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Our Ref: WCD-CO-001-2015

Date: 24/01/2017 25 JAN 2017

- 1) The Registrar
International Crimes Division
Kololo.
- 1) Defence Team The Kwoyelo Case.
Attn.
Mr. Caleb Alaka
Mr. Nicholas Opio
Mr.D.C Opwonya
M. Anyuru.
- 2) The Victims' Counsel.

**RE: NOTICE OF AMENDMENT OF INDICTMENT IN CASE OF
UGANDA VS. THOMAS KWOYELO.**

(Notice under: S. 50 (2) &(3), S.79 of the Trial on Indictments Act).

The above-mentioned matter refers.

NOTICE is hereby served on all defence and Victims' counsel to the effect that the prosecution intends to amend the indictment in the above-mentioned case to introduce the following;

- i) amend PART IX to add three names of the deceased who were part of the persons killed during the pagak attack, but were erroneously left out. A pathologist examined bodies of the three deceased persons as part of the 18 persons who were killed during this attack. This incident was investigated under **GULU CRB 337/2004 as PAGAK MASSACRE**. All statements, postmortem reports, photos, video and other exhibits relating to this incident will be disclosed,



- ii) introduce counts 81-93 relating to SGBV offences relating to one **“TR”, “LW” and “NS” (protected witnesses)**,
- iii) the prosecution intends prosecute this case as a non-international conflict,
- iv) the indictment is based on common Article 3 to the Geneva Conventions Act for conflicts of non-international character pursuant to Customary international, for war crimes. The prosecution will also pursue some of the offences as crimes against humanity under Customary International Law and in the alternative as offences under the Penal Code Act, and
- v) the prosecution has substituted the names of SGBV victims and several witnesses with initials both in the indictment and summary of the evidence for purposes of protecting them.

The prosecution avers that all the sought amendments relate to already investigated and disclosed incidents and none of the situations is new.



Charles Richard Kaamuli
Principal State Attorney

FOR: DIRECTOR OF PUBLIC PROSECUTIONS.



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

CASE NO. 02 OF 2010

UGANDA PROSECUTOR

VERSUS

KWOYELO THOMAS alias LATONI ACCUSED

AMENDED INDICTMENT

GENERAL ALLEGATIONS

1. The Director of Public Prosecutions charges **KWOYELO THOMAS** alias **LATONI** with **CRIMES AGAINST HUMANITY** and **VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS** under customary international law, and **OTHER SERIOUS OFFENCES** under **PENAL CODE ACT** of Uganda, in violations of Sections 188 & 189, 243 (1) (a), 285 & 286 (2), 204 (a), and 131 (1).
2. The offences contained and charged in this indictment were committed in the context of a non-international armed conflict that existed in Northern Uganda between the Lord's Resistance Army (hereafter referred to as 'LRA') and armed forces of Uganda together with associated local armed units between 1987 and 2005. The armed hostilities exceeded in intensity, internal disturbances and tension such as riots, isolated and sporadic acts of violence.
3. The LRA that carried out protracted armed violence had well structured armed forces. During this time the LRA was an organized armed group under the overall leadership of Joseph Kony. With a sufficient degree of organization, the LRA were able to plan and carry out military operations for a prolonged period of time.
4. A nexus existed between the armed conflict and the acts of the accused which amount to violations of Article 3 common to the Geneva Conventions, other serious violations of International Humanitarian Law and the Penal Code Act.



5. As a long-term member of the LRA who held a number of command positions, and due to his participation in numerous LRA operations, Kwoyelo Thomas alias Latoni was aware of the factual circumstances that established the existence of this non-international armed conflict.
6. Between 1987 and 2005, Kwoyelo Thomas alias Latoni was at all material times a member of the LRA, an organized armed faction that engaged in fighting the Government of the Republic of Uganda. The LRA operated an organized, hierarchical system of power with a headquarters, a division, brigades, battalions and companies and each unit had a commander assigned to it. Joseph Kony, the commander-in-chief of the LRA, generally communicated orders to other leaders who passed them to the brigade commanders, who communicated them to the battalion commanders and in turn the battalion commanders passed them to their subordinates. □
7. In the LRA, subordinates followed the orders of their superiors almost automatically. LRA fighters, conditioned by, and under threats of physical punishment, obeyed superiors and followed orders. The LRA maintained a violent disciplinary system that guaranteed adherence to orders and rules. The LRA, was composed of a sufficient number of fungible individuals capable of replacement to guarantee that the orders of superiors were carried out, if not by one subordinate, then by another. Kwoyelo Thomas alia Latoni was aware of the fundamental features of the LRA, as an organized and hierarchical system of power.
8. Between 1992 and 2005, Kwoyelo Thomas alias Latoni was a military commander in the LRA and held several positions. including commander of Operation, Director of Military Intelligence and in Charge of all Sick Bays. Most of the time during his operation, Kwoyelo was based in Kilak hills located in the present day Amuru District. His areas of operation covered the whole of Kilak County and in these areas he was a subordinate only to the leader of the LRA Joseph Kony.
9. Kwoyelo Thomas alias Latoni had effective command and control, or authority and control, over his subordinates between 1992 and 2005. He mobilized his authority and power in the LRA to secure compliance with his orders and he carried out and caused his subordinates to carry out the conducts described in this document. This allowed him to exert control over the crimes charged as well as to prevent or repress any conduct by his subordinates of which he disapproved. His subordinates complied with his orders. He had the power, inter alia, to issue or give orders; to ensure compliance with the orders issued; to order forces or units under his command, whether under his immediate command or at a lower level, to engage in hostilities; to discipline any subordinate; and the authority to send forces to the site of hostilities and to withdraw them at any time. Despite the effective control he held over his subordinates at the relevant time, he culpably failed to □adopt necessary and reasonable measures to prevent or punish their crimes.

