



## THOMAS KWOYELO'S TRIAL BEFORE THE INTERNATIONAL CRIMES DIVISION OF THE HIGH COURT OF UGANDA

Formerly known as the War Crimes Division, the ICD is a domestic court that was created in 2008 as part of the government's efforts to implement the Juba Peace Agreement (2007). It is within the ICD's jurisdiction to try serious offences such as war crimes, crimes against humanity, genocide, terrorism, human trafficking, piracy, and other international crimes, like the crimes committed during the LRA conflict.

The ICD is a special division of the High Court of Uganda. It is not the International Criminal Court (ICC), or a branch of the ICC.

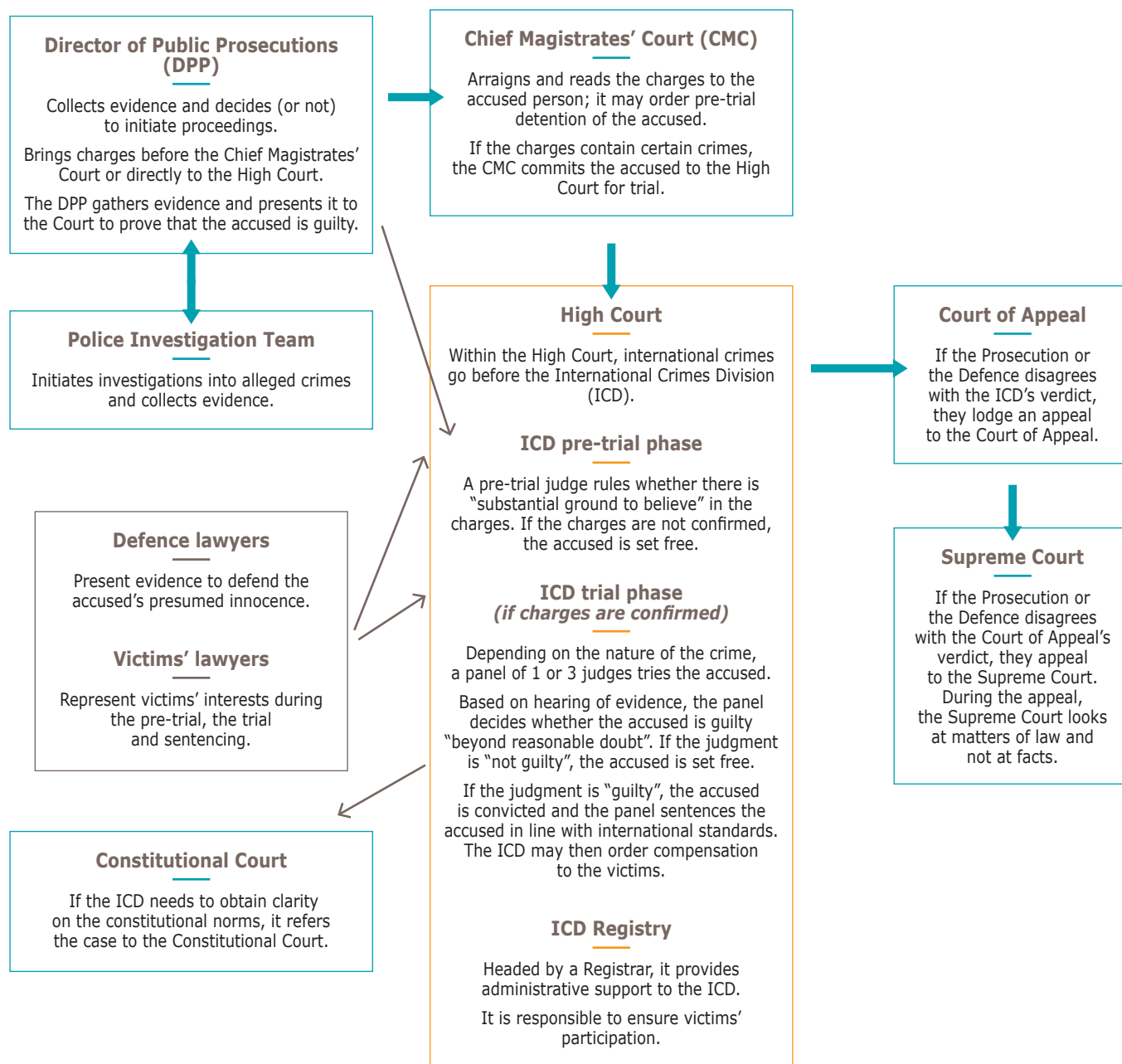
Thomas Kwoyelo is currently facing charges of war crimes and crimes against humanity in front of the ICD.

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## How does the ICD work?



## Victims' participation in court's proceedings

The ICD Registry is responsible to "assist the victims to participate in the proceedings". In 2016, the ICD granted victims the status to participate at all stages of the case, subject for them to file an application with the ICD. A template for application exists and is available with the two victims' lawyers appointed by the ICD or with the ICD Registry.

Subject to the approval of their application by the ICD, victims may seek compensation if the accused is convicted. In this case, the ICD may in its discretion "order the convicted person to pay compensation as the Court deems fair and reasonable" to "any person (who) has suffered material loss or personal injury in consequence of the offence committed". If compensations are ordered, their effectiveness shall depend on the accused's solvency (his financial capacity to pay the amount ordered by the ICD). In awarding reparations, the trial judge or trial panel takes into account the views of the victims on reparations.



