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Unconventional Judicial Avenues: The LRA's Ongoing Trial at the ICC

Miriam Kyomuhangi*

Abstract

The Lord's Resistance Army (LRA) is a rebel group that committed atrocities in Uganda. Uganda referred the LRA case to the International Criminal Court (ICC) in hope of finding a lasting solution to a war that had ravaged northern Uganda for decades. However the ICC arrest warrants delayed and failed the peace talks prompting Uganda to request a deferral of the case to Uganda. In Uganda's opinion other avenues can be pursued to deliver justice and peace all at once. Both ICC and Uganda continue to pursue justice for the affected communities in Uganda amidst procedural disagreements between both parties. The research question is, does incriminating the LRA abroad at the ICC offer justice to the people of northern Uganda? This paper questions the rationale and wisdom of such a proposition that the ICC provides a panacea for the physical, emotional, psychological atrocities of war among the Acholi people and is juxtaposed with the repeated government rhetoric to withdraw from the ICC and apply homeland justice to the people of Uganda.

Keywords

Lord's Resistance Army (LRA), Uganda, International Criminal Court (ICC), unconventional justice, National Resistance Movement (NRM)

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Introduction

The paper provides an introduction and background into the insurgency in northern Uganda. It builds from the birth of the LRA at change of government, to the insurgence that gets to a stalemate of the conflict between the State and the rebel group. Subtle to this birth of home-grown rebels, is the breakdown of peace negotiations and counter accusations of atrocities committed and the legal trials of Joseph Kony's agents by the ICC. It tackles the sentiments that propagated polarized positions between the State, the Acholi people and the ICC to reinforce the perspective that: "Justice must not just be done, but actually be seen to be done" with the opportunity for home-grown solutions to home-grown problems of war and its atrocities in northern Uganda and Africa at large. The plan of this research is to establish the basis for questioning the rationale and wisdom of a proposition that the ICC provides a panacea for the physical, emotional, psychological atrocities of war among the Acholi people, in parallel with the rhetoric from African leaders to withdraw from the ICC.

The Birth, Development and International Ramifications of the LRA Insurgency

For over two decades Ugandans, especially the people of northern Uganda, suffered at the hands of LRA, a rebel group that sprouted soon after the National Resistance Movement (NRM) had taken over power in Uganda in 1986.¹ The NRM military group under the leadership of Yoweri Kaguta Museveni, a then young and charismatic leader who took to the bush in 1981 soon after the 1980 elections believed to be fraudulent.² Milton Obote's government stood no chance with a large guerrilla-war taking up all time and resources impeding government focus on foreign policy and economic development. Eventually the NRM struggle yielded with its members taking over the streets of Kampala on 26th January 1986.³ At the time the NRM was welcomed by many Ugandans who were eager to hear the Yoweri Kaguta

¹ Paul Jackson, "The March of the Lord's Resistance Army: Greed or Grievance in northern Uganda?", *Small Wars and Insurgencies*, Vol. 13, No. 3 (2002), p. 30.

² Rita Byrnes, *Uganda: A Country Study*, Washington DC, Library of Congress, 1990, p. 33-35.

³ Geoffrey B. Tukahebwa, "Governance and the Democratization Process in Uganda under the National Resistance Movement (NRM): 1986-2004", OSSREA (ed.), *Good Governance and Civil Society Participation in Africa*, Addis Ababa, OSSREA, 2009, p. 205.

Museveni plans for democracy, economic development and equal opportunity for all.

On the other hand, the Acholi, an ethnic group to which the late ousted president Obote belonged, were not so happy and felt that Yoweri Kaguta Museveni should have just waited his turn instead of usurping power from the then legitimate president voted for by the people of Uganda. The Acholi had enjoyed privileges in the Acholi-led government many of whom worked in law enforcement like the police, army and in the public service sector. The Acholi expected the incoming government to favor people from the western part of Uganda the same region Yoweri Kaguta Museveni hails from at their expense as had been with the previous regime.⁴ The forceful takeover by NRM simply created a breeding ground for home-grown rebels (LRA) that were later to become the most enduring challenge of the newly installed NRM government. LRA being composed mostly of natives of northern Uganda, took advantage of the political situation at home to constitute a rebel group with quite a following in a short time. LRA took advantage of the fact that many Acholi and Ugandans from the Northern region were disgruntled with the way NRM and Yoweri Kaguta Museveni assumed power from their fellow tribes' man who was legitimately voted by the people of Uganda. LRA simply provided leadership for a people who were not willing to accept the new government as the legitimate government of Uganda.

