. Criminal prosecutions are promoted by (international) courts and tribunals, including the ICC. However, whether each of these transitional justice measures actually contribute to a sense of justice among war survivors, depends on the context in which they are to be applied. Therefore, this section discusses perceptions on justice as it provides insights into war survivors' needs to achieve a sense of justice.

### **8.2. Justice means Welfare**

When I asked my informants what justice means for them personally, I was often told that one cannot speak of justice as long as the most important needs are not fulfilled, thus, as long as they experience many difficulties as a result of war. For war survivors, the various difficulties they face show that there is no peace in northern Uganda. Doom and Vlassenroot (1999:20) define peace in northern Uganda as "the absence of open and widespread violence rather than a situation where all disputes are settled by procedural methods". However, this definition of peace is not shared by Ugandan war survivors. Despite the fact there is no violence, there is certainly no peace yet:

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<sup>103</sup> See Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, the Van Boven/Bassiouni Principles (2005)

“There is gun silence, but if you go into details, is there peace? How can you speak of justice when there is no peace? It is only the gun silence. I can tell you that there is a difference, because even though there is gun silence, in reality, there is no peace because you will find that land is being taken away from the former child-combatants, they are being denied access to education, health... So how can you speak of justice when I cannot even send my children to school?<sup>104</sup>”

“So, they call this peace? People are walking ten miles to collect water. What kind of peace is that? These are the issues that should be addressed. [...] We should help women and children and address domestic violence and gender inequality.<sup>105</sup>”

The experiences of Dennis and Harry, both former child soldiers, tell them to regard today’s transitional justice attempts skeptically. Even though international discourse distinct justice initiatives from peace initiatives (e.g. De Greiff, 2010), for my informants, a sense of justice cannot be achieved without promoting peace, i.e. a condition in which people live under endurable circumstances. Therefore, peace should not be seen separately from justice, and development programs not separately from victim reparations (see also García-Godos, 2008). Even though development programs do not entail recognition of state responsibility and unambiguous symbolic acknowledgement of victims, they do contribute to victims’ welfare and in this sense, it may restore the victim’s situation. As mentioned in chapter 3, the Ugandan government initiated different development programs. However, as authorities have failed to recognize their state responsibility for violations under international law and to acknowledge former child soldiers as victims entitled to victim reparations, war survivors in northern Uganda are skeptical toward the government-initiated development programs and explain such programs as a way to benefit others than Acholi victims<sup>106</sup>:

“They [government officials] also make sure that the big shots up there gain from it... that’s why we are saying that politics in Uganda has a tribe. Those big shots up there are from the western region, then the other lower middle... sometimes you can find that even when they come to distribute mosquito nets, the people who distribute them and who do the recording come from down there, the south. Now what do you say about

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<sup>104</sup> Semi-structured interview Dennis 04/07/2018

<sup>105</sup> Informal interview Harry 05/06/2018

<sup>106</sup> See also chapter 6.4 on socio-political difficulties

this? Automatically you see now that everything is cocooned somewhere, there are some few individuals. They don't help the northern victims<sup>107</sup>”.

As informants feel the government contributes to uneven distribution of wealth in Uganda, even worse, as informants believe that the government to take revenge on the Acholi<sup>108</sup>, the government's responsibility for development alone is not enough to foster a sense of justice. Therefore, I argue in line with De Greiff (2012) that justice practices are more likely to be interpreted as instances of justice when these measures complement each other. For former LRA child soldiers in northern Uganda, this means that development programs that must promote welfare cannot do without recognition and acknowledgement of former child soldiers' victimhood. This is especially relevant considering the fact that ethnicity played an important role during war and is still a sensitive topic to discuss.

### **8.3. Justice means Acknowledgement**

As a first step to come to justice, war survivors argued that government officials would make an indispensable contribution in officially acknowledging facts of the Uganda civil war, especially facts related to the role of the Ugandan government during war. To acknowledge the fact that the state has failed in its responsibility to protect former child soldiers, even worse, that the state has directly harmed former child soldier as key players in war, would provide former LRA child soldiers with recognition of the fact that they have been victimized as subjects to harm effected by others (i.e. LRA soldiers as well as the government army). Recognition of one's victimhood is pivotal, because it restores and affirms victims' standing as full citizens, as individuals with agency (De Greiff, 2012:126). Besides, by acknowledging the government's failure during war, the importance of norms that they violated are reaffirmed, which promotes civic trust. Both recognition and civic trust are aims of transitional justice measures and therefore, transitional justice practices cannot do without the acknowledgment of government misconduct:

“If you are talking of justice, the government should also face justice. I mean... the people in the government who are supposed to face justice, including our own current president because the war had taken long. It was his role and responsibility to keep the

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<sup>107</sup> Semi-structured interview Jack 03/07/2018

<sup>108</sup> See also chapter 6.4 on socio-political difficulties

citizens safe, we are the citizens, but the government failed. They also inflicted, they were burning—they brought people in the camp, they were also killing us. They blackmailed people that Kony is the one killing us... so many incidences. People who were documenting are there and the documents are there, showing that the government had a hand in this conflict<sup>109</sup>”.

Truth-telling must precede acknowledgement and is an indispensable aspect in bringing about the recognition war survivors are longing for. “Through truth-telling, people will realize that they [former child soldiers] are victims<sup>110</sup>.” However, on a national and international level, many details about the Uganda civil war, especially in relation to the role of the government, have not been acknowledged. Although many facts of the war are known among northern war survivors, specific details still need to be disclosed:

“They [war survivors] may barely remember who was in a certain place, who was killed, who was victim... what happened... it remains that the justice thing has not completely been done<sup>111</sup>”.

However, truth-telling alone is not enough. Besides truth-telling, victim support is a requisite for acknowledgement to be considered sincere and thus to be experienced as justice. Many informants argued that acknowledgement should come with some kind of support “because it is not just about acknowledging, it is about helping somebody to move forward, to adjust to this new normal that I have been harmed<sup>112</sup>”. This shows that acknowledgement as a symbolic form of *restorative* justice is a requirement for justice, but that this form should be accompanied by other, more tangible, benefits. Otherwise, symbolic reparations might be interpreted by war survivors as empty words with no serious commitment to victims. Of course, one should question the widespread assumption that what victims need most is monetary compensation; one should be aware of the impossibility to repair the irreparable (García-Godos, 2008). Nevertheless, support is important for acknowledgement to be effective in fostering a sense of justice. By using the loss of a loved one as an example, Harry argues:

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<sup>109</sup> Semi-structured interview George 22/05/2018

<sup>110</sup> Informal interview Robert 23/06/2018

<sup>111</sup> Semi-structured interview Jacob 16/06/2018

<sup>112</sup> Informal interview Harry 05/06/2018

“When I feel the people have acknowledged my suffering... I should be given something. This could be material things, some eh... counseling... social capital. I should be given something as a representative. It’s not the full Mariska or [name]... but I have to live with this now. This will end the episode... the journey of suffering... and then somebody would be more prepared to now adjust...<sup>113</sup>”

For my informants, justice will prevail when sincere acknowledgement, which includes truth-telling and support in addressing the difficulties former child soldiers face, has taken place. Acknowledgement without support is thus ineffective in promoting justice. The same applies to support without acknowledgement<sup>114</sup>. As no acknowledgement has taken place up to today, the measures taken by the Ugandan government are not considered to be sincere efforts to support former child soldiers. An example that was frequently given concerns the recruitment of former child soldiers in the Ugandan army: government authorities regularly approached former male child soldiers to join the local defense forces, whereby they were offered a salary. Acholi expressed their frustrations as they considered the recruitment as a political strategy to strengthen their position during and after war. As Paul said: “To fight thieves [LRA soldiers], you need thieves<sup>115</sup>”. Many argued that if the government was to actually help former child soldiers as victims of war, they should have been offered other job opportunities as “they are already traumatized as a former LRA child soldier<sup>116</sup>”. This practice of the government has caused frustrations among my informants. I argue that this is due to the fact that the political dimensions of the war have never been acknowledged. Rather, the Ugandan government has limited their discourse to a set of ethnic stereotypes about the Acholi by referring to the Acholi as a ‘martial tribe’. Therefore, I argue that there is a need to re-politicize the war in order to promote political and social recognition.

#### **8.4. Justice means Forgiveness**

“For me, justice is when people forgive each other and live in harmony<sup>117</sup>”, Leah told me. Leah is a former LRA child soldier who, together with her children, have been stigmatized after their return from captivity. For former child soldiers, forgiveness is key to justice as it is intrinsically linked to the ability to empathize with the situation of others, and thus to social solidarity, which

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<sup>113</sup> Semi-structured interview Harry 08/06/2018

<sup>114</sup> See also chapter 8.2 on justice and welfare

<sup>115</sup> Informal interview Paul 26/06/2018

<sup>116</sup> Informal interview Paul 26/06/2018

<sup>117</sup> Semi-structured interview Leah 09/06/2018



is an element of transitional justice. Just as truth-telling must precede acknowledgement, it must also precede forgiveness:

“Well, personally... I would feel that once we can identify the victims and these people can come up... I recommend truth and reconciliation... so that justice can be done. You get that? Whether we do it by *Mato Oput*... but you have to let people come up genuinely. This includes acts that have been committed by government or government soldiers, for instance. You see that? Once we get the truth and reconciliation, that’s when we get somewhere. Because now there are totally different views about what happened. A truth and reconciliation project can move things forward. Because then, everybody will come, really open up about the problem and forgive each other.<sup>118</sup>”

Until now, many war survivors are willing to forgive former soldiers for rather pragmatic reasons; in order to live together with other community members. As Greg, a former child soldier who works for Hope and Peace for Humanity, a registered CBO, states:

[Without forgiveness] It will be more painful and traumatizing every time the person passes. You feel like you should do something to this person but if this person comes to you and says: ‘I even don’t know what to do. Can you find the space I your heart to forgive me?’ and then leaves, then the person has realized that what they did was wrong... and the guilt in that person propelled him or her to come to you. If this person walked to me and said this, I think: even if I do something and kill the person, I will not gain anything. So, let’s look at the past, look at the current now, and look at the future. The past was painful, should we remain in that painful past? The current present... how about the future? So, let’s work among us in this present and have a better future. So that is how you find that the forgiveness can unfold.<sup>119</sup>”

Informants expressed the importance of truth-telling for forgiveness to be sincere. Otherwise, forgiveness is merely a way to accept the situation so that life can go on. For this reason, many informants referred to *Mato Oput* as an important local justice mechanism. *Mato Oput* can be described as a form of interclan reconciliation that promotes truth-telling as both victims, perpetrators and everyone in between are expected to discuss the background of the atrocities

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<sup>118</sup> Semi-structured interview Harry 08/06/2018

<sup>119</sup> Semi-structured interview Greg 24/06/2018

committed and potential solutions related to victim reparations<sup>120</sup>. Performed in severe cases, mostly killings, *Mato Oput* is strongly supported by former child soldiers, who find the idea of a reconciliation ritual more appealing than criminal prosecutions (see also Finnström, 2008; 2010). Besides, advocates include Acholi stakeholders and local organizations that, prior to the ICC involvement and the Juba Peace Talks, had lobbied for the Amnesty Act of 2000 and promoted traditional justice as a means to reintegrate and reconcile soldiers with the broader community (Gould, 2016). Alfred is a strong supporter of Acholi traditions such as *Mato Oput* in seeking justice and emphasizes the importance of cultural leaders in Acholiland:

“We [cultural leaders] preserve our culture. That’s the most important: our personal values. That is what we really stand for. We restore, we preserve, and we promote. And we keep the values. [...] The response has been very good so far so at the same time... there is love. There is forgiveness. So, we help with the reintegration [of former LRA child soldiers]. We help through traditional rituals. <sup>121</sup>”

According to Acholi beliefs, atrocities must be cleansed ritually by means of *Mato Oput* as it promotes forgiveness. Hereby, cultural and religious leaders play a pivotal role in preserving Acholi culture. However, to the frustration of many informants, only some high-profile cases have been solved this way. For this ritual to be effective, informants argued, it must be carried out on a large-scale whereby (former) government leaders as well as (former) top commanders of the LRA should face each other through *Mato Oput*. In Acholiland, war survivors are generally eager to participate in the *Mato Oput* ritual and to forgive their fellow community members. Dominic Ongwen was often given as an example of a former LRA top commander with whom they would like to participate in the ritual:

“For me, Joseph Kony can also go through *Mato Oput* and thereafter return to a peaceful life, but only if he wants it. If he really wants. [...] We need Ongwen here [in Uganda], to be with us. He can go through *Mato Oput*. [...] We need him to know what happened. What happened to our family? We [war survivors] want to forgive him.<sup>122</sup>”

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<sup>120</sup> See also chapter 2.3 on transitional justice

<sup>121</sup> Semi-structured interview Alfred 18/06/2018

<sup>122</sup> Semi-structured interview Tony 21/05/2018

Everyone who wishes to participate in *Mato Oput* can drink the bitter root and reconcile, I was frequently told. Former child soldiers can thus be forgiven for any violent deed they are responsible for. However, as truth-telling is a central aspect of the ritual, for *Mato Oput* to promote justice, it is important that one is willing to tell the truth, willing to ask for forgiveness, and voluntarily participates in the ritual. Also, those who have been harmed must be willing to forgive. *Mato Oput* is not simply a tradition of truth-telling; the truth must be followed by compensation (the clan of the person harmed ought to be compensated by the offending clan) and the sharing of a meal. Thus, in Acholiland, one cannot see justice as an individual thing; rather, as Evans-Pritchard (1940:154) noted for the Nuer in South Sudan, “a homicide does not concern only the man who has committed it, but his close agnatic kinsmen also”. However, sometimes the line between the offending party and the offended party may be unclear. An important feature of *Mato Oput* is that the performance manifests equality (Finnström, 2010). All parties involved consume the bitter root, always on neutral ground, and must step out and genuinely admit their respective wrongdoings if they are to be able to promote forgiveness. Thus, justice cannot be hierarchical in the sense that one party, the innocent, forgives the other party, the guilty. When I asked whether *Mato Oput* promotes true forgiveness among war survivors in northern Uganda, Allen responded:

