

ASSESSING THE INNOCENCE AND
VICTIMIZATION OF CHILD
SOLDIERS

by

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A THESIS

Submitted in partial fulfillment of the requirements
for the degree of Master of Science in the
Department of Criminal Justice
in the Graduate School of
The University of Alabama

TUSCALOOSA, ALABAMA

2013

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ABSTRACT

To date, the majority stance taken by researchers in the field of criminology has been that child soldiers should be treated as innocent victims of war. While there have been some authors who have examined whether this label should be attached to the child, none have firmly taken the minority side in this debate. International law disregards the criminal acts against humanity committed by a child soldier and instead criminalizes the adults who either abducted the child for military duty or allowed the child to willingly volunteer for the armed services. This thesis proposes that many child soldiers are not innocent victims, but they are instead perpetrators of violence. In doing so, definitions of ‘innocent’ and ‘victim’ are called upon to show how many child soldiers are neither of these things and are able to take advantage of the International Criminal Court because of the ambiguity in international law. Labeling theory is used as the theoretical framework for this thesis. By labeling child soldiers as innocent victims, it has an adverse effect that allows child soldiers to continue committing criminal acts.

DEDICATION

I dedicate this thesis to my loving husband and supportive family. You drive me to always think outside the box.

LIST OF ABBREVIATIONS AND SYMBOLS

CJS	Criminal justice system
CRC	Convention on the Rights of the Child
CSI	Child Soldiers International
CSPA	Child Soldier Prevention Act
DRC	Democratic Republic of Congo
ICC	International Criminal Court
IEDs	Improvised explosive devices
IHL	International humanitarian law
ILO	International Labour Organization
JJS	Juvenile justice system
LRA	Lord's Resistance Army
LTTE	Liberation Tigers of Tamil Eelam
NGOs	Non-government organizations
OAU	Organization of African Unity
RUF	Revolutionary United Front of Sierra Leone
SPLA	Sudan People's Liberation Army
TPLF	Tigrayan People's Liberation Front
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund

ACKNOWLEDGMENTS

I would like to take this opportunity to thank my friends, family, and faculty members who have helped me with this research project. I am most indebted to Dr. Adam Lankford, the chairman of this thesis and my thesis advisor, for sharing his wisdom and expertise in the criminal justice field. Most importantly, I would like to thank him for having an open mind and supporting me throughout the thesis. I would also like to thank all of my committee members, Dr. Mark Lanier and Dr. Karl DeRouen Jr. for their invaluable input, inspiring questions, and support of both the thesis and my academic progress. This research would not have been possible without the support of my friends and fellow graduate students and of course of my family who never stopped encouraging me to push the boundaries of the criminal justice field.

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CHAPTER 1

INTRODUCTION

Children have been used as soldiers for centuries, but until 1977, most nations did not consider this a violation of children's rights. The modern use of children as soldiers in combat poses a great threat to society because they are viewed as vulnerable and innocent, but they can cause a tremendous amount of damage in war-stricken areas. The issue should be brought to the forefront in order to properly handle and understand children as soldiers, as this social problem directly affects the entire world. Until now, all child soldiers have been viewed as innocent victims of war; however, this is not always the case. Many child soldiers, as well their adult counterparts, commits crimes for different reasons. As a global society, we do not lump all crimes into the same category as inherently evil. Some are labeled victimless crimes, violent crimes, crimes of passion, and/or crimes of need (for example stealing food to feed one's family). Therefore, nations should not label the entire group as innocent victims. There has been research conducted which concludes that many child soldiers enjoy the gruesome crimes they commit and continue to do so into adulthood (see Elbert, 2010; Hecker, 2012).

From a humanitarian perspective, most child soldiers are generally viewed as innocent victims who have been taken advantage of by cruel adults who force them into armed groups ("Invisible Children," n.d.; "Project: AK-47," n.d.; "Enough," n.d.). While there are child soldiers who have been abducted, drugged, or coerced into joining armed groups ("Invisible Children," n.d.; "Project: AK-47," n.d.; "Enough," n.d.), others willingly join armed groups (Elbert, 2010;

Hecker, 2012). Through the efforts of numerous humanitarian groups, some child soldiers have been disarmed, demobilized, and attempts have been made to reintegrate them into their communities ("Invisible Children," n.d.; "Project: AK-47," n.d.; "Enough," n.d.). However, these former child soldiers are being reintegrated into a chronic crisis setting, where they are sometimes forced to leave the community; some learn to become civilians again, and others rejoin rebel or government armed forces (Baines, 2009). Even though humanitarian groups label these child soldiers as innocent victims, their communities do not always share this view (Freeland, 2008). Communities often view former child soldiers with suspicion because they most likely recently tormented that community (Freeland, 2008). Therefore, reintegration and rehabilitation are not always effective.

Since the international community has labeled child soldiers as innocent victims for decades, there have been laws developed to protect them. Children are intended to be protected from recruitment into militaries or paramilitaries; protected from prosecution for committing war crimes, crimes against humanity, acts of genocide, and crimes of aggression; and protected from imprisonment that is similar to their adult counterparts. However, because of the general principle that suspects are innocent until proven guilty, when child soldiers are never tried in the criminal justice system, then they are continuously viewed as innocent and then have a greater chance of rejoining an armed group to continue committing the same heinous acts. Because humanitarian groups do not seem to be properly rehabilitating many former child soldiers, this thesis suggests that the international criminal justice system should take a more prominent role concerning child soldiers.

There are few published studies that question the belief that all child soldiers are innocent victims (see Baines, 2011; Grétry, 2011; Happold, 2008; Wright, 2010). Their authors have not

explicitly taken a side on the issue of whether or not the innocent victim label should be applied to child soldiers. Additionally, these studies have not given alternate recommendations for handling child soldiers other than the rehabilitation programs that are already in place or possible prosecution if the crime warrants prosecution. The focus of this thesis is to present evidence to support the view that not all child soldiers should be labeled innocent victims and provide recommendations for properly prosecuting child soldiers who commit crimes that fall under the International Criminal Court's jurisdiction. Labeling theory provides a framework, which discusses how deviants are labeled and continue to commit secondary deviance. However, instead of labeling child soldiers as deviants, they are labeled as innocent victims. It is hypothesized that labeling child soldiers as innocent victims facilitates their criminal conduct by allowing them to remain responsibility- and stigma-free. Primary and secondary data have been compiled to support this claim. By examining interviews, studies, memoirs, data from non-government organizations, and news reports, this thesis presents an alternative conclusion concerning the label of child soldiers.

CHAPTER 2

LITERATURE REVIEW

2.1 A Brief History of Child Soldiers

While the issue of child soldiers has recently gained attention from news sources, it is not a recent phenomenon. Children have been fighting in war zones throughout history, which was viewed as normal behavior until the late twentieth century. In Ancient Greece, Spartan boys began military training at the age of seven and soon after became fierce soldiers (Hammarberg, 1990). Additionally, the Ottoman Empire kidnapped and trained Christian and Jewish children for battle during the 1300s. These young boys became an elite military squad, widely known across the Middle East and Europe. Moreover, during World War II, the German army recruited boys from the Hitler Youth Brigades between the ages of 12 and 17 (Rempel, 1989). Not only were German youth fighting in World War II, but Polish, Russian, Chinese, and Japanese children fought in their respective armies as well. Many Japanese youth reportedly volunteered to fight as Kamikaze pilots because they believed it would show how much they loved their emperor, family, and friends.

To date, there are at least 800,000 children engaging in military conflict while serving in government forces, paramilitary organizations, guerilla groups, and civil militias (Freeland, 2008). In 2004, the Coalition to Stop the Use of Child Soldiers reported that children were fighting in both rebel and government armies in almost every major conflict (Freeland, 2008). Among the conflicts in which children were involved, whether government affiliated or among

paramilitary organizations, 80% included children under the age of fifteen (Singer, 2005). Another 18% of the world's armies have used children under the age of 12 (Singer, 2005). From 1999 to 2003, the war in Liberia used children as soldiers on both sides; 70% of the children fought for the rebel armies and 30% fought for the government (Achvarina, 2006). In the Sudan Civil War, 64% of the children initially fought for rebel forces whereas 36% fought for government forces (Achvarina, 2006). However, towards the end of the war, only 24% of children were fighting for the rebel forces and 76% were fighting for the government (Achvarina, 2006). Additionally, 20% of Burma's military is made up of children under the age of 18 (Freeland, 2008). Presently, children are active soldiers in Burma, Chad, Colombia, Democratic Republic of Congo (DRC), Haiti, Indonesia, Iran, Iraq, Palestine, Sudan, Thailand, and Uganda (Baines, 2009; Child Soldiers International, 2011; Freeland, 2008).

2.2 Laws to Protect Children and Child Soldiers

In the late 1970s, the international community began to fight to protect children and developed laws to prohibit the use of children in armed conflict. Even though there were laws put in place to protect children, countries were still using children as soldiers. Children are, and have been, placed into conflict situations where they may commit war crimes, genocidal acts, crimes against humanity, or crimes of aggression, however, the international community does not seem to believe that child soldiers should be held responsible for their actions because they are considered to be innocent victims in armed conflict. Children were first protected in 1977 by the Universal Declaration of Human Rights (UDHR), which explicitly recognizes children as being specially protected by the General Assembly of the United Nations (United Nations, 1977). It was not until the Additional Protocols to the Geneva Conventions in 1977 that the

minimum recruitment age was set at 15 for international armed conflicts (Freeland, 2008). The Protocol states that if any persons under the age of 15 are recruited into armed conflict, then these persons are to be protected as if they never participated in hostilities (Freeland, 2008). In other words, the child soldiers are to be considered protected citizens, not soldiers.

