

THE REPUBLIC OF UGANDA

IN THE INTERNATIONAL CRIMES DIVISION OF THE HIGH COURT OF UGANDA AT KAMPALA

CASE NO.....OF.....

UGANDA:.....PROSECUTOR

VERSUS

KWOYELO THOMAS alias LATONI ACCUSED

AMMENDED INDICTMENT

PREAMBLE

1. The offences contained and charged in this indictment were committed in the context of an international armed conflict that existed in Northern Uganda, Southern Sudan and North Eastern Democratic Republic of Congo between the Lord's Resistance Army rebels (herein after referred to as the LRA rebels) with the support of and under the control of the government of Sudan, fighting against the government of the Republic of Uganda as by law established, between 1987 and 2008.
2. The accused, Thomas Kwoyelo alias Latoni, was at all material times relevant to this indictment a senior commander/officer in the Lord's Resistance Army (LRA) rebel group under the overall command of Joseph Kony. All attacks by the LRA which took place in Kilak County, Amuru District between 1987 and 2005, the subject of charges in this indictment, were either commanded by him or were carried out with his full knowledge and authority.

3. All property and persons the subject of charges in this indictment were protected persons and property under the 4th Geneva Convention of 1949, and the accused was aware of the factual circumstances that established such protected status.

CHARGES

The court is informed by the Director of Public Prosecutions that THOMAS KWOYELO alias LATONI, is charged with the following offences:-

COUNT 1. STATEMENT OF OFFENCE

WILFUL KILLING, constituting a Grave Breach under Article 147 of the Fourth Geneva Convention of 12th August 1949, and which is an offence contrary to section 2(1) (d) and (e) of the Geneva Conventions Act, Cap. 363 of the laws of Uganda.

PARTICULARS OF OFFENCE

KWOYELO THOMAS and others still at large in the month of March 1993 or there about at Abera village, Parubanga Parish, Pabbo sub county, Kilak county in present day Amuru District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and killed ALBERT OBWOYA, a protected person under the 4th Geneva convention of 12th August 1949, while he was aware of factual circumstances that established such protected status, and the existence of an armed conflict.

ALTERNATIVE CHARGE.

Count 1A. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large in the month of March 1993 or there about at Abera village, Parubanga Parish, Pabbo sub county, Kilak county in present day Amuru District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an

attack on civilians taking no active part in the hostilities and with malice aforethought, killed ALBERT OBWOYA.

COUNT 2. STATEMENT OF OFFENCE

TAKING OF HOSTAGES constituting a Grave Breach under Article 147 of the Fourth Geneva Convention of 12th August 1949, and which is an offence contrary to section 2(1) (d) and (f) of the Geneva Convention Act, Cap 363 of the laws of Uganda.

PARTICULARS OF OFFENCE

KWOYELO THOMAS and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and seized, detained and held hostage AKENA DAVID, OCHEN PATRICK alias OLOKGIU, ODONG MENYA, JOHN OUMA, ONGOM son of OMOYO, OKO CHARLES, OKOK PATRICK and OGENA SIMON, all protected persons under the 4th Geneva Convention of 12th August 1949, while he was aware of factual circumstances that established such protected status and the existence of an armed conflict, and threatened to kill, injure or continue to detain the said AKENA DAVID, OCHEN PATRICK alias OLOKGIU, ODONG MENYA, JOHN OUMA, ONGOM son of OMOYO, OKO CHARLES, OKOK PATRICK and OGENA SIMON, with intention to compel the government of Uganda to refrain from launching attacks against the Lord's Resistance Army, as an implicit condition for the safety of all the persons named herein above.

ALTERNATIVE CHARGE.

Count 2A STATEMENT OF OFFENCE.

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of

civilians taking no active part in the hostilities, and by force abducted AKENA DAVID, with the intent that the said AKENA DAVID would be disposed of as to be put in danger of being murdered.

Count 2B **STATEMENT OF OFFENCE.**

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted OCHEN PATRICK alias OLOKGIU, with the intent that the said OCHEN PATRICK alias OLOKGIU would be disposed of as to be put in danger of being murdered.