In addition, Acholi loyalists especially, those that formerly worked in law enforcement like the police and army during Obote's tenure, hoped to join guerrilla warfare with the aim of straining the NRM government in the same way NRM guerrilla fighters had done during Obote's tenure. These former law enforcement officers had military experience that LRA hoped to rely on and therefore recruited already trained personnel. Obote loyalists also hoped that history would repeat itself like it did in 1980 when they were able to fight and reinstate Obote for a second chance at being president. Such disgruntled people only lacked leadership and inevitably some of them joined LRA's cause; a rebel group that they little new would mutilate, incinerate, rape their own for decades to come in a twisted move to overthrow the then NRM government. LRA under the leadership of the rebel leader Joseph Kony, committed crimes ranging from abductions, rape, arson, murder, to recruiting and training child-soldiers among other documented crimes. Many homes were raided, burnt

⁴ Morten Boås, "Uganda in the regional war zone: meta-narratives, pasts and presents", *Journal of Contemporary African Studies*, Vol. 22, No.3 (2004), p. 289.

down, the elderly killed by their own children who were abducted and turned into child-soldiers by LRA.⁵ LRA forced children into a life of crime aware that they could exploit their innocence to train them into exactly what they needed them to be. Such children made the best soldiers because they were trained to believe that a life of crime was right notwithstanding it was the only form of life they knew. Girls were abducted and turned into child brides, forced into sexual exploitation and human shields of war. The abducted girls were to ensure the continuity of an LRA generation by giving birth to children that were to be christened into rebel life from birth. On the 10th October 1996, LRA abducted 139 girls from their school St. Mary's College Aboke in northern Uganda⁶ some of whom managed to escape over the years have been reunited with their families. Many of them returned with children that had been fathered by the rebels and had to raise children who unfortunately were a constant reminder of the trauma they endured during the insurgency. Typical of a home-grown rebel group; the LRA were well vast with the terrain and politics of the region. The Rebels knew which areas to campout and hide, when to raid villages for food and children as well as the most conducive time. The remotest areas were the most vulnerable to attacks especially at night. So, natives resorted to hiding in the bushes at night to be able to escape attacks at night time which was the time LRA rebels preferred to raid villages.⁷

LRA being a home-grown rebel group; was aware of the fragile political relations between Sudan and Uganda which they exploited to their benefit. In fact, this move to exploit foreign policy relations of Uganda with Sudan can be considered the main reason LRA constituted a formidable force against the central government of Uganda for over two decades. Uganda since independence had facilitated rebel groups from South Sudan in the struggle to secede from the main Sudanese government that is led by the Muslim majority in the north of Sudan. Uganda used the Pan-African excuse to explain her involvement with the South Sudan rebel groups fighting a legitimate Sudan government. Soon after independence, Milton Obote supported the Anyanya rebel group from South Sudan and Yoweri Kaguta Museveni at the time of the

⁵ Payam Akhavan, "The Lord's Resistance Army Case: Uganda's Submission of the First State Referral to the International Criminal Court", *the American Journal of International Law*, Vol. 99, No.2 (2005), p. 404.

⁶ Chris Dolan, *What Do You Remember? A Rough Guide to the War in northern Uganda 1986–2000*, Working Paper, London, ACORD, 2000, p. 18.

⁷ Henriette Lunde, *Night Commuting in Gulu, northern Uganda from Spontaneous Strategy to New Social Institution*, M.A Thesis, Norway, FAFO Report, 2006, p. 33.

LRA arising supported the Sudan Peoples' Liberation Army (SPLA) rebel group fighting Sudan's central government.⁸ In retaliation, the government of Sudan choose to facilitate LRA rebel group that was fighting Uganda's central government as well. LRA were able to build camps in Sudan from where they launched attacks on Uganda. For a long time, Uganda was unable to carryout direct military attacks on LRA camps in Sudan because Uganda had no jurisdiction in Sudan. Progress against the LRA was only possible after the year 2002 when Sudan and Uganda came to an understanding and allowed the Uganda Peoples, Defense Forces (UPDF) passage into Sudan to neutralize LRA;⁹ the Sudan Peoples' Liberation Army (SPLA) rebels were able to negotiate with the Sudan government and reached an agreement with intermediation by Uganda government.