International law defines a child as any person under the age of 18 (Freeland, 2008). The 1989 Convention on the Rights of the Child (CRC), however, states that any person under the age of 15 may not directly partake in hostilities, while any person under the age of 18 deserves special care and protection that adults do not receive (Freeland, 2008; Kuper, 2008; UNICEF, 1989). The Convention's intentions are to recognize that children across the world have human rights, such as the right to survival; to develop to the fullest; to be protected from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life (UNICEF, 1989). By stating two different protected ages, lawmakers created ambiguity in international law and left it open to interpretation about who can and cannot be recruited as a soldier.

For example, Omar Khadr is a former child soldier who was arrested and prosecuted by the United States for killing a U.S. soldier in Afghanistan in 2002. Many people protested against Khadr's arrest, since he was under the age of 18 at the time he killed the U.S. soldier, and was thus still considered to be a child (Friscolanti, 2010; Madar, 2010; Turner, 2013). Furthermore, some cultures take the view that adulthood is not decided by a person's age. For example, some cultures have rites of passage, in which the child becomes an adult by participating in warfare. Therefore, the international community may view the person as a child, but to the community, that particular person is no longer a child. Additionally, the CRC does not

clarify how to treat persons who are considered children elsewhere, but are considered adults in their own countries (Freeland, 2008).

In 1990, the former Organization of African Unity (OAU) adopted the African Charter on the Rights and Welfare of the Child (Freeland, 2008). This Charter agrees with the CRC and defines a child as anyone who is under the age of 18; however, the Charter sets the highest standard by stating that no one under the age of 18 can be recruited to, or partake in, hostilities. Unlike most other laws or charters, there are no exceptions to this rule.

The Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention 182) came into effect in 1999 from the International Labour Organization (ILO). Convention 182 requires all member states to immediately prohibit and eliminate the forms of child labor considered to be the worst, including the use of children in armed conflict (International Labour Organization, 1999). Each member state is required to report their efforts to prevent the worst forms of child labor annually to the ILO. The Convention set the minimum age of recruitment into armed forces at 18 years old.

In 2002, the Rome Statute of the International Criminal Court (ICC) went into effect (United Nations, 2002). The treaty outlined a permanent court, which charges those who commit war crimes, crimes against humanity, crimes of aggression, and genocide. Based on this treaty, recruiting or enlisting children under the age of 15 into armed conflict is considered to be a war crime. The ICC follows international law and states that any person under the age of 18 should be considered a child. The Rome statute states “all children under the legal age limit are considered innocent victims,” even though many youths commit the crimes that fall under the ICC’s jurisdiction (Baines, 2009, p. 178). The ICC does not prosecute anyone under the age of 18 because the decision should be left to the states in which the crimes were committed

("Analysis," 2011). Unfortunately, not all states and countries agree on the same age for criminal culpability. The age of criminal culpability ranges anywhere from seven years of age to 16 years of age, but 14 years of age is the most accepted ("Analysis," 2011). After the ICC established both tribunals in Rwanda and the former Yugoslavia, neither tribunal set a minimum age for criminal culpability. However, neither tribunal prosecuted anyone under the age of 18. Additionally, the Special Court for Sierra Leone was given jurisdiction over any person over the age of 15, but the prosecution chose not to indict these children because the court saw them as both victims and perpetrators ("Analysis," 2011). Therefore, the criminal liability rests with those who are over the age of 18 and who recruit children as soldiers.

Later in 2002, the Optional Protocol to the Convention on the Rights of the Child was ratified. The Protocol states that children under the age of 18 are prohibited from being recruited into armed conflict. It also states that anyone under the age of 16 is not allowed to volunteer for armed services (Baines, 2009). Article 77 states that if anyone under the age of 15 is involved in hostilities, then they should be protected from the death penalty and from being sent to adult prisons. The United States did sign and ratify the Protocol in 2002; however, the U.S. only wants to follow certain aspects of the Protocol. For example, the U.S. allows any persons over the age of 17 to volunteer to join the army (Baines, 2009). Additionally, the U.S. is not obligated to follow each and every article under the protocol, should the U.S. want to refrain from following it.

The U.S. Child Soldiers Accountability Act of 2008, signed by President George W. Bush, prohibits the use or recruitment of children as soldiers. Any qualifying person in the world who recruits a child under the age of 15 as a soldier can be arrested and punished in the United States. To qualify, the alleged offender must be U.S. citizen, a stateless person who currently

resides in the U.S., someone presently in the U.S., or the offense must occur in the U.S. ("Child Soldiers Accountability," 2008). The punishment outlined for any person who uses a child soldier is a fine or imprisonment for no more than twenty years. If the recruitment of the child results in the death of the child, however, the convicted person can be imprisoned for life. In 2009, President Barack Obama signed into law the U.S. Child Soldiers Prevention Act. The act limits particular types of military assistance to countries committing human rights violations. The purpose of this act is to promote the demobilization and rehabilitation of child soldiers. However, this act only applies to government armies or government supported militias. The act does not apply to rebel armies, paramilitaries, or civilian militias, even though a 2004 report from the Coalition to Stop the Use of Child Soldiers documented that "children were fighting in almost every major conflict, in both government and opposition forces" (Freeland, 2008, p. 25).

Under the 2008 Child Soldier Prevention Act (CSPA), the United States should withhold military aid from the Government of the Democratic Republic of Congo (DRC) because of its use of child soldiers in its military. Adotei Akwei (2012), managing director for Government Relations for Amnesty International USA, argues that the "U.S. must continue to do everything in its power to protect children across the globe from being forced into armed conflict" (p. 1). However, in October 2012, President Obama signed a memorandum that waived the sanctions the CSPA imposed on Libya, Yemen, South Sudan, and the Democratic Republic of Congo (Johnson, 2012).

The 2011 Special Protection of Children in Situations of Armed Conflict bill in the Philippines is designed to prevent child soldiers from being criminally prosecuted, thus placing the responsibility of war crimes committed on the armed forces and groups who recruited the children ("Philippines," 2012). The bill states that it is criminal to recruit anyone under the age of

18. It is also unlawful for the child's parent or legal guardian to coerce, or allow, the child to join or be recruited into the army if the child is under the age of 18. If children are recruited into armies, the law states that the government will focus on rehabilitation and reintegration of each child soldier ("Philippines," 2012).

Each of the laws outlined here sends the message to societies worldwide that children are victims, should they ever become soldiers, whether it is voluntarily or forced. These laws punish those adults who take advantage of children. However, even with all of the laws implemented to protect children, child soldiers are still extremely prominent across the world and commit human rights violations.

The Geneva Conventions state that any person who commits human rights violations should be held accountable ("Analysis," 2011). However, the Geneva Conventions did not give an age for criminal culpability. International humanitarian law (IHL) followed suit by remaining silent about what the age of criminal culpability is and if punishments should even be imposed at all on child soldiers who have committed genocide, war crimes, crimes against humanity, or crimes of aggression. The rest of the international community may view the lack of prosecution and punishment against child soldiers as innocence. Even the ICC, which was set up to prosecute war crimes, crimes against humanity, crimes of aggression, or genocide, has remained ambivalent towards prosecuting child soldiers.

In general, children are protected under international law, whether they have volunteered, been forcibly recruited, or abducted into armed forces. When these child soldiers commit war crimes, genocide, or crimes against humanity, complex international legal issues arise because the international community appears unsure on whether or not to prosecute a child soldier. The ICC wants to punish those responsible for involving children in war, but at the same time is

unsure of how to properly deal with the children who have committed crimes that fall under the ICC's jurisdiction.

Despite the many laws reviewed here, during the Iraq War, it was reported that many U.S. and British soldiers did not know how to respond to child soldiers. International law concerning child soldiers is so ambiguous that it does not seem to actually prepare soldiers for how to deal with what they may come across in wars (Singer, 2005).

2.3 The View that Child Soldiers are Innocent Victims

When people think of a child soldier, they may picture a heartbreaking, young African boy with an AK-47, twice the boy's size, slung over his shoulder (Grétry, 2011). People often imagine an innocent child who is completely unaware of the violence he or she is causing. These children can be seen as a danger to civilians, but they are more often considered a victim living in a very dangerous situation whose proper childhood has been stolen from them (Grétry, 2011). Many researchers who study the child soldier controversy focus on identifying child soldiers as innocent victims who need to be saved from tyrannical, abusive adults who kidnap children and force them to become soldiers (Denov, 2008; Emmons, 2002; "Easy Prey," 1994; Freeland, 2008; Grover, 2008; Happold, 2008; Scott, 1998; Singer, 2005). In addition, influential advocacy groups, such as the Enough Project, the Resolve campaign, the GuluWalk, Invisible Children, Human Rights Watch, and World Vision, emphasize the use of innocent, vulnerable children as soldiers in armies across the world and focus on their need to be helped (Grétry, 2011; Schomerus, Allen, & Vlassenroot, 2011).

The following quotes are representative of the preconceptions outlined above. Human Rights Watch wrote a report on the war in Liberia that states "children who have been used as

soldiers are among the most tragic victims of the war in Liberia" ("Easy Prey," 1994). Sonja Grover (2008) argues "the term 'child soldier' must not be allowed to mask the fact that children as child soldiers are also amongst the civilian victims of armed conflict" (p. 62). Grover (2008) further maintains that "child soldiers must continue to enjoy protected civilian status even if they have been participants in hostilities" (p. 62). Steven Freeland (2008) asserts that child soldiers are " 'passive' victims, due to the fact that they find themselves in the path of war" (p. 25). And as it has been outlined, international law largely views child soldiers as solely being victims and therefore responsibility-free of the atrocities they commit (Happold, 2008).