Count 2C **STATEMENT OF OFFENCE.**

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted ODONG MENYA, with the intent that the said ODONG MENYA would be disposed of as to be put in danger of being murdered.

Count 2D **STATEMENT OF OFFENCE.**

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted JOHN OUMA, with the intent that the said JOHN OUMA would be disposed of as to be put in danger of being murdered.

Count 2E

STATEMENT OF OFFENCE.

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted ONGOM son of OMOYO, with the intent that the said ONGOM son of OMOYO would be disposed of as to be put in danger of being murdered.

Count 2F

STATEMENT OF OFFENCE.

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted OKO CHARLES, with the intent that the said OKO CHARLES would be disposed of as to be put in danger of being murdered.

Count 2G

STATEMENT OF OFFENCE.

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1)(a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted OKOK PATRICK, with the intent that the said OKOK PATRICK would be disposed of as to be put in danger of being murdered.

Count 2H

STATEMENT OF OFFENCE.

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

goats and foodstuff, and at, or immediately before, or immediately after the said robbery, threatened to use deadly weapons, to wit guns and pangas on the said OUMA JOHN.

Count 4. STATEMENT OF OFFENCE

WILFUL KILLING, constituting a Grave Breach under Article 147 of the Fourth Geneva Convention of 12th August 1949, and which is an offence contrary to section 2(1) (d) and (e) of the Geneva Conventions Act, Cap 363 of the laws of Uganda.

PARTICULARS OF OFFENCE

KWOYELO THOMAS and others still at large, in the month of February 1996 or there about along Paibi-Atiak Road, Parubanga Parish, Pabbo Sub County, Kilak county in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and killed JACKAMINO ORUK alias JAKI OCCO, OKENY WILSON and OJOK MARTIN, who were protected persons under the 4th Geneva convention of 12th August 1949, while he was aware of factual circumstances that established such protected status, and the existence of an armed conflict.

ALTERNATIVE CHARGES.

Count 4A. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, in the month of February 1996 or there about along Paibi-Atiak Road, Parubanga Parish, Pabbo Sub County, Kilak county in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed JACKAMINO ORUK alias JAKI OCOO.

Count 4B. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, in the month of February 1996 or there about along Paibi-Atiak Road, Parubanga Parish, Pabbo Sub County, Kilak County in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed OKENY WILSON

Count 4C. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, in the month of February 1996 or there about along Paibi-Atiak Road, Parubanga Parish, Pabbo Sub County, Kilak County in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed OJOK MARTIN.

COUNT 5. STATEMENT OF OFFENCE

WILFUL KILLING, constituting a Grave Breach under Article 147 of the Forth Geneva Convention of 12th August 1949, and which is an offence contrary to section 2(1) (d) and (e) of the Geneva Convention Act, Cap 363 of the laws of Uganda.

PARTICULARS OF OFFENCE

KWOYELO THOMAS and others still at large in the month of February 1996 or there about at Abera Village, Parubanga Parish, Pabbo sub county, and at Arebe hills in Kilak county in present day Amuru District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and killed ACENG CHRISTINE, LOUM ACUPALE, NGWE JULIO, OBALO BICENSIO, GWOK PAULO, AROP JEREMIAH, OBOL VINCENT, AROP DANIEL and one CHARLES who were protected persons under the 4th Geneva convention of 12th August 1949, while he was aware of factual circumstances that established such protected status, and the existence of an armed conflict.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large in the month of February 1996 or there about between Abera Village, Parubanga Parish, Pabbo sub county, and Arebe hills in Kilak county in present day Amuru District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed OBALO BICENSIO.

Count 5E. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large in the month of February 1996 or there about between Abera Village, Parubanga Parish, Pabbo sub county, and Arebe hills in Kilak county in present day Amuru District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed GWOK PAULO.

Count 5F. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large in the month of February 1996 or there about between Abera Village, Parubanga Parish, Pabbo sub county, and Arebe hills in Kilak county in present day Amuru District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed AROP JEREMIAH.

