



Perceptions of Children involved in War and Transitional Justice in Northern Uganda

University of Toronto

March 2012

By Sima Atri and Salvator Cusimano

Contents

<i>Executive Summary</i>	1
<i>Introduction</i>	6
• Insurgency and the impact on Uganda’s children	6
• Research programme	8
• Methodology	10
<i>Results and Findings</i>	12
<i>1. Perceptions of Children Involved in Conflict</i>	13
• Ugandan understanding of childhood & the acceptability of children’s involvement in conflict....	13
• General perceptions of children: Welcoming, insults, fear, anger.....	15
• Contextual and individual factors that affect perceptions.....	19
• Positive impact of income-generating skills.....	26
• Worse prospects for “children born in captivity”	28
• Impact of actions while in captivity.....	30
• Impact of actions after return.....	32
• Impact of political affiliation, age.....	34
• Impact of respondent’s demographic characteristics.....	37
<i>2. Perceptions of justice</i>	39
• Tensions in perceptions of children.....	41
• Tensions in Ugandan perceptions of the Amnesty Act	43
• The relationship between perceptions of children involved in conflict and perceptions of justice	44
• The effect of tribe on perceptions of justice.....	51
• Case study on perceptions: the trial of Thomas Kwoyelo.....	55
• Alternative approaches to amnesty and retributive justice: Traditional justice, apologies and truth-telling, and reparations	57
<i>3. Children in the Armed Forces of the Government of Uganda</i>	67
• A survey of children’s involvement in government forces.....	67
• The reasons for children’s recruitment and entry into government forces.....	70
• Perceptions of children’s involvement.....	74
• Lack of reintegration support for children in government forces.....	76
Recommendations	79
Target Points for Advocacy and Action	89
Acknowledgements	91

Executive Summary

From 1987 to 2007, the Lord's Resistance Army (LRA) waged war against the Government of Uganda (GoU), with devastating effects for civilians in Northern Uganda. The conflict is infamous for the widespread abduction of children to serve in the armed forces. Children were forced to commit serious crimes, often against their own communities and families.

The Amnesty Law, as well as a series of military offensives by the GoU which pushed the LRA into South Sudan, precipitated the return of thousands of formerly abducted children and adults. Many arrived at reception centers, which assisted their reintegration into the community. Community leaders and religious figures emphasized "forgiveness" rather than punishment.

This report documents Northern Ugandans' attitudes towards returning children and transitional justice processes. The study was conducted in 14 sub-counties across the Acholi and Lango sub-regions of Northern Uganda from May to August, 2011. We surveyed 709 community members in war-affected communities, interviewed nearly 70 key informants across Uganda, and held 11 focus group discussions. This community-based approach to document Ugandan attitudes of children formerly affiliated with armed forces and armed groups, transitional justice, and children's involvement in conflict is unique and offers a broad understanding of attitudes throughout the Acholi and Lango regions of Northern Uganda.

Much research has explored the reintegration of children formerly associated with armed groups from the perspective of the children (e.g. Survey of War Affected Youth, 2007), and there have been a series of comprehensive surveys on transitional justice in Northern Uganda (e.g. Pham and Vinck, 2010), but these research programs

have been largely separate. This project explores the link between community perceptions of the involvement of children in conflict and community members' perceptions and opinions of transitional justice. This is an important research program given the complex legacies of the widespread involvement of children in war.

I. Perceptions of children associated with armed groups are generally positive, but are contradictory and highlight continuing challenges for reintegration and the prevention of recruitment of children.

Northern Ugandans almost unanimously responded (**97%**) that they welcomed children who had returned home. However, a majority of respondents reported that community members are still angry at the children (**66%**), fearful of them (**52%**), and over one-third (**34%**) indicated that community members continue to insult children formerly associated with the LRA.

Not all children are viewed equally. Both contextual and individual level factors combine to determine perceptions of returning children:

- **Gender:** returning girls are generally more welcomed than boys (**51%** vs. **24%**), but are also thought to be more traumatized (**51%** vs. **35%**) and in need of more help (**55%** vs. **23%**). Boys have unique problems as well: they are overwhelmingly more feared (**87%** vs. **7%**), and may therefore face marginalization. These effects are influenced by prevalent socio-cultural norms surrounding gender and spiritual beliefs.
- **Experience of captivity:** children born in captivity are less welcome (**84%** vs. **97%**), more insulted (**52%** vs. **35%**) and more feared

(60% vs. 53%) than children who were abducted. This is due to the perception that they were “formed” in captivity, and, having an unknown father, due to their uncertain clan identity. This is problematic because of norms surrounding family and inheritance.

- **Economic empowerment:** Economically self-sufficient returnees faced lower levels of stigmatization by the community. Access to income generation training programs for returnees may greatly facilitate their reintegration, because of the general destitution of the communities to which they return. Children without earning ability may be viewed as “burdensome,” especially if they were born in captivity.
- **Behavior:** Not only do children’s actions during the conflict affect their reintegration prospects (children who committed crimes seem to face greater difficulties), but also their behavior once returning to the community. Many respondents cited a “bush mentality”. Said one respondent from Lira town: *“Children tend to inherit acts of people in the bush. They are wild and cruel. Fear ends up stigmatizing and isolating them.”*

Most individual demographic characteristics (e.g. gender, location, education level, etc.) of the respondent seemed to have little effect on their perceptions of returning children, except for age (youth perceived more insults and fear than adults) and tribal identity, especially where questions of justice were concerned.

A very small proportion of respondents believed that individuals under the age of 18 should be allowed to join the armed forces. On average, respondents believed that a person is old enough to join the army was **20.48 years**. Although a minority of respondents was willing to accept children in armed forces under extreme

circumstances (19%), respondents cited a lack of maturity, physical strength, and an understanding of the consequences of their behavior, and the laws of Uganda as reasons why a person should not join until after reaching the age of 20. However, one-third (33%) of respondents accepted that children may *want* to join the army, due to a lack of alternatives and a desire for security.

Altogether these data help explain why children are more readily accepted back into their communities compared to adult returnees, whom community members welcomed to a lesser degree and insulted and blamed more.

II. Perceptions of justice display an overall preference for reconciliation, but demonstrate that serious and divisive questions about accountability remain unresolved and unaddressed.

We found that the tension that exists in community members’ perceptions of children involved in armed conflict is also apparent in their perceptions of justice.

The only well-established transitional justice measure in Uganda is the Amnesty Law. Our data illustrates that the vast majority (88%) of Northern Ugandans continue to support amnesty. However, contradictions appeared: even among supporters of Amnesty there were demands for justice:

- Half of respondents (51%) supported the trial of ex-LRA commander Thomas Kwoyelo, although his trial violated the Amnesty Act;
- 13% believed that children associated with the LRA should be punished, and 35% believed that adults should be punished, even though these returnees received Amnesty.

- Two-thirds (**66%**) identified widespread anger at children who committed crimes.

Compared to Acholi respondents, Lango respondents more frequently expressed opposition to Amnesty, support for retributive measures, and more widespread anger at children. Since previous research has underemphasized this finding, we explored it in-depth. We found that the main explanation for tribal differences is the history of antagonism between the Acholi and Langi; a secondary explanation may be that they have different cultural conceptions of justice.

One area of strong agreement was that returnees should apologize for their actions. This was expressed both for children (**88%**) and adults (**87%**) formerly associated with the LRA. This leads us to conclude that while Amnesty does not address community members' desires for accountability, prosecution may be too divisive to constitute the sole approach to justice, especially when children committed many of the worst crimes. Other potential transitional justice processes may satisfy the widespread desire for apology and restitution, including **traditional justice mechanisms, apologies and truth-telling, and reparations**. We determine that the involvement of children in the war complicates the appropriateness of any transitional justice program that may include these measures, but devising a suitable strategy could resolve some of the problems that these children continue to face.



III. Children were widely involved in the Auxiliary Forces of the Government of Uganda, but due to political and practical difficulties, it appears that few received assistance upon their release.

One relatively underreported aspect of the war was the extent of the use of children in the Ugandan government's auxiliary forces. Although the extent of children's participation may not have been consistent across different communities, we found that a majority of Ugandans were aware of this phenomenon; where children did serve, it was not out of the ordinary. We documented the stories of several individuals who joined the auxiliary forces before the age of 18. Although forced recruitment would have been exceedingly rare if it existed at all, the degree of free choice children would have exercised was limited severely limited by social coercion and a desire for security.

We found that respondents perceived children's involvement in auxiliary forces differently based on their tribal affiliations. The Lango tribe was more accepting of the presence of children in local auxiliary forces due to the generally more positive impression among the Langi of these armed groups.

Due to the sensitive nature of children's involvement in government forces, we found that few, if any, received reintegration support after the war and that many continue to associate challenges in their life with their service in the auxiliary forces.

I. Reintegration of children

1. Rehabilitation and reintegration strategies should be tailored to the specific needs of the particular child, specifically related to their gender and experience in captivity;
2. While reintegration programs should target the needs of the individual child, they must account for the community's social, cultural, and economic context;
3. Aid work should avoid overtly targeting children formerly associated with armed groups, unless other victims receive support, too. Reintegration must be considered in the context of broader socio-economic interventions and accountability mechanisms;
4. Consider relocation over re-integration in outstanding circumstances;
5. Assisting returnees with income-generating activities plays an important role in their ability to find acceptance, but actors must also recognize and address the consequences this support may have in shaping perceptions of returning children;
6. Certain types of support for returning children must continue for a period of time past their reintegration into their communities.



II. Justice

7. Research on the reintegration of children should study the link between reintegration success and appropriate transitional justice measures;
8. Research on the appropriateness of apologies and truth-telling is needed;
9. Research on the appropriateness of reparations is needed;
10. Research on the appropriateness of traditional mechanisms is needed;
11. Modify the Amnesty Act;
12. Urge the International Criminal Court to investigate alleged crimes of agents of the Ugandan Government and promote the use of the Trust Fund for Victims

III. Illegal Recruitment of Children

13. Promotion of social and legal norms discouraging the illegal recruitment of children must acknowledge and address conditions that may push children to join armed groups;
14. As much as possible, ensure that the needs of children associated with both



parties to a conflict receive support.

Introduction

The Lord's Resistance Army (LRA) emerged in 1987, as an insurgent movement aiming to overthrow Yoweri Museveni's government in the name of the Acholi, a Northern tribe that has traditionally been at odds with Museveni's Western Ugandan tribal supporters. The war has been described as one of the most brutal conflicts in recent decades, as it left thousands murdered and wounded, destroyed property and livelihoods, and displaced up to 90% of the Northern population.¹ The Northern Ugandan population continues to suffer the social, economic, and psychological consequences of the conflict.



Fig. 1: A trading center (Akwang sub-county).

The government of Uganda has taken both violent and non-violent approaches to undermining the LRA. Although attempting to defeat and destroy the LRA militarily has often taken precedence, the Amnesty Act, passed by the Ugandan Parliament in 2000, aimed to coax rebels out of the bush by shielding them from prosecution for all crimes, regardless of their age or rank. In 2005, on the other hand, the International Criminal Court indicted five senior LRA figures, including Joseph Kony, the LRA's infamous leader. The breakdown of the Juba Peace Talks in 2007 means that a formal peace treaty has not yet been signed. Active hostilities in Uganda ended in 2008, when the LRA moved out of Uganda and into South Sudan, Central African Republic, and the Democratic Republic of the Congo. The LRA continues to attack civilians in these neighbouring countries.

Insurgency and Counterinsurgency: The Impact upon Uganda's Children

One of the LRA's trademark tactics is the abduction of children. In Uganda, the LRA intensified its abduction of children in order to "punish" Acholi suspected of collaborating with the government in its counterinsurgency operation.² As time went on, and as the war spread from the Acholi sub-region into the Lango and Teso sub-regions, the LRA continued to abduct children. In total, the LRA abducted an estimated 66,000 children, and by now does not even accept voluntary recruits.³ The children – who have comprised as much as 90% of the LRA's manpower⁴ – carried out many of the rebels' most sordid deeds, often in their own communities. The abduction of children has not been an incidental outcome of

¹ Tim Allen and Koen Vlassenroot, "The Lord's Resistance Army: Myth and Reality," (London: Zed Books, 2010). This strategy is not unique to Uganda. Also known as "child soldiers", children are notoriously used by armed forces and armed groups in places as diverse as Columbia, Sri Lanka, Sudan, the Democratic Republic of the Congo, and Russia.

² Chris Dolan, "Social Torture: The Case of Northern Uganda, 1986-2006," (New York: Berghahn Books, 2011), 45.

³ Allen and Vlassenroot 2010, 135.

⁴ "History of the War in Uganda", Invisible Children, 2010, <http://www.invisiblechildren.com/history-of-the-war>.

necessity, as is sometimes assumed. In fact, it is a conscious strategy undertaken by the LRA to tear the community apart and to turn communities against the government for failing to protect their children.

Children abducted by the LRA were socialized to be desensitized to conflict, by way of repulsive rites of initiation that included murder and beatings, often against their own families and communities, and selective rewards.⁵ During the conflict, these children committed crimes such as rape, mass murder and, ironically, the abduction of other children. The most important aspect of the participation of children in the rebel army was that children were often forced to commit brutal crimes in their own communities, the same communities to which they would later return if they survived and escaped.

Although international advocacy efforts tend to focus on children abducted by the LRA, many forget that the Ugandan army (UPDF) and its auxiliary forces also recruited children. Human Rights Watch notes that most recruitment of underage soldiers has occurred through unofficial channels and is conducted on false pretenses (for example, children were told that they would be trained and returned home or that they would receive prestigious scholarships for participation).⁶ UNICEF has reported that many LRA returnees were absorbed into the UPDF, a practice that is “in direct violation of international humanitarian laws, including the Convention on the Rights of the Child (CRC) and its Optional Protocol, which Uganda has ratified.”⁷ Canadian researcher Erin Baines revealed that the UPDF has drawn in youth it has “rescued” from the LRA by appealing to their manhood and presenting service in the UPDF as their best option, compared to the shame of having been part of the rebel army.⁸ The ex-LRA combatants have been useful to the UPDF, since they “are often seasoned fighters, [and] knowledgeable about LRA activities.”⁹

Receiving even less attention is the Ugandan government’s tacit acceptance of the participation of children in local defense units (LDUs), or auxiliary forces (AFs).¹⁰ These forces often incorporated ex-LRA rebels and were armed to protect communities from LRA violence and remove some of the burden from the UPDF.¹¹ Although the government reportedly paid off and disbanded the Amuka Boys in 2007,¹² they were instructed to remain on alert in the event of any new troubles.¹³ Indeed, our experience demonstrates that they can still be gathered on relatively short notice, and are willing to share their experiences and perspectives on their service. The fact that the government recruited children into both its regular and irregular forces is well known, but information detailing the extent to which children took

⁵ Erin Baines, “The Haunting of Alice: Local Approaches to Justice and Reconciliation in Northern Uganda,” *International Journal of Transitional Justice* (2002): 10-11.

⁶ “Child Recruitment by Ugandan Forces”, Human Rights Watch, 28 March 2003, <http://www.hrw.org/de/node/12346/section/5>.

⁷ UNICEF, “Child Soldiers Trapped in Vicious Cycle of War”, 16 February 2005, http://www.unicef.org/infobycountry/uganda_25184.html.

⁸ Baines 2002, 14.

⁹ “Child Recruitment by Ugandan Forces” 2003.

¹⁰ Ali Mao, “Mukula Hails Amuka Boys”, New Vision, 28 May 2004, <http://www.newvision.co.ug/D/8/16/363013>.

¹¹ Kasaija Phillip Apuuli, “Amnesty and International Law: The case of the Lord’s Resistance Army insurgents in Northern Uganda”, African Centre for the Constructive Resolution of Disputes, 2005, 41.

¹² “UPDF Pays Off Amuka Boys”, *Uganda Pulse*, <http://www.ugpulse.com/articles/daily/news.asp?about=UPDF+pays+off+Amuka+Boys&ID=4385>.

¹³ “UPDF Disbands Amuka and Arrow Boys”, *Uganda Pulse*, <http://www.ugpulse.com/articles/daily/news.asp?about=UPDF+disbands+Amuka%2C+Arrow+Boys&ID=3479>.

part in these forces is scant. Information on the experience of children in the AFs since their release is even more obscure.

The use of children in conflict in Uganda has abated since the end of active hostilities between the LRA and the government, though the LRA still commits atrocities – including the abduction and use of children – in the Democratic Republic of the Congo, Central African Republic, and South Sudan. The LRA is the only remaining armed group in Uganda listed on the Annex of the annual report of the Special Representative of the Secretary General for Children and Armed Conflict, which names armed groups that use children.¹⁴ In response to revelations of the widespread use of children in its forces, the government of Uganda permitted inspections of its facilities by a UN Task Force¹⁵ and established a Child Protection Unit in the UPDF to receive and release children associated with the LRA while ensuring that no children were associated with government forces. . The UPDF and the LDUs were removed from the Annex in 2009, having satisfied the requirements of the Task Force.¹⁶



Fig. 2: During the conflict, thousands of non-governmental organizations came to Uganda to provide humanitarian aid. Many of these organizations remained and now play an important role in post-conflict reconstruction (Gulu Town).

Research Programme

According to The Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (hereafter, “The Paris Principles”), the reintegration of a child formerly associated with an armed group is achieved when the political, legal, economic and social conditions needed for children to maintain life, livelihood and dignity have been secured.¹⁷ However, the reintegration of children, now in its final stages in Uganda, is not sufficient for lasting peace and reconciliation. We explored the link between these issues by asking two main questions. The first of these was:

- What are community perceptions of children associated with armed groups in Northern Uganda?

¹⁴ “Children and Armed Conflict”, *Security Council Report*, 6 July 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/275/33/PDF/N1127533.pdf?OpenElement>.

¹⁵ “Developments in Uganda”, *Children and Armed Conflict*, 2011, <http://www.un.org/children/conflict/english/uganda.html>.

¹⁶ “Children and Armed Conflict” 2011.

¹⁷ UN Children’s Fund (UNICEF), “The Paris Principles. Principles and Guidelines on Children Associated With Armed Forces or Armed Groups”, February 2007, <http://www.unhcr.org/refworld/docid/465198442.html>.

This question defined fundamentally the purpose of our project. We sought to uncover how Ugandans understand the role of children in conflict and why differences and similarities may exist in their perceptions of “children associated with armed groups,” as a discrete category studied by academics and assisted by NGO workers, UN officials, and state agents.

The landmark Survey of War-Affected Youth (2007) and certain other research programs provided a thorough examination of the perceptions of children formerly associated with armed groups in Northern Uganda vis-a-vis their lived experiences and the feelings and opinions of their fellow community members.¹⁸ While this research illuminated crucial trends in many areas of interest by examining the children’s perspectives, we hoped to situate these findings into a broader social context by directing our inquiry towards community members. In this way, we hoped to emulate recent research programs that surveyed a large sample of community members across war-affected regions to determine their perceptions of transitional justice, while directing this program towards an examination of the issues faced by not only children abducted by the LRA, but also children born in captivity and the role children played in government and local auxiliary forces.

Based on existing research, the question of how Ugandan community members perceive children (formerly) associated with armed groups is highly important and has implications upon three areas of work surrounding these children. First, the *recruitment* of children can be attributed in part to the alteration of the attitudes and norms related to the place of children, due to the socially disruptive nature of conflict.¹⁹ Second, debates over the *prosecution* of children for crimes allegedly committed during the course of conflict often reflect ambivalence in communities over whether the children in question should be viewed as victims or perpetrators.²⁰ Finally, studies on the *reintegration* of returning children note that family and community acceptance are strong predictors of successful reintegration and rehabilitation.²¹ Since each of these challenges revolves around the way that communities perceive children associated with armed groups, knowledge of community norms and perceptions could enrich understanding of how to best stop recruitment, deliver justice, and facilitate reintegration.

Thus, these considerations led us to a second, more specific question:

- What are community perceptions of transitional justice processes, especially as they relate to the role of children in the conflict in Northern Uganda?

Our research has shown that the participation of children in conflict complicates the transitional justice process. Addressing victims’ desires for justice is integral to reconciliation in Northern Uganda and the lack of a comprehensive approach to justice has created gaps in the country’s peace building

¹⁸ Chris Blattman and R. Horton, “The State of Youth and Youth Protection in Northern Uganda”, *UNICEF*, 2007.

¹⁹ Alcinda Honwana, “Child Soldiers in Africa”, (Philadelphia: University of Pennsylvania Press, 2006).

²⁰ David Rosen, “Child Soldiers, International Humanitarian Law, and the Globalisation of Childhood”, *American Anthropologist* (2007).

²¹ Borisova *et al.*, “Sierra Leone’s Former Child Soldiers: A Follow-Up Study of Psychosocial Adjustment and Community Reintegration”, *Child Development* 81, 4 (2010): 1077-1095 and N Boothby, J Crawford, and J Halperin, “Mozambique child soldier life outcome study: lessons learned in rehabilitation and reintegration efforts”, *Global Public Health* 1, 1 (2006): 87-107.

process. Therefore, the most appropriate next step is the promotion of apologies and reparations to address desires for justice on the part of Uganda’s victims.

Many people at the University of Toronto and in Uganda helped us complete the field research for this project. We had the opportunity to speak with over 800 Ugandans from across the Northern region. We hope this report allows individuals’ stories and concerns to be heard, and that organizations with the capacity to enact positive change in Uganda act on these concerns.

Methodology

In designing our research methodology, we combined lessons learned from the Survey on War Affected Youth with the community-based approach of other research programs investigating perceptions of transitional justice in Northern Uganda. We employed both qualitative and quantitative research methods. All participants gave their informed consent and were expressly allowed to ask for anonymity.²² Where the use of the term “child soldiers” appears in this report, it is because we used this term when talking to Ugandans. We were advised that Ugandans would respond best to the use of this term, rather than “children associated with the use of armed forces and armed groups.”

a) Quantitative Methods

To collect quantitative data, we used a 25-question survey, which was administered to 709 individuals across 17 communities in Northern Uganda. Survey respondents were obtained by calling voluntary general meetings. Generally, our NGO contacts worked through local leaders and their beneficiary networks to solicit respondents. As we conducted the research, many passers-by often decided to participate. The surveys were administered in three ways: individually (i.e. the respondent read and filled out the survey themselves), by Luo-speaking enumerators, and by the researchers orally, when respondents spoke English.



Fig. 3: Survey respondents (Gulu Town)

b) Qualitative Methods

We also administered 70 interviews ourselves. Interviews were semi-structured. We took highly detailed notes, but did not record and transcribe the conversations, as we felt this would have compromised the quality of the information provided. Interviewees were selected based on their association and experience with war-affected youth and justice.

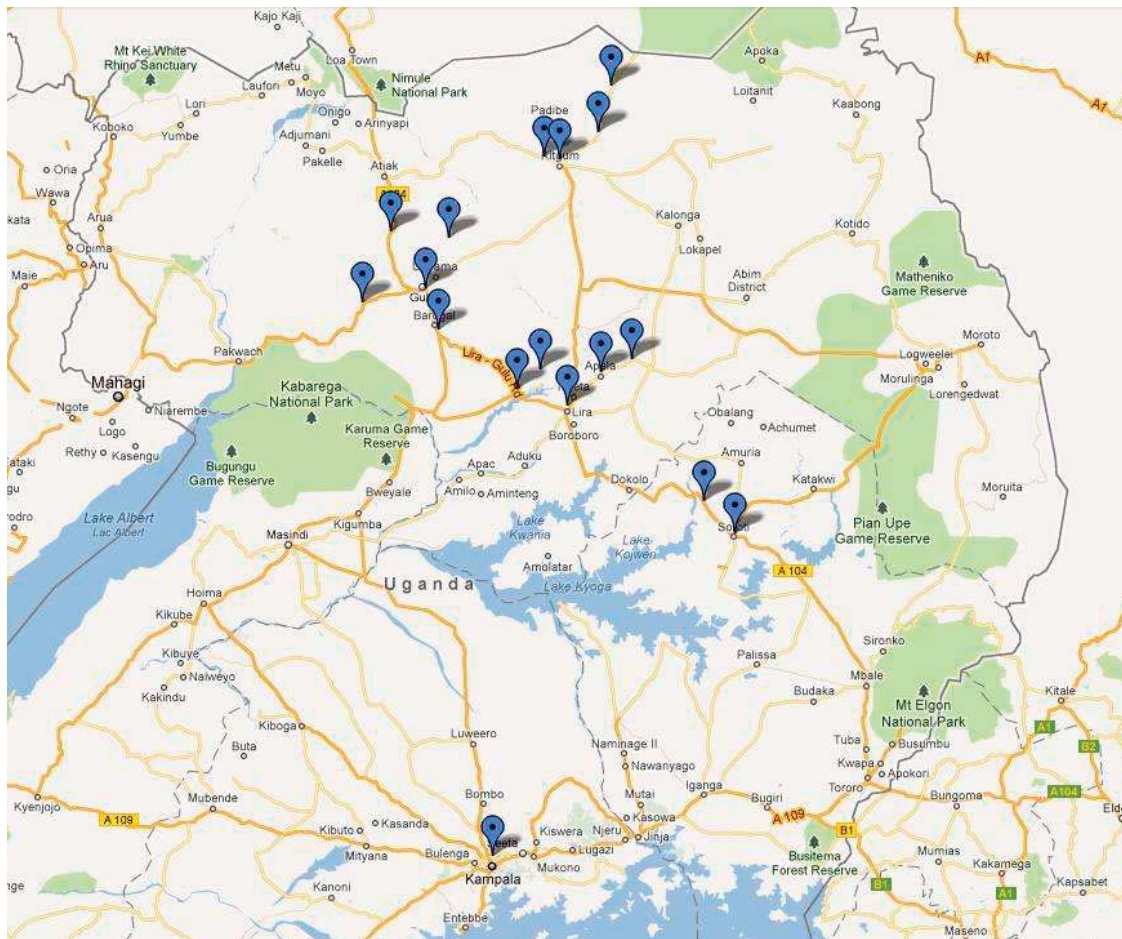
²² We have chosen to maintain the confidentiality of all key informants where we have provided excerpts of their interviews, by not listing their name or institutional affiliation.

We also conducted 11 focus group discussions. Focus group discussions were structured loosely around our survey questions, and were designed to generate insights and free-flowing discussion surrounding our questions. We conducted 5 of these by ourselves, when all participants spoke English. The rest were conducted through Luo-speaking NGO-staff translators. Participants in focus groups discussions were selected based on their association and experience with war-affected youth. One group, the group of “child mothers”²³, invited us on their own initiative, to conduct a focus group discussion with them.



Fig. 4: Conducting an oral survey (Barlonyo)

We traveled to 15 sub-counties in Acholi and Lango sub-region to collect quantitative data over the three-month period of field research. We additionally conducted interviews with key informants in the Acholi, Lango, and Iteso sub-regions, as well as Kampala.



²³ “Child mothers” is a colloquial term used by Ugandans and international actors for girls under the age of 18 who gave birth in the bush, often as a result of sexual violence, during the LRA conflict.

Results and Findings

I. Perceptions of Children Involved in Conflict

Although previous research has rarely taken our community-based approach, the existing literature does offer clues into the factors that may shape community perceptions of children associated with armed groups. Most research indicates that generating community and family acceptance of returning CAAFAG can be difficult. The Survey of War-Affected Youth (2007) reports that 95% of returning children in Uganda feel very, or somewhat, accepted by their families and communities. However, a portion of them have experienced maltreatment upon return. This pessimistic perspective is reflected to a greater degree in the Coalition to End the Use of Child Soldiers' report *Returning Home*²⁴ and in some ethnographic studies conducted in Northern Uganda.²⁵ Both studies note that a lack of community acceptance seems to be generated by fear; demands for justice and allegations of criminality; jealousy when one's own children do not return or receive material benefits; and in response to abnormal behaviour of the returnees that is perceived to be supernatural or evil. Combating these attitudes requires a comprehensive understanding of community perceptions of children involved in the armed forces.²⁶

In short, perceptions of children formerly associated with armed groups may be linked to a complex set of factors related to the prevailing social context, the identity of the returning child, and the identity of the respondent.

1. Community members generally see the age of 18 as the minimum age at which children may join armed forces.

Some scholars have suggested that community members in locales where the notion of "childhood" is fluid and based on an individual's stage of social and cultural development,²⁷ the age of 18 will hold little significance when it comes to vexing questions surrounding the participation of children in conflict.²⁸ In contrast with this view, we found that Northern Ugandans almost unanimously stated 18 as the youngest age at which an individual should join the armed forces. The average age stated as the age at which someone is old enough to join the army was 20.09. This is a higher average age than the age provided for when a person is old enough to be held accountable and/or punished for a crime, but there was no statistically-significant difference between any of these three values.

