

# Armed groups, IHL and the invisible world: How spiritual beliefs shape warfare

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## Abstract

*“Secret societies”, “traditional hunters”, “charms” and “mystical weapons” are recurrent terms when analyzing some of the present armed conflicts in the Sub-Saharan region. However, though spiritual beliefs shape armed groups’ behaviour, and such beliefs are integrated into the modus operandi of some armed groups, the role of these beliefs in warfare is largely overlooked. Far from being something anecdotal or incidental, the invisible world plays a role in shaping armed groups’ behaviour and framing warfare dynamics. Spiritual beliefs might influence the respect afforded to international humanitarian law and international human rights law. Such beliefs may also serve various strategic functions, including for legitimization of the group, mobilization of support, control, cohesion, discipline, motivation and protection. Digging further into the matter and understanding how such beliefs impact the internal dynamics of armed groups and their external relations, including with the State, other armed groups and communities, is an essential part of understanding armed conflicts and their aftermath.*

**Keywords:** spiritual beliefs, international humanitarian law, armed groups, Africa, witchcraft.

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## From spiritual powers to military strategies

“Secret societies”, “traditional hunters”, “charms” and “mystical weapons” are recurrent terms when analyzing some of the present armed conflicts in the

Sub-Saharan region. The Dozos in West Africa,<sup>1</sup> the Ugandan Lord's Resistance Army (LRA), the Civil Defense Forces (CDF) in Sierra Leone, the Mai-Mai groups in the Democratic Republic of the Congo (DRC) and the Anti-Balaka in the Central African Republic are some examples of armed groups with links to mystical powers. However, though these groups are renowned for integrating spiritual beliefs into their *modus operandi*, the role that these beliefs are playing in warfare is largely overlooked.

Indeed, while the impact of some manifestations of spiritual beliefs on international human rights in peacetime is widely researched,<sup>2</sup> much less has been explored about their role in armed conflicts and their impact on international humanitarian law (IHL).

Far from being something anecdotal, spiritual beliefs may serve different strategic functions for armed groups, including legitimization of the group, mobilization of support, increase of control and discipline, motivation, cohesion, protection and intimidation (see the section below entitled "The Invisible World in the Dynamics of Armed Groups"). It is essential to underline that spiritual powers do not replace other military strategies and conventional weapons, but reinforce and overlap with them.

Spiritual beliefs may also be a factor of influence on the battlefield. Individuals who undergo mystical rituals may be perceived as extraordinarily brave and cruel, and may be more inclined to take risks and feel no responsibility for their actions. Spiritual beliefs may contribute to restraint also, as the acquisition of mystical powers implies adherence to some norms and prohibitions (see the section below entitled "The Invisible World and Its Influence on Armed Actors' Behaviour").

For this article, the term "spiritual beliefs" will be used to encompass different beliefs and practices related to the unseen world and supernatural forces, noting that the concrete manifestations of these practices vary among communities, who have specific expressions to refer to different aspects and manifestations of their spiritual beliefs. Reference to spiritual beliefs evokes exoticism, fantasy, irrationality—and these tags are not innocuous. Simplifying and decontextualizing these beliefs and practices and ignoring their nuances and subtleties entails the risk of excluding them "from serious consideration in analysis of 'rational' activity such as military strategy".<sup>3</sup>

1 The Dozos are mainly present in Burkina Faso, the Ivory Coast, Mali, Guinea and Sierra Leone: United Nations Operation in Côte d'Ivoire (UNOCI), *Rapport sur les abus des droits de l'homme commis par des Dozos en République de Côte d'Ivoire*, June 2013, para. 8.

2 See, for example, Ikponwosa Ero, *Report of the Independent Expert on the Enjoyment of Human Rights by Persons with Albinism on the Expert Workshop on Witchcraft and Human Rights*, UN Doc. A/HRC/37/57/Add.2, 23 January 2018; Bruno Martinelli and Jacky Boujou (eds), *Sorcellerie et violence en Afrique*, Éditions Karthala, Paris, 2012; Miranda Forsyth, "The Regulation of Witchcraft and Sorcery Practices and Beliefs", *Annual Review of Law and Social Science*, Vol. 12, 2016; Eric de Rosny (coord.), *Justice et Sorcellerie*, Cahier de l'UCAC No. 8–10, Éditions Karthala, Yaoundé and Paris, 2005.

3 Nathalie Włodarczyk, *Magic and Warfare: Appearance and Reality in Contemporary African Conflict and Beyond*, Palgrave Macmillan, New York, 2009, p. 41.

While this article focuses on the recent history of the Sub-Saharan region, the reported influence of mystical powers in armed groups and individuals and conflict dynamics is not confined to this geographic area. For example, a study conducted by Schwoerer in Papua New Guinea identified witchcraft and witchcraft accusations as “the most dominant triggers for the outbreak of intergroup armed violence” in many areas of the Eastern Highlands Province.<sup>4</sup> Also, journalist accounts have described how several high-ranking officers of armed groups in Colombia (such as the FARC-EP, the ELN, and the paramilitaries), with entirely different ideologies, were involved in consultations with mediums and the use of protective amulets and rituals.<sup>5</sup>

## The interface between spiritual beliefs and the rules regulating armed conflicts

Religious beliefs contribute to mobilizing and shaping the development of rules of war, and religious leaders can play a crucial role in enhancing compliance with IHL. The interface between IHL and Islam<sup>6</sup> or Buddhism,<sup>7</sup> for example, is the subject of some analysis. Much less has been researched about IHL and spiritual beliefs.<sup>8</sup>

There seems to be a reluctance to discuss the impact of the spiritual and unseen world in warfare (thus neglecting the spiritual dimension of armed groups).<sup>9</sup>

- 4 Tobias Schwoerer, “Sorcery and Warfare in the Eastern Highlands of Papua New Guinea”, *Oceania*, Vol. 87, No. 3, 2017.
- 5 See “Colombia: Cayó el capo de las Farc que le confiaba su vida a la brujería”, *Cosecha Roja*, 26 August 2013, available at: <http://cosecharoja.org/colombia-cayo-el-capo-de-las-farc-que-le-confiaba-su-vida-a-la-brujeria/>; “El capítulo de la brujería en la guerra de los ‘paras’”, *El Tiempo*, 4 September 2016, available at: [www.eltiempo.com/justicia/cortes/brujeria-en-la-guerra-paramilitar-38288](http://www.eltiempo.com/justicia/cortes/brujeria-en-la-guerra-paramilitar-38288); “En pleno ritual, gracias a falso brujo infiltrado, cayó cabecilla del ELN”, *Noticias Caracol*, 27 August 2015, available at: <https://noticias.caracoltv.com/colombia/en-pleno-ritual-gracias-a-falso-brujo-infiltrado-cayo-cabecilla-del-eln>. See also Superior Court of the Judicial District of Bogotá, *Estructura paramilitar del bloque Centauros y Héroes del Llano y del Guaviare*, Justice and Peace Chamber, 25 July 2016, paras 616–619, available at: <https://tinyurl.com/2bdvt9df>.
- 6 International Committee of the Red Cross (ICRC), “Islamic Law and International Humanitarian Law”, Legal Factsheet, Geneva, August 2018, p. 1, available at: [www.icrc.org/en/document/islamic-law-and-international-humanitarian-law](http://www.icrc.org/en/document/islamic-law-and-international-humanitarian-law); ICRC, “Engaging with Religious Circles on Islamic Law and IHL”, Geneva, 24 May 2018, available at: [www.icrc.org/en/document/engaging-religious-circles-islamic-law-and-ihl](http://www.icrc.org/en/document/engaging-religious-circles-islamic-law-and-ihl).
- 7 ICRC, “Reducing Suffering during Armed Conflict: The Interface between Buddhism and IHL”, 25 February 2019, available at: [www.icrc.org/en/document/reducing-suffering-during-conflict-interface-between-buddhism-and-international](http://www.icrc.org/en/document/reducing-suffering-during-conflict-interface-between-buddhism-and-international).
- 8 See for example, ICRC, *The Roots of Restraint in War*, Geneva, 2018, available at: [www.icrc.org/en/publication/roots-restraint-war](http://www.icrc.org/en/publication/roots-restraint-war); ICRC, *Under the Protection of the Palm: Wars of Dignity in the Pacific*, Geneva, 2009, available at: [www.icrc.org/en/doc/resources/documents/publication/pwars-of-dignity-pacific.htm](http://www.icrc.org/en/doc/resources/documents/publication/pwars-of-dignity-pacific.htm).
- 9 Shelly Whitman, Tanya Zayed, Carl Conradi and Julie Breau, *Child Soldiers: A Handbook for Security Sector Actors*, 1st ed., Roméo Dallaire Child Soldiers Initiative and Dalhousie University, Halifax, 2012. Fisher and Leonardi also note that security studies have overlooked spiritual (in)security: Jonathan Fisher and Cherry Leonardi, “Insecurity and the Invisible: The Challenge of Spiritual (In)Security”, *Security Dialogue*, 21 December 2020.

