

'Red Pepper' editors sent back to Luzira

By Farooq Kasule
and Micheal Odeng

Five directors and three editors of a local tabloid, the *Red Pepper* newspaper, accused of defaming President Yoweri Museveni will have to wait until December 19, to know their bail fate.

Yesterday, Buganda Road Court Chief Magistrate James Ereemye Mawanda further remanded the accused to scrutinise submission of the defence lawyers and prosecution to determine whether or not to release them on bail.

"I have this lengthy submission with so many documents to look at. Therefore, I will need time to study them. For that matter, the case is hereby adjourned," Mawanda ruled.

The accused are Arinaitwe Rugyendo, 41, Richard Kintu, 33, James Mujuni, 42, Patrick Mugumya, 40, Richard Tusiime, 45, Johnson Musunguzi alias Byarabaha, 44, Ben Byarabaha, 38 and Francis Tumusiime, 43.

They were recently charged with seven counts of defamation, offensive communication and publication of information prejudicial to security in relation to an article *M7 plots to overthrow Kagame* published on November 20.

The magistrate also rejected pleas by defense lawyers led by Maxi Mutabingwa to grant an interim bail to the accused - pending detailed bail ruling.

Earlier, state attorney AbdulSalam Waiswa, who teamed up with Victoria Ssekandi, asked court to deny the accused bail on grounds that they would interfere with investigations and intimidate witnesses.

"The accused are directors of *Red Pepper* and all are the infamous hyenas. They would again use their networks to threaten, intimidate and blackmail the witnesses from co-operating with the state and jeopardise the case," Waiswa submitted, attracting laughter from the audience.

The state noted that the charges against the accused are serious because it involves publication of information prejudicial to national security, adding that the evidence so far gathered directly links the accused to the crime.

Waiswa explained that the publication exposes the security of Uganda, Rwanda and the entire Great Lakes region and court should keep them away from the public.

Waiswa relied on the affidavit of the investigating officer, detective assistant commissioner of Police Isaac Oketcho.

"The accused committed the offence using computer systems and electronic communication which means that if released, they will have access to communication systems, such as

computers, mobile phones and e-mails, which they might use to further delay the investigations," Waiswa submitted.

He argued that in cases where national security is threatened or there is real likelihood of it being threatened, individual rights of accused persons take second place.

"It is our submission that although the accused may not be directly responsible for the insecurity, their action of publishing the said story, which had a potential of affecting the security of the two nations should be seen serious and in disregard of a duty of the journalists for which the accused are protected under section 3 of the Press and Journalists Act," Waiswa said.

He revealed to court that some of the accused were once convicted of libel and others have ignored Police summons. Basing on this, Waiswa said the accused might frustrate court proceedings by not turning up for trial.

However, Waiswa submitted that if court was to be inclined to grant them bail, they should deposit their land titles and passports in court.

In reply, Mutabingwa submitted that there was no likelihood of the accused accessing computers or their phones, since they were confiscated by the State upon arrest and the Police sealed off their offices.

He noted that using a computer to publish a newspaper is not computer misuse as alleged by the state.

According to Mutabingwa, the state's fear is far-fetched, lacks merit and should be disregarded by court, noting that Oketcho's affidavit contains only rumours, speculation and imaginations.

He asked court to consider the two weeks the accused have spent at Nalufenya Police Station, Jinja district and Luzira Prisons to grant them bail.

Shortly after court, Mutabingwa said they would petition the High Court for bail because it seemed the magistrate had rejected it.

Robert Sempala, the co-ordinator of the Human Rights Network for Journalists Uganda said the public's right to information has been infringed on by the state.

The charges

The editors are also accused of defaming Gen. Salim Saleh and security minister Gen. Henry Tumukunde. The state claims that the article portrayed the trio as plotting to overthrow the President of Rwanda, Paul Kagame.

Prosecution alleges that the accused on November 20, at their head offices in Mukono, with intent to defame the trio, unlawfully and without justification published an

article *M7 plots to overthrow Kagame-Rwanda*.

According to the state, the publication injured the trio's reputation, disturbed their peace and also subjected them to hatred, contempt and ridicule.



'Red Pepper' editors appearing before Buganda Road Court yesterday. Photo by Meddie Musisi

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