“It is real, so many of them confessed to us that it is real... like you can find that it [*Mato Oput*] is really working. You find somebody, and the arm has been cut off or maybe the lips, so they can say: ‘yes, although you have done A, B, C, D on me, it is unfortunate now but you’re back now, let’s start living together.’ In our culture, it is a bit unique although other people when they say ‘I have forgiven you’, you don’t know if it is from their heart but here, it is working.<sup>123</sup>”

Although Thomas, a religious leader, states that Acholi are known to be forgiving, I argue that they are not as forgiving as is commonly suggested; the high degree of stigmatization former child soldiers face shows that many community members have not forgiven former child soldiers for causing harm. Although former child soldiers have explained their victimization in terms of government and LRA misconduct, for forgiveness to take place, little attention to the relationship between “real” victims and their perpetrators is needed. Instead, value is given to one’s will for forgiveness:

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<sup>123</sup> Semi-structured interview Thomas 06/06/2018

“It doesn’t matter who you are, what you did and why you did it... you can be forgiven as long as you want to be forgiven. [...] That means you have to come together and discuss all the facts of the incident. Discuss the facts and now you have to live together. That’s what forgiveness is for.<sup>124</sup>”

Informants’ narratives show that forgiveness is not necessarily linked to notions of innocence and guilt. This is not to say that no one has to express remorse; asking for forgiveness is a central aspect as it shows one’s commitment to solve a problem. It is also not to say that the forced nature under which atrocities were committed and one’s accountability remain undiscussed; in order to forgive and to be forgiven, it is important that all facts are disclosed. What it does show, however, is that forgiveness does not (solely) depend on the circumstances of the incident, on whether someone is innocent or not. The fact that *Mato Oput* is traditionally there for both accidental and intentional killings supports this argument. Different value is given to one’s will to tell the truth and to ask for forgiveness. This is in contrast to Western notions of justice, whereby the establishment of what is right and righteous plays a vital role in seeking justice<sup>125</sup>. McEvoy and McConnachie (2012) explain that Western discussions on justice cannot do without establishing one’s innocence and blamelessness as a ‘true’ victim. They argue that one’s status as a ‘true’ victim is important as justice is understood in terms of the relationship between victims and perpetrators. For example, justice is seen to be done through the punishment of perpetrators and victims and perpetrators are thought to have opposite needs (McEvoy and McConnachie, 2012). With regard to children, their innocence and blamelessness is explicitly co-opted in the name of punishing the ‘evil’ perpetrators (McEvoy and McConnachie, 2012:531), which explains why international actors emphasize child soldiering as a result of adult abuse and criminality. However, in Acholiland, (former) child soldiers are not necessarily seen as mere victims of adult abuse and criminality. Up to today, many former child soldiers have not been forgiven for the atrocities committed. This can be explained by the fact that truth-telling, by the Ugandan government and among community members, has not taken place on a large-scale.

“And now”, the young men said as he looked at me, “you should tell your side of the story”. While I told my story clearly in front of the man who demanded me to

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<sup>124</sup> Semi-structured interview Nelson 06/07/2018

<sup>125</sup> See also chapter 2.3 on transitional justice

pay 400 USD for a car ride, accompanied by a friend of his and a friend of mine, all eyes were focused on me. After I had finished my story, the other party responded. The man wanted to settle for less money. As my sense of injustice dominated, I refused visibly angry to pay more since I had paid the amount of money we had agreed upon. “We won’t get to a solution if you behave like this”, I was told. I realized that my stiff attitude would not help me, and in order to get out of this situation, I decided to use a different approach. Still angry at the injustice that I felt was done to me, I said: “I respect you, and your property. If I had the money available, I would give it to support you. Unfortunately, I don’t have more money to spend. I hope we can still be friends as I do not mean to be selfish and unsupportive”. My friend looked satisfied, elaborated on my story and mentioned that my intentions were good. It was only a few minutes later when the guy agreed on the fact that I did not have to pay more money.

This incident showed me that one’s will to come to a solution is of more importance than the establishment of one’s innocence. “Things have happened, it’s a fact, and now we have to move forward by forgiving each other<sup>126</sup>”. Although the above-mentioned incident runs counter to my personal ideas about justice and injustice, changing my hostile attitude has helped me to appease the situation.

## 8.5. Conclusion

For former LRA child soldiers, perceptions of justice are related to *restorative* justice rather than *retributive* justice. First of all, informants expressed that for justice to prevail, war survivors should live in peaceful conditions, i.e. to live under endurable circumstances. For former child soldiers, the difficulties they face up to today obstruct peace and thus justice<sup>127</sup>. This shows the need for victim reparations, especially individual reparations as these would directly benefit individuals, whereby the welfare of former child soldiers is a priority. Although collective initiatives such as development programs have been promoted to improve war survivors’ welfare, they are most often criticized for being insincere as no acknowledgement from the side of the government has taken place. This shows that development programs without any form of acknowledgement do not have the desired impact in Acholiland. Therefore,

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<sup>126</sup> Informal interview Harry 05/06/2018

<sup>127</sup> See also chapter 6 on difficulties

justice also requires acknowledgement, i.e. acknowledgement of the role of the Ugandan government during war and former child soldiers' victimhood. As argued, truth-telling and support are requisites for acknowledgement. Without serious commitments to war survivors, acknowledgement may be interpreted as empty words. Simultaneously, commitments without acknowledgement will not make sense either; measures will not be considered to be sincere efforts to help war survivors without acknowledgement. Only through truth-telling, whereby the details of the war will be disclosed, and support, acknowledgement will provide former child soldiers with social and political recognition and will promote civic trust. The third aspect of justice as mentioned by informants is forgiveness, as it fosters social solidarity. Here too: for forgiveness to be experienced as sincere, truth-telling must precede forgiveness. *Mato Oput* is often referred to as an important traditional ritual in seeking justice as it includes truth-telling and aims at forgiveness. Besides, compensating the offended party is an important element of this reconciliation ritual. *Mato Oput* can be seen as an alternative for criminal justice<sup>128</sup>, however, it distinguishes itself from criminal justice initiatives in the sense that notions of innocence and guilt are of less importance. The above-mentioned shows that we should think of (transitional) justice holistically, and that transitional justice practices are more likely to be interpreted as instances of justice when they complement each other.

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<sup>128</sup> See also chapter 2.3 on transitional justice

## 9. Concerns with regard to International Intervention

### 9.1. Introduction

This chapter will link the previous chapters, which discussed the needs, victim-perpetratorhood and perceptions on justice, to the operations of international actors involved in transitional justice processes. These international actors influence the everyday realities of war survivors in northern Uganda as they have carried out the most substantial efforts to seek justice for the Ugandan population. This chapter elaborates on how war survivors experience international involvement with regard to transitional justice practices, which are in this thesis limited to practices directed at former child soldiers. It will discuss whether transitional justice processes have actually contributed to their achievement of justice by discussing war survivors' concerns with regard to the operations of international actors. Thereby, I distinct efforts of international non-governmental organizations (INGOs) to promote *restorative* justice, and efforts of the International Criminal Court (ICC) to promote *retributive* justice. However, it should be noted that no clear distinction can be made between INGOs and the ICC as operating with two different approaches – restorative and retributive – as the ICC brings both approaches to justice together<sup>129</sup>. However, as Garbett (2017) argues, due to the fact that victims are not direct participants in ICC's legal proceedings and do not find a place in the encounter, amends or reintegration practices that characterize *restorative* justice processes, “the ICC's proceedings are better understood to comprise a retributive approach with the additional participants of legal representatives of victims, and not a typical restorative justice approach” (2017:216). Besides, and most importantly, with regard to transitional justice practices, war survivors themselves have made a distinction between humanitarian interventions by INGOs and punishment as promoted by the ICC. The fact that the ICC is also known for its restorative approach, is often unknown among war survivors or seen as irrelevant in the light of Ongwen's trial. For this reason, I distinguish INGOs and *restorative* justice from the ICC and *retributive* justice.

### 9.2. International Non-Governmental Organizations (INGOs)

Humanitarian interventions are closely linked to the idea of victim reparations and are part of a holistic approach with regard to transitional justice<sup>130</sup>. Therefore, INGOs are perceived of as important actors in the implementation of transitional justice mechanisms. Multiple INGOs,

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<sup>129</sup> See also chapter 2.3 on transitional justice

<sup>130</sup> See also chapter 2.3 on transitional justice

including Invisible Children that partners with World Vision, emerged in Acholiland to implement mechanisms that are consistent with a restorative ideology. They have focused on awareness raising, group formation and credit, area development, health and humanitarian assistance, among others. Young people who fled or otherwise left the LRA, were typically offered some assistance by international organizations. In this thesis, the discussion of INGOs is limited to Invisible Children and World Vision as my informants were most familiar with these organizations. Both international organizations aim at providing former child soldiers varying degrees of psychosocial support, post-traumatic care, rehabilitation, skills training, and material support. After medical checkups and counseling, some were offered primary schooling, others various skills training. Invisible Children (2014) describes its aims and projects in northern Uganda as follows:

“The center provides psychosocial support to returnees of the LRA conflict, documents records of returnees and aids in their reintegration process. An essential function of the center is to reunite and follow up with families during the joyful but challenging return home of former abductees. Moving forward, part of this process will ensure that returnees, their families and communities have access to our education and economic development programs such as Village Savings and Loans Associations and Functional Adult Literacy. Our comprehensive approach ensures that those who escape the LRA are able to have a purpose-filled life away from the battlefield.”

There is no doubt that INGOs have aimed at supporting (former) child soldiers, however, when talking to Ugandan war survivors, disappointment and frustration toward their involvement was clearly noticeable. They consider INGOs to be biased, ineffective and argue that they have hampered the peace process in the country.

#### 9.2.1. INGOs are Biased

International help is most often stated to be neutral and nonpartisan. However, as Finnström (2008) argues, their involvement in northern Uganda is intrinsically entangled with politics. As mentioned in chapter 3, the Ugandan government forced the rural population of western Acholiland into ‘protected villages’, and as a consequence, survival and food security became controlled by both the Ugandan government and multiple international organizations of which the latter became increasingly important. However, the relief situation was by no means neutral. As the Ugandan authorities influenced and applied conditions on relief or humanitarian activity



by the various organizations, the presence of the state authorities, both political and military, remained strong (Finnström, 2008:135). Thus, international organizations were actually implementing the government's policy of forced encampment by maintaining the displacement structures, which has caused hostilities between INGOs and the LRA, and made war survivors skeptical about their involvement (Finnström, 2008). This research shows that this image of INGOs as actors that fulfill Museveni's agenda has not changed after war. War survivors argue that Ugandan authorities have had a hand in the operations of INGOs:

“They [international organizations] don't know what they [war survivors] need. They come through the government and they give them the wrong information. International agencies listen to the government. They don't want to ignore their host. But they got the wrong resources... they don't know the real problems. They take for granted what the government tells them. [...] For example, fake statistics... wrong impression...<sup>131</sup>”

“International organizations normally tend to bring conflict within the government, because the government may not wish to see certain things brought into the media houses... so the organizations normally tend to... they [the Ugandan government] might say that they have got 1000 ex-combatants in northern Uganda, but in reality, it might not be that number. Only because the government fears... for them [international organizations] to enter the country, they have to first go through the hands of the government. They fear information that may put a wrong image on the government. They fear because it is that same government that allowed them to come and go to the areas they need.<sup>132</sup>”

As the fieldwork proceeded, I was able to better understand the uneasiness of Acholi with international organizations. Since INGOs have taken over many of the functions of the Ugandan government, for example in providing victim reparations, and have based their programs on information disclosed by Ugandan authorities, they will also be considered a partner of the government, seldom neutral in the eyes of war survivors. Standing in opposition to this political body are not only former LRA (child) soldiers, but the suffering of all Acholi people, who have found their homeland turned into a battlefield and an arena of international politics. It frustrates them that the war is seen as a humanitarian crisis and that the political dimensions of the war

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<sup>131</sup> Conversation Robert 23/06/2018

<sup>132</sup> Semi-structured interview Bernard 05/07/2018

remain unaddressed. They argue that INGOs should listen to war survivors themselves, as they are the direct beneficiaries of support programs:

“The field assessments are done in Kampala and all projects are cancelled from Kampala. [...] They should come here and talk to the real victims<sup>133</sup>”.

