

Agnes Nandutu: The child punished alone

Ordinarily this is a straight forward case of crime and punishment. That the former Minister of State for Karamoja Affairs Agnes Nandutu diverted 2,000 iron sheets meant for the vulnerable people of Karamoja is not in doubt. She also admitted it, returned them and apologised. That she must carry her cross is not debatable, either.

What raises eyebrows in the *mabati* (iron sheets) case is that when the story broke way back in 2023, the list of suspects was as long as 30 individuals. It had several names of big wigs; including Cabinet ministers and MPs in the ruling NRM government.

Then it came down rapidly, with the most notable leftovers being Ms Mary Goretti Kitutu, the Minister for Karamoja Affairs, Mr Amos Lugolobi, the State Minister of Finance, Planning and Economic Development, and Nandutu.

Kitutu and Nandutu were dismissed from Cabinet as they faced trial. Lugolobi on whose goat pen, iron sheets clearly labelled 'Office of the Prime Minister (OPM)' were found, for some time oscillated between court and his high office in the Ministry of Finance. Then the Office of the Director of Public Prosecution (ODPP) withdrew charge against him citing 'loss of interest,' leaving the two women from the Bugisu Sub-region in the dock.

The ODPP is a constitutional office with such privilege that they don't need to furnish the public or anyone with reasons for determining who gets exonerated or prosecuted and for what crimes.

For instance, the reason the ODPP gave for ab-

solving most of the suspects was ambiguous lack of evidence. One minister confessed in public that he received the *mabati* but did not know how they came in his possession. Even the act of returning them by the rest who are not in any way vulnerable Karimajong, was supposedly not sufficient enough to prove that they had taken them in the first place — with the intention of diverting them like Nandutu.

In a country where corruption with impunity has become so entrenched, Nandutu's conviction seems like the one individual in a massive, compact crowd who is unfortunate to be selectively struck by lightning.

It is alleged that Uganda loses over Shs10 trillion to corruption. Nandutu's 2,000 *mabati* are not worth a scratch on this 10 trillion. But that does not matter to a society that needs moral heroes and villains, who are in short supply.

In 2012, we had Geoffrey Kazinda, whose Shs5 billion troubles, like the *mabati*, originated from the OPM. Now we have a new poster child in the fight against corruption. That face is a former Cabinet minister and MP who was sacked, prosecuted and convicted after she was caught. It presumably shows that the government is serious about corruption unlike what the nay sayers proclaim. We shall not hear the last of that until we get another 'small' fish in the net that nabbed Nandutu.

Yet this is the same country where President Museveni recently claimed he 'forgave' Cissy Namujiu Dionizia, the Woman MP for Lwengo District, along with other ruling NRM party legislators Yusuf Mutembuli of Bunyole East and Paul Akam-

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Plainly speaking



ba of Busiiki Country. They allegedly admitted to wrongdoing, repented, and asked for pardon in a corruption matter. Again the independent ODPP also, thinking like the President, dropped charges.

Nandutu's matter shines a spotlight on the ODPP. In many criminal matters, especially those of a political nature, the ODPP presses charges on people who are opposed to the government and keeps interest in them for years. Where the laws change along the way like it happened with the scrapping of the Computer Misuse law, the ODPP presses some new charges under a different section of the penal code, which keeps the suspect on the tether.

In some cases, it goes beyond the maximum custodial punishment of the suspect as prescribed by the law. Intriguingly, that very office insists on objecting to their bail application as it continues with endless investigations.

Many times these objections come in a very

haughty and callous manner like has happened in the case of Alex Waiswa Mufumbiro. When his ailing wife asked that he be granted bail so that he looks after her cancer ridden body, they took their time to ascertain the authenticity of the documents, which they claimed might be forgery from Nasser Road. Then they objected almost by default. When Edith Katende Mufumbiro died, they denied the suspect temporary bail to bury his wife, claiming the father, a retired chief magistrate and practicing lawyer, was not of means to secure him and that investigations are almost complete!

Even in cases where a suspect meets the 180-day remand threshold mandated by Article 23(6)(c) of the Constitution for mandatory bail like Kizza Besigye, Obeid Lutale and Capt Denis Oola, they still obstinately object.

It is like the ODPP is inadvertently helping the State to weaponise remand as a custodial punishment of people it does not have sufficient evidence to prosecute or convict but wishes to punish because they don't like them. That is very frightening coming from an independent, constitutionally protected office of the State, that has to be seen to be acting independently and fairly.

Like is said in Runyakitara "*otera abaana tera bona*" if you must punish a child, punish all who were involved in the mischief - for the punishment to make sense for the sake of justice and equity.

Anyone with a sense of fairness can't help but, feel for Nandutu. Yes, she has rightfully received her comeuppance. Four years behind the prison gate and 10 years ineligibility to hold public office. But for crying out loud, she was not alone and neither were her circumstances unique. She now procures sympathy like a sacrificial lamb.

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