



PUBLIC INTEREST CASES SUCCESSFULLY PROSECUTED BY THE OFFICE OF THE DPP IN 2021

The mandate of the Office of the Director of Public Prosecutions is to institute criminal proceedings against any person or authority in any court with competent jurisdiction other than a court martial. The mission of the office is to handle and prosecute criminal cases in a just, efficient and effective manner. This is towards the vision of “a crime free society”.

During 2021, the office prosecuted thousands of criminal cases in the courts of law. Below are some of the Public Interest Cases that the office successfully prosecuted.

UGANDA VERSUS KAZINDA GEOFFREY AND 3 OTHERS

Kazinda Geoffrey, Principal Accountant with the Office of the Prime Minister, Okello Wilbert, Principal Systems Analyst with the Accountant General, Mugisha David and Atwine Bright Senior Economist and Senior Accountant respectively at the Ministry of Finance, Planning and Economic Development were indicted by the Office of the DPP with 33 counts of forgery, 6 counts of abuse of office and 3 counts of conspiracy to commit felonies.

It was alleged by the Office of the DPP that in 2008, the Government of Uganda and its Development Partners entered into a joint financing agreement concerning budget support to the Peace, Recovery and Development Plan (PRDP) for

Northern Uganda. In the financial year 2011/2012 the Development Partners made various financial contributions towards the PRDP. The Irish Government contributed 4,000,000 Euros, the Danish Government DKK 5,000,000 and the Swedish Government Kroner 16,000,000. The funds were banked in the PRDP Account in Bank of Uganda. Thereafter, funds to the tune of Ug. Shs. 19 billion were wrongly and irregularly transferred from the PRDP Account to the Crisis Management Account of the Office of the Prime Minister also at Bank of Uganda by Okello Wilbert, with the assistance of Mugisha David, Atwine Bright, and Takwenda Amon (deceased). The money was then spent on various fraudulent payments with the active involvement of Kazinda Geoffrey. The payments were made using security papers containing forgeries and were made for no goods or services rendered. The money was wired to several accounts of food suppliers and officials who returned it to Geoffrey Kazinda, on his instructions.

The matter was prosecuted by the office in the Anti-Corruption Court before Justice Margaret Tibulya.

The court convicted Kazinda Geoffrey on 33 counts of forgery and 3 counts of conspiracy to commit felonies. He was sentenced to 25 years' imprisonment on each count of forgery, and 10 years' imprisonment on each count of criminal conspiracy. He was also ordered to pay compensation of Ug. Shs. 19,171,476,505 to the Government.

Wilbert Okello was also convicted by the court on all the counts of abuse of office and conspiracy to defraud. He was sentenced to a fine of Ug. Shs. 18 million and in default 3 years' imprisonment.

Mugisha David and Atwine Bright were acquitted.

Prosecuted by Jane Frances Abodo – DPP, Vincent Wagona – Deputy DPP, Josephine Namatovu – Assistant DPP, Edward Muhumuza – Chief State Attorney and Tom Walugembe – Senior State Attorney.

UGANDA VERSUS CAPTAIN BUMALI AND 2 OTHERS

This was a matter where a UPDF Captain, Bumali Mangeni working with other accomplices; Duncan Lumu and Andrew Kisitu kidnapped businessman Daniel Weldu Michael from Kololo–Kampala, and robbed him of a Toyota Prado, \$18,000, wrist watch, 2 mobile phones, passport, money transfer forms, cheque leaf and personal documents valued at Ug. Shs. 200,000,000 at Jinja. The thugs then sedated him and drove him to Kenya where they shot him dead and set his body ablaze before driving off with his vehicle, which they sold in the DRC.

The Office of the DPP (ODPP) indicted them for kidnap with intent to murder, murder and aggravated robbery and prosecuted them in the High Court presided by Justice Flavia Anglin who found all the three accused persons guilty of each of the offences. They were each sentenced to 50 years' imprisonment for Kidnap with intent to murder, 30 years' imprisonment for Aggravated robbery and 50 years' imprisonment for murder, to run concurrently. In addition, each convict was ordered to severally and jointly pay compensation to the tune of Ug. Shs. 200,000,000 to the family of the deceased.