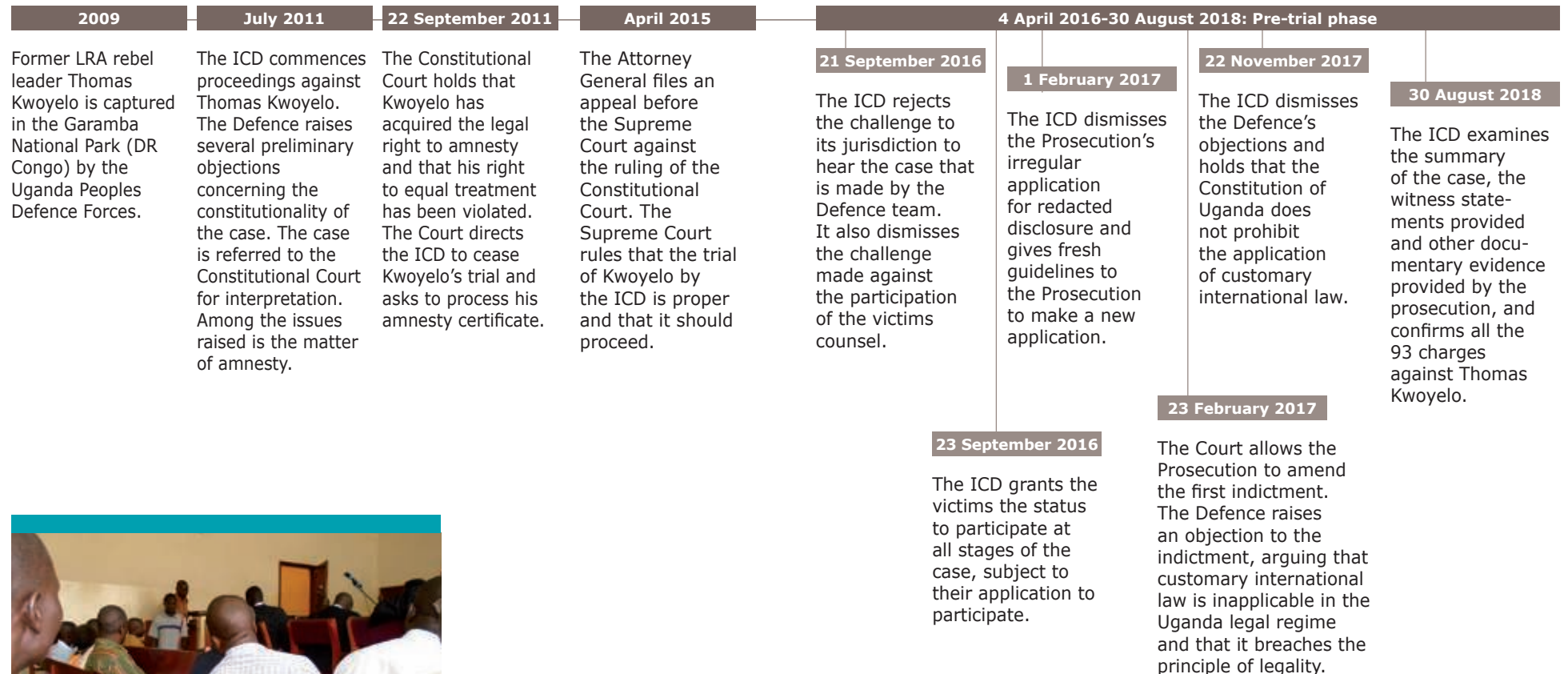
# The case of Thomas Kwoyelo: first LRA leader to face trial before the ICD

## PROSECUTION CASE

Thomas Kwoyelo alias Latoni is the accused. According to the Prosecution, he got enlisted into the Lord's Resistance Army (LRA) rebel group under the overall command of Joseph Kony. The accused underwent military training and rose through the LRA ranks to become a 'colonel', a rank he held until his arrest. As LRA officer, he was based in Kilak hills (located in the present day Amuru District), until the LRA shifted the base to the Garamba National Park in DRC in 2005.

Between 1993 and 2005, a series of attacks from LRA fighters under the alleged command of the accused, raided the Abera Village, the Pagak camp for Internally Displaced People (IDP) and the Pabbo IDP Camp (in the present day Amuru District). The attacks resulted in abduction, killing, maiming and torture of dozens of people, including women and children.

## CASE BEFORE THE ICD



## WHAT NOW?

The pre-trial stage is now completed and the alleged charges against Thomas Kwoyelo are confirmed; the trial can now begin. The accused remains presumed innocent and shall face a panel of three judges from the ICD. The hearings will take place at the Gulu and Kampala High Courts and shall be open to the public. During the trial, the accused shall take a plea. He may either admit his guilt or deny it. The Prosecution shall organize and facilitate the presentation of witnesses to substantiate the grounds against the accused. The Defence may also present its own witnesses to defend the accused's presumed innocence. The Court has appointed two lawyers to represent the victims' interests. For these victims to participate, they must contact the ICD Registry or the victims' lawyers and ask to file an application with the ICD.



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ASF is an international NGO specialised in defending human rights and supporting justice.

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