“The international agencies don’t go into detail, to the grassroots level... that is the difference. It would be so good not to assume things, not to do paper work and assume that this victim needs shelter... their need may not be shelter. Come on the ground, cooperate with the local organizations, the grassroots organizations like YOLRED, and ask: ‘How are you doing your things? What makes you different? How do you handle these victims? What are their needs?’<sup>134</sup>”

“For example, during the apex of the conflict, these bigger agencies said, ‘we know it all. We must do ABCD’, but actually, when they go down to the ground to do ABCD, it doesn’t work. You cannot do planning without the involvement of community. [...] You don’t say, ‘what are your challenges?’ you ask, ‘what are our challenges?’ This statement shows that you are also part of them and they will feel proud that you are associating yourself with them but once you start saying, ‘what are your problems?’ it will seem like you are only looking at one side and your side is very okay.<sup>135</sup>”

Former child soldiers blame INGOs for not reaching the grassroots level. As a researcher who went to the most hard-to-reach areas to meet former child soldiers, I was appreciated for making the effort to see how war survivors live their lives. For former child soldiers, it is particularly important that international actors try to understand their situation and show that they represent the interests of war survivors, rather than that of the Ugandan government. However, as INGOs operate from Gulu Town or other towns and cities in Uganda, and have done little to reach and talk to the many former child soldiers living in ‘the villages’, former LRA child soldiers see a gap between INGOs and former child soldiers as the beneficiaries of their interventions and wonder whether INGOs operate for the good of former child soldiers. I argue that INGOs’ alleged bias is mainly a result of the fact that the complex political dimensions of the war have

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<sup>133</sup> Informal interview Jacob 12/05/2018

<sup>134</sup> Semi-structured interview William 27/06/2018

<sup>135</sup> Semi-structured interview Greg 24/06/2018

not been addressed, by neither Ugandan authorities nor INGOs themselves. As INGOs are considered to be representatives of the government, and acknowledgement from the side of the government has not taken place, former child soldiers are skeptical toward the involvement of INGOs in transitional justice processes.

### 9.2.2. INGOs are Ineffective

When discussing the impact of INGOs, former child soldiers emphasized that INGOs have failed in bringing welfare for war survivors in the long-term. First of all, INGOs have not taken into account the different needs of former child soldiers. After all, reparation programs should not be neutral, rather, take into account the fact that different people experience violence in distinct ways<sup>136</sup>. Secondly, the support provided by INGOs only benefited former child soldiers in the short-term:

“If you give me a mattress, sugar, beans, and posho. Did I tell you that’s what I want? [...] If you were to ask me, I would have told you that I don’t need that, just take me back to school. This would be more for me in the future; it would help me in the future so take me back to school. And then someone who might not be able to go back to school would say, ‘please if you can, start for me a very small business, I need to start selling charcoal.’ So, this is what they want, and they don’t ask people what they want.<sup>137</sup>”

“It’s like when you are hungry, and you tell me that you’re hungry. Then of course instead of saying, ‘Okay, Mariska, if you’re hungry, take the fishing net so that you’re able to catch your own fish for tomorrow even for next year,’ unless I give you maybe one fish and then tomorrow, you will still be hungry and you will still come back to them that you’re hungry, you see the point? So that was done, and they called it reintegration. For me, I called it dumping; we were dumped just back there. I appreciate the efforts of the international communities but sometimes they don’t know the needs of the former child-combatants. Someone just sits behind the computer and assumes that this needs to be done for these people but in reality, it’s not what they want.<sup>138</sup>”

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<sup>136</sup> See also chapter 3.4 on domestic policies

<sup>137</sup> Semi-structured interview Betty 13/05/2018

<sup>138</sup> Semi-structured interview George 22/05/2018

Former child soldiers argued that even though they themselves know best what they need, their voices have not been heard. This, and the fact that support was offered for approximately three weeks (only), has caused INGOs to be ineffective in providing war survivors with long-term benefits. Thus, they have been ineffective in promoting welfare for former child soldiers. Some informants even argued that they feel “dumped” by the international community. This feeling was reinforced by the departure of INGOs after the war:

“They [INGOs] think that if people are not dying every day, then it is fine, and people are now at peace. They don’t look at the after-war effects and this is what the people of northern Uganda are suffering from. So many resources, so many destructions have taken place... and now we are living in a post-conflict war zone and nobody is bothered; neither the government nor the international community. We had so many of them here but do you see one today? Most of them have gone; I think to places like Southern Sudan and Congo where there is war. So this is not peace, we don’t have peace in northern Uganda yet.<sup>139</sup>”

The above-mentioned shows that the idea of INGOs not operating for the good of former child soldiers, is reflected in war survivors’ narrations. As many war survivors feel left unsupported by INGOs and consider them to be biased as representatives of the Ugandan government, they even argue that international actors are corrupt and misusing victims:

“They [INGOs] do not listen to their [former child soldiers] story and to their needs. They come and do what they want to do. This is not what they need. Who controls [monitors] these activities? Here do you see that corruption comes in. [...] Because no one controls them! It’s the government that should control them.<sup>140</sup>”

“They [INGOs] use us [former child soldiers] to lobby and when they have the money, the money is spent for other people. [...] You find that these services hardly reach out to us because I have people that I know and if the programming needs only 10 former child soldiers, it’s very hard to find that 3 of them are actually former child soldiers... why? Because people now don’t want to go out there, they want to bring in their relatives and friends. Take for example—I don’t want to mention names of organizations but

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<sup>139</sup> Semi-structured interview Harriet 14/06/2018

<sup>140</sup> Informal interview Bernard 08/05/2018

there are some organizations that were basically to support former child soldiers, but they ended up not supporting even 30% of the former child soldiers. [...] So, you just imagine, it was the contrary. The visible ones became invisible and the invisible ones became visible.<sup>141</sup>” Later in the conversation it became clear that Betty referred to Invisible Children.

Informants often referred to the fact that victim and support organizations set up by Ugandan war survivors themselves are able to help more war survivors more effectively than INGOs if they would have just as much money to spend:

“These big agencies have been a lot of money, but they have been spending on training all the time. For example, you may find that if we have an activity tomorrow and these big agencies have like three cars heading in the same direction; one car will be a mobilization car, the other one will be carrying the field staff and the other is the emergency car. Now look at the operational costs compared to this community perspective where you pick their views; and you say, ‘okay, our problem is lack of clean water, our problem is poor roads, what can we do? Can you work with us so that we address these issues?’<sup>142</sup>”

“They [international actors] are wasting resources. [...] For example, the transport, the buildings, the people... translators... It’s a waste of money! It should go to us, the victims who need it. We can pay school fees, help many, many victims. Now most of the money is spend for the big organizations and their people.<sup>143</sup>”

As explained in the previous chapters, due to the fact that former child soldiers still encounter numerous difficulties as a result of their victim-perpetratorhood, they feel there is still a long way to go to achieve justice for war survivors. Of course, humanitarian interventions have aimed at addressing these difficulties. However, the distribution of (relief) aid is, by its very nature, often carried out on time-limited contracts and in a top-down style. Besides, INGOs might struggle to provide adequate long-term support and to conduct follow-ups due to funding

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<sup>141</sup> Semi-structured interview Betty 13/05/2018

<sup>142</sup> Semi-structured interview Greg 24/06/2018

<sup>143</sup> Informal interview Zara 30/06/2018

challenges. However, due to a lack of long-term support, former child soldiers still encounter numerous difficulties as a result of war, including stigmatization.

Steven, whom I introduced earlier as a former child soldier who lost a leg during an ambush, argued that he is grateful for the help he received from World Vision once he escaped from captivity as they paid him medical treatment. However, as no follow-ups have taken place, “my body continued to grow and the [leg] bone grew also... this hurt a lot and I needed another surgery. But World Vision did not help me anymore. [...] Because I am not able to take care of myself, and I need help and treatment... they think I am useless. That is why there is still finger pointing.<sup>144</sup>”

“Once you pass the organization, now you go. You have to reintegrate yourself. But from home, people know you are a former LRA, a fighter... that becomes a problem because people fear.<sup>145</sup>”

Once former child soldiers left Invisible Children or World Vision, they were poorly supported by their return in their communities. Besides, as former child soldiers argued, they were not prepared by INGOs to return to their community. As a result, stigmatization has not been addressed properly. Also, stigmatization has been maintained as INGOs have barely focused on traditional norms and values even though former child soldiers are often blamed for the destruction of Acholi culture<sup>146</sup>. For example, World Vision has promoted an explicit born-again Christian ideology, which left little room for the moral discourse on spirits and other cultural practices, such as *Mato Oput*. As stigmatization is one of the main difficulties for former child soldiers up to the present day, victim and support organizations emphasize the importance of involving the community in programs designed to support former child soldiers and to focus on shared norms and values<sup>147</sup>. After all, victim reparations have emerged as a way to address the needs of victims as well as a means to achieve inclusiveness in the sense that all citizens are equal participants in a common project, which promotes reconciliation<sup>148</sup>.

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<sup>144</sup> Semi-structured interview Steven 30/06/2018

<sup>145</sup> Semi-structured interview Samantha 25/05/2018

<sup>146</sup> See also chapter 5.3 on socio-economic difficulties

<sup>147</sup> See also chapter 7.4 on representation by victim and support organizations

<sup>148</sup> See also chapter 2.3 on transitional justice

### 9.2.3. INGOs Hamper the Peace Process

INGOs have not only been ineffective in promoting justice; they have even hampered the peace process as their approach significantly differs from the way Acholi represent former child soldiers, and how former child soldiers perceive justice. Within the humanitarian discourse, child soldiers are portrayed as dependent, exploited and incapable victims of adults' abusive compulsion<sup>149</sup>. Although this might be true in some circumstances, to typify a child soldier as a 'passive victim', which goes hand in hand with the exclusion of former child soldiers in the design of INGO interventions, restricts their agency to determine for themselves who they are and what they need to achieve a sense of justice. Daniel argued:

“They [INGOs] even made a campaign called...? I don't remember the specific name. They did campaigning about abductees on the radio and at schools, and they said that we are only children and that they [community members] should welcome us back in the community. [...] They said we are just a victim. [...] I want to go through *Mato Oput* to apologize and ask for forgiveness. I was just forced. [...] Now, some people have forgiven from their heart but not everyone and that's a problem because now I see them every day. That's why I want *Mato Oput*.<sup>150</sup>”

To consider child soldiers as mere victims of the conflict is problematic for at least two reasons. First, it overemphasizes the paradigm of vulnerability and the need for protection, at the expense of acknowledgement of agency and war survivors' own perceptions on the victim-perpetratorhood of former LRA child soldiers<sup>151</sup>. Informants pointed out that other war survivors often interpreted former child soldiers' victim status as an indication that they were 'former rebels', thus, that former child soldiers were not sympathized with as 'mere victims'. Second, it contradicts Acholi perceptions on justice. In Acholi culture, the establishment of one's accountability is required in order to come to forgiveness, a key aspect of justice<sup>152</sup>. Therefore, the general tendency to emphasize (former) child soldiers' lack of maturity and hence their vulnerability, and not to hold them responsible therefore, overlooks the importance of forgiveness. The Acholi very much value traditional reconciliation rituals such as *Mato Oput* whereby the offending party asks for forgiveness for the atrocities committed and therefore, the

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<sup>149</sup> See also chapter 2.2 on child soldiers

<sup>150</sup> Informal interview Daniel 11/06/2018

<sup>151</sup> See also chapter 7 on victim-perpetratorhood

<sup>152</sup> See also chapter 8.4 on justice and forgiveness

portrayal of (former) child soldiers as mere victims who cannot be held responsible is counterproductive in promoting justice for war survivors. Instead, it overshadows other, more complex aspects of social reality, for example the complex political victim that needs to apologize and ask for forgiveness in order to reintegrate successfully. Also, I argue, the notion of (former) child soldiers as mere victims “inevitably results in the morally corrosive language of victim hierarchies” (McEvoy and McConnachie, 2012:535). This may even lead to hostilities and competitive victimhood. For example, people who have been harmed by former child soldiers may feel they deserve more a victim status than former child soldiers. Thus, the humanitarian discourse of INGOs is problematic in that it contradicts Acholi perceptions on victim-perpetratorhood and justice. Although the approach of INGOs is not conducive to the peace process in northern Uganda, the ambiguities of the lived surroundings, communicated to me through narratives, will always disrupt and threaten definitions and fixed meanings.

### **9.3. International Criminal Court (ICC)**

The institution of criminal punishment is an element of transitional justice<sup>153</sup>. It involves the imposition of an appropriate sanction or punishment for violation of the penal law (Hermann, 2017). Uganda is currently the focus of two international criminal trials: the trial of Thomas Kwoyelo before the International Crimes Division (ICD) in Uganda, and Dominic Ongwen before the International Criminal Court (ICC) in the Netherlands. In this section, attention will be paid to the involvement of the ICC. With its 2003 “Referral of the Situation Concerning the Lord’s Resistance Army” to the International Criminal Court (ICC), the Ugandan government launched a legal process that, it claimed, would bring peace and justice to war-torn Acholiland. The ICC prosecutor officially opened an investigation in response to the referral in July 2004, and in October 2005 the ICC unsealed arrest warrants, charging five of the top commanders of the rebel Lord’s Resistance Army (LRA) with war crimes and crimes against humanity. One of these top commanders is Dominic Ongwen. He is the first defendant to be both alleged victim and perpetrator of the same crimes and is charged with seventy counts of war crimes and crimes against humanity allegedly committed in attacks on camps, i.e. ‘protected villages’, for internally displaced persons (IDPs). The attacks took place between 2003 and 2004 in the camps of Pajule, Odek, Abok, and Lukodi. He has also been charged with sexual and gender-based crimes, including the crime of forced marriage. Although his trial is meant to ensure justice for

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<sup>153</sup> See also chapter 2.3 on transitional justice



war survivors, many Acholi are critical about the Court's ability to achieve justice in Uganda. They argue that the ICC is biased and that its involvement hampers the peace process.

