

A Deal with the Devil: Issues in Offering Joseph Kony Amnesty to Resolve the Conflict in Uganda

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ABSTRACT Peace talks have commenced between the Ugandan Government and the Lord's Resistance Army (LRA), which has committed countless atrocities during the nearly 20 years it has tried to overthrow the government. The head of the LRA, Joseph Kony, has been offered amnesty by the government in the hope that peace will ensue. This raises the question of whether a government should forego the pursuit of justice in order to prevent further bloodshed.

Introduction

Amnesty for an individual, or individuals, has often been an important aspect of conflict resolution. Khmer Rouge guerrillas, responsible for an estimated 1.7 million deaths in the 'killing fields' of Cambodia, were offered amnesty in 1994.^{1,2} Members of the Argentine Junta and the soldiers who followed their orders, leading to an estimated 30,000 missing and presumed dead, received amnesty under 1986 and 1987 laws. (Recently, however, Argentina's blanket amnesty was repealed, offering hope to survivors that justice will finally be served, but also calling into question the sincerity of amnesty offers by future governments wishing to end conflicts.)³ Even a conflict as recent as the one in Iraq has seen the offer of amnesty used as a tool to encourage insurgents to forego violence and to participate instead in the democratic process, thus utilizing peaceful means to address their grievances.⁴ These and other examples point to the use of amnesty by foreign governments to forgive, if not to forget, in order to move forward.

Sometimes unique questions need to be answered when a country is considering offering amnesty. Should it be provided to someone who has the blood of countless individuals on his hands if it means a possible end

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14. ABSTRACT Peace talks have commenced between the Ugandan Government and the Lord's Resistance Army (LRA), which has committed countless atrocities during the nearly 20 years it has tried to overthrow the government. The head of the LRA, Joseph Kony, has been offered amnesty by the government in the hope that peace will ensue. This raises the question of whether a government should forego the pursuit of justice in order to prevent further bloodshed.					
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to further bloodshed? At what point does political amnesty stop applying to a person who appears to have evolved from being a revolutionary, intent on overthrowing the government, to a criminal, making lucrative profits from such acts as human trafficking? And, if a country does decide to offer such a person amnesty, does the international community still have the right to prosecute him for crimes against humanity? These are not hypothetical questions, for the government of Uganda has offered amnesty to Joseph Kony, a man who has slaughtered innocents, turned his hate against the government into a criminal enterprise, and whose actions against his own people have been so reprehensible that the international community might prosecute him even if the Ugandans do not.

Joseph Kony is the head of the Lord's Resistance Army (LRA), a force created in 1987 to oppose the government of Yoweri Museveni, who had seized control of Uganda the previous year. Kony's stated objective is to replace Museveni's government with one based on the Ten Commandments, despite ignoring the edict 'Thou shalt not kill', as the LRA is responsible for the brutal slayings of countless Ugandans, many of them innocent civilians from his own ethnic group, the Acholi.

The litany of Kony's crimes against humanity does not end with murder. The LRA launched numerous raids across northern Uganda, abducting children along the way. The captured boys serve as soldiers and are forced to participate in acts of torture as well as execution-style murders of would-be escapees.⁵ Many of the girls serve a life of forced sexual slavery as 'wives' of the LRA commanders, often becoming pregnant and giving birth in the bush.⁶ Some are sold into bondage.

Kony's activities have terrified the populace. The result has been 1.5 million internally displaced people, essentially destabilizing the country's northern region.⁷ The 'night commuters', children who flee from their villages to the safety of towns each night to prevent their abduction by the LRA, reflect the dire lack of security in the region.⁸ Economic development has been extremely difficult under these circumstances, and grinding poverty is prevalent.

The Ugandan army has struggled for nearly two decades to defeat the rebels. There have been some military successes, and the LRA is probably significantly smaller now than at its peak, but Kony's forces have continued as a formidable and ruthless foe right up to the recent peace talks. Thus, despite repeated pronouncements from the military that they could achieve a decisive victory and final elimination of Kony, after nearly 20 years of battles with the Ugandan forces the LRA is still able to fight. 'They want to prove the world wrong, that they are not finished. Atrocities speak louder than what the Ugandan government claims', stated one former LRA commander.⁹

Any hope on the part of the international community for an end to the conflict in northern Uganda is most likely predicated on the removal or

pacification of the LRA, and it is certainly in the interests of the developed countries to see it end. The camps for internally displaced persons, which are wholly inadequate to serve the large numbers of people present in them, could readily serve to recruit terrorists, as they have in other countries. 'Where you have instability and you have poverty and you have pain, you have a fertile breeding ground for fundamentalists and radical ideologies' according to Ken Davies, the UN World Food Program Director for Uganda.¹⁰ He further states, 'Remember that Osama bin Laden was in Sudan before he went to Afghanistan. This whole terrorist thread affects the neighboring countries and it grows and it spreads.' Stella Sabitti, executive director of the Center for Conflict Resolution, a Ugandan NGO, states, 'We've lost, I think, a whole generation in the north because people have grown up in violence, seeing nothing but violence. They don't know what peace means.'¹¹

What Cost Peace?