The 2007 Report of the Special Representative of the Secretary-General for Children and Armed Conflict acknowledges that there are six categories of "grave" crimes against children in war and armed conflict (Freeland, 2008). The list consists of six crimes against children, one of which is the recruitment and use of children as soldiers. Freeland (2008) asserts that the list indicates children are passive victims of war and should not be held accountable for their actions. War zones are generally viewed as areas that are not meant for women and children (Lee-Koo, 2011). When children are involved in war zones, they tend to be feminized and viewed as passive victims (Lee-Koo, 2011). By viewing child soldiers as passive victims, it forces people to automatically consider them as innocent. Soldiers who fight against child soldiers are faced with a dilemma because the soldiers are usually trained to be friendly in situations that concern children (Lee-Koo, 2011). In Afghanistan, innocent children are "defiled" and used as suicide bombers by the Taliban (Lee-Koo, 2011, p. 738). When British and American soldiers confront child soldiers, images of innocence and vulnerability are still brought to the forefront.

In a study conducted by Margaret Angucia et al. (2010), the researchers classify child soldiers as "war-affected children" because the children do not call themselves soldiers. Their

reasoning is that if the children do not view themselves as soldiers, then the outside world should not call them soldiers. This in turn makes the child soldiers seem even more like victims because they are given an innocent title. What happens to child soldiers is done *to them* and, by this view, they do not hold any responsibility (Angucia et al., 2010).

As recently as in 2013, radical Islamists in Mali have been recruiting young teenagers to fight the war against the United Nations and the West. The once moderate Muslim nation has quickly turned into a radicalized nation (CIA, 2013; “Islamists in Mali,” 2012). The Vice President of Mali’s National Human Rights Commission, Amadou Bocar Teguede, has stressed to the public that the children who are being recruited “are innocent and do not know what they are doing” (“Islamists in Mali,” 2012). Child Soldiers International’s (CSI) legal and policy adviser, Tomaso Falchetta, has stated that child soldiers should be viewed as victims and vehemently opposes their prosecution (“Analysis,” 2011). CSI has emphasized that the adults who recruit children as soldiers should be the only ones held responsible and prosecuted. Former child soldier Evelyn Apoko has spoken out against a possible military campaign against Joseph Kony and the Lord’s Resistance Army (LRA) (Basu, 2012). By bombing the army’s location, Apoko argues, innocent children will be injured, and they have already suffered enough.

On November 30, 2011, students, teachers, and youth groups took a vow of silence for twenty-four hours to honor the child soldiers who are silenced across the world. These people seem to believe they are standing up for completely innocent children who are being exploited by poverty, war, sex, etc. A commenter on the article expressed their concern for the “victimized” and “unfortunate” child soldiers around the world (Kielburger & Kielburger, 2011).

Milla Emilia Vaha (2011) defines an innocent attacker as “someone whose action poses an unjustified threat but who is nevertheless, for one reason or another, held innocent” (p. 39). In

relation to the concept of war, Vaha (2011) believes that child soldiers are the epitome of innocent attackers. Even though a child is trained to be a soldier, is a member of a military or paramilitary group, commits war crimes or other similar crimes during conflict, that child should not be considered a culpable attacker. Vaha (2011) argues that there is a universal consensus that children of war are the innocent victims, even though she acknowledges that they tend to "lose their innocence" during war or conflict (p. 40). These child soldiers are viewed in no-way possible as perpetrators, but rather as victims of war.

When adult soldiers come across child soldiers in war, they should not use force against the child soldiers (Vaha, 2011). Vaha (2011) argues further that adult soldiers should solely focus on self-preservation instead of focusing on self-defense. In other words, if an adult soldier comes in contact with a child soldier, the adult soldier should not kill, but rather do everything possible to get away from the situation alive without harming the child soldier. According to a similar study conducted by Jeff McMahan (1994), there is no justification for killing an innocent attacker in war or conflict. By fighting with restraint, the adult soldiers are bringing a greater risk upon themselves to save a child fighting against them. Even after Vaha (2011) argues that child soldiers are innocent victims of war and should not be held responsible for their actions, she also acknowledges that child soldiers are generally the "most brutal killers in war" (p. 42). Even so, Vaha (2011) continues to argue that child soldiers are entitled to special protection because children are considered the "weakest members of society" as they are victimized, immature, innocent (p. 42).

Then there are researchers, activists, and politicians who view child soldiers as both the victim and perpetrator in war (Baines, 2009). For instance, Baines (2012) views child soldiers as both "victims of crimes against humanity" and as perpetrators (p. 477). Radhika Coomaraswamy,

former Under-Secretary-General of the United Nations office of the Special Representative for Children and Armed Conflict, stated in an interview, “child soldiers must be treated primarily as victims and alternative procedures should be in place aimed at rehabilitation or restorative justice” (“UN envoy,” 2010). The United Nations also states that the international community has worked and should continue to work together to protect children. Coomaraswamy has warned that states are using the victim-perpetrator ambiguity to detain and prosecute children who have committed war crimes (“Opinion divided over child soldiers,” 2011). Because opinion is currently divided over whether or not child soldiers should be prosecuted, states use the ambiguity by changing the label from “victim” to “perpetrator” and therefore consider them a threat to national security (“Opinion divided over child soldiers,” 2011). One example is Dominic Ongwen, who is the first person to be charged with war crimes in which he is considered both victim and perpetrator (Baines, 2009). A case study of Ongwen appears later in the present study.

Another example is Omar Khadr, a boy who murdered a U.S. soldier in violation of the law of war, and then was arrested and detained in Guantanamo Bay in 2002. He was only 15 years old when he killed a Delta Force medic, which led to many people disagreeing over whether the boy should be a victim or a perpetrator. The United States government has treated Omar Khadr as a perpetrator, not a victim. Khadr was raised by a “fundamentalist father” who idolized Osama bin Laden (Friscolanti, 2010, p. 18). He trained with a terrorist organization and became skilled at firing rocket-propelled grenades, assault rifles, pistols, and later building and planting improvised explosive devices (IEDs). After Khadr was arrested and brought to Guantanamo Bay where he was imprisoned for more than a decade, he pled guilty to five war crimes (Friscolanti, 2010). Khadr admitted that he was “a loyal member of al-Qaeda, was

obsessed with killing Americans, and that the proudest moment of his life was when he built and planted improvised explosive devices aimed at coalition troops in Afghanistan” (Friscolanti, 2010, p. 18). Coomaraswamy urged both the Canadian and United States governments to establish a solution in which currently imprisoned Khadr be prevented from being convicted of war crimes he “allegedly” committed as a child (“UN envoy,” 2010).

Jennifer Turner (2012) states that detaining and interrogating Khadr for more than a decade violates the international law and policy that recognizes child soldiers as victims and should be rehabilitated, not incarcerated. She emphasizes that the chief prosecutor for the U.N. war court of Sierra Leone chose not to prosecute those under the age of 18, even though children committed the most heinous crimes in the civil war, which included murder, rape, and amputations, and thus argues that the U.S. government should have chosen to not prosecute Khadr. Perhaps Turner’s (2012) interpretation of the law has been compromised by the common stereotype that all child soldiers are essentially innocent victims—a view embraced by many all around the world. After all, despite her claims, international law clearly gives the right of prosecution to individual states, and the U.S. has the option to follow through with prosecution of Khadr and other child soldiers like him.

CHAPTER 3

THEORETICAL FRAMEWORK

3.1 Labeling Theory

Labeling theory was developed in the 1960s, widely known as the counterculture era. There were three major movements that highlighted this chaotic era: the civil rights movement, the Vietnam antiwar movement, and the women civil rights movement (Kubrin et al., 2009). The environment encouraged many theorists and sociologists to shy away from the traditional views of society and question their original notions on crime (Kubrin et al., 2009). Some individuals began to question the man and the machine and blamed everything on the government.

Many criminologists began to turn their attention toward the institutions and the government to focus on how individuals respond to crime and criminals (Kubrin et al., 2009). Before this turbulent era, most criminologists were focused on explaining crime through the characteristics of the offenders. They began to ask why and how specific acts were labeled criminal, while others were not (Kubrin et al., 2009). Individuals who had been labeled as criminal offenders had been viewed as inherently evil up until that decade. Now, many criminologists began to view those offenders who had been labeled by the criminal justice system and the community they lived in as individuals that had a label beseeched upon them. Through this sudden change in perspective, the general public began to view the government in a new light, manifested by a newfound mistrust of the man and the machine.

Labeling theory attempts to explain the continuation of deviant, delinquent, and criminal behavior, which is the secondary deviance. In the traditional view, this can only occur if the delinquent gets caught by the criminal justice system or the juvenile justice system and is therefore formally labeled by the system, although it may be possible for individuals to internalize negative labels if they share group affiliation or behavioral similarities with others who have been formally labeled.

Labeling theory is seen as a hybrid theory, which is a theory that attempts to explain both criminal law and justice, on the one hand, and crime and criminal behavior, on the other (Akers and Sellers, 2009). As a theory of criminal law and justice, it treats labels as a dependent variable and attempts to explain how and why behaviors come to be deviant and stigmatized (Akers and Sellers, 2009). By this view, it is not the behavior itself that creates the label of an individual as deviant, but it is how others in society *view* that behavior that creates the deviant label (Becker, 1963). Essentially, the powerful groups in society decide which behaviors are banned and which behaviors are deemed acceptable to society (Akers and Sellers, 2009; Becker, 1963). Since the powerful groups in society are the agents of control, it is more likely that the less powerful groups are the ones that will be labeled as delinquents and criminals (Akers and Sellers, 2009; Becker, 1963). An individual's status and personal characteristics are said to influence whether or not the negative label will be applied to them and, by this view, that matters more than their actual behavior (Akers and Sellers, 2009). For example, an individual's sex, age, race, and socioeconomic status would determine whether that individual would be labeled deviant or not.