Count 5G. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large in the month of February 1996 or there about between Abera Village, Parubanga Parish, Pabbo sub county, and Arebe hills in Kilak county in present day Amuru District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed OBOL VINCENT.

Count 5H. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large in the month of February 1996 or there about between Abera Village, Parubanga Parish, Pabbo sub county, and Arebe hills in Kilak county in present day Amuru District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed AROP DANIEL.

Count 5I. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large in the month of February 1996 or there about between Abera Village, Parubanga Parish, Pabbo sub county, and Arebe hills in Kilak county in present day Amuru District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed CHARLES.

COUNT 6. STATEMENT OF OFFENCE

TAKING HOSTAGES, constituting a Grave Breach under Article 147 of the Fourth Geneva Convention of 12th August 1949, and which is an offence contrary to section 2(1) (d) and (e) of the Geneva Convention Act, Cap 363 of the laws of Uganda.

PARTICULARS OF OFFENCE

KWOYELO THOMAS and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and seized, detained and held hostage RODENTO OCHOLA, MASIMO OBOMA, OYET SAMUEL, OCII DOCTOR, SABIN OBOOLI OOLA, ORYEM QUIRINO, OKOT ANTONIO, OKOYA MAURENSO and one ONAI, all protected persons under the 4th Geneva Convention of 12th August 1949, while he was aware of factual circumstances that established such protected status and the existence of an armed conflict, and threatened to kill, injure or continue to detain the said RODENTO OCHOLA, MASIMO OBOMA, OYET SAMUEL, OCII DOCTOR, SABIN OBOOLI OOLA, ORYEM QUIRINO, OKOT ANTONIO, OKOYA MAURENSO and ONAI, with intention to compel the government of Uganda to refrain from launching attacks against the Lord's Resistance Army, as an implicit condition for the safety of all the persons named herein above.

ALTERNATIVE CHARGE.

Count 6A **STATEMENT OF OFFENCE.**

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted RODENTO OCHOLA, with the intent that the said RODENTO OCHOLA would be disposed of as to be put in danger of being murdered.

Count 6B **STATEMENT OF OFFENCE.**

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of

civilians taking no active part in the hostilities, and by force abducted MASIMO OBOMA, with the intent that the said MASIMO OBOMA would be disposed of as to be put in danger of being murdered.

Count 6C **STATEMENT OF OFFENCE.**

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted OYET SAMUEL, with the intent that the said OYET SAMUEL would be disposed of as to be put in danger of being murdered.

Count 6D **STATEMENT OF OFFENCE.**

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted OCII DOCTOR, with the intent that the said OCII DOCTOR would be disposed of as to be put in danger of being murdered.

Count 6E **STATEMENT OF OFFENCE.**

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted SABINO OBOOLI OOLA, with the intent that the said SABINO OBOOLI OOLA would be disposed of as to be put in danger of being murdered.

Count 6F

STATEMENT OF OFFENCE.

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted ORYEM QUIRINO, with the intent that the said ORYEM QUIRINO would be disposed of as to be put in danger of being murdered.

Count 6G

STATEMENT OF OFFENCE.

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted OKOT ANTONIO, with the intent that the said OKOT ANTONIO would be disposed of as to be put in danger of being murdered.

Count 6H

STATEMENT OF OFFENCE.

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County in the Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and by force abducted OKOYA MAURENSIO, with the intent that the said OKOYA MAURENSIO would be disposed of as to be put in danger of being murdered.

Count 6I

STATEMENT OF OFFENCE.

KIDNAP WITH INTENT TO MURDER, contrary to section 243(1) (a) of the Penal Code Act.

of civilians taking no active part in the hostilities, and during the said attack attempted unlawfully to cause the death of OCAN VITO ACORE.

Count. 7B

STATEMENT OF OFFENCE.

ATTEMPTED MURDER, contrary to sections 204(a) of the Penal Code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large in the month of February 1996 at Abera village, Parubanga parish, Pabbo Sub county Kilak County in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and during the said attack attempted unlawfully to cause the death of OKELLO DAVID.

COUNT 8.