Finally, the LRA had full knowledge of the spirituality of their people which knowledge they exploited to the fullest to benefit their cause. Joseph Kony, the LRA rebel leader capitalized on his predecessor's preaching about a spiritual calling to lead the people of Acholi against the NRM government. Alice Lakwena who led the people of Northern and Eastern Uganda in a rebellion called the Holy-Spirit movement against NRM government claimed to have a spiritual calling. Alice Lakwena claimed to be a medium and was possessed by a spirit called "Lakwena" which would guide the people of Northern and Eastern Uganda through their struggle to overthrow Uganda government.¹⁰ LRA capitalized on this spiritual preaching to convince many of the Acholi that he had to carry on with Alice lakwena's calling by overthrowing the Yoweri Kaguta Museveni government and restoring a government based on the 10 commandments. Many Acholi and other tribes from the northern part of Uganda willing abandoned their livelihoods to follow Joseph Kony into a guerrilla war mainly because they believed that Joseph Kony, like Alice Lakwena were possessed by spirits which they must obey and follow without question.¹¹ When it comes to spiritual matters, generally Ugandans tend to submit without question, a culture rooted deep in Uganda's traditional values

⁸ Gérard Prunier, "Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo (1986–99)", *African Affairs*, Vol.103, No. 412 (2004), p. 359.

⁹ Mareike Schomerus, "They forget what they came for": Uganda's Army in Sudan", *Journal of Eastern African Studies*, Vol. 6, No. 1 (2012), p. 128.

¹⁰ Ruddy Doom and Koen Vlassenroot. "Kony's message: a new koine? The Lord's Resistance Army in northern Uganda", *African Affairs*, Vol. 98, No. 390 (1999), p. 16.

¹¹ Kristof Titeca, "The Spiritual Order of the LRA", Lawrence E. Cline (ed), *The Lord's Resistance Army: Myth and Reality*, California, Praeger, 2013, p. 63.

that include veneration of the dead, spiritual worship and appeasement through rituals and sacrifices to avoid punishment by “the gods.”

The Uganda government since has explored various avenues of restoring peace to the people of northern Uganda some of whom unfortunately believed that President Yoweri Kaguta Museveni’s regime did not care about them and was watching on as the insurgency grew. Some Acholi people believed that the government did not respond as quickly as a way of punishing them for not fully supporting the government. However, in 2000 the Uganda government extended blanket amnesty to all rebel member belonging to any rebel groups as long as they surrendered to the government and renounced any rebel activity.¹² Many former rebels grabbed the opportunity and come out of the bush however, none of the rebel leaders surrendered to the UPDF due to mistrust in the government that they believed was merely setting a trap to arrest them. In 2002, the UPDF launched a military operation named Iron-Fist to wipe out all LRA rebel hideouts in South Sudan.¹³ This forced the LRA to retreat further into Congo forest areas of Garamba and as far as the Central African Republic where similar atrocities have been carried out. A military operation against LRA was long overdue especially in the opinion of many Ugandans who believed the government simply lacked political will to neutralize the insurgency.¹⁴ In fact some theories speculated that the NRM government stood to gain more from the LRA insurgency in increased military assistance from donors in form of weaponry and funds. LRA could have been defeated much earlier by the UPDF just like other rebel groups that sprung up in various parts of the country. The Holy-Spirit Movement led by Alice Lakwena was defeated by UPDF. However LRA was originally reinforced by the government of Sudan in retaliation for Yoweri Kaguta Museveni’s support to SPLA, a rebel group in South Sudan that was fighting the Sudanese government.¹⁵ Fortunately by the year 2000 the differences between Uganda

¹² Frank Van Acker, Frank. “Uganda and the Lord's Resistance Army: The new order no one ordered”, *African Affairs*, Vol. 103, No. 412 (July 2004), p. 356.

¹³ Pham, Phuong, Patrick Vinck, and Eric Stover, *Forgotten voices: A Population-based Survey of Attitudes about Peace and Justice in northern Uganda*, California, Human Rights Center, University of California, Berkeley School of Law, 2010, p. 17.

¹⁴ This view was mainly cultivated by the opposition ahead of the 2001 presidential elections with the aim of tarnishing the incumbent Museveni shrinking his support both domestically and internationally.