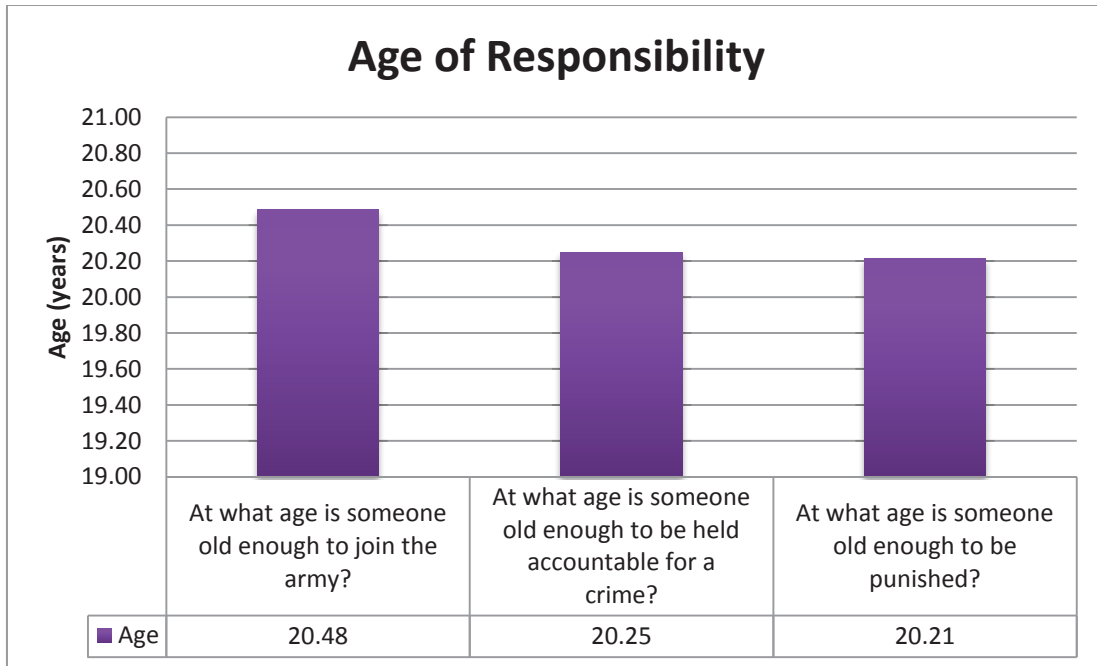
²⁴ V. Chrobok and A. Akutu, "Returning Home, Children's Perspectives on Reintegration: A case study of children abducted by the Lord's Resistance Army in Teso, Eastern Uganda", Coalition Against the Use of Child Soldiers, 2008.

²⁵ E.g. Grace Akello, Annemiek Richters and Ria Reis, "Reintegration of former child soldiers in northern Uganda: coming to terms with children's agency and accountability", *Intervention* 4, 3 (2006): 229-243.

²⁶ Akello 2006, Blattman 2007, Angela Veale and Aki Stavrou, "Former Lord's Resistance Army Child Soldier Abductees: Explorations of Identity in Reintegration and Reconciliation", *Peace and Conflict: Journal of Peace Psychology* 13, 3 (2007): 273-292.

²⁷ Many African communities view children in this way. See Alcinda Honwana, "Child Soldiers in Africa", (Philadelphia: University of Pennsylvania Press, 2006).

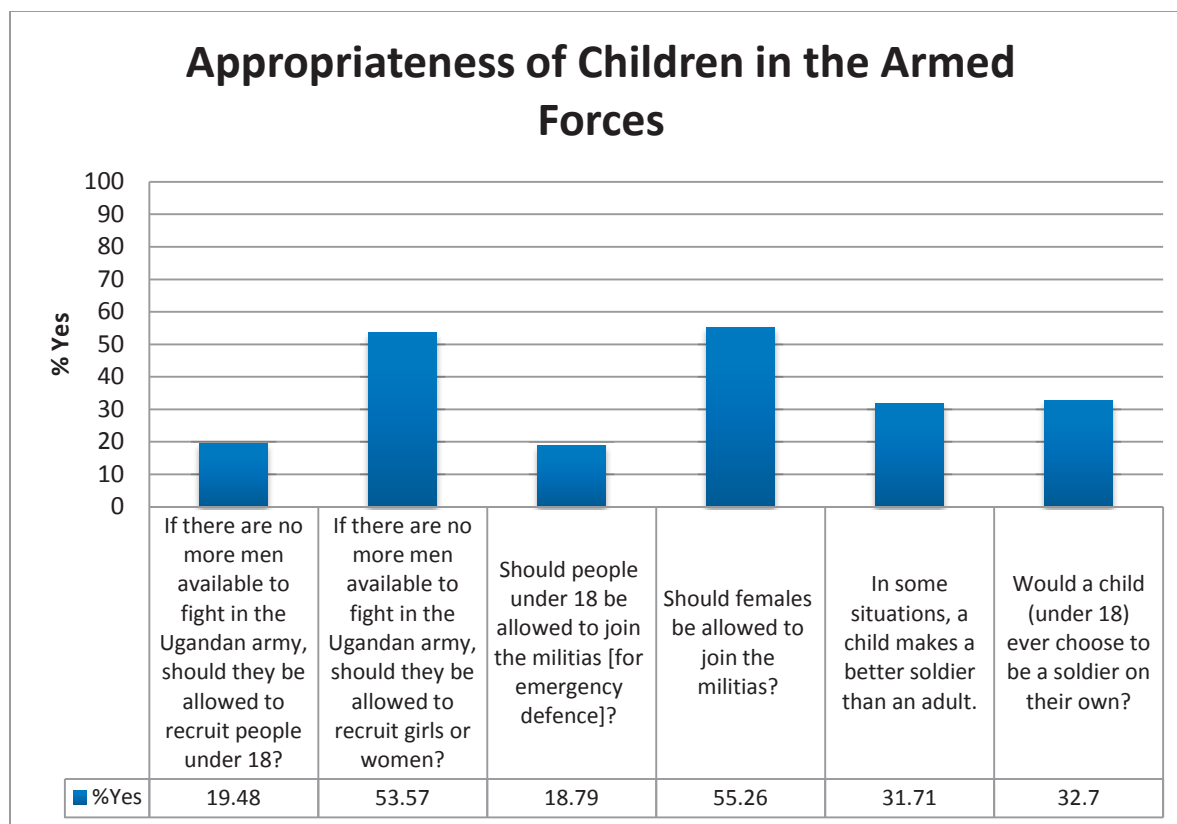
²⁸ David Rosen, "Child Soldiers, International Humanitarian Law, and the Globalisation of Childhood", *American Anthropologist* (2007).



Respondents generally justified their selection for the minimum acceptable age of recruitment on notions of physical and mental maturity. It seems that respondents believe that a person under the age of 18 is not mature and are thus not fit for military service:

- “He is big”
- “He is mature”
- “The law of Uganda says that any person above 18 is old enough”
- “He must first learn how to work”
- “That is when he has a brain to know what they do will be bad or good. Also he has a family and is mature”
- “At that age they’ve studied and are not reckless”
- “Mature age is 18, but this brain is not yet developed. In the army a young brain can easily shoot and kill. At 25 you make a better decision.”

However, as is described in the following graph, respondents seem to make exceptions in times of emergencies. 19.5% of respondents agreed that if there were no more men available to fight, the army should be able to recruit people under 18 and 18.8% thought it was ok that individuals under 18 joined local militias. In the same situations a majority of respondents indicated that the army should be allowed to recruit women. Additionally, over 30% of individuals surveyed agreed that in some situations, a child might make a better soldier than an adult, and also that in dire situations a child may choose to be a soldier without being forced to join.

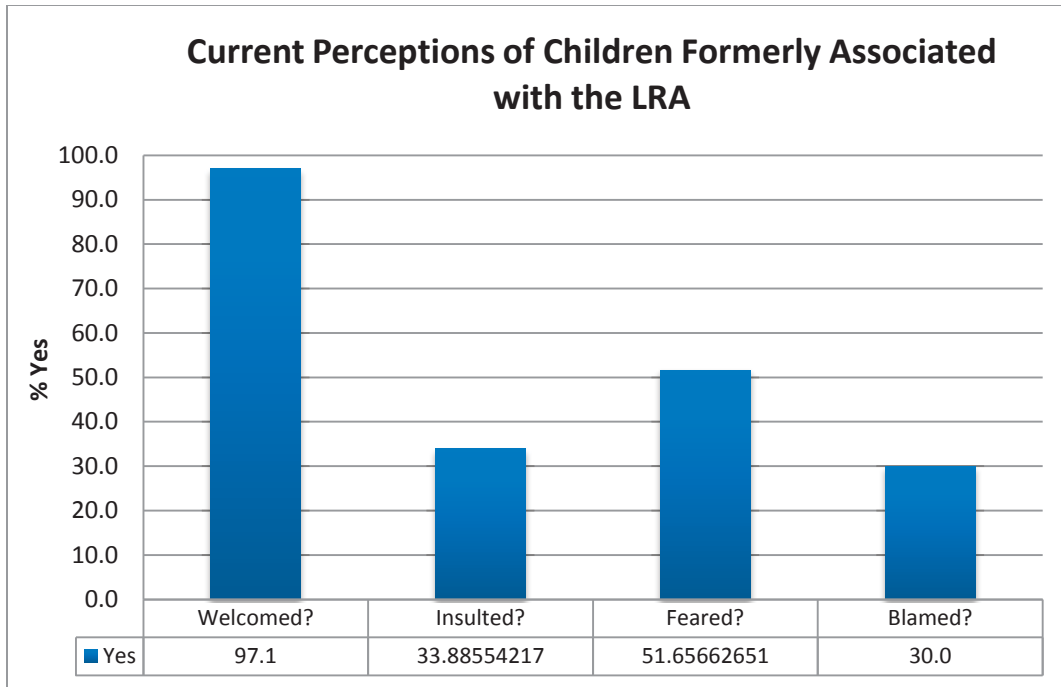


An understanding of Northern Ugandans’ general attitude towards the involvement of children in war allows one to narrow the question to examine perceptions of children involved with the LRA insurgents.

2. General perceptions of children associated with armed forces reflect both welcoming tendencies and persistent stigmatization.

The first part of the research entailed understanding Northern Ugandans’ general perceptions of children formerly associated with armed groups. In order to understand communities’ perceptions, we asked the following four questions:

- Today, are “child soldiers” welcomed?
- Today, are “child soldiers” insulted?
- Today, are “child soldiers” feared?
- Today, are “child soldiers” blamed?



This survey data drawn from responses to these questions problematizes the notion that returning children have been entirely successfully accepted by Ugandan society. Although 97.1% of respondents reported that children returning from LRA captivity today are welcomed by the community, 34.7% of respondents answered that insults against children formerly associated with the LRA continue, while 52.6% of respondents answered that fear among community members remained. Also important is the fact that 31.4% of respondents noted that community members continue to blame children formerly associated with the LRA for their actions. The fact that the vast majority of Ugandans welcome the children, while a significant number continue to insult and fear them, is a finding that has not been widely explored. Here, we explore the reasons for this.

1. Welcoming

Most respondents simply indicated that children were welcome. Those that explained their reasoning usually indicated that the children were welcome “because it was not their will”²⁹ (i.e. because they were abducted). Some also indicated that welcoming had been promoted by government efforts. Respondents said that the community has been “sensitized by [the] government”³⁰ and that the Amnesty law had helped.³¹

²⁹ 18 year-old female student (survey respondent), Industrial Area Gulu Town, 21 May 2011.

³⁰ 65 year-old male teacher (survey respondent), Awach sub-county, 3 June 2011.

³¹ 54 year-old male civil-servant (survey respondent), Akwang sub-county, 5 July 2011.

A small number of respondents who said that children were welcomed qualified their responses. Some indicated that some children act poorly when they return³² and others said that individuals affected by atrocities might not welcome them.³³

2. Insults and Fear

Fear of children formerly associated with armed groups is a commonly-known problem on the ground, and an important example of the lack of total acceptance of returned children. A social worker in Gulu noted that “parents even fear the children,”³⁴ while 87% of our survey respondents indicated that boys are feared more than girls (See the discussion of Gender, below).

2.1. Children as a source of physical insecurity

First community members feared children formerly associated with the LRA for what they saw as practical reasons, including the fact that many were socialized in a violent atmosphere, some had kept their guns, and others had been witnessed committing atrocities against their communities. This series of quotations displays a range of these fears:

- “The community thinks they hid their guns.”³⁵
- “They could kill you”
- “If a man marries a formerly abducted girl, he lives in fear because the girl may get violent. There are cases where girls kill their husbands.”³⁶
- “Some children say life in the bush was very comfortable - so when these children return to poverty, they start to demand things and then the family gets worried that they just want the bush-life back. That’s where the fear comes from. The problem is that the parents are not trained.”³⁷
- “The community is scared of that situation, and fear that if they accept this child, at the end of it all they might kill someone.”³⁸

2.2. Children as a source of spiritual danger

Community members also feared children who returned because of widely-held traditional spiritual beliefs. Answers related to spiritualism described the children’s “bad spirits” and their “bush mentality”. *Cen*, bad spirits from people who die badly during war, are believed to haunt returnees and cause the symptoms that Western health professionals have labeled “Post Traumatic Stress Disorder.”³⁹ If *cen* is

³² 25 year-old female teacher (survey respondent), Gulu Town, 13 July 2011.

³³ 27 year-old male social worker (survey respondent), Lira Town, 20 July 2011.

³⁴ Interview with a social worker, Gulu Town, 14 July 2011.

³⁵ 27 year-old male teacher (survey respondent), Aromo sub-county, 17 June 2011.

³⁶ Interview with NGO official, Pader Town, 22 July 2011.

³⁷ Interview with social worker, Gulu Town, 14 July 2011.

³⁸ Interview with NGO official, Gulu Town, 1 July 2011.

³⁹ Akello 2006, 40.

not removed, the community will fear the returnee and will not come close to them, believing that the *cen* will latch onto them.⁴⁰ In fact, some Ugandans believed that the *cen* afflicting the returnee could bring misfortune upon the whole clan.⁴¹ Although some children undergo traditional cleansing procedures, these were not part of the formal amnesty process and therefore have not occurred universally. Thus, many villagers continue to believe that children are haunted by *cen*, contributing to the fear that remains in the community.⁴²

- “[They are] Generally not [feared], but suspicion to fear them is still there. When people fear them it is because of bad sprits.”⁴³

2.3. Persistent Insecurity

A final reason community members fear children formerly associated with the LRA is because the war is not officially over as the LRA is still at large throughout Central Africa. The possibility, even if it is only remote, that the LRA could come back and returnees could join up again and once again terrorize them, supports feelings of fear against child returnees:

- “It’s also important to realize that very many arms were hidden - so **those who returned from captivity may go back if amnesty is reconsidered.**”⁴⁴
- “The war might be ‘on a recess period’ – we don’t know if Kony will come back – but people keep waiting and don’t develop properly for fear of their work being destroyed. Therefore we’re not really at peace [...] nobody feels safe. People do not forget what happened in the past, so five years down the road people think, “Are these people going to start another war?” **They recognize how these youth are stigmatized and isolated and fear they’ll go back to the bush. [...] So people fear an ‘LRA Part II.’**”⁴⁵



Fig. 5: A statue to abducted children erected by GUSCO is depicted above. GUSCO was one of the most important reception centers for the support of and reintegration of children abducted by the LRA (Gulu Town).

⁴⁰ Akello 2006, 234.

⁴¹ Patrick Tom, “The Acholi Traditional Approach to Justice and the War in Northern Uganda”, *Beyond Intractability*, 2006, http://beyondintractability.colorado.edu/case_studies/acholi_traditional_approach.jsp?nid=6792.

⁴² Focus group with child mothers, outside Gulu Town, 16 July 2011.

⁴³ 61-year old male farmer (survey respondent), Akwang Sub-County, 5 July 2011.

⁴⁴ Interview with social worker, Gulu Town, 14 July 2011.

⁴⁵ Interview with social worker, Gulu Town, 10 June 2011.

3. Anger

Community members widely recognize that many people are angry at children who returned from the LRA. Community members gave a number of reasons for their anger:

- “Because the community will be **aware of their crimes in their hearts.**”⁴⁶
- “**Because people’s property was damaged and lost lives, it’s hard to forgive.**”⁴⁷
- “People **think about the past and it pains them** - especially for elders.”⁴⁸
- “Some people [are angry] but not all. People who lost relatives, sustained injury, tortured, lost their properties and child soldiers. Because they received no reparation and justice.”⁴⁹
- “70% are still angry. 30% are not because of sensitization. Those angry are parents and relatives especially in communities where child return happened.”⁵⁰
- “[People are] **very angry - that is why the Amnesty Commission was necessary for reconciliation** - now people must follow the law - so people don’t attack others because then they will be jailed.”⁵¹

3. Contextual and individual-level factors combine to determine perceptions of children formerly associated with armed groups.

We found that perceptions of children formerly associated with armed groups are best understood in terms of two sets of inter-related factors: **characteristics of the individual child** and **broader socio-cultural context**. This section first describes the social-cultural factors, and then examines the individual-level factors. It is important to note the ways in which these factors are intimately tied together.

1. **Socio-cultural factors**

1.1. Social and Cultural Norms and Traditions

Despite tribal diversity, both of the Northern tribes⁵² most affected by the war share many inter-related cultural attributes that affect their perceptions of children associated with armed groups in similar ways. Each of these factors generates challenges for the reintegration of returning children, and accounts for differences in perceptions of different children. Social and cultural factors include:

⁴⁶ 25 year-old male student (survey respondent), Industrial Area Gulu Town, 21 May 2011.

⁴⁷ 18 year-old female student (survey respondent), Industrial Area Gulu Town, 21 May 2011.

⁴⁸ 25 year-old male boda-boda (survey respondent), Industrial Area Gulu Town, 21 May 2011.

⁴⁹ 29 year-old male social worker (survey respondent), Lira Town, 25 May 2011.

⁵⁰ 28 year-old male development worker (survey respondent), Adyel Division Gulu Town, 30 May 2011.

⁵¹ 26 year-old male health worker (survey respondent), Industrial Area Gulu Town, 21 May 2011.

⁵² Ugandans self-identify as being part of a number of different “tribes” and did so before British colonization. Northern Ugandans are divided between the Acholi, Lango, and Iteso tribes.

- Prevailing perceptions of gender:** In Ugandan society, women are believed to be weak, incapable, and a burden.⁵³ Social customs dictate that women are subordinate to men especially after entering marriage, after which point the woman enters a grey area between her own clan identity and that of her husband.⁵⁴ The gender of the returning child has received lengthy treatment in some research. This research usually emphasizes that returning girls – who are often victims of sexual violence – are deemed less acceptable than returning boys, especially if they return with children they conceived due to rape. Indeed, the stigmatization that greets female returnees extends to her children, who are called “illegitimate” and “rebel children.”⁵⁵ Although the instinct of NGOs is to reunite female returnees with their parents (since the NGOs view the returnees as children), parents often reject these youth who are “viewed more as wives or rebels than as a child who was abducted.”⁵⁶ Researchers suggest that these perceptions are linked to cultural values and beliefs surrounding femininity and gender roles in Ugandan society.⁵⁷ In addition, we also learned from our respondents that Ugandan society “generally shuns a child born out of wedlock”.⁵⁸
- Clan identity, marriage, and patrilineal heritage:** Northern Ugandans follow a patrilineal clan system in which a newborn child becomes a member of the father’s clan. The mother’s clan bears no particular responsibility towards this child. Therefore, a child who returns from captivity with his/her mother, who may have been subjected to sexual violence in the bush and who may not know who the father of the child is or may be uncomfortable sharing his identity, might be rejected by the family of the mother.
- “Bridewealth” (dowry):** When a man wishes to get married, he must raise sums of money and quantities of cattle and other productive items that are exorbitant by Ugandan standards. A man only rarely raises these resources, and usually relies on his clan to provide the funds. This means that young male returnees may have difficulty gaining the acceptance of their relatives, because they may be seen as a burden when it comes time to providing funds for his bridewealth. This is especially true if the young male has uncertain clan ties (e.g. he was born in captivity) Young female returnees, on the other hand, might be seen as a resource for a burdened family.



Fig. 6: Woman and child (Attiak)

⁵³ Dolan 2011, 192-193.

⁵⁴ Dolan 2011, 192-193.

⁵⁵ Chrobok and Akutu 2008.

⁵⁶ Akello et al. 2006, 240.

⁵⁷ Dolan 2011, 192-193.

⁵⁸ Focus group with child mothers, outside Gulu Town, 16 July 2011.

- **Customary land ownership:** Land generally cannot be bought or sold by individuals in Northern Uganda, because land ownership follows customary rules. That is, land is owned collectively by the clan; a man usually acquires land from his clan elders, who may apportion a piece of land to him as they see fit. As with the provision of bridewealth, a returnee – especially one born in captivity – may be seen as a burden it comes time to providing land to him.
- **Spiritual beliefs:** Almost all Northern Ugandans identify as Catholic, Protestant, or Muslim, but they also hold traditional spiritual beliefs that affect the way their perceptions of returnees who have been subjected to extraordinary circumstances. According to some spiritual beliefs, individuals – like children associated with armed groups – who have caused or witnessed unnatural death may become haunted by the ghost of the deceased and bring misfortune upon the community. This may adversely affect social relations

1.2. Consequences of the War: Displacement and Poverty

Poverty is an enduring reality for Northern Ugandans. They generally link their poverty to the events of the war, during which most of the population was forced into internally displaced persons camps, many villages were destroyed, and property stolen. Displacement resulted in lack of access to education, healthcare, and productive activities, setting back development in Northern Uganda. Returnees can be seen as compounding the problem as they may present a **material burden** for the community when they return. As shown below, poverty factors into community members’ perceptions of returning

Economic Indicators in Uganda	
GDP per capita (PPP)	\$1,300
GINI index	44.3
Life expectancy at birth	53
Infant mortality (per 1,000 live births)	64.82
Literacy rate	73.3%
Human Development Index	0.446

children, and accounts for differences between children born in captivity and formerly abducted children and female and male children. Because males may require more resources given patrilineal inheritance, norms surrounding marriage, and customary land ownership, poverty may exacerbate the burden of supporting a male in such conditions. Moreover, poverty means that each returning child is a burden, so children who are perceived to be less connected to the clan might meet more hostility than a child who clearly “belongs” to the clan. The existence of poverty may also generate resentment towards returning children who have received support, because community members who are suffering may see injustice in providing support to people who were partly responsible for their suffering.

Children formerly associated with the LRA are sometimes **perceived to have received a disproportionate amount of attention** and support as compared to other victims of the war. Many returning children involved in conflict received significant support from NGOs and also through the amnesty process, while many of the war’s other victims received little support.

- As one social worker in Gulu explained: “people still have bitterness when they see [returnees] with benefits.”⁵⁹
- “When you look at people who returned, Amnesty has given them a package, World Vision gave them what, but for you, you know your son died: what? For families who lost children, who is documenting them? **People who lost limbs, and so on, they even get something, but what about those who lost children? For such families, it’s hard.**”⁶⁰



Fig. 7: The remains of a former Internally Displaced Persons camp at Awach Sub-County.

2. Differentiation of attitudes based on the characteristics of the returnee

It is also important to emphasize the differentiation in attitudes based on different characteristics of the individual child/ returnee. These were:

- Gender
- Possession of income-generating ability
- Abducted or “born in captivity”
- Actions during the war
- Actions since returning
- Affiliation with LRA or government forces

2.1. Gender

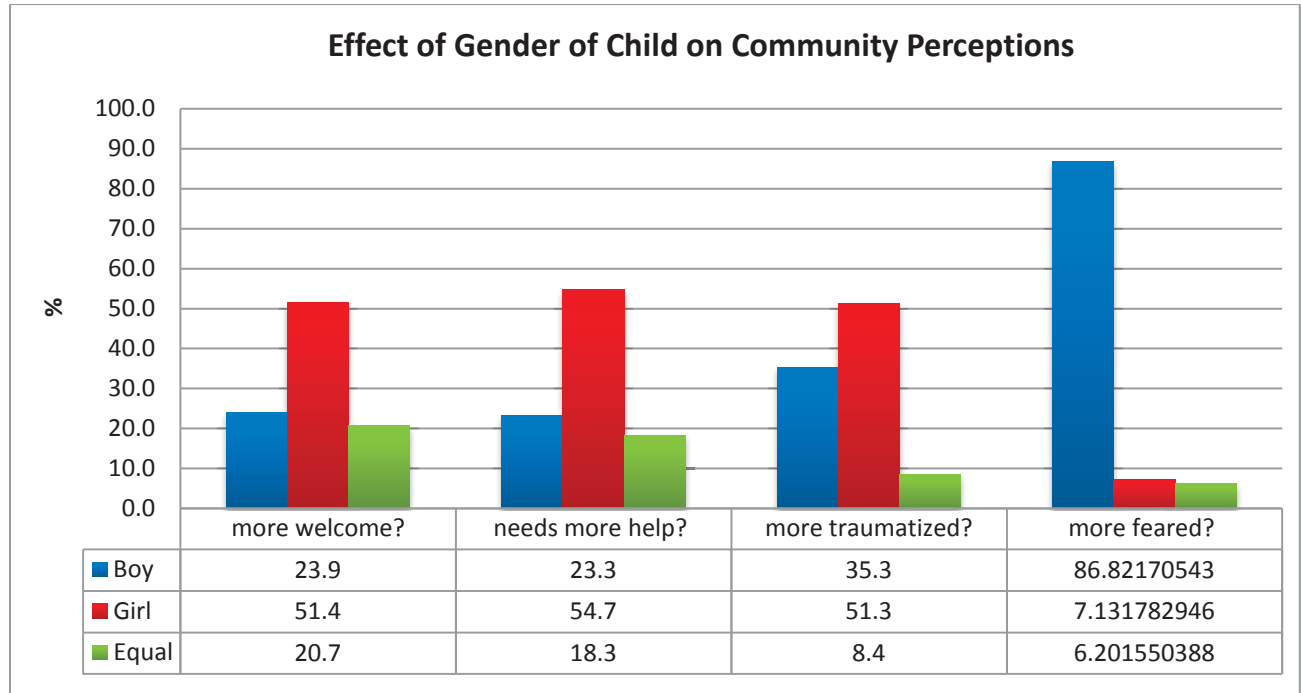
We asked respondents four questions to differentiate between perceptions of male and female children formerly associated with the LRA:

- Who is more welcomed, the girl or the boy?
- Who needs more help, the girl or the boy?
- Who has more trauma, the girl or the boy?
- Who is more feared, the girl or the boy?

⁵⁹ Interview with social worker, Gulu Town, 14 July 2011.

⁶⁰ Interview with social worker, Gulu Town, 26 July 2011.

Respondents felt that girl soldiers were more welcome (51.4% vs. 23.9%), more traumatized (51.3% vs. 35.3%), and needed more help (54.7% vs. 23.3%), while boys were much more feared (86.8% vs. 7.1%).



2.1.1. Trauma

Respondents attributed a higher rate of trauma amongst girls due to numerous facts related to perceptions of females in general:

- “Devils go to girls first.”⁶¹
- “Girls are **not as capable** of being in the bush.”⁶²
- “**Boys are not so afraid.** In the bush, if the two see someone killed, the girl will run away more.”⁶³

They also referred to the specific harms that females suffered during the war:

- “They were attacked and **forced into love** with men in the bush.”⁶⁴
- As a Pader town NGO worker explained, “most girl children are more traumatized because they **were raped, taken as ‘wives’, forced to kill, and also came back with babies who are ‘unwanted children’.**”⁶⁵

⁶¹ 22 year-old female secretary (survey respondent), Gulu Town, 11 May 2011.

⁶² 18 year-old female student (survey respondent), Industrial Area Gulu Town, 21 May 2011.

⁶³ 61 year-old male farmer (survey respondent), Akwang sub-county, 5 July 2011.

⁶⁴ 22 year-old female farmer (survey respondent), Barlonyo village, 27 May 2011.

When respondents believed that boys would be more traumatized, it was generally because they believed that boys were more active in the fighting of the civil war: “[The boy is more traumatized] **Because most of the time, when in the field, they were the most active in killing and doing bad things.**”⁶⁶ One respondent elaborated: “the girl won't be mentally crazy, but the boy should be watched!”⁶⁷

2.1.2. *Welcome*

Girls were perceived as more welcomed. Two reasons were given for this, in general. The first was that **a girl could be married off** and would not pose a burden for their family: “because a girl will get married and go soon”; **“both are important, but girls are valued and can be married and bring in a bride-wealth.”**⁶⁸ The second reason was that boys were seen to be **more dangerous**, both during the war and since returning. For example, a respondent noted: “they are strong willed - if they are not welcomed, they will get mad” and “they need to be welcomed or else they dramatize and would take off.”⁶⁹ Another said, **“boys were more cruel during the war.”**⁷⁰

Still, girls faced special problems upon return, often related to the sexual violence they often suffered in captivity: **“Men don't want them and even now they're stigmatized and insulted.”**⁷¹ “Boys were not as stigmatized because they could start their own lives. Women have it harder than the boys who come back.”⁷² In addition, some respondents noted that **“boys were more valued than girls”**.⁷³

Other comments tended to point to either equal welcoming of both girls and boys, “because of sensitization” and “because their family missed them for so long”. This was echoed by a number of NGO workers who have worked with returning children: **“People are very excited to receive them. Some have been gone for over ten years.”**⁷⁴ Finally, a small number of respondents answered that neither was welcome. One explained: “If they were from the bush and they killed people, then the community will reject this



Fig. 8: Focus group child mothers (near Gulu Town).

