



Analysis of Dominic Ongwen's Psychological Background: Childhood Traumatized and Its Correlation to the Brutal Crimes in Uganda

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Abstract

Dominic Ongwen was reported and became a suspect in the ICC trial for the heinous assault case of the Ugandan people. Dominic Ongwen with the background of a former child soldier can be projected as a relevant subject to analyze the psychology of crime. The research conducted by this author uses a descriptive type of research, which aims to enable the researcher to explain what it is about a legal event or legal condition. The analytical method used in this research is qualitative. In this paper, the author tries to analyze PTSD and its correlation to crimes against humanity that occurred in Uganda. Interference of an LRA commander, Dominic Ongwen, with acts of atrocities in attacks on Ugandan civilians, which is a controversial trial in this case, suspect Dominic Ongwen considers himself a hidden victim in the case that was brought to the ICC court. Conclusion the psychological causes of PTSD in Dominic Ongwen that resulted in the brutal assault he commanded in Uganda.

Keywords: *Dominic Ongwen; ICC; Uganda; PTSD*

Introduction

Crime is an act that can occur for many different causes. The psychological condition of a person who is disturbed is one of the things that can trigger a crime. However, the identification often creates debate. One side of the criminal who commits crimes due to psychological disorders commits crimes not based on his will and reason. However, on the other hand, the crimes committed have harmed innocent victims. This has been regulated in legal regulations, both domestic law and international criminal law. A criminal who commits a crime for the cause of mental health disorders should have a respite from the law. This often occurs in both national and international criminal justice.

One type of psychological disorder that causes a criminal to commit a crime is post-traumatic stress disorder (PTSD). PTSD is generally owned by someone who has experienced trauma in the past. People who accept violence, sexual harassment, and broken homes in their youth often experience PTSD

when they grow up.¹ This reaction comes from the subconscious that presses the individual to do the same to satisfy his grudge. This is also the result of the patient's inability to control emotions. One of them is children who grow and develop in conflict areas. As is the case in Uganda which killed a large number of civilians as a result of the attack by the LRA rebel group. The authors of this paper suspect that the LRA commander who commanded this violent attack was suffering from PTSD. This departs from the assumption and research that the commander was traumatized when he was a child soldier.

Child soldiers are one of the biggest causes of PTSD in the children involved. This happens because the children's environment is not healthy or good. Children are forced to become child soldiers and commit acts of violence to murder. Psychologically, this is a response to children's unpreparedness in accepting the environment and cruelty values that come from doctrinal teachings.² So it is not uncommon for former child soldiers to have behavior that tends to be arrogant, tough, and daring to do violent things. The commander of the LRA, Dominic Ongwen is one manifestation of this argument. Dominic Ongwen was reported and became a suspect in the ICC trial for the heinous assault case of the Ugandan people. Dominic Ongwen with the background of a former child soldier can be projected as a relevant subject to analyze the psychology of crime. So in this paper, the author tries to analyze PTSD and its correlation to crimes against humanity that occurred in Uganda.

Methods/Ideas

The research conducted by this author uses a descriptive type of research, which aims for researchers to be able to explain what it is about an event or situation. In this study, the author will explain about the controversial judicial process of this case, where the suspect Dominic Ongwen considers himself a hidden victim in a case that was brought to the ICC court. In conducting this research, the writer uses the juridical-normative method. The analytical method used in this research is qualitative, that is, the existing data is made in the form of words and sentences. Then the qualitative data were analyzed using deductive thinking methods, namely the basic mindset on general matters, then specific conclusions were drawn.