Pretending that the links to the invisible world in armed groups are just circumstantial also means ignoring the Sub-Saharan worldview, where the unseen and the visible world intertwine. “The invisible is not only the other face of the visible; it exists in the visible and vice versa.”<sup>10</sup> These two worlds are interrelated and in constant interaction.

To contextualize these beliefs and their role in shaping the dynamics of armed groups, it is essential to consider the following observations.

First, spiritual practices such as oaths and initiation rituals rely on and intensify what are generally described as Sub-Saharan traditional values, such as a holistic world view, the importance of the community and kinship, respect for authority and hierarchy, loyalty, and secrecy.

Second, spiritual beliefs are frequently described as fictional or false. Whether spiritual forces are real or not is a question that not only goes far beyond the scope of this article (not to mention that either claim is unfalsifiable), but is also irrelevant. The invisible world “exists as a social and cultural reality”,<sup>11</sup> as something considered real by armed groups and the different actors that interact with them. Even if individuals might not fully understand the purpose or meaning of the different rituals that they perform, these beliefs impact on them, as illustrated in a study conducted by Kelly and others on Uganda: “Although respondents often did not know the purpose of the magical rites they experienced, they placed an emphasis on [magic’s] importance, and even after escaping from the LRA expressed a fear of its power.”<sup>12</sup> Therefore, what matters is how these beliefs influence the individual and community narratives of warfare.

Third, beliefs in invisible forces are anchored in the social and cultural setting in which armed groups emerge. These beliefs are not created *ex novo* in wartime but are an integral part of communities, also in peacetime. The invisible world is present in Sub-Saharan life, including in community relations, politics, economics, medicine, law and sports. The relevance of such beliefs continues in wartime.<sup>13</sup>

Fourth, everyone has the right to freedom of thought, conscience and religion or belief. However, some manifestations of this belief may be restricted if these restrictions are prescribed by law and are deemed necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.<sup>14</sup>

10 Aleksandra Cimpric, *Children Accused of Witchcraft: An Anthropological Study of Contemporary Practices in Africa*, UNICEF, Dakar, 2010, p. 6.

11 *Ibid.*, p. 6.

12 Jocelyn T. D. Kelly, Lindsay Branham and Michele R. Decker, “Abducted Children and Youth in Lord’s Resistance Army in Northeastern Democratic Republic of the Congo (DRC): Mechanisms of Indoctrination and Control”, *Conflict and Health*, Vol. 10, No. 1, 2006, pp. 7–8.

13 N. Włodarczyk, above note 3.

14 International Covenant on Civil and Political Rights, 999 UNTS 171, 16 December 1966 (entered into force 23 March 1976), Art. 18; Human Rights Committee, General Comment No. 22, “Article 18 (Freedom of Thought, Conscience or Religion)”, 30 July 1993; Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and General Comment No. 18 of the Committee on the Rights of the Child, UN Doc. CEDAW/C/GC/31/CRC/C/GC/18, 14 November 2014; Human Rights Council, Resolution on “Elimination of Harmful Practices Related to Accusations of Witchcraft and Ritual Attacks”, UN Doc. A/HRC/47/L.9, 5 July 2021 (HRC Witchcraft Resolution). Ashforth argues that although belief in witchcraft is widespread, open accusations of witchcraft, and in particular attacks against suspected witches, are the exception in most African communities: Adam

Fifth, beliefs are ever-evolving; they are transformed and re-invented, and exposed to divergent interpretations. The intensity of the belief in spiritual forces varies within communities and individuals; it may even be in constant evolution during a person's life.<sup>15</sup> Controversies around different manifestations and interpretations of spiritual beliefs might also be a source of confrontation and discussions within a group.<sup>16</sup>

Finally, asserting that armed groups resort to spiritual powers does not mean that they do not rely on conventional weapons and strategies. Spiritual beliefs may not be the foremost element mobilized by armed groups, but are one element that shapes their individual and group behaviour.

In this sense, it is interesting to note that the influence of spiritual beliefs on the dynamics of criminal networks has also been explored. According to Europol, ritual oaths constitute a "controlling element" for human traffickers, and a "significant obstacle" in dealing with victims of Nigerian networks involved in trafficking for sexual purposes.<sup>17</sup> While research mainly focuses on the resort to ritual oaths and juju as a coercive means, these beliefs are reportedly playing a broader role in the network dynamics of trafficking (for example, traffickers may request juju priests to give them protection from the police or a positive outcome in judicial proceedings).<sup>18</sup> According to Ellis, "the conviction that they are spiritually empowered is often an important part of the often-noticed dynamism and resilience of Nigerian criminals".<sup>19</sup> Ellis also mentions how such spiritual ties operate in drug rings, as couriers may swear a ritual oath of loyalty to limit the risk of betrayal.<sup>20</sup> Using mystical forces to yield positive results is reportedly also a strategy among Nigerian cyber criminals.<sup>21</sup>

## The invisible world and armed conflicts: Seeking out connections

While this article focuses on the impact of spiritual beliefs on armed groups, there are also other ways in which the invisible world and armed conflicts are connected.

Ashforth, "Witchcraft, Justice, and Human Rights in Africa: Cases from Malawi", *African Studies Review*, Vol. 58, No. 1, 2015, p. 10.

- 15 And during the armed group's life. For example, during the *Ongwen* trial, an expert witness stated that spirituality was much more prominent within the LRA between 1986 and before Operation Iron Fist in 2002: International Criminal Court (ICC), *Prosecutor v. Dominic Ongwen*, Case No. ICC-02/04-01/15, Public Redacted Version of "Corrected Version of 'Defence Closing Brief', filed on 24 February 2020", 13 March 2020, para. 712.
- 16 See Edmore Chitukutuku, "Spiritual Temporalities of the Liberation War in Zimbabwe", *Journal of War & Culture Studies*, Vol. 12 No. 4, 2019; Naomi Pendle, "Competing Authorities and Norms of Restraint: Governing Community-Embedded Armed Groups in South Sudan", *International Interactions*, 2021.
- 17 Europol, *Trafficking in Human Beings in the European Union: A EUROPOL Perspective*, 2009, p. 6.
- 18 See Charlotte Baarda, "Human Trafficking for Sexual Exploitation from Nigeria into Western Europe: The Role of Voodoo Rituals in the Functioning of a Criminal Network", *European Journal of Criminology*, Vol. 13, No. 2, 2006; End Child Prostitution and Trafficking (ECPAT), *Religious, Social and Criminal Groups in Trafficking of Nigerian Girls and Women: The Case of Shrines, "Ladies' Club" and "Cultist Groups"*, 2019.
- 19 Stephen Ellis, *This Present Darkness: A History of Nigerian Organised Crime*, Hurst, London, 2016, p. 212.
- 20 *Ibid.*, p. 177.
- 21 Joshua Oyeniyi Aransiola and Suraj Olalekan Asindemade, "Understanding Cybercrime Perpetrators and the Strategies They Employ in Nigeria", *Cyberpsychology, Behavior, and Social Networking*, Vol. 14, No. 12, 2011.

