

Community Perceptions on Dominic Ongwen

Situational Brief, May 2015

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About the Justice and Reconciliation Project

The Justice and Reconciliation Project (JRP) was established to understand and explain the interests, needs, concerns and views of communities affected by conflict and to promote sustainable peace through the active involvement of war-affected communities in research and advocacy.

Introduction

Following the transfer of Lord's Resistance Army (LRA) commander Dominic Ongwen to the International Criminal Court (ICC), the Justice and Reconciliation Project (JRP) sought to assess the views of northern Ugandans on both Ongwen and international justice. A rapid assessment survey was carried out in the village in which Ongwen's charges at the ICC stem from, Lukodi, and his home village of Coorom as well as with civil society in Gulu during March of 2015. The information gathered from the study highlights the perceptions of respondents towards three key areas related to Dominic Ongwen's potential trial at the ICC: Dominic Ongwen himself, a trial of Ongwen should it happen, and accountability for international crimes. In its conclusion, this situational brief presents specific recommendations made by the communities JRP consulted with for the ICC, the Ugandan government and other actors to take into consideration.

Note on methodology

In March 2015, two separate focus group discussions of 30 and 14 people were held with community members in Lukodi village, Bungatira sub-county, in Gulu district, and Coorom village, Lamogi sub-county, Amuru district respectively. Semi-structured interviews were also conducted with four Gulu-based human rights organisations working in the field of transitional justice, summing a total of 50 respondents.

Community-based respondents were asked open-ended questions based on the three areas the study sought to assess: first, their thoughts on Ongwen, including whether or not he should be tried by the ICC and what feelings they harbour to the ICC charges against him; their views on a possible trial of Ongwen, including what their expectations are for participation and what their main sources of information about the process are; and finally, their views on accountability for international crimes.

Respondents from three civil society organisations¹ were asked to share their views on Ongwen's potential trial, the impact of such a trial to their target communities and beneficiaries, the charges leveled against Ongwen, and the context of the proceedings in transitional justice in Uganda. They were also asked to provide recommendations for victim participation in the Ongwen proceedings.

"If I am told to point him out, I will do that."

Male respondent, focus group discussion, Lukodi.

Dominic Ongwen

Responsibility and culpability

During the focus group discussion in Lukodi, JRP spoke with individuals that were survivors of or that had lost family members during the Lukodi massacre of 2004. Many of the respondents spoke of proceedings against Dominic Ongwen as an opportunity for accountability for what happened then.

¹ UN Human Rights, Archdiocese of Gulu - the Justice and Peace Commission and the Uganda Human Rights Commission.

The government and religious leaders requested [the LRA] to come back home saying that they will be given amnesty, but Ongwen refused and continued killing people, which implies that he had forgiven himself. Therefore in my opinion, Ongwen should be tried at the ICC. If he is not tried, that will cause problems in the future because it will not address the problem of impunity ... [O]ther people will follow in the footsteps of Ongwen knowing that nothing will be done even if they kill people.²

In Coorom, respondents were emphatic that Ongwen's abduction by the LRA and the manner in which he would have been indoctrinated into the rebel army should have played a mitigating role in the Ugandan government determining whether or not to transfer him to the Court. One respondent, who said he was abducted with Ongwen but managed to escape because he was older and more wily, suggested that the government should not have transferred him.

He didn't join the rebel group at will the way other commanders like Otti Vincent did, nor was he recruited into the LRA like [people are into the national army] the UPDF. In Acholiland, people did not apply to join the LRA or the government army. That is why we have decided to leave everything in the hands of the government.

Whether they will pardon Ongwen or not, we do not know. If the government and the ICC think that the best way to address the crimes committed in Acholiland and prevent them from being committed again in the future is by trying the perpetrators in the ICC, then they should continue and prosecute Ongwen. The government should have had mercy on Dominic, but I think it is shame on the part of the Ugandan government that made them refer him to the ICC.³

Respondents in Coorom felt that instead of charging people like Ongwen for atrocities committed during the war, there should be higher level of responsibility.