Prosecuted by Jonathan Muwaganya – Chief State Attorney

UGANDA VERSUS MPAGI DIDAS ALIAS BAKULU

In 2019, the Office of the DPP indicted Mpagi Didas with 6 counts of Aggravated trafficking in children and 6 counts of Aggravated defilement.

It was alleged that between 2017 and 2019, Mpagi Didas received and harboured 6 children at Real Infant Primary School in Wakiso District where he sexually exploited them in his capacity as Headmaster of the school. He had promised them scholarships for their education and child welfare and admitted them to the boarding section. He threatened not to assist the children if they did not comply with his exploitative demands.

The matter was prosecuted by the office in the High Court presided by Justice David Wangutusi culminating into his conviction of all the charges. He was sentenced to imprisonment for the remainder of his natural life in respect of each count.

Prosecuted by Joseph Kyomuhendo – Chief State Attorney with support from Tyler Dunman, Special Counsel to the DPP from the Human Trafficking Institute and the International Justice Mission.

UGANDA VERSUS CORPORAL SSALI

Corporal Ssali was indicted for murder by the Office of the DPP. It was alleged that on 24/2/2019, Hon. Nantaba Idah, State Minister for Communication Technology and National Guidance then reported to the Police at Naggalama Police Station that she suspected that she was being trailed by a man on a motorcycle in Nagojje Trading Centre in Mukono District. The Police pursued the rider and arrested him. The rider introduced himself as Sebulime Ronald and said he was going to visit his children at school. Sebulime was handcuffed and put inside a Police Patrol vehicle. Corporal Ssali ordered him out of the vehicle and told him he was going to kill him. Sebulime came out of the vehicle. Corporal Ssali then cocked his gun and shot Sebulime Ronald killing him.

While the matter was being prosecuted by the Office of the DPP in the High Court before Justice Henry I. Kaweesa, and after leading some witnesses, Corporal Ssali David opted for a plea bargain resulting in his conviction and custodial sentence of 20 years.

Prosecuted by Aisha Naluzze Batala – Assistant DPP

UGANDA VERSUS JOACHIM UGUOCHUKWU AND 4 OTHERS

The Office of the DPP indicted Joachim Uguochukwu and 4 others with 2 counts of kidnap with intent to obtain a ransom and 2 counts of kidnap with intent to confine a person in 2014.

It was alleged that between July and August 2013, Joachim Uguochukwu lured an American engineer and an Australian businessman into Uganda, confined them in a house in Seguku and demanded for a ransom of USD 150,000. Later, 10,000 Australian Dollars was paid and the Australian businessman was released. The Police invaded the house and rescued the American.

The matter was prosecuted by the Office of the DPP in the International Division of the High Court before Justice Lydia Mugambe who convicted Joachim Uguochukwo as indicted. He was sentenced to 17 years' imprisonment and is to be deported to Nigeria upon serving his sentence.

Prosecuted by Rachel Bikhole – Assistant DPP and Marion Ben Bella – State Attorney

UGANDA VERSUS HON. HERBERT KABAFUNZAKI

Hon. Herbert Kabafunzaki was indicted by the Office of the DPP for soliciting and receiving a bribe under the Anti-Corruption Act. It was alleged that between 6th and 8th April 2017, Hon. Herbert Kabafunzaki directly solicited and accepted a

bribe of Ug. Shs. 5 million from Hamid Muhammed, the chairperson of Aya Group of Companies as an inducement to clear him of sexual abuse allegations by his former employee Jamila Opondo.

The matter was prosecuted by the Office of the DPP in the Anti-Corruption Court before Justice Margaret Tibulya.

Hon. Herbert Kabafunzaki was convicted as indicted, in absentia. He was sentenced to a fine of Ug. Shs. 5 million for each count and in default, 3 years' imprisonment for each count, to be served concurrently.

Prosecuted by Barbara Kawuma – Assistant DPP and Maxim Elizooba – Chief State Attorney

UGANDA VERSUS MUYINGO IBRAHIM AND 9 OTHERS

On the 7th August 2019, the deceased Kamada Kimbugwe was assaulted by a group of people over a land dispute. He was subsequently set upon the ground and cut down with a panga suffering grievous head injuries that resulted in his demise.

