

IGG defends Senkeeto's prosecution over sh24.7b theft

By Edward Anyoli

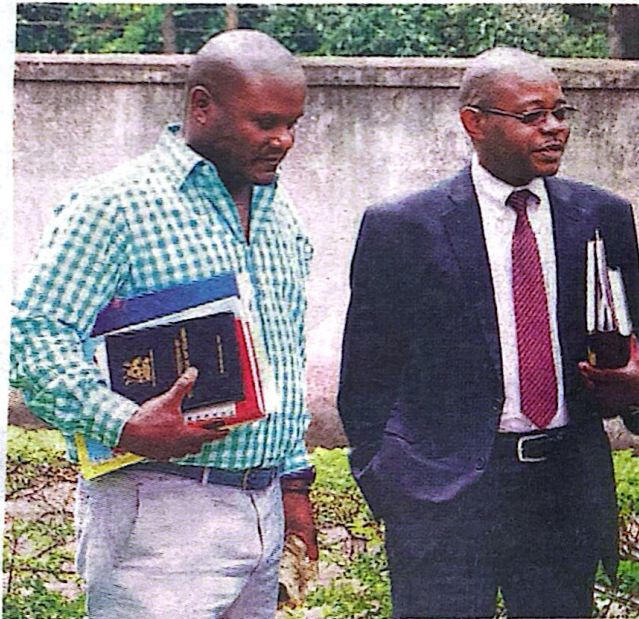
The Inspectorate of Government (IGG) has defended the prosecution of city businessman Apollo Senkeeto, who is accused of stealing sh24.7b meant for the construction of the Mukono-Katosi road.

Yesterday, while responding to Senkeeto's application in which he wants court to halt his trial, IGG officer Clare Ninsiima and the director legal affairs, Sarah Birungi, asked court to dismiss the application.

Senkeeto wants Justice Lawrence Gidudu to refer the case to the Constitutional Court for interpretation to determine whether his prosecution by the IGG is proper.

Ninsiima told court that the IGG has the power to initiate its own investigations and prosecution.

"The IGG can initiate its own complaint under section 8(2) of



Senkeeto (left) at the Court of Appeal in Kampala after a court hearing yesterday. Photo by Lawrence Mulondo

the IGG Act. Article 230 of the Constitution gives her power to investigate and prosecute. I

pray that this court dismisses the application and allow the criminal case number 12 of

BETWEEN THE LINES:

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2017 to continue," Ninsiima said.

The trial of Senkeeto and others accused of different charges at the Anti-Corruption Court in Kololo, Kampala has been going on since February last year.

Other accused are former works minister Abraham Byandala, Eng. Berunado Kimeze, Joe Ssemugooma, Marvin Baryaruha, Isaac Mugote and Wilberforce Senjako.

The accused are battling charges ranging from abuse of office, causing financial loss,

disobedience of lawful orders, theft, uttering false documents, corruption, obtaining execution of a security by false pretence, conspiracy to defraud and abetting the offence of causing financial loss.

Ninsiima argued that Article 227 of the Constitution provides for the independence of the IGG to institute criminal charges against any person who has committed offences of corruption.

On whether the charge was properly consented to as required by Article 120 of the Constitution, Ninsiima said the IGG does not require the consent of the Director of Public Prosecutions to carry any prosecution under its mandate.

Peter Mulira, Senkeeto's lawyer, said his client is being prosecuted without a complainant, adding that the case should be referred to the Constitutional Court to determine whether his rights

are being infringed upon or not.

Mulira wants court to determine whether it is proper for the IGG to prosecute Senkeeto over charges of theft under the Penal Code, which he contends is outside the mandate of the IGG.

"The court should determine whether the prosecution of the applicant for theft under section 254 and 261 of the Penal Code Act contravenes Article 225 of the Constitution," Mulira said.

Mulira submitted that the IGG does not have the mandate to prosecute Senkeeto over charges of theft which is outside its mandate.

"Proceedings of this case be stopped and a reference be made by this honourable court to the Constitutional Court for the interpretation," Mulira said.

Mulira said the IGG was wrong to prefer charges against Senkeeto without the consent of the Office of the Director of Public Prosecutions.

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