Results and Discussion

Dominic Ongwen's Crimes and Psychological Background

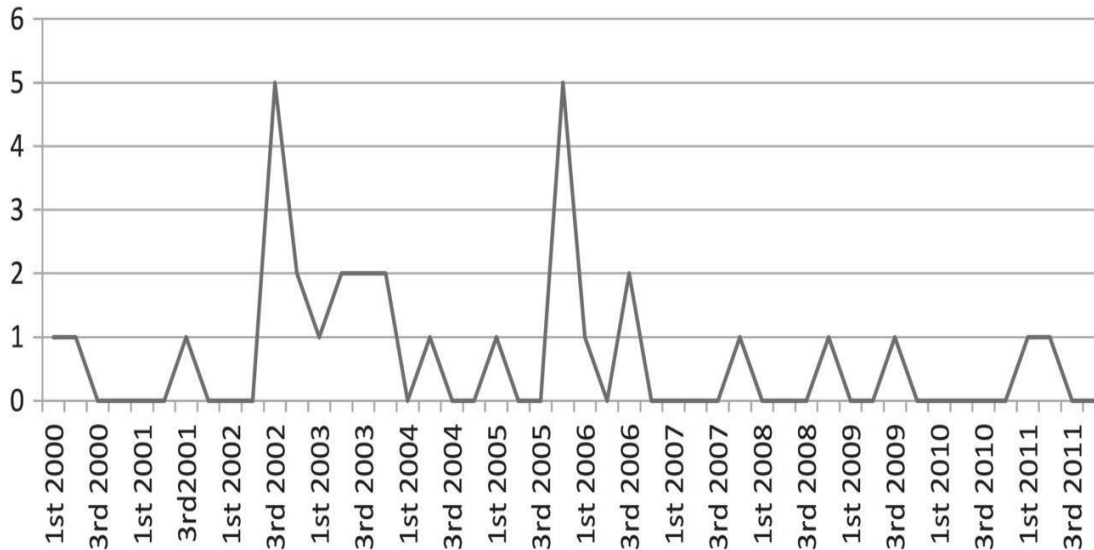
Dominic Ongwen is an LRA commander and former commander of the Sinia Brigades in Uganda. Dominic Ongwen has the duty and position to organize and direct the LRA's military strategy. Dominic Ongwen is the commander who is greatly feared by the Ugandan people in the LRA. Dominic Ongwen was a former LRA child soldier and later promoted, one of which became the head of one of the four LRA brigades. As a child,

Dominic Ongwen was kidnapped when he wanted to go to school, at Koro Abili Elementary School, Uganda. Since the age of nine, Dominic Ongwen has been carried by other prisoners to the main LRA military base. Not only kidnapped, but little Dominic Ongwen was also forced to watch the tragic and tortured events there. Even as a child, he had seen the rituals of killing and the doctrine of becoming an LRA fighter.

¹ J.S. Rose & S. Wessely, Psychological Debriefing for Preventing Post Traumatic Stress Disorder (PTSD): Review, Cochrane Database of Systematic Reviews, Issue 2, No. CD000560, 2002, hlm. 8.

² Hikmat, Eka Kurnia, "Trauma Pasca -perang," <http://www.pikiran-rakyat.com/cetak/0504/15/1105.htm>, diakses 19 September 2020.

Figure 1. Attack On the Staff in Uganda



Source: Cambridge University Press

In this respect, Dominic Ongwen's childhood life has been snatched away by the LRA. Even though Dominic Ongwen is now one of the most important parts of the LRA, at least there is a childhood trauma he has received. Even Dominic Ongwen committed his biggest crime to commit gross human rights violations in Uganda. The crime was committed by involving LRA soldiers who were still underage. Dominic Ongwen has also been charged with crimes against humanity and war crimes. This attack has been carried out since 2004 which caused many casualties, injuries, and psychological disorders. Many people were killed and enslaved, not only that Dominic Ongwen also ordered to practice cannibalism. Dominic Ongwen ordered boys to become child soldiers, just like when he was little and ordered girls to become sex slaves. The four LRA attacks on refugee camps in Uganda were particularly gruesome child massacres. The brutality of the LRA under the command of Dominic Ongwen has tormented millions of people in Uganda³

Dominic Ongwen spent his childhood to adolescence to become a child soldier. Apart from that, being forced to commit cruel acts as a daily activity that he had to do with other child soldiers. Until thirty years later Dominic Ongwen became a core leader in the LRA. Until he led planning attacks on civilians. Dominic Ongwen's experience as a former child soldier caused very severe trauma. This also led Dominic Ongwen to perform an action that was more severe than the treatment he had received since childhood.⁴ Since childhood, Dominic Ongwen has been taught and doctrine related to matters related to violence. Children should not be shown cruelty, not forcibly separated from their families and parents, not made slaves to the passions of the LRA base army, and children have the right to an education. The things that became the basic needs of the children have been taken away, even they are on the verge of death if they do not obey orders from the LRA base army. This psychological condition is quite difficult to resolve and restore to normal. Even getting the children out of the trap of the LRA is quite difficult because their minds have been thoroughly indoctrinated since they were recruited as followers of this rebel group.⁵ It is