As a theory of crime and criminal behavior, it treats labels as an independent variable and attempts to explain how the criminal justice system and the juvenile justice system create criminal and delinquent careers through symbolic interactionism (Akers and Sellers, 2009).

Symbolic interactionism refers to how others perceive us, and how their perspectives shape how we see ourselves (Akers and Sellers, 2009). The labels that are imposed upon us by others in society are thought to be how they see us as an individual. Through these labels, deviant behavior can actually be reinforced, and ultimately continue due to the labeled individual's self-reflection and internalization of that negative label (Akers and Sellers, 2009). This particular concept has two assumptions. The first assumption is that how we see ourselves influences how we act (Kubrin et al., 2009). For example, if an individual sees him or herself as just a thief, then according to labeling theory, they are more likely to continue their deviant behavior. The second assumption under this concept is that we see ourselves as others see us (Kubrin et al., 2009). For example, if society sees an individual as just a drug addict, then that individual will only see him or herself as just that. This particular explanation of crime and criminal behavior is the main concept of labeling theory.

According to labeling theory, there are two different types of deviance. Primary deviance is the initial deviant act or acts that an individual commits before they are officially caught by the criminal justice system or the juvenile justice system (Kubrin et al., 2009). These particular acts are random, unorganized, and infrequent acts of deviance committed for no reason (Kubrin et al., 2009). Secondary deviance is the deviant act or acts that are committed once the individual has been caught and labeled as a deviant (Kubrin et al., 2009). These particular acts are committed as a result from being stigmatized by the formal and informal labeling process (Kubrin et al., 2009). There are three ways in which a negative label leads to secondary deviance: self-concept, limited pro-social opportunities, and introduction into a deviant, delinquent, and criminal subculture (Kubrin et al., 2009). Limited pro-social opportunities refer to the fact that once an individual is labeled as a delinquent, legitimate ways in which that individual can achieve success are now

limited (Becker, 1963). Individuals therefore shift to illegal ways to achieve success so that deviance becomes a means to an end (Becker, 1963). Once a label has been applied to an individual, that person can be introduced into a deviant, delinquent, and criminal subculture (Kubrin et al., 2009). The label isolates the individual from pro-social groups and he or she is more likely to be only accepted by delinquent groups in society. Through the associations in the delinquent subculture, new deviant skills are learned, the individual's self-concept is changed, and deviance continues (Kubrin et al., 2009).

The first causal model of labeling theory was devised by Edwin Lemert in 1951 and is as follows:

Primary deviance → Caught & negative label imposed by formal system
(CJS/JJS) → Negative label internalized → Change in self-concept
(live/become label) → Secondary deviance (Akers and Sellers, 2009).

As shown above, an individual commits non-patterned and sporadic criminal and deviant acts. If the individual is caught, a negative label is imposed onto the individual by the criminal justice or juvenile justice system. This negative label is then internalized by the individual, which leads to a change in his or her self-concept, in which they become that label. This label then leads to the individual committing secondary deviance, or the continuation of deviant, delinquent, and criminal acts (Akers and Sellers, 2009).

3.2 Labeling Theory and Child Soldiers

If the original labeling theory were correct, then child soldiers would be labeled as deviant offenders. Child soldiers commit acts that are against socially accepted activities. Therefore, by committing primary deviance, child soldiers have an increased chance of being arrested and punished. If they were caught, publically criticized, or formally condemned by the criminal justice or juvenile justice system, a negative label would be placed on the child soldier. This negative label, the same negative label that is placed on their adult counterparts who commit war crimes or crimes against humanity, would be internalized. The child soldier would become that label because pro-social opportunities have been limited to the child or because they were introduced into that criminal subculture and were only accepted by their deviant peers. By being labeled a delinquent or war criminal, the child soldier would learn new deviant skills and change his or her self-concept to become what he or she was labeled.

However, child soldiers are not labeled deviant; they are labeled as innocent victims. Because many people label all child soldiers as innocent victims, the children themselves can use that label to further their deviance while still remaining responsibility-free. They have internalized the innocent victim label, but are still able to remain stigma-free and continue to commit deviant acts. Through this label, many child soldiers are able to hide behind the innocent victim label and commit war crimes, crimes against humanity, genocide, and acts of aggression. The child soldiers are not stigmatized as harshly with a deviant label as they might otherwise have been, and are therefore not as isolated from society. Many societies accept former child soldiers back into the community and continue to search for ways to help them fit back into a normal community. For example, child soldiers are not isolated nor are they limited from pro-social activities because activists continue to place them in rehabilitation and reintegration

programs. Many child soldiers return from war or other hostilities and are immediately placed back into school or find jobs.

CHAPTER 4

METHODOLOGY

This thesis does not make the claim that innocent child soldiers do not exist. There are some child soldiers who are forced to kill their family members so that they become disconnected from their communities and thus will remain with the armed group (Achvarina, 2006; Jacobson, 2008). However, in general, it proposes that the international community cannot treat all child soldiers as innocent victims, since they are not all the same. As presented later in the findings, many enjoy killing, torturing, and maiming innocent civilians. These are the child soldiers who should not be labeled as innocent victims and who continue to commit their deviant acts responsibility-free. There has been research that proves these child soldiers exist (see Elbert, 2010; Hecker, 2012). This thesis is different from other research because it not only compiles secondary data to show that many child soldiers do not qualify as innocent victims, but it proposes that these child soldiers should be treated as perpetrators of war and held accountable for their actions in a court setting.

Through this thesis, different variables are examined to explain why the innocent victim label is often inaccurate. The social labels of child soldiers are examined, in particular, the label of innocent victim. Then, the child soldiers' psychological benefits, material benefits, and social benefits are assessed. The pain and suffering a child soldier endures as well as the pain and suffering a child soldier inflicts is also examined. The free will and self-direction of child soldiers are discussed throughout the findings. Free will and self-direction will not be identified

as their own variables because they intertwine with each variable. Finally, the rehabilitation prospects of child soldiers are analyzed.

4.1 Hypothesis

Labeling theory suggests that labeling child soldiers as innocent victims would not produce secondary deviance. They have not been caught by the criminal justice system or stigmatized as a deviant. This thesis hypothesizes that the innocent victim label is inaccurate and may make it easier for child soldiers to remain deviant. By being labeled as an innocent victim, these child soldiers are not stigmatized as a deviant and are able to continue committing criminal acts while remaining responsibility-free.

4.2 Population

The population consists of child soldiers between 1980 and the early 2000s who have committed war crimes, acts of genocide, crimes against humanity, and crimes of aggression. The countries and regions these child soldiers belong to are Burma, the Democratic Republic of Congo (DRC), Ethiopia, Indonesia, Iraq, Palestine, Philippines, Sri Lanka, Sudan, and Uganda.

4.3 Sample

The sample used is an opportunity, or convenience, sample of previously compiled data. The data was not selected randomly because the sample is not meant to generalize a larger population. The purpose of this sample to suggest that not all child soldiers should be generalized and treated similarly. The sample consists of child soldiers who have been

interviewed or studied by previous scholars, government experts, reporters, activists, or non-government organizations. A few memoirs of former child soldiers have also been used.

4.4 Collection of Data

My plan for the collection of data is a thorough review of all primary and secondary source data that I have previously described. I collected data from research studies, memoirs, interviews with child soldiers, first-hand and second-hand accounts from child soldiers, news reports, memoirs written by former child soldiers, and data from non-government organizations.

4.5 Variables

The following subsections consist of variables used to explain why not all child soldiers should be considered innocent victims. Because this thesis does not attempt to explain why certain variables cause another to occur, there is no dependent variable. Instead, evidence is presented to explain why the all-encompassing innocent victim label is incorrect.

4.5.1 *Social Labels*

Social labels vary across different societies and cultures. The international community views them innocent victims, whereas communities that have been terrorized by them view them as perpetrators.

4.5.2 *Psychological and Social Benefits*

Psychological and social benefits vary greatly between child soldiers. They can consist of power, respect, and authority. Depending on the armed group, the child soldier may be promised

acceptance into heaven. Security and revenge are also benefits, especially if a child is an orphan, other armed groups have terrorized the community, or a family member has been killed.

4.5.3 *Material Benefits*

The material benefits a child soldier gains can include extra food, commodities, and money. Child soldiers usually acquire material benefits by joining an armed force, looting villages, or attempting to overthrow the government.

4.5.4 *Pain and Suffering Endured/Inflicted*

It is acknowledged that child soldiers usually endure pain and suffering. However, this measure assesses the approximate ratio between inflicted pain and suffering versus endured pain and suffering. Inflicted pain can range from torturing innocent civilians to killing an unpopular soldier among the group. Endured pain may include witnessing a parent's murder, being forced to kill a family members, etc.

4.5.5 *Rehabilitation Prospects*

The rehabilitation and reintegration programs will be examined. The programs are funded by governments, but are run by understaffed non-government organizations. Education and vocational training are the main focus of the rehabilitation and reintegration programs. It is noted that most programs do not assist child soldiers who have mental health issues or appetitive aggression.

CHAPTER 5

FINDINGS

5.1 Case Study: Dominic Ongwen

Dominic Ongwen is the first person to be charged with war crimes in which he is considered both victim and perpetrator (Baines, 2009). Baines (2009) conducted a study in which fifty people were interviewed multiple times over the span of a year, including Ongwen's clan family, former escorts from the bush, three of the Ongwen's five former wives, former wives of Ongwen's equals in the LRA, and Ongwen's former senior commanders (Baines, 2009).