Against this backdrop, the government has repeatedly initiated peace talks, with all previous attempts ending without a resolution to the conflict. There is great hope, however, that this latest attempt will prove successful, as Kony has lost his base of support in Sudan, and the Ugandan army has reportedly made some headway against the guerrillas.¹² According to the International Crisis Group, 'Because of the increased military pressure since the beginning of 2005, the LRA has further sub-divided into smaller units to avoid detection by the army . . . While command and control is still intact, there is no longer a fixed headquarters such as existed for years in southern Sudan, nor is there any longer reliable external support.'¹³ Perhaps it is this grinding down by the Ugandan military that led Brigadier Sam Kolo, a spokesperson for the LRA, to state, 'The year of 2005 must be a year of total peace', though 2005 ended and the conflict did not.¹⁴ However, even Kony himself, has expressed his willingness to agree to a peace deal.¹⁵

As there is hope that Kony might accept what he interprets to be a reasonable offer, there is also hope that the government, representing the people, will make such an offer. The north has been so utterly devastated by a prolonged low-intensity conflict that perhaps the people are willing to offer almost anything in order to have the prospect of peace and get on with their lives. Though this might appear to be irrational, it makes perfect sense to a people who live in constant fear that their children will be abducted, are forced to find refuge in overcrowded camps, and find that the military sent to protect them can be almost as ruthless as the rebels the soldiers are supposed to be fighting.

Though a survey of people in the north found a majority are willing to offer Kony amnesty in exchange for peace, the situation is more

complicated than a simple *quid pro quo*.¹⁶ There are several problems with offering him amnesty. He appears to be a delusional madman. He has blood on his hands. It is uncertain he would even accept an amnesty offer as his livelihood stems, to a large extent, from the criminal enterprise that has sprung up around, or perhaps replaced, his political insurgency. Thus, the overriding question for the people in Uganda when dealing with this barbaric individual, is ‘what cost peace?’

Amnesty for a Murderer?

Are there crimes against humanity that are so brutal, so cruel that they cannot be forgiven? The LRA is responsible for torture, mutilation, murder, rape, abduction . . . an almost endless list of horrors.

To stop further killing, would amnesty have been justified for Hitler (though some might argue that Chamberlain’s offer of appeasement amounted to just that)? Though Kony’s atrocities are not, in terms of number of people murdered, on the scale of that despot, he is nevertheless responsible for the death of a significant number of people. His actions have resulted in the International Criminal Court indicting him on charges of both war crimes and crimes against humanity.¹⁷

Near the town of Kitgum, on 25 July 2002, 48 people were hacked to death by the LRA. The elderly were killed with machetes and spears. Babies were flung against trees.¹⁸ Such brutality by the LRA under Kony makes a peaceful resolution of the conflict that much harder. Even now, with peace negotiations underway, the atrocities continue.

Amnesty for a Criminal?

Alice Lakwena’s Holy Spirit Movement, essentially the forerunner of the LRA, began as a peaceful group in 1986.¹⁹ It evolved into a fighting force in large measure as a military response of the Acholi to the threats of Museveni’s National Resistance Army. It was a popular uprising, supported by a people who feared retribution for atrocities they had committed when much of the army had been composed of recruits from the north.²⁰ When Museveni’s rebel forces took power in 1986, they wanted revenge against the northern soldiers – those who had served such brutal dictators as Idi Amin.

Though the LRA claims it wants to replace the present government with one based on the Ten Commandments, it has become deeply enmeshed in criminal endeavors. Its sordid activities of murder, rape and other atrocities are legion, as mentioned above. It is also committing crimes for profit. Though ostensibly the money is to finance its attempted overthrow of the government, the actions and structure of the LRA in some ways appear to be more representative of a criminal

enterprise than a revolutionary one. Witness the alleged human trafficking.²¹ The sale of some of its abductees, people from their own region, into slavery is not the action of a political movement bent on improving the lives of the Acholi, but rather a criminal one that uses its ill-gotten gains to sustain its standard of living.

