

## Ongwen's Surrender and its Implications for Reconciliation in Northern Uganda

by Magara Ibrahim Sakawa\*

Since 1989, Northern Uganda has suffered from armed conflict led by the Lord's Resistance Army (LRA) under the leadership of Joseph Kony. Motivated by their religious beliefs, the LRA violently sought to overthrow the Government of Uganda and establish a government based on the Biblical Ten Commandments as penance for their sins and a means to ending marginalization of the people of northern Uganda.<sup>1</sup> The conflict later spread from the Acholi sub-region to Lang'oo, Teso, West Nile, South Sudan and lately to parts of the Democratic Republic of Congo (DRC) and the Central African Republic (CAR).<sup>2</sup> Ironically and most tragically, the same civilians whose interest the LRA claimed to be fighting for became the main casualties of ineffable suffering for about two decades.

In December 2003, the President of Uganda, referred the situation of northern Uganda to the International Criminal Court (ICC). Following this referral arrest warrants were issued in 2005 for LRA leader, Joseph Kony and its four top commanders; Okot Odhiambo, Dominic Ongwen, Vincent Oti (allegedly deceased) and Raska Lukwiya who has since been confirmed dead. Since the indictment, all the accused were on the run until 5<sup>th</sup> of January 2015, when Dominic Ongwen

---

\*The author is currently a peace corp under the Fredskorpset (FK) Norway Exchange Program and he works for Human Rights Network-Uganda (HURINET-U) as a Project Assistant, The National Coalition on Transitional Justice-Uganda (NCTJ-U) and Synergy for Peace.

<sup>1</sup> Global Security. "The Lord's Resistance Army (LRA)." Available online at: <http://www.globalsecurity.org/military/world/para/lra.htm> (Accessed 10/10/2015)

<sup>2</sup> Joseph Maria Royo. "War and Peace Scenarios in Northern Uganda." Available online at: [http://www.escolapau.uab.cat/img/qcp/war\\_peace\\_uganda.pdf](http://www.escolapau.uab.cat/img/qcp/war_peace_uganda.pdf) (accessed on 07/03/2015)

was alleged to have surrendered to the Seleka rebels in CAR. Ongwen is accused of committing war crimes and crimes against humanity, including murder, enslavement, inhumane acts and cruel treatment, intentional attack against civilian population, and pillaging.<sup>3</sup>

Various perceptions and reactions have been expressed in regard to Ongwen's case. One of them is his surrender to the ICC and its implication for reconciliation in northern Uganda. Perceptions of various actors on this demonstrate two broad strands. There are on the one hand, those who feel that Ongwen's surrender jeopardises the reconciliation process in northern Uganda. On the other hand, are those who hold the view that this is a good sign for justice, peace and reconciliation since the ICC process, like any other court process, is essentially the search for truth and justice which are a prerequisite to reconciliation. However, there is also a radical version of the latter held by those who believe that Ongwen and other LRA commanders and fighters should face justice through punishment for the crimes they committed. There is also a specific filament of argument that looks at Ongwen as a victim. Abducted at the age of ten and indoctrinated into the LRA system, they argue that Ongwen's conduct cannot *per se* be attributed to him.<sup>4</sup> For instance, one former LRA fighter who was equally abducted but managed to escape at some point, argued that, "if people understood the situation as an LRA captivate, they would have mercy on Ongwen."<sup>5</sup> This is the school of thought that appears to lay all culpability on the government of Uganda which they claim blatantly failed to protect the young Ongwen and many others from being abducted only to turn against them when their conscience had been destroyed.

Within this discourse, it is clear that the Ongwen question portends a fragility that needs sobriety in response from different actors for the purposes of healing and reconciliation. It is arguably true that Ongwen's surrender has rekindled a flame that, if not well handled, may open old wounds.

---

<sup>3</sup> The ICC-02/04-01/05. "The Prosecutor V. Joseph Kony, Vincent Otti and Okot Odhiambo". Available online at: [http://www.icc.cpi.int/en\\_menus/icc/situations%20and%20cases/situations/situation%20icc%200204/related%20cases/icc%200204%200105/Pages/uganda.aspx](http://www.icc.cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200204/related%20cases/icc%200204%200105/Pages/uganda.aspx) (accessed on 10/03/2015).