The accused persons arrested by the Police and indicted by the Office of the DPP over this gruesome murder included Muyingo Ibrahim, LCI Chairperson–Minana Galabi Mityana District, Kalumba John, Rev. Fr Muduse Lawrence, Kulumba John Junior, Nankabirwa Jane Kulumba, Kasule John Baptista, Kayongo Fred, Ssewakiryanga Eriyasafu, Musisi Constantino Kwiba, Mutumba Livingstone and Magala Willy.

Prosecution of the matter by the Office of the DPP in the High Court presided by Justice J. W. Kwesiga led to the conviction of Muyingo Ibrahim, Ssewakiryanga Eriyasafu, Musisi Constantino Kwiba and Magala Willy of murder. They were sentenced to life imprisonment.

Prosecuted by Margaret Nakigudde Kato – Assistant DPP, Charles Bwiso – Chief State Attorney and Lillian Nandawula – State Attorney

UGANDA VERSUS MALONG LAWRENCE AND 2 OTHERS

Malong Lawrence, a South Sudanese national, Mike Lota, a Congolese national and Gavana Zhikusoka, a Ugandan were indicted by the Office of the DPP for obtaining money by false pretences, conspiracy to commit a felony (2 counts), uttering false documents (five counts) and money laundering.

Several individuals across Africa and Asia were involved in a gold scam to the tune of 1.092.000USD. The complainants, Wagnew Dessie and Adebe of Ethiopian origin based and working in South Africa got into a working relationship with Malong, a South Sudanese National mostly resident in Uganda. He convinced them to come to Uganda and invest in the gold business. He introduced them to Congolese representatives of gold owners including Mike Lota and other Ugandan counterparts including Gavana Zhikusoka. This sparked off a series of incredible transactions traversing Dubai, Nairobi, Hong Kong, Brussels and Zambia in the hope of concluding the transaction. Upon realizing that they had been duped, the complainants reported a case in Nairobi first and then Uganda.

The accused were prosecuted by the ODPP in the Anti-Corruption Division of the High Court before Justice Lawrence Gidudu.

The court convicted the trio of obtaining 1.092.000 USD by false pretences, conspiracy to defraud the two Ethiopian nationals and uttering false documents (three counts).

Malong was sentenced to 3 years' imprisonment for obtaining money by false pretences, 2 years' imprisonment for conspiracy to commit a felony and 1-year imprisonment for uttering false documents. Lota was sentenced to 2 years'

imprisonment for obtaining money by false pretences, 1-year imprisonment for conspiracy to commit a felony and 1-year imprisonment for uttering false documents. Zhikusooka was sentenced to 2 years' imprisonment for obtaining money by false pretences, 1-year imprisonment for conspiracy to commit a felony and 2 years' imprisonment for uttering false documents. The sentences are to run concurrently. In addition, a compensation order of USD 1,092,000 was made.

They trio were however acquitted on the count of money laundering and two counts of uttering false documents.

Prosecuted by Marion Acio – Chief State Attorney and Nicholas Kawooya – State Attorney.

UGANDA VERSUS ETUUSA MARGARET

Ms. Etuusa Margaret, Deputy Academic Registrar in charge of Ceremonies at Makerere University was indicted with 4 counts of abuse of office.

It was alleged by the Office of the DPP that the accused contracted four service providers for different services in total disregard of the public procurement laws, regulations and procedures. The services were neither solicited nor approved by the university and yet the accused issued the illegal service providers with award letters.

The case was prosecuted by the Office of the DPP in the Anti-Corruption Division of the High Court before Justice Margaret Tibulya.

In its judgment, the High Court found that the accused had acted arbitrarily in all four instances of awarding the said contracts and in doing so prejudiced her employer by portraying the university as disorganized and greedy. It went on to find that the accused had abused her office by side stepping the Ceremonies and

Contracts Committee and hijacking the award of the contracts using her office as the Deputy Academic Registrar in charge of Ceremonies.