Ongwen was abducted when he was ten years old by the Lord's Resistance Army (LRA) and began in the home of a senior commander, Vincent Otti, who later became second in command to Joseph Kony, the leader of the LRA. Otti trained Ongwen to fight against the Ugandan Government, and to kill, mutilate, loot, and rape civilians. Through each of these acts, it is shown that Ongwen inflicted more pain on his victims than he endured. He was trained extremely well, became skilled at each of the aforementioned acts, and was therefore promoted to a high-ranking position as a young teen and became a part of Joseph Kony's inner circle.

When Ongwen was still a young boy, he was sent to South Sudan and placed in charge of field operations, where he conducted raids and organized abductions of children in Uganda. He then went to train in Khartoum, Sudan and Nairobi, Kenya. There he learned how to network with other rebel groups, exchange information, manage strategies, and administer supplies. Kony trusted Ongwen enough to allow him to conduct international arms deals, and the boy was placed

in charge of an operations room full of stockpiled weapons (Baines, 2009). As a young leader, Ongwen organized attacks against other enemy rebel groups, such as the Sudan People's Liberation Army (SPLA). Ongwen led successful and brutal attacks against the LRA's enemies. Many of these attacks ended with powerful, threatening messages, such as lining the roads with their enemies' severed heads. These successful attacks allowed the LRA to gain strategic advantages, replenish their weapon supplies, and replenish LRA forces.

Of all the attacks Ongwen led, he was most well known for replenishing and abducting new children for the LRA forces. None of his abductees ever escaped. Joseph Kony constantly praised Ongwen and informed other abducted children to view Ongwen as a role model, something to aspire to. After many successful battles, having captured copious amounts of weapons and abducted an abundant amount of children, Ongwen was rewarded with the title of Lieutenant and given many wives (Baines, 2009). With each promotion, Ongwen was rewarded with material benefits, as well as respect among rebel soldiers and empowerment over civilians and soldiers.

Ongwen was promoted at an accelerated rate because he was a killer and a loyal fighter (Baines, 2009). Among his combatants, Ongwen was known as an "unwavering fighter and brilliant strategist" (p. 174). One of Ongwen's former combatants informed Baines (2009), "He was so brave and inspirational that even if you were a coward, that cowardice would go straight back to your mother's womb if [he] was leading the attack" (p. 174). The more soldiers and civilians Ongwen killed, the more guns and uniforms he acquired, and the more attacks he made on enemies. Ongwen's status in the LRA grew significantly. With each promotion Ongwen received, his personal security improved and was allowed more access to food, shelter, knowledge, information, escorts, spies, servant girls, and wives (Baines, 2009). He was also

rewarded based on the amount of civilians he killed or tortured, as well as the amount of looting and abducting he did.

Years later, in their interviews, many former combatants described Ongwen as “fearless, a killer, devoted, courageous, a loyal supporter of the LRA, without mercy, a very hard fighter, a good soldier, a role model in the bush, a very respectful and loyal man who would obey orders, and not a coward” (Baines, 2009, p. 175). Each of these characteristics had allowed Ongwen to be promoted to high ranks in the LRA and gain Kony’s trust. Kony consistently relied on Ongwen to carry out difficult missions and gruesome military attacks. Many of these battles aided Ongwen to earn the reputation of being a fierce soldier who usually emerged with the majority of his soldiers still alive. By 2005, Ongwen was included in the arrest warrants for the top five commanders of the LRA. Even though Ongwen is charged for crimes he committed as an adult, he committed those exact same crimes as a child. The crimes Ongwen is charged with includes “three counts of crimes against humanity and four of war crimes, including widespread murder, enslavement, pillaging and attacks on civilian populations” (Baines, 2009, p. 175).

While the international community seeks to protect child soldiers from prosecution and prosecute those who recruit children as soldiers, Ongwen is the exception in this case because of his age. Until Ongwen reached the age of 18, the international community considered him an innocent victim. And he may have been emboldened by this label, which essentially functioned to remove the criminal responsibility for anything he did. Child soldiers are often aware of this virtual “blank check” that they’ve been given--for example, many non-government organizations and activists hand out flyers to those who belong to the LRA, encouraging them to come home, put down their arms, and surrender peacefully (“Invisible Children,” n.d.). However, as shown in the previous paragraph, Ongwen was a ferocious fighter who preferred to stay. Even though

he committed war crimes while he was under the age of 18, Ongwen was only charged with the war crimes he committed as an adult. But remarkably, if he had been arrested before turning 18, he may not have faced a single criminal charge.

According to labeling theory, Dominic Ongwen should have been labeled as a deviant because he committed war crimes and crimes against humanity as a child. However, this was apparently not the case. The international community, political officials, and activists label child soldiers as innocent victims, even though they commit deviant and horrific acts of violence. By labeling Ongwen and child soldiers like him innocent victims, Ongwen should have been deterred from committing secondary deviance because the negative label and stigma did not exist. However, as discussed in the previous paragraphs, the more Ongwen was labeled innocent and was apparently informed that he was not responsible for his actions because he was a child, the more war crimes and crimes against humanity he committed. The longer Ongwen remained with the LRA, the higher he rose in the ranks and became more loyal to the LRA and his fellow commanders. Because the international community labeled Ongwen as an innocent child soldier, he was excused of the crimes he committed as a child. Ongwen, and other child soldiers like him, are viewed as having a “diminished capacity for morally responsible agency” and are not deemed responsible for the same crimes they commit as their adult counterparts (McMahan, 2007, p. 12).

Ultimately, Ongwen’s actions clearly speak louder than words. Labeled an innocent victim by international law, Ongwen was nonetheless a fearless, loyal, and devoted killer. He chose to rise in the ranks and hold a position of high command in the LRA. He chose to do this as both a child and an adult. As a child, he was labeled an innocent victim. Ongwen did not attempt to escape, refuse to kill, blend into the mass of other child soldiers, or choose to die. Instead, he chose to eagerly kill and torture civilians and enemy soldiers (Baines, 2009, p. 182).

By labeling Ongwen and other child soldiers like him innocent victims, we may increase the risk for them to rise in the ranks, remain in the army, and continue to commit war crimes or crimes against humanity.

5.2 General Findings

It is argued that children are mostly forcibly recruited or abducted as soldiers into rebel armies, militias, and government armies (as cited in Grétry, 2011). However, there are many reasons why a child may voluntarily join government or rebel forces and willingly continue their involvement in the armed conflict. Each of the variables that are discussed here supports my claim that not all child soldiers should be labeled as innocent victims of war. Furthermore, by labeling them innocent victims, we are allowing them to continue their deviance responsibility- and stigma-free. As a reminder, key variables include the social labels of child soldiers; the material benefits, psychological benefits, and social benefits they enjoy; the pain and suffering endured by them versus the pain and suffering they inflicted; their rehabilitation prospects; and their relationship between their label and the possible continuance of secondary deviance.

The sense of free will and self-direction demonstrated by many child soldiers is shown throughout each of these sub-sections. This is proof that a child soldier may choose to commit certain actions over others. For example, when an LRA senior commander returns home from war, he or she is often visited by the children that were once in their army (Baines, 2009). This is a sign of respect that the former child soldiers commit willingly. Another example is when a female child soldier who has married a senior commander, has a child, and later returns home, decides to go back to war to stay with her husband (Spellings, 2008). She has become fond of her bush husband and does not want to leave his side or break up the family (Spellings, 2008). A

bush husband is a term used when female child soldiers marry another soldier in a rebel army who sets up their camp in the bushes or wilderness.

5.2.1 Social Labels

Even though international laws maintain that all child soldiers are innocent victims of war, not all communities seem to agree. The international community views child soldiers in Africa as passive, vulnerable victims (Grétry, 2011). However, some communities in Africa who have been terrorized by rebel groups do not feel the same way (Freeland, 2008). When some abducted child soldiers return home, they are held responsible by the civilian population (Freeland, 2008). In some cases, these child soldiers are returning to those same communities they have terrorized and looted. One mother of a former child soldier explained that they had returned “with a rebel mentality” (Freeland, 2008, p. 166). The mother refused to have her daughter back in the house after spending years with the rebel army in the bush. Some former child soldiers cannot handle returning to civilian life and have attempted to kill themselves or their community members (Freeland, 2008).

A study conducted by Saved the Children Federation in Rwanda found that, despite international law rulings, the public believed that children should be held responsible for their role in the 1994 genocide (Freeland, 2008). One respondent said, “if a child was able to kill, if a child was able to discriminate between two ethnic groups, to decide who was a Hutu moderate and who wasn't, and was able to carry out murder in that way, why should that child be considered differently from an adult” (Freeland, 2008, p. 49). The public opinion was that the punishment of the children who committed the same atrocities during the genocide should be the

same as the adults (Freeland, 2008). An AK47 is just as deadly in the hands of a child who is trained how to use it as it is in an adult's hands (Freeland, 2008; Singer, 2005).

God's Army, a rebel group outside of Burma, was led by twin 10-year-old brothers, Johnny and Luther Htoo (Lintner, 2001). The brothers led the army for years, which consisted of both adult and child soldiers, until they finally surrendered to the Burmese army. Both boys were never arrested and were sent back to school. While child soldiers in Africa and Southeast Asia are being sent back to their families and being rehabilitated, children in the Middle East are being detained in prison. In 2005, British forces detained more than 60 child soldiers, whereas U.S. forces detained more than 100 Iraqi child soldiers (Jacobson, 2008; Singer, 2005). Most of the children were detained in Abu Ghraib prison (Jacobson, 2008; Singer, 2005).