³ Ariadne Asimakopoulos, Op. Cit. hlm. 15

⁴ Marisa Kurnianingsih, Khudzaifah Dimiyati, Kelik Wardiono, Absori Absori, Sexual Exploitation of Children in the Digital Age in the Victimology Perspective, Jurisprudence Journals, Vol 11, No 2 (2021), <https://journals.ums.ac.id/index.php/jurisprudence/article/view/16030>

⁵ R. Small, J. Lumley, L. Donohue, A. Potter & U. Waldenstrom, Op. Cit. hlm. 327.

made worse when children forced to become combatants do not receive special mental health attention. Instead, these children continue to come under pressure from members of the LRA base.

In the crimes committed by Dominic Ongwen, it is very clear that children are the main targets. The children in these camps were attacked without any fault or special cause.⁶ Dominic Ongwen has committed crimes against humanity and injured human rights.⁷ In this case analysis, the writer will look at the psychological background of Dominic Ongwen. It has been explained above that when Dominic Ongwen was 9 years old he was a prisoner of the LRA, was kidnapped and made into a child soldier. This is a condition where Dominic Ongwen experiences a bad event and tortures him psychologically. The brutal treatment of LRA members including showing scenes of a massacre when he was a child was enough to disturb Dominic Ongwen's psychological condition.⁸ Young children are not supposed to see these kinds of things, and they can be traumatic. This childhood trauma grew in Dominic Ongwen until he finally matured. Even though he had grown up, he was not finished with this problem. It is precisely when he grows up that he considers himself to be strong and able to do the same things he got when he was little. Dominic Ongwen's condition like this can encourage the tragic things he got from childhood he can do when he is an adult. And the reality is that Dominic Ongwen does this.

This condition in psychology is called post-traumatic stress disorder (PTSD) which haunts post-traumatic individuals. Dominic Ongwen, who has grown up with PTSD, was proven by his statement in the ICC court that he was not a perpetrator but he was also a victim.⁹ Even PTSD sufferers often do actions that are not according to their wishes. This is something that is specialized between the criminal act and its psychological condition. The criminal behavior committed by Dominic Ongwen is likely due to extrinsic factors that are not in his mind. Due to his complicated condition, Dominic Ongwen does everything he can to be respected and survive in this quite anarchic condition. Even when investigated, Dominic Ongwen's relatives who used to be with him when he was a child soldier said that Dominic Ongwen always tried to please the LRA commanders. One of them was when

Dominic Ongwen carried out raids on military installations when he was still a child soldier. This is a very courageous act by children. This action was used by Dominic Ongwen since he was first forcibly recruited as child soldiers. Besides, Dominic Ongwen is also associated with other rebel groups. Kony, who at that time served as the commander in chief of the LRA, always praised Dominic Ongwen's courage. But Dominic Ongwen's cruel actions were carried out based on coercion from the environment where he lived, requiring him to commit crimes to survive and be respected.¹⁰ Iose relative of Dominic Ongwen even gave a shocking and sad statement. They stated that often Dominic Ongwen let go of his kidnappers who were weak and injured. Although Dominic Ongwen was praised by Kony for his ability to kidnap civilians, he felt sad and hated cruelty deep down.

From the explanation above, it can be concluded that the violence and crimes committed by Dominic Ongwen were solely to survive in an anarchic environment. As an adult Dominic Ongwen, the violence he committed may have come from his childhood trauma. This then becomes a quite complex problem. A person who has experienced trauma or PTSD cannot be treated like a normal person. Special

⁶ Bambang Sukoco, PENDEKATAN RESTORATIF JUSTICE SEBAGAI UPAYA PENYELESAIAN CYBERCRIME DENGAN PELAKU ANAK (Studi Kasus Penyelesaian Tindak Pidana Anak Usia Sekolah), Law and Justice Journals, Vol. 1, No.1, Oktober 2016, <https://journals.ums.ac.id/index.php/laj/article/view/2859>

⁷ Jaka Susila, Globalization of Terrorism and Extra-Judicial Killings: The Paradox of Human Rights in Indonesia, The Indonesian Journal of Legal Thought, Vol. 1, No. 1, March 2021, <https://journals.ums.ac.id/index.php/ijleth/article/view/12784/6500>

⁸ Ibid.