⁶⁵ Interview with social worker, Pader Town, 22 July 2011.

⁶⁶ 65 year-old male teacher (survey respondent), Awach sub-county, 3 June 2011.

⁶⁷ 62 year-old female farmer (survey respondent), Mucwini sub-county, 6 July 2011.

⁶⁸ 28 year-old male development worker (survey respondent), Adyel Division Gulu Town, 30 May 2011.

⁶⁹ 48 year-old female farmer (survey respondent), Barlonyo village 27 May 2011.

⁷⁰ 50 year-old male catechist (survey respondent), Awach sub-county, 3 June 2011.

⁷¹ Focus group with a group of child mothers, near Gulu Town, 16 July 2011.

⁷² Interview with a police officer, Gulu Town, 11 May 2011.

⁷³ 49 year-old male, Awach sub-county, 3 June 2011.

⁷⁴ Interview with a social worker, Gulu Town, 14 July 2011.

person compared to other returnees.”⁷⁵

2.1.3. Help

Our respondents’ comments and our interviewees’ explanations indicate that the community perceives girls as more vulnerable and therefore would need more help. Some of our participants indicated that boys were more able to forget the bad treatment and move on, while girls were supposed to keep things in their hearts: “boys are brave so atrocities they committed can leave them but for ladies she will keep thinking about it.”⁷⁶ Therefore, even if returning boys have a tougher time during the war in some ways, girls are perceived as needing more help because of prevailing perceptions of gender. The responses we accumulated on the treatment of returning girls, especially those who have had children in the bush, indicate that such norms do not necessarily translate into easier acceptance of returning girls. “Child mothers” and their children remain among the most stigmatized category of returnees.

Nevertheless, the fact that boys were overwhelmingly more feared than girls, renders the finding that both boys and girls face special challenges. Perhaps recognizing this, **18.3%** of respondents answered that both boys and girls need help, equally:

- “[It] depends on situation, whether or not they’re a girl or boy they need the same assistance.”⁷⁷
- “[It] depends on the condition of the child.”⁷⁸

2.1.4. Fear

The vast majority of respondents feared boy soldiers more than girl soldiers.⁷⁹ People generally feared boys because of his behavior, which was either attributed to innate male personality threats or behavior learned in the bush:

- “Because they **easily resort to violence** and will ask for things using **threats**.”⁸⁰
- “They are **rude and tough**.”⁸¹
- “The boys are always crazy!”⁸²
- “**For the boy in the bush, they made him kill**. Girls don't kill. Boys will shoot easier.”⁸³

⁷⁵ 26 year-old male student (survey respondent), Industrial Area Gulu Town, 21 May 2011.

⁷⁶ Child mothers focus group, Gulu Town, 16 July 2011.

⁷⁷ 39 year-old male teacher (survey respondent), Apala sub-county, 19 June 2011.

⁷⁸ 28 year-old female social worker (survey respondent), Gulu town, 13 July 2011.

⁷⁹ In fact while respondents sometimes thought carefully about their responses to other questions, they normally answered this one immediately and without hesitation.

⁸⁰ 25 year-old male student (survey respondent), Industrial Area Gulu Town, 21 May 2011.

⁸¹ 42 year-old male farmer (survey respondent), Alero Sub-County, 31 May 2011.

⁸² 62 year-old female farmer (survey respondent), Mucwini village, 6 July 2011.

⁸³ 61 year-old male farmer (survey respondent), Akwang sub-county, 5 July 2011.

- “Boys: because boys who come back from the bush are so aggressive and when they drink they become very violent”⁸⁴
- **“They fear boys because they may come with traumatized brains so reconciling needs time** - even now there’s fear and there’s an attitude of the community that they’re still out of the community.”⁸⁵
- **“If he is hanging out in a group and is provokes,** the boy will say ‘do you know how many people I killed in the bush - and I can kill one more’ - people continue to say this even now.”⁸⁶

Although community members answered that they feared girl returnees to a much lesser extent than boys, some feared women for spiritual reasons, and because girls may have had more traumatic experiences:

- “[Girls are feared] because they are soft tempered. For example, in Atiak, a mother beat her husband. **It is because their levels [of] trauma are so high** so even marrying them has fear attached to [it] because they may kill.”⁸⁷
- “The girl [is feared] - **because cen likes the girl child more** because of menstruation where it can enter into the girl. This gives her hallucinations.”⁸⁸
- “[Girls are feared more] because **girls will hate you more because of trauma.**”⁸⁹
- **“Boys are feared. But if you look at the long term, both are feared.** If a man marries a formerly abducted girl, he lives in fear because the girl may get violent. There are cases where girls kill their husbands. But to a greater extent, boys are feared.”⁹⁰

3. Returnees with income-generating skills are more likely to gain acceptance, for two reasons: they pose less of a burden, and they may be seen, cynically, as a resource for the family and/or community.

1. Contribution/ Reduced Burden

Returnees who were more economically independent or simply seemed to have their own resources were less likely to be stigmatized and enjoyed an easier reintegration process. According to a Gulu-based NGO worker:

⁸⁴ Child mothers focus group, Gulu Town, 16 July 2011.

⁸⁵ 54 year-old male civil servant (survey respondent), Akwang sub-county, 5 July 2011.

⁸⁶ Child mothers focus group, Gulu Town, 16 July 2011.

⁸⁷ 27 year-old male social-worker (survey respondent), Gulu Town, 13 July 2011.

⁸⁸ Child mothers focus group, Gulu Town, 16 July 2011.

⁸⁹ 20 year-old unemployed male (survey respondent), Pabbo Sub-county, 9 June 2011.

⁹⁰ Interview with NGO official, Pader Town, 22 July 2011.

- “It [reintegration] is a process, but it has been successful for the majority. Always a factor is economic empowerment. [...] **It’s the capacity they get, they become helpful to society.** Builds a rapport, they [the community members] say, **“Oh, so-and-so can be helpful and contributing to our success.”**⁹¹

This finding was especially salient for returning “child mothers” who had given birth while in captivity. A social worker from a reception center in Kitgum explained that family members would not accept child mothers unless they were productive, and therefore independent. The child is also not accepted because it is seen as an “additional burden”: it has been easier for girls who returned without children, because then they could do domestic work and take on responsibilities, like other female children.⁹² Female returnees with children were thought to have a harder time gaining acceptance than returnees without children because of the extra burden the child brought along in addition to the girl’s perceived lost productivity:

- “It’s hard to tell but I can say they would have accepted [a girl without a child]. People fear responsibility. **They see the children as a burden, coupled with the poverty rate.**”⁹³

Many informants working with child mothers explained that they witnessed an increase in acceptance when these women were given skills and resources to start their own businesses and earn their own living. One stated that “they are generally respected by the community because they’re earning: they have their own income and their own huts”.⁹⁴

2. Returnees as a resource

Some were quite cynical about this observation, because they felt that the families then saw the girl as a resource. One social worker explained: “Child mothers are warmly accepted, because of the packages we give them.”⁹⁵ Another explained that families believed that accepting a returnee would bring them more aid.⁹⁶ Troublingly, acceptance may be contingent upon the ability of the returnee to bring resources to his/her relatives and/or community. As officials at two women empowerment NGOs explained,

- “Another challenge for the girls who are recruited [into our program] and start to benefit is that **once these benefits become apparent, so many men start coming out of the woodwork.** These are men who hurt her, abandoned her, fathered her children negligently, etc., and **they start demanding things. These men always want something from her now that she has it.**”⁹⁷

⁹¹Interview with NGO Staff, Gulu Town, 26 July 2011.

⁹²Interview with social worker, Pader Town, 7 July 2011.

⁹³Interview with NGO Staff, Gulu Town, 26 July 2011.

⁹⁴Interview with NGO Staff, Gulu Town, 7 June 2011.

⁹⁵Interview with NGO Staff, Kitgum Town, 7 July 2011.

⁹⁶Interview with a social worker, Gulu Town, 14 July 2011.

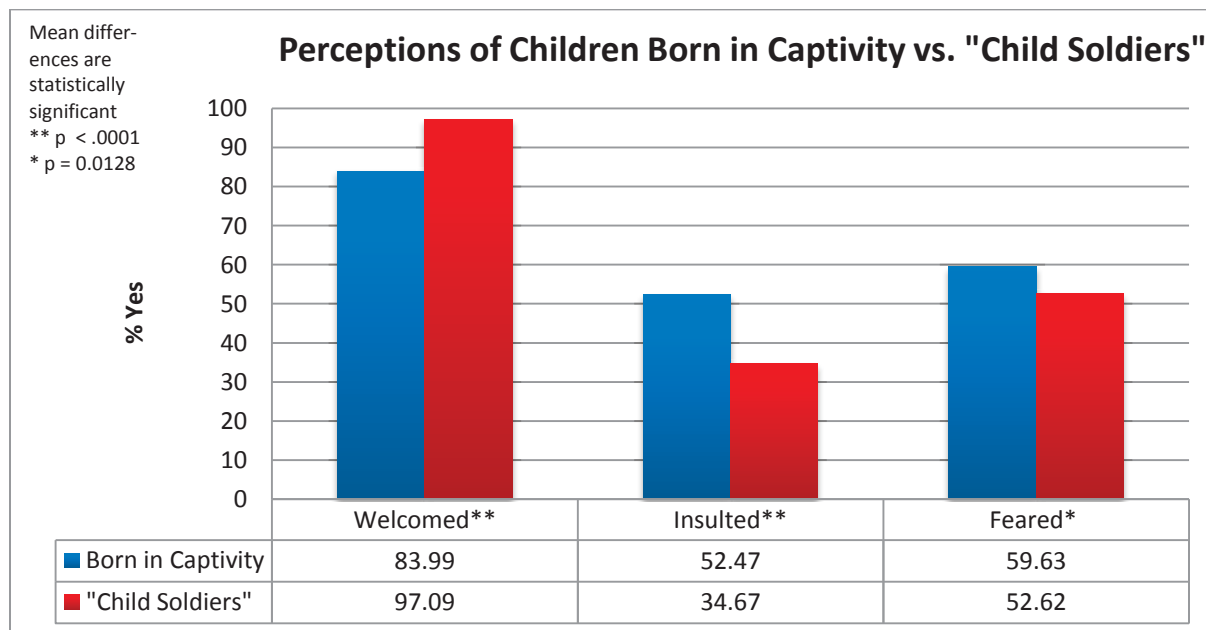
⁹⁷Interview with NGO Staff, Gulu Town, 7 June 2011.

- “For example, when the returnees were a source of wealth (because NGOs helped them) there was little fear. It seemed to be that when this income was depleted, stigmatization started.”⁹⁸

4. Children born in captivity may face bleaker prospects upon return than children who were abducted.

Overall, children born in captivity continue to face more stigmatization than children understood by respondents as “child soldiers.” This result was puzzling, because we reasoned that children born in captivity would have only very rarely been involved in combat and therefore should be perceived as “innocent”, which might offset some stigma. However, we learned that the prospect of acceptance for children born in captivity exemplifies the convergence of cultural and economic factors in addition to the typical uncertainties accompanying the return of children associated with war.

Respondents felt that children born in captivity were significantly less welcomed, more insulted, and more feared (84%; 52%; 60%) than children who served as soldiers with the LRA (97%; 35%; 53%). Many respondents in both the surveys and interviews recounted stories of children who had been born in captivity who exhibited very strange behavior upon returning.



Although child mothers face prevalent stigma, their children may face even more. As a number of our key informants explained, a family might accept their returning daughter, but not her child:

- “Stigma against women depends on the family, but on the whole it is their *children* who are not accepted back. Identity problems for ‘rebel children’ exist because the lady doesn’t know her husband or his identity. They are stigmatized as ‘Kony.’”⁹⁹

⁹⁸ Interview with NGO official, Gulu Town, 18 May 2011.

In explaining the reasons behind their opinions, respondents frequently listed a general sense of fear surrounding the upbringing of the child. A social worker in Pader noted that people constantly wondered “Are we training a traitor?”¹⁰⁰

Respondents also discussed the extra burden that these children placed upon the families and the communities:

- **“Welcoming someone you don’t know is very difficult - also people are lacking here so caring for an extra person is very hard.”**¹⁰¹

Others described economic hardship in combination with social norms to explain why children born in captivity are not accepted:

- **“Our society in general shuns a child born out of wedlock, and it’s even worse for a child from the bush. Who will look after the child? The child is seen as an extra burden.”**¹⁰²

Norms surrounding marriage are very important when examining the experience of children who are fathered by an unknown rebel man. These factors are much more problematic for boys than girls. As a result, **boys born in captivity face some unique problems that girls do not:**

- “For children born in captivity, their fate is a little worse than the abducted ones... First of all there’s a fear of this child, that the child may grow up being violent. Second, they think of the needs of the future. If the child is a boy, his needs are too many. **He will need a bridewealth and land.** It’s limited to the economic condition of the home, but also it’s the uncertainty of how the child may grow up.”¹⁰³
- “The land issue is tough. **No one will accept the child. Clan identities are involved, for these determine who can own land.**”¹⁰⁴
- “Stigma versus women depends on the family, but on the whole it is their children who are not accepted back. Identity problems for ‘rebel children’ exist because the lady doesn’t know her husband and/or his identity. They are stigmatized as ‘Kony.’ **Therefore they have no access to land or dowry, because it’s a patrilineal inheritance system.** Organizations help mainly returning children and not children of abductees.”¹⁰⁵
- “The child is not welcomed by the community - for example, **if the child who came back was a boy, people would think he just wants land and he would be seen as competition.** Everywhere they

⁹⁹ Interview with social worker, Gulu Town, 10 June 2011.

¹⁰⁰ Interview with NGO official, Pader Town, 22 July 2011.

¹⁰¹ 32 year-old male student (survey respondent), Mucwini sub-county, 6 July 2011.

¹⁰² Interview with social worker, Pader Town, 22 July 2011.

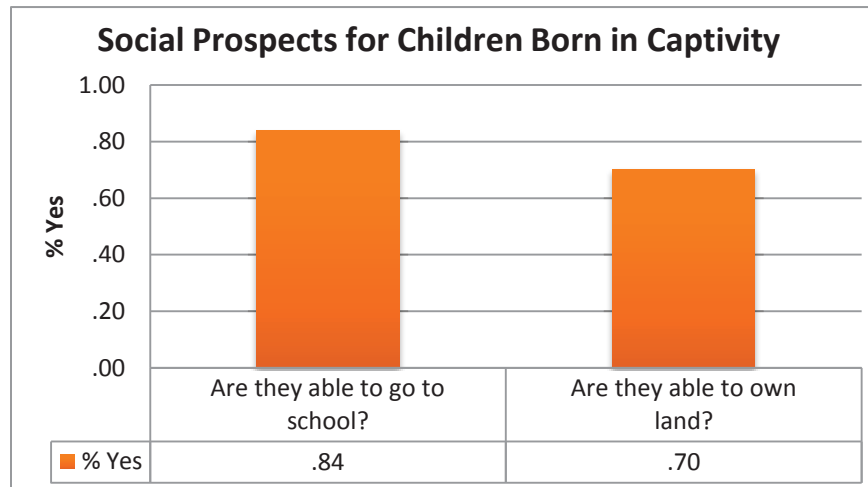
¹⁰³ Interview with NGO official, Pader Town, 22 July 2011.

¹⁰⁴ Interview with NGO staff, Kitgum Town, 8 July 2011.

¹⁰⁵ Interview with NGO communications officer, Gulu Town, 11 May 2011.

don't welcome the children properly, but the women don't know where else to take the children - people are happy that the women returned, but not the children."¹⁰⁶

Indeed, only 70% of respondents believed that children born in captivity would be able to own land. Many respondents also recognized that such children would have trouble attending school.



A group of child mothers who participated in a focus group indicated that these problems have become increasingly severe with the passage of time, because the children are now becoming men: "In Acholi culture, if you've turned 18 and you are not in school, you're expected to get married, and if you don't, **you're seen as a burden.**"¹⁰⁷

The case of children born in captivity illustrates perfectly the interrelation between socio-cultural factors and individual-level factors determining community perceptions of children formerly associated with the LRA. Economic hardship makes the child seem like an extra burden, but this combines with social norms and cultural traditions surrounding family, and a general fear of returning children, to make the child seem unacceptable.

5. Children's actions while in captivity may have a negative impact upon community perceptions.

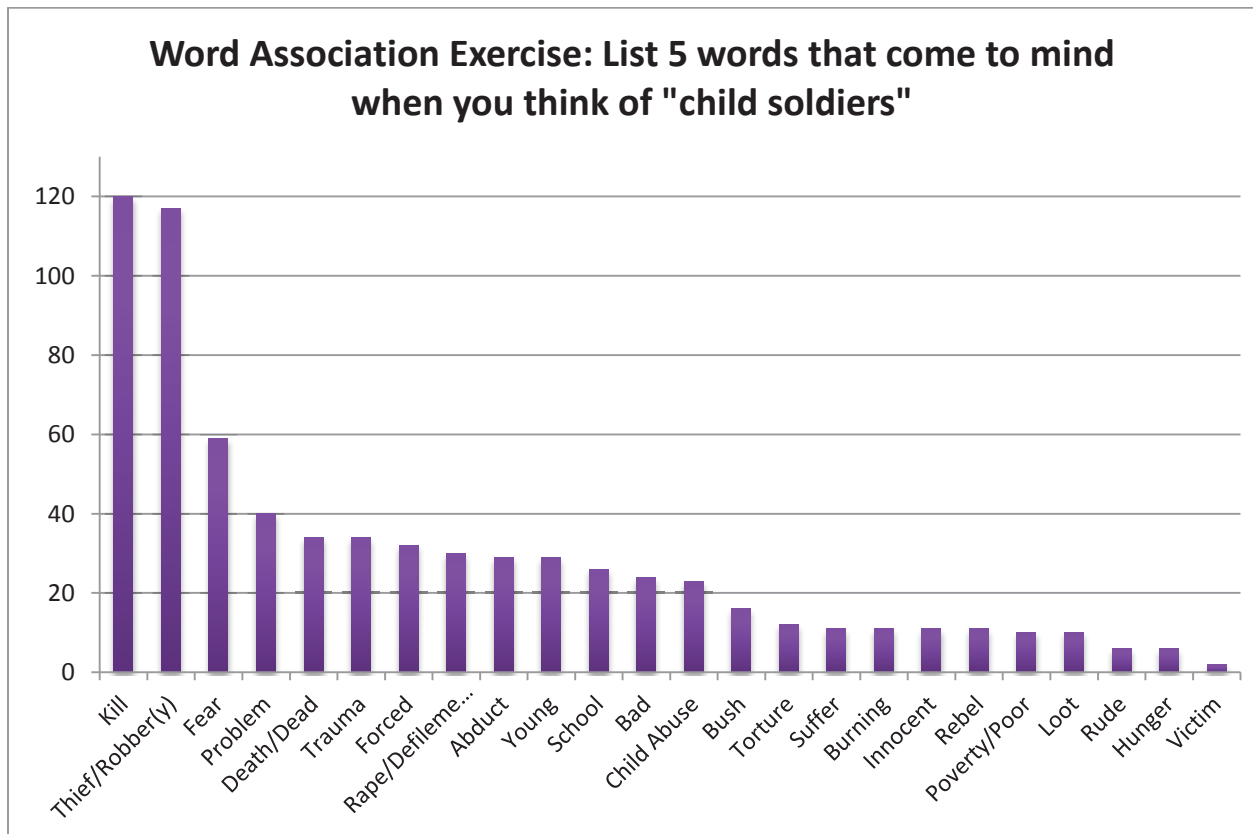
Knowledge of children's actions during the conflict has presented challenges for the reintegration process. Community members who are aware of the violations children may have committed, and who may have been personally affected by these violations, may continue to be angry at children. The population has experienced children associated with armed groups as both "victims" and "perpetrators." Indeed, while 97% of respondents indicated that children were welcome, approximately two-thirds recognized that anger at children persists. Respondents often indicated that children had difficulties finding acceptance due to the violations that they were known to have committed:

¹⁰⁶ Focus group with child mothers, outside Gulu Town, 16 July 2011.

¹⁰⁷ Focus group with child mothers, outside Gulu Town, 16 July 2011.

- “One problem is that kids were forced to return to their communities where they’d committed crimes and people knew they had committed those crimes”¹⁰⁸
- “Of course [people] are still angry ... and there is even more anger in the villages because the crimes were done there and kids attacked their own villages”.¹⁰⁹
- “[Family preparation had to occur] because **families of the child may even reject the child because the child committed crimes there.**”¹¹⁰
- “Issues continue to exist. People know the massacres this person committed. How does an amnesty certificate help people who want revenge?”¹¹¹

To determine whether there is a primary mode of thinking about children associated with armed groups, we conducted a word association exercise with survey respondents. Respondents overwhelmingly listed negative items in response to the prompt; **“kill” and “thief” were by far the most frequently associated words with “child soldier”**.



¹⁰⁸ Interview with NGO staff, Lira Town, 18 July 2011.

¹⁰⁹ Focus group with the Child Protection Unit of the police force, Gulu Town, 11 May 2011.

¹¹⁰ Interview with NGO staff, Gulu Town, 12 July 2011.

¹¹¹ Interview with government worker, Gulu Town, 11 May 2011.

On the one hand, these findings may suggest that respondents associate abducted children with the violations they may have committed; this interpretation may be bolstered by the fact that the word “victim” was listed only twice. On the other hand, respondents may merely associate “child soldiers” with the general experience of the war. Nevertheless, the close association in the minds of community members between human rights abuses and abducted children suggests that there are serious, unresolved issues surrounding the abuses committed during a war that featured the heavy involvement of children.

6. Negative community perceptions of returning children are often based on their behaviour after returning.

If community perceptions of children associated with armed groups is affected by their actions *during* captivity, these children also often experience stigmatization as a result of their actions *after* returning. There were widespread rumors of children who had returned with a “bush mentality:”

- “We’ve heard from lots of people that **many returning children still have that ‘bush mentality’** and because of that the community will not accept them.”¹¹²
- “Another thing is that the **returnees have picked up ‘bush ways.’** If the person has ‘positive ways’ it is usually OK, but if they show such signs, they are not accepted.”¹¹³
- “Children in the centre having difficulties happens **because of actions that bring back the community’s memories.** But for those who are helpful and supported the have no problems really.”¹¹⁴

Community members told stories of children who were wild, rude, lazy and even violent upon returning home, and linked these attributes to the fact that the children had been “in the bush.” As one social worker explained, community members are “**very quick to link the behavior of the child to their experiences**”.¹¹⁵ These perceptions led community members to fear the children and also lose patience with them:

- “They [returnees] don’t want to work. For these reasons, they **develop bad relations with the community and are stubborn.** So the community says, if you don’t want to act properly, just don’t return.”¹¹⁶
- “But also, when they returned, many were **very rude and they would often shout.** This was one reason why they did the sensitizations. Sensitization is important and helps because the returnees need to see love.”¹¹⁷

¹¹² Interview with psychosocial support worker, Pader Town, 23 July 2011.

¹¹³ Interview with NGO staff members, Lira Town, 14 June 2011.

¹¹⁴ Interview with a local staff member of an international NGO, Gulu Town, 26 July 2011.

¹¹⁵ Interview with NGO official, Kitgum Town, 7 July 2011.

¹¹⁶ Interview with NGO official, Gulu Town, 1 July 2011.

- “It takes time to accept such people, especially because those **returnees were very abrasive**. There were cases where they killed their brothers because of their training.”¹¹⁸
- “Acceptance in the community has been challenging. **They come back with bush ways**, and people fear them. It’s hard for the community to accept them.”¹¹⁹
- “Children tend to inherit acts of people in the bush. **They are wild and cruel. Fear ends up stigmatizing and isolating them.**”¹²⁰
- “[These fears] are based on facts. Returnees even testify themselves, saying, ‘**Do you know how many people I killed? Don’t annoy me!**’ When we interacted with children, they would tell us a number of things they did.”¹²¹

Some community members posit that a recurrence in trauma results in memories from the bush leading to bad actions after the war. For more spiritual Ugandans, they speak of cen or the evil spirit remaining with the child. Many social workers instead spoke of a “bush mentality”. Both cen and the “bush mentality” can be important reasons for a lack of acceptance.

Stigmatization and bad behavior exist in a cycle: after community members fear or reject a child, the child may become discouraged, and react poorly to those surrounding him. In this sense, it may be the community’s treatment of the child that results in his or her persistent anti-social behavior, rather than the effects of the child’s traumatic experiences during the war.

- “The children are not accepted, **they feel isolated and even miss the bush**, which makes them further feared, fueling further stigma and isolation”.¹²²
- “It has been evident from some of the children that passed through here [that they may have been unready to return home]. We have received information that they were violent. But upon investigating, **we realize that the big problem was actually the stigmatization of these children**. People were provoking a reaction in these children by stigmatizing them. So we had to go down and do a massive sensitization to make people stop pointing fingers, and deal with these cases.”¹²³

¹¹⁷ Interview with NGO official, Lira Town, 25 July 2011.

¹¹⁸ Interview with NGO official, Soroti Town, 20 June 2011.

¹¹⁹ Interview with mental health NGO worker, Lira Town, 18 July 2011.

¹²⁰ 28 year-old male development worker (survey respondent), Adyel Division Gulu Town, 30 May 2011.

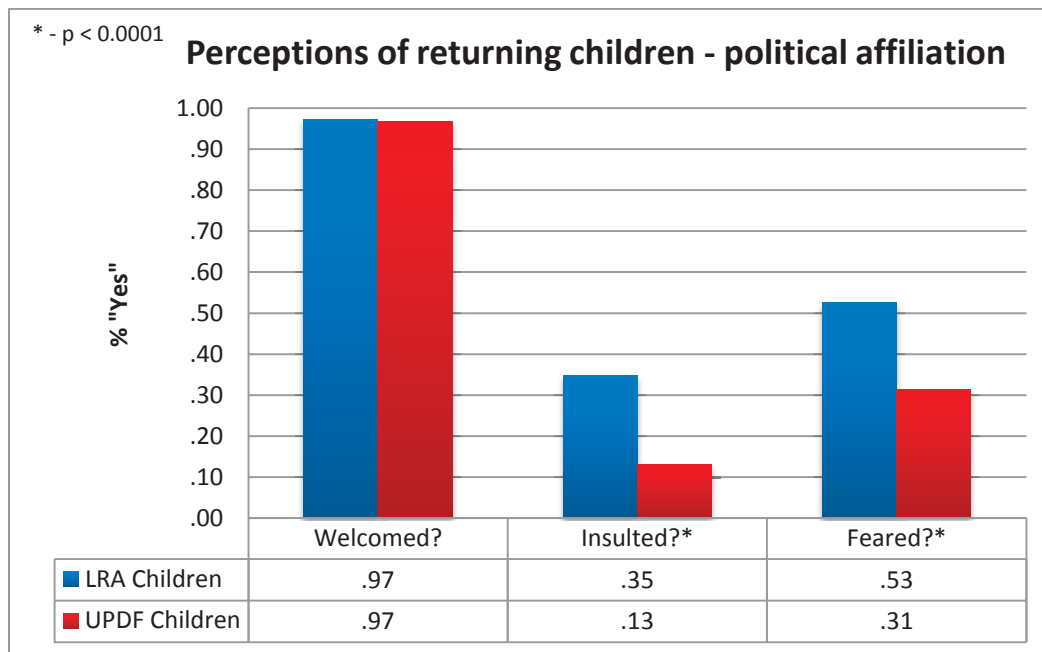
¹²¹ Interview with psychosocial support worker, Pader Town, 23 July 2011.

¹²² Interview with a female lawyer, Gulu Town, 10 June 2011.

¹²³ Interview with NGO official, Kitgum Town, 7 July 2011.