10. The LRA leadership including Kwoyelo Thomas alias Latoni shared a common plan, purpose or design which was to take any actions necessary to gain and exercise political power and control over the territory of Uganda, in particular the Northern Uganda.
11. The modus operandi of the LRA included abduction, destruction of property, killings, etc in order to prevent or minimize resistance to their activities and to use members of the population to provide support to the members of the LRA.
12. Between 1992 and 2005 Kwoyelo Thomas alias Latoni and his subordinates carried out several attacks in Kilak County formerly of Gulu district now the present day Amuru district. All the attacks, which took place in Kilak County, now the subject of these charges in the indictment, were either carried out by Kwoyelo Thomas alias Latoni, under his command, or were carried out by his subordinates with his full knowledge and authority.
13. The offences or the conducts alleged herein were committed within the territory of the Republic of Uganda between 1992 and 2005.
14. From 1987 to 2005, the overall objective of the LRA was to overthrow the government of Uganda through armed rebellion and to procure resources to pursue their criminal activities. In order to achieve these objectives and to sustain its activities, the LRA adopted a number of policies that were implemented throughout the organisation. The LRA adopted a policy of launching attacks on civilians, including those living in protected internally displaced persons' camps ("IDP camps") and abducting civilians; male abductees to be conscripted and used as soldiers and female abductees to serve primarily as domestic servants, sex slaves and forced exclusive conjugal partners.
15. The conduct and acts that form the basis for the charges in this document were committed between 1992 and 2005, as part of a widespread or systematic attack directed against the civilian population of northern Uganda. All acts and conduct imputed to the accused were sufficiently connected to that attack so as to fulfill the requirement of nexus between the acts of the accused and the attack.
16. From 1987 until 2005, a protracted armed conflict not of an international character between the LRA and armed forces of the government of Uganda existed in northern Uganda. The armed hostilities exceeded, in intensity, internal disturbances and tensions such as riots, isolated and sporadic acts of violence.
17. The LRA was well structured, armed and carried out protracted armed violence. During this time the LRA was an organised armed group with a sufficient degree of organisation to enable it to plan and carry out military operations for a prolonged period of time. The Uganda People's Defence Force ("UPDF") was the regular military of Uganda.
18. The conduct that forms the basis for the charges in this document took place in the context of and was associated with this armed conflict. As a long-term member of

the LRA who held a number of command positions, and due to his participation in numerous LRA operations, Kwoyelo Thomas alias Latoni was aware of the factual circumstances that established the existence of this non-international or internal armed conflict.

CHARGES

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

PART I: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 1 TO 3: KILLING OF ALBERT OBWOYA IN MARCH 1993

COUNT 1:

MURDER as a CRIME AGAINST HUMANITY pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large in the month of March 1993 or there about at Abera village, Parubanga Parish, Pabbo Sub county, Kilak county, now Amuru District in Northern Uganda, being the Commander in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities during which **ALBERT OBWOYA** was murdered. This crime was committed as part of a widespread and/or systematic attack against the civilian population. **KWOYELO THOMAS alias LATONI** was aware of factual circumstances that established the existence of a widespread and/or systematic attack against the civilian population and the fact that his acts formed part thereof.

COUNT 2:

MURDER as a VIOLATION OF ARTICLE 3 (1) (a) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large in the month of March 1993 or there about at Abera village, Parubanga Parish, Pabbo Sub county, Kilak county, now Amuru District in Northern Uganda, being the Commander in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities, killed **ALBERT OBWOYA**, while he was aware of factual circumstances that established such protected status, and the existence of an armed conflict.

In the alternative,

COUNT 3:

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

KWOYELO THOMAS alias LATONI and others still at large in the month of March 1993 or there about at Abera village, Parubanga Parish, Pabbo Sub county, Kilak county, now Amuru District in Northern Uganda, being the Commander 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**.

**PART II: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 4 TO 12:
HOSTAGE TAKING AND KIDNAPPING DURING THE ATTACK ON ABERA
ON 4 SEPTEMBER 1994**

COUNT 4:

HOSTAGE TAKING as a VIOLATION OF ARTICLE 3 (1) (b) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large, on the 4/09/1994 or there about at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru District in Northern Uganda, being a Commander 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 **C4, C5, C6, C7, C19, C20, ODONG MENYA, OKOT CHARLES, OJOK PATRICK, and OGENA SIMON** 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 **C4, C5, C6, C7, C19, C20 ODONG MENYA, OKOT CHARLES, OJOK 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.

In the alternative,

COUNT 5:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County, Kilak County, now Amuru District in Northern Uganda, being a Commander 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 **C4**, with the intent that the said **C4** would be disposed of as to be put in danger of being murdered.

COUNT 6:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County, Kilak County, now Amuru District in Northern Uganda, being a Commander 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 **B4**, with the intent that the said **B4** would be disposed of as to be put in danger of being murdered.

COUNT 7:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County, Kilak County, now Amuru District in Northern Uganda, being a Commander 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 8:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru District in Northern Uganda, being a Commander 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 **C5**, with the intent that the said **C5** would be disposed of as to be put in danger of being murdered.

