

Statement

RESUMPTION OF THE KWOYELO TRIAL, OFFERS A RAY OF HOPE FOR THE VICTIMS AND ACCUSED PERSON, BUT HOW COMMITTED IS THE JUDICIARY TO DELIVERING THIS?

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On Monday the 28th of February, following about a two year suspension, the trial of Former LRA commander Thomas Kwoyelo resumed at the International Crimes Division in Kampala. Thomas Kwoyelo has been in detention, since his capture in 2008, and the trial has lasted 13 years now. The last hearings were held in early March 2020 before judges announced an [indefinite adjournment](#) due to the Covid 19 pandemic. Authorities arrested Kwoyelo in 2008, but he [waited 10 years](#) for his trial to begin. It was not until 2015 that the Supreme Court of Uganda ruled the [Kwoyelo's trial was constitutional](#) and did not breach the amnesty law.

The resumption of this trial on the one hand, brings hope to the victims of the LRA conflict who have waited for justice for over, 20 years now. On the other hand, the trial has been anything but speedy so far, and serious concerns exist around this delayed justice, including the frustration of participating victims and the respect of the accused person's rights. Under Article 28(1) of the Constitution of Uganda, all persons have the fundamental right to a fair, speedy and public trial. This right requires that if a person is charged with a criminal offence, they should be afforded a trial within reasonable time. The slow pace of prosecution not only violates Kwoyelo's fundamental right to fair and speedy trial, it amounts to a denial of justice for the victims, who can only access redress when the accused is accorded a speedy and fair trial.

It should be noted, that this trial is nowhere close to conclusion. After three years of pre-trial proceedings, the [main phase of this trial, which started](#) on September 24, 2018, has to date had the prosecution present only, 21 of its witnesses out of the 130, that they intend to present. This trial has since its commencement in 2008 been characterized, by a number of adjournments totaling to a total of about seven to date due to a number of reasons including lack funds among others.¹ The key question that remains, to be answered is how committed is the judiciary?

While we commend the effort and the commitment to resume and conclude the trial, the judiciary should take all necessary measures to prevent any further delays in the criminal proceedings against Kwoyelo. The Judiciary should come up with a deliberate and clear roadmap and schedule to fast track the trial and ear mark and commit sufficient funds to facilitate the same.

¹<https://www.ijmonitor.org/2019/03/kwoyelo-requests-transfer-to-the-icc-due-to-prolonged-trial-accuses-prison-guard-of-assault/>