¹⁵ Phillip Apuuli Kasaija, “The ICC arrest warrants for the Lord's Resistance Army leaders and peace prospects for northern Uganda”, *Journal of International Criminal Justice*, Vol.4, No.1 (2006), p. 182.

and the government of Sudan had been ironed out and both countries collaborated in the military operation Iron-Fist that saw LRA retreat to the Democratic Republic of Congo and Central African Republic.

Justice vs. Reconciliation: Amnesty, Peace Talks amid ICC Investigations and Warrants Issued for LRA

In 2002, Uganda ratified the Rome Statute becoming a State party to the ICC; Uganda as a State party to the ICC could exercise her right by referring cases to the ICC. Indeed in 2003 Uganda referred the LRA case to the ICC for prosecution.¹⁶ Immediately the ICC opened investigations in 2004 into LRA crimes committed in northern Ugandan starting from the year 2002.¹⁷ Various survivors were interviewed, and first-hand testimonies recorded by the ICC especially from child-soldiers who were abducted as children and recruited into LRA against their will. However, the case that was referred to the ICC by the government of Uganda covered atrocities committed by LRA against the people of northern Uganda. In 2003 the Uganda government referred the LRA case to the ICC for judicial persecution and the ICC responded by carrying out investigations and by 8th July 2005, arrest warrants for five top LRA rebel leaders was issued by the ICC.¹⁸

Having waited for over three years before the arrest warrants could be issued by the ICC, President Yoweri Kaguta Museveni with mounting pressure from Ugandans and international community explored other methods to restore peace in the region. Embarking on peace talks that commenced in July 2006¹⁹ soon after the ICC warrants were issued for the arrest of the LRA top leaders. The peace talks eventually failed with the LRA team walking away in protest of the ICC arrest warrants claiming that the Uganda government was ill-willed through the whole process. Rebel leader Joseph Kony mistrusted the Uganda government and awaited any opportunity to pull out of the talks. The Uganda government tried to persuade the LRA by insisting that the amnesty

¹⁶ "Situation in Uganda", ICC, February 2004 <<https://www.icc-cpi.int/uganda>>, (access date: 19 June 2017)

¹⁷ *Ibid.*

¹⁸ Abigail H. Moy, "The International Criminal Court's Arrest Warrants and Uganda's Lord's Resistance Army: Renewing the Debate over Amnesty and Complementarity", *Harvard Human Rights Journal*, Vol.19, No.1, (2006), p.267.

¹⁹ Joanna R. Quinn, "Getting to peace? Negotiating with the LRA in northern Uganda", *Human Rights Review* Vol.10, No.1 (2009), p.55-71.

offer by the Uganda government still stood. As a result, President Yoweri Kaguta Museveni ventured to convince the ICC to defer the case to Uganda in support of Uganda's quest for peace through alternative means like peace talks, amnesty, and local trials at the international crimes division of the Uganda high court. Maybe if the 2008 Juba peace talks had been successful, the 2008 massacre by the LRA rebels in Congo would have been avoided, but we will never know for sure.²⁰ Uganda has taken steps to get the ICC to defer the LRA case to the Uganda government for prosecution. In July 2008, an International Crimes division was opened in the Uganda high court.²¹ Originally to prosecute LRA rebels for war-crimes and crimes against humanity. With this special division of the high court, President Yoweri Kaguta Museveni further requested that the LRA rebels be tried at this division instead of the ICC so that total reconciliation and peace would be restored in northern Uganda. A deferral has not been possible despite President Yoweri Kaguta Museveni's continuous efforts to sway the ICC to buy his view regarding the LRA trial. Out of frustration, President Yoweri Kaguta Museveni resorted to revolting rhetoric towards the ICC that he has called names on several occasions. Nevertheless, he continues to cooperate with the ICC. Uganda handed over Dominic Ongwen soon after his surrender to the UPDF in the Central African Republic for prosecution at The Hague.²² Ongwen's trial is still ongoing at The Hague.

Shouldn't 'Home Grown Rebels' Be Tried at Home?

As earlier noted, President Yoweri Kaguta Museveni through his harsh rhetoric towards the ICC has made a case for an immediate deferral of the LRA case to be tried in Uganda which he fully believes Uganda is ready and able to do so efficiently. It is fair and practical that LRA be tried on Ugandan soil especially since all the crimes were committed on Ugandan soil and the victims are Ugandan. The LRA turned against their own people who still await justice. LRA trials in Uganda would bring the trial process closer to the victims and

²⁰ "DR Congo: LRA slaughters 620 in 'Christmas massacres' protection urgently needed as killings continue" Human Rights Watch, 17 January 2009, <<https://www.hrw.org/news/2009/01/17/dr-congo-lra-slaughters-620-christmas-massacres>> (19 June 2017).