COUNT 9:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County, Kilak County, now Amuru District in Northern Uganda, being a Commander 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 10:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru District in Northern Uganda, being a Commander 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 CHARLES**, with the intent that the said **OKOT CHARLES** would be disposed of as to be put in danger of being murdered.

COUNT 11:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru District in Northern Uganda, being a Commander 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 **OJOK PATRICK**, with the intent that the said **OJOK PATRICK** would be disposed of as to be put in danger of being murdered.

COUNT 12:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru District in Northern Uganda, being a Commander 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 **OGENA SIMON**, with the intent that the said **OGENA SIMON** would be disposed of as to be put in danger of being murdered.

**PART III: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 13 AND 14:
PILLAGING AND ROBBERY WITH AGGRAVATION DURING THE ATTACK
ON ABERA ON 4 SEPTEMBER 1994**

COUNT 13:

PILLAGING as a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law

KWOYELO THOMAS alias LATONI and others still at large, on the 4/09/1994 being a

Commander in the Lord's Resistance Army commanded an armed attack on Abera village, Parubanga Parish, Pabbo Sub county Kilak county, now Amuru District in Northern Uganda and wantonly and extensively destroyed houses, bicycles, livestock, foodstuff and household property, such 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.

In the alternative,

COUNT 14:

ROBBERY WITH AGGRAVATION, contrary to section 285 and 286 (2) of the Penal Code Act.

KWOYELO THOMAS alias LATONI and others still at large, on the 4/09/1994 at Abera village, Parubanga Parish, Pabbo Sub County, Kilak County, now Amuru District in Northern Uganda, being a Commander in the Lord's Resistance Army commanded an armed attack against a group of civilians taking no active part in the hostilities, and robbed **C5** of three bicycles, six 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 **C5**

**PART IV: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 15 TO 19:
KILLINGS ALONG PAIBI-ATIAK ROAD IN FEBRUARY 1996**

COUNT 15:

MURDER as a CRIME AGAINST HUMANITY pursuant to customary international law.

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a commander in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and killed **JACKAMINO ORUK alias JAKI OCOO, OKENY WILSON and OJOK MARTIN**.

These acts formed part of a widespread and/or systematic attack against the civilian population. **KWOYELO THOMAS alias LATONI** was aware of the existence of that attack and of the fact that his acts formed part thereof.

COUNT 16:

MURDER as a VIOLATION OF ARTICLE 3 (1) (a) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a commander in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and killed **JACKAMINO ORUK alias JAKI OCOO, OKENY WILSON and OJOK MARTIN** while he was aware of factual circumstances that established such protected status, and the existence of an armed conflict.

In the alternative,

COUNT 17:

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

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a Commander 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 18:

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

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a Commander 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 19:

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

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a Commander 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**.

**PART V: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 20 TO 30:
KILLING IN ABERA VILLAGE IN FEBRUARY 1996**

COUNT 20:

MURDER as a CRIME AGAINST HUMANITY pursuant to customary international law.

KWOYELO THOMAS alias LATONI 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, now Amuru district in Northern Uganda, being a Commander 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**, while he was aware of factual circumstances that established such protected status, and the existence of an armed conflict.

COUNT 21:

MURDER as a VIOLATION OF ARTICLE 3 (1) (a) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI 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, now Amuru district in Northern Uganda, being a Commander 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** while he was aware of factual circumstances that established such protected status, and the existence of an armed conflict.

In the alternative,

COUNT 22:

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

KWOYELO THOMAS alias LATONI and others still at large, in the month of February 1996 or thereabout at Abera Village, Parubanga Parish, Pabbo sub county, now Amuru in Northern Uganda, being a Commander in the Lord's Resistance Army, commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed **ACENG CHRISTINE.**

COUNT 23:

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

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a Commander in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed **LOUM ACUPALE.**

COUNT 24:

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

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a Commander in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed **NGWE JULIO**.

COUNT 25:

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

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a Commander 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 26:

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

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a Commander 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 27:

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

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a Commander 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 28:

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

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a Commander 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 29:

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

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a Commander 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 30:

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

KWOYELO THOMAS alias LATONI 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, now Amuru District in Northern Uganda, being a Commander in the Lord's Resistance Army commanded an attack on civilians taking no active part in the hostilities and with malice aforethought, killed a one **CHARLES**.

**PART VI: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 31 TO 41:
HOSTAGE TAKING AND KIDNAPPING DURING THE ATTACK ON ABERA
ON 4 MARCH 1996 as well as IMPRISONMENT**

COUNT 31:

IMPRISONMENT as a CRIME AGAINST HUMANITY pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru district in Northern Uganda, being a Commander 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, SABINO OBOOLI OOLA, ORYEM QUIRINO, OKOT ANTONIO, OKOYA MAURENSIO and one ONAI** while he was aware of the 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, SABINO OBOOLI OOLA, ORYEM QUIRINO, OKOT ANTONIO, OKOYA MAURENSIO 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.

COUNT 32:

HOSTAGE TAKING as a VIOLATION OF ARTICLE 3 (1) (b) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru district in Northern Uganda, being a Commander 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,**

SABINO OBOOLI OOLA, ORYEM QUIRINO, OKOT ANTONIO, OKOYA MAURENSIO and one ONAI 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, SABINO 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.