7. The armed force/ group with which the child was affiliated may affect community perceptions.

Many authors suggest that “it is possible that the apparent differences in perceptions of child soldiers across countries can be accounted for by the sociopolitical context of the conflict, including the general feeling towards parties to the conflict.”¹²⁴

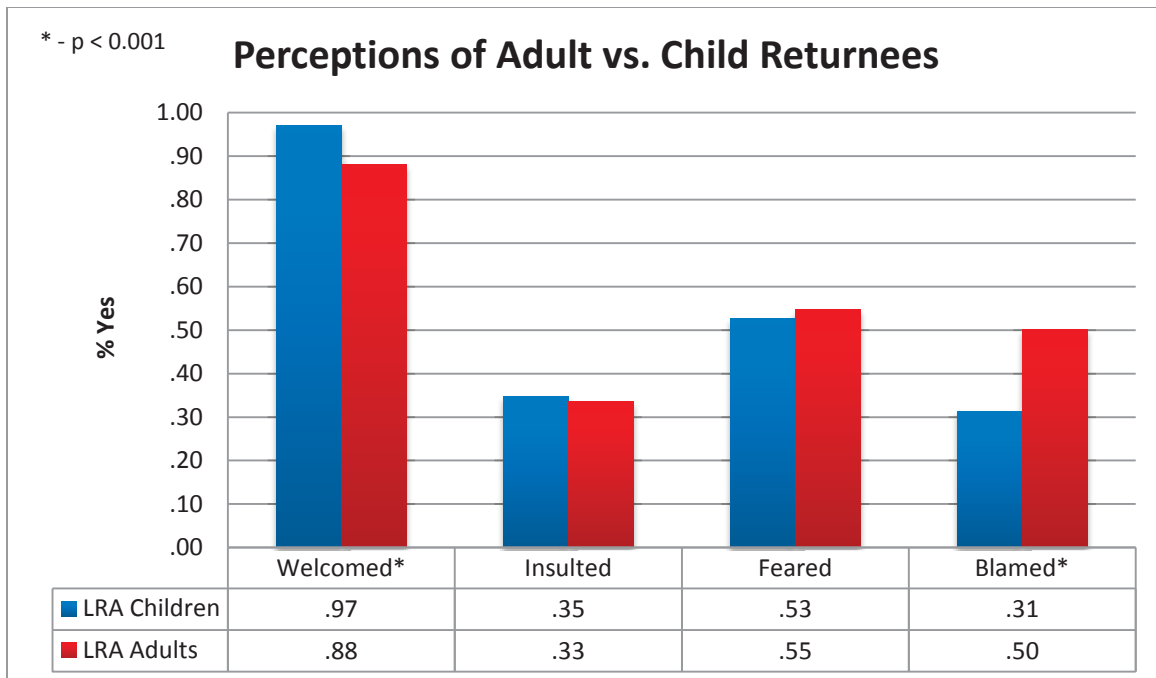


As exemplified by the graph above, there are statistically-significant, lower levels of stigmatization and fear of children formerly associated with the UPDF in comparison with children formerly associated with the LRA, although they appear to be welcomed to the same extent. It is important to note that there are far fewer children associated with the UPDF and therefore individuals’ perceptions could be skewed by one example they were personally aware of. For this reason, further analysis is difficult, but it is important to note the role of politics in understanding individuals’ perceptions of children associated with armed groups/ armed forces.

8. Adult ex-combatants are less welcomed and more blamed for their actions than children, but meet equal rates of fear and insults.

As exemplified in the following graph of surveyed perceptions, perceptions of adults and children associated with the LRA are not as different as one might expect. The difference between perceptions of children and adult returnees helps explain the impact of age on individuals’ perceptions of returnees.

¹²⁴ Sima Atri and Salvator Cusimano, unpublished literature review, February 2011.



Children and adults appear to be insulted (35% vs. 33%) and feared (53% vs. 55%) equally.¹²⁵ Significant differences were observed, however on the questions of welcoming (children: 97.1% vs. adults: 88.1%) and blame (children: 31.4% vs. adults: 50.1%).¹²⁶

Adults and children were treated very differently in the reintegration process, although both would have received amnesty and reintegration support. Adults came through different centers as there was the recognition that their reintegration process would be different.¹²⁷ Reintegration was often more difficult for adults as there was the perception that **adults were more responsible for their actions, they may and they may not have been abducted.**

- “[Former LRA Brigadier] Banya was met with stones. This never happened with children. They said, ‘You knew!’”¹²⁸

Other social workers emphasize that the levels of trauma between child and adults varied. One social worker in Pader noted that adults were more often engaged in fighting, although if a child had been in the front-lines, they would be more traumatized.

It is very important to emphasize that a larger differentiation in perceptions exists between regular soldiers and commanders. This will be further elaborated in the discussion about justice, but it is

¹²⁵ The mean differences were not statistically significant.

¹²⁶ These mean differences were statistically significant, $p < 0.01$.

¹²⁷ Interview with a social worker, Gulu Town, 29 July 2011.

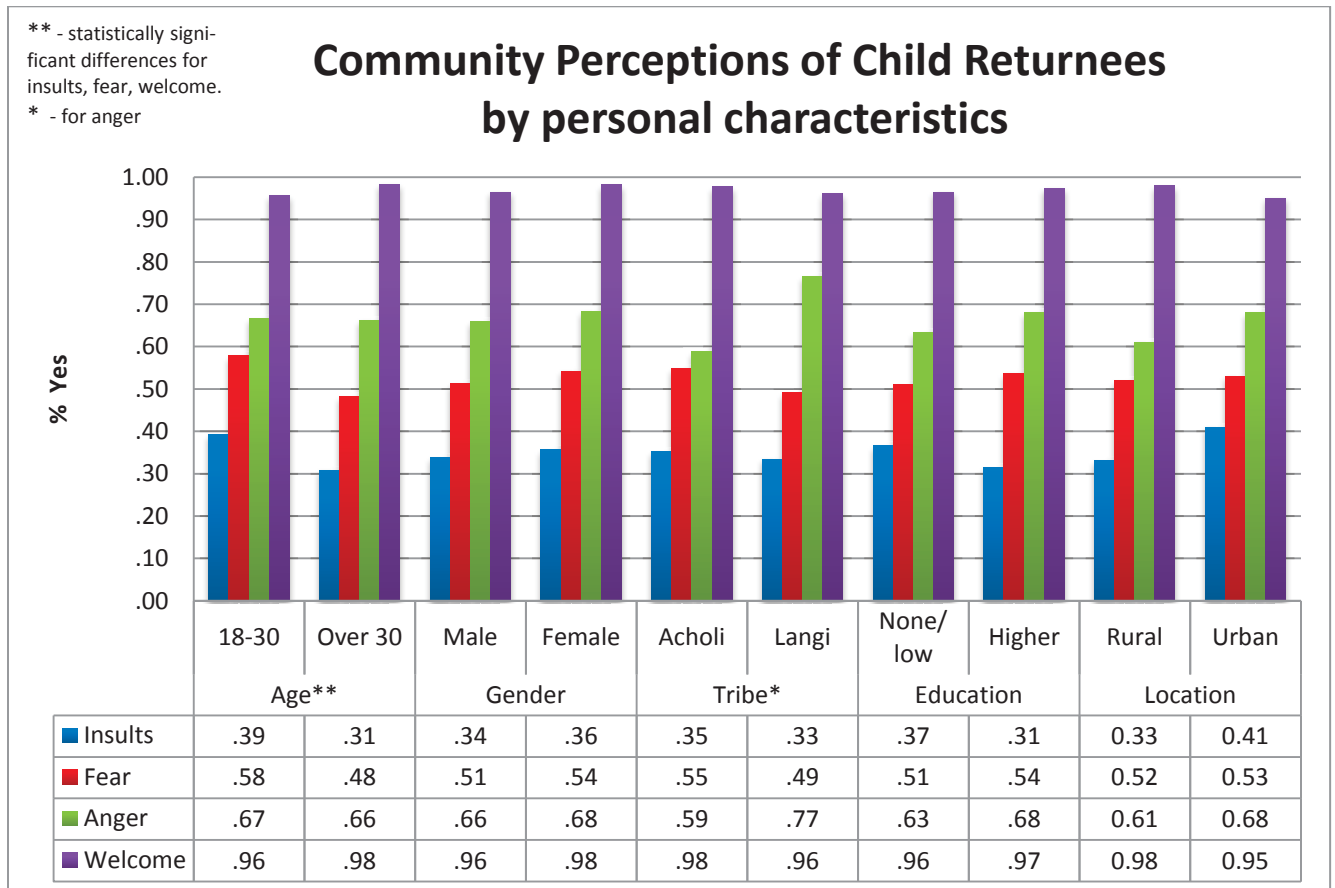
¹²⁸ Interview with a local staff member of an international NGO, Gulu Town, 26 July 2011.

important to emphasize that “the community considered the rank” in forming their perceptions of returnees, and rank was often associated with age.¹²⁹

Thus, adults were generally perceived as more responsible for their actions, though we found no indication that the community viewed these returnees differently in terms of fear or insults. Therefore, the difference observed in terms of welcome seems related to the perception that adults more willingly committed their crimes. This was supported by many of our interviewees, who linked the poor reception of adults with the community’s perception of their guilt.

9. The personal characteristics of the respondent had few effects on their perceptions of children involved in war. Significant differences were only observed for age and tribe, and only on some measures.

When conducting our research, we recorded specific biographic information from all respondents in order to test the effect of personal factors on their perceptions. For each respondent, we recorded their age, gender, education level, tribe, and whether they lived in a rural or urban environment. There was very little variation in responses based on these variables.



¹²⁹ Interview with NGO official, Pader Town, 22 July 2011.

Statistically-significant differences were only apparent in two cases. Youth (age 18-30) believed more frequently that community members insulted and feared returning children, and (slightly) less frequently believed that the community welcomed returning children. Tribe also made an impact. Lango respondents were much more likely to indicate that community members remained angry at children who committed crimes during the war.

1. Youth

Youth in Northern Uganda are among the most marginalized members of society, and it should not be surprising that their views of war-affected youth would be different from those of the older generation. Central to the experience and world view of Northern Ugandan youth is their experience in internally-displaced persons (IDP) camps.

Many people spoke of a generation gap amongst children and youth who largely grew up in IDP camps and the adult population. The argument is made that displacement caused by the war separated the younger generation from the values and traditions that were previously passed on by the elders in the village.

- “Traditionally before the people went to [IDP] camps, families and elders would sit youth down around the fire every evening and talk to them about issues. In camps, this was impossible so youth missed this knowledge. **These youth are now the people causing the problems in the communities - they’re wild children!**”¹³⁰

In addition, youth grew up dependent on NGO support and many were educated in NGO-run schools, if at all. Their formative experiences were also in situations of destitution, and they were often exposed to health risks. As a result, their opportunities in life may have been curtailed:

- “Youth for the last 24 years have faced terrible problems education-wise and socially. **They were also displaced after the war and had to live in cramped camps.** It was here that youth developed bad behavior that is not conducive to society such as thuggery, stealing, drugs, early marriage often because they had nothing to do and no way to earn money.”¹³¹

Finally, a number of the youth that we surveyed had been abducted by the LRA, themselves.¹³² These youth might have been highly sensitive to community perceptions of children associated with the LRA, and may have a distinct set of perceptions themselves.

¹³⁰ Interview with Local staff member of an international NGO, Kitgum Town, 4 July 2011.

¹³¹ Interview with NGO official, Gulu Town, 2 June 2011.

¹³² We did not specifically ask respondents to disclose whether they had been abducted, but some chose to share that information with us. In any case, among the hundreds of young respondents who participated in our study, a sizeable number of them are likely to have been abducted by the LRA, simply because the LRA abducted so many children and young people.

2. Tribe

Numerous tribes were affected by the LRA war: the Acholi, the Lango, and the Iteso. Although the war was concentrated in the Acholi sub-region, the war reached the Lango sub-region in full force in 2002, after the Ugandan government's Operation Iron Fist.¹³³ Each Northern Ugandan tribe sees the others as distinct, and there is some competition and tension between them. They have their own languages (though Acholi and Lango are both Luo languages, and thus very similar), customs, and historical narratives. Although we interviewed key Iteso informants, we only conducted surveys in the Lango and Acholi sub-regions only.

Through interviews, we learned that one's tribal affiliation was consistently one of the most important factors in shaping one's understanding of the war, and especially one's perceptions of justice. Since anger at children who committed crimes overlaps with notions of seeking justice for crimes that were committed, it makes sense that Lango respondents more frequently reported anger directed towards children in their communities, and favoured more punitive accountability measures. This topic receives an extensive treatment in the section on justice.

10. Conclusion

This section summarised data collected on Northern Ugandans' perceptions of children involved in the LRA war. Although our findings generally support the observation that children have successfully been welcomed back into their communities, we find persisting issues preventing complete forgiveness of and reconciliation with the child. We also note the lack of homogeneity in the characterisation of a "child soldier" by Northern Ugandans.

In summary, there are three important factors that determine one's perception of children (formerly) associated with the LRA: socio-cultural factors, the identity and behavior of the child, and the identity of the respondent. Socio-cultural factors, especially norms about gender and the legacy of displacement and poverty have had an important shared effect on perceptions. The identity of the child returning also contributed to the differentiation of attitudes on children involved in conflict, with gender, one's economic independence, and behavior during and after the conflict playing an important role on levels of acceptance upon reintegration. Finally, we found that the identity of the respondent had the least impact on perceptions, although one's tribe is significant in determining issues related to perceptions of the need for justice.

¹³³ "The Crisis becomes Entrenched: Early Peace Negotiations and the Displacement Disaster", *Resolve*, <http://www.theresolve.org/history>.

II. Justice

The majority of popular attention around the question of justice and children associated with armed forces/ groups generally revolves around the persecution of those accused of the recruitment of children into armed conflict. Article 3.5 in the Paris Principles states that “those suspected of committing crimes against children under international law should receive particular attention in post-conflict or transitional justice mechanisms. No amnesty for crimes under international law, including those committed against children, should be granted in any peace or cease-fire agreement.”¹³⁴ The Amnesty Law in Uganda, forbidding the prosecution of any individual who applied for amnesty, regardless of their crimes, is in tension with international law.

The Amnesty Law, passed in 2000, deserves special attention. Local support for amnesty was coordinated by the Interfaith Acholi Religious Leaders Peace Initiative, which called on Acholi to forgive returnees and welcome them home, which they largely did.¹³⁵ It is important to highlight that differences in opinion on the question of amnesty exist amongst the Acholi and Lango tribes, but it is generally recognized that the Northern population of Uganda was in support of the law. The Amnesty Law grants amnesty, which is understood broadly as “pardon, forgiveness, exemption or discharge from criminal prosecution or any other form of punishment by the State ... to any Ugandan who has engaged in or is engaging in war or armed rebellion against the Republic of Uganda”.¹³⁶

It is important to note that no distinction is made to account for the level of responsibility of the applicant and in this way amnesty applies equally to leaders, foot soldiers, and non-combatants. In addition, although amnesty shields beneficiaries from prosecution and other forms of punishment, this neither includes traditional justice mechanisms, nor restorative justice mechanisms.

Although thousands of LRA combatants applied and received amnesty, amnesty as a tool of reconciliation has been deemed a failure by many individuals. On the one hand, “vulnerable groups such as formerly abducted children, children born in captivity, and female combatants...continues to face stigmatization and ostracization”.¹³⁷ On the other hand, Amnesty has prevented many justice initiatives. Nevertheless, whether by choice or necessity, Amnesty received nearly unanimous approval from the community, especially in the most affected regions of the country.

¹³⁴ UNICEF, “The Paris Principles”, February 2007, 9.

¹³⁵ Erin Baines notes that the “Acholi are one of the first victim populations in the world to lobby their government for the creation of a blanket amnesty” (Baines 2002, 101).

¹³⁶ “The Amnesty Act”. 2000.

http://www.google.ca/url?sa=t&rct=j&q=how%20to%20cite%20amnesty%20act%20uganda&source=web&cd=2&ved=0CDAQFjAB&url=http%3A%2F%2Fwww.c-r.org%2Four-work%2Faccord%2Fnorthern-uganda%2Fdocuments%2F2000_Jan_The_Amnesty_Act.doc.

¹³⁷ Louise Mallinder, “Uganda at a Crossroads: Narrowing the Amnesty?”, Transitional Justice Institute, Working Paper, 1 March 2009.

In 2004, the International Criminal Court entered the arena in an attempt to fill the justice void. With support from the Ugandan government, the court indicted five key LRA figures, including Kony. The ICC's involvement was heavily criticized by many civil society actors since it counteracted incentives such as the Amnesty Act to draw rebels out of the bush and bring peace to the country.¹³⁸ This was especially apparent when Kony refused to sign the Juba peace agreements, blaming it on the refusal of the ICC to drop its arrest warrants.¹³⁹ Although many authors attempt to argue that Ugandans are unanimously opposed to the ICC's involvement in the country, it is important to recognize that there are more complex issues related to the involvement of the ICC that muddle Ugandan attitudes.¹⁴⁰

Alternative attempts to address the lack of accountability for crimes committed during the conflict were made during the Juba Peace Talks between the Government of Uganda and LRA rebels. Agenda Item Three of the Final Peace Agreement, titled 'Agreement on Accountability and Reconciliation' provided that traditional justice mechanisms, truth-seeking, and truth-telling processes be a central part of the accountability and reconciliation framework.¹⁴¹ Although the Peace Talks failed, discussions around transitional justice remain very relevant in contemporary Uganda.

A central question in the development of a transitional justice strategy stems from whether children should be held accountable for crimes they may have committed. In general, most relevant sources of international law discourage the prosecution of individuals who committed international crimes as children but accept that such individuals may be liable under certain national jurisdictions. In those cases, the best interests of the child should be of paramount importance, and the child's rights must be respected at all times. Article 3.6 of the Paris Principles states that children "should be considered primarily as victims ... not only as perpetrators".¹⁴² In addition, it calls for alternatives to judicial proceedings in line with the Convention on the Rights of the Child, wherever possible.¹⁴³ Article 8.6 also notes that the International Criminal Court will not prosecute an individual who committed their crimes while under the age of 18.¹⁴⁴ Therefore, international law does allow for children, like adults, to be held accountable for their actions. However, it is important to remember that justice must be both in the best interests of the community, and the child.

While studying Northern Ugandans' perceptions of children involved in the war, we learned that much anger and bitterness remained. We attribute this to the lack of accountability measures available for victims who suffered throughout the war. In order to help solve the puzzle of transitional justice in Uganda, we asked individuals across the region what they sought from a transitional justice process.

¹³⁸ Dolan 2011, 56.

¹³⁹ Allen and Vlassenroot 2010, 18.

¹⁴⁰ The Refugee Law project's report states: "The strength of feeling against the ICC should not be read as an indication of either civilian support for Kony, or as support for impunity ... While the ICC may deter future rebels from committing atrocities against civilians, the Court is not capable of addressing the deep-rooted political causes of the conflict. Instead it is seen as providing a convenient escape route for the government to avoid having to address such causes" (Refugee Law Project, "Peace First, Justice Later: Traditional Justice in Northern Uganda", July 2005).

¹⁴¹ "Operative Clause 3.1 and 7.3, Final Peace Agreement", 2008.

¹⁴² UNICEF, "The Paris Principles", February 2007, 9.

¹⁴³ UNICEF, "The Paris Principles", February 2007, 9.

¹⁴⁴ UNICEF, "The Paris Principles", February 2007, 42.

1. Although community members overwhelmingly welcome returning children, some community members remain angry at children who may have committed crimes.

Literature on the return of children to their communities frequently links community members’ perceptions of children to the violations they may have committed, usually under severe duress, during the war. Although the violations that children may have committed during war negatively impacts individuals’ perceptions of the children, most research has noted a remarkable tendency among Northern Ugandans to forgive children and accept them into the community, even if the children committed serious crimes.¹⁴⁵

- Many respondents and key informants seemed to confirm the existence of this tendency: “The children are usually received with open arms, and they are not seen as having perpetrated crimes at all by the communities. They make friends readily.”¹⁴⁶
- “People here were not angry at the children, because the children were taken by force and made to kill.”¹⁴⁷
- “People forgave the children because they were abducted.”¹⁴⁸
- “We have forgiven even Kony, so if we forgave him then we must have forgiven all the others too. It happened here that someone killed one man's brother, and then the killer returned and confessed. This was accepted because it was not his wish to kill.”¹⁴⁹

	Age		Gender		Tribe*		Education		Location		Total
	18-30	Over 30	Male	Female	Acholi	Langi	None / low	Higher	Rural	Urban	All
Anger	67	66	66	68	59*	77*	63	68	61	68	66
Insults	39*	31*	34	36	35	33	37	31	33	41	35
Welcome	96*	98*	96	98	98	96	96	97	98	95	97

Fig. 9: Perceptions of children formerly associated with the LRA, according to demographic characteristics and measured in % of respondents answering “yes”. Only age and tribal affiliation seemed to impact their perceptions. (* indicates a statistically significant difference)

¹⁴⁵ Andrew Mawson, “Children, Impunity, and Justice: Some Dilemmas from Northern Uganda”, in *Children and youth on the front line* by Jo Boyden and Joanna de Berry, Berghahn Books, 2005.

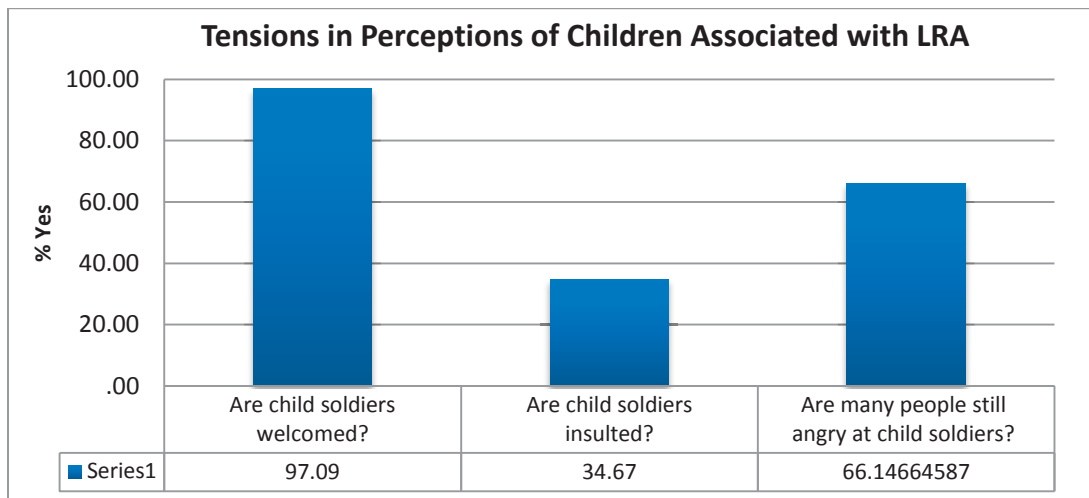
¹⁴⁶ International organization official, Gulu Town, 16 May 2011.

¹⁴⁷ Former IDP Camp Leader, Barlonyo Village, 27 May 2011.

¹⁴⁸ Interview with a student, Gulu Town, 12 May 2011.

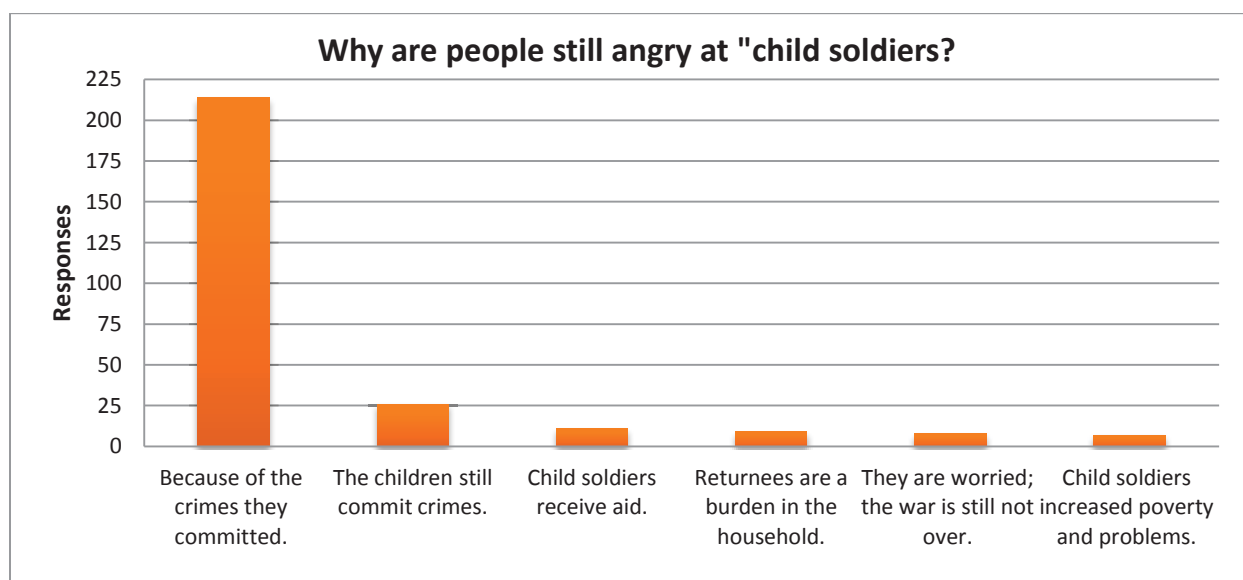
¹⁴⁹ 40 year-old male farmer (survey respondent), Industrial Area Gulu Town, 21 May 2011.

Although we found that the reception of children has generally been positive – 97% of respondents indicated that children are welcomed – there was a widespread recognition that anger (66.1%), and to a lesser extent, insults (34.7%) directed at these children persist.



These figures may not even reflect the full extent of resentment towards children formerly associated with the LRA. Some respondents indicated that community members might refrain from insulting children because they fear a violent reaction. **“If you abuse them they will react,”** said a female farmer from Pabo sub-county. Others referred vaguely to a law that prohibited insults against returnees. As one respondent from Awach sub-county explained, insulting returnees is **“Not allowed by the government, because the government does not want it, because it will make the kid go back to the bush.”**

As shown on the following graph, respondents overwhelmingly linked the persistence of anger at children formerly associated with the LRA to crimes the children committed. Fewer respondents identified problems related to the reintegration of children as the cause for anger.



2. The tension that exists in community members’ perceptions of children involved in armed conflict is also apparent in their perceptions of justice.

The following graph charts the responses to a number of key questions regarding community members’ attitudes towards transitional justice in Uganda. It depicts a highly divided society marked by confusion over the implications of concepts such as general amnesty. The vast majority of respondents (**87.9%**) believed the Amnesty Law – which protects all ex-combatants, regardless of rank, above the age of 12 from prosecution – was a good idea. A slightly smaller, but still resounding majority (**79.5%**) believed Amnesty is enough to bring full reconciliation to the community. A majority of respondents (**59%**) felt that the government adequately consulted the people in the process of establishing Amnesty. Amnesty generally receives wide support across all demographic distinctions.¹⁵⁰ At the same time, however, a slim majority (**51.0%**) believed that notorious child abductee-turned LRA commander Thomas Kwoyelo, who was put on trial for war crimes in July 2011, should be punished.

	Tribe		Age		Location		Gender		Education	
	Acholi	Lango	Youth	Adult	Urban	Rural	Male	Female	Low	High
Is the Amnesty Law a good idea?	95.63*	77.15*	87.53	88.34	94.89	85.89	88.1	86.85	89.27	85.86
Did the government consult people adequately about Amnesty?	63.78*	51.68*	58.06	59.36	60	58.14	63.26*	49.2*	60.45	54.19
Is the Amnesty Law enough to bring full reconciliation to the community?	82.73*	75.38*	80.06	78.55	70.23	82.17	77.72	82.21	71.31*	92.53*
Should Thomas Kwoyelo be punished?	46.24*	57.41*	45.58*	55.46*	57.66	49.15	47.89*	56.46*	58.82*	46.13*

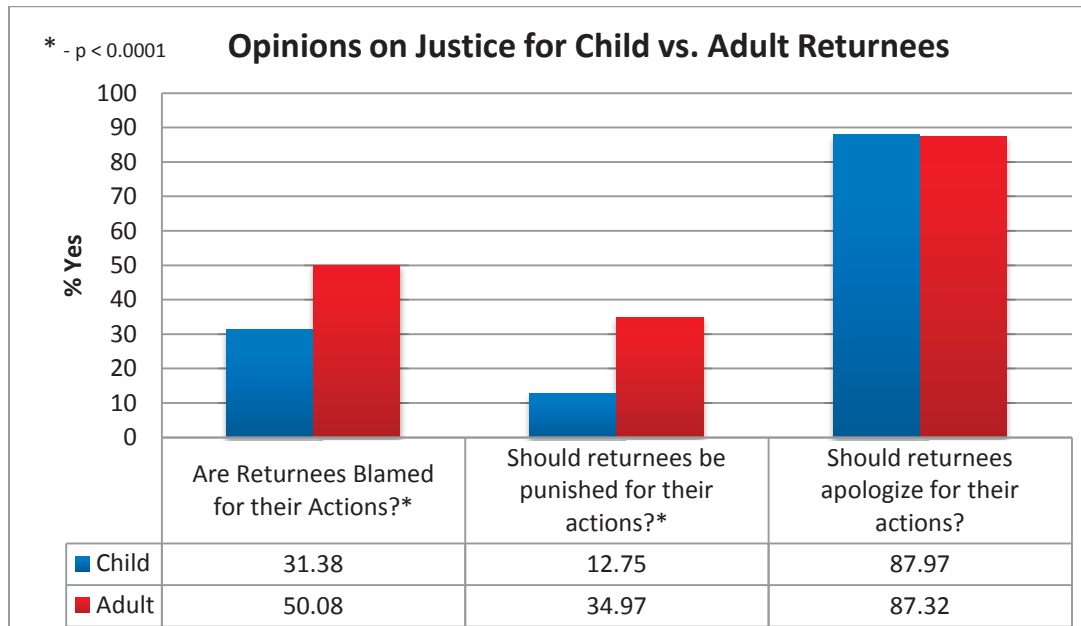
Fig. 10: Perceptions of the Amnesty Act according to demographic characteristics and measured in percentage of respondents who answered “yes.” Members of the Lango tribe were less supportive of Amnesty, and more often felt that the government had not consulted the people about Amnesty. However, they were generally still in support of Amnesty. More educated people felt that Amnesty was less sufficient for reconciliation, and women felt less often that the government had consulted the people about Amnesty. (* indicates a statistically-significant difference)

These data reveal a set of seemingly contradictory perceptions about justice. How can respondents on the whole support Amnesty while a majority apparently disagrees with the law’s basic function, not to prosecute? This is evidenced by their response to the question about Thomas Kwoyelo. Are these data truly contradictory? On the surface, perhaps, but a deeper examination of community members’ preferences for justice reveals an underlying logic to these perplexing trends.

