

The much anticipated pre-trial referred to by many as the “trial of the century” resumed today, the 20th of June 2018 at the High Court of Uganda amidst heavy deployment of the military, counter terrorism and the prisons service officers. The pre-trial however resulted into another adjournment. The accused persons were arrested between 2014 and 2015 from various places in Uganda while Jamil Mukulu was arrested in Tanzania and extradited to Uganda. In 2017, they were committed to the International Crimes Division of High Court, where pre-trial hearings are ongoing. The accused are indicted with the offences of terrorism, murder, aggravated robbery and crimes against humanity in connection to various atrocities allegedly committed by ADF combatants in different parts of the country.



Place : International Crimes Division

Date: 20th June 2018, 10:00-12:30pm

Case Number : Case No 1 of 2017

Accused: Ali Kabambwe alias Munakenya, Abdallah Sharif Ali Salim alias Mukyotala, Musa Nabangi, Adam Diin Bashiri alias Wabula, Sheikh Ahamed Rashid Wasiga, Cpl. Alex Martin Engwau, Sgt. John Owori, Sheikh Ibrahim Badru Wanjala, Jamil Mukulu, Amis Adam, Abdul Malik Kabaale, Muzahamu Ndifuna, Ibrahim Kyessa, Yakubu Kyessa, Muhammad Muruya, Abdallah Waniala, Abdu swabul Kimbugwe, Muhammad Mbuya, Muhammad Kiryagana, Abdurahamani Muyaga, Muhammad Matovu, Omar Abdallah Mutuka, Amis Sowedi, Zaidi Kambo, Musa Kaala, Mansuudi Kisambira, Isa Kayira, Hassan Waswa, Abdallah Kirwani, Daniel Wanyama, Abdul Ddungu, Robert Wandera, Umayiya Kikomeko and Dr. Aggrey Kiyingi, a Ugandan cardiologist living in Australia who is still at large.

Civil parties: Victims from different parts of Uganda Mayuge, Namayingo, Bugiri Iganga, Jinja, Mbale , Budaka, Wakiso, Tororo, Mukono and Kampala

Summary of the case: Former Allied Democratic Forces (ADF) leader, Jamil Mukulu and 38 others are facing charges before the International Crimes Division of the High Court of Uganda. They are alleged to have committed serious offences which include ; terrorism, murder, aggravated robbery and crimes against humanity in connection to various atrocities allegedly committed by ADF combatants in different parts of the country.

Indictments – counts:

- Murder
- Terrorism
- Aggravated robbery
- Crimes against humanity

Summary of hearings

On Wednesday 20th June, the court was meant to finalise on the pre-trial proceedings in the *Mukulu* case. The Rules of Procedure and Evidence of the ICD demand that there should be a pre-trial first to confirm whether a prima-facie case has been established against the suspects before the main trial is conducted. As such the pre-trial hearing of this case started on the 14th May before Justice Eva Luswata and later adjourned to 28th May 2018. After the hearing of 28th May, the case had been further adjourned to 14th June though there was no hearing on that day till 20th of June 2018.

The pre-trial session however failed to take off as prosecution failed to meet the deadline that was given by the court on 14th May for the disclosure of all the intended evidence against the accused persons. Defense counsel, Caleb Alaka, faulted prosecution for failing to produce in court, three of the 39 suspects, charged alongside Jamil Mukulu and requested court to discontinue proceedings against the three suspects stating that their continued existence on the indictment would render the pre-trial a nullity. The defense team also accused the DPP of flouting procedures of the court and disregarding all the set timelines. They therefore made it clear that they shall move the court to dismiss the case on grounds of delay by prosecution if they continue to seek unnecessary adjustments.

Prosecution on the other hand requested for more time to compile and mark their evidence before disclosing it to the defence. Victims' counsel also brought to the attention of the court that they were unable to meet with the victims as they were not given the required finances.

The trial judge also expressed her disappointment and agreed with the defense on the laxity of prosecution and cautioned the prosecution team against using improper procedures for seeking adjournments. The defence team raised an issue regarding the absence of three accused person in court whose names still appears on the indictment. In response, the Judge stated that the absence of the three accused persons would result in the amendment of the indictment and that once this is done, they shall be excluded in the proceedings.

The application of prosecution on disclosure she states would be heard interparty in the afternoon and the ruling be delivered on the 21st June 2018.

Justice Luswata adjourned the matter to the **20th of July 2018**, for further pre- trial hearing.