<sup>4</sup> Refugee Law Project (2015), "Ongwen's Justice Dilemma: Perspectives from Northern Uganda" [http://www.refugeelawproject.org/files/briefing\\_papers/ or http://www.iccnw.org/documents/Ongwens\\_Justice\\_Dilemma.pdf](http://www.refugeelawproject.org/files/briefing_papers/ or http://www.iccnw.org/documents/Ongwens_Justice_Dilemma.pdf) (accessed on 07/03/2015).

<sup>5</sup> Author's personal notes from a consultative dialogue held in Gulu on 16 January 2015

From the rapid assessment carried out by the Refugee Law Project (RLP), already the communities in northern Uganda have demonstrated a sharp perceptual rift in regard to Ongwen's awaited trial. For instance, there is a renewed growing blame on the government of Uganda for continued marginalization of the Acholi region and for doing little to salvage the situation, especially with the slow process of demilitarization. Dissatisfaction with the way the government has handled the situation has since been echoed by members of Greater North Parliamentary Group. The scandals of corruption in the Peace Recovery and Development Plan II (PRDP II) exacerbated the claims of marginalization and reconciliation as some Acholis believe that the embezzlement of the money was within a wider scheme to keep them in the state of poverty. The fact that Ongwen's surrender has come at a time when Uganda is headed to elections brings with it a number of political risks including the danger of making the case into an election issue which will greatly hamper the healing and reconciliation process since politics is naturally a divisive process.

While the government of Uganda, led by President Yoweri Museveni, has pledged its support to the ICC process, it has been consistently accused of doing little or nothing to redress the victims. Its role in the peace and recovery process has also been questioned especially by politicians from northern Uganda. For instance, the Democratic Party President, Hon. Norbert Mao, who also comes from the Acholi region challenged the President to come clean on the role of the state security agencies during the conflict; in fact, Mao likened President Museveni to the LRA leader by alleging that "in many ways Museveni resembles Kony since all of them have committed atrocities against the population."<sup>6</sup> This shows the political heat that has been generated since Ongwen's surrender and it is expected that the political tensions may escalate, especially as the country heads to a general election in early 2016.

The Ongwen case has also reignited what can be perceived as ethnic divisions in northern Uganda, remarkably between the Acholi and Lang'o communities. During a National Reconciliation Conference organized by the Refugee Law Project (RLP), whereas several Religious leaders

---

<sup>6</sup> Ibid

including Bishop Ochola called for Ongwen's forgiveness as a victim of abduction, Hon Omara Atubo from Lang'o called for the trial of Ongwen.<sup>7</sup> This is not a good sign for the peace and reconciliation process that had begun to pick up pace, since the political and the religious factions differ on the issue. Ongwen being an Acholi, there is a discernible perception in Lang'o, that the Acholis are perpetrators and the Lang'i are victims; a perception that is equally noticeable in parts of Teso. The Acholi have vigorously contested this perception, claiming that they are equally victims and that they suffered more from the LRA war than any other community. Availability of the ICC Victim Trust Fund, and the growing realization by various groups that there is such a fund set aside for the redress of victims, appears to escalate the debate on who are the real victims and/or who suffered more than the other as a result of the LRA insurgence. There seems to be ignorance also that interim assistance of the Trust Fund for ICC is only meant for July 2002 onwards.