There are reports of children being discriminated against, mistreated or killed as a consequence of witchcraft allegations.<sup>22</sup> Armed conflicts are said to have contributed to this phenomenon by, among other things, increasing the vulnerability of children, disrupting family lives, breaking down social and family networks, and changing the perception of children.<sup>23</sup> According to Foxcroft, witchcraft accusations, particularly against children, are likely to increase in post-conflict settings; he refers to Angola, the DRC and Liberia as examples of this.<sup>24</sup> De Boeck notes that violence transformed traditional representations of children in the DRC, in 1997: “[W]hen Kabila seized power and child-soldiers (some aged under ten) entered Kinshasa, it was a totally new phenomenon and shocked many of the capital’s inhabitants.”<sup>25</sup> Among other factors, the association of children with armed groups may have contributed to the change in the perception of children from vulnerable subjects to powerful and active social actors, becoming a source of danger both in the visible and the invisible world.<sup>26</sup>

Some people accused of witchcraft are persecuted by armed groups.<sup>27</sup> The United Nations (UN) Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions reported that in October 2008 in the Central African Republic, the People’s Army for the Restoration of Democracy allegedly executed sixteen civilians, some of them following accusations of witchcraft.<sup>28</sup> Reportedly, the Kamuina Nsapu also tried and executed alleged witches.<sup>29</sup> The LRA’s rules proscribe witchcraft, on pain of death.<sup>30</sup> In the International Criminal Court (ICC) trial against Dominic Ongwen, an ex-commander of the LRA, one witness stated that Ongwen had ordered a group of girls under his command to kill a girl accused of witchcraft, in order to dissuade others from practising witchcraft.<sup>31</sup>

22 A. Cimpric, above note 10.

23 Naomi R. Cahn, “Poor Children: Child Witches and Child Soldiers in Sub-Saharan Africa”, *Ohio State Journal of Criminal Law*, Vol. 3, No. 2, 2006; Gary Foxcroft, *Witchcraft Accusations: A Protection Concern for UNHCR and the Wider Humanitarian Community?*, paper presented to the Office of the UN High Commissioner for Refugees (UNHCR), April 2009, p. 7; All-Party Parliamentary Group on Street Children, “*Child Witches*”, *Child Soldiers, Child Poverty and Violence: Street Children in Crisis in the Democratic Republic of Congo*, November 2006.

24 G. Foxcroft, above note 23, p. 7.

25 Mentioned in A. Cimpric, above note 10, p. 24.

26 Filip De Boeck, “Être un danger, être en danger: Exclusion et solidarité dans un monde d’insécurité spirituelle”, in B. Martinelli and J. Boujou (eds), above note 2, p. 96; Javier Aguilar Molina, *The Invention of Child Witches in the Democratic Republic of Congo*, Save the Children, London, 2005, p. 19.

27 Understanding witchcraft as “the ability to harm someone through the use of mystical power”: A. Cimpric, above note 10, p. 1.

28 Philip Alston, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: Follow-up to the Report on the Mission to the Central African Republic*, UN Doc. A/HRC/14/24/Add.5, 19 May 2010, para. 18.

29 Office of the UN High Commissioner for Human Rights (UN Human Rights), *Report of a Mission of the United Nations High Commissioner for Human Rights: Accounts of Congolese Fleeing the Crisis in the Kasai Region, in the Democratic Republic of the Congo*, August 2017.

30 ICC, *Prosecutor v. Dominic Ongwen, Situation in Uganda in the Case of the Prosecutor v. Dominic Ongwen*, Case No. ICC-02/04-01/15, Prosecution’s Pre-Trial Brief (Trial Chamber IX), 6 September 2016, para. 586.

31 *Ibid.*, para. 621.

Fieldwork conducted in Mozambique by Lubkemann and Watson shows how spiritual beliefs influenced post-conflict resettlement experiences and decision-making in the aftermath of the civil war.<sup>32</sup> Schnoebelen's research illustrates how the circumstances leading to displacement, whether due to natural disasters, armed conflicts or political unrest, and the challenging living conditions of refugees and internally displaced persons (IDPs) may cause them to rationalize their suffering by blaming others, leading to witchcraft accusations.<sup>33</sup>

These accusations may affect living conditions in displacement settings; in 2007, for example, the Office of the UN High Commissioner for Refugees (UNHCR) reported that witchcraft allegations had led to episodes of violence, including assault and arson, in a refugee camp in Chad.<sup>34</sup> Witchcraft accusations between the host community and refugees and IDPs may also undermine the process of integration or reintegration,<sup>35</sup> and endanger refugee and IDP return. For example, in South Sudan some refugees returning from Uganda were reportedly rejected because they were believed to have embraced witchcraft practices during exile.<sup>36</sup> The belief in the supernatural may also jeopardize safeguarding actions. In Zambia, for instance, an attempt to integrate unaccompanied minors with elderly refugees reportedly failed because the children feared the elderly were engaged in witchcraft.<sup>37</sup>

Spiritual beliefs impact the treatment of the dead. Owusu describes how, during colonial times, the Asante used to remove the soldiers fallen from the battlefield, fearing that they could face decapitation by British troops, thus "leaving their souls defiled and condemned to perpetual limbo".<sup>38</sup> The work of Owino on the contribution of Kenyan soldiers in the Second World War in colonial Kenya describes the different approaches to death and the refusal of some communities to exhume and transfer the bodies of fallen soldiers.<sup>39</sup> His work also analyzes how the war and the exposition to other cultures transformed the approach to death and burial of the Kenyan soldiers.

32 Stephen C. Lubkemann and Thomas J. Watson, "Where to Be an Ancestor? Reconstituting Socio-spiritual Worlds among Displaced Mozambicans", in Beatrice Nicolini (ed.), *Studies in Witchcraft, Magic, War and Peace in Africa: Nineteenth And Twentieth Centuries*, Edwin Mellen Press, Wales, 2006.

33 Jill Schnoebelen, *Witchcraft Allegations, Refugee Protection and Human Rights: A Review of the Evidence*, UNHCR New Issues in Refugee Research, Research Paper No. 169, 2009.

34 Bryn Boyce, "Witchcraft Allegations Plague Southern Chad's Camps", UNHCR, 25 October 2007, available at: [www.unhcr.org/news/latest/2007/10/472094884/witchcraft-allegations-plague-southern-chads-camps.html](http://www.unhcr.org/news/latest/2007/10/472094884/witchcraft-allegations-plague-southern-chads-camps.html).

35 Jeff Crisp, "Witchcraft and Displacement", *Forced Migration Review Online*, October 2018.

36 J. Schnoebelen, above note 33, p. 27.

37 *Ibid.*, p. 22.

38 Maxwell Owusu, "Nanny's Apron Strings: Magic, 'Medicine', Witchcraft and Warfare in Colonial and Post-Colonial West Africa", in B. Nicolini (ed.), above note 32, p. 138.

39 Meshack Owino, "Vifo Na Mazishi: The Impact of War on Kenya African Soldiers' Beliefs and Attitudes Towards Death and Burials in Colonial Kenya", in B. Nicolini (ed.), above note 32.

## The invisible world in the dynamics of armed groups

“Armed groups do not emerge from or operate in a social vacuum”;<sup>40</sup> they arise from a particular social and cultural context. Mystical powers are inherent to the Sub-Saharan world view, the manifestations of this belief being more prominent in unstable settings.<sup>41</sup> Moreover, “in a situation where power becomes of primary importance to protect individual and community life—as in war—the desire to access power in its broadest and most potent form increases”.<sup>42</sup> Spiritual forces are a source of power.

Włodarczyk argues that spiritual beliefs serve three main sets of strategic functions in armed groups: mobilization and legitimacy, organization and discipline, and motivation and intimidation.<sup>43</sup> The present article will also analyze the influence of spiritual beliefs on respect for the rules of war and on the process of demobilization and reintegration of armed actors.

Spiritual beliefs seem to impact with more vigour, and visibility, in armed groups embedded in the community,<sup>44</sup> even if these beliefs also influence formal armed groups, including State armed forces.<sup>45</sup> Further research is required on how the impact of these beliefs may differ and evolve depending on the sex, age, rank or function of the individual, and how factors such as the length of time involved in the conflict, the charisma of the leader, and the individual’s level of exposure to death or traumatic episodes may influence people’s attachment to these beliefs.

