

Okello has been given until 9am today to give his testimony but this left the community angry.

BY ANTHONY WESAKA & JULIET KIGONGO

Proceedings in the highly publicised trial of Christopher Okello Onyum, the prime suspect in the killing of four toddlers at a Ggaba daycare, resume this morning with the accused expected to begin his much-awaited defence on four counts of murder.

The development follows a ruling on "no case to answer" yesterday by presiding judge Alice Komuhangi Khaukha, who found that the prosecution had established a prima facie case after presenting 18 witnesses over nearly two weeks.

"I have evaluated the evidence produced against you, and it makes a case against you, requiring you to give your defence on each of the four counts," Justice Komuhangi ruled.

Following the ruling, the judge explained to Okello the three legal options available to him in presenting his defence.

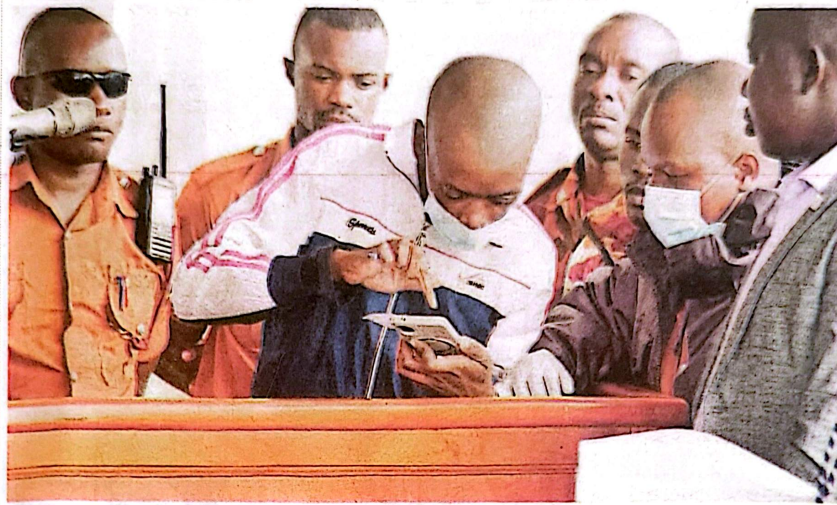
To give a sworn testimony, in which case he is to be guided by his lawyers and subjected to cross-examination by the prosecution. Alternatively, he gives an unsworn statement, which is not subject to cross-examination by lawyers. The third option allows him to remain silent and not present any defence.

The judge went on to give Okello a 30-minute break to consult with his defence lawyers, Mr Richard Kumbuga and Ms Sarah Awelo, before he could inform the court of his chosen course of action. Upon return, he told the court he would give a sworn testimony.

To that effect, he went on to make several demands to the court, including providing him with three of his phones from which he would retrieve contacts of witnesses who he said are ready to defend him. The batteries of the said phones that are currently being treated as prosecution exhibits had run low, and the phones were not powering on.

But the prosecution side provided a power bank, and Okello's phones were charged, and he was able to retrieve the phone numbers for his would-be wit-

Daycare murder suspect starts his defence today



Prime suspect in the murder of the four toddlers at Ggaba Childhood Development Programme, Christopher Okello Onyum in the dock yesterday. PHOTO / ABUBAKER LUBOWA

TESTIMONY

Okello had asked for the weekend break so that he would go through the court record and also summon his witnesses. But in her ruling, Justice Komuhangi declined to grant Okello a whole weekend adjournment but instead gave him a one-hour break to prepare and immediately start defending himself. The jurist went on to note that Okello had been present throughout the close to two-week trial and had adequate time and legal representation to prepare.

"I observed that at the commencement of this hearing, the accused (Okello) confirmed to the court that they had interacted with the two lawyers who had been assigned to him at the expense of the state. The accused and his two lawyers also confirmed to this court that they have gone through disclosures of the evidence that the prosecution intended to rely on," Justice Komuhangi held.

The judge added, "The accused, who is represented by two lawyers, has sat through the proceedings in which the evidence of the 18 prosecution witnesses was taken. I have observed the accused person and am satisfied that he was following the proceedings. I'm satisfied that he has been accorded sufficient time and facilities. Nevertheless, I will give him one more hour to compose himself to give his defence. I now stand over this matter until 3:15 pm when the accused person will give his sworn testimony."

When the one-hour break elapsed, Okello returned, and when asked by Justice Komuhangi whether he was now ready to start his defence, he replied in the negative.

"No, no, my lord..." Okello replied to the judge, a response that irritated the public that was closely following the proceedings conducted under a mobile court system at Ggaba Community Church playgrounds.

The judge further reminded the 38-year-old Okello of what it means to give a sworn testimony. She explained that with this option, the prosecution side, led by Mr Jonathan Muwaganya and Ms Anna Kiiza, would cross-examine him by asking questions about what he would have told the court. His defence lawyers would be allowed to guide him.

But he immediately changed his choice of giving his defence to a "not sworn" testimony. Under this choice, Okello will not take an oath, and will neither be guided by his defence law-

yers nor be asked questions by the prosecution side.

"I gave you one hour to prepare yourself, and you have told me that you are still not ready. I will give more time up to tomorrow morning (today) when your witnesses are also here. So, tomorrow we shall hear your evidence and the evidence of your witnesses. So, I would adjourn the matter to tomorrow at 9 am," ruled the judge.

The adjournment to offer Okello time to ponder on his defence angered the public, with some people asking why he was being "given such preferential treatment."

While being led away to the Luzira-bound bus, learners from the neighbouring secondary and primary schools gathered in large numbers to have a glimpse of the man who allegedly killed their fellow learners in cold blood.

Members of the public were also seen cursing him, asking why he was still alive.

"Just give him to us, and we'll teach him a lesson he will never forget," the angry locals were heard shouting.

The Luzira bus swiftly took him away amidst heavy security deployment from all the security agencies.

Okello is facing four counts of murder arising from the alleged fatal stabbing of four toddlers at Ggaba Early Childhood Development Centre on April 2.

The victims were identified as Gideon Eteku, Keisha Agenorwoth Otim, Ignatius Sseruyange, and Ryan Odeke.

The children, aged between one and two-and-a-half years, were under the care of the daycare centre at the time of the attack.

Okello has denied all the charges, which, on conviction, carry a maximum penalty of death by hanging.

When Okello is done with his defence, the court will ask both the prosecution and the defence lawyers to make their final submissions in favour of or against the conviction of Okello.

Then the three court assessors will be allowed to give their layman's opinion on whether the judge should convict Okello or find him innocent.

However, the assessors' opinion is not binding on the judge.