I have sisters, but I do not remember what they look like, so I cannot look for them ... I was young when I was abducted. I came back when I was older and a mother.

Lily

When I was released from the rehabilitation centre, I went to my village to find my father. He rejected me. He told me that I had just returned from the bush and I have that bush mentality so he doesn’t want me.

RV

Life at home is very hard. Even when you are humble, people talk about me wherever I go. They say, Obeno pa meni tek [the cloth your mother used to carry you with on her back was strong] because I managed to return yet other people’s children died. Many people have died. They were killed. There is no way out.

Adong

When the Chief Prosecutor of the International Criminal Court (ICC) Luis Moreno Ocampo announced his intention to focus his first investigation on the war crimes committed by the Lord’s Resistance Army (LRA) against civilians in northern Uganda in January 2004, I was with a group of Uganda civil society activists in New York City. The delegation had arrived at the United Nations (UN) several days before the announcement, hoping to appeal to influential states and UN bodies who could pressure the Ugandan government to enter peace talks with the rebels and uphold an amnesty put in place some years earlier. One of the civil society members was Angelina Atyam, co-founder of the Concerned Parent’s Association (CPA), a network composed of hundreds of parents whose children had been abducted by the LRA, and most of whom were still missing. Over the course of the long war, tens of thousands of children and young persons had been captured by the LRA and forced to porter, work, fight, kill or harm civilians, or even abduct other children and youth.¹ Atyam’s

daughter had been one of them. She was gravely concerned by the prosecutor’s announcement, and by how it might affect the chances of her daughter returning home safely. The indictment, she feared, would legitimate the military campaign; but when the army engaged the rebels, their bullets did not differentiate between a rebel and an abducted child. Even if she did return, Atyam asked me, how would the community view her? She had pushed for an amnesty to protect her missing child: was she also culpable after ten years in the “bush”? The Chief Prosecutor’s investigation was on behalf of the victims, but as Atyam would ask that day, who are the victims and who are the perpetrators in the case of northern Uganda?

Following an escalation of the war between 2003 and 2004, many children – now adults – who had been abducted in the 1990s began to escape or were released by the rebels. Atyam’s daughter was amongst them. Some described returning to places that they no longer recognized, and to families that no longer recognized them. As the quotes above indicate, some who had escaped no longer remembered what their own family members looked like. Others were rejected outright for having “that rebel mentality,” even by their own parents and extended family. Some parents whose children have still not returned blame the families who are reunited. “Why did your child return,” they ask “and not mine?” Others insist that if a child has not returned, they must be a “real rebel” by now; otherwise, why didn’t they too escape? In this post-war context, survivors of long-term LRA abduction search for the meaning of their survival, and consider who they have become in relation to all that has happened.2

Within communities, the victims of war must learn to live with the choices they made to survive. Over the course of twenty years of ongoing violent conflict in northern and then eastern Uganda (1986–2008), families and communities became fragmented and divided, some complicit in the violence. Some community members may have looked the other way, and did nothing when they saw an abuse occurring. Others took sides and collaborated with the rebels or government forces. Still others were benefactors, trading information and supplies with the rebels or government army for profit and protection. Following the war, there remain competing claims of who did what during the violence, and accusations and denials of responsibility. This is not to say communities are “stuck” in memories of violence and unable to repair or remake social relationships; indeed, people are working continuously and actively to make a new life in northern Uganda, Atyam, her daughter, Lily, Amony and RV included. However, social fragmentation illustrates the limitations of victim and perpetrator categories that are otherwise understood as

2 Here I want to remind readers that most children and youth were released or escaped following their abduction within a few weeks or months. Pham, Vinck and Stover (p. 407) estimate that 20 percent of all persons abducted stayed more than a year; and that girls and women were less likely to be abducted, but stayed a longer period of time within the LRA than men and boys. All data was based on persons who returned to rehabilitation centres, and failed to capture those who might have by-passed such centres and gone home, as well as those who never returned home. This book is focused on women who had been abducted as girls and spent a long period of time within the LRA, between 7 and 17 years.
Introduction

oppositional, homogenous and separate groups in pursuit of justice after war. It is also to suggest that societies, as well as the study of societies after mass violence, must begin to grapple with the complexity of responsibility during and after mass violence, and work through difficult ethical questions. By moving beyond static categories of victim and perpetrator, we can begin to recognize contingency and agency within these categories.