In the alternative,

COUNT 33:

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

KWOYELO THOMAS alias Latoni and others still at large on the 4/03/1996 at Abera village, Parubanga parish, Pabbo Sub County Kilak County, now Amuru district in Northern Uganda, being a Commander 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 34:

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

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru district in Northern Uganda, being a Commander 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 35:

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

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru district in Northern Uganda, being a Commander 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 36:

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

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera village, Parubanga parish, Pabbo Sub County Kilak County, now Amuru district in Northern Uganda, being a Commander 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 37:

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

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru district in Northern Uganda, being a Commander 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 38:

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

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera village, Parubanga parish, Pabbo Sub County Kilak County, now Amuru district in Northern Uganda, being a Commander 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 39:

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

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru district in Northern Uganda, being a Commander 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 40:

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

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru district in Northern Uganda, being a Commander 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 41:

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

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera village, Parubanga Parish, Pabbo Sub County Kilak County, now Amuru district in Northern Uganda, being a Commander 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 **ONAI** with the intent that the said **ONAI** would be disposed of as to be put in danger of being murdered.

PART VII: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 42 TO 46:
INHUMANE ASSAULTS AND ATTEMPTED MURDER IN ABERA IN
FEBRUARY 1996

COUNT 42:

OTHER INHUMANE ACT as a CRIME AGAINST HUMANITY pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large in the month of February 1996 at Abera village, Parubanga parish, Pabbo Sub county, Kilak County, now Amuru District in Northern Uganda, being a Commander 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 **D1 and D2** 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. This crime was committed as part of a widespread and/or systematic attack against the civilian population.

COUNT 43:

CRUEL TREATMENT as a VIOLATION OF ARTICLE 3 (1) (a) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large in the month of February 1996 at Abera village, Parubanga parish, Pabbo Sub county, Kilak County, now Amuru District in Northern Uganda, being a Commander 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 **OCAN VITO ACORE and OKELLO DAVID** 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 44:

OUTRAGES UPON PERSONAL DIGNITY as a VIOLATION OF ARTICLE 3 (1) (c) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large in the month of February 1996 at Abera village, Parubanga parish, Pabbo Sub county, Kilak County, now Amuru District in Northern Uganda, being a Commander 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 **D1 and D2** 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.

In the alternative,

COUNT 45:

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

KWOYELO THOMAS alias LATONI and others still at large in the month of February 1996 at Abera village, Parubanga parish, Pabbo Sub county Kilak County, now Amuru District in

Northern Uganda, being a Commander 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 **D2**.

COUNT 46:

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

KWOYELO THOMAS alias LATONI and others still at large in the month of February 1996 at Abera village, Parubanga parish, Pabbo Sub county, Kilak County, now Amuru District in Northern Uganda, being a Commander 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 **D2**.

**PART VIII: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 47 TO 49:
INHUMANE ASSAULTS IN ABERA on 4 MARCH 1996**

COUNT 47:

OTHER INHUMANE ACT as a CRIME AGAINST HUMANITY pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera Village, Parubanga Parish, Pabbo Sub county, Kilak County, now Amuru 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 **B2, B4, B6, B7, and ANJULINA ORYEM ATARO**, , 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. This crime was committed as part of a widespread and/or systematic attack against the civilian population.

COUNT 48:

CRUEL TREATMENT as a VIOLATION OF ARTICLE 3 (1) (a) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera Village, Parubanga Parish, Pabbo Sub county, Kilak County, now Amuru 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 **B2, B4, B6, B7 and ANJULINA ORYEM ATARO**, 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 49:

OUTRAGES UPON PERSONAL DIGNITY as a VIOLATION OF ARTICLE 3 (1) (c) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large on the 4/03/1996 at Abera Village, Parubanga Parish, Pabbo Sub county, Kilak County, now Amuru 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 **B2, B4, B6, B7 and ANJULINA ORYEM ATARO**, 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.

PART IX: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 50 TO 69:
KILLINGS AT OBOO PARISH ON 16 MAY 2004:

COUNT 50:

MURDER as a CRIME AGAINST HUMANITY pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now Amuru 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 killed **NYEKO BOSCO, AMONY JENIFFER, ACAN SHIDA, ATOO SUZAN, AKWERO HARRIET, ANENA** daughter of Aloyo Concy, **MARTINA AWOR, OYELLA BETTY, EDISA LAPOBO, AKWERO NANCY, DOROTHY AKECH, ACAYO JOSEPHINE, ACIRO ROSE, KILAMA ERIC, AMAL KETTY, OBITA MATEYO, AKWONGO CHRISTINE and OCIRA ERICK** 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 factual circumstances that established such protected status, and the existence of an armed conflict. This crime was committed as part of a widespread and/or systematic attack against the civilian population.

COUNT 51:

MURDER as a VIOLATION OF ARTICLE 3 (1) (a) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now Amuru 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 killed **NYEKO BOSCO, AMONY JENIFFER, ACAN SHIDA, ATOO SUZAN, AKWERO HARRIET, ANENA** daughter of Aloyo Concy, **MARTINA AWOR, OYELLA BETTY, EDISA LAPOBO, AKWERO NANCY, DOROTHY AKECH, ACAYO JOSEPHINE, ACIRO ROSE, KILAMA ERIC, AMAL KETTY, OBITA MATEYO, AKWONGO CHRISTINE and OCIRA ERICK** 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 factual circumstances that established such protected status, and the existence of an armed conflict.

In the alternative,

COUNT 52:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now 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 **NYEKO BOSCO**.

COUNT 53:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub County, now 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 **AMONY JENIFFER**.