5.2.2 *Psychological and Social Benefits*

Psychological and social benefits may be reasons why some children willingly join and/or remain with armed groups. Child soldiers who have these reasons for joining armed groups should not be labeled as innocent victims because they are benefiting from other's pain. More specifically, psychological and social benefits can include power, respect, security, and vengeance (Baines, 2009; Denov, 2008; Jacobson, 2008; McNair, 2010; Spellings, 2008). Another psychological benefit that some rebel armies promise is acceptance into heaven. The LRA informs child soldiers that they "can be purified and made into a superior being, capable of delivering Ugandans from evil" (Baines, 2009, p. 171). Their rewards for joining the LRA and remaining loyal were spiritual dogma. Many of the young fighters referred to themselves as "Holies" (Baines, 2009, p. 171). These children believe that they are heroes who are fighting against evil forces as well as fighting with the Holy Spirit on their side (Baines, 2009). Another

militia that used heaven and spiritual dogma as a promise is Saddam's Lion Cubs. Saddam Hussein indoctrinated a multitude of children into the Holy War against Iran (McNair, 2010). Saddam justified this undertaking by stating that the war needed a "People's Army," which consisted of futuwwa's, or "ideal Muslim boys" (McNair, 2010, p. 43). Futuwwa's are described as young Muslim boys who are able to achieve the "highest capacity possible in service to Allah" (McNair, 2010, p. 43).

Many child soldiers join armies to exact revenge that was either taken on their family or community (Spellings, 2008). Children may have witnessed "massacres, executions, ethnic cleansing, death squads, bombings, torture, sexual abuse, or destruction of homes and properties" and therefore need to exact vengeance on those who committed it (Jacobson, 2008, p. 170). Some parents and communities even encourage their children to join armed forces to avenge family and community members who have been killed or looted that have taken place in the community (Mukosa, 2011). For example, Sri Lankan girls joined the Liberation Tigers of Tamil Eelam (LTTE) because of revenge against the government army (Spellings, 2008). The government army was terrorizing villages and raping innocent female civilians, thereby giving young girls a reason to join rebel forces and exact their vengeance (Spellings, 2008).

Children may feel safer in armed forces instead of attempting to survive on their own in a conflicted, war-torn area (Jacobson, 2008). Some child soldiers choose to adopt the "bush mentality" once they have joined rebel armies in order to survive (Baines, 2009). An army could give them a safe-haven and serve as their new family (Beah, 2007) or serve as an escape route for some girl soldiers who want to flee from domestic violence (Spellings, 2008; Veale, 2003). By fleeing from domestic violence and violence from other armies, child soldiers are protected and accepted by their comrades (Baines, 2009).

Not only do children join armed forces in search of a better life, but they also join and remain loyal to the army because of acceptance and empowerment (Baines, 2009; Grétry, 2011; Spellings, 2008). A civilian child does not normally have the respect of other civilian adults (Grétry, 2011). Once a child has joined an armed group, they are now able to gain the respect of civilian adults and get what they want from them (Grétry, 2011). Some child soldiers have admitted to killing unpopular soldiers to gain respect among the group (Baines, 2009). Many child soldiers are in charge of training incoming child soldiers, analyzing logistics, and are placed in charge of other small groups of child and adult soldiers (Baines, 2009; Jacobson, 2008; Spellings, 2008). In the LRA, many female child soldiers acquired the titles of captains, lieutenants, and corporals (Denov, 2008). One respondent explained that as a commander, she had six bodyguards and commander both child and adult soldiers (Denov, 2008). In the LRA, young girl soldiers held the roles of captains, lieutenants, and corporals (Denov, 2008). One female soldier in particular had risen to the role of commander, whose duties were to lead other soldiers to fight (Denov, 2008). She not only commanded child soldiers, but adult soldiers as well and had six young soldiers acting as her bodyguards every hour of the day (Denov, 2008). Former female child soldiers of the Revolutionary United Front (RUF) of Sierra Leone have said that even though they did not hold very much power in their group, they held a lot of power over civilians (Baines, 2009). One former child soldier spoke highly of her time with the RUF: “The commander would give us each a civilian...and you would kill the one that was given to you. At that time, I was quite enthusiastic about it – I was proud and confident. I felt good...that was one way of building confidence in me that I am just like them” (Baines, 2009, p. 179).

Young girls who joined the Tigrayan People's Liberation Front (TPLF) were trained to take on the roles of combatants and educators of the community (Spellings, 2008). One of the

TPLF's main goals was to bring health and education centers to the communities of Ethiopia, thereby discouraging rape and other sexual behaviors (Spellings, 2008). The young girls were sent to the community centers to educate the citizens about the TPLF's mission and gain prestige among civilians (Veale, 2003). The TPLF believed that if these young girls were distracted by marriage and sexual relations with other soldiers, then the message of health and education would be lost (Veale, 2003). This suggests that girl soldiers, as well as the TPLF's agenda, were highly respected in their ranks (Spellings, 2008). In the Philippines, both girl and boy soldiers served as "fighters, organizers, educators, service personnel, and political leaders" (Spellings, 2008, p. 33). In order to adopt the role of political leader, the young soldiers were trained in public speaking and then sent out to recruit new soldiers, persuade civilians to support their war efforts, and educated war-affected civilians on how to recover their lives (Spellings, 2008). This allows them to give back to their community as well as allowing them to rise in social ranks and be respected by their community.

5.2.3 *Material Benefits*

Material benefits may also be a major reason why some children willingly join and/or remain with armed groups. Once again, these child soldiers are benefiting from their victim's pain, and thus should not be labeled as innocent victims. In order to secure a better life, many child soldiers have taken drastic measures. Securing a better life can include security, money, and better food (Baines, 2009; Jacobson, 2008). Many child soldiers are loyal to their commanding officers and demonstrate a "willingness to kill in order to secure a better life" (Baines, 2009, p. 179). Many child soldiers are either sent on raids or command small groups of children and send them on village raids to collect goods, food, and money from homes, trading

centers, gardens, and stores (Baines, 2009). Some child soldiers even believed they would overthrow the Ugandan Government, liberate northern Uganda, and then gain political positions and material benefits (Baines, 2009).

5.2.4 *Pain and Suffering Endured/Inflicted*

Many previous studies and humanitarian groups have focused on child soldiers as innocent victims of war (see Emmons, 2002; Angucia, 2009; Denov, 2008; "Easy Prey," 1994; "Enough," n.d; Freeland, 2008; Grover, 2008; Happold, 2008; "Invisible Children," n.d.; "Project: AK-47," n.d; Scott, 1998; Singer, 2005). And in some cases this may be an appropriate label. Many abducted children are forced to torture and kill friends, family members, and other community members in order disconnect them from their community (Angucia, 2009). If they are disconnected from their community, these abducted child soldiers are less likely to return home and stay loyal to the army. Once abducted children have joined certain armies, there is an increased risk of physical or sexual abuse to keep them in line (Angucia, 2009; Freeland, 2008; Grover, 2008; Spellings, 2008).

However, it seems as though the pain and suffering inflicted by child soldiers is far more than the overall pain and suffering they have endured. In other words, it would be more appropriate to describe them as "victimizers" than "victims." A study was conducted in Liberia which concluded that 32% of child soldiers "felt proud of their role in the war, which included seeing other children get killed, their family members killed, and their own commitment of atrocities on innocent civilians" (Angucia, 2009, p. 83). Another study conducted with former LRA child soldiers found that 76% admitted to committing atrocities (Vindevoegel, 2011). Most of these atrocities were targeted towards genuinely innocent civilians (Vindevoegel, 2011).

Another study conducted with former LRA child soldiers reported that killing was their only motive to exist (Denov, 2008). One female child soldier recounted that among looting, kidnapping people, and killing the enemy, she became an expert at burning houses (Denov, 2008). LRA child soldier Dominic Ongwen always looked eager to kill civilians (Baines, 2009). One respondent claimed that it was because he wanted to be thanked for his accomplishments and assure that he was loyal to the LRA (Baines, 2009).

Tobias Hecker (2012) determined perpetrating violent acts as a child and recruitment type has a positive correlation with appetitive aggression. Appetitive aggression is defined as “perceiving aggressive behavior towards others as positive and fascinating even without gaining any external benefit” (Hecker, 2012, p. 245). The purpose of the violence is to inflict harm upon the victim and enjoy the victim’s struggle (Elbert, 2010). This type of aggression is a type of instrumental aggression, which is planned or purposeful aggression (Hecker, 2012) and motivated by power and the thrill of a hunt (Elbert, 2010). Hecker (2012) found that many of the former child soldiers they interviewed joined armies to seek a better life, defend their family, wanted to be a fighter, and so on. Those who joined armed groups on their own accord as a child reported higher levels of appetitive aggression. These child soldiers perpetrated more violence, which did not correlate with the length of time a child spent within an armed group. Hecker (2012) believes that these results indicate that there were pre-existing levels of appetitive aggression before these children joined armed groups. Of the former combatants that volunteered to join armed groups, 45% reported that they wanted to become a fighter.

Thomas Elbert (2010) conducted a study with former child soldiers in northern Uganda. The term that is used most often is ‘cruel people’, which is defined as both boys and men who have become “used to or even addicted to killing” and make up about 50% of rebel combatants

(Elbert, 2010, p. S101). Some former child soldiers have described them as “warriors, have a contaminated mind, say everyday I will kill you” (Elbert, 2010, p. S101). Boys as young as eight years old are transformed into “terrible killers” (Elbert, 2010, p. S103). One former child soldiers recounts how male rebel child soldiers discussed their recent actions: “...after they have killed someone, they sit together and talk about their killing stories like an adventure and re-enact the victim’s suffering with scoff and laughter....” (Elbert, 2010, p. S103). While dehumanizing and ridiculing one’s enemies may be normal among some adult soldiers, these child soldiers tortured victims and appeared to enjoy their victim’s suffering.