STATEMENT OF OFFENCE

INHUMANE TREATMENT constituting a Grave Breach under Article 147 of the Fourth Geneva Convention of 12th August 1949, and which is an offence contrary to section 2 (1) (d) and (f) of the Geneva Convention Act, Cap. 363 of the laws of Uganda.

PARTICULARS OF OFFENCE

KWOYELO THOMAS and others still at large on the 4/03/1996 at Abera Village, Parubanga Parish, Pabbo Sub county Kilak County in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and ordered forces under his command to inhumanely assault ACHOLA BENDETA, ANJULINA ORYEM ATARO, OCENG VINCENT ADIGECH, AUMA JOSCA and ABALO ROSE, all protected persons under the 4th Geneva Convention of 12th August 1949, while he was aware of the factual circumstances that established such protected status and the existence of an armed conflict, thereby inflicting severe physical pain and suffering upon them.

COUNT 9.

STATEMENT OF OFFENCE

Count 9J. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub County in Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed AKWERO NANCY.

Count 9K. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub County in Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed AKECH DOROTHY.

Count 9L. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub County in Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed ACAYO JOSEPHINE.

Count 9M. STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub County in Gulu district in Northern Uganda, being a Colonel in the Lord's Resistance Army

destruction not being justified by military necessity, and while he was aware of the factual circumstances that established such protected status, and the existence of an armed conflict.

COUNT 11. STATEMENT OF OFFENCE

CAUSING SERIOUS INJURY TO BODY constituting a Grave Breach under Article 147 of the fourth Geneva Convention of 12th August 1949, and which is an offence contrary to section 2(1) (d) and (f) of the Geneva Convention Act, Cap 363 of the laws of Uganda.

PARTICULARS OF OFFENCE

KWOYELO THOMAS and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi sub County in the Gulu district in Northern Uganda, being a Colonel in the Lords Resistance Army Coordinated, ordered and directed an armed attack on Pagak Internally Displaced Peoples Camp, and by inhumane acts intentionally assaulted LABOL SHARA ABOLA, OPIO son of Akena, PILOYA CONCY, ONEK CONSTANTINO, OKOYA JENARO, ANGEE FILDA ONEN, ABER NANCY, LUKWIYA JOEL, AMONO EVALINE OPIRA CHARLES, ALICE OKOT, ACENG CHRISTINE LAKWORINGOTO, AKUMA VERONICA OKOT and ACIRO CONCY daughter of Kilama, who were civilians taking no active part in the hostilities and protected persons under the 4th Geneva Convention of 12th August 1949, while he was aware of the factual circumstances that established such protected status and the existence of an armed conflict, thereby causing great physical pain, suffering and serious bodily injuries to them.

COUNT 12. STATEMENT OF OFFENCE

WILFUL KILLING, constituting a Grave Breach under Article 147 of the Fourth Geneva Convention of 12th August 1949, and which is an offence contrary to section 2(1) (d) and (e) of the Geneva Conventions Act, Cap 363 of the laws of Uganda.

PARTICULARS OF OFFENCE

KWOYELO THOMAS and others still at large, on the 6/01/2005 at Kulu Pu Oleal in Bira Omba village, Parubanga parish, Pabbo sub County, Kilak county in the Gulu District in Northern Uganda, being a Colonel in the Lords' Resistance Army commanded an armed attack against civilians taking no active part in the hostilities, and killed OCAYA JOHN, OJARA JOHN, OKETAYOT LAWOKO CHARLES, ACAYE OKEMA OCUKE and one OGWOK who were

protected persons under the 4th Geneva convention of 12th August 1949, while he was aware of factual circumstances that established such protected status, and the existence of an armed conflict.

ALTERNATIVE CHARGE.

Count 12A.

STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 6/01/2005 at Kulu Pu Oleal in Bira Omba village, Parubanga parish, Pabbo sub County, Kilak county in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed OCAYA JOHN.

Count 12B.

STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 6/01/2005 at Kulu Pu Oleal in Bira Omba village, Parubanga parish, Pabbo sub County, Kilak county in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed OJARA JOHN.