¹⁵⁰ On the table, * indicates that there is a statistically significant difference between the two groupings, $p < 0.001$.

3. Tensions in perceptions of justice map onto tensions in the perception of children formerly associated with the LRA.

Whereas previous research has mainly examined Northern Ugandans' opinions toward ex-combatants in general, we specifically distinguished between attitudes of child and adult ex-combatants. We asked participants whether they blamed returnees, whether returnees should be punished, and whether they should apologize. Each question was posed twice: once after a scenario describing a child returnee, and once after a scenario describing an adult returnee.



More respondents indicated that adults are blamed for their actions during the war (**50.1%**) versus children (**31.4%**). Similarly, more respondents believed that adults should be punished for their crimes (**35.0%**) than believed that children should be punished (**12.8%**).¹⁵¹ There is a strong, positive, statistically-significant correlation between the assignment of blame to ex-combatants and the belief that they should be punished.¹⁵² These conclusions imply that children are viewed as less responsible for their actions, and thus less deserving of punishment. Even for those respondents who would blame children, the question of punishment is controversial: respondents distinguished between children and adults significantly more on punishment (**27.2%**) than on the question of blame (**18.7%**).

By contrast, respondents overwhelmingly replied that both children (**88.0%**) and adult combatants (**87.3%**) should apologize for their actions.¹⁵³ Although children's lower level of responsibility seemed to undermine the perception that children should be punished, it did not impact respondents' opinions on

¹⁵¹ This difference is statistically significant, $p < 0.0001$, and represents a large effect size, $d = 0.53$; $r = 0.26$.

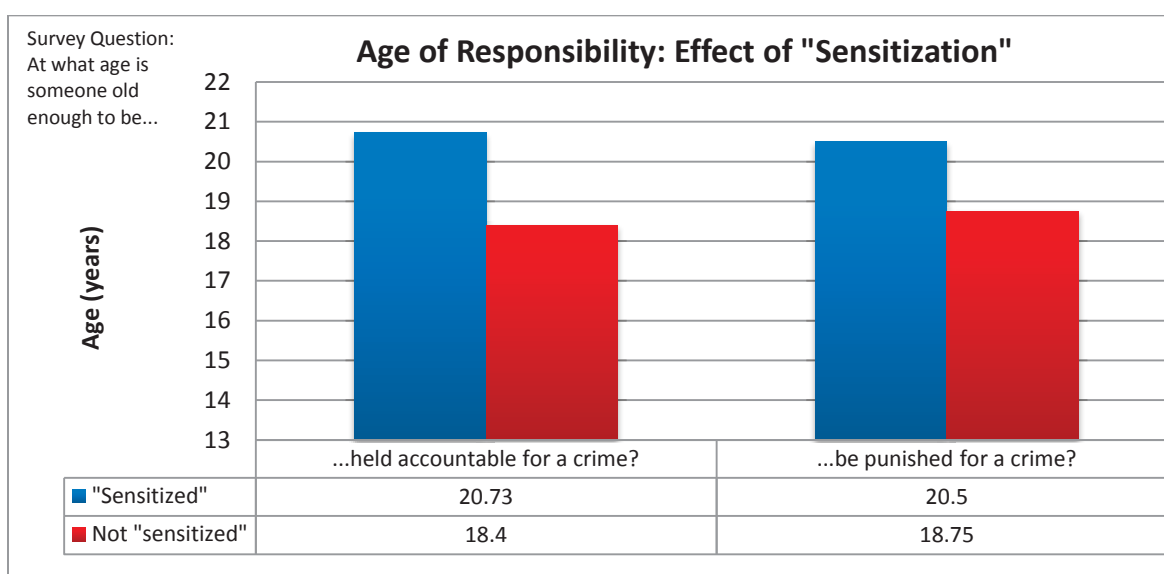
¹⁵² Correlation for children is .405 for children and .492 for adults. ($p < 0.01$)

¹⁵³ There was no statistically significant difference between responses regarding children vs. adults.

whether the ex-combatant should apologize. Asking for an apology, then, appears to be removed from the processes of assigning blame and preferring punishment.

- An elderly farmer from Akwang Sub-county summarized a position common among many of our respondents: **“The girl child and the boy child were forced. If you refuse you would be killed. Although they did it due to pressure they should still say sorry.”**¹⁵⁴

Data revealing community members’ opinions on the appropriate age at which a child may be subject to the justice process strengthen the notion that Northern Ugandans in general do not support the punishment of children formerly associated with the LRA. When asked at what age an individual should be held accountable for, and then punished, for an action they commit, Northern Ugandans almost unanimously declared an age over 18.



On average, respondents identify a relatively high age at which people should be held accountable (**20.25 years**) or punished for a crime (**20.21 years**). Respondents who had been exposed to “sensitization” about “child soldiers,” as educational campaigns designed to make community members more sensitive to children’s experiences during the war are commonly known, listed a higher appropriate age (**20.73; 20.5**) than those who had not received these messages about “child soldiers” (**18.4; 18.8**).¹⁵⁵ Thus, it appears that these perceptions are tied to people’s understanding of the situations in which children may have committed crimes.

¹⁵⁴ 24 year-old male farmer (survey respondent), Akwang Sub-county, 5 July 2011.

¹⁵⁵ The mean difference in both cases is statistically significant, $p < 0.01$.

4. Acceptance of the Amnesty Process appears to have been facilitated by the fact that children were abducted and forced to commit atrocities. The involvement of children in the LRA war complicates the process of justice because it makes Amnesty seem appropriate even as the population seeks “justice,” defined broadly.

1. Amnesty and Children

Our informants suggested that an important factor in the acceptance of Amnesty has been the fact that abducted children form a large portion of the rebel ranks. This follows logically from the finding that Northern Ugandans strongly disagree with prosecuting and punishing children involved in conflict.

- As one NGO worker involved in the reintegration of formerly abducted children explained, **“The strongest argument for the Amnesty (and I was involved in teaching communities about this) was that children were forced.** But with adults, it seems they could have analyzed or escaped.”¹⁵⁶
- This was echoed by a Gulu social worker: **“For us, a child is a child.** It is the responsibility of that adult to make sure he is not exploited... they don’t know anything ... **and that is why the government gave amnesty.**”¹⁵⁷
- Similarly, the director of a local NGO explained the logic behind Amnesty: **“Yes, they did a wrong here, but is it worth putting them behind bars forever? And was it their wish to be abducted? Did they act in their own right?”**¹⁵⁸



Fig. 11: The Amnesty Commission was responsible for coordinating Amnesty-related programming including giving out amnesty certificates and settlement packages. (Amnesty Commission, Gulu Town Office)

2. Changes in perceptions of Amnesty over time

2.1. The Peace Process

Two contextual issues help explain the tension between Northern Ugandans’ acceptance of amnesty and their desire for accountability for crimes perpetrated during the conflict. First, amnesty was very clearly linked to the peace process. Local leaders argued that if community members committed to welcoming the children home, peace would soon be achieved between the LRA and the government as

¹⁵⁶ Interview with a local staff member of an international NGO, Gulu Town, 26 July 2011.

¹⁵⁷ Interview with social worker, Gulu Town, 14 July 2011.

¹⁵⁸ Interview with an NGO official, Gulu Town, 12 July 2011.

fighters would not fear laying down their arms and returning home.¹⁵⁹ The urgency linked to the granting of forgiveness may have made many community members feel as if they had no choice but to forgive, although they had many outstanding issues that would soon resurface and hinder reconciliation.

- “In regards to issues of forgiveness, the past cannot just be buried, we need to tackle every issue. That was not done here. Leaders would just go to big public areas and yell, ‘Do you accept the kids?’ and everyone would respond ‘YA!’ **But this did not account for the broken families or children who returned. It also does not account of the commanders who are now benefiting, while the victims suffer**”¹⁶⁰
- “When the peace talks started, people were tired of suffering so anything that could bring a quick solution was accepted. Everyone said, come back home, we’re ready to forgive - but you must question whether it was a really deep down in the hearts forgiveness, or just on the surface. I **wonder if people even understood what ‘supporting amnesty’ meant.**”¹⁶¹
- “**Coming home [from IDP camps] means the chance to sit down and really take stock of what they lost... Now individual families are coming home and feeling the losses.** It hurts for families who have four children still missing. So it’s hard when you see the man who came to your home. I am not surprised with the increased crime rate in Acholi, the increased show of anger and rudeness, how over very small things people are irritated, and it can even lead to death... That’s why people are confused. Some people want to leave them [the returnees], some want to hold them accountable. Me, I think they should be held accountable. They have guilt and to make that apology and come to terms with what happened, it would be better.”¹⁶²

2.2. Amnesty: Lost in Translation

Second, the language of amnesty is central to understanding remaining support and confusion for the law. In Acholi, “amnesty” is translated as *timo kica*, meaning forgiveness and reconciliation. In sensitizing communities to grant returnees “amnesty” in order to help end the war, communities were told that Amnesty was an act of forgiveness and reconciliation, not the legal concept of granting a general pardon.¹⁶³ This was apparent in our numerous discussions with officials from the Amnesty Commission:

- “We told communities: if you don’t forgive, they won’t come back!”¹⁶⁴

¹⁵⁹ Patrick Otim, “The Role of the Acholi Religious Leaders Peace Initiative in Uganda’s Peace building”, Beyond Intractability, March 2009, http://beyondintractability.colorado.edu/case_studies/role_acholi_religious_leaders.jsp?nid=6827.

¹⁶⁰ Interview with NGO official, Gulu Town, 18 May 2011.

¹⁶¹ Interview with NGO official, Gulu Town, 12 July 2011.

¹⁶² Interview with a local staff member of an international NGO, Gulu Town, 26 July 2011.

¹⁶³ Interview with official involved in sensitizations on amnesty, Gulu Town, 12 July 2011.

¹⁶⁴ Interview with amnesty commission staff, Kitgum Town, 5 July 2011.

- When asked if people would accept Kony, an official at the Amnesty Commission responded: “People would accept him. They want peace. He would not be punished. **That is what amnesty is. It means forgiveness.**”¹⁶⁵

Community members seemingly internalized this message:

- Amnesty is good “because it **leads to good relations** between people.”¹⁶⁶
- Amnesty is good “because **the Bible has confirmed it**”.¹⁶⁷
- “[The Amnesty Law] **made it possible for integration and peace and reconciliation because the rebels were forgiven so they could join the community.**”¹⁶⁸

The tendency to equate “Amnesty” with “forgiveness” is understandable given the way that the Amnesty Commission publicized the Amnesty Process. Posters like the ones depicted below, which are, to this day, visible all around Northern Uganda, emphasize the themes of forgiveness, as they emphasize reconciliation and depict the Archbishop of the Gulu Catholic Archdiocese, suggesting a link between Amnesty and Christian forgiveness. Indeed, the Luo version can be literally translated as: **“Forgiveness demands us to welcome former combatants and those under their care in our community. Show love to former combatants and those under their care and they will return and unite with you.”**

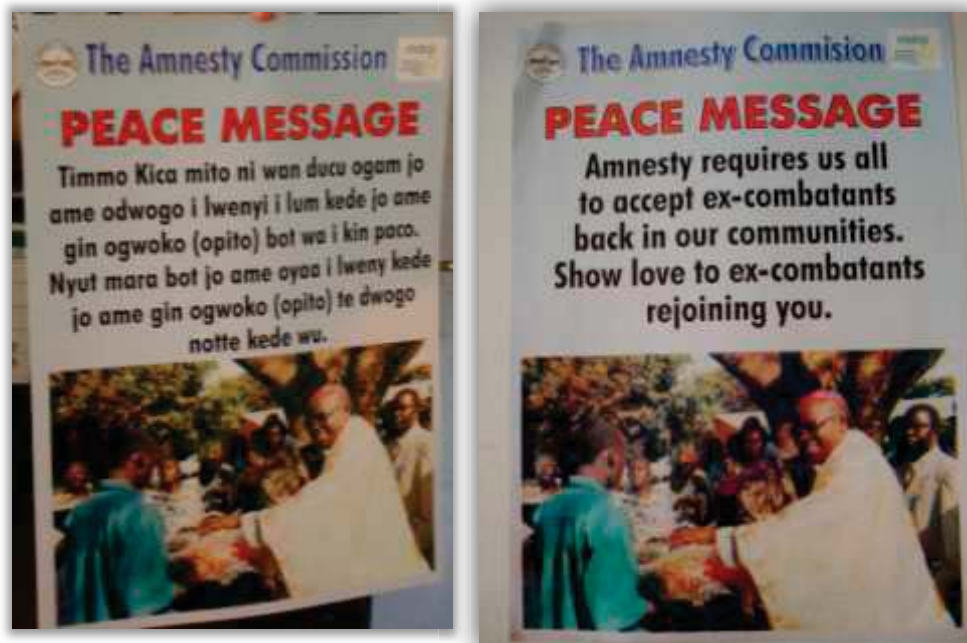


Fig. 12 and Fig. 13: Posters used to make Ugandans aware about Amnesty. The one on the left is in Luo.

¹⁶⁵ Interview with amnesty commission staff, Kitgum Town, 5 July 2011.

¹⁶⁶ 50 year-old female farmer (survey respondent), Barlonyo village, 27 May 2011

¹⁶⁷ 23 year-old male farmer (survey respondent), Alito sub-county, 15 June 2011.

¹⁶⁸ 54 year-old male civil-servant (survey respondent), Akwang sub-county, 5 July 2011.

2.3. “Forgiveness” and Subduing Anger

Although many respondents and Amnesty officials equated Amnesty with forgiveness and reconciliation, the Amnesty process does not appear to have been accompanied by a serious attempt to reconcile returnees with their communities. Therefore, the widely-held belief that children should be forgiven did not necessarily preclude an equally widespread anger at their crimes.

As a member of the Child Protection Unit of the Ugandan National Police explained,

- “One problem is that kids were forced to return to their communities where they’d committed crimes and people knew they had committed those crimes. **So even if people forgave and they said they forgave, people still knew who did the crimes and therefore they continue to hold a grudge.**”¹⁶⁹

A Gulu-based social worker offered a similar explanation for the persistence of anger at formerly abducted children among community members, despite having “forgiven” these children:

- “Children committed many atrocities – people lost properties and were left impoverished. Other people have not been given benefits - there are many programs for former child soldiers and Amnesty also gave compensation... **I might say I forgive, but I am burning deep down inside. [Other] people have been loyal, faithful, never lifted arms against the government, but they are suffering.**”¹⁷⁰

Many respondents emphasized that the contradictions we observed might be due to the fact that communities were poorly educated about what Amnesty meant and what its implications were. They consistently identified this lack of understanding as preventing full reconciliation in the community:

- **“The problem was poor advocacy of the law - few knew of it and sensitization did not fully explain it. This is especially true for the illiterate and many soldiers were illiterate.** This problem was also compounded by the fact that amnesty offices were based at regional headquarters so there was no one at the village/district level to answer questions. In addition, sensitization didn’t reach some as it occurred through the radio and there was only one [radio program?] each month.”¹⁷¹

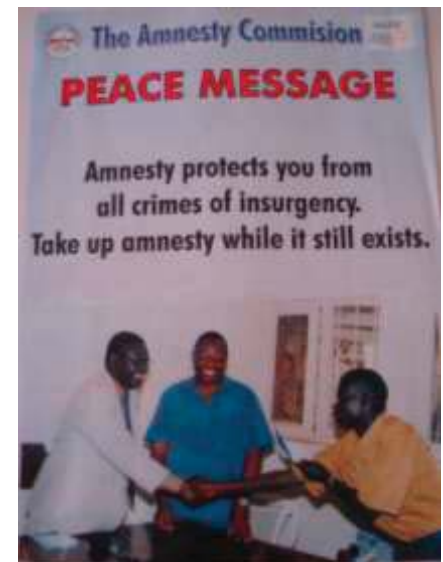


Fig. 14: The Amnesty Commission promised ex-combatants protection from prosecution for all crimes.

¹⁶⁹ Interview with NGO official, Gulu Town, 2 June 2011.

¹⁷⁰ Interview with social worker, Gulu Town, 14 July 2011.

¹⁷¹ 32 year-old male lab technician (survey respondent), Pabo sub-county, 9 June 2011.

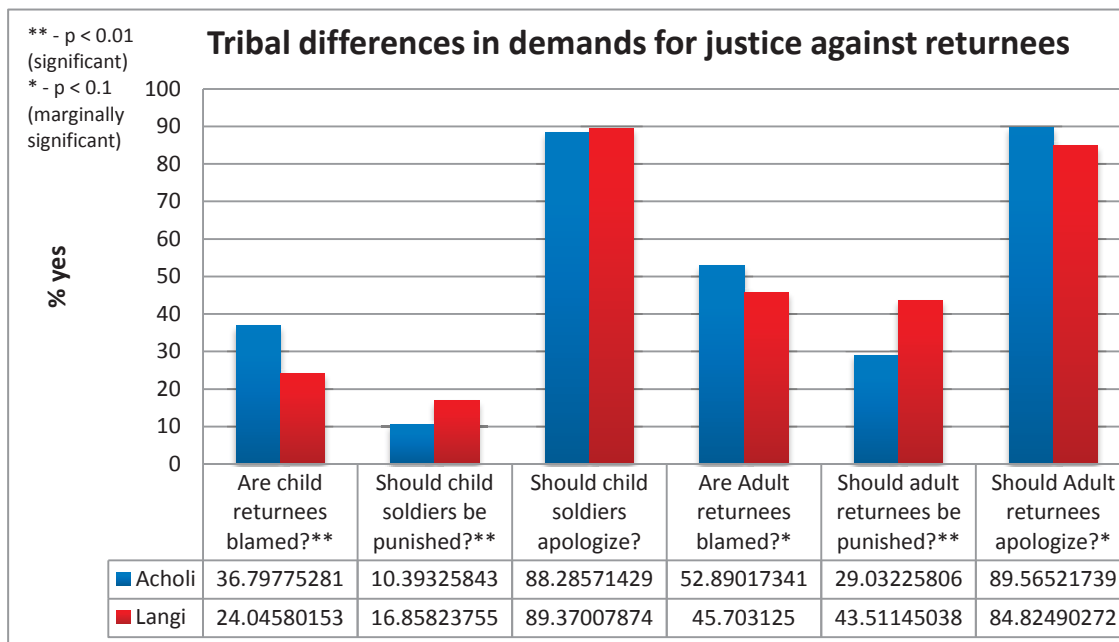
- “How people perceive what amnesty is (and many are illiterate people) they don't understand it. Is it a government trick? Will they be killed if they return? The LRA leader plays on this ignorance and keeps people in the bush. Therefore you need other initiatives.”¹⁷²
- “There is a need to translate the terms and conditions of the amnesty. **There is also a need for total forgiveness program.**”¹⁷³

The Amnesty Commission was responsible for sensitizing Northern Ugandan communities about the Amnesty Act. Sensitization largely occurred through community meetings led by local leaders, the radio and posters. Rarely did people learn about amnesty directly from officials at the Amnesty Commission. The Amnesty Commission explained to us the main message of the sensitization campaigns: “**we told communities: if you don’t forgive, they won’t come back!**”¹⁷⁴

5. There are tribal differences in community perceptions of justice: the Langi seem to desire more retribution than the Acholi.

1. Tribal Differences

Statistical analysis of our data revealed that there were consistent, statistically-significant differences in perceptions of justice, in general, based on respondents’ tribal identity. On all questions related to justice generally, Lango respondents were more likely to express a preference for holding perpetrators accountable rather than forgiving or pardoning them. This tendency was most apparent in



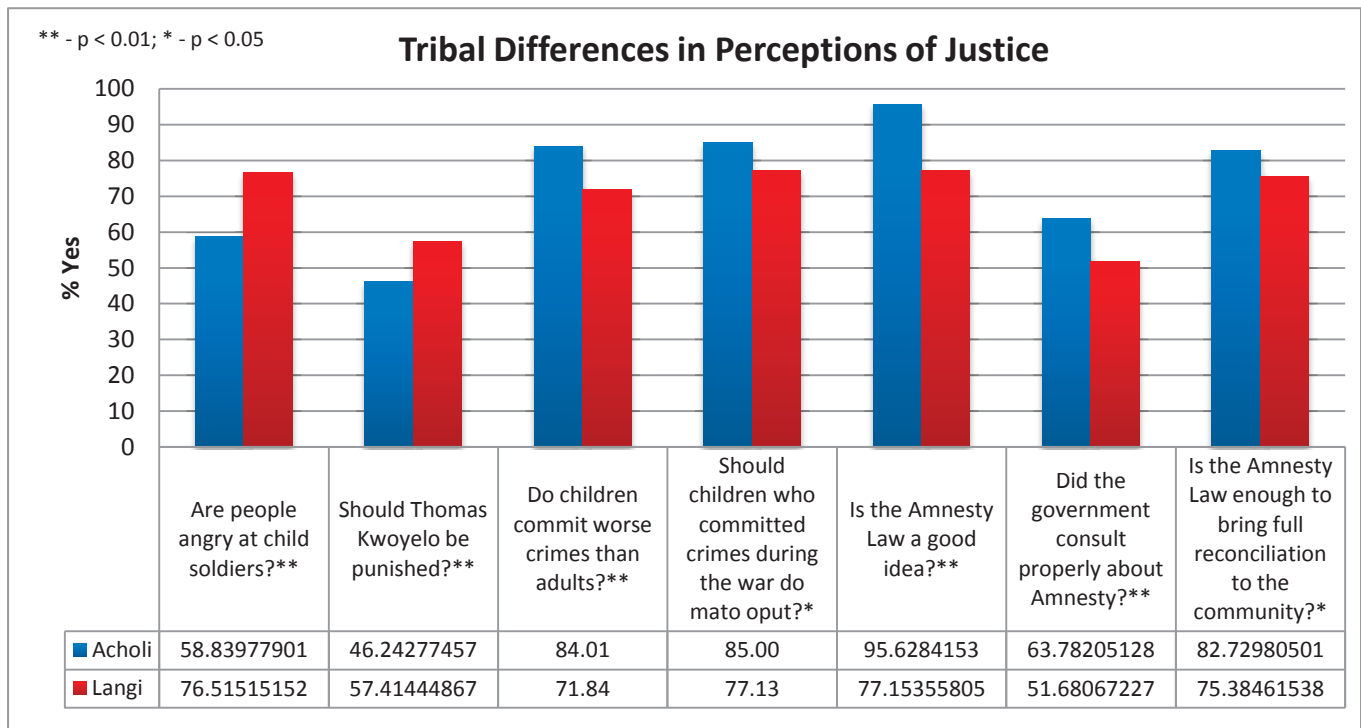
¹⁷² 25 year-old student (survey respondent), Industrial Area Gulu Town, 21 May 2011.

¹⁷³ 25 year-old male banker (survey respondent), Gulu Town, 9 June 2011.

¹⁷⁴ Interview with official at the Amnesty Commission, Kitgum Town, 5 July 2011.

attitudes towards the Amnesty Act: only 77.2% of Langi, compared to 95.6% of Acholi, believed that the Amnesty Act was a good idea. Lango respondents also noted more frequently (76.5% of Langi vs. 58.8% of Acholi) that many of their fellow community members remained angry at children who may have committed crimes during the war.

These findings generally held true in relation to preferences for justice against returnees, but notable deviations exist. While Lango respondents more frequently favoured punishment of both child (16.9% of Langi vs. 10.4% of Acholi) and adult (43.5% vs. 29.0%) returnees, they were less likely to blame children for violations they may have committed (the mean difference for adults is only marginally statistically-significant). No significant differences were observed in preferences for apologies from both child and adult returnees.



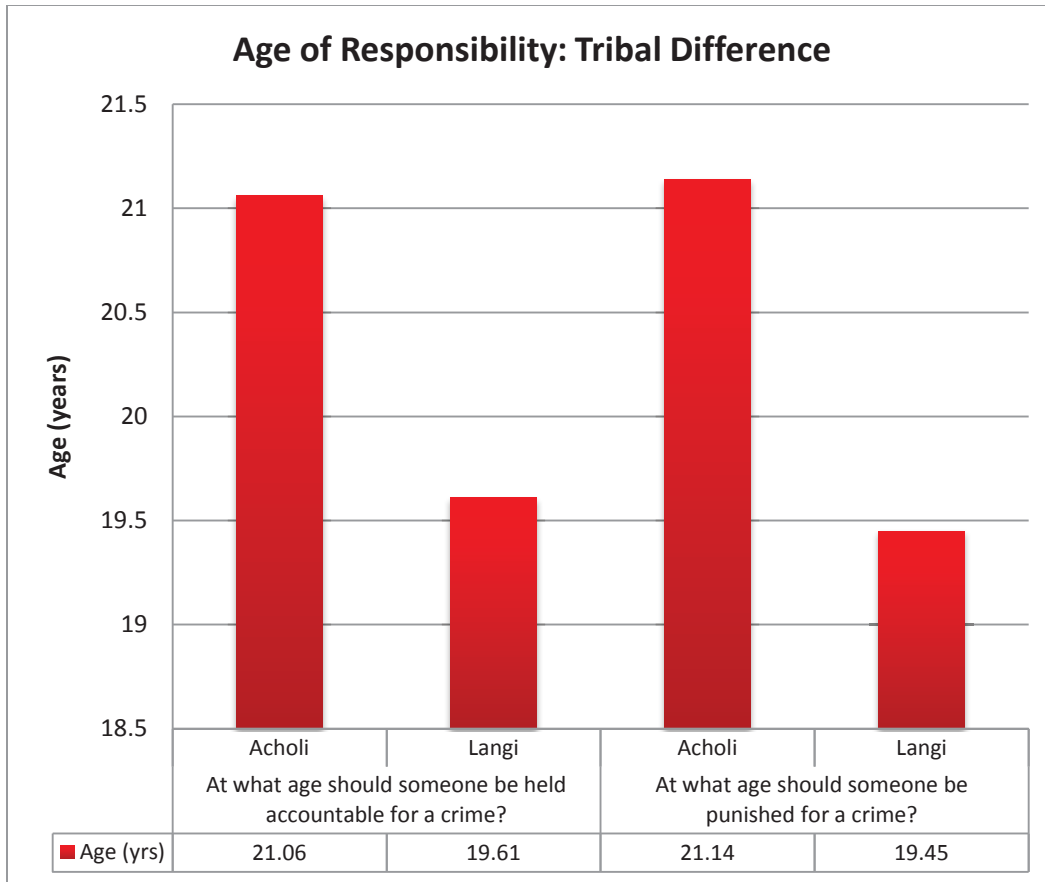
Further data analysis, which controlled for potentially-confounding variables, maintained that tribe was a highly determinative variable in perceptions of justice.

2. Explanations

These findings can be explained in two ways: by possible differences in norms surrounding “justice”, and the perception that the Acholi are responsible for the suffering caused in the Lango sub-region.

2.1. Norms Surrounding Justice

It is possible that the Acholi and the Langi have different norms surrounding justice. Our data on perceptions of age of accountability suggested this possibility.



On average, **Lango respondents listed a lower age (19.61) than Acholi respondents (21.06)** when asked the when someone should be held accountable for a crime they commit. The same trend held true when asked the age at which someone was old enough to be punished for a crime (**19.45 vs. 21.14**).¹⁷⁵ These data suggest that it is possible that, in general, the **Langi place more emphasis on criminal accountability than do Acholi**.