²¹ Schabas, William A, *An Introduction to the International Criminal Court*, London, Cambridge University Press, 2011, p. 43.

²² "Uganda LRA commander Dominic Ongwen 'to be sent to ICC", BBC News, 13 January 2015, <<http://www.bbc.com/news/world-africa-30796241>> (access date: 2 August 2017)

allow them a chance to follow the proceedings of the trial. In addition, the traditional judicial systems if employed would allow direct participation of the victims as well allowing them to heal and put the past behind them through reconciliation and forgiveness as was the case with the Gacaca courts in Rwanda.

With an International Crimes Division at the Uganda High Court in July 2008 with the purpose of prosecuting the LRA rebels for war-crimes, and crimes against humanity the ‘accountability and reconciliation agreement’ that was signed during the 2008 Juba peace talks with the LRA rebels would bare promise.²³ Though the 2008 peace talks failed, the International Crimes Division of the Uganda High Court was formed and has jurisdiction to conduct trials for war-crimes, crimes against humanity as well as international crimes like human trafficking and terrorism. This division is well equipped and capable of prosecuting LRA rebels who for over two decades paralyzed northern Uganda and whose effects are still felt to date especially by the victims and their families. The fact that the crimes were perpetrated on Ugandan soil should stand for something; no one else more than Ugandans eagerly await the prosecution of the LRA especially its leaders like Joseph Kony.

The people of Uganda especially the ones who were victimized in northern Uganda need to feel like their government is directly handling the prosecution and they will be able to receive the justice they deserve. With the all LRA trials in Uganda, victims would be able to attend court processions and directly be part of the trials. But with the trials at The Hague, only the ones who can access the internet are able to follow proceedings; which is a small group of people living in the urban centers. In addition, in case the trials of the LRA are at the Ugandan high court, there is a possibility of appeal in case the victims are not satisfied with the court’s ruling. However, at The Hague, direct appeals are impossible; whatever the court decides is final and binding on all parties involved. For example, in the recent case former Lord’s Resistance Army rebel Thomas Kwoyelo whose trial is ongoing at the International Crimes’ Division of the High Court of Uganda is such an experience for the people of northern Uganda.²⁴ The victimized families can follow proceedings of the court through national television updates. Thomas kwoyelo’s case was the

²³ Scott Worden, *the Justice Dilemma in Uganda*, Peace Brief, Washington DC, United States Institute of Peace Press, 2008, p. 4.

²⁴ “Thomas Kwoyelo”, Trial international, 25 April 2016, <<https://trialinternational.org/latest-post/thomas-kwoyelo/>>, (access date: 20 June 2017).

first case to be tried by the International Crimes' Division of the Uganda High Court. Kwoyelo is a former LRA rebel who is was charged with committing many crimes against the people of northern Uganda whose effects still linger on. Kwoyelo was captured by UPDF soldiers during a raid on LRA rebel camps in the Democratic Republic of Congo shortly after the Juba peace talks failed in 2008. His trial begun in July 2011 and so far, he has been charged with 93 accounts of crimes against humanity and war crimes.²⁵ His trial is ongoing with the latest appearance at the Kampala court in February 2017 for preliminary hearing.²⁶ The country has been closely following the proceedings of Kwoyelo's trial and many voiced their concerns when Kwoyelo applied for amnesty. Indeed, Kwoyelo was denied amnesty by the Director of Public Prosecution and despite Supreme Court appeals; Kwoyelo's trial has been cleared to go on as scheduled without any further delay. Ugandans especially the victims in northern Uganda are patient and hopeful that all is being done to ensure that they receive the justice that they desire and deserve.

Peace and reconciliation are almost impossible with the ongoing ICC warrants and trials for the LRA rebels. Over the years, religious and traditional leaders from northern Uganda have pushed for reconciliation to attain peace and total healing for the people. The Uganda government employed various methods to restore peace in northern Uganda though some of these attempts were stalled by the ICC arrest warrants for the LRA. For example, the Uganda government put in place blanket amnesty as a form of peaceful negotiating tactic extended to the LRA rebels. In fact, several rebels escaped the LRA camps choosing to surrender to the Uganda government.

