

Justifying the Kony Wars: Targeted Manufacture and Use of Synthetic Evidence

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If Joseph Kony should earn the distinguished award of ‘bogeyman of the year’ and receive a chance to walk a distance in the footsteps of Osama Bin Laden, it is certainly not for his significance as an ‘evildoer.’ There is no doubt Kony has a long history of war crimes including genocide and systematic abductions of minors, but that means little in a region where such record usually makes one head of state. His serious misdeeds aside, the reason for Kony’s eventual downfall may be summed up one day as the result of his poor accomplishments at media relations. His story as it became ingrained in the public perception serves, but also justifies, special interests of various stakeholders ranging from news media concerns to NGOs, governments, and the military.

The name of Joseph Kony became known in the West in early 2012 thanks to a free video posted on YouTube called ‘Kony 2012.’¹ The ‘Kony 2012’ campaign quickly became the most viral phenomenon in the history of social media:² approximating 90 million views on YouTube that were leveraged by popular response on Twitter and Facebook,³ the video caused a sudden spark of interest in the news and a massive following among the youth and celebrities of North America, but also across Europe, Australia, and indeed around the world.⁴ This quite unexpected success of a little-known Californian charity, Invisible Children, stirred a controversy usually associated only with much higher media exposure. Objections to it⁵ ranged from the intransparent and unclear use of revenue generated by Invisible Children to its crass oversimplification of the Ugandan conflict for Western consumption, and also included charges of irresponsible advocacy.⁶

The instant and overwhelming success of this video clip deserves a close look at the creation of facts by mass media, but also increasingly by NGOs as exemplified by the ‘Kony 2012’ campaign, and at the consequences such ‘fact engineering’ has for indigenous populations affected by it. Both aspects raise substantial concerns for the reality of ethical standards in the media.

¹ “Kony 2012.” <http://www.youtube.com/watch?NR=1&feature=fvwp&v=KArCWQUJerw>.

² Schomerus, Mareike; Allen, Tim; Vlassenroot, Koen. “Kony 2012 and the prospects for change: Examining the viral campaign.” *Foreign Affairs*, March 13, 2012. <http://www.foreignaffairs.com/articles/137327/mareike-schomerus-tim-allen-and-koen-vlassenroot/kony-2012-and-the-prospects-for-change>.

³ Maupas, Stephanie. “Traque aux criminels de guerre comme Joseph Kony sur les réseaux sociaux.” *Le Monde*, March 12, 2012. http://www.lemonde.fr/afrique/article/2012/03/12/traque-aux-criminels-de-guerre-sur-les-reseaux-sociaux_1656720_3212.html. Others claim that it all started when Oprah Winfrey tweeted her 10 million followers. Other celebrities followed, and the numbers shot up: “How ‘Kony 2012’ went viral (Infographic).” *Huffington Post*, April 12, 2012. http://www.huffingtonpost.com/2012/04/12/kony-2012-viral-infographic_n_1421812.html.

⁴ Vampouille, Thomas. “Mobilisation mondiale contre un criminel de guerre africain.” *LeFigaro*, March 7, 2012. <http://www.lefigaro.fr/international/2012/03/07/01003-20120307ARTFIG00528-twitter-mobilisation-mondiale-contre-le-criminel-de-guerre-africain-joseph-kony.php>.

⁵ Available at <http://visiblechildren.tumblr.com>.

⁶ Branch, Adam. “Dangerous ignorance: The hysteria of Kony 2012.” *Al Jazeera*, March 12, 2012. <http://www.aljazeera.com/indepth/opinion/2012/03/201231284336601364.html/>

Invisible Children⁷ is a California charity with the stated purpose of ending “the use of child soldiers in Joseph Kony’s rebel war” and of restoring peace and prosperity to affected areas in Africa. Except that soliciting humanitarian aid is not Invisible Children’s main objective. ‘Kony 2012’ is not a quasi-documentary like their first video titled “Invisible Children.” It is an impressive propaganda piece created by one of its founders, filmmaker Jason Russell, specifically targeting American and European sensitivities, and it calls on the world at large to employ all means necessary to put an end to the atrocities of Ugandan war criminal Joseph Kony and his use of child soldiers.

Aside from the producers’ obvious impressive marketing skill that proved capable of rallying unprecedented popular support for a hitherto completely obscure humanitarian cause, Invisible Children sold a massive quantity of \$225 “promotional kits” as a novel and creative way of fundraising and to further advertise the cause. The vision presented by ‘Kony 2012’ owes its success to exploitation of the superficial but deeply ingrained stereotype of yet another senseless and brutal African conflict that involves yet another half-mad and sadistic warlord, a stereotype developed consistently by Western media throughout postcolonial history. ‘Kony 2012’ reduces a regional humanitarian crisis of several decades to an easily digestible dichotomy between “the good guys” (the Ugandan government) and “the bad guy” (Joseph Kony), and proposes to its young viewers a deceptively easy way to cause important humanitarian change on a global scale.

Earlier news reports about Joseph Kony and his Lord’s Resistance Army (LRA) tended to emphasize the bizarre and the gruesome: his obsession with religion, possession by spirits, brutal killings, horrific mutilations, and his practice of forcing abductees to kill their relatives.⁸ Media estimates of the number of children kidnapped by the LRA to serve as fighters or sex slaves range from 20,000 to 40,000⁹ to over 50,000.¹⁰ For the last 26 years, the LRA is said to have terrorized civilians in a dense jungle area of some 100,000 square kilometers extension.¹¹ Joseph Kony even made it onto Forbes Magazine’s 2011 “World’s Most Wanted Fugitives” list. His LRA is portrayed to have no agenda or purpose besides preserving Kony as a regional, border-crossing power player and to maintain his ability to torture the local population. But Mareike Schomerus, the first Western journalist able to interview Kony personally, and with her anthropologists and political scientists

⁷ <http://www.invisiblechildren.com>

⁸ Judah, Tim. “Child soldiers, sex slaves, and cannibalism at gunpoint: the horrors of Uganda’s north.” *The Independent*, October 23, 2004 <http://www.independent.co.uk/news/world/africa/child-soldiers-sex-slaves-and-cannibalism-at-gunpoint-the-horrors-of-ugandas-north-6159396.html?printService=print>.