### 9.3.1. The ICC is Biased

As mentioned earlier, the NRA and its successor, the Uganda People's Defense Force (UPDF) have focused on destroying suspected rebel support among civilians and government violence caused a number of massacres and other atrocities, including rape, torture and intimidation among others. While the government called the camps 'protected villages', they were identified as concentration camps, given their origins in forced displacement and the continued government violence (Finnström, 2008). Many scholars and activist have argued that the devastating consequences of the government policy of forced displacement constitute war crimes or crimes against humanity (Branch, 2013). Thus, there is a clear record of international crimes perpetrated by both LRA rebels and the government army in northern Uganda, many within the ICC's temporal mandate. However, as the ICC has only focused on the top commanders of the LRA, the ICC is said to be biased:

"I usually attend their sessions because I am partner—whenever they come, I have the opportunity to say to them face to face to those that come, I say to them, 'look here, in 1994 I had a really bad experience. My stories are so painful but now let's look and be realistic, there are two warring parties but all that you're looking at are people on one side. There are some atrocities that were committed by the other party [government soldiers], but you're focusing on the people who are on the other party here [LRA soldiers]. You're only going the other side who were seriously and forcefully taken. These ones [government soldiers] knew what they were doing but these ones [LRA soldiers] they found themselves having to fight for their lives... so how can we understand?' Even us sometimes, we feel the need to understand more about this [the ICC's] perspective. [...] The facts are there, even the government soldiers... commanders who headed... who did something bad like cooking of people in pots in Pader. Was that done by rebels? It was done by the government soldiers! The ICC knows that. These are the big generals in this government here, but they are not talking about them, they are silent. They are only going for young people, people who were abducted

when they were young and grew up in captivity, that's what they are going for. [...] If you're going to pick a big fish from there, also pick a big fish from here.<sup>154</sup>”

Greg's story shows frustration. War survivors feel that if the ICC is to be neutral, they should focus on government soldiers as well. However, the government's call for international justice left out war crimes and crimes against humanity committed by its own army<sup>155</sup>. War survivors, including Greg, wonder why the ICC decided not to investigate the Ugandan army's massacres and other atrocities. The ICC has responded to requests and reports by claiming that “the alleged crimes perpetrated by the Ugandan government were not grave enough to reach the threshold” (Finnström, 2008:227; 2010:138). In dominant international portrayals of the conflict, government violence has been downplayed, if not entirely ignored (Branch, 2013). This discourse limits its focus to LRA brutality, and in particular to violence against children. As mentioned, the political dimensions of the war have been ignored by both national and international actors as they have portrayed the LRA as not having a clear political agenda, rather, they are simply insane<sup>156</sup>. I argue that by ignoring the political dimensions, the ICC actually has become part of the real-politik of war, just as INGOs became a dimension among other dimensions of war in northern Uganda by implementing the government's policy on forced displacement. If the ICC aims at promoting justice for war survivors, former child soldiers argued, then they should contribute to truth-telling and acknowledgement, whereby the government will not be spared from disgrace. Having suffered in the shadows of war for so many years, victimized by both rebels and government forces, the Court's mandate makes little sense to Acholi war survivors. As a result, war survivors have shown dissatisfaction with the Ugandan government:

“From the community, it is there [truth-telling] but only from the bottom. That's why the African leaders are now saying they are going to withdraw from the ICC because they now fear that even the community cry upon them, they know that they did something wrong so to protect themselves, they have to withdraw from the ICC. [...] They are scared. Because the more you see ICC grabbing one group, the more you are having boiling points here, the more people are getting bitter, annoyed, frustrated and it can spread out into another conflict, the former conflict can come back because why are

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<sup>154</sup> Semi-structured interview Greg 24/06/2018

<sup>155</sup> See also chapter 3.3 on Uganda civil war

<sup>156</sup> See also chapter 3.3 on Uganda civil war

you taking only these people when there is even this worse thing that this other person did? It's another way of giving us an idea that when we really need true justice, it has to be all sided, it has to be equal. If you pick a thief, also grab the other thief; that's how I look it.<sup>157</sup>”

According to my informants, there is truth-telling among northern Ugandans as this is necessary for people to forgive and achieve a sense of justice. Also, opening up about the facts and details of the war may change the Court's attitude toward the government, is the idea. De Greiff (2012:48) states that criminal justice systems rely upon citizens' willingness to report crimes and that their willingness to report rests upon their trust that the system will reliably produce the expected outcomes. However, due to distrust in the Ugandan government<sup>158</sup>, and as the ICC is considered to be biased, not everyone is willing to speak out to the Court's officials. “Too many times,” Harry argued, “people don't come forward, you see? So that is another situation where justice cannot be met<sup>159</sup>”. Although some war survivors have the possibility to let their voices heard before the Court, in practice, a significant number of people do not express themselves about Ugandan authorities. Not only to the ICC, but also to me; only informants I developed a close relationship with expressed their feelings, experiences and perceptions with regard to the government. This might have to do with the fact that during war, people who openly criticized the government were regarded as rebel collaborators, which makes it a sensitive topic to talk about. Another reason that explains why important details about the war remain unaddressed is, according to former child soldiers, that the “wrong people” are being heard by ICC officials:

“It's good if they take the real victims [former child soldiers], but they don't come to us! We know what happened from there. If they want the real truth... it [the ICC] must go to the real victim and not the people who stayed in the camp. Because there are other people who benefit. They know that if they take you from here to the talk to the ICC, they will give you some money, and if you come... you progress. It's not good. What we need is justice. Justice in the place. The real truth-telling by the real victims. [...] They always... everyone can tell what they want! That the ICC should do this, that...

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<sup>157</sup> Semi-structured interview Edward 25/06/2018

<sup>158</sup> See also chapter 6.4 on socio-political difficulties

<sup>159</sup> Informal interview Harry 05/06/2018

They know that the ICC will pay them money. He will tell what he wants to fulfill his needs. Not justice. It is good if they follow the true justice to the right people.<sup>160</sup>”

It should be noted, however, that mainly those who identify themselves as “real victims” agree with Zara that it is problematic that people other than former child soldiers present their views before the ICC. I argue that this is because they feel unheard and left unsupported by the international community. Especially this group of war survivors need acknowledgement of their victimhood. Acknowledgement might not only suppress competitive victimhood; it also increases the legitimacy of the ICC. With regard to legitimacy, De Hoon (2017) explains that as long as the Court fails to acknowledge the role of the government during war and fails to prosecute authorities for their misconduct, (international) norms lack reality and the Court’s legitimacy is undermined, which in turn diminishes the ICC’s capacity to contribute to the promotion of respect for and enforcement of human rights and international peace and security. As the promotion of the rule of law contributes to democracy, one of the final aims of transitional justice<sup>161</sup>, one can imagine that when the actual effectiveness of the rule of law is questioned, this contributes to a democratic deficit. As a consequence, the possibility that the ICC will have a positive impact in a certain context diminishes (De Hoon, 2017), which is not conducive for transitional justice in northern Uganda. As De Hoon (2017:594) states, the loss of legitimacy is worrisome as “justice mechanisms, including criminal law trials, function only by the grace of legitimacy. Without it, justice is not recognized as such, nor accepted, and the exercise becomes futile.” As long as the ICC is considered to be biased by focusing on the LRA only, the possibility that the Court will have a positive impact in Acholiland is small. Therefore, we must not only look at what the ICC is doing, but also at what it is not doing.

### 9.3.2. The ICC Hampers the Peace Process

War survivors argued that the ICC’s intervention has in fact hampered the peace process. They feel that the warrants have prevented the Acholi from finding peace in their own, traditional ways whereby own perceptions on victimhood, perpetratorhood and justice are paramount. As mentioned, international actors tend to distinct children from adults and innocence from guilt in order to establish one’s criminal liability. However, as Acholi attach less value to criminal

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<sup>160</sup> Semi-structured interview Zara 23/05/2018

<sup>161</sup> See also chapter 2.3 on transitional justice

accountability than to forgiveness, the emergence of the ICC in northern Uganda was not received warmly by all war survivors:

“I think that’s one of the things that the international community... the people who come here to help, to bring justice, for example the ICC, they may have good intentions, but I feel like they really don’t understand the context and they don’t know practices like *Mato Oput*. They don’t know that it can really work for Ongwen. So, I feel like it’s really bad that if people don’t do that kind of investigation, and they just come here to intervene.<sup>162</sup>”

According to Acholi war survivors, the ICC interrupt and undermines local justice processes in Acholiland. Thereby, they not only refer to *Mato Oput*, but also to the importance of the Ugandan Amnesty Act of 2000. Of course, amnesties are not correlated with improvements in human rights. They do, however, play a role in the peace process as Acholi consider general amnesty a requisite for peace to come. However, the ICC has dismissed the Amnesty Act: “In a bid to encourage members of the LRA to return to normal life, the Ugandan authorities have enacted an amnesty law. President Museveni has indicated to the Prosecutor his intention to amend his amnesty so as to exclude the leadership of the LRA, ensuring that those bearing the greatest responsibility for the crimes against humanity committed in northern Uganda are brought to justice” (ICC Press Release, 2004). Thus, the ICC frames the Amnesty Act not as a way to find peace, but as ‘a gift’ from the Ugandan government to be withdrawn by president Museveni at his convenience. However, I argue that the Amnesty Act should be seen as a serious effort by Acholi war survivors to end the war. As forgiveness is a key aspect of justice, the Amnesty Act contributes in bringing a sense of justice among war survivors. This is in contrast to the ICC, which has not promoted forgiveness. Many war survivors are critical of the Court’s impact in Uganda and refer to *restorative* justice as an alternative for *retributive* justice. Indeed, the ICC’s insistence that justice will be achieved by punishing the LRA has met opposition in northern Uganda, as many have rejected justice-through-punishment on the grounds that it contradicts ‘traditional’ Acholi practices. As mentioned, the Acholi find justice not by punishing the perpetrators, but by forgiving them via rituals such as *Mato Oput*:

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<sup>162</sup> Semi-structured interview Chris 13/06/2018

“To me, it [the conviction of Ongwen] is not justice because Ongwen is a victim. He is not a perpetrator. There are only few key people who are the perpetrators of this war and Ongwen had been abducted as a child and indoctrinated and he had been turned into a soldier, working on order and he had to do what he did... He is now standing trial for it. But I would want to say that this is not what Ongwen or any victim of the war would have gone through. We have a cultural system where we can have our justice practices that the people honor. That brings peace to the people, because if we can use restorative justice, that’s the best for me. Restorative justice is the best. Let Ongwen... let every child soldier be brought back to the community where they committed atrocities, they have their parents here, they have their grandparents here, they have their brothers and sisters whom they committed atrocities against. Let them come and then say, ‘my people, I am sorry. I didn’t mean to do this. I was abducted’—<sup>163</sup>”

“He [Ongwen] should be brought to *Mato Oput* in order to resolve the conflict because today, Dominic Ongwen is still in The Hague with the ICC. After bringing him to justice, what next? How about tomorrow somebody again jumps in the bush and says, ‘you know what, I need and I want to fight,’ and the person fought and overthrew the government... will you take the person again to The Hague? I don’t think it’s the best way. Dominic Ongwen should have been brought here to the cultural leaders, to the religious leaders down here and *Mato Oput* would have been the one to work on him.<sup>164</sup>”

Besides the fact that the Court’s *retributive* approach is considered to be problematic, criticism also relates to the exclusion of Ugandan war survivors in the justice process. Informants argued that they feel unheard and misunderstood regarding their necessities and perceptions, and therefore, a lack of victim participation in the proceedings of the ICC appears to be a major obstacle in achieving justice for war survivors. Also, Ongwen’s trial prevents war survivors from participating in *Mato Oput*. Maggie, a former child soldier, asked the rhetoric question: “Justice for whom<sup>165</sup>?”, referring to the fact that she disagrees with the way the ICC operates. She continued: “If it is justice on behalf of Ugandan victims who suffered these violations, then I would prefer that the perpetrators are held in Uganda, so they can do the *Mato Oput* so that

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<sup>163</sup> Semi-structured interview Tony 21/05/2018

<sup>164</sup> Semi-structured interview William 27/06/2018

<sup>165</sup> Informal interview Maggie 02/07/2018

justice can have a meaning to the victims who would be able to participate.<sup>166</sup> However, not everyone rejects *retributive* justice. Some argue that Ongwen should stand trial as he “got a life on his own<sup>167</sup>”, an argumentation in line with the idea that Ongwen should not avoid (international) criminal justice because of his childhood experiences. However, they argue that for *retributive* justice to promote actual justice, it should be complemented by other, *restorative* justice measures, including traditional rituals such as *Mato Oput*:

“The traditional justice system should always be there because in the end... you can still talk to someone. But the formal justice system... there is this loser-winner thing. So, for the long term, it won't help. The loser and the winner will never be friends while the traditional justice system, friendship will always come. <sup>168</sup>”

Others, however, emphasize that if the ICC should only focus on Joseph Kony and Museveni. These people, mostly former LRA child soldiers, argued that Dominic Ongwen is abducted, forced, and/or indoctrinated and that therefore, he should be given the opportunity to ask for forgiveness. Support for ICC involvement does not mean that criminal prosecutions are highly valued, or that they are valued more than other justice practices. As war survivors consider welfare, acknowledgement and forgiveness key for justice to come, criminal punishment would make more sense when it comes with monetary compensation for victims, if it contributes to acknowledgement, and if ICC intervention does not exclude forgiveness through *Mato Oput*. However, as ICC intervention precludes the possibility of *Mato Oput* by keeping Ongwen in The Hague, the Netherlands, war survivors are unable to forgive and, in their words, “to move forward”. Another explanation for why the ICC hampers the peace process, is that arrest warrants have made LRA soldiers scared to return and admit the atrocities committed, scared to be punished. People wonder whether a guilty verdict for Ongwen will lead to similar punishments for other former LRA child soldiers. Although this seems unlikely given the government's amnesty for returning child soldiers, these real concerns highlight the ongoing fears in the region, fears that obviously influence people's ability to participate in *Mato Oput* with other war survivors and to forgive. As Benjamin argued: “You cannot convince the combatants to come down here and tell them that they will be prosecuted by the ICC.<sup>169</sup>” Thus,

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<sup>166</sup> Informal interview Maggie 02/07/2018

<sup>167</sup> E.g. Harry, Edward, Frank & Mozes

<sup>168</sup> Informal interview Frank 07/07/2018

<sup>169</sup> Semi-structured interview Benjamin 06/06/2018

one of the most significant obstacles for peace appears to be the ICC arrest warrants, which have kept LRA soldiers from returning out of fear of being arrested.

