

WHY OKELLO WAS SENTENCED TO DEATH

By Vision Reporters

Chants sealed the Ggaba community churchyard yesterday after the High Court sentenced to death Christopher Onyum Okello for the gruesome murder of four toddlers at Ggaba Early Childhood Development Centre on April 2.

After close to three weeks of trial, court ruled that Okello deliberately and unlawfully killed Ryan Odeke (1.5 years), Keisha Agenorwoth Otim (2 years), Gideon Eteku (2.5 years) and Ignatius Sseruyange (2.5 years), trashing his defence on insanity.

Okello, 39, is a Ugandan by birth, but a citizen of the US.

While sentencing Okello yesterday, High Court judge Alice Komuhangi said the case falls in the rarest of rare like when the probation officer said such an incident has never happened in the area.

"I sentence Okello to death for the murder of the four children in a manner authorised by the law," Komuhangi said.

She, however, added that Okello has a right to appeal against the conviction and sentence.

Justifying the sentence, the judge said it will not only speak to the friends that Okello refused to reveal, but to those who believe in sacrificing blood for wealth.

"Let them know that it is highly risky to commit such a crime and that they will not escape the long arm of the law," Komuhangi said.

The judge considered the impact the offence has had on the families which lost their children. The judge observed that Okello was not remorseful for his acts during trial.

"The parents dropped their children at the school and expected them to return home later, but they were killed by Okello. God will help the families to heal," she said.

When the judge asked Okello to say his final words before the sentencing, he said: "I have nothing to say."

The judge said the evidence adduced in court by the prosecution clearly showed that he acted with intent, while committing the offences.

The judge said Okello could have killed more children if he had not been arrested. She

added that Okello targeted defenceless children and slaughtered them like animals.

"The accused never adduced evidence to show that he was suffering from the disease of the mind at the time of committing the offence. I, therefore, find the accused guilty on each of the four counts of murder and I accordingly convict him," Justice Komuhangi ruled.

The judge also considered the fact that Okello maliciously with a lot of sophistication planned and premeditated the offence of murder.

JUDGE'S ANALYSIS

Justice Komuhangi said when Okello chose to rely on the defence of insanity, the burden was shifted on him to prove that he was suffering from mental illness at the time of committing the offences, which he never did.

"In the absence of any medical report and if it is true that he was suffering from the disease of the mind, his parents would have come and testified in court, but they never came to testify and even the accused never listed them among his witnesses," the judge said.

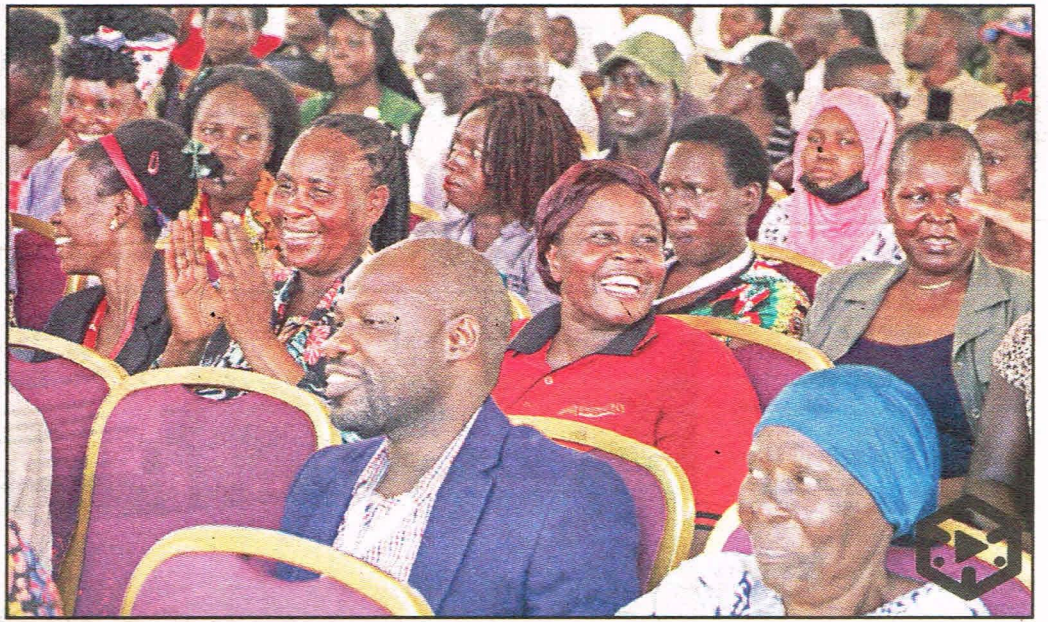
Finding Okello to have been mentally stable at the time of committing the offences, Justice Komuhangi relied on the evidence of Dr Emmanuel Nuwamanya, a police surgeon. Nuwamanya told the court that he appeared normal when he interacted with him and that his speech was normal and coherent. He said Okello was also generally calm during his interview.