For more than a decade now, I have struggled with the meaning of bearing witness as a scholar to the suffering of others, and how bearing witness to violence shapes the process of research and writing politically. My work to date has largely been to work with the life stories of persons who had experienced abduction, in hopes of bringing lived experience into the study of transitional justice – processes and institutions designed to facilitate political transformation after periods of extraordinary violence. Over time, my discomfort with the conceptual categories of victims and perpetrators, first troubled by Atyam that day in New York, was further unsettled by the complexity of the lived experiences of those at the centre of the war. Working with Evelyn Amony – a woman abducted at age of 12 by the LRA and forced to be married to its leader for nearly a decade – and editing her life story to prepare a monograph for publication led me to further question the field of transitional justice, and ultimately, to the subject of this book. I want to be clear: it is not that I misunderstand the responsibility born by those who commit violence. Rather, the field of transitional justice has spent so little time developing a relationship with those subject to violence and their lived experience that this detachment negates the subject, dulls understanding, and I would state, reproduces violence.

Since 2008 and with the help of Evelyn and others, I have worked with over 50 women who escaped the LRA between 2004 and 2005, each the survivor of long-term abduction. Most had been married to senior level commanders and returned with children to face social exclusion and stigmatization, accused by communities affected by war of complicity with the rebels. Many of the women I worked with – though not all – were rejected by their families following their escape; few were able to find lasting relationships, rejected by a new partner or his family because of their past. Although women were fighters in the LRA, it was the particular experience of becoming a wife and mother that most disturbs the community, and is the basis for their social exile. “You as the women were the ones who made the LRA very strong,” they were told; and, “They [the community] say women were like guts (foundation) because they cooked for the men and they got satisfied.” Some were asked, “What stopped you [from] coming home some time back?”

The child abducted and forced to become a fighter, and to make the terrible decision to kill or be killed, is a troubling figure in the field of human rights. At what

3 Christine Sylvester. *War as experience: Contributions from international relations and feminist analysis.* (Routledge, 2013).

point is the child no longer a victim, but a perpetrator? To what extent should mechanisms be designed to recognize the particular status of such persons in order to assist communities in the process of sorting through questions of responsibility after conflict?

Just as the child soldier presents pressing justice dilemmas, so too do girls and women who are forced into marriage and motherhood by armed groups. In fact, women forced intro marriage and motherhood present a particularly compelling subject through which to explore the concept of the complex victim. International legal norms flatten these women’s experiences to the violent events they endured (multiple rape, sexual torture and forced domestic labour, childbearing and rearing). These categories fail to account for the complex lived experiences of women, where violence unfolds in relation to those who force upon her a new identity of “wife” or “mother.”

Human rights narratives tend to represent persons who have endured sexual violence such as forced marriage as victims in need of rescue, in part because of the need to make legal arguments that negate any suspicion of consent. Such presumptions of innocence do not stand up well in war-affected communities in Uganda, in the eyes of the Ugandan state, nor does it necessarily reflect the lived experiences of abducted women themselves. In international law, the figure of the abducted woman appears as a “victim,” “survivor,” “sexual slave,” “conjugal slave,” “forced wife” or “concubine” or a “child mother,” relegating those who return from abduction to a state of childhood, a place of innocence. In contrast, in the context of the Ugandan war and military discourse, the figure of the abducted woman appears as “a terrorist,” “a rebel,” or “a rebel’s wife.” Upon her escape, release or rescue, she is demonized as one who has betrayed the community, having given birth to “those rebels.” In these multiple, conflicting and contradictory stories about the sexually violated woman, she rarely appears as a subject. Instead, her body and her experience are the object of contending political projections, quests for justice and justifications for war.

Gender critiques of transitional justice mechanisms – namely judicial or truth commissions – illustrate the limitations of restorative and retributive approaches in the context of addressing the complexity of victimhood. Legal prosecution of war-related sexual violence in international tribunals must prove guilt beyond reasonable doubt. As a result, victim’s testimonies are often curated to focus on harm to the

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sexed body, and the person is portrayed as devoid of voice or subjectivity. In an effort to establish the validity of victim status, legalism favours victim testimony that gives no indication of agency (the possibility she or he could have resisted), and victims who embody expectations of what a rape survivor looks and acts like (traumatized, fragile, helpless).  