#### **9.4. Conclusion**

Not all Ugandan war survivors feel helped by the efforts of the international community. In fact, many informants feel disappointed and frustrated by their arrival in Acholiland. War survivors argued that international actors are biased, ineffective or even worse, that they hamper the peace process. I argue that this is due to discrepancies in the approach of international actors and the needs and perceptions of former child soldiers as the beneficiaries of transitional justice practices. Former child soldiers explained that their voices have not been heard and that they have not been helped to fulfill their needs, i.e. their need for welfare, acknowledgement and forgiveness. First, former child soldiers consider international actors to be biased. As INGOs have reduced the deep internal political crisis of the Acholi to a simple division between criminal LRA soldiers and innocent civilians, it has denied the complex politics of the conflict and government misconduct during war. However, for victim reparations to be successful and truly reparative, reparations must acknowledge wrongdoings and recognize harm<sup>170</sup>. As they failed to do so, no acknowledgement has taken place and war survivors consider INGOs to be biased, even representatives of the Ugandan government. Also, the ICC has ignored the role of the Ugandan government during war by focusing solely on (the prosecution of) former LRA soldiers. As the ICC accepted the referral and prosecution of the LRA only, in effect it chose to pursue a politically pragmatic case, which contravenes its own mandate and the interests of peace, justice and the rule of law. As a result, many war survivors feel unheard and consider the ICC to be biased. They have called for the ICC to show its impartiality and commitment to justice by prosecuting both sides. For the ICC to promote a sense of justice, it is of extreme importance that crimes committed by government soldiers are addressed and prosecuted.

Besides the fact that war survivors consider INGOs and the ICC to be biased, they consider the operations of international actors to be ineffective and are concerned that they hamper the peace process in Uganda. First, former child soldiers argue that they have not received what they need most, i.e. welfare. Victims of human rights abuse suffer from complex forms of harm that affect all aspects in life<sup>171</sup>, however, by excluding their voices in decision-making processes, INGOs have failed to reach the grassroots level. By ignoring the specific

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<sup>170</sup> See also chapter 2.3 on transitional justice

<sup>171</sup> See also chapter 6 on difficulties



needs of different war survivors and by providing support for only a short period of time, long-term benefits have not been achieved and welfare has not been promoted. Second, war survivors are concerned that INGOs and the ICC hamper the peace process. As international actors have relied on binary models and humanitarian discourse, INGOs have portrayed (former) child soldiers as mere victims of the conflict whereby their agency has been denied. Thereby, and as they failed to include community members in support initiatives, they have contributed to the marginalization of this particular group of war survivors in northern Uganda and failed to tackle one of the main difficulties former child soldiers face: stigmatization. This also accounts for the ICC; by reducing the Acholi to mere victims or perpetrators, ICC intervention ignores the complex political victim and rejects the possibility that the realization of justice might be a project within the Acholi community. Besides, a *retributive* approach to justice ignores the importance of forgiveness in Acholi culture, and the trial of Dominic Ongwen has not been complemented with other (traditional) justice practices, such as *Mato Oput*. Also, ICC involvement has caused uncertainties for the future as it may deter soldiers from reconciling with war survivors in northern Uganda. Thus, international actors are recognized by war survivors as having had an impact in Acholi society, yet it has not been able to meet former child soldiers' needs to achieve a sense of justice, i.e. the need for welfare, acknowledgement and forgiveness.

## 10. Conclusion/Discussion

When Rebecca was forced to stay in a camp, a so-called ‘protected village’, she lost all she had worked for. As a secondary school teacher in Pabbo, Amuru district, she was at great risk for being killed. Teachers were the privileged targets of government soldiers, which forced her to quit her job. “The only thing I owned was my life, the clothes I was wearing, and my three children.” As a war survivor, she did not wallow in self-pity for long, instead, she used all means to empower herself. “I was trying to assess my own strength. Although I suffered... I lost everything, but my ability is that I was an educated person, I had two eyes, two hands, two feet... I can plan. So that was my strength. And right now, I’m a different person. Completely different!”. Ever since Rebecca had been approached by ACORD<sup>172</sup> to collaborate with them in building peace in Uganda, she has, as she put it, changed from a victim to a survivor and eventually a “change agent” who gives hope to other war survivors, among whom many former LRA child soldiers. She set up a support organization that aims to approach war survivors as powerful agents, rather than vulnerable victims, and does not distinguish between different war survivors. “It’s a very powerful approach. It’s called the participatory self-reliance development approach. We ask them what they need because people have different needs. We ask them how they want to achieve it and try to help them with that through training and skills. [...] We build on what people know and encourage them to do it better.” Rebecca recognized the different priorities and abilities of war survivors. Rather than focusing on their inabilities and sorrows, she gives hope. However, hope alone is not enough. “If we are talking about needs, we are talking about transitional justice processes. We need local truth-telling and reconciliation. The different victims should be given the opportunity to share experiences”. However, up to the present day, there is no coherent transitional justice policy in place and war survivors feel that justice has not been served. “This is why I said that the dust has not yet settled”<sup>173</sup>.

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<sup>172</sup> Agency for Cooperation and Research in Development (ACORD) is working in Uganda since 1979, with a commitment to attain peace and reduce mass poverty in the targeted communities

<sup>173</sup> Conversation Rebecca 06/05/2018, 08/05/2018 and informal interview Rebecca 04/06/2018 and semi-structured interview Rebecca 07/06/2018

This chapter answers the central research question, which is:

***“How do war survivors narrate about the needs and victim-perpetratorhood of former LRA child soldiers, and what does this imply for the operations of the international actors involved in transitional justice processes in northern Uganda?”***

In order to answer this question, I conducted a three-month qualitative field research in the northern districts of Uganda whereby I used a narrative approach to reveal the subjective world of my informants. The stories of war survivors, including Rebecca’s, are seen as meaningful narratives in order to understand social reality in post-conflict northern Uganda. Narratives are situational, neither total nor final, and are constructed to experience the world as meaningful. As Merleau-Ponty (1962:xix) states: “Because we are in the world, we are condemned to meaning, and we cannot do or say anything without its acquiring a name in history”. Therefore, in order to understand the meaning of justice processes for the Acholi in Uganda, it is important to examine the narratives mediated by war survivors themselves, and to understand how they construct meaning as they live their humanity – always, however, in interaction with the wider global community. This chapter is divided into three parts. First, I will answer the first part of the question, which is about the way war survivors narrate about the needs and victim-perpetratorhood of former child soldiers of the Lord’s Resistance Army (LRA). Then, I will look at what these narrations imply for the operations of international actors involved in transitional justice processes, in particular international non-governmental organizations (INGOs) and the International Criminal Court (ICC). Last, I will give recommendations for both practitioners and researchers in the field of transitional justice.

### **10.1. From Needs to Justice for Victim-Perpetrators**

Rebecca’s story is one of many stories that illustrate how war survivors narrate about the needs and victim-perpetratorhood of war survivors. In this thesis, I aimed to give war survivors like Rebecca a voice. Child soldiers are often subjected to different programs and laws, and this thesis demonstrates that war survivors’ feelings, experiences and perceptions should be taken into account for successful implementation of these programs and laws in northern Uganda. Therefore, narratives about the difficulties former child soldiers face, victim-perpetratorhood and (transitional) justice, which give important insights into these feelings, experiences and perceptions, is central to this thesis.

The narratives as discussed in this thesis show that the years of conflict and suffering are tangible up to the present day. Former LRA child soldiers confront numerous difficulties to their socio-cultural, socio-economic and socio-political conditions. Socio-cultural difficulties as stigmatization, socio-economic difficulties caused by a lack of financial means, and socio-political difficulties due to distrust and fear with regard to the political agenda and strategies of Ugandan authorities, influence the daily lives of former child soldiers. According to informants, peace is to live under endurable conditions. As long as they experience the hardships of being a former LRA soldier, former child soldiers make an attempt to explain and resist the difficulties of lived reality through narratives. These narratives often differentiate from the hegemonic discourse. For example, different from the overall narrative that has contributed to a homogenous picture of the Acholi as a 'martial tribe', and the humanitarian discourse that refers to (former) child soldiers as mere victims of the conflict, former child soldiers have constructed the "real victim" narrative or have dissociated themselves from being a victim. These two narratives seem paradoxical, however, what they have in common is that both narratives enable former child soldiers to distinct oneself from other war survivors and to deal with the hardships they are facing as a result of being a former rebel. Either by competitive victimhood, or by renouncing the idea that former child soldiers are useless, helpless, and vulnerable people. This shows that narratives function as a way of coping as it enables one to gain a sense of control, or to resist a situation. Those who have experienced many of the difficulties as mentioned above were more likely to call themselves a "real victim" than those who have used their victim-perpetratorhood to address the difficulties war survivors face as a result from war.

Like Rebecca, some former LRA child soldiers set up victim and support organizations in order to help other war survivors. Although informants recognize the different needs of different war survivors, they argue that one should not distinct former child soldiers from other community members in providing support. Instead, by focusing on social equality rather than diversity, forgiveness as one of the key aspects of justice, is promoted. This argument differs from the approach of international actors who aim at justice for war survivors; they identify victims on the basis of the type of violation inflicted upon them, distinct between victims and perpetrators and implement programs specifically focused on a particular group, for example former child soldiers. Although the line between victims and perpetrators in times of war become blurred, which is most evident in the case of child soldiers, former LRA child soldiers are considered to be victims eligible for international victims' rights and reparations. The state is responsible for providing effective remedy to victims, however, up until the present day there is no transitional justice policy in place. The legal right to an effective remedy refers to the right

to reparations, among others. Different international actors are dedicated to providing war survivors with victim reparations as an important aspect of transitional justice, which consist of compensation, restitution of property and rights, rehabilitation measures, satisfaction, and guarantees of non-repetition. Most former child soldiers have received some form of support by INGOs upon return as the Amnesty Act of 2000 gave immunity to those engaging in war or armed rebellion. Despite this act, five senior leaders of the LRA were indicted by the ICC, including Dominic Ongwen and Joseph Kony. Ongwen is the first former child soldier to stand trial before the ICC in the Hague. Both INGOs and the ICC are considered to be important transitional justice actors. However, whether they actually achieve a sense of justice in northern Uganda is dependent on whether their approach reflects war survivors' feelings, experiences and perceptions with regard to victim-perpetratorhood and justice.

According to my informants, a sense of justice cannot be achieved as long as the most important needs are not fulfilled, thus, as long as they experience many difficulties as a result of war. With many war survivors having to deal with hostilities and extreme poverty, the question of what justice means is secondary to, and in fact irrelevant in the face of, the overwhelming need for peace. For these survivors, justice means welfare, acknowledgement and forgiveness. All three aspects are related to *restorative* rather than *retributive* justice and should complement each other if they are to bring justice for war survivors. For example, for former LRA child soldiers, support without acknowledgement of one's victimhood is seen to be insincere, and acknowledgement without support just empty words. Thus, acknowledgement and support should not be seen separately. This is also true for forgiveness; truth-telling and acknowledgement must precede forgiveness for it to be considered sincere. With regard to forgiveness, Ugandan war survivors attach more value to one's will to tell the truth and to ask for forgiveness, than to notions of innocence and guilt, which is significantly different from Western notions of victimhood, perpetratorhood and justice. This shows that the child soldier 'crisis', a modern political crisis that questions how to deal with former child soldiers in the aftermath of war, transcends international law and humanitarian discourse. It is thus important not to focus solely on international rights and the hegemonic discourse surrounding justice; more useful is to research what the different narratives as mediated by war survivors actually imply for the operations of international actors involved in transitional justice processes.

## **10.2. Implications for Operations International Actors**

In this thesis, *restorative* justice is distinguished from *retributive* justice. The first is typically linked to victim reparations, which refer to INGO interventions among others, whereas the latter

is associated with accountability, promoted by the ICC and other criminal justice initiatives<sup>174</sup>. As demonstrated, former child soldiers are most in need of *restorative* justice, i.e. victim reparations. However, the implementation of reparation initiatives are highly contested issues involving political decisions to be taken. This not only applies to *restorative* justice initiatives, but also to *retributive* justice practices. After all, international criminal law's legal categories are not neutral labels that reflect objective realities. Instead, they constitute frameworks of power and authority that actors use for political ends in processes of contentious politics. As seen in northern Uganda, the main problem lies in the fact that INGOs and the ICC have claimed incontestable legitimacy for their own ideal of justice, whether that is related to *restorative* or *retributive* justice, by invoking a universal language of human rights and attempts to impose that ideal upon Acholi. For example, they have failed to take into account war survivors' feelings, experiences and perceptions with regard to victim-perpetratorhood and justice in decision-making processes and to recognize what is needed to achieve a sense of justice among war survivors. Instead, both INGOs and the ICC rely on binary models (victim-perpetrator, below or above the minimal age of criminal responsibility (MACR), innocence-guilt, child-adult and passive-active) and thus on Western notions of victimhood, perpetratorhood and justice. Even though international actors may have good intentions, due to discrepancies in the approach of international actors and the needs and perceptions of former child soldiers as the beneficiaries of transitional justice processes, levels of dissatisfaction regarding international involvement is chronically high.

