

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
MISC. CR. APPL. NO. 198/1989

1. JOHN SEBWATO ::::::::::::::::::::APPLICANT

2. JOSEPH BUKENYA

VERSUS

UGANDA ::::::::::::::::::::RESPONDENT.

BEFORE: - The Honourable Mr. Ag. Justice J.W.N. Tsekooko

RULING

The two applicants were originally charged with six other persons with the charge of engaging in Acts of Terrorism c/s 28(2) of the Penal Code Act. They appeared in court for the said charge for the first time on 26th October, 1987. On 15th December, 1988 the charge of "Terrorism" was withdrawn and substituted with that of the graver offence of Treason c/s 25 (1) (c) of the Penal Code. In the new charge he same 8 persons were charged together (see Misc. Cr. Appl. No. 195/89 where treason charge sheet is)

The two applicants with the others have since been on remand for upwards of 28 months since they first appeared in Court.

The offence with which, the two applicants are charged are not bailable until the conditions of Section 14A (1) of the T.I.D, 1971 as amended are fulfilled namely that (a) exceptional circumstances exist justifying the applicant's release on bail and (b) that the applicant will not abscond when released on bail.

Section 14A (2) (b) defines exceptional circumstances to mean inter alia remand in custody for a period of 15 months or more unless applicant has already been committed to the High Court for trial.

By Section 14A (3) the Court in considering whether or not the applicant is likely to abscond. court shall take into account matters among which are whether accused has a fixed place of abode within the jurisdiction and whether accused has sound sureties.

Learned State Attorney had no objection to the release of the two applicants if each is granted same conditions as were granted by Byarnugisha J. on 9th March in respect of their co-accused Paulo Kawesa.

I know the charges against the applicants are grave. But the applicants have overstayed on remand. I am not sure when they will be committed for trial.

Since the provisions of the law relating to bail are in their favour, I think that I should grant each applicant release on bail on the following conditions;

1. Deposit Shs. 30,000/ cash each.
2. Two sureties bound in the sum of Shs. 100,000/= not cash.
3. Each to report to Chief Magistrate's Court, Buganda Road every 30 days from date hen each is released.

If these conditions are not fulfilled each is to go back on remand

J.W.N. TSEKOOKO

AG. JUDGE

12/3/1990.