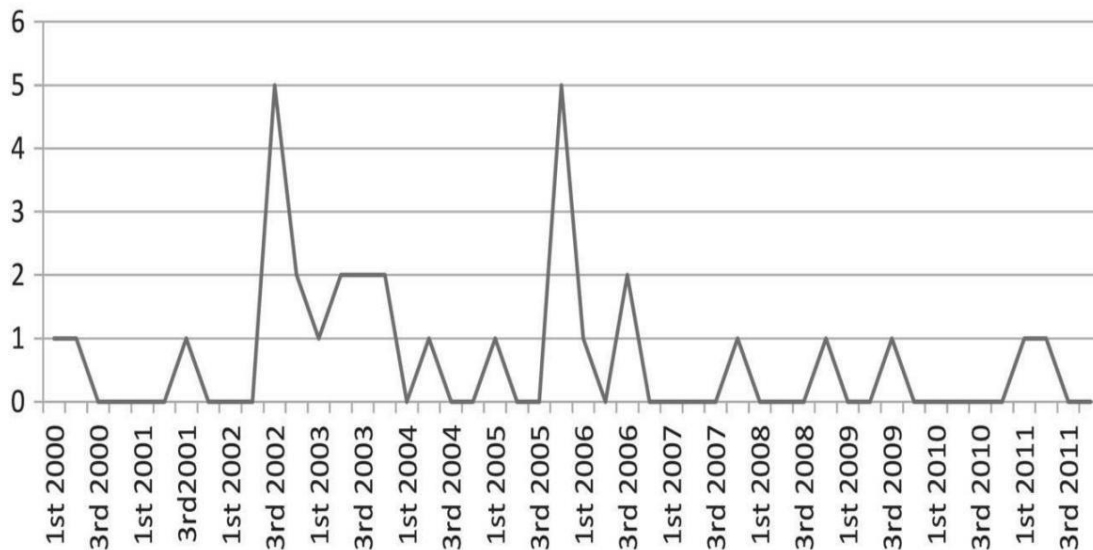
⁹ INTERNATIONAL CRIMINAL COURT (ICC), CASE INFORMATION SHEET THE PROSECUTOR V. DOMINIC ONGWEN (Jan. 2017), <https://www.icc-cpi.int/iccdocs/pids/publications/ongweneng.pdf> accessed 20 September 2020

¹⁰ Ibid.

assessment and action are needed in investigating further about the Dominic Ongwen case.¹¹ The trauma of being a child soldier led Dominic Ongwen to behavior that he was not fully aware of. Regardless of how children are recruited into child soldiers, both forcibly and voluntarily this still creates serious psychological problems. The involvement of minors and armed with military tools bring negative implications and impacts on the psychological condition of the child. Not only that, child soldiers have had the effect of physical, psychological, and psychosocial problems on children.¹² Forcing children to become combatants violates children's rights and international humanitarian law. PTSD can afflict children and adolescents who experience severe trauma during childhood and this condition is very disturbing and affects the actions that a person will take in adulthood.¹³ In short, a former child soldier who experienced abuse since he was a child, during his growing up, was most likely to experience PTSD and directed him when he was an adult to do heinous things which he considered normal.