It is the president of Uganda and Kony Joseph who are supposed to be charged with these crimes because they started the rebellion, and being in command the rest of the commanders are answerable to them.⁴

While, community members in Coorom felt Ongwen's non-voluntary conscription into the LRA should be considered, Lukodi community members felt otherwise. One respondent suggested that the young age at which Ongwen was abducted by the LRA was no excuse for the crimes he is alleged to have committed: "In Acholi culture even an eight year old child knows that killing is bad and can cause a vengeful spirit at home which will return to haunt people in the future."⁵

"If Ongwen could be bought to us here everybody will want to cut a piece of meat from his body for him to feel the pain we went through."

Female respondent, focus group discussion, Lukodi.

If acquitted, would Ongwen be welcomed back?

JRP asked the community members what their expectations would be if Ongwen was not convicted at the ICC. In response, victims in Lukodi called for retribution for their losses as they spoke of the physical and emotional toll they carry as a result of the massacre.

Ongwen killed so many people. Ongwen killed my husband, burnt him in the house and I only buried bones. How do I bury short bones of a once tall, huge and handsome man like my husband? When I tried to fix his bones to his body parts, it didn't make sense. If Ongwen were bought to us here, everybody would want to cut a piece of meat from his body for him to feel the pain we went through. He is lucky that he has been taken away to the ICC, which I don't call a court because there Ongwen is very comfortable, eating healthy food, sleeping in comfortable beds and living a life that none of us can afford.⁶

"We heard that he has been allocated a lawyer, therefore we want our own lawyer as victims."

Male respondent, focus group discussion, Lukodi.

The Dominic Ongwen case

Participation and representation

Both communities of Coorom and Lukodi have high expectations for participating in Dominic Ongwen's case. For the people of Lukodi, this means that the confidentiality and security of participating victims and their families should be ensured. A lawyer should, in their view, be appointed to represent their interests as victims before the ICC. Language was another factor – one respondent called for translation and the use of clear language during proceedings that would not cause "fear and panic" or "intimidate" participants. Lukodi specifically called for their active involvement in the selection of participants in a potential trial "to avoid imposters representing us."⁷

Community members in Coorom called for non-biased witnesses being selected to testify. They suggested that this could be done by, for example, Ongwen being given a chance to choose his own witnesses, which could include his family members or community leaders. Coorom also called for family members to be facilitated to participate by the ICC and the Ugandan government, with language translation to assist them to understand the proceedings.

² Male respondent, focus group discussion, Lukodi.

³ Male respondent, focus group discussion, Coorom.

⁴ Male respondent, focus group discussion, Coorom.

⁵ Male respondent, focus group discussion, Lukodi.

⁶ Female respondent, focus group discussion, Lukodi.

⁷ Male respondent, focus group discussion, Lukodi.

Community members in Coorom also requested protection from harassment or arrest from individuals, communities and other bodies who may blame them for Ongwen's actions.⁸

Sources of information

Respondents in Lukodi showed a high level of knowledge about Dominic Ongwen's case, likely because Lukodi has been the site of outreach by various ICC offices, including a visit by the Prosecutor of the ICC, Fatou Bensouda on 27 February 2015. Respondents cited the ICC's outreach office and non-governmental organisations like JRP and Refugee Law Project (RLP) as their main source of information about what is happening as well as a surge of visits from journalists and student researchers that followed Ongwen's transfer to The Hague.

Respondents in Coorom said that the only times their community has heard about Ongwen has been through radio broadcasts and more recently through journalists and researchers that have visited the area and from whom they have received photographs and tidbits of information. One respondent, a close relative of Ongwen, learned that he was still alive from such a visitor.

Some white man from the USA came to my home with Ongwen's photographs. They showed his photos to me and asked me if I could recognise [him] and I said yes. I felt very heavy in my heart because I had not seen him since the year he was abducted.⁹

“We are not saying he should be killed but that we should be compensated.”

Female respondent, focus group discussion, Lukodi.

Compensation and fair justice

Lukodi community members accept that Ongwen would be unlikely to personally compensate the victims of the massacre should he be convicted at the ICC. Nonetheless, when asked about their expectations of Ongwen possibly being tried at the ICC, the community members continuously emphasised the link between his being tried and them being provided with compensation.

