

Besigye fights plan to conceal identities of six witnesses

BY JULIET KIGONGO

KAMPALA. Opposition activist Dr Kizza Besigye has opposed prosecution's move to conceal the identities of six witnesses in his ongoing treason trial, warning that the request undermines his constitutional right to a fair hearing.

In an affidavit filed yesterday before the High Court, Dr Besigye argues that the application by the State seeks to conceal the identities of his accusers and the evidentiary material they seek to use against him in a capital case where he faces the death penalty.

"The move to conceal the identities of my accusers and their alleged evidence violates my inviolable right to a fair trial, and I strongly oppose it," Dr Besigye states.

Dr Besigye, who is jointly charged with his aide Obeid Lutale and Uganda People's Defence Forces (UPDF) officer Denish Oola, insists that Uganda's justice system is anchored on openness and the right of an accused person to confront witnesses.

"These rights ensures I meet and confront my accusers and witnesses against me. It matters not that I am charged with a capital offence," he says.

Dr Besigye also faults the prosecution for what he describes as a continued failure to comply with court orders on the disclosure of evidence. Dr Besigye argues that concealing the identities of six out of 10 witnesses amounts to introducing trial by ambush, denying him adequate time and facilities to prepare his defence.

"Anonymity in such circumstances risks insulating key evidence from proper challenge, thereby prejudicing my defence," he states.

He further notes that in previous treason cases against him in 2005 and 2016, no witnesses were granted anonymity and no security threats were reported.

"None of the witnesses in those cas-



Opposition figure Dr Kizza Besigye and his aide Obeid Lutale interact with supporters at the High Court in Kampala yesterday. PHOTO/ABUBAKER LUBOWA

es has ever reported being harassed or harmed as a result of testifying."

Lutale also raises similar concerns, arguing: "Concealing the identity of witnesses will prevent me from investigating the credibility and reliability of the witnesses... and adequately and effectively preparing meaningful cross-examination."

The defence also challenges the basis of the application, saying the State has not provided concrete evidence of any real or imminent threats to the witnesses.

"Mere assertions, generalised fears, and/or speculative concerns should not outweigh my constitutionally guaranteed right to fair trial," Lutale argues.

The State filed a sworn affidavit by Chief State Attorney Joseph Kyomuhendo, stating that the application is justi-



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fied, describing witness protection as an internationally accepted principle that does not infringe on the rights of the accused.

"The threats faced by the witnesses are real and not speculative, granting the witness protection orders will be in the interest of justice," Mr Kyomuhendo states in his rejoinder affidavit.

He further argues that the gravity of the offences, including treason and misprision of treason, makes witness

protection necessary, noting that such crimes often involve violence and serious security concerns.

During proceedings before Justice Emmanuel Baguma, tensions emerged over delays and disclosure, with the judge faulting the prosecution for late appearance in court but allowing the matter to proceed "in the interest of justice."

"This court's hands are not tied... it cannot close its eyes simply because a party has come late."

On the application itself, the judge ruled that the defence should be allowed to challenge the prosecution's evidence through cross-examination of the deponent.

Justice Baguma directed that Mr Kyomuhendo appears in court for cross-examination on April 24.

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