Count 12C.

STATEMENT OF OFFENCE.

MURDER, contrary to section 188 and 189 of the Penal code Act.

PARTICULARS OF OFFENCE.

KWOYELO THOMAS and others still at large, on the 6/01/2005 at Kulu Pu Oleal in Bira Omba village, Parubanga parish, Pabbo sub County, Kilak county in the Gulu District in Northern Uganda, being a Colonel in the Lord's Resistance Army commanded an attack on civilians

TO: THOMAS KWOYELO alias LATONI

TAKE NOTICE that you will be tried on the above indictment at the sessions of the War Crimes Division of the High court holden at.....on the.....day of.....ato'clock in the fore/afternoon or soon thereafter.

.....

REGISTRAR

THE REPUBLIC OF UGANDA

**IN THE CHIEF MAGISTRATE'S COURT OF BUGANDA ROAD AT BUGANDA ROAD
COURT**

COURT CRIMINAL CASE NO.....

UGANDA PROSECUTOR

VERSUS

KWOYELO THOMAS alias LATONI ACCUSED

SUMMARY OF THE CASE

The Director of Public Prosecutions shall adduce evidence at the trial to prove the following facts:-

1. The accused

- 1.1 **Thomas Kwoyelo alias Latoni** was born in Acut cama ceri village, Pabbo Sub County, Kilak County in present day Amuru District in Northern Uganda. In 1987, **Thomas Kwoyelo** (referred to hereafter as the accused) enlisted in the Lord's Resistance Army (LRA) rebel group under the overall command of Joseph Kony. The LRA had waged an armed rebellion against the Government of Uganda from 1986.
- 1.2 The accused underwent basic military training and quickly rose through LRA ranks to that of 'colonel', the rank he held at the time of his arrest. As a top LRA officer, he was based in Kilak hills located in present day Amuru District. His area of operation covered the whole of Kilak County.

- 1.3 During his time as a senior LRA commander, the accused occupied several senior positions at various times, including commander of operations, Director of military intelligence, and in charge of all sickbays.
- 1.4 In 2007, the LRA shifted their fighting base from Northern Uganda and Southern Sudan to the Democratic Republic of Congo and were based in Garamba National Game Park. The accused was arrested from Garamba National Game Park by the UPDF, after getting injured in a fire fight on the 2nd March 2009.

2. GENERAL ALLEGATIONS

- 2.1 The violation of international humanitarian law and national law referred to in the indictment took place in the present day Amuru District in Northern Uganda between January 1992 and December 2005.
- 2.2 During the events referred to in this indictment, the LRA to which the accused belonged was an organized rebel group fighting the Government of Uganda in an armed conflict. During the period of the rebellion, the LRA received substantial support and direction from the government of Sudan.
- 2.3 During the events referred to in the indictment, the accused was a senior member of the LRA and in his capacity as colonel and commander; he was based in Kilak hills and continuously terrorized the civilian population in Pabbo Sub County, Amuru District.
- 2.4 During the said events there was an international armed conflict in the territory of Northern Uganda and the victims referred to in this indictment were at all relevant times persons not taking an active part in the hostilities and therefore protected persons under the Geneva Conventions of 12th August 1949.
- 2.5 The offences charged in this indictment were committed in the context of and had a nexus to an international armed conflict, and the accused was fully aware of the context and facts and carried out his acts with that awareness