Restorative justice mechanisms, such as truth commissions, similarly silence the vast range and complexity of ways that women experience violence. Fiona Ross’ careful study of the South African Truth and Reconciliation Commission (TRC), reveals the ways the commission privileges narratives of “spectacular events” (murder or rape), rather than the everyday, diverse realities of how violence seeps into people’s lives and relationships. Violence during apartheid shattered familial relationships, and women spoke of how “grief and social repair are folded into everyday activities” rather than into direct forms of harm, despite the TRC’s keen interest in this. The “ways in which people [try] to create meaningful lives for themselves and others,” did not interest the Commission.

In effect, the lived experiences of war are reduced to the event, an act of violence. Stories of victimhood are invested in the vulnerability of the person and integrity of a human being, while stories of perpetrators are steeped in notions about the extraordinariness of evil, regarding perpetrators as people beyond or outside humanity. Conceptualizations of culpability and innocence in the field are gendered: all men are perpetrators; and all women are victims. Such conceptualizations of wartime rape reassure us that lines of responsibility are clear, and that the solutions to prevention are simple. Focusing on “victims” and “perpetrators” as binary groups blurs the complexity of responsibility.

In addition, a human rights-based approach privileges overt civil and political harm, while overlooking the ways in which blatant violence can be entangled with structural and everyday forms of violence. Yet, recent studies show that wartime

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10 Jonneke Koomen. “‘Without these women, the tribunal cannot do anything’: The politics of witness testimony on sexual violence at the International Criminal Tribunal for Rwanda.” Signs 38.2 (2013): 253–277.
violence is shaped by pre-war societal orders, which in turn shape humanitarian responses post-conflict. In her study of female soldiers in Sierra Leone, Megan MacKenzie convincingly argues that notions of conjugal order are inscribed and re-inscribed in Western liberal development and post-conflict reconstruction policies, problematically reinforcing patriarchal orders that decrease, rather than increase, women’s security during and after war. In her anthropological study of “bush wives” in the rebel group, the Revolutionary United Front (RUF) in Sierra Leone, Chris Coulter posits that morality, generation and kinship are important dimensions of wartime violence. In a similar vein, Jelke Boesten examines the various motivations of different parties to rape, and argues this violence “builds on and reproduces institutionalized structures of violence and inequality,” shaping legal policy and practices. Her study urges the field of transitional justice to widen its conceptual lens regarding what is sexual violence and when it happens.

Maria Eriksson Baaz and Maria Stern argue that current assumptions in scholarship on sexual violence “present an impoverished framework for seeing, hearing, making sense of, writing about and empathizing with subjects of sexual violence.” They urge us to look to alternative stories to gain a more comprehensive understanding of wartime sexual violence. This requires us, as Saba Mahmood urges, to “... imagine the politics of gender equality when situated within particular life worlds, rather than speak from the position of knowledge that already knows what the undoing of inequality would entail.” In effect, we must “learn to learn differently,” to “learn to learn from below” to avoid the reification of gendered binaries about victims and perpetrators, and recognize the complex interplay of violence, complicity and responsibility. Doing so involves a critical investigation of violence and its reproduction. This means moving beyond depoliticized stories in which victims appear apart from violence, towards stories in which victims are subjects formed in relation to violence. This, I will suggest, is a process that involves re-imagining the political as an ethical praxis in settings of extreme violence. It is to answer the question, “What did you do to survive?”

Stories of complex victims – persons subjected to the same harms in which they are also complicit – have a place in the field of transitional justice. By considering their experiences, we are confronted by the challenging set of dilemmas they faced while they lived in the midst of violence, and with which they must now learn to live.

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21 Baaz and Stern. Sexual violence as a weapon of war?: 32.
23 Baaz and Stern. Sexual violence as a weapon of war?: 113.
after violence: What does it mean to bear the child of a man responsible for endless suffering? How do you make sense of the non-choice of being asked to kill someone or to be killed? When your survival is contingent on betraying the intimate ties that once gave you meaning (who am I in relation to others?) as a human being, who do you become? What is it to stay alive all those years, to long for home, only to return there and to be asked: “Why didn’t you escape sooner?” This is a “space-in-between” victim and perpetrator. It is a realm of unchartered ethics, in which common sense is made senseless, and moral precepts guiding human relations are exposed as constructed, not fixed. The categories of victim and perpetrator are unmoored.