2.2. Inter-tribal Hostility

The Acholi and Langi have a complex history: both were treated as warriors by the British colonizers, and were both viewed as inferior by the British and Bugandan elite. As a result, the Acholi and Langi populated primarily the armed forces, while Southern and Western tribes assumed positions of political leadership and administration. Under President Milton Obote, a Langi, both Acholi and Langi enjoyed power, but **Acholi General Tito Okello's 1985 military coup which unseated Obote "effectively dismantled the long-standing Acholi-Langi alliance."**¹⁷⁶ Tensions between the Acholi and Langi, which may stem from this landmark event, persist to this day and are evident in everyday discussion with locals about tribal relations. In this context, the finding that the Langi seek punishment more frequently,

¹⁷⁵ These differences were statistically-significant, $p < 0.01$.

¹⁷⁶ Morten Bøås, "Uganda in the Regional War Zone: Meta-Narratives, Pasts and Presents," *Journal of Contemporary African Studies*, (2004), 287-288.

but blame child returnees less, seems less puzzling than it might, otherwise. This finding seems to indicate that while the Langi are less willing to forgive the perpetrators of crimes, they do not necessarily blame the children who may have committed the violations: they blame the Acholi people collectively for causing the conflict.

One key Acholi informant summarized the perceptions of many Langi:

- “I’m not being tribalistic, but... **The Langi had unfriendliness by blaming all the Acholi for the crimes of a few...** To a small majority they still look at crimes as being “Acholi-geared.” **There is more bitterness in Lango because they see criminals not as ‘children of the community’ but as totally different people.**”¹⁷⁷

In the words of a focus group participant:

- **“The Lango and Acholi used to fight each other so the spirit of hatred is still there. Many Acholi in Lango are still called ‘Kony.’** In addition, Acholi elders and political leaders spoke a lot about respecting returnees so the Acholi have the idea of reconciliation whereas the Lango have the idea of revenge because of the atrocities there.”¹⁷⁸

Some Lango respondents expressed these sentiments themselves, and indicated resentment over the perception that the Acholi LRA caused the war, and most of the war-time and post-conflict aid flowed to Acholiland, and Gulu Town in particular. Numerous Lango respondents and informants felt that this was unjust, and reflected this sense of injustice in demands for justice against perpetrators:

- “NGOs prefer working in Gulu. Lots of ‘war tourists’ are there, to the point where Lira seems forgotten.”¹⁷⁹
- “Lira seems to not get nearly as much help as they get in Gulu.”¹⁸⁰
- People in the communities *around* Acholiland are upset because the Acholis always seem to initiate rebellions. For example, Lawkena killed so many innocents, and Kony has been the same. But interventions always help the Acholis. Therefore there is tension between Acholis and other tribes... people like ARLPI [Acholi Religious Leaders’ Peace Initiative] don’t encourage justice, and ignore other regions that want that! **These people are condoning impunity. Stepping on the egg, Mato Oput, Amnesty Act... these are not forms of justice. It’s no accident that [Amnesty Commission Chairman] Onega is Acholi.**”¹⁸¹

¹⁷⁷ Interview with social worker, Gulu Town, 13 June 2011.

¹⁷⁸ Focus group with teachers in Gulu Town, 6 June 2011.

¹⁷⁹ Interview with NGO worker, Lira Town, 25 May 2011.

¹⁸⁰ Interview with a teacher in Aromo, 17 June 2011.

¹⁸¹ Interview with former LDU, Lira Town, 25 May 2011.

6. A Case Study of division and Ambivalence over Justice: The Trial of Thomas Kwoyelo

The public response to the attempted prosecution of Thomas Kwoyelo provides an excellent example of the divisive nature of questions of justice in Northern Uganda. Kwoyelo was abducted by the LRA at the age of 15 in 1987 and was captured during UPDF operations against the rebels in 2009.

During his time in the LRA, Kwoyelo rose up the ranks of the rebel forces, and within a few years of his abduction, he was reportedly made a commander. After being remanded in custody for nearly two years, Kwoyelo was tried by the War Crimes Division of the High Court of Uganda. He appeared first on July 11, 2011, facing 56 counts of war crimes and crimes against humanity. All of his alleged crimes took place in Pabo sub-county, his home area and were allegedly committed after he became an adult at the age of 18. During the trial, Kwoyelo's lawyers successfully argued that Kwoyelo had been denied equal treatment before the law, since commanders who occupied a higher place in the LRA ranks had received an Amnesty certificate, while Kwoyelo's application was "lost" or denied. In January 2012, the High Court ordered the Amnesty Commission to grant Kwoyelo a certificate of amnesty arguing that he was "entitled to his freedom just like other former rebels who denounced rebellion".¹⁸²



Fig. 15: The trial of ex-LRA Commander Thomas Kwoyelo (at right) stands on trial at the first session of Uganda's International Crimes Division of the High Court in Gulu. (11 July 2011)

During the course of our research, Kwoyelo's trial was either imminent or ongoing. Respondents were split roughly half in half on the question of whether Kwoyelo should be punished (**51.4% saying yes**). A selection of the reasons that they gave for their responses capture perfectly the ways in which the involvement of children in Uganda's conflict has greatly complicated the administration of justice.¹⁸³

Respondents speaking in favor of Kwoyelo's punishment emphasized that Kwoyelo had grown up by the time he committed his crimes, and that he did not apply for Amnesty until after his capture:

- **"When the government called for amnesty but he refused to come.** He accepted his own being brutal, raping and many other crimes, therefore he should be punished."

¹⁸² Andante Okanya, "Uganda: DPP, Amnesty Commission to discuss Kwoyelo's Case", New Vision, 1 February 2012, <http://allafrica.com/stories/201202010061.html>.

¹⁸³ These responses are taken from survey respondents' explanations for their answers, obtained between May and July 2011 across Northern Uganda.

- **“He was a commander himself. A grown up.** He might have known the importance of not killing a human being.”
- **“He did crazy, crazy things! People will still be angry with him and he should be punished.”**
- **“He should be kept in a place, because his mind is still dangerous.”**
- **“Under 18 he could be pardoned but he grew to be an adult** so the constitution says you can try people at 18 automatically (and the international community thinks so too).”

Respondents speaking against Kwoyelo’s punishment usually argued that, having been abducted, Kwoyelo was socialized into violence and/or forced, and thus bore less responsibility for his actions. Others believed that Kwoyelo should be granted amnesty for practical reasons:

- **“He was abducted innocently,** and was told he would be killed if he didn't commit crimes.”
- **“They should give amnesty because if he is punished, he will not reform.”**
- **“It is not advisable that a human should kill but it's not good to punish him because he was abducted.”**
- **“He should be forgiven because that will portray a good image.”**
- **“They must give Amnesty or else the other LRA will not return.”**
- **“He went to the bush when he was young, and although he got a commander rank, it was due to ‘accustomedness’ to the bush life.** If he grew up at home this would not have happened. It was because of the accustomedness.”
- **“[Because] it won't make any difference** though they punish.”
- **“[He should] Get amnesty because they wanted people to come home and get rehabilitation so they can then become useful citizens.”**



Fig. 16: The trial was open to the public, and many Ugandans from all levels of society, international actors, and media attended the opening day of the trial (11 July 2011).

A few respondents were torn, and could not decide whether the innocence implied by his initial abduction outweighed their feelings of anger and the fact that he was a responsible adult when he committed many of his alleged crimes.

- “At first I said yes [he should be punished] because **I have anger because of his atrocities**. It’s tricky. He was taken and brought up as a soldier, under that same influence he adopted killing as a habit. **He should be given amnesty. But if he went as an adult, he should be punished, no amnesty.”**
- “He did very bad things. Commanders should not receive Amnesty. But if you think about it, Kenneth **Banya received Amnesty, so why shouldn't Kwoyelo?** This is hard.”

The public response to the Thomas Kwoyelo case clearly demonstrates the divisiveness of prosecutions in the Northern Ugandan context. We therefore sought to explore three alternatives to trial-based justice: traditional mechanisms, apologies and truth-telling, and reparations.

6. Prosecution is too divisive to constitute the sole approach to the redress of crimes, and is inappropriate for confronting the violations children may have committed. Alternatives must be sought. These may include traditional justice, apologies and truth-telling, and reparations. Such approaches are not, however, without their problems.

Our research therefore demonstrates not only that retributive approaches to justice may be inappropriate in the Northern Ugandan context, but also that the victims may prefer restorative justice alternatives such as traditional justice mechanisms, apologies and truth-telling, and reparations. This is especially true regarding desires for justice against children. These other mechanisms were reflected in the Juba Peace Agreement, but as the peace talks failed, so did transitional justice mechanisms. Based on our findings, we’ve outlined three alternative mechanisms we believe deserve further attention.

1. Traditional Justice Mechanisms

Support for mechanisms of traditional justice have recently been at the forefront of the policy agenda, as they are often seen as an alternative to formal justice procedures.¹⁸⁴ In Uganda, they have also been advocated as a supplementary mechanism to ICC trials of the most responsible leaders in the LRA. Traditional justice mechanisms address many of the restorative justice desires noted by Ugandan victims. The Committee on the Rights of the Child additionally acknowledges that “traditional justice measures may redress stigma and promote a child’s reintegration into the community”.¹⁸⁵

Mato Oput (“drinking the bitter root”) is the most often cited



Fig. 15: A plaque at the headquarters of the Acholi cultural authorities in Gulu.

¹⁸⁴ Luc Huyse and Mark Salter, “Traditional Justice and Reconciliation after Violent Conflict”. IDEA, 2008.

¹⁸⁵ Sharanjeet Parmar, Mindy Roseman, Saudamini Siegrist, “Children and Transitional Justice: Truth-Telling, Accountability, and Reconciliation”, Harvard University Press, 2009, 284.

traditional justice mechanism. Proponents of Mato Oput claim that its focus on restoring social relationships rather than meting punishment makes it ideal for Uganda's unique situation. Mato Oput includes apology, reparation, and finally the mending of social relationships between the perpetrator's and victim's clans. It proceeds through three processes: it begins with a confession on the part of the perpetrator, continues with an agreement between the clans elders around the amount of collective reparations paid by the perpetrator's clan to the victim's, and is finally sealed by the symbolic drinking of the bitter root.¹⁸⁶ In contrast with the well-known *gacaca* courts established in Rwanda to deal with the enormous number of alleged perpetrators of genocide, Mato Oput is not linked to formal trial justice in any way and places emphasis on reconciliation rather than prosecution.

1.1. The Problematic Relationship between Mato Oput and Children

The actual practice of Mato Oput, however, has not been able to account for the complexities introduced by the use of formerly abducted children's during the war. According to the spokesperson for Ker Kwaro Acholi (the Acholi cultural authority, which is, among other things, responsible for administering traditional justice practices), Mato Oput does not take responsibility for the action into account when deciding who should be held accountable for the crime, but rather decides based on who directly committed the crime, whether or not they were forced. We asked who the "perpetrator" would be if an abducted child was forced to kill his neighbor. The spokesperson stated:

- "Put the abduction aside. Who actually committed the killing? I may tell you to go kill and you go – You are the one who did it! **If you are 14, you still need to correct the crime, the guilt between clans. So it comes to the one who did it. You may be innocent before the formal law, but you are very guilty in our culture.** Your clan has to do reparations... [but it is hard to say because] the case you point out doesn't exist in Acholi culture. We are nonviolent. **Cases of forced killing are not in our literature.**"¹⁸⁷

While this explanation of *Mato Oput* raises a series of philosophical problems, the fact that **81.5%** of survey respondents indicated that children who committed crimes during the war should do *Mato Oput* suggests that the widespread adoption of traditional justice mechanisms could offer a widely acceptable means of establishing accountability even for crimes committed by children. However, a closer examination of these positive responses is necessary before arriving at such a conclusion. First of all, *Mato Oput* appears to be a relatively rare practice in Northern Uganda. Sverker Finnstrom, who conducted a multi-year ethnographic study in the region, never once observed an instance of *Mato Oput* related to crimes committed during the war.¹⁸⁸ The fact that the Acholi cultural authorities claim a

¹⁸⁶ Interview with spokesman for Ker Kwaro Acholi, Gulu Town, 27 July 2011.

¹⁸⁷ Spokesman for Ker Kwaro Acholi, Gulu Town, 27 July 2011.

¹⁸⁸ Sverker Finnstrom, "Reconciliation Grown Bitter? War, Retribution, and Ritual Action in Northern Uganda," in Rosalind Shaw, Lars Waldorf, Pierre Hazan, eds., *Localizing Transitional Justice: Interventions and Priorities after Mass Violence*, (Palo Alto, CA: Stanford University Press, 2010), 135-156.

monopoly over the regulation of this practice may explain the absence of this supposedly locally-driven initiative.¹⁸⁹

The rarity of *Mato Oput* suggests that populations may not be entirely familiar with the mechanics of the process; their response to our question may, therefore, have been influenced more by popular conceptions of *Mato Oput* than by experience. In fact, assenting respondents voiced an understanding of *Mato Oput* that referred more to the *concept* of reconciliation than to the actual *practice*. In expressing support for *Mato Oput* to be used in cases of children's crimes, respondents may have therefore been referring to the notion that communities should promote reconciliation with children, and not necessarily that the child should be clearly identified as a perpetrator.

Indeed, far from supporting the use of *Mato Oput*, many respondents voiced serious concerns with the practice when employed to address the alleged crimes of children. Dissenting respondents based their opinions on the notion that children are not yet mature enough to understand either the purpose of *Mato Oput* or the nature of their crimes:

- “[*Mato Oput* is] reconciliation to some extent - when they are still young, I don't think [children should participate], **they cannot decide, they need to be sensitized.**”
- “Cultural Practices have belief built in and **the child may not understand what they are doing.**”
- “No [children should not have to do *Mato Oput*] because **they were young and don't know what they did.**”

A Gulu-based social worker expressed distaste for *Mato Oput* when applied to children:

- **“How do you bring a child to *Mato Oput*? The community was supposed to understand that these were children! They were forced!** At GUSCO they treated them as children and sensitized that children don't know what they are doing. Maybe *Mato Oput* is for adults.”¹⁹⁰

This implies a philosophical problem inherent in this traditional justice mechanism, similar to the problem that will be discussed related to asking LRA members to apologize. Mandating the participation of children in traditional justice mechanisms assumes a level of responsibility on the part of the child for crimes committed during war. Even if traditional mechanisms like *Mato Oput* could more acceptably incorporate children, there are fundamental problems with the practice.

1.2. Tribal Differences

Mato Oput is an Acholi practice and does not have any relevance for the Langi and the Iteso, two of the other tribes affected seriously by the LRA conflict. The widespread use of *Mato Oput* could exacerbate existing hostility between the two tribes.

¹⁸⁹ Spokesman for Ker Kwaro Acholi, Gulu Town, 27 July 2011.

¹⁹⁰ Interview with social worker, Gulu Town, 14 July 2011.

- Said one Lango youth in Lira town: **“These people are condoning impunity. Stepping on the egg, Mato Oput, Amnesty Act... these are not forms of justice.** It’s no accident that Charles Onega [Chairman of the Amnesty Commission] is Acholi.”¹⁹¹

Although the Langi and the Iteso have their own traditional justice mechanisms, which were identified and supported in the Juba Peace Accords, they have not been examined to the same extent as Acholi traditional justice practices. The suitability of these practices for children is therefore unclear, as are any appropriate modifications that would have to be made to include them.

1.3. Cultural Change

Traditional practices like *Mato Oput* seem to have lost their appeal and relevance due to the general cultural degradation that took place while the population was forcibly confined in Internally-Displaced Persons camps. Local systems have also broken down over the course of the conflict and there are many concerns over the capacity of elders to perform these practices.¹⁹²

According to a counselor working at a faith-based NGO near Gulu,

- “The war disorganized the population. They were put into camps. Before the war, people were cultured, and they lost this. In the camp, there was no time for elders to talk to pupils.”¹⁹³

1.4. Other Problems

There are also more general issues with traditional justice practices.¹⁹⁴ First, compliance is very difficult, and depends on the “commitment, goodwill, and character of those involved.”¹⁹⁵ Although LRA leaders agreed to take part in traditional justice mechanisms in exchange for blanket amnesty, there has been no comparable commitment from the government or Ugandan army to hold UPDF soldiers and commanders accountable for the crimes committed throughout the conflict. Second, these practices were not designed for crimes common in civil wars, such as war crimes and crimes against humanity. *Mato Oput* is specifically applicable to murder cases, and therefore alternative justice mechanisms would need to exist to address rampant rape, sexual and gender-based violence, abduction and forced recruitment of children into armed service, mutilation, mass looting, arson and property destruction. Finally, elders expressed the opinion that there would be little sense in pursuing *Mato Oput* on a case-by-case basis as too many people were killed and impoverished communities have very little capacity to organize the practices and pay the compensation required for reconciliation.¹⁹⁶

¹⁹¹ Interview with former Amuka, Lira Town, 26 May 2011.

¹⁹² Baines 2002, 105.

¹⁹³ Interview with psychosocial support counselor, Gulu Town, 1 July 2011.

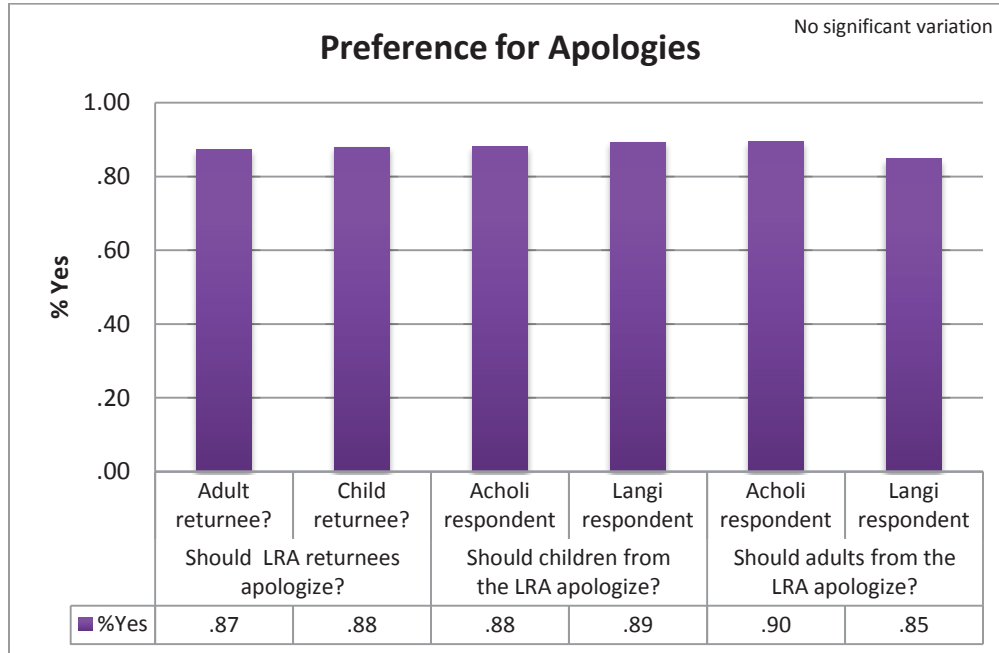
¹⁹⁴ Huyse and Salter 2008.

¹⁹⁵ Huyse and Salter 2008, 113.

¹⁹⁶ Baines 2002, 105.

2. Apologies and Truth-Telling

One of the few areas of strong agreement among respondents across Northern Uganda involved the question about whether ex-combatants should apologize.



Survey respondents largely agreed that children and adults should apologize for their actions, even if they were forced to commit the crimes. Respondents believed, at an exceptionally high rate, that both children and adult returnees should apologize. Furthermore, unlike in response to other questions about justice, Acholi and Lango respondents showed no significant difference in their attitudes towards apologies. Thus, apologies represented one of the few areas of strong, wide agreement among respondents.

To some, apologies seemed to represent a form of accountability very different from other justice processes that could help in this path towards sincere forgiveness.

- Indeed, an NGO worker told us that: **“People want to hear [the children] say, ‘Yes, we did it. We know it was wrong even if we were forced.’”**¹⁹⁷
- A 55-year-old farmer from Alero Sub-county described how and why returnees should apologize: **“People who returned should go in a group to the sub-county and go to parishes and apologize. Until then, I will have to recall every time what you did.”**¹⁹⁸
- In the words of a 24-year-old farmer from Aber Sub-county, **“that’s [apology] where I say, justice.”**¹⁹⁹

¹⁹⁷ Interview with a local staff member of an international NGO, Gulu Town, 26 July 2011.

¹⁹⁸ 55 year-old male farmer (survey respondent), Alero Sub-county, 31 May 2011.

Although having returnees apologize for the crimes they committed seems to be a fairly uncontroversial endeavor, it would raise a number of serious philosophical and practical issues.

2.1. Holding Children Accountable?

Firstly, having returnees apologize raises a philosophical issue. Put simply, many argue that children should not apologize “because they were forced.” An executive director of a Gulu NGO noted how it was strange that children were required to apply for Amnesty, because that implied that children were responsible perpetrators. **Although the Amnesty Act seems to “forgive,” doesn’t this go against the idea that children are innocent, and are as much victims as they are perpetrators?**²⁰⁰ Indeed, Amnesty Commission officials repeatedly affirmed that under Ugandan law, children are considered guilty and require Amnesty to be shielded from punishment: **“Anyone above 12 is seen as responsible for their actions and that is why they required amnesty.”**²⁰¹ In short, having someone apologize for their actions requires them to accept that they did something wrong. In the case of formerly abducted children, this is a debatable presumption.

To reduce the blame attached to “apologizing”, one could instead address a desire for apologies through truth-telling mechanisms. Truth-telling also has its own sets of benefits. A recent study showed that “more than 90% of the population surveyed stated they wanted some form of truth-telling process”.²⁰² Respondents answered that truth-telling would help shed light on the root causes of the conflict in order to prevent future conflicts, provide information to those who lost or continue to wait for loved ones, and acknowledge that harm had been done and should be redressed, and consider who should be held accountable.

Truth-telling could occur informally, through traditional mechanisms like *Mato Oput*, or formally, through a Truth and Reconciliation Commission (TRC). Both mechanisms would require the involvement of LRA members, UPDF soldiers, and Ugandan communities. There are certain risks to truth-telling. First, there is the risk that truth-telling and apologizing mechanisms could negatively affect the intents of Amnesty. LRA members may choose not to return home for fear that they would have to face consequences of the actions they were apologizing for. Second, truth-telling could provoke revenge attacks and



Fig. 17: Community members gather for a dialogue on peace-building coordinated by the Concerned Parents Association.

¹⁹⁹ 24 year-old male farmer (survey respondent), Aber Sub-county, 20 July 2011.

²⁰⁰ Interview with director of an NGO, Gulu Town, 18 May 2011.

²⁰¹ Interview with Amnesty Commission official, Kitgum, 5 July 2011.

²⁰² Ketty Anyeko, Erin Baines, Emon Komakech, Boniface Ojok, Lino Ogora, Letha Victor, “The Cooling of Hearts: Community Truth-Telling in Northern Uganda”, *Human Rights Review* (2011): 8.

the re-stigmatization of perpetrators. One NGO worker named this factor as a reason why many children have not apologized: **“Some kids apologized, but the majority has not because they fear the repercussions.”**²⁰³ This sentiment was echoed by a survey respondent from Pabo Sub-county, who argued that formerly abducted children should not apologize: **“If you apologize then people will punish you and that is not reconciliation.”**²⁰⁴

Truth-telling processes that involve children must be impartial, comply with international human rights standards, provide psychosocial support, and guarantee participants’ safety and security.²⁰⁵ A TRC also be designed to only treat children as victims and witnesses, allowing them to participate in statement-taking and closed hearings. While including children in truth-telling exercises might, in theory, risk the stigmatization of children – as some respondents predicted it might – children sharing their experiences with the community might provide closure to those who suffered and also facilitate the acceptance of children as community members heard their own stories of suffering. The finding of a strong preference for apologies, including from children, suggests that at least some of the remaining tensions surrounding their reintegration might be alleviated if children participated in truth-telling exercises. In the words of a recent UNICEF report, “For children who have taken part in demobilization exercises, truth commissions can help raise public awareness of their experiences and support their return to civilian life”.²⁰⁶

It is important to note that research on truth-telling and apology mechanisms acknowledge that respondents cite that although truth-telling is important, it is not sufficient to “bring healing to the afflicted” and result in reconciliation. We believe that truth-telling mechanisms should be paired with reparations.

3. Reparations

In addition to retributive and traditional justice and truth telling mechanisms, the Agreement on Accountability and Reconciliation called for provisions of reparation to victims.²⁰⁷ Drawing from the UN Basic Principles and Guidelines, reparations were conceived of as including rehabilitation, restitution, compensation, guarantees of non-recurrence, and other symbolic measures.²⁰⁸



Fig. 18: A memorial in Kitgum town.

²⁰³ Interview with NGO official, Gulu Town, 2 June 2011.

²⁰⁴ 20 year-old male (survey respondent), Pabo Sub-County, 9 June 2011.

²⁰⁵ Parmar, Roseman, and Siegrist 2009.

²⁰⁶ Cecile Aptel and Virginie Ladisch, “Through a New Lens: A Child-Sensitive Approach to Transitional Justice”, International Center for Transitional Justice, August 2011.

²⁰⁷ Mallinder 2009, 55.

²⁰⁸ “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”, Office of the United Nations High Commissioner for Human Rights, December 2005, <http://www2.ohchr.org/english/law/remedy.htm>.

Recently, the idea of reparations for all victims of crimes in Northern Uganda's war has gained international attention.²⁰⁹ Significantly, reparations, like truth telling, can help hold perpetrators accountable even in the absence of penalties like incarceration. Moreover, they have certain advantages over trials, especially by offering victims material restitution, which improves the victims' circumstances in addition to delivering a sense of justice. The case for reparations receives strong support from recent research out of the UC Berkeley Human Rights Center, which found that 97% of Northern Ugandans believe victims should receive reparations.²¹⁰ There are however, three importance considerations to address, before a reparations scheme can be adopted.

3.1. Funding

First, who would fund the reparations? Is it the clan of the individual responsible for the crime? How would responsibility for a crime be determined? Is it the government? Can it come from an external source? Reparations have the potential to be prohibitively expensive. A survey of historical reparations programs highlights a range in the monetary value of reparations; the South African government made payments of \$4000 dollars as compensation, whereas Argentina compensated families of victims of disappearance in bonds worth \$224,000.²¹¹ Uganda is one of the poorest countries in the world, and Northern Ugandans in particular have suffered a great deal. An ex-combatant's ability to pay reparations is minimal, and the government may be unable to fund massive reparations demands. In response to this capacity gap, a number of actors, most notably the Acholi War Debt Claimants' Association (AWDCA), have tried to mobilize international support to fund reparations payments. When asked whether it mattered who provided the reparations, the Chairman of the AWDCA responded: "People don't care where the money is coming from they just want the support."²¹²

3.2. Institutional Response

It is also important to ensure that the institution responsible for compensation was not corrupt. Cases of corruption have allegedly arisen over the compensation of Local Defense Unit fighters as explained by one community member: "Interestingly, the government took 25,000 from each interested Amuka last year to 'process their compensation'. People have yet to see this compensation. Some had to sell land and homes to fill out the sheet".²¹³

²⁰⁹ Linda Keller argues that "reparations are seen as an essential criterion for the restoration of social harmony between communities which have been at war with each other and a sine qua non for the establishment of a deep-rooted and lasting peace" (Keller 2007).

²¹⁰ Phuong Pham and Patrick Vinck, "Transitioning to Peace: A Population-Based Survey on Attitudes about Social Reconstruction and Justice in Northern Uganda," Human Rights Center, UC Berkeley School of Law, December 2010, 44.

²¹¹ Keller 2007.

²¹² Interview with an NGO worker, Gulu Town, 2 June 2011.

²¹³ Interview with teachers in Aromo sub-county, 17 June 2011.

- One NGO staff member stated why the government should be the one responsible for paying reparations: “Because the fact is that **the state was supposed to be responsible for the protection of civilians**”.²¹⁴

Second, reparations require institutions to organize to investigate the crimes and coordinate the disbursing of compensation.

- A former combatant explained that one issue is that there exists “no policy framework to deal with victims. **For example, there is no legal instrument to define who is a “victim.” Because of that, people can’t ask for reparations.**”²¹⁵

What institutions are currently available or could be created to determine who should be paid reparations? In Northern Uganda, everyone was affected by the war in some way, so who is deserving of reparations? There are two possibilities to address this issue in Uganda. First, Northern Ugandans could gather in groups and make collective claims for compensation, similar to a class-action suit. A relatively successful start to this process is illustrated by the efforts of the AWDC. In 2008, the organization sued the Ugandan government for the loss of animals and property during the war. The government opted for an out-of-court settlement worth \$US2.3 billion. Thus far, only \$770,000 has been released for the 30,000 war debt claimant’s represented by the organization.²¹⁶

A second possibility would be to more effectively use the ICC’s Trust Fund for Victims (TFV). Although the court itself may award reparations to victims of the most responsible perpetrators prosecuted, the TFV’s “other resources” mechanisms may cover reparations for victims of crimes within the jurisdiction of the court.²¹⁷ However, the TFV currently only has contributions amounting to EUR 2,370,000. While in Uganda, we saw the TFV providing funds for the work of a grass-roots organization working on rehabilitation. Although rehabilitation is a form of reparation, in order for the work of the TFV to be an effect transitional justice strategy, it is imperative that it is made clear that these projects are meant as reparations, and not simply humanitarian aid. This could occur through the identification of victims and publication of the crimes committed against them and the acknowledgement that a specific project aimed to offer reparations to these victims.