3. CONCISE STATEMENT OF FACTS

- 3.1 That in March 1993 or there about at night, a group of LRA rebels under the command of the accused attacked Abera Village, Parubanga Parish, Pabbo sub county, Kilak County in Amuru District. The rebels broke into the house of **Oita Joseph** who was sleeping and ordered him to lead them to the home of Albert Obwoya, his brother. The rebels had torches and on the way, **Oita Joseph** recognized the accused as the commander of the attacking force. Upon arriving, the door of **Albert Obwoya's** house was kicked open and he was dragged out naked. The accused ordered him to be tied with a rope. At this point, **Albert Obwoya** attempted to escape by running. The accused opened fire on him and shot him dead on his compound.
- 3.2 On the 5/9/1994 or there about, the accused commanded an armed attack in Abera Village, Parubanga parish, Pabbo Sub county, Kilak county in Amuru District. The accused and his forces raided several civilian homes including those of **Okello Charles, Onyak Ben, Ouma John** and many others. In the course of the attack, the accused and his forces tortured, maimed and abducted a number of civilians including **Akena David, Ochen Patrick alias Olokgiu, Odong Menya, John Ouma, Ongom s/o Omoyo, Okot Charles, Ojok Patrick, Ogena Simon** and others.
- 3.2.1 In the course of the attack, the accused and his forces torched a number of household items including huts and bicycles and looted livestock and foodstuff. The abductees were tied up and forced to carry the loot.. The accused and his forces marched the abductees into the jungle toward the Sudan Border for the rest of the night. Those who failed to comply with accused's orders on account of fatigue or ill health were summarily executed at the order of the accused.
- 3.2.2 That upon arriving at the Banks of river ceri, the accused addressed the abductees and in the course, a number of them escaped. Of the many abductees, Ogena Simon and Odong Menya remained in firm rebel captivity

under the command of the accused. The two have never been since then and are now feared dead.

3.3 That in the month of February 1996 or there about, the accused commanded an armed attack on Abera Village, Parubanga Parish, Pabbo Sub county, Kilak county in Amuru District. In the course of the attack at about 7p.m, the accused and his forces met a group of residents of Pabbo IDP camp, who were on their way home from a funeral at a place called Paimu.

3.3.1 Among them were **Abwola nelson, Ojok Martin, Obote Martin, Okeny Wilson, Jackamino Oruk alias Jaki Ocoo** and many others. That the accused and his forces took all of them hostage and tied their hands. The rebels forced the hostages to carry their loot and ordered them to march towards Paibi. On the way the hostages managed to escape but **Jackamino Oruk alias Jaki Ocoo, Okeny Wilson** and **Ojok Martin** remained in captivity.

3.3.2 The next morning, **Jackamino Oruk alias Jaki Ocoo, Okeny Wilson** and **Ojok Martin** were all found dead along Atiak-Paibi Road. All had their hands tied to their back and they had extensive wounds on the back of their heads. The wounds showed signs of severe beatings.

3.4 That further, on the 4/3/1996 or there about, a group of residents of Pabbo IDP camp were at Abiangic in Abere Village, Parubanga parish, Pabbo Sub County, Kilak county in Amuru district, performing a cultural ritual. They included **Oceng Vicent Adigech, Ogen Alex, Rodento Ochola, Maurenso Okoya, Okot Antonio, Oryem Quirino, Sabino Obooli Oola, Ocii doctor, Oyet Samuel, Bendetta Achola Massimo Oboma, Onai, Rodento Ochola** and many others.

3.4.1 That while the ceremony was going on, they were attacked by a group of LRA rebels being commanded by the accused and all forcefully abducted. The abductees were forced to carry rebel loot and marched to the foot of Kilak Hills. Those who failed to keep up were summarily executed. The accused divided the abductees into 3 groups consisting of women, young men and the elderly.

3.4.2 That the rebels brutally tortured the women. The accused then ordered his forces to kill all the elderly captives. The rebels then embarked on a fatal assault of the captives using guns, clubs and axes. The rebels also forced the younger captives to kill the elderly ones and those who showed any leniency in the process were themselves summarily executed. In the process several abductees managed to escape. Of the captives **Rodento Ochola, Onai, Massimo Oboma, Oyet Samuel, Ocii Doctor, Sabino Obooli Oola, Okot Antonio, Oryem Quirino and Okoya Maurenso** have never been seen again since then and are now feared dead.

3.5 That in February 1996 LRA combatants, under the command of the accused, attacked Perecu village, Parubanga Parish, Pabbo Sub County, Kilak county in Amuru district and abducted a number of civilians. In particular, the rebels attacked the home of Aceng Christine and hit her with an axe several times on the head until she died and abducted her 12 year old daughter **Akello Paska alias Acii**.