If justice comes the way the ICC is talking about, then we want to be compensated for the losses that we incurred. Ongwen should be tried and convicted. We are not saying he should be killed, but that we should be compensated. We lost animals, loved ones, food in the garden and many other things. When you go to schools, the teachers say, 'Go back home with your child,' because we have failed to provide money for education. The doctor will also tell you to pay money before you get better medical services when you are sick. Really, what kind of life is this? Therefore, we want compensation and the ICC leaders know what kind of compensation will be given to which categories of people.¹⁰

Community members in Coorom's expectations, on the other hand, hinge on Ongwen being provided with fair jus-

tice.

We know the crimes committed in northern Uganda were not done by one person or party. My request to the ICC and government of Uganda who referred Ongwen should ensure that our brother receives fair justice.¹¹

For Coorom, 'fair justice' means that the ICC should take into consideration how and why the crimes he was alleged to have committed came to be, such as because "the government soldiers did not protect the civilians." The Court should therefore "also investigate the LRA battalion and the commander who abducted Ongwen because some of the commanders are back at home and they are living a free life."¹²

“We should work towards forgiveness and make peace again in the communities where we live.”

Female respondent, focus group discussion, Coorom.

Accountability for international crimes

Traditional justice and reconciliation

Both communities of Lukodi and Coorom emphasised the reconciliatory role of traditional justice in addressing crimes such as those Ongwen is alleged to have committed following the conclusion of court processes.

When a perpetrator commits a crime and comes out openly to the public to make an apology, he can be forgiven and reconciled with the community. This is only possible after the truth is told and the traditional methods of resolving disputes are used, including truth-telling, compensation for the affected persons or clans and then *mato oput* or *gomo tong* [ceremonies], which is reconciliation between the parties.¹³

According to respondents in Lukodi, if a case such as Ongwen's is to be handled according to Acholi traditional norms, after prosecution is completed, traditional leaders would gather the two affected clans or communities together. The perpetrator's clan would provide compensation to the victims' clan and a reconciliatory ceremony between the two known as a *gomo tong* ('bending the spear') would be conducted since the perpetrator, himself, would have harmed too many people to personally provide compensation.

In addition to reconciling with perpetrators, both Coorom and Lukodi felt it was important for the communities themselves to reconcile with other communities. Respondents in Lukodi, for example, called for leaders from Lukodi and Ongwen's clan to come together to hold discussions. This would, in their view, provide an opportunity for an apology on behalf of Ongwen's family to Lukodi and thereafter for the two communities to reconcile.

8 Male respondent, focus group discussion, Coorom.

9 Male respondent, focus group discussion, Coorom.

10 Female respondent, focus group discussion, Lukodi.

11 Male respondent, focus group discussion, Coorom.

12 Male respondent, focus group discussion, Coorom.

13 Male respondent, focus group discussion, Lukodi.

“Ongwen, who was abducted as a child, is paying the price for other people.”

Male respondent, focus group discussion, Coorom.

Government responsibility

Both Coorom and Lukodi emphasised the role of the Ugandan government in providing redress for international crimes. Community members in Lukodi highlighted the role government soldiers played in the Lukodi massacre and called for an apology to be made on the government's behalf. Additionally, there was a high level of expectation from the government to compensate victims for not protecting them, which was described as “carelessness” by one respondent.¹⁴

‘When two elephants fight, the grass suffers.’ We were the grass that suffered because the government soldiers were shooting their bullets and the LRA rebels were also shooting theirs. We the civilians were in between the rebels and the UPDF soldiers and at the end we became the shield protecting the two from each other's bullets and the bullets ended up shooting and killing us, the civilians. Some children were burned in the houses and others were packed alive in bags and thrown into the river to drown. The government owes us an apology on their behalf.¹⁵

In Coorom, abductions of people like Ongwen, the crimes he is alleged to have committed while part of the LRA as well as the deaths of civilians were also attributed to the action or inaction of the Ugandan government. A respondent in Coorom insisted on an investigation into “what happened from the government perspective so that the Court will be in a position to understand what crimes the government soldiers committed [and] in what frame.”¹⁶

“The community is full of vengeful feelings. They will take the law in their hands and may cost him and his family their lives.”

Individual interview with Deborah Oyella, UN Human Rights.