Narcotics sales also help fund LRA operations. Being involved in the drug trade has the advantage of making them available for its own use. Some of the atrocities that are committed are reportedly so brutal that Kony's followers rely on drugs for their courage to perform them.²²

Armed robbery is still another of the LRA's tactics, with individuals, stores, banks, taxis and buses serving as some of their targets. It also raids villages and loots farms.²³

The LRA has changed from its early days. No longer solely a revolutionary movement based on religious beliefs, it now includes blatant criminal activity. Thus, any offer of amnesty would not be just to a political opponent of the government, but also to a criminal. Would this set an uneasy precedent for other criminals to demand amnesty for their crimes, no matter how heinous? And, in the end, will amnesty for such actions be giving in to blackmail, with the government saying, 'Enough, we will honor your demands'?

Amnesty for a Terrorist?

The LRA has been designated a terrorist organization by the US State Department.²⁴ Its definition of terrorism, which the LRA clearly meets, is 'premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience'.²⁵ Kony's audience is not just the government of Uganda, it is the people of the country. In the late 1980s his attacks were mainly concentrated on troops.²⁶ However, in 1992 he began focusing on civilian groups. Kony had become increasingly angry at the people he had expected to support him, reportedly telling one abductee, 'if the Acholi don't support us, they must be finished'.²⁷

Kony's terrorism has spread beyond northern Uganda to include part of southern Sudan as well.²⁸ Khartoum's original policy was to support the LRA as a means to punish Uganda for supporting the Sudan People's Liberation Army (SPLA), a rebel group that fought the Sudanese government for nearly two decades.²⁹ Eventually, however, Kony's actions persuaded the Sudanese government to withdraw its support for his efforts.

Though the LRA has been designated a terrorist organization, the US is supporting talks between it and the Museveni government. However, US Ambassador to Uganda Jimmy Kolker, in an interview with IRIN,

rejected the idea that there are parallels between the LRA and al Qaeda.³⁰ He had been asked why, if donors are urging the Ugandan government to talk with the LRA, America will not talk with al Qaeda. His answer was that to do so would be appeasing the terrorists, and he provided two reasons. First, the crisis in Uganda is one of Ugandans attacking other Ugandans. 'Secondly', he said, 'the nature of terrorism is an ongoing pattern, not a surprise act where you attack and then wait a few years'. He emphasized the need to end the war and that the US wants to encourage conversations to bring this about.

Amnesty for a Religious Mystic?

The question here is not whether Kony deserves amnesty based on his religious beliefs, but whether or not he can be counted on as a stable partner in peace negotiations when his past actions seem to belie his claim that he leads by divine intervention. One intermediary who had contact with top LRA commanders reported, 'Kony believes he is the true man of God sent by God to save the Acholi'.³¹

Kony certainly interprets religion to suit his own designs, choosing which tenets to follow and which to ignore. Witness his push to install a government based on the Ten Commandments, yet he is responsible for countless murders.

The Acholi hold life sacred. This is one reason they view Kony as a false prophet.³² Can a man who is held up as a charlatan by his own people be trusted to implement a peace agreement fully, or will he pick and choose which parts of the settlement he wants to follow, much as he has done with his religion?

Some claim that Kony does not even have a political agenda, that it is strictly religious. If so, negotiations will be even more difficult. How do you negotiate with a man who believes his agenda is determined not by man but by God? In fact, how do you even talk with him? As he was quoted in an April 2004 interview, 'I will communicate with Museveni through the holy spirits and not the telephone'.³³

Will Kony Accept Amnesty?

Up to this point the discussion has concerned whether an offer of amnesty is justified. Now it is time to turn attention to whether or not he would even accept it. There are two main reasons he might not do so: comfort with his present life and the possibility of being prosecuted by the International Criminal Court.

His lifestyle has apparently been a good one, though this appears to have changed recently, as will be described shortly. As an ex-LRA combatant said, 'All the good food such as chicken, meat, goats, cows

and groundnuts are given to rebel commanders'.³⁴ He and his commanders also have their pick of the female abductees, essentially forcing them to serve as their wives. It is doubtful that Kony, the son of peasant farmers and a school dropout, could attain what he has outside of the LRA. Indeed, for many of the rebel commanders, the LRA has enabled them to acquire by force what they never would have been able to earn through work.