3.3. What Form Will Reparations Take?

The final issue to address in relation to reparations is the form the reparations will take. Reparations can take many forms including: restitution (restoring victims to their original positions), compensation (for physical or emotional harm, lost opportunities and earnings etc), rehabilitation, satisfaction, and guarantees of non-repetition. Should they be individual or collective? The sheer scale of crimes often makes individual reparations impossible. This is especially true considering the limited capacity of post-conflict states. In addition, collective reparations can further the goals of restorative justice, because it is

²¹⁴ Interview with NGO staff, Lira Town, 25 May 2011.

²¹⁵ Interview with former LDU, Lira Town, 25 May 2011.

²¹⁶ Interview with staff at the Acholi War Debt Claimant’s Association, Gulu Town, 2 June 2011.

²¹⁷ Keller 2007, 190.

tied to the society as a whole and can more easily draw on victim input.²¹⁸ Should they be symbolic or represent a literal quantification of suffering faced by victims? There are unfortunately, drawbacks to each. Calculations about the worth of an individual's suffering may be problematic and controversial, but symbolic representations may have less of an impact on the individual victim.

A staff member at an NGO in Soroti Town explained the complexity of the situation adeptly:

- **“The biggest problem with the conflict is that no one knows who did what.** For example, some think that deaths were not even caused by the LRA but by the government. Reconciliation is therefore very difficult, because for reconciliation, you need someone to say sorry, and then decide on compensation. Then things are ok...**Deep in people's hearts, they keep thinking and remembering because no one said they committed the crimes, no one made an apology, and no compensation was provided...But there is nothing people can do so they keep working”.**²¹⁹

4. Conclusion

In Uganda, people do not wish to see a large proportion of perpetrators, also child victims, punished and thus, a national law has ruled out prosecutions to reflect this preference and to achieve peace. However, though Ugandans may see value in Amnesty for the reasons of peace and the fact that it formalizes the commitment to forgiving children and welcoming them home after they have been forced to perpetrate atrocities, they still crave a degree of justice against those whom they perceive as more responsible. This is evident in the responses of people who want to punish Kwoyelo, and the sizeable proportion of respondents who indicated that anger and insults persist against children formerly associated with the LRA. People are therefore divided, with others and within themselves, over the proper way forward.

The remaining anger and feelings of injustice amongst Northern Ugandans therefore unearths a basic tension: how can the needs of victims for justice be satisfied when the vast majority of community members believe that children should be forgiven? This is the pressing debate for transitional justice practitioners in Northern Uganda. It is also the reason that both amnesty and retributive justice appear inappropriate.

²¹⁸ Keller 2007, 213.

²¹⁹ Interview with a NGO staff, Teso sub-region, 20 June 2011.

III. Children in the Armed Forces of the Government of Uganda

A number of UN and NGO reports have suggested that the Ugandan government recruited and used children in the Ugandan People's Defense Force (UPDF) and auxiliary forces/local militias/ local defence units (LDUs). While some literature has addressed the role of children in the UPDF, information shedding light on the role of children in the auxiliary forces is less detailed. Although the Local Defense Units were listed as having illegally recruiting children on the annex to the annual report of the Special Representative of the Secretary General for Children and Armed Conflict from 2003 until 2009, little public awareness has been drawn to the conditions that these children faced. Although not as common as the abduction of children by the LRA, the recruitment of children into auxiliary forces appears to have been a widespread practice and therefore deserves further study. Indeed, we found that studying the experiences of children associated with Ugandan government auxiliary forces revealed the many challenges that exist in preventing the illegal recruitment of children and ensuring their transition to a civilian lifestyle after their release.

1. Auxiliary forces in Northern Uganda

1. Acholi Local Defence Unit: Home Guards

The Home Guards were created by the national government to serve as a local defense force for the Acholi region. Although they played an important role in protecting the Acholi population, they recruited poorly disciplined civilians who were then armed, but not properly trained by the government. The force was also unpaid and poorly treated by the government, leading to many cases of theft by the local soldiers. Many deserted, taking their guns with them and the force was locally feared.²²⁰ Public perception of this force is central to an understanding of their practices and post-conflict reintegration. When surveyed, 49% of the Acholi population stated that they feared the Home Guards and 50% stated that they were proud of them. There are a number of reasons why local defense units would not be supported by the Acholi population. First, many civil society actors in Acholiland called for a non-violent solution to the conflict, judging the Home Guards as ineffective. Second, since the government was not popular in Acholiland, local leaders did not want to support a solution that could lend support and legitimacy to the national government.²²¹ In addition, the force was not very successful against the rebels because they had few guns, insufficient ammunition, and even lacked uniforms. As a result of their lack of training and poor equipment, they became the targets of the rebels who wanted their limited supplies.²²² The Home Guards were abolished after the end of active hostilities with the LRA.

²²⁰ Interview with an NGO official, Lira Town, 25 May 2011.

²²¹ Interview with Robert Adiamo, Soroti Town, 20 June 2011.

²²² Interview with an NGO official, Lira Town, 25 May 2011.

2. Lango Local Defense Unit: Amuka Boys

The Amuka Boys were created with the same purpose as the Arrow Boys. The rebels were operating freely in the Lango region and the UPDF were either fearful to engage with them, or unable to because they were not well acquainted with the local landscape. The Amuka proved to be more successful than the Home Guard because they were tasked with the specific mission of confronting the rebels. A civil society activist in Lango explained why the Amuka Boys were more successful in Langi territory than the UPDF: they knew the landscape, they were victims themselves and therefore had a reason to fight the LRA, and were motivated by an ethnic rivalry with the Acholi LRA.²²³ Although the government initially worried that local militias could subsequently turn against the state, they realized the effectiveness of the strategy and called for “everyone to come and everyone to learn how to shoot a gun”.²²⁴ When surveyed, 19% of the Lango population stated that they feared the Amuka and 93% stated that they were proud of them.

3. Teso Local Defense Unit: Arrow Boys

In the Teso sub-region, the auxiliary forces were known as the Arrow Boys. The Arrow Boys seem to have been better-organized than their Acholi and Langi counterparts. At the beginning, however, anyone was allowed to join as it was a rapid response process. Documentation was therefore also poor; the main organizer of the Arrow believes that about 200 children initially were present in the Arrow. He claims that when documentation was mainstreamed and the issue of children came up, the children were promptly released. Our data on the Arrow Boys is less comprehensive, as we did not conduct surveys in the Teso Sub-region.

2. Children appear to have been widely involved with the auxiliary forces, but the extent of their participation may not have been consistent from community to community.

Survey respondents were asked to indicate whether children under the age of 18 were involved in the auxiliary forces. We also interviewed 25 former members of the Amuka Boys in the Lango Sub-region, and asked them whether there were children serving with the Amuka Boys.

1.1. Widespread recruitment of children

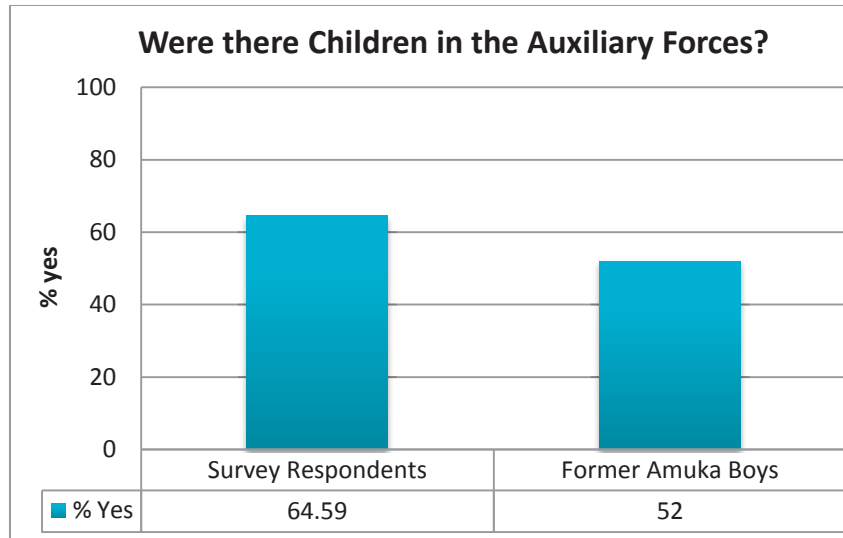
A majority of our survey respondents recognized that there were children in the auxiliary forces. It was also not uncommon to hear claims of children serving in the auxiliary forces, among both NGO staff²²⁵ and in our discussions with community members.²²⁶

²²³ Interview with an NGO official, Lira Town, 25 May 2011.

²²⁴ Interview with an NGO official, Lira Town, 25 May 2011.

²²⁵ For example, Interview with an NGO staff member, Lira Town, 26 May 2011.

²²⁶ Focus group in Alito Sub-county, 15 June 2011.



Former Amuka Boys who said that there were children in the auxiliary forces tended to suggest that there were many children:

- One former Amuka who joined at 16 claimed that **“there were many [children]. Some were even younger than me, at 16. For example many were 15.”**²²⁷
- Another alleged that “the UPDF did not mind about the age and there were many kids in the barracks. **“It was ok to be a kid in the Amuka, if not in the UPDF.”**²²⁸
- The Director of a local NGO explained: “All said, **children made up around 20% of the LDU forces. This happened mostly in the villages, where they would not be seen and children were willing to join.**”²²⁹
- **“There were many children at the age of 14 or 15, boys and girls! ... There were not many children in [my] unit – probably 3-4 out of 12 at the most.”**²³⁰

1.2. Inconsistencies

One important finding that must be addressed is that reports about the presence of children in the auxiliary forces appear contradictory. For example, one former Amuka from Lira who joined when he was 19 was clear: **“Seven people [in my unit] were 19 years old, none were under 18. They were all adults. The commander stopped the recruitment of young people: he did not encourage it.”**²³¹

Beyond the significant number of respondents – among them former auxiliary force members – who denied that children were present in the auxiliary forces, respondents who recognized the presence of

²²⁷ Focus group with former Amuka LDU soldiers near Barlonyo Village, 27 May 2011.

²²⁸ Focus group with former Amuka LDU soldiers near Barlonyo Village, 27 May 2011.

²²⁹ Interview with an NGO official, Lira Town, 25 May 2011.

²³⁰ Interview with former LDU, Lira Town, 25 May 2011.

²³¹ Interview with former LDU, Lira Town, 26 May 2011.

children were divided over whether there were many children or few. These discrepancies are likely accounted for by the fact that auxiliary forces were organized inconsistently; recruiting practices and force composition likely differed in each of the hundreds of communities across Northern Uganda. Therefore, it is possible that certain units in the auxiliary forces contained children in some areas. Some respondents, therefore, may have had no knowledge of the involvement of children and the extent of this practice, since it may not have happened in their areas.

Our encounters with children formerly associated with the auxiliary forces, and the further accounts of specific instances of such illegal recruitment indicate that the participation of children in the auxiliary forces was not uncommon.

3. Children joined the auxiliary forces because of a desire for security, a desire to defeat the LRA, and problems in the community.

Children who joined the Amuka voluntarily also had concrete reasons for doing so:

1. Desire for Security

- “Some entered because they had to defend themselves. **Even if they’re under 18 they needed to defend themselves. After all, the LRA was abducting children!**”²³²
- “For many kids it **was better to join the [local militias] than to stay and be abducted or killed by the rebels.**”²³³
- “[I joined because] **there was a lot of running to leave from the LRA and they couldn't be settled, and most of my family was killed.**”²³⁴
- “When the government formed the Amuka, he figured because he was a man, he should fight **to protect the village.**”²³⁵

2. Desire to defeat the LRA

- “There were many children at the age of 14 or 15, boys and girls! You have to understand that the UPDF was doing nothing. **Once your relative was killed you wanted to do something...** Youth were much more active than the elderly, and sacrificed everything. **They were very aggressive and had a strong spirit of revenge against the LRA.**”²³⁶

²³² Focus group with former Amuka LDU soldiers near Barlonyo Village, 27 May 2011.

²³³ Female farmer (survey respondent), Awach Sub-County, 3 June 2011.

²³⁴ Focus group with former Amuka LDU soldiers near Barlonyo Village, 27 May 2011.

²³⁵ Focus group with former Amuka LDU soldiers near Barlonyo Village, 27 May 2011.

²³⁶ Interview with former LDU soldier, Lira Town, 26 May 2011.

- One joined at age 16 because he “wanted to defeat Kony’s rebels.”²³⁷
- “[I] joined because of the war and because the LRA were killing civilians and destroying property and food.”²³⁸

2.1. Problems in the Community

- One joined at age 14 “because of the **problems** he faced in Northern Uganda with the LRA and the **famine** that followed.”²³⁹



Fig. 18: A focus group with youth ex-members of the auxiliary forces.

- One joined at age 15 “because people could not be home and there was a lot of malaria in the bush and **many ran to camps and there was little food in camps because there was no room**”
- “They entered due to the **dangers and problems.**”²⁴⁰
- “What compelled most people to join were the **terrible living conditions. Displacement,** or displacement of one’s family, meant there were no means of survival except taking handouts.”²⁴¹

2.2. Comparison with general views on voluntary recruitment of children

The preceding explanations provided for why children joined the auxiliary forces matched the reasons respondents noted when asked why they believed a child would choose to be a soldier.

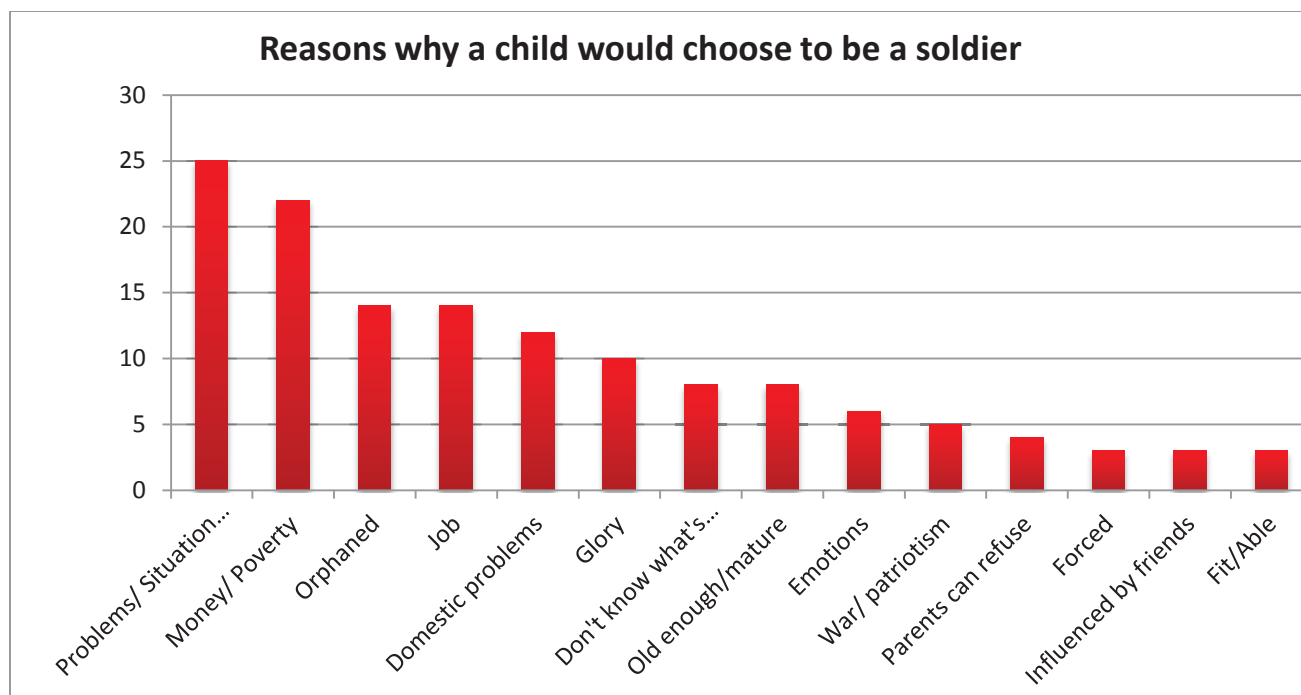
²³⁷ Focus group with former Amuka LDU soldiers near Barlonyo Village, 27 May 2011.

²³⁸ Focus group with former Amuka LDU soldiers near Barlonyo Village, 27 May 2011.

²³⁹ Focus group with former Amuka LDU soldiers near Barlonyo Village, 27 May 2011.

²⁴⁰ Male farmer (survey respondent), Awach Sub-County, 3 June 2011.

²⁴¹ Interview with former LDU soldier, Lira Town, 26 May 2011.



The decision of children to enter auxiliary forces reflected the poverty and insecurity that they faced in their daily lives. Prevailing social problems pushed children into service, indicating that the prevention of recruitment requires a holistic approach.

3. Hastily-organized recruitment practices in the face of urgent insecurity permitted the recruitment of children.

When asked why children were allowed to join, respondents indicated that recruitment was poorly organized, and that the community was desperate to mount a defense against the LRA.

- “At the beginning,” explained one of the organizers of the Arrow movement, “anyone was allowed to join as it was **a rapid response process and documentation was therefore also poor.**”²⁴²

In certain cases, the recruitment of children into auxiliary forces may have been unintentional:

- “Recruitment for auxiliary forces was conducted by local politicians and was designed to mobilize the youth, specifically. **The recruitment was fairly expeditious, so it was not so strict on proper verification procedures.** The problem was that lots of children ended up in the LDUs and the UPDF. **This happened unintentionally.**”²⁴³

In other cases, recruiters seemed willing to permit children to join:

²⁴² Interview with Robert Adiamo, Soroti Town, 20 June 2011.

²⁴³ Interview with local staff member of an international organization, Lira Town, 16 June 2011.

- “The UPDF would just write your name and see if you had the ability to be a soldier. **The UPDF did not mind about the age and there were many kids in the barracks. It was ok to be a kid in the Amuka, if not in the UPDF.**”²⁴⁴
- Explained an interviewee in Gulu Town: “It was difficult for the army to say no to youth because it’s hard to tell someone’s age [and because] It was an emergency situation and it was a good recruitment opportunity for children who needed money. **If someone says, ‘I want to fight, I’m ready to beat the rebels,’ you let him!**”²⁴⁵
- An NGO worker from Lira added: “**They said: let everybody come!** Everybody should learn to shoot a gun.”
- A 25-year-old student from Gulu Town agreed: “Many children served. **When recruiters came in, and asked for anyone available, it was no problem that people were under 18 they took them anyway.**”²⁴⁶
- “So long as you were fit, you went.”²⁴⁷

4. Children might be said to have joined the Auxiliary Forces voluntarily, but the degree of free choice they exercised was severely limited by social coercion and by their circumstances.

Children who ended up in the auxiliary forces generally volunteered. None of the six former members of the Amuka Boys that we encountered, who joined as children, indicated that they had been forced into joining.

1. Coercion

Although the children entered the auxiliary forces on a voluntary basis, some respondents emphasized that coercion was at play:

- “There was lots of social pressure for able-bodied young men to be a part of these units. [It was] **Very intimidating, [they were] told that they needed to do something.**”²⁴⁸

Respondents were careful, however, to distinguish between the experiences of LRA abductees and children who were recruited into the auxiliary forces.

²⁴⁴ Focus group with former Amuka LDU soldiers near Barlonyo Village, 27 May 2011.

²⁴⁵ Anonymous key informant interview, Gulu Town, 11 May 2011.

²⁴⁶ 25 year-old student (survey respondent), Industrial Area Gulu Town, 21 May 2011.

²⁴⁷ Male teacher (survey respondent), Aromo Sub-County, 17 June 2011.

²⁴⁸ Interview with an NGO official, Lira Town, 25 May 2011.

- “But with the abductees - they were forced and suffered more because everything was forced. You **just can’t compare a woman raped by the rebels with a woman who voluntarily joined the Amuka.**”²⁴⁹

2. Circumstances

- “What compelled most people to join were the terrible living conditions. Displacement, or displacement of one’s family, meant there were no means of survival except taking handouts. **Therefore, youth were forced to join:** they were told they would get free food and payment for their services. **So even if it was not their wish, they had to because of the lack of shelter, food.**”²⁵⁰
- “Camp life was so bad. Young girls would be given to soldiers and this would lead to the spread of HIV. Youth would leave their parents. But there were no jobs - so some became thieves, and others joined local militias because **they had few choices.**”²⁵¹
- “Many were genuinely concerned with their personal security and the security of their families and communities. ... **Many had no better options financially: this would be their job and they had been promised decent pay.**”²⁵²
- “Joining Amuka **was not forced but they were promised pay.**”²⁵³
- “Children did not consult parents when they joined, because of the problems in the camps. **They had no hope, and it was not their intention to join.** Although the community did not support it, they knew that joining the Amuka gave the children security.”²⁵⁴

5. Community members perceived children’s involved in auxiliary forces differently based on their tribal affiliations.

Differences in acceptance of children’s involvement in the armed forces could be attributed to an individual’s tribal affiliation. Again, the graph below reveals these differences: significantly more Langi accepted the presence of children in the LDUs and government forces in dire circumstances.

²⁴⁹ Interview with NGO official, Lira Town, 26 May 2011.

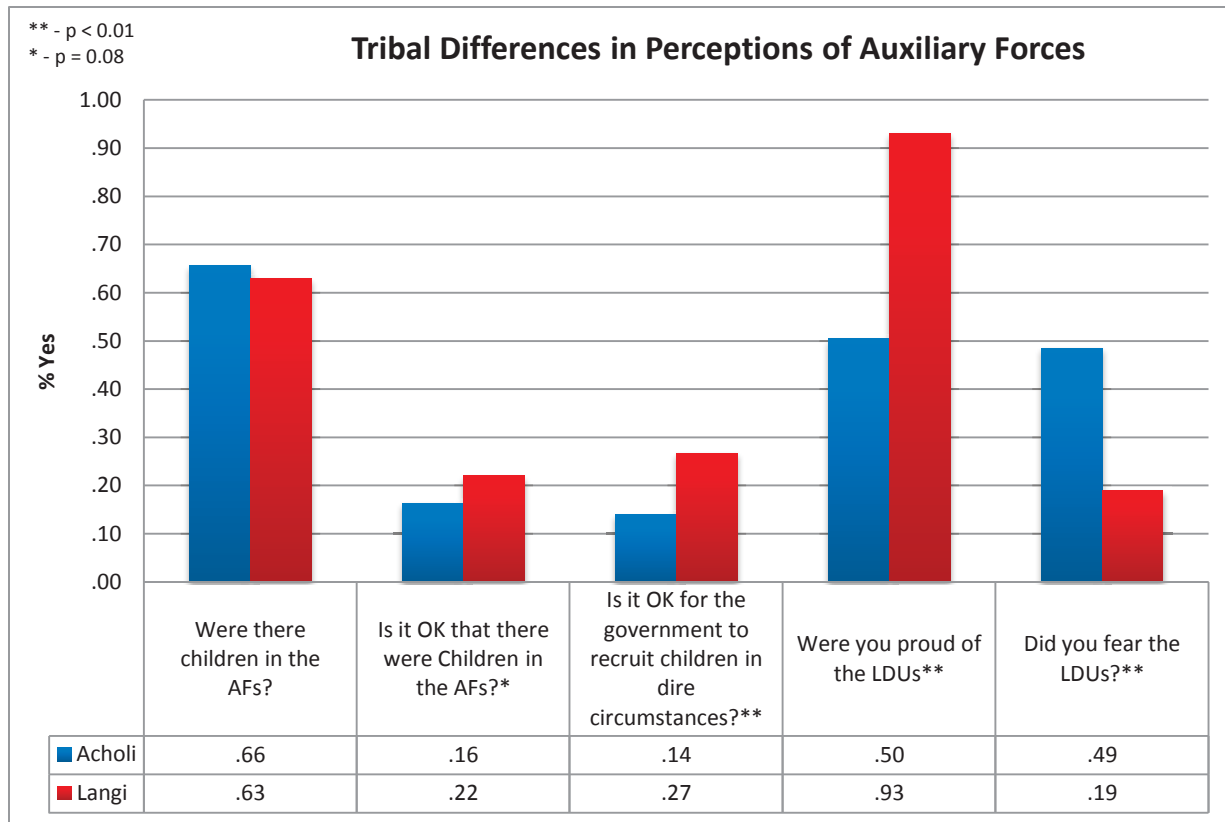
²⁵⁰ Interview with former LDU soldier, Lira Town, 26 May 2011.

²⁵¹ Interview with NGO official, Lira Town, 26 May 2011

²⁵² Interview with NGO official, Lira Town, 25 May 2011.

²⁵³ Interview with NGO official, Lira Town, 26 May 2011.

²⁵⁴ Focus group in Alito Sub-county, 15 June 2011.



In explaining this difference, it is interesting to compare differing perceptions of children's involvement with the individuals' perceptions of their tribe's local defense units. The Acholi were less proud of the Home Guards compared to Langi perceptions of the Amuka (Acholi 50%, Langi 93%) and more fearful (Acholi 49%, Langi 19%).

One of the major differences between the perception of the Home Guards and Amuka Boys is in the way communities justified the abuses committed by local defense units, instead of vilifying them. Two anecdotes describe this well:

- "So [the Amuka] terrorized communities. Was this trauma from the war? Bitterness at not being paid? The desire for continuing power? Or just the old ways of taking from people to survive? It's trauma. I think so".²⁵⁵
- "Thousands of people joined the Amuka and never received support. **After the war they committed many crimes, because they lost a lot while they were away.** The government deceived the Amuka. The Amuka deserve compensation".²⁵⁶

In contrast, below is a quote from an Acholi community member speaking about the Home Guards:

²⁵⁵ Interview with NGO worker, Lira Town, 14 July 2011.

²⁵⁶ Interview with teachers in Aromo sub-county, 17 June 2011.

- **“The [local defense units] do not have problems of acceptance, but people do fear them sometimes.** But they won’t say anything because they were in the government army. But they have done many atrocities in the community. They would even pretend they were rebels, so the community wouldn’t know and thought it was the rebels doing all of this.”²⁵⁷

An understanding of individuals’ beliefs about their respective local defense unit can help explain the statistically significant discrepancy between Acholi and Langi limited support for the involvement of children in the local militias. Since the Langi felt more positively about their auxiliary forces, it seems perhaps logical that a larger – though still relatively small – proportion of Langi would accept the participation of children in these forces compared to Acholi.

6. Although children associated with the auxiliary forces would have been exposed to a wide range of harms, they received little, if any, reintegration support. This was due, in part, to the politically sensitive nature of this matter.

1. Poor conditions in service

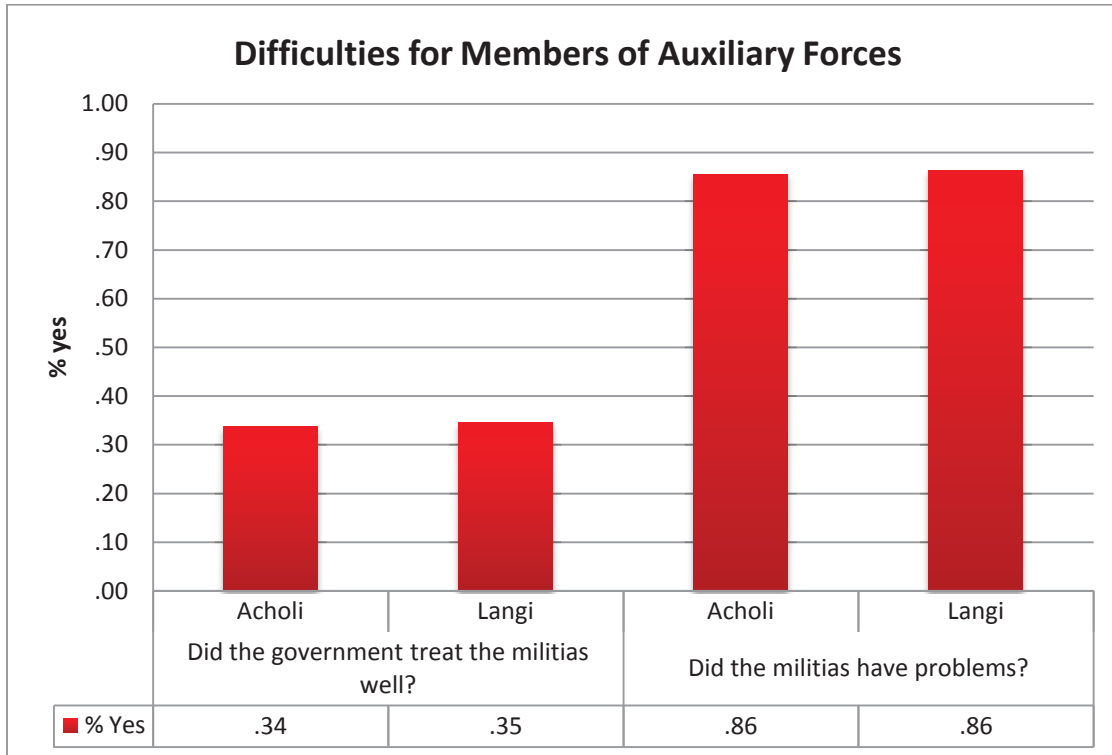
Members of the auxiliary forces faced extremely poor living conditions and were stationed at the front line of combat with the LRA. In addition, they were not trained adequately and were poorly equipped. They were apparently promised payment by the government, but the funds never reached them.²⁵⁸

- **“From the first day he joined he got various diseases. Drinking and bathing water were not enough in the training field.”**
- **“During training people were dying because of the force the trainer used to put on them. They had diarrhea, food was not enough and they suffered from exhaustion.”**
- **“Those days were hard, and he still has bullet wounds.** These scars are from the rebels shooting him.”
- **“Each person was given one gun and two mortgages. This was not enough, and they had to go get more equipment.** Worst of all as that they had **no communication means** and they had to send people to collect equipment.”