Civil society views

The civil society organisations that JRP consulted were generally positive about Dominic Ongwen being brought before the ICC, describing proceedings against him as a “platform for justice” for both Ongwen and victims of conflict,¹⁷ as a “necessary element of post-conflict justice”¹⁸ and as an opportunity to “ensure non-repetition of the crimes” that Ongwen is alleged to have committed.¹⁹ If Ongwen were to be tried and convicted at the ICC, this would “bring some sort of closure to the victims” in Lukodi.²⁰ A respon-

dent at the Uganda Human Rights Commission pointed out that Ongwen being tried and convicted could, however, inhibit members of the LRA from laying down arms “for fear they will be subjected to post war prosecution.”²¹

When asked whether their target beneficiaries would welcome Ongwen home if he were not convicted, the civil society organisations were all of the belief that the communities would be dissatisfied and would want to take revenge. As such, Ongwen would have to be kept separate from other people on his return²² as he could “never be at peace with the community nor them with him.”²³

If Dominic Ongwen is acquitted, then it will only serve to strengthen impunity and as such victims would feel cheated of their right to truth, justice and reparation. At the same time if victims feel that Dominic Ongwen is not sufficiently dealt with by legal processes, they may be tempted to carry out private justice or revenge to other individuals as substitute for legal justice.²⁴

In regards to the charges leveled against Ongwen, one respondent pointed out that in order for them to be “sufficient”, they would have to include sexual and gender-based violence inflicted on women that became “bush wives.”²⁵ The same respondent observed that the charges could have reflected other incidents in addition to the Lukodi massacre, but did not because the ICC “is very poor at keeping constant conversations with victims.”²⁶

Because it has been a decade since the ICC issued warrants of arrest for Ongwen and four other LRA commanders, the process was characterised as “slow” with some victims that would have potentially benefited from its conclusion dying before they received justice resulting in lost evidence, and among victims that are still alive, feelings of diminished hope and frustration, and post-traumatic stress.²⁷ In terms of the transitional justice landscape of Uganda, the proceedings against Ongwen being held before the ICC “shed a lot of light on the credibility of the International Crimes Division (ICD) [of the High Court of Uganda] to handle cases of such nature”, suggesting that the ICD's limited jurisdiction to try cases before its establishment in 2008 hampers it from properly addressing atrocities that were committed during the height of the LRA conflict.²⁸

Regarding victim participation, one respondent commended ICC prosecutor Fatou Bensouda's visit to Lukodi and other conflict-affected areas in northern Uganda during February of 2015 to “experience first-hand what these people went through as a result of the LRA” as a good first step in ensuring the involvement of victim communities in the process.²⁹ The Uganda Human Rights Commission also stressed its support for “major institutional reform of the Registry [of the ICC's policies] known as the ‘ReVision Project’” to shape opportunities for victim participation.³⁰

and Peace Commission.

21 Individual interview with Uganda Human Rights Commission.

22 Individual interview with Deborah Oyella, UN Human Rights.

23 Individual interview with Dixon Odur, Archdiocese of Gulu, Justice and Peace Commission.

24 Individual interview with Uganda Human Rights Commission.

25 Individual interview with Deborah Oyella, UN Human Rights.

26 Individual interview with Deborah Oyella, UN Human Rights.

27 Individual interview with Deborah Oyella, UN Human Rights.

28 Individual interview with Dixon Odur, Archdiocese of Gulu, Justice and Peace Commission.

29 Individual interview with Dixon Odur, Archdiocese of Gulu, Justice and Peace Commission.

30 Individual interview with Uganda Human Rights Commission.

14 Male respondent, focus group discussion, Lukodi.

15 Female respondent, focus group discussion, Lukodi.

16 Male respondent, focus group discussion, Coorom.

17 Individual interview with Dixon Odur, Archdiocese of Gulu, Justice and Peace Commission.

18 Individual interview with Uganda Human Rights Commission.

19 Individual interview with Deborah Oyella, UN Human Rights.

20 Individual interview with Dixon Odur, Archdiocese of Gulu, Justice

In terms of recommendations for the Ongwen proceedings at the ICC, respondents advocate for the hearings to either be brought “closer to the site where the offense was committed”³¹ or to have victims testify in The Hague.³² Community meetings should be held by the ICC and other actors to hear victims’ views³³ and in order to have their voices heard during such consultations affected communities should “organise themselves in groups ... [to] stand a better chance in voicing their opinions.”³⁴ Additionally, a “victim witness protection programme” should also be put in place³⁵ and victims should be afforded independent legal representation that not is provided exclusively by in-house ICC counsel, which would otherwise “threaten lawyers’ abilities to act as independent advocates for victims.”³⁶

“Who are we, the people of Lukodi to refuse and say Ongwen cannot be tried?”