The accused was accordingly convicted on all four counts of abuse of office. She was sentenced to pay a fine of Ug. Shs. 4 million in respect of all counts or serve an imprisonment sentence of 2 years in respect of each count to run concurrently. She was additionally barred from holding public office for 10 years.

Prosecuted by Josephine Namatovu – Assistant DPP

LWAMAFA JIMMY AND OTHERS

This was an appeal that originated from charges by the Office of the DPP against Lwamafa Jimmy, Kiwanuka Kunsu Stephen, Obey Christopher and Bob Kasango for the diversion of public resources, conspiracy to defraud, theft, and forgery of a judicial document. The quartet were prosecuted by the Office of the DPP in the Anti-Corruption Division of the High Court before Justice Margaret Tibulya and convicted and sentenced to various terms of imprisonment. A1 and A2 were ordered to compensate the Government jointly a sum of Ug. Shs. 3,495,680,660 and barred from holding public office. Dissatisfied with the decision, the appellants lodged an appeal in the Court of Appeal.

The Office of the DPP argued in support of the convictions, sentences and orders in the Court of Appeal before a panel comprising Justice Catherine Bamugemereire, Justice Muzamiru Mutangula Kibeedi and Justice Remmy Kasule.

The Court of Appeal ruled in its abridged judgment that following the demise of Christopher Obey and Bob Kasango, their criminal appeals had abated. The sentences passed against Lwamafa Jimmy and Kiwanuka Kunsu Stephen by the Trial Court were upheld to be served concurrently. The orders for compensation and bar to holding public office were similarly upheld.

Prosecuted by Josephine Namatovu – Assistant DPP.

UGANDA VERSUS DR. CHEBET BENJAMIN

This was an appeal by the Office of the DPP that originated from charges by the office against Dr. Chebet Benjamin in respect of the embezzlement of drugs worth Ug. Shs. 5,833,822/=. The accused was acquitted. Dissatisfied with the decision, the office lodged an appeal in the High Court before Justice Margaret Tibulya.

The appeal was premised on four grounds. The appellant's grounds of appeal contended that the learned trial magistrate had erred in law and fact by not properly evaluating the evidence on record and thus coming to wrongful conclusions on a litany of issues. The respondent sought to have the lower court's judgement upheld.

In resolving the appeal, the court agreed with all the grounds of the appellant and reversed the decision of the lower court finding the respondent guilty of embezzlement of drugs. The court accordingly convicted the respondent, Dr. Benjamin Chebet.

Prosecuted by David Mugamba – State Attorney

SSEBUWUFU MUHAMMED & 7 ORS VERSUS UGANDA

The appellants had appealed to the Court of Appeal against their convictions and sentences on the charges of murder, aggravated robbery and kidnap with intent to murder to the prejudice of Dona Katushabe.

The Office of the DPP argued in support of the convictions and sentences.

The convictions of murder in respect of the 1st, 2nd, 3rd and 8th appellants were sustained.

The appeals against the sentence of 40 years' imprisonment was allowed and 19 years' imprisonment imposed. The compensation of Ug. Shs. 100 million was upheld.

The 1st, 2nd, 3rd and 8th were all acquitted on the count of kidnap with intent to murder. The convictions of aggravated robbery for the 1st, 2nd, 3rd, 5th and 8th appellants were set aside. The appeals of the 5th, 6th and 7th appellants were allowed and their convictions and sentences set aside.

Prosecuted by Carolyn Nabasa Hope – Senior Assistant DPP

UGANDA VERUS PASKALI NIYONSABA AND ANOTHER

Paskali Niyonsaba and Colodina Muhawenimana were recorded performing a sexual act in public along Kisoro Bunagana Highway in Kisoro. They were arrested by the Police.

The Office of the DPP sanctioned the charge of indecent practice against the duo. It was alleged that Paskali Niyonsaba and Colodina Muhawenimana on the 2nd day of November 2021 at about 5:00 am along Kisoro Road in Kisoro Municipality in Kisoro District performed a sexual act, an act of gross indecency in public.

While the Office of the DPP was prosecuting them in the Magistrates Court at Kisoro before His Worship Fred Gidudu, they pleaded guilty to the charge and were sentenced to 30 months' imprisonment.

Prosecuted by Muhendo Peter – State Attorney