For example, one interlocutor with extensive experience working with children associated with armed forces and groups in the DRC mentioned that these beliefs play a stronger role for younger armed actors, particularly boys, as they are more exposed to direct combat roles.<sup>46</sup> The interlocutor also noted that the effect might be more significant in commanders than in middle or low ranks.

In the ICC judgment in the *Ongwen* trial, the Chamber noted that the belief in Kony’s alleged spiritual powers was stronger in the young and new abductees, while it decreased and disappeared in those who stayed longer in the LRA.<sup>47</sup> In the trial, former LRA members mentioned some factors that made them start to doubt Kony’s powers. These included the fact of getting older and thus “wiser”, observing people who were able to escape without being apprehended, and noticing Kony’s ordering of “all kinds of bad things”.<sup>48</sup> For Titeca, an expert

40 Institute for Security Studies, *Militias, Rebels and Islamist Militants*, Pretoria, 2010, p. 78.

41 A. Cimpric, above note 10, p. 9.

42 N. Włodarczyk, *Magic and Warfare*, above note 3, p. 133.

43 *Ibid.*, pp. 28 ff.

44 Following the categorization of armed groups described in ICRC, *The Roots of Restraint in War*, above note 8.

45 See the section below entitled “Intimidation: The Invisible World as a Weapon/Strategy against the Enemy”.

46 Anonymous interview with NGO worker, DRC, December 2019 (on file with author).

47 ICC, *Prosecutor v. Dominic Ongwen*, No. ICC-02/04-01/15, Public Redacted Trial Judgment, 4 February 2021, paras 2645 ff.

48 *Ibid.*

witness in the trial, the intensity of belief may be influenced by factors such as the length of time spent within the group (less intensity in those associated for a shorter time), the moment of becoming associated with the group (greater belief in those recruited as children) and the extent to which a person was already religious beforehand.<sup>49</sup>

Indeed, issues related to the role of spiritual beliefs in the dynamics of armed groups are being raised in international criminal courts. For instance, in the *Ongwen* trial, the defence highlighted “the ominous and overpowering role of spiritualism within the LRA”, basing part of its defence on that.<sup>50</sup> Nistor, Merrylees and Holá, meanwhile, note that while in *Ongwen*’s trial “spiritual issues occupy the most prominent role in the history of international criminal justice”, spiritual-related issues had already been raised in other international criminal justice trials such as the Special Court for Sierra Leone (SCSL) in the *Civil Defence Forces* case, or during the *Katanga* and *Ngudjolo* trials at the ICC.<sup>51</sup>

Nistor, Merrylees and Holá refer to the *Katanga* judgment, in which the judges regretted that the prosecution did not go deeper into the spiritual issues involved, particularly the role of fetish-priests, stating that these “would have permitted a more nuanced interpretation of certain facts; a more accurate interpretation of some of the testimonies and, hence, a fine-tuning of the criteria relied on by the Chamber in assessing the credibility of several witnesses”.<sup>52</sup> Kelsal asserts that the SCSL “proved deaf to an enormously important system of local magical belief”, failing to adjust to the cultural context.<sup>53</sup> Titeca, who testified as an expert witness on spiritual beliefs in the LRA in the *Ongwen* trial,<sup>54</sup> points out that international criminal law seems “underequipped” to deal with spiritual beliefs.<sup>55</sup> Analyzing the *Ongwen* trial, Nistor, Merrylees and Holá describe the challenges of cross-cultural translations of spiritual concepts and warn that “local cultural concepts related to spirituality are often amputated [by the prosecutor, defence and victim’s representatives] from their context or stretched beyond their original meaning to fit the legal framework”.<sup>56</sup>

These risks are also present when analyzing the different functions of spiritual beliefs in armed groups and warfare dynamics. In addition, the general

49 ICC, *Prosecutor v. Dominic Ongwen*, Case No. ICC-02/04-01/15-T-197-ENG, Trial Hearing, Witness UGA-D26-P-0060, Professeur Kristof Titeca, 2018, pp. 21 ff.

50 ICC, *Ongwen*, above note 15, para. 8.

51 Adina-Loredana Nistor, Andrew Merrylees and Barbora Holá, “Spellbound at the International Criminal Court: The Intersection of Spirituality and International Criminal Law”, draft chapter, August 2020, p. 4.

52 ICC, *Prosecutor v. Germain Katanga*, Case No. ICC-01/04-01/07, Judgment Pursuant to Article 74 of the Statute, 7 March 2014, para. 67.

53 Tim Kelsall, *Culture under Cross-Examination: International Justice and the Special Court for Sierra Leone*, Cambridge Studies in Law and Society, November 2009, p. 3.

54 ICC, “Dominic Ongwen Sentenced to 25 Years of Imprisonment”, press release, 6 May 2021, available at: [www.icc-cpi.int/Pages/item.aspx?name=pr1590](http://www.icc-cpi.int/Pages/item.aspx?name=pr1590). On 6 May 2021, the ICC sentenced Dominic Ongwen to twenty-five years’ imprisonment, as he was found guilty of committing sixty-one offences comprising crimes against humanity and war crimes.

55 Kristof Titeca, “Spirits on Trial? The Case of Dominic Ongwen in the International Criminal Court”, *Africa at LSE*, February 2019, available at: <https://blogs.lse.ac.uk/africaatlse/2019/02/19/spirits-on-trial-the-case-of-dominic-ongwen-in-the-international-criminal-court/>.

56 A.-L. Nistor, A. Merrylees and B. Holá, above note 50, p. 12.

overview provided in this article, without analyzing the different particularities and context of each armed group, and with an exclusive focus on spiritual beliefs, implies multiple limitations. Among others, it leaves aside the nuances of each armed group and the different manifestations of spiritual beliefs, and other socio-economic, cultural and political factors that influence armed groups' dynamics and their approach to spiritual beliefs. A deep and contextualized understanding of spiritual beliefs and practices is then required to find a balanced approach to the role of spiritual beliefs in armed groups and warfare dynamics, without misrepresenting, overestimating or underestimating the impact of these beliefs.<sup>57</sup>

### Legitimization, mobilization and spiritual leaders

Having supposed spiritual powers may provide legitimacy to an armed group and contribute to the mobilization of new members or supporters. For example, the mystical powers attributed to the Dozo confer on them a special recognition by part of the authorities and the population.<sup>58</sup> Ba-Konaré argues that armed groups in central Mali make reference to the classic imagery of the Dozos, presenting themselves as such, in order to benefit from the support of non-Fulani armed groups and legitimize their position as defenders of the local communities.<sup>59</sup>

Spiritual leaders are crucial for some armed groups due to their standing as moral and spiritual guides of their communities. They may provide not only mystical support for the armed groups but also tangible and strategic military advantages. Spiritual leaders' support for armed groups may be key to securing those groups' legitimacy and gaining support from the population.<sup>60</sup> In South Sudan, for example, armed actors were said to look for collaboration with spiritual leaders in order to increase their leverage over youth and increase young people's involvement in the armed conflict.<sup>61</sup> The approval of spiritual leaders may enable armed actors to get community support without resorting to wide-scale violence.<sup>62</sup> This mobilization capacity should not be dismissed, especially taking into consideration the African kinship system.

Through support from spiritual leaders, armed groups may also gain insight into the landscape, acquiring knowledge of secluded passages and hideaways and being allowed to cross and establish bases in sacred places.<sup>63</sup>

57 N. Włodarczyk, above note 3, p. 7.

58 UNOCI, above note 1; Rodrigue Fahiramane Koné, *La Confrérie des Chasseurs Traditionnels Dozo en Côte d'Ivoire: Enjeux socioculturels et dynamiques sécuritaires*, June 2018, p. 21.