⁹ Cappa, Maria. “Buscando a Joseph Kony.” *El Mundo*, March 9, 2012. <http://www.elmundo.es/elmundo/2012/03/08/solidaridad/1331200870.html>.

¹⁰ “Capturado uno de los generales del señor de la guerra Joseph Kony.” *El Pais*, May 13, 2012. http://internacional.elpais.com/internacional/2012/05/13/actualidad/1336921395_553909.html.

¹¹ Hebel, Christina. “Ohne Stiefel auf Kony-Jagd.” *Der Spiegel*, June 28, 2012. <http://www.spiegel.de/politik/ausland/rumpf-truppe-jagt-ugandischen-rebellenchef-joseph-kony-a-841275.html>.

who follow the conflict within the East Central African region, as well as an array of NGOs¹² and missionaries on the ground, report a substantially different narrative.¹³

If one is looking to understand the bigger picture in Uganda, it is inescapable to take a closer look at its long history of violent power grabs by successive guerilla groups and of enduring and violent tribal conflicts between the south and the north of the country. The last two dictatorial presidents of Uganda, Bazilio Olara-Okello and Tito Okello, who had both hailed from the Acholi tribe in the north, had marked their brief reign following the overthrow of Milton Obote in 1985 with large-scale bloodshed and continuing atrocities. When southern militants under the command of Yoweri Museveni seized power in 1986, a systematic policy of disenfranchisement of the Acholi people started, accompanied by targeted atrocities against the civilian non-combatant population.¹⁴ In response to that, various militant resistance groups sprang up in Northern Uganda; the LRA was only one of the last ones to emerge, and the only one of them that survived until today with less than 500 rebels,¹⁵ out of purportedly several thousand men, women and children under his command in previous times.¹⁶ Paradoxically, the LRA has turned against its own people, the Acholi, first to punish them for their occasional and at best semi-voluntary cooperation with government forces, and later to spread generalized terror in the region and beyond it to the Democratic Republic of Congo and the Central African Republic, including abductions of children estimated to reach 20,000 – 50,000 in the aggregate.¹⁷ Since Kony secured and received early support from the Northern Sudanese government that was eager to use his mercenaries as proxies against its South Sudanese minority – where 80% of Sudan's untapped oil reserves appear to be located¹⁸ – and their rebel forces known as the SPLA (Sudan People's Liberation Army), the LRA suffered substantial losses of popular support in Northern Uganda.¹⁹

¹² Steussy, Lauren. "Human Rights Activists Protest Kony 2012." *NBC San Diego*, March 31, 2012. <http://www.nbcsandiego.com/news/local/Human-Rights-Activists-Protest-Kony-2012-145420785.html>.

¹³ Schomerus, Mareike. "A collaborating chronicler? Researching tales, truths and the Lord's Resistance Army." http://statesandsecurity.org/_pdfs/Schomerus.FRE.Abstract.pdf.

¹⁴ "Yoweri Museveni." *Royal African Society*. <http://www.royalaficansociety.org/ras-guides/768.html>.

¹⁵ "LRA Factsheet" (2012). Some observers estimate Kony's present fighting force to have dropped to as low as 200. Whitlock, Craig. "Joseph Kony hunt is proving difficult for U.S. troops." *Washington Post*, April 29, 2012, National Security http://www.washingtonpost.com/world/national-security/joseph-kony-hunt-is-proving-difficult-for-us-troops/2012/04/29/gIQAasM6pT_story.html.

¹⁶ "Tausende Soldaten sollen Schlächter von Uganda jagen." *Der Spiegel*, March 23, 2012. <http://www.spiegel.de/politik/ausland/tausende-soldaten-sollen-schlaechter-von-uganda-joseph-kony-jagen-a-823425.html>.

¹⁷ H.R. 2478 (111th): Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. 111th Congress, 2009-2010. Text as of May 19, 2009 (Introduced). <http://www.govtrack.us/congress/bills/111/hr2478/text>.

¹⁸ Oil revenues account for 98% of South Sudan's budget. Hamilton, Rebecca. "Awaiting independence vote, Southern Sudan has high hopes." *Washington Post, Pulitzer Center*, November 28, 2010. <http://pulitzercenter.org/articles/southern-sudanese-say-independence-vote-will-improve-life>.

¹⁹ See Vlassenroot, Koen. "Introduction". *The Lord's Resistance Army: Myth and Reality*. Allen, Tim; Vlassenroot, Koen (eds). London, New York: Zed Books (2010), 1-21, at 5-6; cf. also Soto, Carlos Rodriguez. *Tall Grass: Stories of Suffering and Peace in Northern Uganda*. Kampala: Fountain Publishers (2009) 34; "Uganda: 'When the sun sets, we start to worry...'" *IRIN* June 1, 2007. <http://www.irinnews.org/InDepthMain.aspx?InDepthId=23&ReportId=65759>.