Male respondent, focus group discussion, Lukodi.

Conclusion

JRP’s interaction with the two communities tied to Dominic Ongwen’s trial at the ICC, Lukodi and Coorom, revealed that the views that they hold towards Ongwen, the ICC and international justice differ in certain respects and converge in others. The dissimilarities can be attributed to the different experiences both communities had both during and after the conflict and the nature of the interaction they have had with outsiders.

Because community members in Lukodi’s primary concern is in receiving compensation for losses they suffered during the conflict, their perspective tended to be skewed towards Dominic Ongwen being convicted at the ICC. Community members there spoke, for example, of being willing to personally testify as well as to verify witnesses, on behalf of the Court, that would testify that Ongwen was responsible for their suffering. When discussing a possible trial, respondents continually emphasised reparations since to their understanding, a guilty verdict at the ICC means that they will receive compensation for life and property lost, allowing them to access education and health services. A non-guilty verdict, on the other hand, would leave them empty handed.

For both Lukodi and Coorom, reconciliation and traditional justice were of great importance. The reconciliatory nature of Acholi traditional ceremonies and vows that involve conciliation and forgiveness, such as *mato oput* and *gomo tong*, were frequently brought up and cited as solutions – along with court processes – for atrocities committed during the conflict. Respondents also called for consultation and discussion among different communities, with Lukodi specifically calling for dialogue with Ongwen’s clan, to encourage understanding.

JRP identified that there was an imbalance of access to information about what was going on in the different communities. Some respondents in Lukodi have a high level

of knowledge and understanding of ICC and international justice processes – such as appeals and their rights to legal representation as victims – due to the attention that has been paid to them over the years by local NGOs and the ICC. Within that group, some respondents, such as individuals who had participated in workshops which explained the Court’s Trust Fund for Victims, also appeared to be knowledgeable of other processes related to the court while others did not. The community in Coorom, on the other hand, has only had sporadic visits from journalists looking for information as their base for news about what is happening. As a result, respondent’s views in Coorom seemed to be subjected to inconsistent or inaccurate information.

An area that was continuously stressed by both Lukodi and Coorom was the need for government accountability. This means the actions of government forces during the conflict should be taken into account by the ICC when dealing with crimes that occurred during the conflict.

It also means that the Ugandan government should take lead in providing for the needs of the communities by providing, for example, for compensation, financial support and facilitation for participation in the proceedings. Paradoxically, JRP’s consultations also revealed a high level of distrust for the government’s involvement in international justice processes. For instance, community members did not want the government to be involved in the ICC’s reparations process, and called for civil society organisations and the Court itself to facilitate the giving of reparations instead. Additionally, respondents in both communities expressed uncertainty about the government’s decision to transfer Ongwen to the ICC, with suggestions that they did not understand why it was done.

The following recommendations were specifically made by both communities for civil society organisations, such as JRP, the Ugandan government and the ICC:

- Investigate government atrocities during the conflict;
- Channel reparations through civil society organisations or the ICC;
- Conduct consultations and meetings with victim communities prior to meeting with government and civil society representatives;
- Facilitate victims and community members in both Lukodi and Coorom to participate in a potential trial of Dominic Ongwen;
- Provide coverage and translation of Dominic Ongwen-related ICC proceedings to community members in Lukodi and Coorom;
- Provide protection, education, health care and other basic needs for Dominic Ongwen’s children and remaining family members; and,
- Facilitate dialogue between the communities of Coorom and Lukodi through meetings.

31 Individual interview with Deborah Oyella, UN Human Rights.

32 Individual interview with Dixon Odur, Archdiocese of Gulu, Justice and Peace Commission.

33 Individual interview with Deborah Oyella, UN Human Rights.

34 Individual interview with Dixon Odur, Archdiocese of Gulu, Justice and Peace Commission.

35 Individual interview with Deborah Oyella, UN Human Rights.

36 Individual interview with Uganda Human Rights Commission.