59 Dougoukolo Alpha Oumar Ba-Konaré, "Entre faux djihadistes et faux chasseurs traditionnels, les civils piégés dans le centre du Mali", *The Conversation*, 22 October 2018, available at: <https://theconversation.com/entre-faux-djihadistes-et-faux-chasseurs-traditionnels-les-civils-pieges-dans-le-centre-du-mali-105181>

60 Naomi Pendle, "Politics, Prophets and Armed Mobilizations: Competition and Continuity over Registers of Authority in South Sudan's Conflicts", *Journal of Eastern African Studies*, Vol. 14, No. 1, 2020.

61 Victoria Brereton (ed.), *Informal Armies: Community Defense Groups in South Sudan's Civil War*, Saferworld, London, 2017, p. 31.

62 Enock Ndawana and Mediel Hove, "Traditional Leaders and Zimbabwe's Liberation Struggle in Buhera District, 1976–1980", *Journal of African Military History*, Vol. 2, No. 2, 2018, p. 143; N. Włodarczyk, above note 3, p. 30.

63 E. Ndawana and M. Hove, above note 62, p. 142.

Spiritual leaders are also relevant actors of influence on the behaviour of armed groups. They may curse violations of moral codes, advise on norms of conduct, sanction offensives, promote internal cohesion and administer oaths and protection rituals.<sup>64</sup> In the ICC *Katanga* trial, the Chamber noted that the fetish-priests “[held] sway over commanders and combatants alike” and that they were involved in the run-up to combat as, for the combatants, the involvement of fetish-priests directly affected the course of battle.<sup>65</sup>

As a final point, there may be a hierarchy of spiritual leaders based on their powers, and the presence of different spiritual leaders might lead to competition among them for recognition and support.<sup>66</sup>

### Organization and discipline: Collective identity, control and group cohesion

Initiation oaths and rituals are generally steeped in mystery and secrecy and are embodied in symbolic ceremonies. These oaths are not mere agreements between two individuals but are “the expression of the totality of the relationship that exists between man and the cosmos”.<sup>67</sup> Any conduct that leads to a breach of the covenant will unbalance the harmony. Therefore, these beliefs require strict adherence to certain rules and prohibitions.

There is no standard ritual. Initiation ceremonies may include scarifications, drinking potions, taking baths, or anointing with oil or other concoctions. Kamuina Nsapu militia initiation rituals reportedly involved drinking a potion made up of ingredients such as alcohol, crushed human bones, human blood or insects.<sup>68</sup> The Truth and Reconciliation Commission for Sierra Leone reported that “organs, tissue, blood and flesh from the bodies of dead persons were used in Kamajor ceremonies of initiation”.<sup>69</sup>

Some women are said to have undergone initiation rituals among the Dozo<sup>70</sup> and Kamuina Nsapu.<sup>71</sup> Włodarczyk highlights that while some female fighters in the CDF “most likely received some magical protection, it seems unlikely that they were in fact initiated” as this would have been a break from tradition.<sup>72</sup> An interesting contribution to this discussion on the role of women, although focused on colonial times, is Mwanzia’s work on gender and the Mau

64 See, for example, V. Brereton, above note 61, pp. 30–31.

65 ICC, *Katanga*, above note 52, para. 1258.

66 Naomi Pendle, “Community-Embedded Armed Groups”, in ICRC, *The Roots of Restraint in War*, above note 8, p. 58; UNOCI, above note 1, paras 20 ff.

67 Obafemi Jegede, *Shrines, Oath-taking and Jurisprudence in Yoruba and Igbo Religions*, Lap Lambert, Saarbrücken, 2011, p. 124.

68 Human Rights Council, *Rapport détaillé de l'Equipe d'experts internationaux sur la situation au Kasai*, UN Doc. A/HRC/38/CRP.1, 29 June 2018, para. 68.

69 Sierra Leone Truth and Reconciliation Commission, *Report of the Sierra Leone Truth and Reconciliation Commission: Witness to Truth*, Vol. 2, Accra, 2004, para. 345.

70 UNOCI, above note 1, p. 10. According to Ba-Konaré, only men can be initiated into Dozo confraternities: D. A. O. Ba-Konaré, above note 59.

71 Human Rights Council, above note 68.

72 N. Włodarczyk, above note 3, p. 101.

Mau oaths. Mwanzia points out that the need to respond to the urgency of the moment<sup>73</sup> led to a gender transformation in oathing, as the oath was traditionally only for men.<sup>74</sup>

Initiation is intended to enhance collective identity and group cohesion, reinforcing loyalty and brotherhood between individuals. The work of Whitehouse and McQuinn shows that this sense of camaraderie increases when the members of the group have undergone low-frequency and high-intensity rituals: “Traumatic ritual ordeals increase cohesion and tolerance within groups, but they also seem to intensify feelings of hostility and intolerance towards outgroups.”<sup>75</sup> This membership of a distinctive group is also recognized by outsiders, who acknowledge the added value (courage, mystical powers) of those belonging to the group.

Groups such as the Kamuina Nsapu, Dozo, Mai-Mai and Anti-Balaka also display their own identity visually through a particular dress code that includes protective charms. According to Ceriana, through these “dehumanizing” outfits, they build a warrior identity, bring cohesion to the group and spread terror.<sup>76</sup>

Initiation rituals aim to instil courage and endurance and impress upon initiates the principles of the group, such as bravery, discipline, respect, loyalty and self-sacrifice. Initiation rituals may intensify superiors’ mental control over the recruits by “discouraging escape, inciting higher levels of motivation, providing legitimacy to the group and its commander, fostering group cohesion, and intimidating civilian populations”.<sup>77</sup> At the same time, initiation may create a different superior–subordinate relationship between initiator and initiate, adding a spiritual dimension to the hierarchy.<sup>78</sup>

Initiates must observe strict taboos and codes of conduct to preserve their acquired powers. Włodarczyk explains that the infringement of these moral codes and the group’s exclusiveness may substantially impact initiates, creating the impression that affiliation to the group is the only option.<sup>79</sup> Breaking the rules implies losing the powers conferred by initiation, which may mean getting wounded or killed.

Some commandants are said to have strong spiritual powers, which may increase their control over subordinates’ behaviour.<sup>80</sup> For example, in the LRA, it

73 The necessity of responding to the needs of the moment has been mentioned as a factor in easing the requirements and procedures to become initiated into armed groups: UNOCI, above note 1, para. 12.

74 Michie Mwanzia, *The Power of the Oath: Mau Mau Nationalism in Kenya, 1952–1960*, University of Rochester Press, New York, 2016, pp. 103, 105.

75 Harvey Whitehouse and Brian McQuinn, “Ritual and Violence: Divergent modes of religiosity and armed struggle”, in Mark Juergensmeyer, Margo Kitts and Michael Kessler Jerryson (eds), *The Oxford Handbook of Religion and Violence*, Oxford University Press, Oxford, 2013, p. 4.

76 Charlotte Oberti, “Gris-gris et potions anti-roquettes: La tenue de guerre spectaculaire des anti-balaka, in regards sur la Centrafrique”, *Chroniques d’un pays en crise*, 3 May 2015, available at: <http://beafrika.blogs.france24.com/article/2015/03/01/centrafrique-anti-balaka-gris-gris-potions-anti-roquettes-guerre-croyan.html>.

77 J. T. D. Kelly, L. Branham and M. R. Decker, above note 12, p. 8.

78 N. Włodarczyk, above note 3, p. 35.

79 *Ibid.*, p. 35.