All that is not to say that the LRA behaves irrationally in its conduct of the war. Not only has it regularly advanced peace proposals that were usually dismissed by the Museveni government as a pretext calculated to regain military strength in the region – the LRA has also repeatedly issued manifestos with a whole range of consistent and gradually expanded political and economic objectives that include ending Acholi disenfranchisement.²⁰ Unfortunately and paradoxically, because they sound so rational and actually meritorious, these political documents are often dismissed by the West as diaspora forgeries, even when found within the country.²¹ After all, Joseph Kony, a semi-literate village healer and a practitioner of witchcraft could not seriously be expected to possibly come up with such reform proposals and constructive criticism of the Museveni government, could he? But this may be well a mistake of public perception intentionally shaped and encouraged by the international media. The reasons for that are a separate matter with an entire independent subset of conflicting interests and conjectures. In any event, there is no doubt that the Museveni government²² – which has unclean hands comparable to Kony's – is arguably the single most important beneficiary of the viral 'Kony 2012' campaign.²³

Evidence appears to be subject to selective cognition and manufacture in the Kony wars. Mareike Schomerus was the foreign journalist to whom the LRA reached out as she was interviewing former LRA combatants. They wanted her to facilitate peace talks. The video interview conducted with Kony by Schomerus in cooperation with Sam Farmar was subsequently sold to BBC's *Newsnight* and became an overnight success. It never entered the Royal Television Society Awards though, because Schomerus had refused to grant BBC consent: the story aired by BBC²⁴ turned out so different from what Schomerus had sold to the station that it had lost any and all resemblance of factual truth and objective journalism. Aside from some rather harmless prevarications as to how the interview was obtained, the substantive content of the interview itself was altered beyond recognition by the BBC. Massive editing of Joseph Kony's statements and their juxtaposition with questions other than those originally asked by Schomerus deprived his answers of any appearance of rationality and instead presented him as an irrational, half-insane murderer obsessed with religious zeal and fanaticism. The title of the piece featured by *The Times* based on the same material, "I will use the Ten Commandments to liberate Uganda,"²⁵ implies a prominent statement made by Kony during the interview. In fact, Kony had never made such a statement. Quite the contrary: in the original interview, Joseph Kony explicitly distanced himself from attributions of any religious agenda including allegations of any association with fundamentalist Christian groups. Instead, he explained

²⁰ Caytas, Joanna Diane. "The Invisible Facts. Media outlets have distorted facts in Ugandan civil war." *Columbia Political Review* 2012-08-28 <http://www.cpreview.org/2012/08/the-invisible-facts/>.

²¹ Finnstrom, Sverker. "An African hell of colonial imagination? The Lord's Resistance Army in Uganda, another story." *The Lord's Resistance Army: Myth and Reality*. Allen, Tim; Vlassenroot, Koen (eds). London, New York: Zed Books (2010), 74-89, at 75-76 and 82-89.

²² Norman, Joshua. "The world's enduring dictators: Yoweri Museveni, Uganda." *CBS News, Worldwatch*, Mays 24, 2011. http://www.cbsnews.com/8301-503543_162-20065456-503543.html.

²³ Flock, Elisabeth. "Invisible Children tipped off Ugandan military to arrest former child soldier." *Washington Post, Blogpost*, April 12, 2012. http://www.washingtonpost.com/blogs/blogpost/post/invisible-children-tipped-off-ugandan-military-to-arrest-former-child-soldier-says-us-cable-released-by-wikileaks/2012/04/11/gIA9y6iAT_blog.html.

²⁴ "Meeting Joseph Kony – Uganda June 2006" <http://www.youtube.com/watch?v=dWiF9hSgyoU>.

²⁵ Farmar, Sam. "I will use the Ten Commandments to liberate Uganda". *The Times*, June 28, 2006. <http://www.timesonline.co.uk/tol/news/world/article680339.ece>.

the political objectives of the LRA, something entirely missing in both the BBC and *The Times* versions. Lack of veracity did not prevent popular perception from being shaped significantly by that very statement, repeated *ad infinitum* in headlines and quotes by the international media. But lo and behold, a new global paradigm had been established: after the BBC program, the airing of Schomerus' original material by German news station ARD was cancelled.²⁶ After Schomerus' refusal to adapt her material to the view presented by the BBC, the original interview hit a virtual wall of universal disinterest by world media. The original material has never been aired by a news organization anywhere to date.²⁷ These lockstep business judgments of news organizations, hardly coincidental, would appear to merit further in-depth antitrust review – the only aspect with a realistic chance to overcome the mantra of media First Amendment rights.

Truth, however, comes in many shades of gray. Joseph Kony is undisputedly a veteran war criminal properly indicted by the ICC for war crimes as well as crimes against humanity.²⁸ And yet, siding with the Ugandan government to dispose of Kony hardly seems like a noble cause in itself: rarely is it mentioned in Western media that Uganda, headed by Yoweri Museveni since 1986, has itself been found guilty by the International Court of Justice in 2005 of gruesome and appalling war atrocities in the Congo. During just two recent wars Ugandan forces fought in the Congo, an estimated three million people perished.²⁹ This puts the two million individuals reportedly displaced by the LRA in some perspective,³⁰ along with its alleged abduction of more than 600 children since 2009.³¹ The Museveni government's lengthy rap sheet includes, *inter alia*, protracted use of child soldiers.³² Museveni's army, the Uganda People's Defence Force (UPDF), was held responsible by Amnesty International for crimes against the Acholi ethnic minority of the North.³³ Museveni established a

²⁶ Caytas, Joanna Diane. "The Invisible Facts. Media outlets have distorted facts in Ugandan civil war." *Columbia Political Review* 2012-08-28. <http://www.cpreview.org/2012/08/the-invisible-facts/>.

²⁷ Schomerus, Mareike. "A collaborating chronicler? Researching tales, truths and the Lord's Resistance Army." http://statesandsecurity.org/_pdfs/Schomerus.FRE.Abstract.pdf.

²⁸ *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*. ICC-02/04

-01/05. Prosecution application for a warrant of arrest 6 May 2005; Warrant of arrest issued by Pre-Trial Chamber II: Issued under seal on July 8, 2005; Unsealed on October 13, 2005; At large.

<http://www.icc-cpi.int/menus/icc/situations%20and%20cases/situations/situation%20icc%200204/related%20cases/icc%200204%200105/uganda?lan=en-GB>.

²⁹ *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment I.C.J. Reports 2005, 168 *et seq.* <http://www.icj-cij.org/docket/files/116/10521.pdf>. In 2005 the DRC also referred this case to the International Criminal Court.

