

The ICD today resumed the trial of Jamil Mukulu and 38 other co-accused amidst heavy deployment of the military, counter terrorism officers of the police and the prisons service officers. The High Court Judge Eva Luswata had earlier adjourned the matter due to the laxity of the prosecution team. 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 of the High Court

Date: 20th July 2018, 10:40am-12:30pm, Local Time

Case Number : Case No 1 of 2017

Accused: Kabwambwe and 38 others

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 Front (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 in the Busoga region in connection with their alleged allegiance to the Salaf Islamic sect, including killing on religious grounds, robbing guns from security agencies and staging robberies to finance their illegal activities.

The accused persons include; 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 Waniale, 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, Joseph Masereka and Adam Dick Luwooza.

Indictments – counts:

- Murder
- Terrorism
- Aggravated robbery
- Crimes against humanity

Summary of hearings

In their opening statements, Prosecution through the Senior Assistant DPP John Baptist Asimwe informed the court that they had filed an amended indictment in which proceedings against three of the 38 accused persons had been dropped. Defense lawyer Caleb Alaka had previously raised concern on the whereabouts of three of the accused persons, whose names appeared on the charge sheet but had never been presented before court for the pre-trial sessions, adding that the proceedings would be a nullity.

According to the new indictment, proceedings have been discontinued against Dr Aggrey Kiyingi, a Ugandan Australian based Cardiologist, Muzafaru Kaule and Sheik Swadiq Baligeya who are still at large, pending re-arrest. In related development, Joseph Masereka and Adam Dick Luwooza have been added to the new indictment. Prosecution further informed court that they had filed and handled the applications in terms of witness protection to which the court made the necessary orders.

The DPP also brought to the attention of court that they had failed to disclose its evidence to all the respective parties due to financial constraints. Only two out of the five Lawyers were served thus they requested for more time so as to enable them finish the disclosure, to enable them convene a meeting for the parties to view and mark the exhibits, to come up with the agreed facts and to finally file the required documents before court.

Both the defense and victims' counsel never raised any objections to the adjournment sought by prosecution since disclosure of the evidence had not been made to all parties. Victims' counsel, Allan Nshiimye also informed court that they were unable to carry out the outreach as earlier required due to financial constraints.

In her ruling, the Honorable Judge Eva Luswata, granted prosecution the adjournment on the following orders;

- The defense should ensure to attend the meetings with the DPP so as to agree on the facts and have the exhibits marked.
- Prosecution was given until 27th of July to fully disclose its evidence and to avail court with whatever documents they agree upon.
- And once the disclosure is done, the parties should meet on 7th and 8th to agree on the facts, the marking of evidence should be done and they should also compile the indexes.
- The indexes should then be filed before court by the 10th of August 2018.

The case was adjourned to the **15th August 2018 at 9:00 am.**