5.2.5 *Rehabilitation Prospects*

It is dangerous to treat all child soldiers as innocent victims because many have been forever changed by the gruesome atrocities they have committed. Rehabilitation and reintegration program failures show that not all child soldiers remain innocent—even if some may have been so, many years ago. Spellings (2008) believes that adolescence is the time in one's life when they begin to form an identity. When a child is admitted into combat before the proper age, researchers find that these children have difficulty rehabilitating themselves and reintegrating back into society as well as the excessive cruelty these child soldiers inflict upon their victims (Achvarina, 2006; Freeland, 2008; Denov, 2008; Angucia, 2009). Children who are abducted, volunteer, or forced into the life of a soldier lose that chance to properly form their identity (Spellings, 2008). The children take on aggressive, and sometimes barbaric, roles in which after they have been released from the army, find it difficult to fit back into society (Denov, 2008). Socialization of violence at an early age creates a generation of violent adults, which in turn creates a constant circle of instability and violence in certain areas (Achvarina,

2006). Baines (2009) found that the former child soldiers from the LRA were regarded with deep suspicion from the majority of the community members. The children's former LRA roles were difficult to leave in the bush, which would lead to the children being shunned, marginalized, and harassed by their parents and other community members. If the former child soldiers could adapt to life outside the bush, the researchers found that they would be better accepted back into the community.

Baines' (2009) research team also found that the child soldiers who were returned to their communities did not all find the healing process therapeutic. These former LRA child soldiers returned to a situation of chronic crisis. Similar to other child soldiers who have returned to their communities, they return to chronic crisis settings which are characterized by population displacement, internment camps, military surveillance, loss of agricultural land, constant reliance on international aid, mobility restrictions, and vulnerability to attacks by rebel and/or government armies with the possibility of re-recruitment (Baines, 2009; Betancourt, 2010). If female child soldiers have been raped or willingly had sexual intercourse with other soldiers, they are more afraid to return home (Grétry, 2011). In particular, one female child soldier refused to go home because she was afraid her mother would kick her out of the house if her mother found out she was raped (Grétry, 2011). There are so many unsuccessful transitions from child soldier to civilian that they have a higher risk of rejoining armed groups or living on their own (Betancourt, 2010; Betancourt, Borisova, et al., 2008; Betancourt, Pochan, et al., 2005).

Non-government organizations (NGOs) are generally placed in charge of disarming, demobilizing, and reintegrating child soldiers back into society (Grétry, 2011). The government funded program for disarmament, demobilization, and the reintegration of child soldiers in Africa finances the NGOs in order for them to achieve this process. If a child soldier is under the

age of 15, they are forced to leave the army and sent back to school (Grétry, 2011). A child soldier who is over 15 is forced to leave the army and then sent out to work as an adult (Grétry, 2011). This is contradictory to international and national laws that state anyone under the age of 18 is considered a child and should be protected as such.

Child soldiers tend to spend years within an armed group and find it difficult to return to civilian life (Grétry, 2011). The younger a child soldier is, the more likely it is that they will remain loyal to the army (Baines, 2009; Grétry, 2011). Some child soldiers do not want to return home because either the army has become their family or they feel as though staying with the armed group is a job they are good at (Grétry, 2011). There is also the possibility that people within the armed group are blood relatives and the child soldiers do not want to be separated from their family. For example, in Palestine, many young children have become accustomed to war-like behaviors because they have been taught these behaviors by their parents (Spellings, 2008). Many Palestinian women have taught their children the history of Palestine oppression by the Israeli government (Spellings, 2008). The children have now been groomed to join the cause, engage in aggressive behaviors, and train alongside their male family members (Spellings, 2008).

Rehabilitation and reintegration programs usually focus on education and vocational training (Grétry, 2011). Children who have been with armed groups for years do not know how to live in the civilian world because they have been living in a world with different codes, hierarchies, and statuses (Grétry, 2011). Giving a child an education or vocational training does not automatically aid them in reintegrating back into civilian life. Additionally, many former child soldiers reported high levels of psychosocial problems soon after they were reintegrated back into society (Betancourt, 2010). Of those child soldiers who have been reintegrated back

into their community, many have increased hostility and anxiety (Betancourt, 2010). It is rare to have a rehabilitation and reintegration program that focuses on mental illnesses of former child soldiers (Hecker, 2012). If these programs are rare and many child soldiers have high levels of mental health issues or appetitive aggression, the programs are more likely to fail. If there are no reintegration programs that specifically aid child soldiers with appetitive aggression or mental health issues, they are more likely to rejoin armed forces and continue to commit crimes (Hecker, 2012). If rehabilitation programs keep treating all child soldiers as innocent victims, they will continue to have low success rates and be increasingly likely to fail.

5.2.6 *Primary and Secondary Deviance*

As discussed in the previous sections, child soldiers commit deviant acts within their armed groups but are still labeled as innocent. Instead of refraining from committing more deviant acts, they may internalize that innocent victim label. According to labeling theory, we see ourselves as others see us (Kubrin et al., 2009). If the international community sees child soldiers as innocent victims, then they also see themselves as innocent victims. Instead of believing that what they are doing is wrong, they believe the international laws that assure their innocence and victimization. They are confident that what they are doing will not be penalized even more so when their adult counterparts are blamed for the child's actions. It is the adults of the armed groups that are labeled as perpetrators of violence and stigmatized. Former child soldiers testify at court proceedings against the adults who have abducted, recruited, or allowed children to volunteer (Freeland, 2008). Allowing children to be involved in armed groups is considered a war crime and thereby absolves child soldiers of any criminal responsibility. By

labeling the child soldier as an innocent victim of war, they are able to bypass the negative deviant label and continue committing criminal acts as an innocent victim.

CHAPTER 6

DISCUSSION

Many researchers argue that forced enlistment is the most popular way a child joins an army (see Angucia, 2009; Denov, 2008; Emmons, 2002; Freeland, 2008; Grover, 2008; Happold, 2008; “Invisible children,” n.d.; Spellings, 2008; Vaha, 2011); however, this is not necessarily the case. A child may have many reasons for joining, which include protection; pride in wearing the uniform; respect; gained capital; opportunity to leave their home; promise of adventure, security, and camaraderie; and the joy of aggressive fighting (Angucia, 2009; Betancourt et al., 2010; Grétry, 2011). These children can get whatever they want from civilians and they abuse that power to no end (Grétry, 2011). Grétry (2011) suggests that by giving a child a weapon, if they are hungry or see something they want, they use the weapon to take it.

In many cases, these children rise in the ranks of the army, become commanders and leaders, and continue their actions as adults (Achvarina, 2006; Jacobson, 2008; Kuper, 2008; McNair, 2010). Even though these high-ranking officials are still considered children under international law, they pose a great threat to opposing armies (Kuper, 2008). Dominic Ongwen was abducted when he was only ten years old, but then was charged with crimes against humanity that he committed as an adult. If he is still committing the same criminal acts as both child and adult, what is the difference? In these armies, children are taught that everything can be solved with violence. A bullet from a child's gun kills just as effectively as one from an adult's weapon. The paper has shown that many child soldiers are making the choices to commit crimes

against humanity, genocide, crimes of aggression, and war crimes. Many show excitement, power, and curiosity as they maim and torture innocent civilians. By labeling them as innocent victims of war, the world has allowed them to continue their deviant acts without being punished for their crimes. This thesis now addresses the definitions of innocent and victim and why child soldiers do not qualify to be labeled as such.

The term “innocent” is separated into three different definitions in order to explain why child soldiers do not qualify. Innocent is first defined as “uncorrupted by evil, malice, or wrongdoing” (“Innocent”). Child soldiers do not qualify as innocent because many inflict harm onto other child soldiers and civilians. As discussed before, these child soldiers maim, torture, and kill on their own free will or because they are told to commit the acts (Elbert, 2010; Hecker, 2012). Either way, these children have embraced the lifestyle. Many either initially began the lifestyle enjoying the deviant acts they commit or grow to enjoy committing war crimes, crimes against humanity, acts of aggression, and many other violent crimes (Elbert, 2010; Hecker, 2012).

Next, innocent is defined as “legally blameless” (“Innocent”). To date, all child soldiers are considered legally blameless by international law. However, many should be legally responsible for their criminal actions. For example, just following orders is no excuse to be considered legally blameless. During the Nuremburg Trials, the doctors who followed orders and murdered millions of innocent Jews were still held accountable for their actions because the courts found that “just following orders” does not qualify as an excuse (Ehrenfreund, 2007; Mettraux, 2008).

Child soldiers are also comparable to child murderers across the world that have been held accountable for their actions. Across the world, children under the age of fifteen commit

heinous acts of violence. However, the court systems are not very consistent in how each offender is sentenced. These next cases show offenders who were sentenced as juveniles and those who were sentenced as adults. Mary Bell was only 10 years old when she killed two young boys in 1968 England (“Mary Bell,” n.d.). Bell was convicted of two counts of manslaughter and sentenced to life in a young offender detention facility (“Mary Bell,” n.d.). She was released from incarceration when she was twenty-three years old. In 1998, Andrew Golden, eleven years old, and his friend Mitchell Johnson, thirteen years old, gunned down fifteen people at a playground in Arkansas (Bragg, 1998). The boys lured their victims out of the middle school by using a fake fire alarm and then fired at their victims with high-powered rifles, one of which had a telescopic sight (Bragg, 1998). They were sentenced to a juvenile detention center until they reached eighteen years of age for killing five people.