Many rebels were child-soldiers who had been abducted from their homes by LRA rebels and had been in captivity against their will. At the 2008 peace talks the Uganda government tried to persuade LRA to the negotiating table with promises of amnesty if they surrendered unfortunately the rebels distrusted the ICC and insisted that they call off the arrest warrants. Therefore, despite Uganda's willingness to bring about peace in Uganda through all means necessary, the ICC stood as a barrier to progress in that direction. With the failed peace talks, LRA is still at large, though not currently operative in Uganda and South Sudan; the rebels have reportedly had camps in the Central African

²⁵ *Ibid.*

²⁶ "Uganda: feared LRA commander Thomas Kwoyelo appears in Kampala court for first time", *International Business Times*, 02 February 2017.

Republic. In addition after the 2008 peace-talks were broke down, LRA attacked churches in Democratic Republic of Congo mutilating hundreds and many children abducted and recruited into the rebel group possibly regrouping for major attacks in the future.²⁷ Therefore as long as LRA are still forced to hide deeper in the bushes to avoid arrests, possible attacks cannot be ruled out in the areas where they are hiding. Therefore, people's lives remain in danger for as long as the LRA hide and regroup in the Central African Republic.

Further still the victimized communities of northern Uganda continue to press for reconciliation and forgiveness of the LRA rebels who are willing to come out of hiding and repent of their sins. The communities of northern Uganda seem willing to forgive people who tortured them for various reasons even if it required that the former rebels are not tried at The Hague. The Acholi of northern Uganda on various occasions have expressed their desire for a trial of the former LRA rebels under their traditional judicial practice called Mato Oput.²⁸ The Mato Oput is a traditional ceremony practiced by the Acholi; particularly it's a cleansing ceremony carried out between two parties that are seeking forgiveness of one another. In this ceremony, the offended and offender agree to put their disagreements in the past and choose to move on to a new chapter in their lives. Animal sacrifices are performed, drinking of bitter herbs and reparations are paid to the victim as compensation for damages occurred during the dispute. At the conclusion of the ceremony, both parties agree and promise before their elders and family members to leave all conflict and disagreement in the past. Such a ceremony encourages forgiveness and reconciliation thus allowing the victim, psychological healing and can move on with their lives.

The people of northern Uganda prefer the traditional justice system to the international option that is currently offered by the ICC also mainly because all the members of the LRA are originally from their area, some former friends, neighbors, in-laws, relatives and colleagues. To complicate matters, majority of the former and current LRA rebels were former child-soldiers who were abducted from their homes and taken into captivity. Child-soldiers were taught how to kill at a tender age and grew up innocently thinking rebel activity was all

²⁷ "The Christmas massacres: LRA attacks on civilians in northern Congo, Human Rights Watch, 16 February 2009, <<https://www.hrw.org/report/2009/02/16/christmas-massacres/lra-attacks-civilians-northern-congo>> (Access date: 20 June 2017).

²⁸ "Don't punish Ongwen twice- Clerics", New Vision, 27 Jan 2015.

that there was to life. Some rebels were born in the bush fathered by rebel leaders who raped their mothers who at the time could have been children too.

Many of these LRA rebels are still hopeful that one day they will be reunited with their families in northern Uganda but this only possible if they are not arrested as soon as they surrender. Most parents in northern Uganda are still traumatized and the only thing keeping them from total insanity is the hope of being reunited with their loved ones someday. The traditional judicial mechanisms together with the amnesty provision by the government of Uganda could have brought peace in northern Uganda much faster and the LRA rebels would probably be a thing of the past. Though actual rebel activity in northern Uganda has been neutralized, the LRA rebels are still at large and still an actual threat especially to the people of Central African Republic where they reportedly have camps.

Scars from the LRA Conflict: Still Fresh on the Minds of Victims

Although the LRA rebels were pushed out of Uganda retreating to the Central African Republic, the effects of the conflict still linger on in northern Uganda. The victims vividly narrate their unfortunate experiences as if the war was only yesterday and majority still traumatized despite psychiatric help.²⁹ Various NGO's have set up in northern Uganda offering various services like counseling, technical skills as well as employment opportunities to help communities transition to a normal life.³⁰ For the children who were abducted especially the girls, they came back with a whole new generation of children that may be referred to as the children of war.