First, international actors are considered to be biased. Due to the fact that both INGOs and the ICC have denied the complex politics of war by ignoring the role of the government and complex notions of victim-perpetratorhood, former child soldiers consider international actors to be representatives of the Ugandan government. This is problematic as former child soldiers, and other war survivors like Rebecca, consider truth-telling and acknowledgement key in achieving a sense of justice. Former child soldiers feel their roles disrupted by being depicted as useless, helpless or vulnerable victims in need of help by INGOs, or as perpetrators who should be punished for the atrocities committed as adults, which is the case for Dominic Ongwen, and argue that the ICC must focus on two parties, rather than the LRA alone. By prosecuting the LRA only, in effect it chose to pursue a politically pragmatic case, which contravenes its own mandate and the interests of peace, justice and the rule of law.

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<sup>174</sup> The ICC also promotes *restorative* justice, but the role of the ICC is mainly highlighted in the context of establishing criminal accountability (see chapter 9.3 on concerns and the ICC)

Second, international actors involved in transitional justice processes are considered to be ineffective or worse, are believed to hamper the peace process in Uganda. First of all, former child soldiers feel that INGOs have done little to address their needs and difficulties they face. Although support has been provided, for example by rehabilitation and material support, war survivors feel the grassroots level has not been reached and long-term support to improve welfare not provided. As mentioned, welfare is one of the most important aspects when talking about justice. Therefore, war survivors consider international actors ineffective in promoting justice in the area. Secondly, war survivors argued that INGOs and the ICC have hampered the peace process. Different from Rebecca's approach and that of many support organizations in northern Uganda, international actors rely on binary models and distinct between different war survivors (e.g. former child soldiers and others, victims and perpetrators), which contributes to diversity rather than social equality. By doing so, they have contributed to the marginalization of former child soldiers and failed to pay attention to forgiveness as an important aspect of justice. Also, it has caused former child soldiers to feel unheard and unacknowledged. Another explanation for why the ICC is said to hamper the peace process, is that the trial of Ongwen leaves little room for war survivors to engage in other (traditional) justice practices such as *Mato Oput* as Ongwen is held in The Hague, the Netherlands. Besides, ICC involvement has caused uncertainties for the future as it may deter soldiers from reconciling with war survivors.

All in all, it can be concluded that international actors have not contributed to their achievement of justice in the northern districts of Uganda as war survivors feel that justice, i.e. welfare, acknowledgement and forgiveness, has not been achieved. The operations of international actors in its current form is unable to adequately meet the needs by former child soldiers and other war survivors. Unless international actors will change their approach, the aims of transitional justice will not be achieved. These aims are recognition, civic trust, social solidarity, reconciliation and democracy. The fact that levels of dissatisfaction among war survivors is high, demonstrates that these aims are also important conditions to achieve justice. Therefore, the next section will give recommendations to practitioners as well as researchers in the field of transitional justice. The ultimate aim is to improve the effectiveness of the operations of international actors involved in transitional justice processes in northern Uganda.

### **10.3. Recommendations**

This thesis has demonstrated that a narrative approach gives an understanding of how war survivors make an attempt to understand and intellectually grasp the hardships of lived reality in post-conflict Uganda. Even though the elaborated narratives may seem absurd, paranoid,

exaggerated or wrong in the first place, these narratives show us that there is certainly a mismatch between the aims of international actors involved in transitional justice initiatives and the narratives that reflect the feelings, experiences and perceptions of war survivors as the beneficiaries of such initiatives. It also shows that there is a need for a policy programming on both a national and international level that mitigate the chronically high levels of dissatisfaction among former child soldiers and to better deal with the structural causes and consequences of the war. With this in mind, I suggest that it is valuable for practitioners and researchers in the field of transitional justice to take narratives seriously. Therefore, this section will give recommendations for both practitioners and researchers in the field of transitional justice.

### *10.3.1. Recommendations for (Inter)National Practitioners*

Many of the needs mentioned in this paper will remain entrenched for as long as the government of Uganda and international actors continue their (policy) approach. The Acholi have advocated for truth-telling in the first place, whereby Ugandan authorities acknowledge the harm suffered and their role during war. Truth-telling and acknowledgement would in turn promote forgiveness. Thus, when talking in terms of victim reparations, satisfaction and guarantees of non-repetition should be central elements in transitional justice practices. Also, compensation, restitution and rehabilitation measures are important in order to enhance war survivors' welfare. Although domestic policies, INGOs and the ICC have aimed at justice for example through development programs, victim support and punishment, I argue that more emphasis on war survivors' need for welfare, acknowledgement and forgiveness is needed in order to achieve a sense of justice among war survivors.

Transitional justice actors should enact comprehensive initiatives that provide not merely short-term or target relief, but also packages of mutually reinforcing measures, all reparative in nature and far-reaching in type and scope. Initiatives should offer benefits to a wide spectrum of victim needs relieving harm as well as addressing disruptions in income, education, and subsistence that follow in the wake of conflict. Thus, it should promote welfare and maximize the opportunities for war survivors to repair the harm suffered. Hereby, it is pivotal that national and international actors take into account the different needs and priorities of war survivors, rather than assuming that all former child soldiers need the same kind of support. The diversity of needs and difficulties they face point to the fact that no type of reparation must be favored above others and that a coordinated approach, encompassing both material and symbolic reparation measures, is needed. In order to ensure beneficiaries to benefit in the long-term, it is important to include war survivors themselves in policy making and



intervention. A task is here for INGOs to move away from the excessive focus on the vulnerability of child soldiers whereby they are portrayed as innocent victims in need of help.

In order to promote forgiveness, I propose that former child soldiers should be seen as war survivors with agency, albeit possibly lower as a child than as an adult, and that they, even though they might have been ‘indoctrinated’ as a child, can be held accountable for their acts committed as a child. This is not to say criminal liability. Instead, their accountability must be seen within a general context of *restorative* justice, rather than *retributive* justice. Although I do not recommend focusing on criminal accountability, it would be valuable to envisage other forms of accountability outside and separated of criminal justice systems that provide a forum to discuss the past and to listen to former child soldiers’ (and other war survivors’) experiences whereby the complex victim-perpetrator dynamics are addressed. Such a form of accountability should be disconnected from notions of innocence and guilt, must be geared toward avoiding secondary victimization or re-traumatization and would be valuable in promoting forgiveness, i.e. justice. A more nuanced understanding of the politics of victimhood and perpetratorhood is more in line with war survivors’ lived experience and avoids a language of victim hierarchies that encourages competitive victimhood and stigmatization.

Especially in the case of former child soldiers in northern Uganda, traditional justice practices such as *Mato Oput* seem an important alternative to criminal accountability. *Mato Oput* is locally informed and must be sought to adequately address the conflict-related challenges former child soldiers come across in a comprehensive manner. It aims at forgiveness and reconciliation and encompasses various elements that are important to foster a sense of justice, including material measures such as compensation, and symbolic measures such as acknowledgement. This ritual is focused both on individuals and collectives. As the legitimacy of any specific model of justice for dealing with legacies of extreme violence will not come from putatively absolute, unquestionable sources, such as human rights, I argue that *Mato Oput* deserves more attention by both national and international actors. After all, it is only through action within the community that a sense of justice can be achieved. Therefore, it is pivotal for transitional justice actors not to shut down this action and organization, rendering communication in the Ugandan public sphere relevant. Especially international actors should encourage war survivors to organize on their own so as to realize justice, rather than teaching them to wait for justice at the hands of the international community.

Since Acholi perceive acknowledgement and forgiveness as justice, stigmatization as one of the biggest challenges should be addressed properly. This means that INGOs should extend their scope beyond the individual and include the recovery of entire communities and

even societies in order to ensure a long-term peace building process by an approach that addresses the individual, community, and societal aspects of rehabilitation, reintegration and reconciliation. It would be valuable not to distinct different war survivors in terms of the support offered to them, and to promote social equality rather than diversity. By solely focusing on former child soldiers' rehabilitation and reintegration, other war survivors may feel compelled toward compassion or even marginalized, which is not conducive in tackling stigmatization. Therefore, I argue that not only former child soldiers themselves should be given a voice in decision-making processes and transitional justice practices; the voices and needs of their community members are equally important as they are the ones to welcome former child soldiers back in the community. This would ensure justice practices to be more effective.

Certainly, a failure by transitional justice actors to manage victim expectations with regard to reparations or the viability of 'full' disclosure in truth-telling is common in many places (McEvoy and McConnachie, 2012). Transparency about the procedures, aims and limitations of the operations of (inter)national actors may avoid high expectations. However, I argue that war survivors' concerns with regard to international involvement speak to a more profound problem, that is discrepancies in the approach of international actors and Acholi perceptions on victims, perpetrators and justice. War survivors' concerns are related to the fact that both INGOs and the ICC have insufficiently promoted welfare, acknowledgement and forgiveness. This means that the international community should mitigate their dominant Western approach to victimhood, perpetratorhood and justice, and promote traditional justice practices and victim participation in policy making and intervention. However, as long as there is distrust in Ugandan authorities and the government fails to acknowledge their role during war, the operations of both national and international actors remain seriously impaired. Therefore, I recommend the Ugandan government to implement a comprehensive transitional justice policy, that aims to promote welfare, acknowledgement and forgiveness. Also, I recommend INGOs and the ICC to pay more attention to the political context in which they operate, i.e. a focus on the root causes of the conflict (re-politicization of the conflict) and consequences of war whereby one's victim-perpetratorhood and the role of the government will be acknowledged. After all, war survivors have asked for truth-telling and acknowledgement, elements that distinguish victim reparations from other (development) initiatives. Besides, I recommend the ICC to make its impartiality evident in practice by focusing on two parties of the conflict: both the LRA and the Ugandan government. Otherwise, its capacity to establish justice or conform to the rule of law in Uganda will be negatively affected.

### *10.3.2. Recommendations for Further Research*

During my field research, I talked to former child soldiers as well as other war survivors and visited victim and support organizations to research war survivors' needs and local perceptions on transitional justice practices. However, discourses of other actors, such as the Ugandan government and international actors, were not accounted for. Should similar studies be conducted in the future, more rigorous methods in ethnography must be pursued. Extended periods of field observations in the northern districts of Uganda, and extensive research among government officials and international actors themselves is necessary to identify their influence in northern Uganda to a greater extent. Without prolonged fieldwork, our knowledge about transitional justice practices directed toward former child soldiers will remain limited.

Furthermore, the number of former child soldiers who experience the above-mentioned difficulties in the aftermath of war is sizeable. In fact, former child soldiers were not difficult to find in northern Uganda even though their living places may be hard to reach. This study by design was unable to provide population estimates to address one key question that continues to influence international discourses concerning transitional justice for war victims – what is the scope of the problem? Future research needs to employ designs and data collection strategies that can provide statistically sound estimates about the prevalence of dissatisfaction and secondary victimization among former child soldiers in certain geographical locations of Uganda. The lack of valid estimates of the scope of the problem exposes policy makers on a national and international level to varied perceptions based on wild speculations. Without valid and repeated measures of prevalence, the current transitional justice practices applied by international actors will continue along a path that is poor in empirical evidence.

Also, it would be valuable to obtain more insights concerning state crime and the Ugandan political climate. This thesis has demonstrated that transitional justice initiatives are hampered by distrust and fear with regard to the political agenda and strategies of Ugandan authorities in the Ugandan government. But what does the political agenda and strategies of Museveni entail? And how to implement transitional justice measures as best as possible in a politically unstable environment? For future research, it is important to be skeptical about our Western ideas about justice and to take into account the fact that war and post-war conditions are socially and politically patterned. Therefore, different scholars have argued for 'critical victimology' that could capture the lived 'reality' of victimhood and locates real suffering as a result of crime within broader political and structural contexts (McConnachie and McEvoy, 2012). However, whereas most scholars argue that potential for advancement would be realized through focusing on victims' rights in the criminal justice process, I argue that researchers

should focus on war survivors' narratives as transitional justice measures are addressed to these war survivors. Thus, I argue for a victim-focused approach or a victim-centered discourse. If we make the effort to spend some time with war survivors themselves, listening carefully to what they have to say without editing their stories to better fit into the official discourse of fixed meanings and ideas about war and transitional justice, we will find that these stories uncover a more complex version of the sociopolitical reality in post-conflict context.

"Ka lyec ariyo tye Ka lweny lum ayee  
deno can"

"When two elephants are fighting, it  
is the grass that suffers"

*Source: Private collection of Mariska*

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## Appendix 1: Topic List for Semi-Structured Interviews

### Introduction

- Information about myself and the interview
- Information about informant

Difficulties: Can you describe the difficulties that you are facing as a consequence of war?

- General difficulties
- Related to being a former LRA child soldier
- Solutions for difficulties

Victim-Perpetratorhood: How do you perceive former child soldiers? / How do you, as a former child soldier, describe yourself?

- The construction of a victim/perpetrator
- Causes and consequences of victim-perpetratorhood
- Experiences as a victim/perpetrator

Justice: How do you define justice?

- Elements of (transitional) justice
- Needs in order to achieve justice

INGOs: How do you perceive international INGOs (that have aimed to rehabilitate and reintegrate former child soldiers in the community)?

- Own experiences with INGOs (support received)
- General opinions with regard to INGOs

ICC: How do you perceive the ICC (that charged Dominic Ongwen for war crimes and crimes against humanity)?