There are indications, however, that the military campaign against Kony, while not directly defeating him, has resulted in a worsening of his situation. One former commander of the LRA says of his old colleagues, 'The material condition of LRA commanders has deteriorated 100 per cent. They have lost a lot. Most commanders are willing to negotiate because of this. If the government can give the LRA a quarter or half of what it wants, we may as well take it.'

The problem of the International Criminal Court (ICC) wanting to prosecute him, as well as his top commanders, also muddies the waters. Kony would probably not accept amnesty from Uganda only to face prosecution for crimes against humanity from the ICC. Either Uganda would have to provide a safe haven for him, or an agreement would have to be reached essentially asking the ICC to withdraw from the case.

As a prelude to peace talks with the LRA, on 5 July 2006, President Museveni offered Kony amnesty. Two days later an announcement was made that Kony had rejected the offer.³⁵ However, on 9 July 2006 it was reported he had not rejected the amnesty offer but rather had accepted it.³⁶ This uncertainty regarding the acceptance or rejection of amnesty may be deliberate on Kony's part to sow confusion, or possibly just a reflection of his delusional personality, but in any event it underscores the difficulty of trying to reach a meaningful accord with him.

Mixed Signals from the Ugandan Government

The prospects of amnesty for Kony are complicated by mixed signals from the Ugandan government. On 3 February 2005 President Museveni announced an 18-day ceasefire. This was a reversal from his previous commitment to continue with military operations until Kony's rebels agreed to withdraw from the bush.³⁷ Former minister Betty Bigombe, representing the government, stated in May of that year that a negotiated settlement was still on course. She reported, 'I am in regular contact with Joseph Kony himself ...'³⁸ These negotiations subsequently failed.

Conversely, President Yoweri Museveni has stated his lack of faith in negotiations with 'terrorists'.³⁹ He adds, 'There are those who believe in the magic of peace talks – which I do not believe in. However, I do not want to be obstructive to those who wish to pursue this avenue – if you believe you can convince evil to stop being evil, go ahead. But in the

meantime I do not want to give up my [military] option.’⁴⁰ Museveni’s willingness to employ the military option has been criticized by some as undermining the peace process.⁴¹

Because of an apparent unwillingness to negotiate with Kony among at least some members of the Ugandan government, opportunities at least to hear from the rebel leader have been lost. As an example, at one point he was supposed to make a radio address, only to find his access to the airwaves being denied.⁴²

Despite previous difficulties relating to negotiations, peace talks between the LRA and the Ugandan government began in July 2006, as mentioned above. There are concerns that Kony will use this time militarily to regroup, as he has done during previous peace processes. However, with pressure to negotiate from both the international community (though not the International Criminal Court) as well as the Ugandan people, any opportunity for peace, even one fraught with risks, will probably be pursued.

Summary

The people of Uganda want peace, especially in the north, where they have lived in fear for so long. However, in their quest to end the conflict, they may be paying too high a price. By providing amnesty to a murderous criminal they could possibly set a precedent that would allow others with blood on their hands to escape prosecution. By providing amnesty to a terrorist they could possibly appease someone who has committed crimes against humanity. And, by providing amnesty to a religious mystic they could possibly be making an agreement with someone who, based on changing beliefs, would choose only parts of the accord to follow.

It is not entirely clear that Kony will accept amnesty. He has grown accustomed to his lifestyle, and fear of prosecution by the International Criminal Court, even if the Ugandan government agrees to leave him alone, could keep him from signing an agreement.

It is also uncertain that the war would be over even if Kony did accept amnesty, for some or all of the other commanders might not follow suit. They too have achieved lifestyles beyond what would have been expected from their humble beginnings.

Part of the LRA has moved to the Democratic Republic of the Congo.⁴³ Though this has resulted in the group’s diminished presence in Uganda, it still launches deadly attacks there. Thus, as hope for the conflict’s resolution continues, so does the killing.

It would be hard to find fault with a people so desperate for peace that they are willing to forego the opportunity to prosecute a man who has abducted and turned their children into soldiers or sexual slaves,

murdered innocents and brought untold hardships to them. One can say that the international community should get involved, providing troops to search for and capture this inhumane rebel, but no foreign government has stepped forward to do so. With no apparent military option for ending the war, and with only the diplomatic approach remaining, perhaps the people have no choice but to offer Kony amnesty. Still, one wonders, is the price too great? Are they making a deal with the devil that will later haunt them, or will peace and prosperity ensue, helping to ease some of the pain?

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