

National News

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The judge moved to fast-track the proceedings, fixing June 1 for preliminary hearings and selection of assessors.

BY JULIET KIGONGO

The Director of Public Prosecutions (DPP) yesterday withdrew its application seeking witness protection orders for six prosecution witnesses in the treason case against Opposition politician Dr Kizza Besigye and his co-accused, saying the prolonged litigation was delaying the start of the substantive trial.

The application was formally withdrawn before High Court judge Emmanuel Baguma after weeks of contentious cross-examination of the prosecution witness by the defence team.

Chief State Attorney Richard Birivumbuka told the court that the State had reconsidered the application after realising that the proceedings surrounding it were consuming valuable court time and delaying the hearing of the main case.

"This application has been coming up for further cross-examination. The cross-examination of Chief State Attorney Joseph Kyomuhendo, who swore the affidavit in support of the application, started on April 23, May 6, and now today May 28," Mr Birivumbuka said.

"As prosecution and applicants, we have realised that this application is delaying the commencement of the actual hearing of the substantive case, and as such, the prosecution is applying to have this application withdrawn as we consider other appropriate protection measures for the six witnesses," he added.

The prosecution had sought orders to conceal the identities of six witnesses, arguing they faced threats and intimidation linked to the treason trial involving Dr Besigye, Mr Obeid Lutale and Uganda People's Defence Force's officer Denis Oola.

Mr Birivumbuka told court the State would instead pursue other suitable and practical alternatives that would not in-

DPP drops witness protection bid in Besigye treason case

terfere with the expeditious disposal of the case.

"Any further delay will be contrary to the wider interest of expeditious justice," he said.

Mr Birivumbuka added that once the application was withdrawn, the prosecution would immediately disclose witness statements and proceed with preparations for the hearing of the main trial.

The abrupt withdrawal drew objections from the defence, which complained that the move had come without prior notice after weeks of legal arguments and cross-examination.

Senior counsel Martha Karua described the State's decision as an ambush and asked the court for 30 minutes to consult her colleagues and the accused persons.

After consultations, Ms Karua said the defence had no objection to the withdrawal, but asked the court to ensure the prosecution would not revive the same application in future.

"We have no objection to the withdrawal of the application, but we are urging the court to handle it with prejudice so that they will not bring the same application back," she submitted.

She also asked the court to award costs to the defence team, arguing they had spent considerable time and resources responding to the application.

"We therefore ask the court to take the mutual step to award the defence costs and give a timeline so that we return to court," Ms Karua added.

Lawyer Simon Busagwa, representing Mr Oola, associated himself with the submissions made by Ms Karua.

Responding to the defence objections, Mr Birivumbuka insisted the prosecution's decision was unconditional and intended to save court time.



Left to right: Mr Obeid Lutale, Dr Kizza Besigye and lawyer Eron Kiiza in the dock at the General Court Martial in Makindye last year. PHOTO/FILE

In his ruling, Justice Baguma declined to bar the State from filing a similar application in the future, describing the defence request as premature.

"It is my considered view that the issue of prejudice is premature at this stage," Justice Baguma ruled.

"Court cannot give orders in advance, or it would be speculation to know whether they will file another application of the same nature or not," he added.

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"This court allowed this application and cross-examination for the interest of justice," he said, adding, "Now, since the prosecution has made an application to have it withdrawn, the issue of costs, in my view, cannot silence the entire interest of justice."

Justice Baguma subsequently allowed the withdrawal application and ordered the prosecution to make full disclosure of all witness materials by Friday at 5pm.

"The prosecution is ordered to make full disclosure by tomorrow, not later than 5pm," he directed.

The judge also moved to fast-track the treason proceedings, fixing June 1 for preliminary hearings and the selection of assessors.

"To avoid unnecessary delays, this court will give the following directions. Preliminary hearings and the choosing of assessors are fixed for June 1 at 11am," Justice Baguma said.

The treason case arises from allegations that Dr Besigye and his co-accused plotted to overthrow the government through meetings allegedly held in Uganda and abroad between 2023 and 2024.