³⁰ H.Res. 584: Reaffirming the commitment of the House of Representatives to finding and capturing Joseph Kony, and for other purposes. 112th Congress. 2011-2012. <http://www.govtrack.us/congress/bills/112/hres584/text>.

³¹ Hebel, Christina. "Ohne Stiefel auf Kony-Jagd." *Der Spiegel*, June 28, 2012. <http://www.spiegel.de/politik/ausland/rumpf-truppe-jagt-ugandischen-rebellenchef-joseph-kony-a-841275.html>.

³² *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment I.C.J. Reports 2005, 168 *et seq.*

³³ Finnstrom, Sverker. "An African hell of colonial imagination? The Lord's Resistance Army in Uganda, another story." *The Lord's Resistance Army: Myth and Reality*. Allen, Tim; Vlassenroot, Koen (eds). London, New York: Zed Books (2010), 74-89, at 78. *See also* Branch, Adam. "Against Humanitarian Impunity: Rethinking Responsibility for Displacement and Disaster in Northern Uganda." *Journal of Intervention and Statebuilding* Vol. 2, No. 2 (2008), 151-173.

number of concentration camps detaining at some point up to 1.5 million Acholi; these inmates held under dismal conditions were later indiscriminately slaughtered by both UPDF and LRA on several occasions, with the UPDF doing precious little to protect civilians from LRA's attacks. Museveni is also well known for his illegal use of child soldiers,³⁴ and on at least a few occasions the UPDF was documented to have coerced minors released by the LRA to join their own army.³⁵

Studies conducted by anthropologists who clearly stated a lack of any connection between the respondents' answers and their access to humanitarian aid also provided figures very different from those obtained by NGOs interviewing victims of LRA abductions. The average length of captivity under the LRA was 9.5 months, the median age of abductees was 12-16 (considered adolescent in that part of the world), at least 20% of them were adults aged 18-30. 'Only' 24% were ever forced to kill, compared to 49% of those held for over one year. And 'only' 8% were forced to kill a relative or friend. 30% of abductees were released or escaped within two weeks, and 76% within a year. 'Only' 20% of abductees did not return, most of them because they died. 50% of kidnapped children and 40% of the abducted adults even felt an actual sense of allegiance to Kony.³⁶ It is plausible that their dire need for humanitarian assistance might have prompted displaced former abductees to play up the atrocities they had suffered in order to elicit greater compassion on the part of missionaries and charity workers.

The structure of the LRA differentiates between abductees incorporated into its ranks as soldiers and those merely used as porters. Many of the latter are released after reaching the destination camp or allowed to escape because their captors, for lack of further interest to feed a mouth that had become redundant, simply stopped watching them. As for the LRA combatants, NGOs including Invisible Children campaigned in support of the general amnesty in Uganda by leaving in the forest leaflets in local languages and in pictures for those who could not read, encouraging LRA soldiers to simply put down their weapons and come home to their families.³⁷ Conceivably, it would not have been difficult for the LRA to hunt down those who took up that offer, knowing well wherefrom it had abducted whom – but it rarely did.

Much is being made of the widely reported fact that abductees have to kill their own families so they have nowhere to go. In reality, 'only' 8% had to kill a relative *or* a friend (and it is not specified whether a brother-in-arms did count as a friend or not for the purposes of the study).³⁸ Published estimates range from 20-66,000 abductees³⁹ while the LRA never counted more than two thousand members, and even that number comes from the beginning of its existence when the army still consisted of genuine volunteers. Nowadays, the LRA is about 200-500 members strong.⁴⁰ The

³⁴ For the memoirs of an eight-year-old girl soldier serving as Museveni's personal bodyguard *see* Keitetsi, China. *Child Soldier: Fighting for My Life*. Cape Town: Formeset Printers (2002).

³⁵ Soto, Carlos Rodriguez. *Tall Grass: Stories of Suffering and Peace in Northern Uganda*. Kampala: Fountain Publishers (2009), 40 *et seq.*

³⁶ Blattman, Christopher; Annan, Jeannie. "On the nature and causes of LRA abduction: what the abductees say." *The Lord's Resistance Army: Myth and Reality*. Allen, Tim; Vlassenroot, Koen (eds). London, New York: Zed Books (2010), 132-155.

³⁷ www.invisiblechildren.com

³⁸ *See* fn. 36.

³⁹ *See* fn. 9 and 10.

⁴⁰ *See* fn. 14.

numbers of abductions are high because most of them last for a short period of time, sometimes only a few days, and not because the LRA is so incompetent that it cannot watch its own prisoners at all. Individuals retained as soldiers are specially selected and undergo testing how they fare under pressure and in the face of killing, often of one of the other abductees. Some fighters joined the LRA voluntarily, even as children, similarly to others joining the Museveni army when it was still a rebel group,⁴¹ or any other guerrilla group in that region. This can be explained by the existence of orphaned or abandoned children in the region who seek protection and assured meals.

Conspicuously, gang rape is not among the violent crimes perpetuated by the LRA. Western media and NGOs refer to “sex slavery” as a catch-all phrase, but this is factually inaccurate in the case of the LRA. “Sex slavery” is different both legally and experientially from “forced marriage” that the group actually practices.⁴² The kidnapped girls are assigned as wives to officers and sometimes to soldiers as a reward for bravery. While rape still exists within the context of a forced marriage, it is very different from sexual abuse of a girl by an army. Specifically, the captor husband shares the household and raises children with his abductee wife.⁴³ The purpose of sexual relations is procreation, and girls who fail to conceive are given traditional fertility treatments. Members of the group of either gender are punished for refusing sexual relations with their assigned spouses as they are punished for other infractions.⁴⁴ The goal of the marriage is not only to produce offspring to be raised within the LRA as most trusted soldiers and future leaders, but also to increase social cohesion of the group by creating interdependence.⁴⁵ The importance of economic and social dependence of women and their small children within the group is underscored by the fact that although widows have the right to refuse the assignment of a new husband, they rarely do.⁴⁶ Abducted pre-pubescent girls are adopted and protected by the families of LRA commanders, and assigned as wives only upon reaching puberty. Educated girls are especially prized since they can be used as assistants of top commanders.⁴⁷ While abductions of boys are usually random and guided only by their approximate age, abductions of girls are strictly controlled by the command of the LRA in accordance with the reported needs and combat merits of individuals in the group. Lower ranking soldiers can be rewarded for bravery with one or two wives, while highest ranking officers can pick up to five. Kony himself is reported to have as many as forty wives. Considering the ratio of women and their children to actual combatants, the logistics of moving the LRA forces would appear very difficult. Furthermore, the existence and prevalence of forced marriage, procreation, and family structures within the LRA also calls into question its popular image as an ‘army of children.’

