

Kidnap suspect denied bail over torture claims

By Michael Odeng

The army court has declined to hear the bail application of jailed Rwanda army officer Rene Rutagungira over torture claims.

In his application distributed to court members, Rutagungira claims that he is a victim of torture and that he was illegally arrested and detained incommunicado at Mbuya barracks for more than two months.

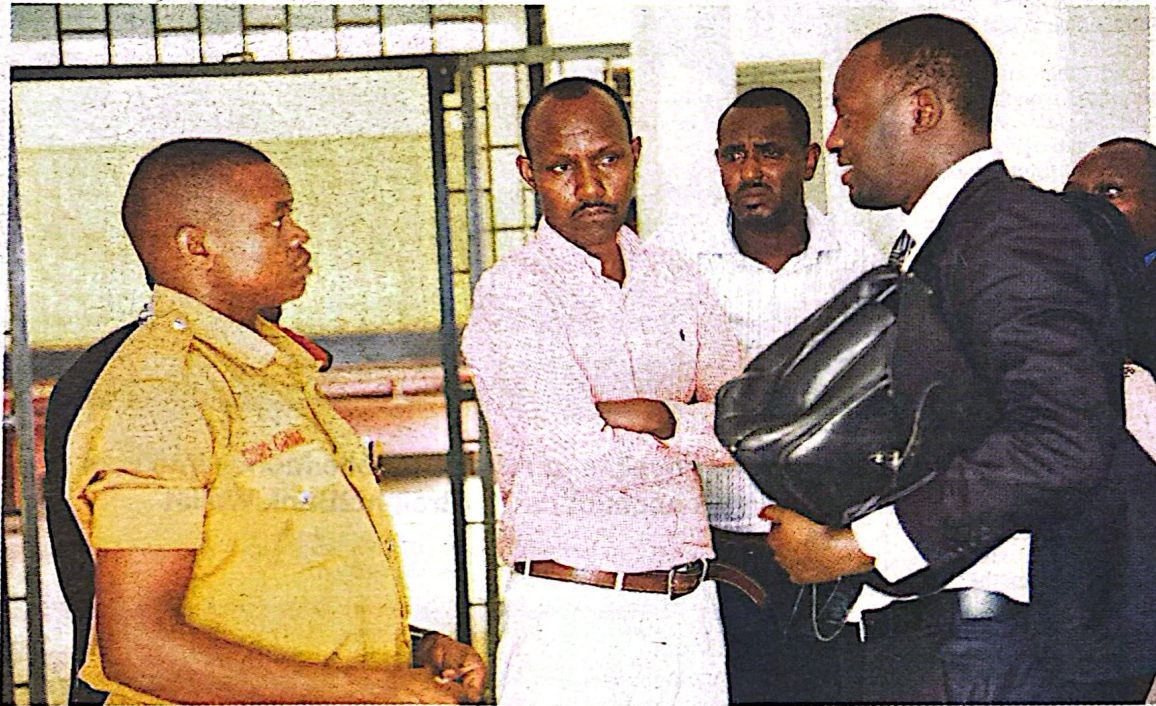
He also claims that he was tortured by the military, Brig. Abel Kandiho and slapped on the face by Lt. Gen Henry Tumukunde with the motive of forcing him to implicate Inspector General of Police (IGP) Kale Kayihura and Rwandan President, Paul Kagame in criminal activities concerning kidnap of Rwandan refugees.

"Having endured the chieftaincy of military intelligence's illegal torture and incarceration, any further imprisonment would only elongate the said torture and compound the violation of my fundamental human rights and freedom," Rutagungira stated.

He also stated that he has a right to being granted bail, substantial sureties, a fixed place of abode at Namungoona, a Kampala suburb, no criminal record and presumed innocent. Rutagungira was represented by Eron Kiiza.

However, the General Court Martial (GCM) presided over by Lt. Gen. Andrew Gutti, dismissed the application on grounds that lawyer Kiiza did not have evidence to that effect.

Gutti said allegations made against those people are not grounds for bail and requested the judge's advocate, Gideon Kattinda, to advise court on



Kiiza (right) talks to suspect Rutagungira (centre) at the Court Martial in Kampala, yesterday. Photo by Kennedy Oryema

the issue.

"These allegations are baseless. He should amend the grounds for bail, and then we shall attend to him," Kattinda advised.

Kattinda told court the said allegations endanger the relationship between countries and individuals, prompting the court chairman to adjourn it to December 19.

However, Kiiza argued that declining him opportunity to make a bail application tantamounts to transverse

of justice.

Rutagungira was recently charged with kidnapping and repatriating two Rwandan nationals. His co-accused are Joel Aguma of the Police Professional Standards Unit and Nickson Agasirwe, the former commandant of Police's Special Operations Unit.

Others are James Magada, Benon Atwebembeire, Abel Tumukunde, Faisal Katende and Amon Kwarisima and a Congolese, Pacifique Bahati

Mugenga, alias Ilunga Monga.

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 Rwanda's President, Paul Kagame.

Prosecution states that on October 25, 2013, at Kamengo in Mpigi district, on the Kampala-Masaka

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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.

The accused are currently in custody at Makindye military barracks and Luzira Prison. The court was packed with relatives and friends of the accused.

Apart from Mugenga, the court also heard bail applications for other accused persons. They say it is their constitutional right to apply for bail and that they have fixed places of abode, with substantial sureties.