

**PRE-TRIAL HEARING IN THE CASE OF THOMAS KWOYELO
BEFORE THE INTERNATIONAL CRIMES DIVISION OF THE HIGH
COURT IN UGANDA**
30.08.2018



After a long wait, the International Crimes Division of the High Court of Uganda (ICD) today held the final pre-trial hearing in the case of Uganda vs. Thomas Kwoyelo alias Latoni, which resulted in the confirmation of charges against the former LRA commander. The procedural rules of this special court require that there should be pre-trial first to confirm whether a prima-facie case has been established against the suspects before the main trial is conducted.

The former Lord's Resistance Army (LRA) commander who was captured in 2009 and has been undergoing pre-trial hearings is now going to face trial before a panel of three judges who shall determine whether he is innocent or guilty of all the charges that have been preferred against him by the state. The trial Judge Susan Okalany confirmed all the 93 charges against the former war Lord.

Place: International Crimes Division
Date: 30 August 2018, 10:20am-12:40pm
Case Number: Case No 2 of 2010
Accused: Thomas Kwoyelo alias Latoni, former LRA commander
Civil parties: Victims from Amuru District in Northern Uganda
Summary of the case Thomas Kwoyelo is a former commander in the Lord's Resistance Army (LRA). He is facing charges before the International Crimes Division of the High Court of Uganda. The charges brought against the former war Lord include; crimes against humanity and violations of Article 3 common to the Geneva conventions under Customary International Law and other offences under the Penal Code Act of Uganda. It is alleged that these crimes were committed in Northern Uganda during the conflict between the LRA and the Uganda Peoples' Defence Force (UPDF). The accused has been facing trial before the division since July 2011.

Charges-counts: 93

- Murder
- Hostage taking
- Pillaging
- Robbery with aggravation
- Crimes against humanity
- Cruel treatment
- Outrages against dignity
- Enslavement
- Rape
- Torture
- Violence to life and person

Summary of hearings

The trial commenced with defense counsel, Charles Dalton Opwonya informing court that they had concerns to bring to the attention of court before the ruling could be delivered. He noted that the ICD had failed to translate the charge sheet for the accused as was earlier ordered by the court. They prayed that the ruling be made after the said orders had been implemented, in order for the accused needed to be given the opportunity to understand the charges. He added that in much as the trial Judge made an order for the facilitation of the interpretation, the same had not been implemented. He further emphasised that the defense lawyers had not been facilitated so as to enable them to prepare their defense.

Caleb Alaka, also part of the defense team added that Kwoyelo, just like other stakeholders, is desirous of seeking for justice and that the translation of the indictment was only a matter of fairness and justice. He concluded by urging the court to implement the orders that were earlier made so as to enable them to prepare their defense. That the accused who has been on remand for 10 years deserves to see justice being done.



In response to the defence's concerns, the honourable judge Susan Okalany expressed her disappointment towards the entities responsible for the smooth running of the court. She agreed with the defense that most of the rulings that had been made by the court were never implemented. She added that the judiciary has no excuse in terms of the finances since she was aware of the availability of the funds for the trial of Thomas Kwoyelo. She further acknowledged the fact that Kwoyelo's lawyers indeed needed to be facilitated so as to enable them to prepare their defence. She promised to follow up with the judicial service commission and the relevant stakeholders to see to it that the money is released to enable the defense to prepare its case. She however noted that despite all the above challenges, she was ready to give the ruling on the confirmation of the charges against the accused because he was at least aware of the charges preferred against him.

Ruling

The trial Judge made the final ruling and confirmed all 93 charges preferred against the accused by the state. She observed that there was indeed reasonable cause for the case to go for trial since the prosecution had established a prima facie case to put the accused to his defense.

The accused shall now face trial before the trial panel of three judges and they shall determine the final outcome of the case. The trial panel shall now set the date for the commencement of the trial.