⁴¹ See fn. 34.

⁴² Kramer, Sophie. “Forced Marriage and the Absence of Gang Rape: Explaining Sexual Violence by the Lord’s Resistance Army in Northern Uganda.” *Columbia Journal of Politics and Society* Vol. 23 No. 1 (Spring 2012) 11-49 at 15.

⁴³ Carlson, Khristopher; Mazurana, Dyan. “Forced Marriage within the Lord’s Resistance Army, Uganda.” Tufts University, Feinstein International Center, 2008. 15-16

⁴⁴ Ibid 16.

⁴⁵ Kramer, Sophie. “Forced Marriage and the Absence of Gang Rape: Explaining Sexual Violence by the Lord’s Resistance Army in Northern Uganda.” *Columbia Journal of Politics and Society* Vol. 23 No. 1 (Spring 2012) 11-49 at 28.

⁴⁶ Ibid 30.

⁴⁷ Ibid 25.

The peculiarity of gender violence within and by the LRA is part of a greater picture of spiritual teachings that encourage daily prayer and prohibit drugs, alcohol, and extramarital sexual relations.⁴⁸ Thus, civilian population is rarely subjected to sexual violence, and disobeying troops are punished by Kony himself.⁴⁹

Brainwash forms a large part of the group's methods. It is also the reason why so many begin to support Kony's mission while in captivity. Through initiation ceremonies and political teachings, new soldiers are persuaded that they are freedom fighters going into battle for their country and for their fellow Acholi to end the oppression by Museveni.

Massacres of villagers seem to be part of the propaganda effort in East Central Africa as they were in Vietnam in order to prevent cooperation with the enemy but also to loot resources such as food and batteries. The LRA does receive weapons but little food from foreign clandestine supporters such as the al-Bashir government of Sudan, unless international humanitarian aid is redirected to them by some corrupt local official. The LRA uses collective punishment for UPDF collaborators,⁵⁰ but the true scale of the reported massacres is actually small – apparently, thousands of residents flee villages at least temporarily because a handful of them was murdered or, even more effectively, mutilated as a warning or for revenge. The charge that the LRA displaced millions sounds like mass hysteria if one considers the number of actual casualties - until one learns that the government's UPDF itself forcibly moved to displacement camps some Acholi who refused to leave their villages. Holding conditions in closed displacement camps guarded by the UPDF to prevent their inmates from escaping were so appalling that they have been called concentration camps by Amnesty International.⁵¹

Stopping war criminals and saving children is a noble cause few would dream of opposing. Yet, when 'Kony 2012' aired in Uganda, the event caused a flood of spontaneous and even violent protests.⁵² Other NGOs except Invisible Children reacted similarly dismayed. What had gone wrong with their peace message?

Well, in this question precisely lies the crux – 'Kony 2012' does not deliver *any* peace message to this region torn apart by wars since 25 years. In fact, it calls for ratcheting up U.S. military intervention in Uganda and granting the Ugandan military an international mandate to invade neighboring countries in their chase for fugitive rebel Kony. Proportionality receives little consideration in the matter.

The first time the Bush administration insisted on, and provided support for, an all-out attack on the LRA by the UPDF in 2008, this attack occurred in direct breach of a peace accord concluded between the LRA and the UPDF that had brought truce to the region for two years.⁵³ Some in the

⁴⁸ Ibid 33.

⁴⁹ Ibid 34.

⁵⁰ Ibid 21.

⁵¹ See fn. 33.

⁵² "Appalled Ugandans riot at Kony 2012 screening." *Mail & Guardian*, News and Media, March 15, 2012. <http://mg.co.za/article/2012-03-15-outrage-violence-greets-kony-2012-video-in-uganda/>.

⁵³ Pretext for the attack was Kony's delay of signing the negotiated peace agreement. Apparently, he was concerned with the effect of the ICC indictment on his and his commanders' personal safety since the ICC required withdrawal of blanket amnesty for surrendering LRA fighters. Kony's case had been referred to the ICC by the Museveni

media and elsewhere speculate that one plausible cause for the sudden U.S. interest in the region may have been the discovery of substantial oil fields in Northern Uganda. This purported operation of three powers⁵⁴ was, in fact, executed by the UPDF alone – and it was badly botched: Kony and all his top aides who had been indicted along with him escaped capture, and the now scattered LRA exacted bloody revenge against the civilian population. Future peace talks were stalled by experience-based suspicions ever since, and LRA atrocities have increased. Given previous experiences with U.S. intervention, the fact that president Obama signed an authorization for combat-ready advisors to be sent to the region in 2011,⁵⁵ the implicit U.S. support for the Museveni regime and the presence of foreign military personnel whose purpose is to train the UPDF in hostile action, not to support peace talks, caused local observers considerable wariness.⁵⁶ Based on these facts, further calls to sustain if not increase U.S. military intervention in Uganda as Invisible Children had advocated by encouraging young Americans to send letters to their legislators can be viewed with good justification as outright irresponsible. Already on December 6, 2001, the LRA was designated a terrorist organization by the U.S. Department of State.⁵⁷