3.5.1 In the same incident, the rebels abducted several other civilians among them **Loum Acupale, Ngwe Julio, Obalo Bicensio, Gwok Paulo, Arop Jeremiah, Obol Vincent, Arop David, Okello David, ochan Vito Acore** and many others. The rebels forced their captives to carry their loot and marched them for two days until they reached Arebe hills, where the abductees were paraded before the accused who ordered his men to kill all the abductees, except **Akello Paska**.

3.5.2 The abductees mentioned in 3.5.1 above were made to lie down in the line with their hands tied to their back. They were then hit with clubs on the back of their heads to death. Out of sheer luck, **Ocan Vito Acore** and **Okello David** regained consciousness the next day only to realize they were in a heap of dead bodies. They escaped and eventually got medical attention.

3.5.3 Meanwhile, **Akello Paska** remained in rebel captivity. She was subsequently moved to Sudan where she was forced to marry one Loum, an LRA combatant under the direct command of the accused. The said Loum was the very person

who ordered the killing of **Akello Paska's** mother. The forced marriage was with the full knowledge and backing of the accused.

3.6 That on the 16/5/2004, LRA rebels attacked Pagak IDP camp. The attack was coordinated and commanded among other LRA commanders by the accused, who was in charge of the command centre. During the attack, the rebels set ablaze over 544 huts, looted food and other household items. The rebels abducted a big number of civilians from the camp mostly women and children. The abductees were tortured and forced to carry the loot.

3.6.1 The rebels marched their victims towards Guruguru hills killing a number of them on the way. Upon reaching Guruguru hills, the rebels chose a few captives to carry their loot. They led the rest of the abductees a few meters made them to lie down and hacked all of them to death by hitting the back of their heads with clubs, axes and gun butts.

3.6.2 The following abductees were killed by the rebels in the course of the attack:- **Nyeko Bosco, Amony Jennifer, Acan Shida, Atoo Suzan, Akwero Harriet, Anena Daughter of Aloyo Concy, Martina Awoo, Oyella Betty, Edisa Lapbo, Akwero Nancy, Dorothy Akech, Acayo Josephine, Aciro Rose, Kilama Eric, Amal Ketty whil label Shara Abola, Opio son of Akena, Piloya Concy, Onek Constantino, Okoya Jenaro, Angee Filda Onen, Aber nancy Lukwiya Joel, Amono Evaline Opira Charles, Alice Okot, Aceng Christine Lakworingoto, and Akuma Veronica Okot, Aciro Concy** daughter of Kilama, survived with serious injuries.

3.6.3 In total 29 civilians were killed by the LRA rebels during the attack, 17 sustained serious injuries and 21 were abducted.

3.7 Further on or about the 6/01/2005 at about 10am, a group of residents of Paboo IDP Camp left for Bira in Parubanga Parish, Pabbo Sub County Kilak County in the Amuru District to collect firewood.. Among them were **Ocaya John, Ojara John, Oketayot Lawoko Charles, Acaye Okema Ocuke and one Ogwok.**

3.7.1 On the way, they were attacked by LRA rebels being commanded by the accused. The accused and his forces took the group hostage, made them to lie down and tied their hands with bicycle rubber bands. Later that day at about 2 pm, the 5 people mentioned in 3.7 above were found dead at the place where the rebels had attacked them. Their hands were still tied behind their backs and they had injuries on the back of their heads and burns all over their bodies.

3.1 The prosecution will, among others, lead and rely on evidence of eye witnesses, victims and survivors of the attacks who all knew and positively identified the accused in various incidents.

3.2 In addition to the above the prosecution will also tender and rely on the following documents.

- i) Postmortem reports
- ii) Police Form 3 and their appendices
- iii) Photographs
- iv) Correspondences
- v) Clinical notes
- vi) Written statements of witnesses
- vii) And others with leave of court.

3.3 The prosecution shall aver that there is sufficient evidence against the accused and shall pray that the Honorable court finds him guilty as charged.

Dated at Kampala this.....day of.....20.....

William Byansi

Principal State Attorney

FOR: DIRECTOR OF PUBLIC PROSECUTIONS