²⁵⁷ Interview with psychosocial support counsellor, Gulu Town, 1 July 2011.

²⁵⁸ Quotations are taken from a series of focus group discussions with former Amuka LDU soldiers near Barlonyo Village, 27 May 2011.

2. Post-War Experience



Our respondents painted a grim picture for LDUs after the war. They claimed that the LDUs were not paid by the government, that they were poorly trained and therefore suffered higher rates of trauma and injuries than government soldiers, and that they encountered poverty and domestic problems upon returning home.

- “Payment was not on time, food was lacking, and people [in the community] often just provided it. They were paid but very little. Settling is a problem.”²⁵⁹
- “[They have experienced] Joblessness, lack of money/poverty, [and] challenges in integrating back to normal civilian lifestyle.”²⁶⁰

One NGO worker with an intimate knowledge of the auxiliary forces compared the experience of soldiers in these units with abductees of the LRA:

- “Plus, many people were out of school – how do you go back after some years defending the community? In this sense although it was voluntary the experience in terms of the disruption to education was similar in terms of being abducted.”²⁶¹

²⁵⁹ Male Farmer (survey respondent), Mucwini Sub-County, 6 July 2011.

²⁶⁰ Male social worker (survey respondent), Lira Town, 26 May 2011.

²⁶¹ Interview with an NGO official, Lira Town, 25 May 2011.

3.1. Lack of Reintegration Support

There was no indication that children released from the auxiliary forces were given reintegration support. Although support to children released from the LRA was forthcoming, children serving in the LDUs – despite the problems they were sure to encounter, perhaps to a greater degree than their adult counterparts – received no support. A local staff of an international organization explained what happened:

- “LRA child soldiers usually went through reception centers before they were reintegrated, but **for the LDU child soldiers, reintegration was not very systematic.** In Lira there were two centers. Those who came of age were usually recruited into the UPDF and the police. The others had their guns taken and were given a small package to go back and resettle. It would be good to know how they’re doing today.”²⁶²

Our informants indicated that the lack of support provided to children associated with the auxiliary forces was due to the sensitive nature of the participation of children in government forces. According to our informants, the Ugandan government avoided instituting or permitting any reintegration program for children in the LDUs because doing so would have brought to light the extent of the participation of children in the forces.

- “Because the government tried to keep it a secret, their reintegration programs were only very poor... **Again, the problem was the hush-hush nature of all of this: it produced corruption in reintegration and removed any accountability over even those minimal efforts that had to take place in secret.**”²⁶³
- “No [the children received no reintegration support]. **The government didn’t want to admit they were there, plus, the government said, ‘They lied to get in, so we don’t know who is there.’ ... The government will never bring children to reception centres. It never happened... The problem is that we don’t have data. And if we did research, the government would claim that these are just poor kids who want help** [and not actually former child soldiers].The problem is that kids who went through reception centers were documented, but these kids were not.”²⁶⁴

The lack of support offered to children associated with the auxiliary forces after their release highlights the highly politicized and sensitive nature of children’s involvement in conflict. In this case, it appears that the Ugandan government may have obstructed the work of much-needed humanitarian organizations in general if they had pressed too hard for access to children released from the auxiliary forces. This demonstrates that the recruitment of children may remain highly sensitive for many governments. It reflects the success with which norms against the illegal recruitment of children have been spread and established, but it also highlights the difficulties that may be encountered in uncovering abuses and assisting victims.

²⁶² Interview with local staff member of an international organization, Lira Town, 16 June 2011.

²⁶³ Interview with an NGO official, Lira Town, 25 May 2011.

²⁶⁴ Interview with local staff member of an international NGO, Gulu Town, 26 July 2011.

Recommendations

I. Improving the reintegration of children associated with armed forces and armed groups

Studying community perceptions of children associated with armed forces and armed groups helped situate the experiences and needs of these children and allowed us to single out remaining issues in their reintegration. In doing so, we confirmed many of the already-established best practices and guidelines on facilitating the reintegration of these children. We also identified some points that should be given additional attention or special focus.

1. Rehabilitation and reintegration strategies should be tailored to the specific needs of the particular child, specifically related to their gender and experience in captivity.

Our data illustrate that returning children's gender and the nature of their involvement in conflict has a very important role on community members' perceptions and the child's ultimate success in reintegration. In regards to gender, overall, our respondents agreed that female returnees were more vulnerable than male. However, our data on community perceptions demonstrated that boys were significantly more feared than female returnees, indicating that boys may face certain vulnerabilities to which girls may be less susceptible. Children both in captivity also face very different issues upon reintegration compared to children who served with armed forces. The former group may not be accepted because clans feel that they will be a burden to the family, while the latter group is often stigmatized and feared for their behaviors during the conflict.

It is imperative that reintegration support address the issues specific to each child. Thus, our research supports the Paris Principles' emphasis upon the importance of tailoring reintegration approaches to the specific situation of the child (Articles 4.0-4.3; Art. 7.59). **However, our research serves as a reminder that while it is important to emphasize the special needs of certain groups expected to be more vulnerable, such as children who actively served, and especially female returnees, it is also important that these programs do not create a gap in programming for other returnees.**

2. While reintegration programs should target the needs of the individual child, they must also account for the social, cultural, and economic context of the community.

Children return to a community with established attitudes influenced by contextual factors such as culture and poverty. These contextual factors can differ based on the village, sub-region or country. We learned that stigmatization and anger against returning children did not necessarily result from specifics related to the child. For example, many respondents continued to fear child returnees because they

believed they would bring spiritual danger. For this reason, although programs should be tailored specifically to the child, they must also take into account the context into which the child will be reintegrated and simultaneously address factors inhibiting children's reintegration. Family and community preparation programs, including sensitization and economic empowerment, must precede the return of children and continue afterwards.

3. Aid work should avoid overtly targeting children formerly associated with armed groups, unless other victims receive support. Reintegration strategies must be considered in the context of broader socio-economic interventions and accountability mechanisms.

In support of the Paris Principles (Articles 3.1-3.3 and 7.33), participants in our research repeatedly **confirmed the findings of other researchers that targeted support received by children associated with armed forces and armed groups may increase stigmatization towards them.** Many other victims of the war, who may have been wounded or lost their homes, their land, their family members, and their livelihoods, also hope to receive support from local and international actors. There is therefore a need either for parallel programs to support the other victims of the war, or programs that provide support to communities instead of individuals with the aim of integrating returnees without identifying them, singling them out for support, and thus creating the potential for stigmatization.

The perception that returning children are receiving aid "unfairly" may be related to the lack of mechanisms to hold returnees accountable. This was demonstrated by respondents who emphasized the fact that returnees who committed crimes seemed to benefit from their association with the LRA. In other words, it is not merely the fact that some community members receive aid and others do not, it is the fact that people perceived as having caused losses in the community are receiving the aid. At this point, reparations may be one way to provide the aid communities need while also addressing the deficit of justice (see below for more on reparations). We stress the importance of recognizing and addressing the link between justice and reintegration emphasized in Article 8.11 of the Paris Principles.

4. There is a need for acknowledgement that "re"-integration may be inappropriate in outstanding circumstances.

Research indicates that certain groups are more vulnerable to stigmatization and abuse, specifically women who gave birth in captivity and their children. In these cases, it may be in their interests not to reintegrate into their home communities, but instead relocate elsewhere. This may also be the case for returnees who have been injured and can no longer gain a livelihood through farming, but could succeed through relocation to urban centers. For this reason, reintegration programs should provide programming and diversified job training relevant to both rural and urban centers. Although reintegration should be considered a priority, the door should not be closed on relocation when the returnee would prefer it.

5. Assisting returnees with income-generating activities plays an important role in their gaining acceptance, but actors must also recognize and address the consequences this support may have in shaping perceptions of returning children.

We learned that returnees who were economically independent felt less stigmatized and more accepted by their communities. Reintegration programs should therefore focus on giving children formerly associated with conflict marketable skills so that they can bring something back to their community and not have to rely on their impoverished families for support. **In addition, family and community preparation preceding the reintegration of children should include economic aid, in anticipation of the costs of reintegrating returnees back into the community.**

These findings are especially true in the case of children born in captivity. Upon return, these children can place a significant financial burden on their families, who may additionally not feel responsible for them because they are unaware of the clan of the father. This is particularly troubling for boys born in captivity, because Ugandan traditions dictate that they must acquire land through customary ties, and that they must pay a dowry to the clan of their prospective bride. Without the support of the clan, the young man will be unable to obtain land or marry.

At the same time, we stress the importance of Article 7.41.1 of the Paris Principles, which advises that “income-generating activities [be] provided in such a way that financial incentives are not the main attraction of caring for children.” We encountered the claim that acceptance often seemed to be based on little else than the child’s productive capacity and potential. **Instead of offering material support, reintegration programs could instead provide school fees, technical training, and counseling.**

6. Certain types of support for returning children must continue for a period of time past their reintegration back into their communities.

Two important findings substantiate the recommendation that support for returning children continue past reintegration. First, we documented persisting feelings of stigmatization and anger against children who had been reintegrated into their communities for a number of years. Respondents noted that they continued to fear these children, and that community members insulted them and remained angry. Second, many respondents noted that persistent negative perceptions of returned children was due to behavior children continued to exhibit reminiscent to “bush life”. This aggressive behavior could be attributed to persistent trauma or stigmatization. Continuing issues exhibit the importance of providing support past the moment of reintegration.

II. Addressing justice in Northern Uganda

Many strategies used by both the LRA and the Ugandan army and government throughout the war are illegal under international law, the most serious of those including war crimes, rape as a weapon of war, crimes against humanity, and the recruitment of children. In light of our findings, it is clear that many Northern Ugandans desire some form of accountability for the crimes that were committed. In light of divisions over the most appropriate type of justice and the fact that abducted children may have participated in some of the most serious crimes committed, special care is required in formulating recommendations for establishing accountability in Northern Uganda. Indeed, Section 8 of the Paris Principles indicates that accountability measures that address the violations of children must respect the rights of the child, and seek to promote the best interests of the child. At the same time, a recent report by UNICEF and the International Center for Transitional Justice indicates that addressing the violations that children may have committed in the course of conflict may promote their reintegration and reconciliation with their community.²⁶⁵ Our recommendations related to justice therefore focus on efforts that support a child's reintegration, development and reconciliation with the community while addressing legitimate desires for transitional justice. We present a number of different transitional justice measures and note questions that remain to be explored.

1. Research on the reintegration of children should study the link between reintegration success and appropriate transitional justice measures.

Community perceptions have a very important role in promoting or inhibiting successful reintegration of a child formerly associated with armed groups and armed forces. Therefore, further research must be done to understand the relationship between different transitional justice measures and their influence on community members' perceptions of the returning child. In Northern Uganda, we found that the deficit in accountability measures led to persistent anger against and stigmatization of returning children. Further research should test whether this is consistent in other circumstances. If a different transitional justice process is promoted in Northern Uganda, further research should document whether this process of accountability results in different perceptions of children who returned.

2. Research on the appropriateness of apologies and truth-telling

Our research demonstrated that apologies from both children and adults associated with the LRA are highly valued by community members. This finding holds across tribal lines, even though members of

²⁶⁵ "As one of the most fundamental challenges to children's reintegration stems from the difficulties associated with restoring their civilian identity, the process of sharing their experiences and listening to those of others in a supportive environment can provide a crucial opportunity for children to re-examine their roles and responsibilities in relation to the world around them." ("Children and Truth Commissions", UNICEF and the International Center for Transitional Justice, August 2010, Available at www.unicef-irc.org/publications/pdf/truth_commissions_eng.pdf).

the Acholi and Lango tribes generally displayed significantly divergent opinions about justice. However, promoting acts of apology prematurely and without full consideration of the broader consequences of discussing past crimes once again, could further divide society and re-stigmatize returnees as they identify themselves as perpetrators of certain crimes. One possibility is a mechanism like a Truth and Reconciliation Commission (TRC), accompanied by regulations ensuring the protection of children's rights and security of participants. A TRC could presumably fall under the mandate of the Amnesty Commission as one of its functions is to "promote dialogue and reconciliation".²⁶⁶ To be effective, the TRC would have to be impartial and provided with adequate funding.²⁶⁷ Truth commissions may be an important part of restorative justice, not only because they help construct a national narrative of the conflict and develop a mechanism for apologies, but also because they can raise public awareness about the experiences of returnees to subsequently create better support mechanisms.²⁶⁸

However, a number of questions remain, largely related to the nature of children's involvement in truth commissions. In Sierra Leone, children only participated as victims and witnesses. Some even considered this level of participation as potentially dangerous for the child. Should children be held accountable in Truth and Reconciliation Commissions? If no, should they participate in any other way? More research on cases like Sierra Leone may help determine if it offers an appropriate framework for the situation in Northern Uganda.²⁶⁹

3. Research on the appropriateness of reparations

The idea of reparations for victims of crimes in Northern Uganda's war is gaining international attention as a way of addressing harms committed during the conflict and should be developed in line with the UN Basic Principles and Guidelines on the Rights to a Remedy and Reparation.²⁷⁰ The basic Principles and Guidelines state that "reparations shall be proportionate to the gravity of the violations and the resulting damage and shall include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition".²⁷¹ In order to identify victims, a process similar to the TRC in South Africa could be established, or symbolic reparations could be provided to all affected communities. It is also imperative that a reparations program address the injustices committed by both sides of the conflict.

Again, important questions should be considered before the immediate implementation of such a plan. First, there is the issue of who should be responsible for a reparations program. An effective program would not only require the disbursal of reparations, but also documentations injustices

²⁶⁶"The Amnesty Act". 2000.

²⁶⁷ Joanna Quinn, "Constraints: The Un-Doing of the Ugandan Truth Commission", *Human Rights Quarterly* 26, 2 (2004): 401-427.

²⁶⁸ "Children and Truth Commissions", *UNICEF and the International Center for Transitional Justice*, 2010.

²⁶⁹ "Children and Truth Commissions", *UNICEF and the International Center for Transitional Justice*, 2010.

²⁷⁰ "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", Office of the United Nations High Commissioner for Human Rights, December 2005.

²⁷¹ "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", Office of the United Nations High Commissioner for Human Rights, December 2005.

reparations are meant to address. Second, there is the issue of funding. Who should pay for reparations – the LRA, the Ugandan government, or the international community? Does it matter? Finally, there is the question of what form reparations would take, be they collective or individual in nature. International actors should explore the possibility of funding reparations schemes, in tandem with the Ugandan government and as a supplement to broader transitional justice initiatives.

4. Research on the appropriateness of traditional justice mechanisms.

Traditional justice mechanisms have gained popularity since the end of the war. The most famous process is *Mato Oput*, an Acholi tradition similar to the Lango tradition of *Kayo Cuk*. Both traditional justice mechanisms address the consequences of the murder of a community member and aim to establish reconciliation amongst the clans in tension. They therefore have a restorative function and achieve reconciliation through the combination of truth telling and apology, the payment of reparations, and a symbolic reconciliation gesture. Although these practices have potential, they would require significant modification in order to account for their deficiencies in addressing issues of accountability and reconciliation in a post-conflict context.

Again, although traditional justice mechanisms address the population's desire for truth, reparation, and reconciliation, significant problems also exist with the practice as a transitional justice mechanism. First, how would children be involved in the practice, considering their potential role as both a perpetrator and victim? Second, how could mechanisms designed to address cases of murder be modified to respond to war crimes, sexual assault, and the recruitment of children? Third, who would provide the resources necessary for traditional mechanisms? Fourth, how would a single "traditional" mechanism be developed in the context of tribal difference in Northern Uganda?

5. Call for the modification of the Amnesty Act.

Although the Amnesty Act succeeded in attracting thousands of soldiers back from the bush and may have decreased levels of stigmatization by promoting forgiveness, it has many shortcomings. For example, the resettlement packages provided to all returnees have been very contentious amongst community members. In addition, resettlement packages are often uneven amongst returnees, with commanders receiving much larger packages compared to foot-soldiers. Finally, the Amnesty Commission has failed in its broader purpose of reconciliation by focusing on the resettlement and reintegration of returnees, but disregarding one of their original goals, a truth-telling process.

There are significant problems with the Amnesty Act, but the majority of Northern Ugandans continue to support parts of the Act because of its perceived role in bringing children back from the bush. Therefore, Ugandan legislators should consider modifying the act instead of replacing it with new transitional justice initiatives. They should restrict who can apply for Amnesty, no longer allowing high-

ranking commanders to apply. In addition, settlement packages for returnees should be supplemented with support for other victims of the war.

Most importantly, the Amnesty Act should not be considered applicable only to the (non-) prosecution of crimes committed during the insurgency. Even if modifying Amnesty to allow for prosecution, even in a limited set of cases, is found to be untenable, there is no legal reason why the Amnesty Commission could not coordinate alternatives to prosecution. Given its extensive contact with returnees and the information it has on their experiences and whereabouts, the Amnesty Commission could play a coordinating role in implementing measures for truth-telling, traditional justice, and reparations.

6. Urge the International Criminal Court to investigate the alleged crimes of agents of the Ugandan Government and promote the use of the Trust Fund for Victims.

When the International Criminal Court made the decision to indict the most responsible members of the ICC, it became very deeply involved in the LRA conflict and Uganda's post-conflict period. However, many Ugandans find the indictments problematic because they may have impeded the peace process by denying the benefits of Amnesty to the LRA leadership. Moreover, the indictments were viewed by some Northern Ugandans as illegitimate because they concerned crimes committed by the LRA without addressing the crimes alleged to have been committed by the government.

The ICC should pressure the Ugandan government to open an investigation about generals in the UPDF as well as other forces associated with the government, under the jurisdiction of the International Crimes Division of the Ugandan High Court. It is very important that the ICC investigates all crimes in Uganda and holds all of the most responsible individuals accountable, regardless of their affiliations with the Ugandan government. Not only is this intrinsically important in terms of delivering justice, it would also do a great deal to facilitate public trust in the ICC.

Second, the ICC should engage in non-prosecutorial alternatives to bring justice to a greater number of Northern Ugandans. **In particular, it should expand its use of the Trust Fund for Victims (TFV) to award reparations to a greater number of victims who suffered the consequences of war crimes and crimes against humanity during the civil war.** It is imperative that all support provided by the TFV be presented as reparations, and not humanitarian aid, in order address desires for justice. Our experience travelling to the field with an NGO that was disbursing aid for the TFV showed that the TFV's local partners may not stress clearly enough the purpose of the TFV and its mandate.²⁷² **This could occur through the identification of victims and publication of the crimes committed against them and the acknowledgement that a specific project aimed to offer reparations to these victims.**

²⁷² Field trip with a local NGO, Koch Goma sub-county, 31 May 2011.

III. Protection of Children Associated with Armed Forces and Armed Groups

The war in Northern Uganda featured children on both sides of the conflict, albeit in smaller numbers in the government army. More work is needed first, to understand the factors that help push children into conflict, and second, to monitor demobilized children in order to ensure that they receive adequate reintegration support.

1. Efforts to promote social and legal norms that discourage the illegal recruitment of children must acknowledge and address the conditions that may push children to join armed groups.

Our data indicate that efforts to establish legal and social norms against the illegal recruitment of children have been very effective in Northern Uganda. Our respondents generally indicated that people should not join the army until they are well past the age of 18, if at all. The fact that respondents frequently cited the laws of Uganda as reasons for this is especially encouraging. However, many respondents recognized that extraordinary circumstances may lead children to join armed groups.

Indeed, our interactions with youth who joined Uganda's auxiliary forces as children demonstrated that insecurity and social problems were their most significant reasons for joining. Given this information, approaches to preventing future recruitment of children must be situated in a broad social and economic framework. Attempting to provide opportunities for livelihood and education for communities in the context of conflict are highly important; forced displacement was highly destructive in this regard.

Reintegration support should respond to problems that push children in to armed forces in the first place. In order to prevent their re-involvement in armed conflict, these concerns must be addressed after children are demobilized. This follows the recommendations of the Paris Principles as well as successive UN Security Council Resolutions on the involvement of children in conflict that stress the importance of providing support to children associated with armed groups. However, our research did not focus on the conditions likely to push children into conflict and more research on the topic is necessary.

2. To the greatest extent possible, ensure that the needs of children associated with both parties to a conflict receive support.

Although the relevant figures acted appropriately to secure the release and protection of children associated with Ugandan government forces, these children appear to have received virtually no support of the kind that was offered to the children associated with the LRA. We do not suggest that

children associated with government forces had the same needs as children associated with the LRA, nor do we think that children should necessarily receive targeted support; after all the Paris Principles repeatedly encourage a cautious approach to targeted support that may generate unintended stigma. However, the fact that humanitarian actors in Uganda have little idea of what happened to the government-associated children after they were released underscores the importance of Article 1.8 of the Paris Principles, which states that “In order to address the underlying causes of child recruitment, to address the fluid nature of most armed conflicts and to address the need to take action for children while conflict is still active, the preparation of an appropriate strategic response, supported by adequate funding, is required urgently as soon as children’s unlawful recruitment or use by armed forces or armed groups is identified as a possibility and for the *immediate, medium and long term*.”²⁷³

²⁷³ UNICEF, “Article 1.8, The Paris Principles”, February 2007.

IV. Target Points for Advocacy and Action

A number of developments that have taken place in recent months provide logical starting points for advocacy towards these policy recommendations.

1. US Policy

In October 2011, Barack Obama announced the dispatch of 100 troops to Uganda to cooperate with the UPDF in tracking and capturing Joseph Kony and his associates. The announcement brought a flurry of attention back to the LRA, and was one of the first initiatives linked directly to the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, which Obama signed into law in 2010.

In addition to such military assistance to disarm the LRA, the Act's Section 7 provides for "assistance for reconciliation and transitional justice in Northern Uganda," to the tune of US \$10 million per year.²⁷⁴ Although a November 2011 Congressional Research Service Report indicates that the United States has sent approximately US \$140 million to Northern Uganda in 2011,²⁷⁵ it is unclear how much of this aid has supported transitional justice initiatives.

Building upon the explicit commitments set forth in the Act, advocates should take advantage of the renewed interest in LRA activities. Advocates should seek to refocus attention on the persistent problems in Northern Uganda, some of which are outlined in this report. Although US leaders have become sufficiently concerned with the international security dimensions of the LRA problem, they should be made aware that many of the root problems of the conflict were exacerbated by the war itself, and persist in Northern Uganda.

2. Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence

On 29 September 2011, the UN Human Rights Council passed a resolution that appointed a new Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, for a period of three years.²⁷⁶ The Special Rapporteur is tasked with the roles of providing technical advice, conducting research and gathering information on particular situations, holding dialogue with relevant actors, making recommendations on transitional justice mechanisms, and raising awareness, integrating a "gender perspective" and a "victim-centred approach throughout the work of the mandate."²⁷⁷

²⁷⁴ U.S. Department of State, "Lord's Resistance Army Disarmament and Northern Uganda Recovery Act". <http://www.state.gov/p/af/rls/rm/2011/176160.htm>.

²⁷⁵ Alexis Arieff and Lauren Ploch, "The Lord's Resistance Army: The U.S. Response," *Congressional Research Service*, 21 November 2011. <http://www.fas.org/sgp/crs/row/R42094.pdf>

²⁷⁶ UNOHCHR, "HRC establishes new mandates on promoting an equitable international order and on truth, justice, and reparation", 29 September 2011. <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11449&LangID=E>.

²⁷⁷ UN General Assembly, A/HRC/18/L.22, 26 September 2011.

It is entirely within the mandate and spirit of the Special Rapporteur to advocate within the UN system for the adoption of many of the recommendations presented here, especially those concerning reparations. Since the Special Rapporteur's mandate is still fresh, it would be advisable to lobby her office as soon as possible, concerning the possibility of prioritizing the Ugandan situation.

3. The ICC's New Prosecutor-Elect

The recent election of Fatou Bensouda to the post of Chief Prosecutor of the International Criminal Court offers an opportunity for progress on establishing accountability for the crimes committed in Uganda and redressing the suffering of the victims. Under Luis Moreno-Ocampo, the ICC's work in Uganda has been controversial; debates surrounding peace and justice are only part of the story.

First of all, Northern Ugandans want accountability established on the side of the government, and the ICC has shown no interest in investigating possible government crimes. Although opening a full investigation of government crimes in Uganda might endanger the ICC's relatively good standing in Uganda, the new prosecutor should be encouraged to pressure the Ugandan government to launch an investigation, perhaps under the jurisdiction of the International Crimes Division of the High Court.

Secondly, the ICC's restorative function has been under-utilized in Uganda. The ICC should make further use of its Victim's Trust Fund to provide support for victims and address questions of justice, especially through collective reparations. Since this body already exists, advocacy should focus on providing financial support to the fund and calling for VTF projects to come in the form of reparations.

4. UN Security Council Resolution 1998

On July 12, 2011, the UN Security Council Passed Resolution 1998, which expanded existing norms concerning the consequences of armed conflict for children. Operative clauses 18 ("Stresses that effective disarmament, demobilisation and reintegration programmes for children... area critical factor for durable peace and security, and urges national Governments and donors to ensure that these community-based programmes receive timely, sustained and adequate resources and funding;") and 19 (Calls upon Member States, United Nations entities, including the Peacebuilding Commission and other parties concerned to ensure that the protection, rights, well-being and empowerment of children affected by armed conflict are integrated into all peace processes and that post-conflict recovery and reconstruction planning, programmes and strategies prioritize issues concerning children affected by armed conflict;") demonstrated the Security Council's continuing commitment to addressing the consequences of the involvement of children in conflict. Advocates should use this resolution as a reminder of concrete commitments states have made, and the norms that bind all other states.

V. Acknowledgements

We would like to thank everyone at the University of Toronto and in Uganda who provided support for this project. This research was made financially possible through two Students for Development grants from the Canadian International Development Agency and research grants from Victoria College, the Trudeau Center for Peace and Conflict Studies, and the University of Toronto Faculty of Arts and Science.

A special thanks to Dr. Vera Achvarina our Supervisor at the University of Toronto.

To those who provided support:

- William Ochora
- Nyeko Sam
- Fred Ngomokwe
- Mama and the rest of the staff at Tropikana Inn, Gulu
- Peter our boda-boda from Kitgum
- Jasper our boda-boda from Lira
- Amina Kyabangi
- Sister Rosemary and St. Monica's friends
- Dr. Atri
- Mrs. LeDuc
- Desmond Drale
- Kate Bruce-Lockhart
- Erin Baines, University of British Columbia

Organizations in Uganda who helped us with field research:

- Albert Kunihiro, Africa Youth Ministries
- Francis Lukwiya, Denis Michael, Loum Patrick, at Acholi Religious Leaders Peace Initiative
- UNICEF Gulu Zonal Office
- Ongwen Moses Atine, Stella Achan, Obita Dennis, and Odong Geoffrey Ojara at Concerned Parents Association
- Richard Onono, LCII, Industrial Area, Gulu municipality
- Victor Ochen, Jackson Opio, Dennis, and Lawrence at AYINET
- Fred, Rita, and Sunday at Kica Ber
- Awach Village Health Team
- Professor Grace Akello at Gulu University
- Paul (Pietro) Rubangakene at CARITAS Gulu
- David Okello and his team at CARITAS Pader
- Geoffrey Lakwonyero from Laroo Division, Gulu municipality
- Ochan Sabino, LCII Chairman Pabbo Sub-county