ICC Judicial Proceedings

Figure 2. ICC in Uganda: LRA Kills Report



Source: Cambridge University Press

Dominic Ongwen has been arrested since 2015 in Africa and if he is finally found guilty in this case, he will get a life sentence. Regarding the controversy stating that he was a victim in the LRA case, Dominic Ongwen blamed Joseph Kony's cruelty at the opening of the ICC trial. In this trial, Joseph Kony is still on fugitive status so the ICC can only seek an arrest warrant from Joseph Kony.¹⁴ Dominic Ongwen's actions, commanding not to crime and heinous attacks on Ugandan civilians made the public unwilling if Dominic Ongwen was released just like that in this case, despite his psychological disturbances.¹⁵ So in this case the ICC is still looking for and observing what judicial strategies are relevant for the Dominic Ongwen case. This condition causes a dilemma, on the one hand, Dominic Ongwen is indeed proven to have a dark youth, is in an environment that requires him to commit crimes

¹¹ Pacella ML, Hruska B, Delahanty DL. The physical health consequences of PTSD and PTSD symptoms: A meta-analytic review. *Journal of Anxiety Disorders*, Vol. 1, No. 27, 2013, hlm. 34.

¹² D.J. Francis, Loc. Cit.

¹³ Ibid.

¹⁴ ICC-CPI, Ongwen Case The Presecutor V. Dominic Ongwen, ICC-02/04-01/15, <https://www.icc-cpi.int/uganda/ongwen> accessed 20 September 2020

¹⁵ M. Wessells, Op.Cit. hlm. 87.

to survive in that condition, and live in an environment that is marginalized by the government. But on the other hand, Dominic Ongwen's actions have still harmed many parties. This has become a complex debate and many perspectives have emerged to identify as the most rational solution to solving the Dominic Ongwen case.

Dominic Ongwen shows the character as a commander who shows his abilities. He often pointed this out to higher-ranking LRA commanders. Dominic Ongwen's character directs his behavior as a Commander who is willing to do everything he can to be respected in the LRA structure and so that he can survive in an anarchic situation. Even to survive, when Dominic Ongwen was still a child soldier he dared to carry out raids on military installations. Dominic Ongwen's psychological background is a matter of debate. Lawyer Dominic Ongwen combines his social background with Dominic Ongwen's mental disability. 31 of the Rome Statute explains that a defendant who is proven to have a mental disorder that makes the suspect unable to control the crime¹⁶ he has committed can be specified in a series of trials. In this article mental disorders refer to impaired cognition of the suspect and uncontrolled impulses. However, the Rome Statute does not explain in detail the clinical problems that become the standard for judicial relaxation.¹⁷ In cases of childhood trauma, it can be loosened up by providing background evidence from relatives or people in the suspect's childhood situation. The basic principles of the criminal law *actus me incite factus non est meus actus* also explain the relaxation of this case. This principle means that the actions taken are actually against the will of the person.¹⁸

Dominic Ongwen's case, it is not only related to psychological trauma but also the brainwash he received when he was young. This caused Dominic Ongwen's thinking to transform into images of violence, anarchism, and the military. The affection, love, and kindness in the social image that originally existed in Dominic Ongwen were eroded by doctrinal teachings that were forced into the minds of these little children. Dominic Ongwen once stated in court that war is a good thing and he dreams of war every day and thinks war is his life. This indicates that in his mind, war and acts of violence are natural things to do. This cannot be separated from the influence of doctrine during his childhood. To consider and observe the Dominic Ongwen case in 2016 related to the PTSD problem, finally, Dominic Ongwen's first trial at the ICC was postponed until 2018.

Conclusion

Dominic Ongwen's psychological condition, who suffered from this disorder, caused his trial to be postponed. Because in the Rome Statute, it is explained that suspects with mental health problems can get leniency. Dominic Ongwen's childhood trauma caused him to do things that were far more heinous than he had as a child. When he was a child was forced to commit acts of murder and violence, finally, when he grew up he did the same thing. Patients with acute PTSD like this cannot contain their emotions so that the actions they do are often beyond reason and will. Therefore, the ICC postponed Dominic Ongwen's trial until 2018.

¹⁶ Marisa Kurnianingsih, M. Zaki Attirmidzi, The Effectiveness of Imposing the Death Penalty for Corruption Perpetrators as a Solution for Handling Corruption during the Covid-19 Pandemic, *Law and Justice Journals*, Vol 10, No 2 (2020), <https://journals.ums.ac.id/index.php/laj/article/view/14048>

¹⁷ Ibid

¹⁸ Paul H. Robinson, *Are We Responsible for Who We Are? The Challenge for Criminal Law Theory in the Defenses of Coercive Indoctrination and "Rotten Social Background"*, 2011, hlm. 55

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