80 See, for example, Human Rights Watch, *War Crimes Allegedly Committed by the Mai Mai in Katanga*, 2006, p. 15; ICC, *Ngwen*, above note 15, para. 28.

is believed that spirits would indicate to its leader, Joseph Kony, where to find those who tried to escape.<sup>81</sup> The purported powers of armed groups' leaders may also affect the population. For example, the media reported on the Ugandan authorities' statement that fear of Kony's alleged spiritual powers "was so deep that people were scared to volunteer information to the government security forces lest Kony spiritually identifies and kill[s] them".<sup>82</sup>

### Motivation: Protection and special powers

Bullet-proofing to gain protection against enemy fire is one of the most reported skills acquired through rituals. Invincibility or invisibility are other powers that are believed to be attained through rituals, as well as the capacity to distract the enemy or make him miss his target. Further reported abilities include shape-shifting<sup>83</sup> and the ability to understand messages from animals, which are said to be sometimes presented as signs, leading the fighters and alerting them to any danger.<sup>84</sup> For example, some members of the LRA claimed to speak to lions.<sup>85</sup>

*Gris-gris*<sup>86</sup> are the materialization of this protection, a visual and tangible symbol of these powers for both the initiates and their enemies. Although the charms and the reportedly acquired powers might not always work, this does not mean that they are completely ineffective. Considering the wide range of restraints that have to be respected, the person might believe that they have lost their protection for not strictly following these conditions, or because the enemy's powers were stronger.<sup>87</sup>

Manifestations of spiritual beliefs adapt to the needs and development of warfare. Research conducted by Nunn and Sánchez de la Sierra in the east of the DRC shows how "spells are continuously fine-tuned and adapted to the changes in the (natural and supernatural) warfare technology of the enemies. ... For example, the *anti-balle* (bullet proofing) evolved from the *anti-machete* and *anti-gun*, aimed at rendering machetes and traditional guns ineffective."<sup>88</sup>

Nunn and Sánchez de la Sierra's research team documented forty-six different "military spell variants", including one that is aimed at stopping helicopters in the air.<sup>89</sup> At an individual level, these powers may offer fighters courage to overcome the fear of dying in combat, even if that might actually increase the risk of the person being killed, as the acquired protection might

81 ICC, *Ongwen*, above note 15, para. 701.

82 "Uganda's Spiritual War Heats Up", *BBC News*, 22 July 2003, available at: <http://news.bbc.co.uk/2/hi/africa/3086465.stm>.

83 Nathalie Arnold, "With 'Ripe' Eyes You Will See: Occult Conflicts in Pemba's Days of Caning, Zanzibar 1964–1968", in B. Nicolini (ed.), above note 32, p. 218; N. Włodarczyk, above note 3, p. 115.

84 E. Chitukutuku, above note 16, p. 328.

85 ICC, *Ongwen*, above note 49, p. 68.

86 *Gris-gris* are charms that are believed to protect fighters.

87 See the section below entitled "The Invisible World and Its Influence on Armed Actors' Behaviour".

88 Nathan Nunn and Raul Sánchez de la Sierra, *Why Being Wrong Can Be Right: Magical Warfare Technologies and the Persistence of False Beliefs*, NBER Working Paper No. 23207, Cambridge, 2017, p. 7.

89 *Ibid.*, p. 8.

make the fighter underestimate the dangers of the fight; in return, from the perspective of the armed group, these rituals enable the mobilization of new individuals under the vow of getting support from the spirits, and help to foster group cohesion and discipline.<sup>90</sup>

These mystical powers may also allow fighters to maintain a degree of optimism, as they may interpret events to their own psychological advantage, assuming that the spiritual forces are working in addition to their military activities.<sup>91</sup> In armed groups with basic military means, this spiritual dimension can become “an even greater resource to fill some of the material gaps in their supplies and training”.<sup>92</sup> For example, the Office of the UN High Commissioner for Human Rights reported that the “generalized belief about the powers of Kamuina Nsapu and the fear it triggers among segments of the population ... may partly explain why a poorly-armed militia ... has been able to resist offensives by a trained national army”.<sup>93</sup>

### Intimidation: The invisible world as a weapon/strategy against the enemy

As explained by Włodarczyk, if a battle aims to force the enemy’s retreat, success may have “less to do with traditional military efficiency than with effectively outperforming the enemy in terms of the display of power”.<sup>94</sup> This makes it possible that a shared belief in spiritual powers can contribute to military success, by motivating the fighters and intimidating the enemy.

In Nigeria, for example, media reported that Boko Haram<sup>95</sup> members were fleeing the Sambisa Forest owing to spiritual attacks by snakes and bees:

[T]here are too many snakes and bees now in the forest. Once they bite, they disappear and the victims do not last for 24 hours. We were told that the aggrieved people who had suffered from our deadly mission, including the ghosts of some of those we killed, are the ones turning into the snake and bees.<sup>96</sup>

Popular tales and rumours about the strength of spiritual powers may be perfect propaganda, as demonstrated in a story related by Wild in the DRC, when three Mai-Mai equipped with spear and knives were reportedly fighting against 700 well-armed soldiers: “[T]he soldiers fired bombs .... The Mai-Mai heard the

90 *Ibid.*, p. 4.

91 N. Włodarczyk, above note 3, p. 129.

92 *Ibid.*, p. 78.

93 UN Human Rights, above note 29, para. 54.

94 N. Włodarczyk, above note 3, p. 128.

95 “Boko Haram” is not a label used by the group itself but is commonly used in media reporting to refer to the armed group People Committed to the Propagation of the Prophet’s Teachings and Jihad, or less often, to the Islamic State West Africa Province. For more information, see International Crisis Group, *Facing the Challenge of the Islamic State in West Africa Province*, Report No. 273, Belgium, 16 May 2019, available at: [www.crisisgroup.org/africa/west-africa/nigeria/273-facing-challenge-islamic-state-west-africa-province](http://www.crisisgroup.org/africa/west-africa/nigeria/273-facing-challenge-islamic-state-west-africa-province).

96 Ndahi Marama, “Mysterious Snakes, Bees Attack Boko Haram in Sambisa Forest”, *Vanguard*, 26 June 2014, available at: [www.vanguardngr.com/2014/06/mysterious-snakes-bees-attack-boko-haram-sambisa-forest/](http://www.vanguardngr.com/2014/06/mysterious-snakes-bees-attack-boko-haram-sambisa-forest/).

noise of the bomb, they stood up and said, ‘Mai, victory is ours’. The bomb broke up high in the sky ... and did not do any harm.”<sup>97</sup>

This story not only reflects the popular conception of the mystical powers of armed groups but also fulfils some strategic objectives: boosting the confidence of the group, mobilizing new members, getting community support and ridiculing and scaring the enemy. Propaganda during hostilities is a useful resource for shaping popular opinion, gaining adherents to the cause, and dehumanizing and demoralizing the enemy.

While belief in mystical forces has a broader impact on non-State armed groups, it also influences State armed forces. It shapes the State armed forces’ response to these groups as a strategy, but also as a reflection of a shared cultural background with non-State armed groups. As expressed by one interlocutor, “regular armed forces might laugh about the alleged supernatural powers in public, but many of them strongly believe in them”.<sup>98</sup>

The UN Expert Team on Kasai described how Kamuina Nsapu spiritual practices shaped the response of the Armed Forces of the Democratic Republic of the Congo (Forces Armées de la République Démocratique du Congo, FARDC). Spiritual practices were addressed in propaganda disseminated by the FARDC to warn the population that spiritual forces would not prevent FARDC soldiers from killing Kamuina Nsapu members.<sup>99</sup> The bodies of some of the militia were reportedly publicly exposed to show the community, but also the FARDC soldiers, that Kamuina Nsapu members were not invincible; and the killings of some militia were filmed by a FARDC soldier who argued that he made the video to encourage and comfort his colleagues, showing them that Kamuina Nsapu members were not invulnerable.<sup>100</sup>

Some FARDC personnel, including high-ranking officers, are said to have gone through protection rituals to boost the morale of their troops, which reportedly created a break with those who did not believe in the ritual.<sup>101</sup> In response, the Kamuina Nsapu would have reinforced their rituals to make them stronger than the ones performed by the FARDC.<sup>102</sup>

The responses of political authorities may also integrate spiritual beliefs. In 2016, media reported that the Cameroon authorities called for the population to employ witchcraft against Boko Haram.<sup>103</sup> In 2019, in Beni and Butembo (DRC), the media reported that the governor had launched awareness campaigns to dissuade youths from joining the Mai-Mai, claiming that the practices conducted

97 Emma Wild, “Is it Witchcraft? Is it Satan? It Is a Miracle: Mai-Mai soldiers and Christian Concepts of Evil in North-East Congo”, *Journal of Religion in Africa*, Vol. 28, No. 4, 1998, p. 454.