The use of child soldiers is by no means a new or surprising phenomenon in this part of the world. Since 1850, abductions of young men with the aim of turning them into soldiers and porters, and of young women for use as sex slaves, have featured in virtually every single conflict in the region.⁵⁸ Kony is far from unique. As recently as 2003, European peacekeepers and the UN reported on rampant use of child soldiers and atrocities including genocide, mutilations, rapes, and even cannibalism on every side of the complicated conflict in Congo, including heinous crimes against humanity committed by invading Ugandan forces⁵⁹ and Ugandan-supported rebels.⁶⁰ In 2004, similar

government on behalf of Uganda. Museveni's regime is widely considered one of the least democratic and most corrupt in Africa and downright infamous for its own use of child soldiers. See Rabwoni, Okwir. "Africa's Child Soldiers." *Daily Times*, May 30, 2002, 3-4. http://www.dailytimes.com.pk/default.asp?page=story_30-5-2002_pg3_4. His recognition in the West is based on compliance with IMF policies and his campaign against HIV/AIDS.

⁵⁴ Uganda, South Sudan, and the Democratic Republic of Congo were nominal participants. The US provided logistical but not military support along with \$33 million in cash for the UPDF. Sterling, Joe. "Obama orders U.S. troops to help chase down African 'army' leader." *CNN*, October 14, 2011. <http://edition.cnn.com/2011/10/14/world/africa/africa-obama-troops>.

⁵⁵ Capaccio, Tony. "Obama sends troops against Uganda rebels." Bloomberg News, October 14, 2011. <http://www.bloomberg.com/news/2011-10-14/obama-sends-troops-against-uganda-rebels.html>.

⁵⁶ Schomerus, Mareike; Allen, Tim; Vlassenroot, Koen. "Obama takes on the LRA: Why Washington sent troops to Central Africa." *Foreign Affairs*, November 15, 2011. <http://www.foreignaffairs.com/articles/136673/mareike-schomerus-tim-allen-and-koen-vlassenroot/obama-takes-on-the-lra>.

⁵⁷ U.S. Department of State. *Statement on the designation on the USA PATRIOT ACT's terrorist exclusion list*. December 6, 2001. <http://www.fas.org/irp/world/para/dos120601.html>.

⁵⁸ Allen, Tim; Vlassenroot, Koen. "Introduction". *The Lord's Resistance Army: Myth and Reality*. Allen, Tim; Vlassenroot, Koen (eds). London, New York: Zed Books (2010), 1-21, at 3-19. Not least, Congolese warlord Thomas Lubanga ended up the first person ever convicted alive on July 10, 2012 by the International Criminal Court in The Hague, to 14 years imprisonment. See <http://www.lubangatrial.org/>.

⁵⁹ The ICJ also specifically found the Ugandan military guilty of systematically plundering the rich mineral resources of the region it had invaded. See *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment 2005 I.C.J. Reports, 168 *et seq.* <http://www.icj-cij.org/docket/files/116/10455.pdf> and <http://www.icj-cij.org/docket/files/116/10521.pdf>.

reports came from Uganda itself, which this time placed blame for all reported crimes and atrocities solely and unequivocally on the LRA.⁶¹ Not surprisingly, the naive claim that capturing or killing just one man, Joseph Kony, would somehow end the vicious cycle of abductions, atrocities, and use of child soldiers in Africa, if not in the world at large, meets with little sympathy from NGOs that perform actual work in the region and from the Ugandan population itself, especially since Joseph Kony has long moved his troops outside Ugandan borders, while part of the Ugandan population desperately needs humanitarian aid far more urgently than it needs another war.

The tendency to oversimplify reported news in order to serve the public an easily-digestible mix of sensationalist sound bites has become a very serious concern raising complex questions of professional responsibility in modern journalism.⁶² ‘Facts’ created by the media and even by NGO activists form a new paradigm that, once established, is very difficult to overcome – they not only shape public perception effectively, but also foreign policy, and they do so without semblance of factual or democratic legitimacy.⁶³ Prevarications and embellishments to increase circulation, sales or donations are one thing. But it is a much more serious matter when engineered facts disrupt or destroy lives of indigenous people for the ulterior motives of those proclaiming intentions to help them. Invisible Children spends a mere 37% of its revenues in Africa.⁶⁴ Aside from their overhead, their main identifiable product is propaganda. News organizations have strong incentives to distort so as to dramatize. That creates a direct conflict with their stated purpose of objective and truthful reporting. Politicians, finally, find in such initiatives a remarkably low-cost opportunity for widely reported and approved activism.⁶⁵ Very likely, no express collusion exists between these various players. There is no need – their interests are naturally aligned and coordinated by the ‘invisible hand’ of their congruent self-interest. Would that the same could be said of truth in reporting accurate facts in the interest of indigenous people.

Interestingly, the same manufacturers of public opinion who report minutiae about Kony’s atrocities and his bizarre conduct seldom if ever devote serious attention to the oddities of the war conducted against Kony and the LRA. The African Union has designated “up to” 5,000 soldiers from Uganda, South Sudan, Congo and Central African Republic to this task force. That said, an ambassador of the African Union deplored the fact that these soldiers are lacking practically everything commonly expected for contemporary military operations – including rations, uniforms, boots, and even basic

⁶⁰ Astill, James. “Congo rebels are eating pygmies, UN says”. *The Guardian*, January 8, 2003. <http://www.guardian.co.uk/world/2003/jan/09/congo.jamesastill>.

⁶¹ Judah, Tim. “Child soldiers, sex slaves, and cannibalism at gunpoint: the horrors of Uganda’s north.” *The Independent*, October 23, 2004 <http://www.independent.co.uk/news/world/africa/child-soldiers-sex-slaves-and-cannibalism-at-gunpoint-the-horrors-of-ugandas-north-6159396.html?printService=print>.

⁶² Sensationalist instincts of news organizations often prevail at the cost of veracity. See Fry, Erika. “Looking beyond Kony.” *Columbia Journalism Review*. April 20, 2012.