COUNT 54:

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

KWOYELO THOMAS alias LATONI 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 **ACAN SHIDA**.

COUNT 55:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo

Parish, Lamogi Sub county, now 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 **ATOO SUZAN**.

COUNT 56:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now 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 **AKWERO HARRIET**.

COUNT 57:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county now 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 **ANENA daughter of Aloyo Concy**.

COUNT 58:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county now 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 **MARTINA AWOR**.

COUNT 59:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county in the present day Amur 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 **OYELLA BETTY**.

COUNT 60:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now 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 **EDISA LAPOBO**.

COUNT 61:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now 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 **AKWERO NANCY**.

COUNT 62:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now 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 **AKECH DOROTHY**.

COUNT 63:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now 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 **ACAYO JOSEPHINE**.

COUNT 64:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now 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 **ACIRO ROSE**.

COUNT 65:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now 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 **KILAMA ERIC**.

COUNT 66:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now 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 **AMAL KETTY**.

COUNT 67:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now 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 **OBITA MATEYO**.

COUNT 68:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now 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 **AKWONGO CHRISTINE**.

COUNT 69:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub county, now 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 **OCIRA ERICK**.

**PART X: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNT 70 KILLINGS
AT OBOO PARISH ON 16 MAY 2004:**

COUNT 70:

PILLAGE as a **VIOLATION OF ARTICLE 3 (1) (a) COMMON TO THE GENEVA CONVENTIONS** pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo

Parish, Lamogi Sub county, now Amuru district in Northern Uganda, being a Colonel in the Lord's Resistance Army Coordinated, ordered and directed an armed attack on Pagak Internally Displaced Peoples Camp, extensively and wantonly destroyed 544 huts, foodstuff and household property all being protected property under the 4th Geneva Convention of 12th August 1949, such 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.

**PART XI: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 71 TO 73:
INHUMANE ASSAULTS AND ATTEMPTED MURDER AT OBOO PARISH ON
16 MAY 2004:**

COUNT 71:

OTHER INHUMANE ACT as a CRIME AGAINST HUMANITY pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub County, now Amuru 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 **H34, H35, H36, H37, H38, H39, H67, H68, H69, H70, H71, and H72**, 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. This crime was committed as part of a widespread and/or systematic attack against the civilian population.

COUNT 72:

CRUEL TREATMENT as a VIOLATION OF ARTICLE 3 (1) (a) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo

Parish, Lamogi Sub County, now Amuru 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 **H34, H35, H36, H37, H38, H39, H67, H68, H69, H70, H71, and H72**, 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 73:

OUTRAGES UPON PERSONAL DIGNITY as a VIOLATION OF ARTICLE 3 (1) (c) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large, on the 16/05/2004 at Oboo Parish, Lamogi Sub County, now Amuru 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 **H34, H35, H36, H37, H38, H39, H67, H68, H69, H70, H71, and H72**, 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.

**PART XII: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 74 TO 80:
KILLINGS AT KULU PA OKAL ON 6 JANUARY 2005:**

COUNT 74:

MURDER as a CRIME AGAINST HUMANITY pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large, on the 6/01/2005 at Kulu Pa Okal in Bira Omba village, Parubanga parish, Pabbo sub County, Kilak county, now Amuru District in Northern Uganda, being a Colonel in the Lord's 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 ODONG PHILIP** 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. This crime was committed as part of a widespread and/or systematic attack against the civilian population.

COUNT 75:

MURDER as a VIOLATION OF ARTICLE 3 (1) (a) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large, on the 6/01/2005 at Kulu Pa Okal in Bira Omba village, Parubanga parish, Pabbo sub County, Kilak county, now Amuru District in Northern Uganda, being a Colonel in the Lord's 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 ODONG PHILIP** 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.

In the alternative,

COUNT 76:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 6/01/2005 at Kulu Pa Okal in Bira Omba village, Parubanga parish, Pabbo sub County, Kilak, now 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 **OCAYA JOHN.**

COUNT 77:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 6/01/2005 at Kulu Pa Okal in Bira Omba village, Parubanga parish, Pabbo sub County, Kilak county, now 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 **OJARA JOHN**.

COUNT 78:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 6/01/2005 at Kulu Pa Okal in Bira Omba village, Parubanga parish, Pabbo sub County, Kilak county, now 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 **OKETAYOT LAWOKO CHARLES**.

COUNT 79:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 6/01/2005 at Kulu Pa Okal in Bira Omba village, Parubanga parish, Pabbo sub County, Kilak county, now 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 **ACAYE OKEMA OCUKE**.

COUNT 80:

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

KWOYELO THOMAS alias LATONI and others still at large, on the 6/01/2005 at Kulu Pu Okal in Bira Omba village, Parubanga parish, Pabbo sub County, Kilak county, now 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 **OGWOK ODONG PHILIP**.

**PART XIII: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 81 TO 83:
ENSLAVEMENT OF WITNESS TR:**

COUNT 81:

ENSLAVEMENT as a **CRIME AGAINST HUMANITY** pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large between February 1996 and January 1998 in Perecu village, Parubanga Parish, Pabbo Sub-county, Kilak County, now Amuru District and parts of South Sudan, being a commander in the Lord Resistance Army forcefully took away "**TR**" (**Protected witness**) and forced her to marry one of the LRA combatants under his direct command. This crime was committed as part of a widespread and/or systematic attack against the civilian population.