- Conviction of Dominic Ongwen
- General opinions with regard to the ICC

### Other Topics

- Culture
- Profession informant
- Future plans and hopes
- Any other topic the informant would like to discuss

### Conclusion

- Closing remarks



## Appendix 2: Overview of Informants

No.	Informant	Gender	Age	Personal details <sup>175</sup>	Interview location <sup>176</sup>
1	Achiro	Female	?	Former child soldier	Gulu district
2	Alfred	Male	?	War survivor and cultural leader	Gulu Town
3	Atim	Female	27	Former child soldier	Gulu Town
4	Bernard	Male	31	War survivor working for WVN&BCFT	Gulu Town
5	Betty	Female	31	Former child soldier	Gulu district
6	Benjamin	Male	71	War survivor and religious leader	Gulu Town
7	Chris	Male	54	War survivor	Gulu district
8	Daniel	Male	?	Former child soldier	Lamwo district
9	Dennis	Male	?	Former child soldier	Gulu district
10	Edward	Male	34	Former child soldier	Gulu Town
11	Frank	Male	38	War survivor working for Refugee Law Project	Gulu Town
12	George	Male	32	Former child soldier working for YOLRED	Gulu Town
13	Greg	Male	?	Former child soldier working for HPH	Gulu Town
14	Harriet	Female	?	Former child soldier	Amuru district
15	Harry	Male	46	Former child soldier working for CNSJ	Gulu Town
16	Irene	Female	?	Former child soldier	Gulu district

<sup>175</sup> War survivors are victims of the war but no former child soldiers / WVN&BCFT: War Victims Networking & Betty's Children's Foundation Trust / YOLRED: Youth Leaders for Restoration and Development / HPH: Hope and Peace for Humanity / CNSJ: Community Network for Social Justice / WAYA: War Affected Youth Association

<sup>176</sup> Interviews conducted in 'the villages' outside Gulu Town are those conducted in Amuru district, Gulu district, Kitgum district, Lamwo district and Nwoya district

17	Jack	Male	52	War survivor working for HPH	Gulu Town
18	Jacob	Male	40	Former child soldier working for WAYA	Gulu Town
19	Jennifer	Female	32	Former child soldier	Amuru district
20	Joel	Male	66	War survivor and cultural leader	Gulu Town
21	Leah	Female	24	Former child soldier	Nwoya district
22	Maggie	Female	?	Former child soldier	Gulu district
23	Michael	Male	37	Former child soldier working for HPH	Gulu Town
24	Mozes	Male	34	Former child soldier	Kitgum district
25	Nelson	Male	51	War survivor and religious leader	Gulu Town
26	Paul	Male	?	Former child soldier	Kitgum district
27	Rebecca	Female	69	War survivor working for People's Voices for Peace	Gulu Town
28	Robert	Male	45	War survivor working for HPH	Gulu Town
29	Samantha	Female	35	Former child soldier	Nwoya district
30	Stella	Female	30	Former child soldier working for WVN&BCFT	Gulu Town
31	Steven	Male	36	Former child soldier	Nwoya district
32	Thomas	Male	42	War survivor and religious leader	Gulu Town
33	Tony	Male	43	Former child soldier	Gulu Town
34	Vincent	Male	?	Former child soldier	Gulu district
35	William	Male	30	Former child soldier working for YOLRED	Gulu Town
36	Zara	Female	?	Former child soldier working for WVN&BCFT	Gulu Town

## **Appendix 3: Summary in English and Acholi**

### **Summary in English**

As seen in conflict worldwide, it is extremely difficult to provide former child soldiers with justice as they have played a crucial role in the conflict. It is debatable how to see and treat them on a local and global level. Despite the fact that child soldiers tend to figure among those groups eligible for victim reparations, which are implemented by different actors such as international non-governmental organizations (INGOs), Dominic Ongwen was the first former child soldier to be charged with seventy counts of war crimes and crimes against humanity at the International Criminal Court (ICC) in The Hague, The Netherlands. The operations of international actors involved in transitional justice processes affect the daily lives of war survivors in post-conflict northern Uganda and through narratives, former child soldiers of the Lord's Resistance Army (LRA) and other war survivors make an attempt to understand and intellectually grasp the hardships of lived reality. To explain the functioning of transitional justice actors, the researcher conducted a three-month ethnographic field research in the northern districts of Uganda from April until July 2018. This thesis is based on this research. It outlines how Ugandan war survivors narrate about the needs and victim-perpetratorhood of former child soldiers and what these narrations imply for the operations of international actors involved in transitional justice processes. The thesis contributes to public debates concerning the child soldier 'crisis', a modern political crisis that questions how to deal with child soldiers in the aftermath of war. Also, it adds new insights into the impact of various transitional justice measures on the daily lives of war survivors and it contributes in giving a voice to war survivors.

Several theoretical debates are relevant in explaining child soldiering in relation to transitional justice. First, the phenomenon of child soldiering is discussed. With regard to child soldiers, it is argued that the dominant approach in international humanitarian discourse is to view them as mere victims of the armed conflict, whereby they constitute important weapons of war. International laws heavily rely on binary models (victim-perpetrator, below or above the minimal age of criminal responsibility (MACR) and child-adult) and human rights discourse informs transitional justice literature and practices. Second, studies on transitional justice, which refers to the attempt to see justice done in relation to past suffering and harm, are mentioned. It is argued that due to Western notions of victimhood, perpetratorhood and justice, complex realities have been reduced into neat, clear-cut, legalized categories. These categories oversee the possibility that a person can be both a victim and perpetrator at different points in

time and pose particular challenges to general processes of peacebuilding and transitional justice: How to conceive of child soldiers in relation to transitional justice practices as possessing an ambiguous status as victims and perpetrators alike? With regard to transitional justice, a distinction is made between INGOs which have been established to promote *restorative* justice by providing forms of victim reparations to war survivors, and the ICC that can be linked to *retributive* justice as it aims at establishing the accountability of perpetrators. The concepts of victim reparations – reparations consist of compensation, restitution of property and rights, rehabilitation measures, satisfaction, and guarantees of non-repetition – and accountability are discussed, and it is stated that when transitional justice measures fail to work in concert, they are unlikely to contribute to a sense of justice among war survivors.

After the theoretical embedding of the research, in the two chapters that follow, the specific context of Acholiland (i.e. northern Uganda) and international victims' rights are mapped out. First, pre-war conditions and the Uganda civil war are elaborated upon. Besides, domestic policies with regard to victim reparations and development programs are mentioned. It is argued that the Ugandan civil war can be characterized by unpredictable and extreme violence and that up to the present day, there has been very limited coordinated response that directly addresses victims' reparative needs. Even though the Ugandan government has initiated development projects, the promising transitional justice policy is still not in place. As a consequence, victims' right to an effective remedy has not been met. Second, it shows that former child soldiers can be identified as victims under international law eligible for international victims' rights. Also, the importance to look beyond international instruments, which merely represent a framework for how justice is determined legally, is acknowledged.

The following chapter exposes how the researcher aimed to look beyond international rights and humanitarian discourse in researching child soldiering in relation to transitional justice. First, the research methods are described. It is stated that the revelation of the subjective world of informants via narrative representation is appropriate for a full expression of experience in people's own terms, and that narratives should be approached as a valuable tool in understanding the feelings, experiences, and perceptions of war survivors concerning child soldiering and justice. The way informants narrate about concepts will give a researcher insight in its meaning and in this way, cultural victimologists are able to bring concepts in the domain of cultural studies and to present them as *cultural* concepts, rather than legal ones. Meaning emerges in social situations, which also include the visiting researcher. Therefore, this chapter also includes a reflection. Besides, the research location and population are described.

In the four empirical chapters, the narratives and thus the feelings, experiences and perceptions of informants, have a central place. The first empirical chapter outlines the difficulties former LRA child soldiers face up to the present day as a result of war. The three main difficulties emerging from the research that constitute an unpeaceful environment are socio-cultural difficulties, socio-economic difficulties and socio-political difficulties. Socio-cultural difficulties as stigmatization, socio-economic difficulties caused by a lack of financial means, and socio-political difficulties due to distrust and fear with regard to the political agenda and strategies of Ugandan authorities, influence the daily lives of former child soldiers and other war survivors. According to informants, peace is to live under endurable conditions. It is argued that as long as former child soldiers experience the hardships of being a former LRA soldier, they give meaning to their situation by spreading narratives around the world.

The second empirical chapter discusses the overall and public narrative concerning the victim-perpetratorhood of former child soldiers. It is stated that the overall narrative, which has contributed to a homogenous picture of the Acholi and former LRA child soldiers, is not in line with public narratives elaborated by and circulating among Ugandan war survivors. Former child soldiers have created the “real victim” narrative or have dissociated themselves from being a useless, helpless and vulnerable victim. Both narratives enable former child soldiers to distinct oneself from other victims. Therefore, it is argued that narratives should be interpreted as a strategy, which leaves room for the terms ‘resistance’ and ‘control’. Those who have experienced many of the difficulties as mentioned in the previous chapter, were more likely to call themselves a “real victim” than those who have used their victimhood to contribute in a positive way, for example by establishing a victim organization or support organization such as a community-based organization (CBO) or non-governmental organization (NGO). These organizations have in common that they focus on social equality rather than diversity and differences among war survivors, in order to reduce stigmatization and promote reconciliation.

In the third empirical chapter, perceptions on justice are touched upon. It is argued that a sense of justice cannot be achieved as long as the most important needs are not fulfilled, thus, as long as former child soldiers experience many difficulties as a result of war. As narrated by informants, justice means welfare, acknowledgement of one’s victimhood and the role of the government during war, and forgiveness. These three aspects are related to *restorative* justice rather than *retributive* justice and should complement each other for war survivors to achieve a sense of justice. Besides, it is argued that it is of less relevance to distinct right from wrong and innocence from guilt, i.e. Western notions of victimhood, perpetratorhood and justice. This shows that the child soldier ‘crisis’ transcends international law and humanitarian discourse.

The last empirical chapter discusses concerns with regard to the involvement of international actors in transitional justice processes in northern Uganda. It shows that narrations on the difficulties former LRA child soldiers face, their victim-perpetratorhood and justice are intrinsically linked to war survivors' concerns with regard to the involvement of INGOs and the ICC. It is argued that due to discrepancies in the approach of international actors and the needs and perceptions of former child soldiers as the beneficiaries of transitional justice measures, levels of dissatisfaction with regard to the operations of international actors involved in transitional justice processes is chronically high. The three main concerns as narrated by war survivors relate to the fact that INGOs and the ICC are considered to be biased, ineffective and are said to hamper the peace process in Acholiland. First, it is argued that the international community has denied the complex politics of war by ignoring the role of the government as well as complex notions of victim-perpetratorhood. As a consequence, no response is given to people's need for acknowledgement. Second, war survivors feel the grassroots level has not been reached and long-term support to improve welfare not provided. Third, INGOs and the ICC have relied on binary models and humanitarian discourse, and the ICC has promoted the punishment of Dominic Ongwen, which do not comply with informants' perceptions on victimhood, perpetratorhood and justice. It is stated that this has had negative impact on the promotion of welfare, acknowledgement and forgiveness.

In the conclusion, it is stated that the main problem lies in the fact that international actors involved in transitional justice processes claim incontestable legitimacy for their own ideal of justice by invoking a universal language of human rights and crimes against humanity and attempts to impose that ideal upon Acholi. The narrations of war survivors show that international actors do not represent the broad range war survivors' own perceptions on child soldiering and violate local understandings of blameworthiness and justice. It is argued that the international community should offer benefits to a wide spectrum of victim needs, mitigate their dominant Western approach to victimhood and *retributive* justice, and promote victim participation in policy making and intervention in order to promote justice more effectively. Also, INGOs and the ICC should make efforts to re-politicize the Uganda civil war and make their impartiality evident in practice. The thesis concludes that unless international actors as well as the Ugandan government change their approach, the operations of (inter)national actors involved in transitional justice processes in northern Uganda remain seriously impaired.

## Summary in Acholi

Kit ma nen I kukukuku ma I wilobo. Tek mada me mino ki lumony matino macon, ngol matir ki tic ma pe bwone I ayelayela. Ngung tye I kit me nenone ki tero gi I rwom me lobo ki wilobo lung, kadi bed ni lumony matino lute I kin dul mukene ma rwatte me nongo kony me roco kwo ma I kukukuku kit ma dul ma pat pat calo dul me wilibo ma pe jenge I kum gamente nyutu kwede, Dominic Ongwen obedo lamony matidi me acel ma kimoro adot pyerabiro I bal me lweny ki muduku ki bal I kum dano I dul court me wilobo ICC ma tye I Hague ilobo Netherlands. Tic pa dule me wilobo ma neno ngol matir bedo ki adwoki ne I kwo pa dano ma okato ki I lweny ma otime I Kumalo me Uganda malupe ki lok dog, Lumony matino macon pa dul Lord's Resistance Army (LRA) ki dano ma okato ki I lweny yele me niang wa ki mako ki diro tek kwo man ma gin gi kato ki iye. Me tito tyen tic pa dule ma doro ngol matir inge kukukuku-la kwed otime kwed pi dwe adek I kum kit kwo ma I kumalo me Uganda ma ocake I dwe me angwen me oo I dwe me abiro mwaka 2018. Coc man jenge I kum kwed meno, macimo kit ma dano ma okato I kukukuku I kumalo me Uganda tito pi miri gi ki tim aun pa lumony matino macon ki ngo ma lok atita magi nyutu pi tic pa dule me wilobo ma neno ngol matir inge bal. Coc man medo nyamo lok I kum lumony matino, yoo manyen pi kukukuku I kum tela ma keto lapeny I kum kit me tero lumony matino inge lweny. Ki bene medo ngec manyen I kum yoo me tic ma pat pat me ngol matir inge bal pi kwo pa dano ma okato ki I lweny muduku, ki yele bene me medo dwon dano ma okato I lweny.