98 Anonymous interview, above note 46.

99 Human Rights Council, above note 68, para. 49.

100 *Ibid.*, para. 105.

101 *Ibid.*, paras 51, 360.

102 *Ibid.*, para. 360.

103 Armand Ougock, “Cameroun: Terrorisme, Biya appelle les populations à utiliser la sorcellerie pour vaincre Boko Haram”, *Cameroonvoice*, 3 February 2016, available at: [www.cameroonvoice.com/news/article-news-22275.html](http://www.cameroonvoice.com/news/article-news-22275.html).

by the Mai-Mai were “irrational” and “useless” and that only the army could defend them against Allied Democratic Forces incursions.<sup>104</sup>

Similar actions reportedly took place during colonial times. Luongo mentions how the British colonial government instituted de-oathing campaigns to cleanse those who took the Mau Mau oaths.<sup>105</sup> Ranger describes how in the mid-1970s, after realizing how crucial spiritual beliefs were in the progression of the war, the Internal Affairs Department of Rhodesia drafted two documents with detailed information about every medium, shrine priest and sacred site.<sup>106</sup> He explains that the Rhodesian authorities studied the communities’ customs and used them against the “guerrillas”, infiltrating poisoned food or clothes into areas where they were operating because it was

an effective way of killing guerrillas but also because they knew death by poisoning would be interpreted as an effect of witchcraft. To the world the Rhodesian state claimed legitimacy as a bastion of Christian civilisation. To its African subjects it claimed to control the power of witchcraft.<sup>107</sup>

## The invisible world and its influence on armed actors’ behaviour

One important question is to what extent the manifestations of some beliefs may influence armed actors’ behaviour and thus, their respect for IHL and international human rights law. For example, research conducted among Mai-Mai groups in the DRC<sup>108</sup> and the Anti-Balaka in the Central African Republic<sup>109</sup> indicates that the role of many children associated with armed groups is to make *gris-gris* and distribute them to fighters, or being the messengers and guardians of the fetishes. Some of the children are reportedly directly used as *porte-bonheurs* in front-line duties or as guards for commanders, “as children are commonly perceived as being spiritually chaste and pure”.<sup>110</sup> Children are thus exposed to recruitment to perform these activities.

The Roméo Dallaire Child Soldiers Initiative’s *Handbook for Security Sector Actors* warns that children who believe that they are invisible or invincible might pose a serious security threat, as they may appear to be particularly aggressive and fearless, and may be used by adult commanders as human shields or be sent into battle without weapons to confuse and intimidate the enemy.<sup>111</sup> Individuals who have undergone immunization rituals may appear to be particularly

104 Joseph Tsongo, “RDC: Le Nord-Kivu ne croit plus à l’armée; gris-gris et tatouages prennent le relais”, *Agence Anadolu*, 10 November 2016, available at: <https://tinyurl.com/tdzy2b29>.

105 Katherine Luongo, “If You Can’t Beat Them, Join Them: Government Cleansings of Witches and Mau Mau in 1950s Kenya”, *History in Africa*, No. 33, 2006, p. 453.

106 Terence Ranger, “African Religion, Witchcraft and the Liberation War in Zimbabwe”, in B. Nicolini (ed.), above note 32, p. 365.

107 *Ibid.*, p. 367.

108 Amnesty International, *Attention: Enfants-soldats. Dossier pédagogique*, 2012, p. 19.

109 Child Soldiers International, *Des milliers de vies à réparer: Les défis de la démobilisation et réintégration des enfants associés aux groupes armés en RCA*, 2016, p. 26.

110 S. Whitman *et al.*, above note 9, p. 39.

111 *Ibid.*, pp. 81–82.

belligerent and may be more prone to taking risks. Findings of the Truth and Reconciliation Commission for Sierra Leone show that “initiation gave rise to ever-more irresponsible conduct on the part of those who underwent it. It artificially enhanced notions of the Kamajors’ human limits.”<sup>112</sup>

The UN Expert Team on Kasai described how the Kamuina Nsapu militia exposed children: in the front line were the *ya mama*, girls that were supposed to have the power to catch firearm projectiles with their skirts; in the second line were boys armed with sticks that were believed to have the ability to transform into lethal weapons; and in the last line were the better equipped, more experienced and older members of the group.<sup>113</sup> Similar patterns have been described in the Ivory Coast, where the Dozos reportedly attacked front-line positions in joint operations with State security forces due to their supposed occult powers.<sup>114</sup>

Spiritual powers might make armed actors feel no responsibility for their actions, as they are supposedly acting under the influence of mystical forces. In the *Ongwen* case, the defence claimed that Ongwen, a former LRA commander, should be excluded from criminal responsibility due to the spiritual indoctrination that he was subjected to in the LRA.<sup>115</sup> The Truth and Reconciliation Commission for Sierra Leone’s findings also revealed how the initiators “attempted to exonerate themselves from due culpability by referring to illusory whims from higher beings, through dreams and ‘divine’ messages”.<sup>116</sup>

Accounts of fighters drinking blood and eating human body parts were reported during the war in Liberia.<sup>117</sup> Similar patterns were described for the Kamuina Nsapu in the DRC: “The *tshiotas* [initiation halls] were also favoured as places for beheadings, often performed by children, as well as for acts of cannibalism. Heads and other body parts of victims of attacks were brought there, along with their blood.”<sup>118</sup> It is believed that the human body (e.g., blood, saliva, heart) contains powerful life forces.<sup>119</sup>

Spiritual beliefs might also play a role as a deterrent to committing violations of IHL. The acquisition of mystical powers implies adherence to some norms and prohibitions, such as the prohibition of consuming specific food or hunting particular animals, or observing certain rules during the fight. It is believed that contravention of these rules provokes spiritual anger in the form of illness, madness, death, defeat, or other misfortunes.

112 Sierra Leone Truth and Reconciliation Commission, above note 69, para. 343.

113 Human Rights Council, above note 68, para. 63.

114 UNOCI, above note 1, para. 29.

115 ICC, *Ongwen*, above note 15.

116 Sierra Leone Truth and Reconciliation Commission, above note 69, para. 346.

117 Stephen Ellis, “Mystical Weapons: Some Evidence from the Liberian War”, *Journal of Religion in Africa*, Vol. 31, No. 2, 2001, p. 222.

118 Human Rights Council, *Situation in Kasai: Report of the United Nations High Commissioner for Human Rights*, UN Doc. A/HRC/38/31, 2018, para. 31. See also Human Rights Watch, above note 80, p. 9.

119 Laurenti Magesa, *African Religion: The Moral Traditions of Abundant Life*, Paulines Publications Africa, Nairobi, 1998, p. 150; S. Ellis, above note 117, p. 222.

The protection of women and children<sup>120</sup> is a recurrent norm of restraint.<sup>121</sup> Other norms of restraint present in some armed groups include respect for older persons,<sup>122</sup> not targeting or stealing from civilians,<sup>123</sup> and not conducting attacks at night.<sup>124</sup> Some places considered sacred are accorded specific protection. For example, among the Ugandan Holy Spirit Mobile Forces, it was proscribed to fight in the surroundings of their temple.<sup>125</sup>

These norms of restraint may vary with the time, may be subjected to nuances and reinterpretations, and may not be homogenous across the armed group. According to Asadi, although some Mai-Mai previously believed sex would diminish their supernatural powers, in 2002 they began to claim sexual intercourse strengthens those powers.<sup>126</sup> Pendle describes discussions among some armed cattle-keeper communities in South Sudan over whether to kill children and women in revenge.<sup>127</sup> Włodarczyk notes that during the Sierra Leone war, not all CDF commanders may have asked their fighters to respect the norms prohibiting looting and theft.<sup>128</sup>

At the same time, the behaviour of these groups often contradicts the norms of restraint that they claim to be attached to. In practice, restraint is not consistent.<sup>129</sup> Respect for these norms may vary over the time and within different units of the armed group, and may be influenced by multiple factors such as changes in the dynamic of the conflict,<sup>130</sup> different interpretations of the norms, individual adherence to the norms,<sup>131</sup> and the leadership and commitment of spiritual leaders and commanders to comply with the norms.<sup>132</sup> Restraint may also decline as groups lose ties with their original communities<sup>133</sup> or as groups became bigger, which may erode discipline.<sup>134</sup> Analyzing the cattle-keeper defence groups in South Sudan, Pendle argues that “new weapons, new experiences of violence, and new political influences have all prompted shifts in patterns of restraint and debates about what violence is legitimate”.<sup>135</sup> She notes how experience from other conflicts has introduced the targeting of women and

120 Note that the concept of the “child” in this context is linked with cultural notions of “childhood” and not with its legal definition.

