

Court declines to dismiss Kaweesi murder case

By Farooq Kasule

Nakawa Chief Magistrate's Court has declined to dismiss the murder case of former Assistant Inspector General of Police (AIGP) Andrew Felix Kaweesi.

Yesterday, Grade One Magistrate Noah Sajjabbi rejected the defense lawyers' request to dismiss the case on grounds that the court has no powers to dismiss capital offences that have dragged on for so long since it lacks the jurisdiction to try them.

"I have advised my mind on the law and come to a conclusion that magistrate's court cannot dismiss a case where it has no power to try it. Therefore, the application is accordingly dismissed," Sajjabbi ruled.

Sajjabbi noted that even the defence lawyers also failed to point to the particular provision that empowers him to release capital offenders in case investigations delay.

Recently, defence lawyers led by Anthony Wameli representing 14 suspects still under probe over Kaweesi's murder asked court to dismiss the case on grounds that the accused persons have been before court for over six months, but the State has failed to adduce evidence against them. They were charged on April 21.

Wameli had argued that suspects are entitled to a speedy trial, but since the State has failed to commit them to the High Court for trial, the case should be dismissed. He argued that the Director of Public Prosecutions could reinstate the case later once sufficient evidence is found.

The applicants were Sheikh Musa Ntende, Umar Maganda, Hassan Tumusiime, Ibrahim Kissa, Hamid Magambo, Abdul-Majid Ojerere, Ahmada Shaban Ssenfuka, Sauda Ayub, Osman Muhammed Omar, Asuman Mugoya, Ali Mugoya, Ibrahim Ssemwanga alias superman, Abudallah Khala alias Hibwangi Sinani and Swaleh Ddamulira.

They were indicted over terrorism, aggravated robbery and complicity in the murder of Kaweesi, his bodyguard Kenneth Erau and driver Geoffrey Mambewa. The trio was murdered on March 17, in the city suburb of Kulambiro.

State attorney Christine Apolot informed court that inquiries in the matter are still ongoing, prompting the magistrate to adjourn the case to January 23, for further mention.

Prosecution alleges that the accused between January and March 2017 in the districts of Kampala, Wakiso, Mukono, Jinja, Iganga, Bugiri, Busia and Tororo for purposes of influencing the Government or intimidating the public for political and religious aims directly involved themselves in complicity of Kaweesi's murder.

The State further alleges the accused used a gun or deadly weapon and robbed Erau's rifle SMG serial number POL 56-3686844-04683 and a pistol serial number UG. POL 007315.

After the ruling, Wameli said they would petition the High Court for bail.

Meanwhile, the magistrate has also deferred the hearing of the bail application of five men accused of belonging to Allied Democratic Forces (ADF) to January 9. The men are part of the group accused of Kaweesi's murder.