Nyamo lok mapol mite me gonyo lok man -ni lumony matino ni, ma lupe ki ngol matir inge bal. Me acel nywako tam I kum lok man me lumony matino ni. Malupe ki lumony matino, ki laro ni mira ki nen gi calo dano ma bene peko opoto I kum gi mere keken I kukukuku muduku, ma man lupe ki neno pa dule me wilobo, ma weko gin bedo jami lweny I lweny. Cik me wilobo mapol jenge tutwale I kum byek me tye onyo peke (latim aranyi ma mwaka ne karo onyo pe karo mwaka ma tidi mawek cik omake ki bulu) coc ki lok I kum twero pa dano miyo ngec me coc ki tic I kum ngol matir inge bal. Me aryo kwan I kum ngol matir, ma neno yele pi ngol matir malupe ki aranyi ki can ma otime, bene ki waco. Ki laro ni malupe ki neno pa lobo ulaya I kom dano ma peki opoto I kum gi, niang I kum lutim aranyi ki ngol matir ki dwoko ma niange I yoo me te cik. I lok magi pe neno kit ma ngat acel romo bedo ngat ma bal otime I kume wa latim aranyi bene, I kara ma pat pat ma miyo bedo tek mada I yoo me ilo kuc ki ngol matir inge bal: kit me tero kwede lumony matino malupe ki yoo tic me ngol matir inge bal me bedo ki kacungu moni ni dano ma bal opoto I kum gi wa lutim aranyi bene? Ma lupe ngol matir inge bal, apoka poka tye I kin dule me wilobo ma pe jenge I kum gamente ma tice tye pi ilo malo mato oput ki mino kweyo cwiny ki dano ma okato ki I lweny muduku, mapoke ki pa dul Court

me wilobo ICC ma kiromo keto ne calo me ngolo pwod, kit ma dul meno yenyoo me kelo lutim aranyi me cung pi gin ma gutimo. Nywako tam i kum lok me kweyo cwiny dano ma okato i lweny, -kweyo cwiny tye iye dwoko wang jemi ma obale, moko ni pe bi nwone, ki nyutu kor tic. ki waco ni, ka ngol matir inge bal otur ki I acaki lok, pole no dong pe kelo ngol matir I kin dano ma okato I kukukuku muduku.

Inge kelo kacel jang kwed man, chapter aryo ma ingeye, kelo kamaleny lok ma kwako lobo Acholi (I kumalo me Uganda ni) ki twero pa dano ma kukukuku oyelo gi I wilobo. Me acel, medo ngec I kum kwo ma pud kukukuku peya otime wa ki lok me lweny ki muduku pi tela I Uganda. Bene cimo cik malupe ki roco kwo pa dano ma kukukuku oyello ki yub me dongo lobo. Laro lok bene tye ni kukukuku ma I Uganda ni, pe bike, wa aranyi matek tye iye wa tin, lagam ma doge ribbe me tic atir cok cok pud peke makemo roco dano ma kukukuku oyelo, kit ma gin mito. Kadi bed ni gamente me Uganda oyabo kwayi dongo lobo ma pat pat, cik ma doro ngol matir inge kukukuku pud peke. Ki adwoki ne twero pa dano ma okato I kukukuku me nongo cang pud pe ocope. Me aryo nyutu ni lumony matino macon pud ki romo tero gi calo dano ma kukukuku oyelo I te cik me wilobo, ma kari kere bene it gi me nongo twero me wilobo ma neno dano ma kukukuku oyelo. Ki bene ber me neno makalo yoo ma wilobo oketo ma mere cung wiye wiye pi kit ma ngol matir ki timo I yoo me cik.

Chapter ma lubu ni kelo kit ma la kwed man okemo me neno ma kato twero pa dano ma I wilobo, lok ki coc I kum ber bedo I kwedu lok me lutino mong ni -ma lupe ki ngol matir inge bal. Me acel tito kit ma kwed man otime kwede, cimo bene ni tucu lok pa lumii lok ma lupe ki miyo lok dog pire tek pi nyutu kit kwo ma dano okwo iye ma lupe ki kit neno pa dano, ki bene ni lokdog mira ki ter calo gin ma pire tek pi niang neno, ngec ki kwo madano ma okato ki I kukukuku -ma lupe ki lok me lumony matino ki ngol matir. Gin ma lumir lok waco weko la kwed bedo ki ngec matut, pi meno lukwan ma neno adwoki me lweny I kum dano malupe ki tekwaro bedo ki kero me kelo tam I kwan makemo tekwaro wa ki kelo ne kama leny calo tam gi macegu I kum tekwaro bene, ma bedo pat ki me te cik. Tyen lok mapol aa ki jemi ma time I kin dano, ma bene bedo I kine lim onyo bino pa lutim kwed. Pi meno chapter man bene tye Iye neno kor jami. Kwed man bene cimo Kama kwed otime iye ki dul dano adii ma tye iye bene.

I chapter angwen magi -ngiyo tutwale lok dog, neno, ki ngec malupe ki jami ma lumii lok okato kwede. Chapter me acel cimo kwayi tek kwo ma lutino mony macon pa dul LRA neno wa tin ma lupe ki adwoki me lweny. Jemi mategu adek ma lupe ki kwed man ma aa ki I kabedo ma kuc peke iye tye ni- tek pa kwo ma lubu te-kwaro, tek pa kwo ma mako cente, ki tek pa kwo ma mako tela. Tek kwo ma mako te-kwaro ma calo cimo tok dano, tek kwo ma mako cente calo kero ma nongo peke me nongo lim, ki tek kwo ma kwako tela ma lupe ki gen



ma peke ki lworu I kum yub me tela wi bwer ki kit yoo tic pa luloc me lobo Uganda ki dong bene Joseph Kony -bedo ki adwoki ne I kwo pa lutino mony macon ki bene dano mukene ma okato ki I kukukuku. Malupe ki bot omii lok dog, kuc aye –bedo pa dano kama olo kanye, ki laro bene ni ka fud lumony matino macon nongo tek-kwo inge bedo lamony macon pa LRA, weko gimioy lok gini ki tito ne I bwut wilobo weng.

Chapter me aryo nyamo matut i lok me keto lutino mony macon calo dano ma okato I kukukuku onyo bene latim aranyi. Kit ma dong dano neno Acholi ki lumony matino pa LRA macon ma lupe ki nywako lok pe tye atir ma lupe ki lok ma tye ka wire I kin dano ma okato ki I lweny i Uganda. Lumony matino macon dony kelo leb acel ni "ngat ma okato I kukukuku ki kume" bene gi pokeo woko ki I kum lok me bedo dano ma kony gi peke, tic gi peke, dok bene dano ma okato I lweny ma gi dong odoko lugoro matek. Lok aryo ni weko lumony matino macon poke woko ki I kum dano mukene ma okato I kukukuku. Pi pire bedo tek me keto lok me boko jami ma otimme calo yoo acel ma nongo mito lagam I lok me "jemo" ki "loono wic". Dano ma gukato I peki mapol kit ma ki waco I chapter ma tye anged ni, mira no gulwonge ni "la kukukuku odiyo kikume" ka I poro ki dano mukene ma gu tiyo ki kukukuku me kelo yoo ma tye atir, me labole yapo dule pa oring ayela onyo dul ma miyo kony ma calo dul ma neno kwo pa lutedero (CBO) ki dul ma pe jenge I kum gamente (NGO). Dule magi cung I lok acel ni-gi neno rwom nongo rom pa lwak, me aka poko jange ki bene keto apokapoka ikin lwak ma okato I lweny, wek odwok ping cimo tok ki me ilo malo mato oput.

Chapter me adek, gudu neno I kum ngol matir, ki laro bene ni neno I kum ngol matir pe cope ka pud jami ma mite ma pigi tek pe ocope, ki ka fud lutino mony macon nongo tek kwo malupe ki adwoki me lweny. Kit ma lu mii lok otito -Ngol matir tyen loke ni -bedo ki kwo mayot, yee ni ngat moni kukukuku oyelo, dog okori pa gamente I kare me lweny ki timo kica. Jami adek magi tye cok cok ki ngol matir inge bal ma poke woko ki I kum ngol me miyo pwod ki labal. Jemi adek magi bene mira owot kacel wek dano ma okato ki i kukukuku onen ngol matir. Ma pat ki meno ki laro lok bene ni pire pe tek me poko kin atir ki pe atir, labal ki ngat ma bale peke. Ma aye neno pa lobo ulaya pipigat ma nongo bal opoto I kume, latim bal ki ngol matir. Man nyutu ni lok matek I kum lutino mony kalo wang cik me wilobo ki lok wa coc I kum ber bedo pa dano.

Chapter me agiki nyamo lok makwako dule me wilobo ma neno yoo me ngol matir inge bal, ma I kumalo me Uganda. Nyutu lok atita I kum kwo matek ma lumony matino macon pa LRA kato iye, tim gi me aranyi ki ngol matir otemo rwatte ki lok ma aa ki bot dano ma lweny oyelogi, ma lupe ki donyo pa dule ma pe jenge I kum gamente ma I wilobo ki dul court me wilobo ICC. Ki nyamo lok bene ni malupe ki apokapoka me tic pa dule me wilobo, miri ki neno

pa lumony matino ma calo jo ma mira onong kong ki I kum yoo me tic pa ngol matir inge kukukuku, ngeng tye matek adada malupe ki tic pa dule ma neno ngol matir inge kukukuku. Jemi adek ma lupe ki kit ma lutit lok owaco jenge bene ni dule me wilobo ma pe jenge I kum gamente ki dul court me wilobo ICC gi neno bwut teng lok acel keken, tic gi pe nyako nyige maber ki bene, bedo calo lageng I yoo me kelo kuc I lobo Acholi. Me acel kiwaco ni lwak me wilobo pe yee I lok kum kit ma loc me tela bedo ki adwoki ne I lweny, bene jalo woko tic pa gamente, wa ki lok ma kwako lutim aranyi. Ki adwoki ne lagam mo pe bene ki miyo malupe ki miri pa dano ma ki-romo dwoko pwoc iye. Me aryo, dano ma okato ki I lweny nongo ni lutedero pe ki oo bot gi ki kony marii maromo ilo kwo pa dano. Me adek, dule me wilobo ma pe jenge I kum gamente ki dul court me wilobo ICC yelle pi lok man -ni gin moni tye onyo peke, ki bene lok man me coc ki nyig lok ma kwako kwo pa dano, ki bene dul court me wilobo ICC O ilo pwod I kum Dominic Ongwen, ma pe rwatte ki neno pa lumii lok I kum ngat ma kukukuku oyello, latim aranyi ki dong ngol ma atir. Ma lok cimo ni man dong tye ki adwoki ne marac pi ilo kwo maber, -yee ni jami mogo tiyo ki dong timo kica bene.

Me copo ne kinyuto ni peko madit tye I lok man ni dule me wilobo, ma tiyo I ngol matir ka peko otime neno mere ni tam gi aye tye atir, ki kelo bene cik ma kwako dano wa ki bal kum dano, gin bene yeke me kelo lok meno I kum Acholi. Lok ma aa ki bot dano ma okato i lweny nyutu ni dule me wilobo pe cung ikum neno malac pa dano ma okato ki i lweny I kum lok me lutino mony ni, ki bene turu ngec pa lu tederu ma lupe ki niang i kum cungu pi bal ki ngol matir, ki laro bene ni lwak me wilobo mira oket jami ma becco malupe ki kwayi miri mapatpat pa dano ma kukukuku oyello. Pi dwoko olo ping kit yoo ma gitero kede dano ma kukukuku oyello wa ki ngol me miyo pwod ki lutim aranyi, keto dano ma peko opoto I kum gi bene me moko cik wek o ter malo ngol matir I yoo maber. Ki bene dule me wilobo ma pe jenge I kum gamente ki dul court me wilobo ICC me yeke me neno ki wang ma pat lok me loc me tela I lweny ki muduku I Uganda ki me tyero ka cungu gi kamaleny. Coc man loro loke ni ka pud dule me wilobo kacel ki gamente me Uganda pe oloko yoo me tic gi, ci tic pa dule me wilobo matye ka tic I kum yoo me ngol matir inge bal ma I kumalo me Uganda ni- dong ma pe ocope kakare.

## Appendix 4: Fieldwork Photos

Picture 1



*Visiting the most hard-to-reach areas with informant and interpreter Stella.*

*Source: Private collection of Mariska*

Picture 2



*Visiting War Victims Networking & Betty Children's Foundation Trust (WVN&BCFT) in*

*Gulu Town. Source: Private collection of Mariska*



**Picture 3**



*Youth Leaders for Restoration and Development (YOLRED) in Gulu Town.*

*Source: Private collection of Mariska*

**Picture 4**



*Introducing myself for the first time during the weekly Sunday meeting at victim organization in Gulu Town. Source: Private collection of Mariska*



**Picture 5**



*Members of victim organization make products and sell them to support each other financially. Source: Private collection of Mariska*

**Picture 6**



*Informant teaches me how to prepare a local dish. Source: Private collection of Mariska*

**Picture 7**



*A village in Gulu district. Source: Private collection of Mariska*

**Picture 8**



*Visiting former LRA child soldiers in Alero subcounty, Nwoya district.  
Source: Private collection of Mariska*



**Picture 9**



*Interviewing informants in Gulu Town. Source: Private collection of Mariska*

**Picture 10**



*Informants visiting Uganda Women Parliament Association (UWOPA).  
On the picture Jacob Oulanyah (deputy speaker of the Ugandan parliament and  
representative of Acholi sub-region), 3 former child soldiers and 2 children born in  
captivity. Source: Private collection of Stella*

Picture 11



Former child soldiers and children born in captivity advocate for “full, true and fair justice for the affected people in northern Uganda<sup>177</sup>” with help of the Uganda Association of Women Lawyers (FIDA-Uganda). Source: Private collection of Stella

Picture 12



The National Memory and Peace Documentation Centre (NMPDC) in Kitgum. A collaborative initiative of the Refugee Law Project and the Kitgum District Local Government. Source: Private collection of Mariska

<sup>177</sup> Conversation Stella 27/11/2018