This book makes the case for recognizing complex victimhood in transitional justice. I do not suggest complex victims are a “type” of victim group that should be identified and added to the remit of the field. Rather, I work towards a conceptualization of justice that unsettles categories, and makes possible the praxis of judgment, one in which the polity deliberates over what it means to be a human being in the face of violence, what it means for people within the polity to exist in relation to one another, and what responsibilities polity members hold toward one another. I recognize the limitations of witnessing the pain and suffering of another, but argue that stories bridge differences in experience and work towards new forms of political community after genocide. The experiences of women abducted and forced into marriage and motherhood in wartime are particularly rich for this exploration. They are simultaneously upheld by international justice scholarship and practice as guileless and without agency, while war-affected communities demonize them for perceived guilt. They represent both innocence and betrayal, depending on which story is told, and by whom. Stories of life within the extreme contest gendered politics of nation-building after war. Stories of complex victimhood, I will attempt to argue, move beyond the limitations of the law, opening space for debate on how people want to live together again after mass violence.

BEYOND VICTIM-PERPETRATOR: STORYTELLING AFTER MASS VIOLENCE

Storytelling reveals meaning without committing the error of defining it.

– Arendt

In his reflections on questions of responsibility for the Holocaust, Auschwitz survivor Primo Levi introduces the term “the grey zone” to refer to the morally ambiguous space in which persons are neither complete victims nor perpetrators in systematic

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violence, but rather are both implicated in and harmed by the realization of violence.  

Levi discusses the differences between those who survived Auschwitz (the saved) and those who perished (the drowned). He reflects on the sense of shame born by the saved for having made choices to survive they felt would never have been made in “normal” circumstances; and as such and in part, this presents an impossibility of sharing this experience with others. Still, Levi feels compelled to narrate the story, to tell others, but in doing so, urges the listener to suspend judgment.

Bronwyn Leebaw deftly illustrates how grey zones are turned into black and white narratives in her critical investigation of the assumptions guiding the field and practice of transitional justice.  

Mechanisms such as truth commissions and trials depoliticize and dehistoricize violent events, limiting them to individual acts and experiences of harm, and obfuscating attention to wider systems that give violence its shape and momentum. Official narrative accounts (such as testimonials during trials or truth commissions) focus on what is done to victims by perpetrators; this reduces the process of violence to a set of events in which the victim is in need of justice, and the perpetrator is in need of punishment. Leebaw recognizes the limitations of human rights frameworks to usher in a deliberation of the political after violence – including the need to rethink questions of responsibility that move beyond static victim-perpetrator narratives. She argues that stories of resistance offer such potential, engaging others in a process of interpretation and opening space to hold new conversations about what it means to live together again after conflict, state repression, or disaster. Taking a lead from Hannah Arendt, transitional justice mechanisms best serve a public when they prompt people to think anew after atrocity, to exercise political judgment not according to the rule of law (for such rules are often the same that betrayed them) but “without bannisters,” with “imaginationsthat go travelling.”

Stories of life inside the grey zone, in other words, are sites of the political, in which “meaning is revealed but not defined.” As Arendt argues:

The meaning of a committed act is revealed only when the action itself has come to an end and become a story susceptible to narration. Insofar as any “mastering” of the past is possible, it consists in relating what has happened; but such narration, too, which shapes history, solves no problems and assuages no suffering; it does not master anything once and for all. Rather, as long as the meaning of the events remain alive—and this meaning can persist for very long periods of time—“mastering of the past” can take the form of ever-recurrent narration. No philosophy, no

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27 This is not to blur questions of responsibility, but to complicate it: “We are anxious to be clear: both are in the same trap, but it is the oppressor, and he alone, who has prepared it and activated it, and if he suffers from this, it is right that he should suffer; and it is iniquitous that the victim should suffer from it, as he does indeed suffer from it…” Levi. The drowned and the saved. 1988, 24.