121 See Human Rights Watch, “*We Used to Be Brothers*”: *Self-Defense Group Abuses in Central Mali*, 2018, pp. 56–57; UNOCI, above note 1, para. 74; N. Nunn and R. Sánchez de la Sierra, above note 88, p. 10; ICC, *Katanga*, above note 52, para. 1253.

122 N. Pendle, above note 16, p. 20.

123 N. Nunn and R. Sánchez de la Sierra, above note 88, p. 10; N. Włodarczyk, above note 3, p. 79.

124 For example, among some cattle-keeper communities in South Sudan.

125 Heike Behrend, *La guerre des esprits en Ouganda 1985–1996: Le mouvement du Saint-Esprit d’Alice Lakwena*, Éditions L’Harmattan, Paris, 1993, p. 125.

126 Torang Asadi, “‘The Mai-Mai Rape’: Female Bodies and Collective Identities at War in the Eastern Democratic Republic of Congo”, *Journal of Religion and Violence*, Vol. 2, No. 2, 2014.

127 N. Pendle, above note 16, p. 15.

128 N. Włodarczyk, above note 3, p. 79.

129 N. Pendle, above note 16, p. 18.

130 *Ibid.*; N. Włodarczyk, above note 3.

131 N. Włodarczyk, above note 3, p. 81; UNOCI, above note 1, para. 13.

132 N. Włodarczyk, above note 3, p. 160, fn. 66.

133 N. Nunn and R. Sánchez de la Sierra, above note 88, p. 10.

134 N. Włodarczyk, above note 3, p. 81.

135 N. Pendle, above note 16, p. 14.

children into the cattle-keepers' imaginary of violence and how some actors try to legitimize attacks against certain women and children by redefining their identities as "enemies" and ignoring their identities as "women and children".<sup>136</sup>

Despite all the challenges in defining and respecting the norms of restraint, the importance of the existence of this normative framework and space to reflect on the limits of warfare and "notions of humanity, dignity, life, and death"<sup>137</sup> should not be neglected.

## Demobilization and reintegration into civilian life

In the aftermath of armed conflicts, spiritual beliefs play different roles in the demobilization and reintegration into civilian life/return to civilian activities of armed actors. Spirituality may serve as a factor of resilience or a coping mechanism.<sup>138</sup> Rituals may contribute to restoring relationships and "the social balance", including "harmony with the ancestors".<sup>139</sup> According to Granjo's research on post-war cleansing rituals in Mozambique, personal cleansing rituals generally precede common ones, aiming to overcome the situation rather than to attribute responsibility.<sup>140</sup>

Individuals associated with armed groups may be considered (by the population and by the individuals themselves) to be "contaminated/polluted" and hunted by the spirits for having witnesses or perpetrated violence or for having being in contact with dead bodies.<sup>141</sup> Such contamination is believed to lead to spiritual distress and misfortune that can also affect those who are close to the contaminated person; this belief may lead in turn to fear and stigmatization and may hamper demobilization and reintegration efforts.<sup>142</sup>

Daxhelet and Brunet explain that before entering a centre that supports children formerly associated with armed forces and groups, children handed over their *gris-gris*.<sup>143</sup> According to a study they conducted in the DRC, belief in the power of fetishes may support children in reducing their anxiety and dissociating them from the violence they have endured or committed during their

136 *Ibid.*, p. 18.

137 *Ibid.*, p. 21.

138 J. T. D. Kelly, L. Branham and M. R. Decker above note 12.

139 Paulo Granjo, "Back Home: Post-War Cleansing Rituals In Mozambique", in B. Nicolini (ed.), above note 32, p. 281. See also Prudence Acirokop, *Addressing the Potential and Limits of the "Mato Oput" Process as a basis for Accountability, Justice and Reconciliation for Children in Northern Uganda*, Innocenti Working Paper, UNICEF, undated.

140 P. Granjo, above note 139.

141 See, for example, J. T. D. Kelly, L. Branham and M. R. Decker, above note 12, p. 9; Letha Victor and Holly Porter, "Dirty Things: Spiritual Pollution and Life After the Lord's Resistance Army", *Journal of Eastern African Studies*, Vol. 11, No. 4, 2017; Tim Allen *et al.*, "What Happened to Children Who Returned from the Lord's Resistance Army in Uganda?", *Journal of Refugee Studies*, Vol. 33, No. 4, 2020.

142 Grace Akello, Annemiek Richters and Rita Reis, "Reintegration of Former Child Soldiers in Northern Uganda: Coming to Terms with Children's Agency and Accountability", *Intervention*, Vol. 4, No. 3, 2006, p. 235.

143 Marie-Laure Daxhelet and Louis Brunet, "La pensée magique chez les enfants soldats congolais: Un processus défensif antitraumatique", *Criminologie*, Vol. 47, No. 1, 2014, p. 261.

involvement in the armed conflict.<sup>144</sup> However, the same authors note that this “dependency of the fetishes” may increase their anxiety in the process of demobilization and reintegration.<sup>145</sup>

## Concluding remarks

As explained in this article, far from being something anecdotal, spiritual beliefs play a crucial role in shaping armed groups’ behaviour and framing warfare dynamics. Spiritual beliefs can serve various strategic functions, including for mobilization and legitimacy, organization and discipline, and motivation and intimidation. In addition, spiritual beliefs may influence an armed group’s compliance with the rules of war and the process of demobilization and reintegration of armed actors.

An important part of understanding armed conflicts and their aftermath is to regard the different manifestations of spiritual beliefs as a subject for analysis and critique and to understand how such beliefs impact the internal dynamics of armed groups and their external relations, including with the State, other armed groups and communities. This might help develop better strategies to renew armed actors’ commitment to abiding by IHL and international human rights law.

Scholars have examined the connections between witchcraft allegations and violence,<sup>146</sup> and the UN Human Rights Council has recently adopted a resolution on the elimination of harmful practices related to accusations of witchcraft and ritual attacks.<sup>147</sup> Together with the work of scholars like Ranger, Behrend, Włodarczyk and Pendle on war and spiritual beliefs, these steps form a solid basis for advancing our understanding of the impact of such beliefs in armed conflicts.

Understanding culturally specific practices and beliefs is a required step towards better understanding the sources of influence under which armed actors operate as individuals and groups. Unfortunately, often “mistaken opinions about the beliefs and practices of others have led to inappropriate actions”.<sup>148</sup> To avoid misrepresenting, overestimating or underestimating their impact, a deeper and more contextualized understanding of such beliefs and practices is required. It is also important to translate this knowledge into action when interacting with different actors involved and affected by armed conflict. So far, most of these interactions have been intuitive and have relied heavily on individual sensitivity to spiritual beliefs, and on personal academic or professional interest in incorporating this spiritual dimension into working tools and practices.

A good understanding of these spiritual beliefs and their different manifestations may support relevant actors in, at least, preparing field negotiations/interventions/trainings with armed groups, identifying the right interlocutors, and

144 *Ibid.*

145 *Ibid.*

146 For example, B. Martinelli and J. Boujou (eds), above note 2.

147 HRC Witchcraft Resolution, above note 14.

148 Justin Bahunga, “Tackling Child Abuse Linked to Faith or Belief”, *Every Child Journal*, Vol. 3 No. 2, 2013, p. 4.

framing the context and language of interactions, as spiritual beliefs are displayed in the way people frame their reality, build their narratives and communicate. More evidence is therefore needed for a more comprehensive, empirically based set of theoretical and practice-based tools on spiritual beliefs in armed conflict.