While there is some ambiguity in criminal law over whether to treat a juvenile offender as a child or an adult, there seems to be some consensus in the majority of these cases. In 2006, Jasmine Richardson brutally killed her parents and brother in Canada. She was 12 years old at the time and was convicted of three counts of first-degree murder (Ramsland, n.d.). In 2009, Alyssa Bustamante stabbed and killed a 9-year-old girl in Missouri (Elam, 2011). Bustamante was 15 years old when she killed her neighbor and was sentenced to life in prison. Also in 2009, 14-year-old Tylar Witt stabbed and killed her mother in California (Lavietes, n.d.). Witt was sentenced to fifteen years to life in prison. In 1993, two 10-year-old boys, Robert Thompson and Jon Venables, kidnapped and killed a 2-year-old boy in Liverpool (“Bulger,” n.d.). Thompson and Venables kidnapped James Bulger from a shopping center, led him on a 2.5-mile hike across Liverpool, and tortured him to death near a railway station (“Bulger,” n.d.). Once the boys had killed Bulger, his body was placed across the train tracks in an attempt to hide his murder

("Bulger," n.d.). Thompson and Venables were treated as adults because their crime was considered evil and barbaric ("Bulger," n.d.; Jones, 2013). The judge sentenced Thompson and Venables at "Her Majesty's pleasure," or an indefinite length of time ("Bulger," n.d.). In 1996, 14-year-old Barry Loukaitis shot and killed three people during a school shooting in Washington ("Loukaitis," 1997). Loukaitis was convicted as an adult, but was sent to a youth offender center until he reached adulthood ("Loukaitis," 1997). Once he reached adulthood, Loukaitis was transferred to an adult prison. He was sentenced to two full life terms plus an additional 205 years in prison for two aggravated murders, second-degree murder, and wounding many classmates. In 1997, 13-year-old Tronneal Mangum shot and killed his friend in front of their school (Sterghos, 1998). Mangum was convicted of first-degree murder and sentenced to life in prison without parole. In 1998, 14-year-old Joshua Phillips murdered his 8-year-old neighbor Maddie Clifton (Kohn, 2009). Clifton was hit with a bat, dragged to Phillips' house, and stabbed multiple times. Phillips was tried as an adult and convicted of first-degree murder ("Children who kill," n.d.; Kohn, 2009). Phillips is still serving his life sentence.

If all child soldiers are going to be considered legally blameless, then it should apply for all child soldiers—and perhaps all children who commit any type of crime. For example, many activists and volunteer groups are attempting to rehabilitate and reintegrate child soldiers in Africa ("Invisible Children," n.d.; "Project: AK-47," n.d.; "Enough," n.d.). However, Omar Khadr was arrested and put on trial for committing similar, if not less severe, acts. Khadr was 15 years old when he murdered a U.S. soldier, which is within the age limit of protection under international laws. How can these laws apply to some child soldiers and child criminals, but not others?

Finally, innocent is defined as “not dangerous or harmful” (“Innocent”). As discussed in the findings, many child soldiers are incredibly dangerous and commit harmful acts. For example, many child soldiers commit crimes against humanity, genocidal acts, crimes of aggression, and war crimes. They torture, maim, kill, and abduct citizens of the villages they are currently attacking. Additionally, very few criminals are born bad and usually learn from their peers or surroundings. Virtually all killers were cute as children, so why should we call some “innocent victims” while blaming others as “murderers”?

The term “victim” is separated into two definitions. First, victim is defined as “one who is harmed or killed by another” (“Victim”). In the findings, it was shown that while there are some child soldiers are harmed or killed, many child soldiers do the harming. Many child soldiers maim, torture, mutilate, and kill innocent civilians out of curiosity or enjoyment (Elbert, 2010; Hecker, 2012). Child soldiers in the LRA have been known to leave their victims alive after they have cut off arms, legs, lips, and noses (Freeland, 2008). Victim is also defined as a person who “benefits from their crimes” (“Victim”). Child soldiers gain respect from other soldiers and civilians because of their soldier status (Baines, 2009; Grétry, 2011; Spellings, 2008). They also gain respect from other soldiers if they kill an unpopular soldier among the group (Baines, 2009). Child soldiers also benefit from their crimes by gaining power, riches, and authority (Baines, 2009; Denov, 2008; Grétry, 2011; Spellings, 2008).

What does the innocent victim label say to a child soldier’s victim? Is there life not worth enough to reprimand the person that maimed, tortured, or killed them? If a child soldier commits a brutal murder or maims an innocent civilian out of curiosity, that child soldier is still considered an innocent victim in the eyes of the International Criminal Court. The true victim and that victim’s family are then informed that the act the child soldier committed was not wrong

and they will not be held accountable. By labeling all child soldiers as innocent victims, it diminishes the severity of their crimes and neglects those they have harmed.

CHAPTER 7

SUMMARY AND RECOMMENDATIONS

Labeling all child soldiers as “innocent victims” of war allows those who are not truly innocent or being victimized to either return to society without proper rehabilitation or reprimand or continue committing criminal acts. As the Nuremburg principle states, “the fact that a person acted pursuant to order of his government or of a superior does not relieve him from the responsibility under international law, provided a moral choice was in fact possible to him” (“Analysis,” 2011). The ICC does state that if the person did not know the act was unlawful, that person is relieved of prosecution. However, adults who knowingly commit acts of genocide, war crimes, crimes of aggression, or crimes against humanity, which is what many child soldiers commit, are not relieved of prosecution (“Analysis,” 2011). Therefore, the ICC should alter its age jurisdiction in order to prosecute those child soldiers who have committed the crimes that fall under its jurisdiction. It should be the nature of the crime, and not the age of the perpetrator, that serves as the reason to prosecute or not prosecute someone.

The ICC does not have jurisdiction over those under the age of 18, but states that recruiting anyone under the age of 15 is illegal. Rebel and government leaders will continue to recruit children within this age bracket, and younger, because of the international law’s vagueness. As discussed earlier, different nations believe that adulthood is reached at an early age, which does not coincide with what international law states. A potential solution is to create one clear definition of whom a child is and when childhood ends under international law.

However, even if a person commits a crime under the new declared age, that person could still be prosecuted for their crime.

Additionally, by letting the state or country conduct prosecutions of those who committed crimes that fall under the ICC jurisdiction, this allows government organizations to get away with either not prosecuting youth or by overreacting the sentence. For example, the former Democratic Republic of Congo (DRC) president, Laurent Kabila, claimed his government would demobilize all child soldiers in its armed forces (“Analysis,” 2011). However, one year later death sentences were imposed upon four child soldiers by a military tribunal, but were later granted clemency (“Analysis,” 2011). One child soldier did slip through the cracks and was executed for committing crimes against humanity the previous year (“Analysis,” 2011).

This thesis does not suggest condemning children to be executed for their crimes or to be imprisoned for life. The purpose of this thesis is to suggest not labeling all child soldiers as innocent victims because they do not all fall under that category. There should be a special international juvenile court in order to properly decide if that child soldier is innocent or guilty of their crimes. Any child soldier who commits the same crimes that an adult war criminal commits should be held accountable. Children and young adults have been tried in the U.S. for less severe crimes; therefore, children who commit crimes against humanity should be held accountable and properly rehabilitated. Once it is decided that a child should be brought to a formal hearing, it should be made public. Kuper (2008) states that the trials should be made public in order to educate people about the prohibition of child soldiers. These trials could be seen as warnings to adult recruiters as well as children who wish to enlist in armed forces and commit criminal acts.

If the child soldier is found guilty of their crimes, the ICC can administer proper punishment. If the child soldier is found innocent, he or she can be placed in a rehabilitation

program. Without these types of reforms, more child soldiers may be hastily executed or punished too severely, without allowing a chance for proper prosecution and rehabilitation. For example, the U.S. government may have been influenced by political tensions, and thus more interested in revenge than in administering a proper punishment to Omar Khadr. If states and countries take advantage of their power to selectively prosecute crimes that fall under the ICC's jurisdiction, they are more likely to prosecute more severely than necessary. As Chase Madar (2010), New York lawyer, puts it, "The second a child soldier points his gun at an American, not another African, it's adios victimized child, hello hardened terrorist" (p. 2). By allowing the international community to prosecute, there will be reduced biases and the person will have a better chance at having a fair trial.

If the ICC for juveniles decides to rehabilitate the children instead of punishing them, different types of rehabilitation centers should be formed. Programs to demobilize and reintegrate child soldiers are often ineffective. The programs tend to be partial and end early because of the threat of continual violence in certain communities. Additionally, there have been few former child soldiers who successfully rebuilt their lives after these demobilization and reintegration programs (Mukosa, 2011). Many child soldiers do not share the same war experiences, so there should be a multitude of on-site staff that can effectively relate to and aid all of the children. Furthermore, there are few rehabilitation programs that cater to former child soldiers with mental health issues (Hecker, 2012). Rehabilitation and reintegration programs generally focus on school and vocational training, which leave many former child soldiers untreated.

Through each of these solutions, the world can make it known that people who violate the law concerning child soldiers are indeed punished and held responsible for their crimes. It will

also be made known that those children who wish to gain power and riches through killing and torture, then they will also be brought to justice. Through the creation of a special juvenile court system, it will be able to quickly identify those soldiers who need to be rehabilitated and reintegrated back into society, punished, or continue their civil service. By educating the world on the issue of child soldiers, people will be able to understand that children are indeed participating within armed groups, using children as soldiers is illegal, and that former child soldiers will receive proper punishment for the crimes they committed.

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