Army court denies senior cop bail

By Michael Odeng

The army court has declined to grant unconditional bail to jailed Police Professional Standards Unit (PSU) commandant, Assistant Inspector General of Police Joel Aguma.

Yesterday, lawyer Caleb Alaka asked court to grant unconditional bail to Aguma, stating that prosecution had failed to reply to his bail application.

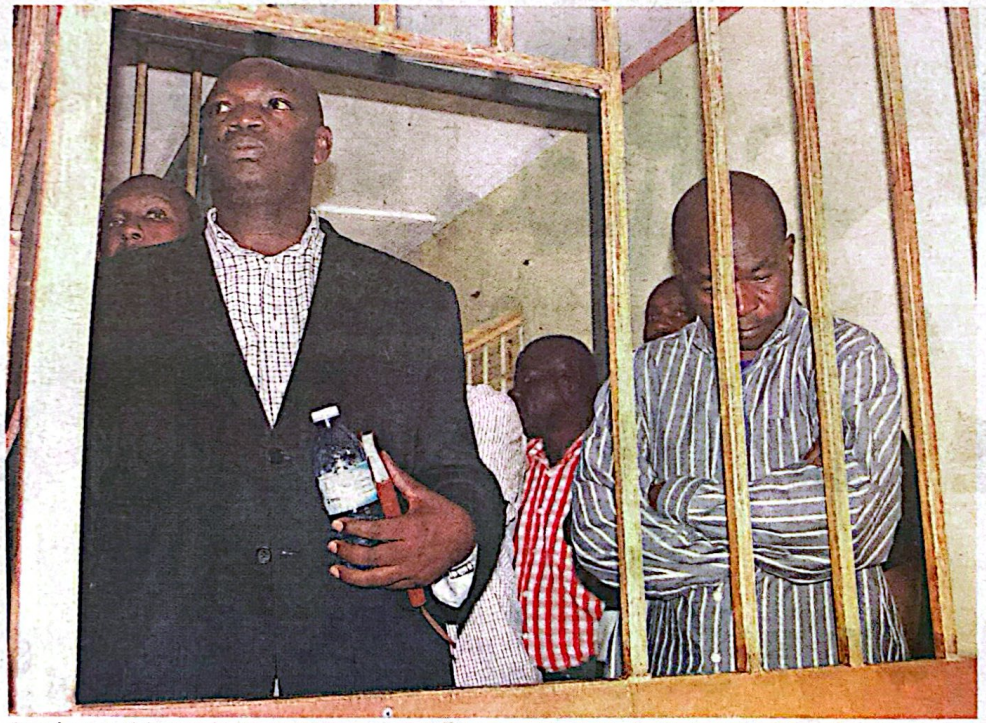
"We filed the bail application and served prosecution last week on Monday, but they have not in any way opposed it by way of an affidavit. We, therefore, pray that you find the application unopposed," he requested.

However, the General Court Martial presided over by Lt. Gen. Andrew Gutti adjourned the matter to December 12, for prosecution's reply after the judge's advocate, Gideon Kattinda said it would be unfair to pass a ruling without hearing from the prosecution.

Aguma was recently charged with kidnapping and repatriating two Rwandan nationals. His other co-accused are James Magada, Benon Atwebembeire, Abel Tumukunde, Faisal Katende, Amon Kwarisima and Nickson Agasirwe, the former commandant of Police's Special Operations Unit.

Prosecution led by Maj. Raphael Mugisha alleges that the nine accused persons unlawfully kidnapped Jackson Kalemera alias Ndinga and (lieutenant) Joel Mutabazi and delivered them to Rwanda without their consent. Mutabazi was a former bodyguard of Rwandan President Paul Kagame.

Prosecution states that on October 25, 2013, at Kamengo in Mpigi district on the Kampala-Masaka road, while in unlawful possession of firearms and grenades, ordinarily a monopoly of the Uganda People's Defence Forces, the accused persons conveyed Kalemera and Mutabazi to Rwanda.



Agasirwe and Aguma in the dock at General Court Martial in Makindye Kampala last month. They were denied bail yesterday. Photo by Meddie Musisi

Caleb Alaka argued that the offence of kidnap is bailable under section 239 of the Penal Code Act and that Joel Aguma is presumed innocent, until proven guilty

The policemen are battling the same charges with a Rwandan army officer, Rene Rutagungira, and a Congolese national, Pacifique Bahati Mugenga alias Ilunga Monga.

The accused are currently in custody at Makindye military barracks and Luzira Prison.

Apart from Mugenga, other accused persons also applied for bail through their lawyers Frank Kanduho and Eron Kiiza. They say it is their constitutional right to apply for bail and that they have fixed places of abode with substantial sureties.

Alaka argued that the offence of kidnap is bailable under section 239 of the Penal Code Act and that Aguma is presumed innocent, until proven guilty.

He also revealed that Aguma has a heart problem, eight people to fend for and that his mother is bedridden.

Evans Ochieng presented in court four people to stand surety for Aguma, including the Police's director of the crime intelligence, Assistant Inspector General of Police Atwooki Ndawula. Others are Siraje Seguze, Deo Masanga and Muhammad Katoto, the executive director of Katoto Tours and Travel.

Unlike previously when they were driven in a white van, this time, the nine suspects had to make do with standing in a lorry truck escorted by two military Police pick-up vehicles. They arrived in court at about 9:00am and were straight away led to the court holding cell. The court was packed with senior Police officers and relatives of the accused.

Mugisha requested court to give them time to make a reply on the bail application.

Mugisha also informed court that investigations into the matter by the Chieftaincy of Military Intelligence were nearing completion and that they would be in position to fix the case for hearing by January 15, 2018.

The request for adjournment by prosecution angered Alaka, who said it would be unfair to Aguma.

"This would mean the court is convicting people before their case is heard," Alaka said

Kanduho also lined up five people to stand surety for Agasirwe. They are senior superintendent of Police Andrew Kaggwa, commissioner of Police Fortunate Habyara, retired commissioner of Police Laban Muhabwe, Aloysius Muhangi and Dez Atwebembeire.

He argued that Agasirwe is the sole breadwinner of his family since his wife passed away.

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