Beyond Victim-Perpetrator

analysis, no aphorism, be it ever so profound, can compare in intensity and richness of meaning with a properly narrated story.30

In her own rethinking of the field of transitional justice, Leebaw draws upon Arendt’s incomplete writings and lectures on political judgment31 (which I interpret as the capacity to see things from another’s perspective) to usher into public deliberation a plurality of perspectives that is part of the human condition. “Political judgment requires efforts to examine a common problem from diverse perspectives and to generate a basis for common ground through a process of persuasion.”32 Informed by Immanuel Kant’s ideas on “enlarged mentality,” Arendt takes the position that political judgment is necessary in the wake of mass violence in order to re-engage and re-invigorate the political. Political judgment, then, requires dialogue, debate and persuasion amongst the polity. More pressingly, to arrive at political judgment as praxis requires a storyteller.

For Arendt, the factual truth of events is less important than how they are remembered by those who experience them; she eschewed impartiality in the social sciences, instead recognizing the plurality of meanings attached to variously located experiences of events. Lisa Disch33 relates Arendt’s theoretical approach to Donna Haraway’s defence of “situated knowledges,”34 recognizing that social relations mediate the construction of knowledge and that experiences of those on the margins of power provide critical distance and insight into the machinations of power. It is through stories that people draw connections between human experiences and the complexity of deliberation, inviting us to consider the dilemmas and difficulties of choice in spaces of extremity. As such, stories inspires the kind of critical thinking Arendt so admires, and which Leebaw considers vital to the project of transitional justice.

Arendt tells the story of Anton Schmidt, a German officer under the Nazi regime who forged papers to abet the escape of Jewish partisans and was executed for his refusal to comply with orders. Arendt suggests that had more stories like that of Schmidt been told, everything would be utterly different today. For Arendt, stories of those who resisted – those who forged papers and faced execution – usher into public light the possibility of solidarity and agency in the face of the extreme.35 Leebaw turns her attention to stories of resistance in the final chapter of her book, illustrating “possibilities for political engagement and community – even in the darkest moments of history.”36 Resistance stories (privileged or oppositional, collective

36 Ibid.
Introduction

and individual) help the scholar to move beyond limitations of legal approaches, which reiterate victim-perpetrator roles, towards the active engagement of the polity in the reproduction of, and challenges to, power. Leebaw focuses her study of resistance on three types of action: failure to resist (mass complicity in violence through active or non-active engagement); resistance movements (opposition movements and networks); and privileged resistance (insiders that refused to obey).

While Leebaw provides a framework to reconsider transitional justice, and encourages us to re-imagine the political within it, her work is less concerned with defining the political than the processes through which political judgment might be stimulated. Moreover, the figure of the complex victim, discussed in relation to Levi’s address of the drowned appears only briefly in her consideration of storytelling after mass violence. My focus is on the ways the complex victim – those implicated in the same violence they endure – enact the political in settings of coercion and deprivation. To this end, I suggest it is necessary to consider not only stories as sites of meaning-making and ignition of the political, but that our understanding of the political needs some elaboration in relation to the complex victim. I am concerned that without doing so, the political subject will once more disappear, and be rendered invisible.

THE POLITICAL IN SETTINGS OF EXTREME COERCION

Who counts as human? Whose lives count as lives?

– Judith Butler

It is often assumed that people must require some degree of freedom to participate in public life, as guaranteed by a set of rights bestowed upon a person by the state. Thus it is not uncommon to think of the political in a formal sense: public debates; protests; campaigns; sit-ins; or movements. Without freedom, without some capacity to engage the powerful, people cannot participate in political life. As James Scott observed some years ago: “Power relations are not, alas, so straightforward.”37 Under conditions in which rights are denied, the political can be exercised, though political acts might be less easily identified. Addressing the binary perception that the public stage is one of freedom (zoe), and that what is off-stage, necessity (bios), Scott develops the concept of “infra-politics” to discuss small-scale acts of resistance of subordinate groups.38 Such acts are important, for although they are often conducted off-stage and unknown to the powerful, they give expression to important forms of political dissent.39 Thus Scott looks to “hidden transcripts”: gestures,

38 Scott. Domination: 19.
39 Ibid., 20.