

JOINT STATEMENT ON THOMAS KWOYELO'S JUDGEMENT 20TH AUGUST 2024

We, the undersigned organization, welcome the verdict in the case of Uganda vs. Thomas Kwoyelo issued by the International Crimes Division (ICD) of the High Court of Uganda on August 13, 2024. This marks a significant milestone in the pursuit of justice and accountability for the mass atrocities committed during the two-decade-long armed conflict in Northern Uganda between the Government of Uganda and the Lord's Resistance Army (LRA).

Thomas Kwoyelo was convicted on 44 counts of crimes against humanity under customary international law, war crimes in violation of Article 3 common to the Geneva Conventions, and other serious crimes under the Uganda Penal Code Act, including murder, outraging upon personal dignity, violence to life, murder, imprisonment, rape, enslavement, torture, and pillaging, committed during the armed conflict between the government of Uganda and the Lord's Resistance Army. The ICD is expected to Sentence Kwoyelo in the coming weeks.

The conclusion of the trial represents a significant milestone in the pursuit of justice and accountability for the mass atrocities committed during the two-decade-long armed conflict in Northern Uganda between the Government of Uganda and the Lord's Resistance Army (LRA). It also fulfills the government's obligations under international law to investigate, prosecute and punish perpetrators for crimes, to respect due process, and to ensure a remedy for the victims.

We anticipate that drawing from rule 48(1) and (2) of the International Crimes Division of the High Court, the trial panel will exercise its discretion to award reparations to victims of Kwoyelo's crimes, who have waited for decades for justice.

This judgment, though subject to appeal, represents a crucial step in acknowledging the suffering of victims and sends a clear message that impunity for international crimes will not be tolerated. The trial, which spanned 13 years, highlights the complexities and challenges of prosecuting international crimes within a domestic legal framework and offers important lessons for the contexts aiming to prosecute international crimes.

Notably, it is important to adopt a comprehensive legal framework that clearly defines crimes, safeguards victims' rights, and ensures their meaningful participation throughout the proceedings. These frameworks should include specific provisions for reparations, detailing the forms they may take and the responsible implementing institutions. For instance, 10 out of the 44 counts of crimes against humanity and war crimes that Kwoyelo was convicted of were Sexual and Gender-Based Crimes which is a huge step in the fight towards ending impunity against Conflict Related Sexual Violence. The detailed description of the different gendered harms that survivors endured is illustrative of the urgent need for support given these harms become more complex with the passage of time.

We urge the government of Uganda to provide the International Crimes Division with adequate resources to enable it to effectively execute its important mandate of ensuring accountability for international crimes.

There is also need for the government to deliberately mainstream survivors and intentionally incorporate their urgent medical, socio-economic and psychosocial needs in its development programmes in the interim as a comprehensive framework for reparations is being expedited.

Finally, criminal prosecutions should take place in the context of a broader transitional justice process including reparations, truth telling and institutional reforms.