COUNT 82:

OUTRAGES UPON PERSONAL DIGNITY as a **VIOLATION OF ARTICLE 3 (1) (c) COMMON TO THE GENEVA CONVENTIONS** pursuant to customary international law.

KWOYELO THOMAS alias LATONI and others still at large between February 1996 and January 1998 in Perecu village, Parubanga Parish, Pabbo Sub-county, Kilak County, now Amuru District and parts of South Sudan, being a commander in the Lord Resistance Army forcefully took away "**TR**" (**Protected witness**) and forced her to marry one of the LRA combatants under his direct command.

In the alternative,

COUNT 83:

PROCURATION OF UNLAWFUL CARNAL KNOWLEDGE C/S 131 (1) (a) Penal Code At.

KWOYELO THOMAS alias LATONI and others still at large between February 1996 and January 1998 in Perecu village, Parubanga Parish, Pabbo Sub-county, Kilak County, now Amuru District and parts of South Sudan, being a commander in the Lord Resistance Army forcefully took away **"TR" (Protected witness)** and forced her to marry one of the LRA combatants under his direct command.

**PART XIV: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 84 TO 88:
SEXUAL VIOLENCE AND TORTURE OF WITNESS LW:**

COUNT 84:

RAPE as a **CRIME AGAINST HUMANITY** pursuant to customary international law.

KWOYELO THOMAS alias LATONI between the year 1997 and 2004 in the Kilak Hills, Olinga village, Labala Parish, Pabbo Sub – County, Kilak County, now Amuru District in the Northern Uganda and some parts of South Sudan, being a Commander/Colonel in the Lords Resistance Army subjected an abductee, herein identified as Witness **"LW" (protected witness)**, to repeated incidents of forceful sexual intercourse, the conduct which inflicted severe physical or mental or suffering upon Witness **LW**, being a conduct associated with non international armed conflict, which he inflicted on a protected person under the Geneva Convention of 12th August 1949, while he was aware of the factual circumstances that established such protected status and the existence of the armed conflict. This crime was committed as part of a widespread and/or systematic attack against the civilian population.

COUNT 85:

TORTURE as a CRIME AGAINST HUMANITY pursuant to customary international law.

KWOYELO THOMAS alias LATONI between the year 1997 and 2004 in the Kilak Hills, Olinga village, Labala Parish, Pabbo Sub – County, Kilak County, now Amuru District in the Northern Uganda and some parts of South Sudan, being a Commander/Colonel in the Lords Resistance Army subjected an abductee, herein identified as Witness “**LW**” (**protected witness**), to repeated incidents of forceful sexual intercourse, the conduct which inflicted severe physical or mental ~~or~~ suffering upon Witness **LW**, being a conduct associated with non international armed conflict, which he inflicted on a protected person under the Geneva Convention of 12th August 1949, while he was aware of the factual circumstances that established such protected status and the existence of the armed conflict. This crime was committed as part of a widespread and/or systematic attack against the civilian population.

COUNT 86:

OUTRAGES UPON PERSONAL DIGNITY as a VIOLATION OF ARTICLE 3 (1) (c) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI between the year 1997 and 2004 in the Kilak Hills, Olinga village, Labala Parish, Pabbo Sub – County, Kilak County, now Amuru District in the Northern Uganda and some parts of South Sudan, being a Commander/Colonel in the Lords Resistance Army subjected an abductee, herein identified as Witness “**LW**” (**protected witness**), to repeated incidents of forceful sexual intercourse, the conduct which inflicted severe physical or mental ~~or~~ suffering upon Witness **LW**, being a conduct associated with non international armed conflict, which he inflicted on a protected person under the Geneva Convention of 12th August 1949, while he was aware of the factual circumstances that established such protected status and the existence of the armed conflict.

COUNT 87:

VIOLENCE TO LIFE AND PERSON, IN PARTICULAR CRUEL TREATMENT AND TORTURE as a VIOLATION OF ARTICLE 3 (1) (a) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI between the year 1997 and 2004 in the Kilak Hills, Olinga village, Labala Parish, Pabbo Sub – County, Kilak County, now Amuru District in the Northern Uganda and some parts of South Sudan, being a Commander/Colonel in the Lords Resistance Army subjected an abductee, herein identified as Witness “**LW**” (**protected witness**), to repeated incidents of forceful sexual intercourse, the conduct which inflicted severe physical or mental ~~or~~ suffering upon Witness **LW**, being a conduct associated with non international armed conflict, which he inflicted on a protected person under the Geneva Convention of 12th August 1949, while he was aware of the factual circumstances that established such protected status and the existence of the armed conflict.

In the alternative,

COUNT 88:

RAPE Contrary to section 123 and 124 of the Penal Code Act

KWOYELO THOMAS alias LATONI between the year 1997 and 2004 in the Kilak Hills, Olinga village, Labala Parish, Pabbo Sub – County, Kilak County, now Amuru District in the Northern Uganda and some parts of South Sudan, being a Commander/Colonel in the Lords Resistance Army, had unlawful carnal knowledge of an abductee, herein identified as Witness “**LW**” (**protected witness**), without her consent.

PART XV: STATEMENT AND PARTICULARS OF OFFENCES FOR COUNTS 89 TO 93:

SEXUAL VIOLENCE AND TORTURE OF WITNESS NS:

COUNT 89:

RAPE as a **CRIME AGAINST HUMANITY** pursuant to customary international law.