⁶³ A recent legislative proposal even lobbies for including Joseph Kony in the Department of State Rewards Program, authorizing use of US taxpayers’ money for bounties offered to capture the warlord. See Miller, Sunlen. “Senators Trying to Keep up Pressure on Joseph Kony.” *ABC News*, April 20, 2012. <http://abcnews.go.com/blogs/politics/2012/04/senators-trying-to-keep-up-pressure-on-joseph-kony/>.

⁶⁴ Even that amount is spent mainly on its scholarship fund: <http://www.invisiblechildren.com/critiques.html>.

⁶⁵ Miller, Sunlen. “Senators trying to keep up pressure on Joseph Kony.” *ABC News*, April 20, 2012. <http://abcnews.go.com/blogs/politics/2012/04/senators-trying-to-keep-up-pressure-on-joseph-kony/>.

training in some cases.⁶⁶ The African Union now appeals to the U.N. Security Council to provide funding and equipment for the African Kony task force “no later than December 2012.”

On President Obama’s orders, the U.S. provided 100 special forces troops including Navy SEALs and Green Berets to the overall search effort. It took them four months to set up their jungle camp in the Central African Republic. Ten months after the launch of their mission, Kony has not even been traced, much less localized. U.S. forces never came in direct contact with Kony loyalists. Pursuant to their mandate as advisers, U.S. special forces rarely leave the vicinity of their camp and, although well-armed, are not permitted to engage in any combat aside from self-defense. But since the LRA purposely forgoes any form of electronic communication and communicates only through foot messengers dispatched to previously agreed rendezvous points regardless of the fact that this method of communication sometimes takes weeks to accomplish,⁶⁷ even the capture of one of Kony’s lieutenants, Caesar Acellam, in mid-May 2012⁶⁸ did not lead to significant useful intelligence gains against Kony and his remaining hard-core fighting force now estimated to number about 200. Acellam had no ability to provide directly relevant information to the Kony dragnet because his knowledge underwent planned obsolescence by the time it was acted upon.⁶⁹ Notwithstanding all these circumstances and especially the seemingly impenetrable Garamba forest terrain that serves as Kony’s hideout and to which he is extremely well adjusted, the cost of an international expeditionary force dwarf any amount of bounty that would be required to secure a betrayal of the fugitive. Long as the search for Osama bin Laden may have taken, it did not take very long from the moment interest in using him as an enduring justification for the prosecution of the war abated. As a matter of experience, people on the run do not last that long, even in the jungles of Central Africa, without state protection. The same was true of Osama Bin Laden who could not possibly have continued to live with a sizeable family for five years in Abbottabad within walking distance of Pakistani military installations without the connivance of that government or at least significant elements in its security forces. In Kony’s case, some evidence, including continued weapons shipments,⁷⁰ is believed to point to the (North) Sudanese government of Omar al-Bashir,⁷¹ himself the first sitting head of state

⁶⁶ Hebel, Christina. “Ohne Stiefel auf Kony-Jagd.” *Der Spiegel*, June 28, 2012. <http://www.spiegel.de/politik/ausland/rumpf-truppe-jagt-ugandischen-rebellenchef-joseph-kony-a-841275.html>.

⁶⁷ Whitlock, Craig. “Joseph Kony hunt is proving difficult for U.S. troops.” *Washington Post*, April 29, 2012. National Security http://www.washingtonpost.com/world/national-security/joseph-kony-hunt-is-proving-difficult-for-us-troops/2012/04/29/gIQAasM6pT_story.html.

⁶⁸ Kanani, Bazi. “Joseph Kony Top Commander Captured in Central Africa.” *ABCnews World Magazine*. <http://abcnews.go.com/blogs/headlines/2012/05/joseph-kony-top-commander-captured-in-central-africa/>.

⁶⁹ “Capturado uno de los generales del señor de la guerra Joseph Kony.” *El Pais*, May 13, 2012. See also “Kony’s Armee entführt Hunderte Kinder in Afrikas Dschungel.” *Der Spiegel*, June 7, 2012. <http://www.spiegel.de/politik/ausland/joseph-kony-rebellen-entfuehren-laut-uno-hunderte-kinder-in-afrika-a-837459.html>.

⁷⁰ Raffaele, Paul. “Uganda: The horror.” *Smithsonian*, February 2005. <http://www.smithsonianmag.com/people-places/uganda.html>.

⁷¹ Brammertz, Serge. “International Criminal Court: now for Kony and Bashir.” *The Guardian*, June 13, 2012 <http://www.guardian.co.uk/commentisfree/2012/jun/13/international-criminal-court-kony-bashir> also Mukasa, Henry. “Omar Bashir renews support for Kony.” *New Vision*, April 30, 2012 <http://www.newvision.co.ug/news/630703-omar-bashir-renews-support-for-kony.html> and Gombya, Henry D. “Support Kony and we attack, Museveni warns Gen. Bashir.” *London Evening Post*, May 5, 2012 <http://www.thelondoneveningpost.com/support-kony-and-we-attack-museveni-warns-gen-bashir/>.

indicted personally by the ICC in March 2009 for crimes of war, crimes against humanity, and in a second indictment also for his role in the Darfur genocide.⁷² Indeed, Kony is rumored to enjoy a secure retreat in Bahr Gazel in Khartoum-controlled territory.⁷³ In another interesting parallel to the hunt for Osama Bin Laden, it almost appears as if the international expeditionary force tasked with the apprehension of Kony is lingering in the Garamba forest and other jungle areas because the difficulties of the terrain there provide more credible justifications for continued failure to arrest their man, while Kony's *de facto* immunity on Sudanese territory could not be resolved by a low-level engagement with an ill-equipped force of 5,000, especially not in light of the fact that numerous governments in the region and elsewhere have chosen to ignore the ICC's arrest warrant for al-Bashir and continue to receive him with diplomatic courtesies.⁷⁴

The Ugandan Army offered all of \$11,000 reward for information leading to Kony's capture – not even in Uganda a very significant amount.⁷⁵ And for good reason: it is well known that Kony himself has not been in Uganda since long, and that was already true at the time of making 'Kony 2012.' If it had done even a distant resemblance of homework, Invisible Children had to know that calling for sending a U.S. military contingent to Uganda "to stop the bloodshed and catch Kony" who is already known not to be in Uganda makes very little rational sense.