The children of war are different from ordinary children given their background; many do not know who their fathers are exactly mainly because their parents were raped as children. Many of the children were born in the rebel camps and have only known a life of violence growing up; such children lead their daily lives with the trauma they endured growing up. A generation of children of war living in a community that experienced one of the worst forms

²⁹ Patrick Vinck et al., "Exposure to war crimes and implications for peace building in northern Uganda" *Jama*, Vol. 298, No. 5 (2007), p.547.

³⁰ Suzan McKay, "Reconstructing fragile lives: Girls' social Reintegration in northern Uganda and Sierra Leone", *Gender & Development*, Vol. 12, No. 3 (2004), p. 27.

of torture, their lives are far from normal despite government efforts to create normal living conditions for their communities. Some of the war brides together with their children contracted HIV and must depend on medication and counseling in order to lead a normal life. Many of the children were robbed of their childhood, forced to grow up so fast and many became teenage parents and child soldiers against their will. Many families seemed to have been reunited with their loved ones, but the fact is children were abducted and returned as ex-rebels unrecognizable by their families. Many homes are headed by single parents or grandparents mainly because the war broke up many families with family members got kidnapped or even killed by the rebels.

Many of the victims are still bitter with the LRA rebels for the torture they went through as well as with the government which they blame for not trying so hard to prevent the LRA conflict which they believed was in the power of the government. In fact, as a result of this bitterness, the northern region of Uganda has the largest percentage of opposition party Members of Parliament; the NRM political party where the incumbent President Yoweri Kaguta Museveni belongs has registered losses in northern Uganda for all the three elections that have been organized. Therefore, though the rest of the country and the world may seem to think that the LRA conflict in northern Uganda is in the past, but for the victims it's a different story as they relive the effects of the war daily.

The districts of northern Uganda have been literally buried in poverty for almost three decades mainly due to the LRA conflict that disrupted commerce and agriculture. These districts have been struck with famine on several occasions due to deteriorating climate conditions that have been enhanced by the reduced vegetation cover since there was inconsistent farming in the area. Farming in northern Uganda remains at subsistence level and is not fully mechanized despite agricultural technological progress elsewhere. The region of northern Uganda could not produce enough food to feed the population sufficiently; many people starved especially when the prolonged drought period set in. Besides the land tenure system, northern Uganda is still very poor characterized by land fragmentation that does not facilitate mechanized farming. The actual LRA war in northern Uganda may be over, but the effects of the war still linger on still dictating life experiences for the victims.

Conclusion

The people of northern Uganda felt neglected by the Uganda government which they blamed for letting the LRA conflict drag on for so long. They believed that President Yoweri Kaguta Museveni and his government blamed the Acholi for collaborating with the rebels and therefore did not do enough to push for the success of the peace talks with LRA rebel leaders. Though the government of Uganda chose to blame the ICC for the failure of the talks, the people of northern Uganda blamed the government for referring the case to the ICC before fully thinking through the possible repercussions regarding the peace process. The study tackles the ongoing debate that preaches “African-solutions to African-problems” in context of the long LRA insurgency that has spilled-over beyond northern Uganda to countries in the region. The recent focus of the ICC on Africa in the face of globalization and global justice reminds many in Uganda and beyond that there is no denying the fact that the war in northern Uganda was protracted and hurt, and that time alone is not enough to bring lasting recovery. The International Crimes Division of the high court in Uganda offers a model for in-country justice. Beyond the sentiment that retribution occurs when “one of our own” in the name of Ongwen is on trial, the people of northern Uganda continue to reason that the ICC alone will not deliver reconciliation and inclusive justice.

While some argue that the case of Ongwen presents a double tragedy in the minds of the Acholi people for whom the lag in development in the region and the constant reminder from the State of the achievements of peace; the attempt to rest blame for atrocities committed on “a son of their soil” a rebel commander now under trial is checked by a government position that a trial needs to happen. This paper argues that a viable approach to justice in a community model sought after by other countries is also good for Uganda. Ultimately this paper fittingly asserts that for justice to be done, and to be seen to be done, the blame must be stopped and a home-grown system for trial in some quarters of the public is here brought to closure. The paper is premised on the background of the protracted war in northern Uganda that lasted two decades and delves into the military, regional, political, diplomatic and legal attempts to address an over twenty-year old scar in many hearts and minds that also begs for ‘Africanisation’ of African problems.

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