KWOYELO THOMAS alias LATONI between the year 1996 and 2005 in the Kilak Hills,

Olinga village, Labala Parish, Pabbo Sub – County, Kilak County, now Amuru District in the Northern Uganda and some parts of South Sudan, being a Commander/Colonel in the Lords Resistance Army subjected an abductee, herein identified as Witness “NS” (**protected witness**), to a repeated incidents of forceful sexual intercourse, the conduct which inflicted severe physical or mental or suffering upon Witness “NS” (**protected witness**), being a conduct associated with non international armed conflict, which he inflicted on a protected person under the Geneva Convention of 12th August 1949, while he was aware of the factual circumstances that established such protected status and the existence of the armed conflict. This crime was committed as part of a widespread and/or systematic attack against the civilian population.

COUNT 90:

TORTURE as a CRIME AGAINST HUMANITY pursuant to customary international law.

KWOYELO THOMAS alias LATONI between the year 1996 and 2005 in the Kilak Hills, Olinga village, Labala Parish, Pabbo Sub – County, Kilak County, now Amuru District in the Northern Uganda and some parts of South Sudan, being a Commander/Colonel in the Lords Resistance Army subjected an abductee, herein identified as Witness “NS” (**protected witness**), to a repeated incidents of forceful sexual intercourse, the conduct which inflicted severe physical or mental or suffering upon Witness “NS” (**protected witness**), being a conduct associated with non international armed conflict, which he inflicted on a protected person under the Geneva Convention of 12th August 1949, while he was aware of the factual circumstances that established such protected status and the existence of the armed conflict. This crime was committed as part of a widespread and/or systematic attack against the civilian population.

COUNT 91:

OUTRAGES UPON PERSONAL DIGNITY as a VIOLATION OF ARTICLE 3 (1) (c) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI between the year 1996 and 2005 in the Kilak Hills, Olinga village, Labala Parish, Pabbo Sub – County, Kilak County, now Amuru District in the

Northern Uganda and some parts of South Sudan, being a Commander/Colonel in the Lords Resistance Army subjected an abductee, herein identified as Witness **"NS"** (**protected witness**), to a repeated incidents of forceful sexual intercourse, the conduct which inflicted severe physical or mental or suffering upon Witness **"NS"** (**protected witness**), being a conduct associated with non international armed conflict, which he inflicted on a protected person under the Geneva Convention of 12th August 1949, while he was aware of the factual circumstances that established such protected status and the existence of the armed conflict.

COUNT 92:

VIOLENCE TO LIFE AND PERSON, IN PARTICULAR CRUEL TREATMENT AND TORTURE as a VIOLATION OF ARTICLE 3 (1) (a) COMMON TO THE GENEVA CONVENTIONS pursuant to customary international law.

KWOYELO THOMAS alias LATONI between the year 1996 and 2005 in the Kilak Hills, Olinga village, Labala Parish, Pabbo Sub – County, Kilak County, now Amuru District in the Northern Uganda and some parts of South Sudan, being a Commander/Colonel in the Lords Resistance Army subjected an abductee, herein identified as Witness **"NS"** (**protected witness**), to a repeated incidents of forceful sexual intercourse, the conduct which inflicted severe physical or mental or suffering upon Witness **"NS"** (**protected witness**), being a conduct associated with non international armed conflict, which he inflicted on a protected person under the Geneva Convention of 12th August 1949, while he was aware of the factual circumstances that established such protected status and the existence of the armed conflict.

In the alternative,

COUNT 93:

RAPE Contrary to section 123 and 124 of the Penal Code Act

KWOYELO THOMAS alias LATONI between the year 1996 and 2005 in the Kilak Hills, Olinga village, Labala Parish, Pabbo Sub – County, Kilak County, now Amuru District in the Northern Uganda and some parts of South Sudan, being a Commander/Colonel in the Lords Resistance Army, had unlawful carnal knowledge of an abductee, herein identified as Witness “**NS**” (**protected witness**), without her consent.

DATED at KAMPALA this 24th day of January 2017.



.....
CHARLES RICHARD KAAMULI

Principal State Attorney

For: DIRECTOR OF PUBLIC PROSECUTIONS

TO: KWOYELO THOMAS alias LATONI

TAKE NOTICE that you will be tried on the above indictment at the sessions of the International Crimes Division of the High court holden at...*Kampala main*...on the...*31st*...day of...*January*...at...*9:00*...o'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 the present day Amuru District in Northern Uganda. In 1987, **Thomas Kwoyelo alias Latoni** (referred to hereafter as the accused) got enlisted into 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 1987.

1.2 The accused underwent basic military training and quickly rose through LRA ranks to that of 'colonel', the rank he held till the time of his arrest. As a top LRA officer, he was based in Kilak hills located in the present day Amuru District. His areas of operation covered the whole of Kilak County.

1.3 Around 2005, 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 fierce fight on the 2nd March 2009.

2. CONCISE STATEMENT OF FACTS

2.1 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 the present day Amuru District. The rebels broke into the house of **E1** who was sleeping and ordered him to lead them to the home of Albert Obwoya. The rebels had torches and on the way, **E1** 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 then opened fire on him and shot him dead on his compound.

2.2 On the 4/9/1994 or there about, the accused commanded an armed attack in Abera Village, Parubanga parish, Pabbo Sub county, Kilak county in the present day Amuru District. The accused and his forces raided several civilian homes including those of **C5, C6, Onyak Ben**, and many others. In the course of the attack, the accused and his forces tortured, maimed and abducted a number of civilians including **C4, C5, C19, C20, Odong Menya, Okot Charles, Ojok Patrick, Ogena Simon** and others.

