MURDER CONVICT OKELLO APPEALS CONVICTION, SENTENCE

By Farooq Kasule

Still pleading for his innocence over the gruesome murder of four toddlers at Ggaba Early Childhood Development Centre on April 2, Christopher Onyum Okello, who is now on death row, yesterday filed a notice of intention to appeal against both his conviction and sentence.

Okello lodged the notice of appeal to the Court of Appeal via the Electronic Court Case Management Information System (ECCMIS) system at Luzira Upper Prisons yesterday.

The appeal is captured on the ECCMIS system as no. 288 of 2026. Okello states that he is dissatisfied with both his conviction and sentence.

DEATH PENALTY PROCEDURE

Under the law, all death sentences passed by the High Court must be confirmed by the Supreme Court before they are executed.

Thus, if a death row inmate does not appeal, the law requires that the Supreme Court still review the case for confirmation within 30 days of the conviction.

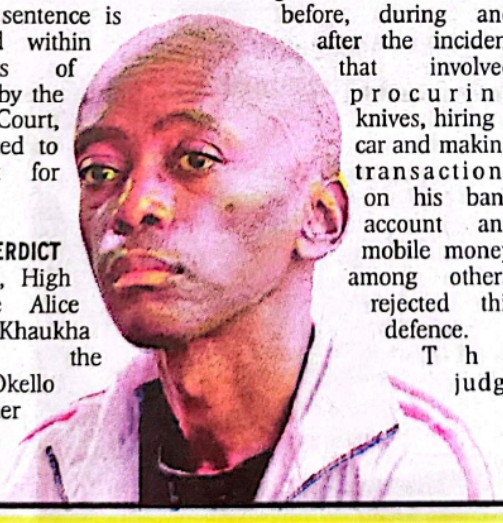
The Supreme Court may confirm the sentence, overturn it or impose a lesser sentence, such as life imprisonment.

Once the Supreme Court justices confirm the death sentence, it is passed to the Advisory Committee on the Prerogative of Mercy to advise the President, who is mandated under the law to sign the death warrants.

If a death sentence is not executed within three years of confirmation by the Supreme Court, it is commuted to imprisonment for life.

HIGH COURT VERDICT

On April 30, High Court Judge Alice Komuhangi Khaukha condemned the 39-year-old Okello to death after finding him guilty of deliberately and intentionally killing defenceless infants, including Ryan Odeke (1.5 years), Keisha Agenorwoth Otim (2 years), Gideon Eteku (2.5 years) and Ignatius Sseruyange (2.5 years).



While Okello had raised the defence of insanity, the judge, drawing from his conduct before, during and after the incident that involved procuring knives, hiring a car and making transactions on his bank account and mobile money, among others, rejected this defence.

The judge said when Okello chose to rely on the defence of insanity, the burden was shifted on him to prove that he was suffering from mental illness at the time of committing the offenses, which he never did.

Finding Okello to have been mentally stable at the time of committing the offenses, Justice Komuhangi relied on the evidence of Dr Emmanuel Nuwamanya, a police surgeon who told the court that he appeared normal when he interviewed him and that his speech was not only normal and coherent, but he was also generally calm.

The judge further said even if it were true that Okello had ever been admitted at Butabika Hospital, it had no impact on the case.

After evaluating the evidence, Justice Komuhangi said a defence of diminished responsibility, a partial defence to murder that reduces a conviction to voluntary manslaughter, was also not available to him.

POST-MORTEM EVIDENCE

Citing the evidence of Dr Abdul Katongole, who carried out the post-mortems on the dead bodies, which indicated that the four toddlers succumbed to hypovolemic shock (massive blood loss) resulting from deep cut wounds on their necks; the evidence of Phoebe Namutebi, a caretaker at the school who witnessed the incident and testimonies from their respective parents, Justice Komuhangi ruled that the prosecution proved beyond reasonable doubt that the four toddlers are dead, having been unlawfully stabbed to death by the convict.

In regard to participation, Justice Komuhangi citing the CCTV footage, the evidence of Namutebi and Annet Odong, the school co-ordinator who had just interacted with him before gruesomely killing the children, among others, the judge said Okello's participation was not contested because he never denied killing the children.

While the prosecution never produced in court Silas Bukenya and Moses Opio, who apprehended Okello, Justice Komuhangi ruled that this did not affect the case since he was apprehended in the act of slaughtering the children.

MALICE AFORETHOUGHT

On April 30, Justice Alice Komuhangi Khaukha ruled that from Okello's conduct before, during and after the murder incident, it was clear that he intentionally killed the four children and, therefore, malice aforethought was proved by the prosecution given that he never explained the circumstances behind his actions.

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