In view of reconciliation, various actors within northern Uganda are opposed to the idea of prosecuting Ongwen. For instance, the religious actors led by the Acholi Religious Leaders Initiative (ARLI) have openly criticized the ICC process and termed it an impediment to the peace and reconciliation process that had begun in earnest. Other remarkable actors are the Amnesty Commission which sees the trial of Ongwen as a contradiction and inconsistent with the requirements for amnesty dating back to the Juba Peace Process that came long after the referral of the northern Uganda situation to the ICC, and the subsequent issuance of the warrants of arrest. Invisible Children, an organization that has been working directly with the LRA to trace those abducted and to secure their defection, termed the surrender of Ongwen to the ICC as unfortunate since it is a fetter to their efforts of getting as many LRA fighters as possible to defect.<sup>8</sup> The Acholi chieftdom, during a recent cleansing ceremony of 75 former LRA fighters in Gulu, also observed

---

<sup>7</sup> 17<sup>th</sup> March, 2015 at Munyonyo Speke Resort Hotel, Hon: Omara Atubo said, that during the recent visits by the ICC Prosecutor Fatou Bensouda. The People of Barlonyo in Lango, a former Camp that was alleged to have been attacked by the LRA said, Ongwen should be tried, thus the debate of forgiving Ongwen should be ruled out. This was further reiterated by the Local Council V of Dokolo District, Okello Okello who is also from Lang'o.

<sup>8</sup> Refugee Law Project (2015), "Ongwen's Justice Dilemma: Perspectives from Northern Uganda" [http://www.refugeelawproject.org/files/briefing\\_papers/ or http://www.iccnw.org/documents/Ongwens\\_Justice\\_Dilemma.pdf](http://www.refugeelawproject.org/files/briefing_papers/ or http://www.iccnw.org/documents/Ongwens_Justice_Dilemma.pdf) (accessed on 07/03/2015).

that the ICC process will only help to slow down the reconciliation and reintegration process in northern Uganda.

The surrender of Dominic Ongwen has once again demonstrated the dilemma of achieving justice and peace in communities which are emerging from conflict and are still in the process of recovering from deep wounds of loss and pain. While Ongwen's trial portends various dangers and dilemmas for reconciliation, it is not completely unhelpful that Ongwen was surrendered to The Hague. It is simplistic to conceive trials as outright condemnation of Ongwen. On the contrary, the ICC process, according to the Prosecutor, is just as any other judicial process whose goal is the search for justice and truth.<sup>9</sup> It is expected therefore that the imminent trial of Ongwen should lead to the discovery of the truth, truth that will form the basis or enhance the healing and reconciliation process in northern Uganda. As one participant in a consultative forum held in Gulu posts "Ongwen's trial at the ICC should provide an opportunity for the victims in northern Uganda to set the record straight." And in the words of Norbert Mao, "the goal for meaningful accountability and justice in northern Uganda should lead to national healing and reconciliation. This requires addressing the unresolved legacies of conflicts in Uganda and their consequences...healing takes time; issues of reconciliation and accountability take time...it is important to look back on what went wrong in Uganda and embark on a national healing process."<sup>10</sup>

Ongwen's trial therefore only forms part of the broader process in the search for truth and justice that ultimately contribute to the reconciliation process. The concern however, is the length of the judicial process since some victims have a feeling that justice is overdue. Management of the expectations and anxiety of the communities, especially victims, as well as, outreach activities

---

<sup>9</sup> Author's personal notes from a CSOs meeting with the ICC Prosecutor, Fatou Bensouda at Sheraton Hotel, Kampala, Uganda on 26 February 2015

<sup>10</sup> Refugee Law Project (2015), "Ongwen's Justice Dilemma: Perspectives from Northern Uganda" [http://www.refugeelawproject.org/files/briefing\\_papers/](http://www.refugeelawproject.org/files/briefing_papers/) or [http://www.iccnw.org/documents/Ongwens\\_Justice\\_Dilemma.pdf](http://www.iccnw.org/documents/Ongwens_Justice_Dilemma.pdf) (accessed on 10/03/2015)

aimed at educating the affected community on the ICC process and its implications are key areas which need a robust engagement especially by the civil society.

**Hekima Institute of Peace Studies and International Relations (HIPSIR), Hekima College**  
A Constituent College of the Catholic University of Eastern Africa (CUEA)

**Physical Address:** Riara Road, off Ngong Road  
**Tel:** +254 20 3860109 | +254 20 3860102  
**Mobile:** +254 729 755905  
**Email:** [secretary.hipsir@hekima.ac.ke](mailto:secretary.hipsir@hekima.ac.ke)  
**Website:** <http://hipsir.hekima.ac.ke>