2.2.1 In the course of the attack, the accused and his forces torched a number of household items including huts, bicycles, looted livestock and foodstuff. The abductees were tied up and forced to carry the loots. 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.

2.2.2 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 seen since then and are now feared dead.

2.3 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 the present day 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 Paibi.

2.3.1 Among them were **Ojok Martin, Obote Martin, Okeny Wilson, Jackamino Oruk alias Jaki Ocoo, G1**, 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 loots and ordered them to march towards Paibi. On the way the other hostages managed to escape but **Jackamino Oruk alias Jaki Ocoo, Okeny Wilson** and **Ojok Martin** remained in captivity.

2.3.2 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.

2.4 That further, on the 4/3/1996 or there about, a group of resident of Pabbo IDP camp were at Obiangic in Abera Village, Parubanga Parish, Pabbo Sub County, Kilak County in the present day Amuru District, performing a cultural ritual. They included **B41, B2, B4, Rodento Ochola, Maurenso Okoya, Okot Antonio, Oryem Quirino, Sabino Obooli Oola, Ocii Doctor, Oyet Samuel, Massimo Oboma, Onai**, and many others.

- 2.4.1 That while the ceremony was going on, they were attacked by a group of LRA rebels being commanded by the accused and all were forcefully abducted. The abductees were forced to carry rebel loots and marched to the foot of Kilak Hills. Those who failed to keep up walking were summarily executed. The accused divided the abductees into 3 groups consisting of women, young men and the elderly.
- 2.4.2 That the rebels brutally tortured the women and accused 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 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.
- 2.5 That between February 1996 and the year 2005, the LRA combatants under the command of the accused made several attacks on several villages in the present day Amuru district which included Perecu, Akwa and others and killed civilians, destroyed property, looted property and took many others hostage.
- 2.6 That in February 1996 LRA combatants, under the command of the accused, attacked Perecu village, Parubanga Parish, Pabbo Sub County, Kilak County in the present day Amuru District killed Aceng Christine by hitting her on the head with an axe several times.
- 2.6.1 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, D1, D2, "TR" (protected witness)** and many others. The rebels forced their captives to carry their loots 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 'TR' (protected witness).

- 2.6.2 The abductees mentioned above were made to lie down in 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, **D1** and **D2 (protected witnesses)** regained consciousness the next day only to realize they were in a heap of dead bodies. They escaped and eventually got medical attention.
- 2.6.3 Meanwhile, **"TR"** remained in rebel captivity. She was subsequently moved to Sudan where she was forced to marry one of the LRA combatants under the direct command of the accused. The forced marriage was with the full knowledge and backing of the accused.
- 2.6.4 That during the same month of February 1996, the LRA combatants under the command of one OCAN attacked Rec Ki ceke village in the present day Amuru District and abducted several persons including **'NS' (a protected witness)**. At the time of her abduction **'NS'** was aged 11 years and a pupil in P.1. The prosecution will adduce evidence to show that **'NS'** was taken to Kilak hills where she found Kwoyelo Thomas. The accused had two wives who had children with him. **'NS'** worked for the accused until she was 13 years when the accused declared her his wife. **'NS'** remained in captivity until 2005 when she managed to escape.
- 2.6.5 The prosecution will adduce further evidence to prove that on 14/04/1997, **'LW'(a protected witness)** was kidnapped from Abera village near Acakala river together with her sisters at 10pm. At the time of the attack, they had hidden in the bush in fear of LRA attack on Pabbo IDP camp. After one day, **'LW'** together with other abductees were taken to Arebe Hills and met the accused. **KWOYELO THOMAS** retained **'LW'** as his worker. At the age of 13, the accused declared **'LW'** his wife. Later on, other abductees were taken to Sudan but **'LW'** remained at Kilak hills because she had become pregnant. In 2004, **'LW'** managed to escape from Guruguru hill following an attack by UPDF.
- 2.7 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.

- 2.7.1 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.
- 2.7.2 The following abductees were killed by the rebels in the course of the attack **Nyeko Bosco, Among Jennifer, Acan Shida, Atoo Suzan, Akwero Harriet, Anena Daughter of Aloyo Concy, Martina Awor, Oyella Betty, Edisa Lapobo, Akwero Nancy, Dorothy Akech, Acayo Josephine, Aciro Rose, Kilama Eric, Amal Ketty, Obita Mateyo, Akwong Christine and Ocira Erick.** while **H34, H35, H36, H37, H38, H39, H67, H68, H69, H70, H71, and H72,** survived with serious injuries.
- 2.7.3 During the Pagak's attack, the LRA rebels killed 29 civilians, 17 sustained serious injuries and abducted 21 civilians.
- 2.8 Further on or about the 6/01/2005 at about 10 a.m, a group of residents of Pabbo IDP Camp left for Bira in Parubanga Parish, Pabbo Sub county, Kilak county, the present day Amuru District to collect firewood, among them was **Ocaya John, Ojara John, Oketayot Lawoko Charles, Acaye Okema Ocuke and a one Ogwok.**
- 2.8.1 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 p.m, the 5 people mentioned 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.
- 2.8.2 The prosecution will, among others, lead and rely on evidence of eyewitnesses, victims and survivors of the attacks who all knew and positively identified the accused in various incidents.

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

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

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

Dated at **KAMPALA** this 24th day of January 2017



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CHARLES RICHARD KAAMULI
Principal State Attorney
FOR: DIRECTOR OF PUBLIC PROSECUTIONS