

Lawyers ask court to dismiss Kaweesi case

By Farooq Kasule

Lawyers representing 14 suspects still under probe over the murder of former Police spokesperson Andrew Felix Kaweesi have asked court to dismiss the case on grounds that there is no state lawyer to prosecute them.

Appearing before Nakawa Grade One Magistrate Noah Ssajabi yesterday, the suspects lawyers, led by Anthony Wameli, said the accused are entitled to a speedy trial, but in situations where there is no prosecutor, the charges should be dismissed.

"Since there is no state to inform court at what stage the inquiries in our clients' case have reached, they should be released pending the state producing evidence against them," Wameli submitted.

These are Sheikh Musa Ntende, Umar Maganda, Hassan Tumusiime, Ibrahim Kissa, Hamid Magambo and Abdul-Majid Ojerere. Others are Ahmada Shaban Ssenfuka, Sauda Ayub, Osman Muhammed Omar, Asuman Mugoya, Ali Mugoya, Ibrahim Ssemwanga, alias Superman, Abudallah Khala, alias Hibwangi Sinani and Swaleh Ddamulira.

They are indicted with terrorism, aggravated robbery and complicity in the murder of Kaweesi, his body guard Kenneth Erau and driver Geoffrey Mambewa, who were murdered on March 17 in the city suburbs of Kulambyo.

Wameli further submitted that the charges can be reinstated by the state at any time in case it gets sufficient evidence against them.

"The accused have been before this court for over six months, but the state has not sent them to the High Court for trial. In fact, the court found it right to grant them bail recently. Therefore, it is proper that court also dismisses the charges for want of prosecution," he submitted.

Wameli was assisted by Godfrey Turyamusiima and Hussein Bilal. The law allows the state six months to commit capital offenders to the High Court for trial.

Bilal also argued that the charges ought to be dismissed because it violates article 28 of the Constitution, which provides for a speedy trial of suspected capital offenders.

"The state has not appeared in court for a month. This is a clear violation of the accused's right and it is a matter that calls for court to reclaim its mandate and set the accused people free," he said. He submitted that court should not use the failure of duty by the Director of Public Prosecutions to deny the accused their constitutional rights.

"The accused are in legal no man's land and their charges should be dismissed in the interest of fairness and justice," he said.