But considering that the estimated number of LRA soldiers does not exceed 500,⁷⁶ the futility of efforts to capture Kony for a quarter century also suggests that the UPDF might not really be all that interested in eliminating the local conflict caused by the LRA that keeps the tormented Acholi population from engaging in meaningful political activity. The strife also serves as a pretext and justification for restricting Ugandan civil liberties widely and permanently, harassing the opposition, and rallying southern support for the Museveni government.⁷⁷ The interest of foreign NGOs is

⁷² *The Prosecutor v. Omar Hassan Ahmad Al Bashir*. ICC-02/05-01/09. Prosecution application for a warrant of arrest 14 July 2008; Warrant of arrest issued by Pre-Trial Chamber I: 4 March 2008; Second warrant of arrest issued by Pre-Trial Chamber I: 12 July 2010; At large. <http://www.icc-cpi.int/menus/icc/situations%20and%20cases/situations/situation%20icc%200205/related%20cases/icc02050109/icc02050109?lan=en-GB>.

⁷³ Mukasa, Henry. "Omar Bashir renews support for Kony." *New Vision*, April 30, 2012 <http://www.newvision.co.ug/news/630703-omar-bashir-renews-support-for-kony.html>, citing Col. Felix Kulayige, spokesman of the Ugandan army, at a U.S. Embassy sponsored event at Entebbe, while U.S. special forces as well as Ugandan army units are "searching" for Kony in the jungle of the Central African Republic.

⁷⁴ Bashir has since visited Kenya, Djibouti, Libya and, more significantly, China with unrestricted privileges as a guest of state. "Peking empfängt al-Bashir wie einen Ehrengast." *Neue Zürcher Zeitung*, June 29, 2011 <http://www.nzz.ch/nachrichten/politik/international/china-sudan-baschir-1.11098843>; Menya, Walter. „Bashir surprise guest in Kenya.“ *Daily Nation*, August 27, 2010. <http://www.nation.co.ke/News/Bashir%20surprise%20guest%20in%20Kenya/-/1056/998008/-/w03i5sz/-/index.html> see also "Sudan's Bashir offers help to Libya during criticised visit." *BBC News*, January 7, 2012. <http://www.bbc.co.uk/news/world-africa-16454493>.

⁷⁵ "Uganda: Kony calls for peace talks." *IRIN*. <http://www.irinnews.org/printreport.aspx?reportid=40370>.

⁷⁶ "LRA Factsheet." UN Integrated Task Force on the LRA. April 5, 2012. http://unic.un.org/downloads/socialmedia/lra_factsheet.pdf.

⁷⁷ Branch, Adam. "Exploring the roots of LRA violence: political crisis and ethnic politics in Acholiland". *The Lord's Resistance Army: Myth and Reality*. Allen, Tim; Vlassenroot, Koen (eds). London, New York: Zed Books (2010), 25-44, and Allen, Tim; Laker, Frederick; Porter, Holly; Schomerus, Mareike. "Postscript: a kind of peace and

generally higher in countries marred by humanitarian crises, and \$33 million in cash obtained by the UPDF out of U.S. aid for military purposes could scarcely continue to be justified without a compelling cause such as Joseph Kony.⁷⁸ For some U.S. interests, the ‘hunt for Joseph Kony’ is the perfect excuse for militarizing oil-rich Uganda, the likely reason why the Bush administration acted early and swiftly by placing Kony and the LRA on the U.S. Treasury Department’s list of Specially Designated Global Terrorists (SDGT List) administered by the Office of Foreign Assets Control—an amazing designation hardly evocative of a group of less than 500 ragtag fighters that is active only in East Central Africa.⁷⁹

It hardly seems that any of the vocal ‘Kony hunters’ seriously wishes to succeed in their quest. They merely desire to create the appearance of ‘doing something’ while very little is actually accomplished. It begs the pressing question why this chase is on, and whom it serves. As the economics and prosecution of the Kony wars appear contradictory and yet interrelated in unexpected ways, it is unlikely in the extreme that the true controlling reasons for it are those offered and accessible to the public. In particular, the notably stark contrast between the quality of the propaganda masterpiece that is ‘Kony 2012’ and the sophomoric amateur footage the same Invisible Children moviemakers had produced before and even after ‘Kony 2012’ leaves us with serious unanswered questions about the interests that may have supported the unprecedented attention paid to this campaign of a previously little-known California “charity.” Was ‘Kony 2012’ an unexpected one-off thunderbolt of genius? One may or may not think so. It would appear to be a conjecture worthy of further exploration whether these superficially incoherent observations do not suddenly make sense by concluding that someone really wanted the Kony story to get out so that the U.S., arguably acting on behalf of petroleum interests, could readily justify sending significant troops to East Central Africa with broad public approval, a move that would otherwise assuredly have encountered classical responses from the voting public, not least ‘why do we need another war?’ and ‘who is going to pay for it?’

an exported war.” *The Lord’s Resistance Army: Myth and Reality*. Allen, Tim; Vlassenroot, Koen (eds). London, New York: Zed Books (2010), 279-288, at 280-81.

⁷⁸ Sterling, Joe. “Obama orders U.S. troops to help chase down African ‘army’ leader.” *CNN*, October 14, 2011. <http://edition.cnn.com/2011/10/14/world/africa/africa-obama-troops>.

⁷⁹ Kony’s operational radius was never global and has not been known to exceed Sudan, Uganda, Central African Republic and the Republic of the Congo.