ARMY COURT CHARGES FIVE CIVILIANS OVE POLICE OFFICER MURDER, GUN ROBBERY

By Douglas Mubiru and Barbra Kabahumuza

Following the brutal killing of Assistant Superintendent of Police (ASP) Emmanuel Bagenda, the officer who was in charge of Ntaawo Police post in Mukono district, five men have been charged with the murder.

The accused, all civilians according to prosecution, appeared before the General Court Martial (GCM) presided over by Col. Fredrick Kangwamu, who read three counts of murder, aggravated robbery and attempted murder, to the accused.

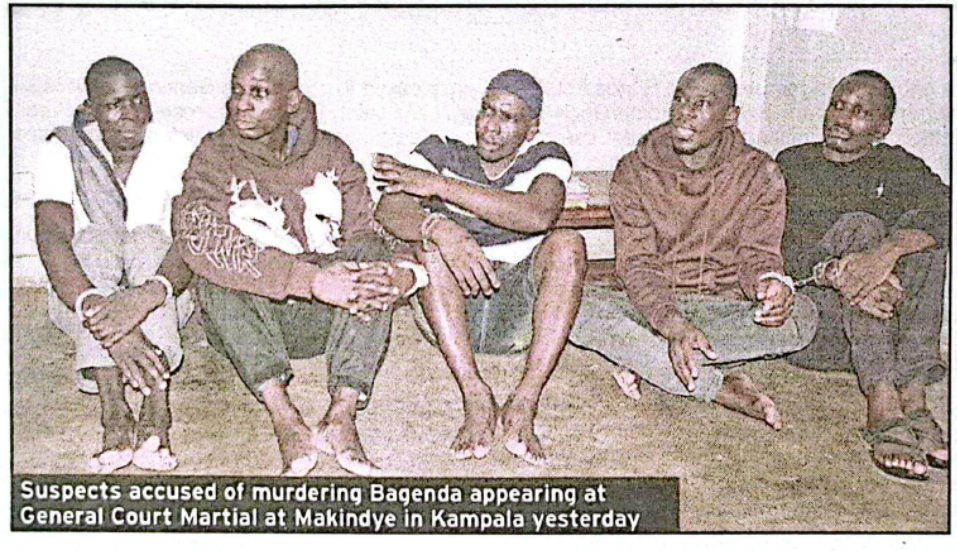
The accused are bodaboda riders Labison Amutuhire, alias Mulefu, 28 and Arafat Kasango, 30; bricklayer Daniel Alfonsi, 26; and casual labourers Daniel Okello Oyara, 25 and Joseph Innocent Luyirika, 30. The accused denied the charges.

The charges contravene Sections 171, 172, 187(a), 266, and 267(2) of the Penal Code Act, Cap 128, and each attracts a maximum penalty of death, upon conviction.

Prosecution led by Capt. Gift Mubehamwe, 2Lt Anthony Phillip Olupot and 2Lt Regina Nanzala informed court that all the accused, though civilians, are subject to military law by virtue of Section 117 A (1) (e) of the UPDF Act, Cap 330, as amended.

"We also inform court that investigations regarding the case before you are still ongoing. We, therefore, pray that all the accused be remanded to Kitalya Government Prison till April 1, 2026," Olupot told court.

PHOTO BY DOUGLAS MUBIRU



Suspects accused of murdering Bagenda appearing at General Court Martial at Makindye in Kampala yesterday

Responding to the prosecution's submission, the defence Counsels, Capt. Daniel Kagombe and Lt Albert Kamukama informed court that they had no objection to an adjournment, but would invoke Article 23 (6) (a) of the Constitution by applying bail for their clients.

"Let's be on record that our clients shall be applying for bail. Secondly, my lord chairman, our clients were badly battered. We pray that this court orders that wherever they go (to Prisons), let the same not happen to them and let medical attention be accorded to them," Kagombe submitted.

However, prosecution insisted that none of the suspects in the dock has ever been beaten by any security officer and that all were in good condition.

"My lord chairman, battered as claimed by the defence, is an allegation. Until counsel proves that the suspects were battered, that is his own vocabulary. We pray that this court disregards the allegations. We pray that court also restrains itself from making any orders as requested by the defence," Mubehamwe argued.

In his ruling on the matter, Col Kangwamu adjourned the case and declined to gra defence's requests.

"This court will only a tangible evidence. We unable to pronounce our on the battery allegi because nothing has brought to court as evi regarding the same. How the accused are entitle any necessary treatment any other suspects," he as he remanded the ac to Kitalya Government until April 1.

CHARGES

Prosecution alleges that Amutuhire, Kasango, Alfons Okello and Luyirika, on or around November 23, 202 at Ntawo Cell, Ntawo ward in Mukono district, with malice aforethought, unlawfully caused the death of Bagenda.

It is further purported that during the same day an time, the accused robbed police constable Jackson Kiyingi of his rifle and 30 rounds of ammunition. It is also said that the accused were in possession of deadly weapons, namely; Sub-Machinegun rifles seria numbers, UPDF 48014855 and UG PSO 564211739. It is said that the accused also attempted to unlawfully cause the death of Kiyingi.

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