Even if it were true that Okello had ever been admitted to Butabika, the judge said it had no impact on the case.

The judge said the only disease from which Okello is suffering is sickle cell disease, which she added that the doctors said is only a risk factor for mental illnesses.

Members of the public reacting after Okello was convicted. This was during the public High Court session held at Ggaba Community Church yard in Kampala yesterday.

(Scan picture using the Vision Digital Experience to watch video)



CASE BACKGROUND

According to the indictment, four days before the incident, Okello bought many knives to be used in the planned attack.

On April 1, Okello hired a motor vehicle (Toyota Rav4) from Juma Hashim, which he drove up to the daycare under the guise of seeking admission for his child.

He interacted with Phoebe Namutebi, who provided him with the requirements for admission of his alleged child.

On April 2, Okello returned, and Namutebi took him to the office of the centre's co-ordinator, Annet Odong. Consequently, he paid cash using mobile money.

However, as he exited the school, Okello pulled out a knife and stabbed four toddlers to death.

He was apprehended after Namutebi made an alarm. The Police later arrived and took him to Kabalagala Police Station for interrogation.

The four toddlers were rushed to Wentz Medical Centre, where they were pronounced dead. Consequently, the bodies were conveyed to the city mortuary for post-mortem examinations.

Dr Abdul Katongole, in the post-mortem examination reports, indicated that the toddlers succumbed to hypovolemic shock (massive blood loss) from deep cut wounds to their necks.

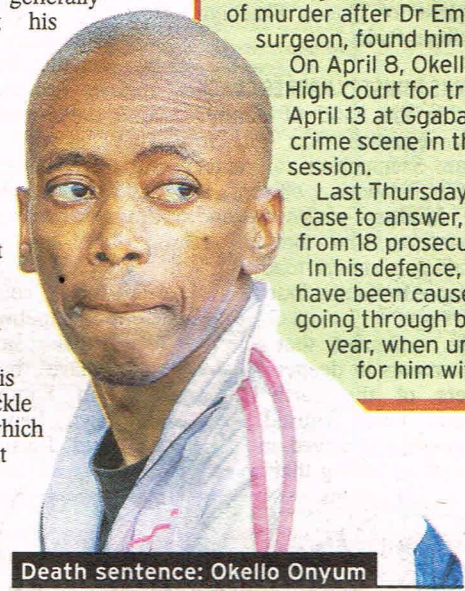
During a search at the crime scene, the Police recovered a blood-stained knife that Okello threw outside the school fence when people responded to the alarm.

On April 7, Okello was arraigned before the Makindye Chief Magistrates' Court and charged with four counts of murder after Dr Emmanuel Nuwamanya, a police surgeon, found him mentally stable to stand trial.

On April 8, Okello was then committed to the High Court for trial. His trial commenced on April 13 at Ggaba Community Church near the crime scene in the first High Court mobile session.

Last Thursday, the court found that he had a case to answer, after listening to the evidence from 18 prosecution witnesses.

In his defence, Okello said his actions could have been caused by the distress that he was going through between January and March this year, when unnamed people started looking for him with unreasonable demands.



Death sentence: Okello Onyum

After evaluating the evidence, the judge said the defence of diminished responsibility, which reduces a conviction to voluntary manslaughter, was also not available to him.

The judge cited the evidence of Dr Abdul Katongole, who carried out the postmortem reports on the dead bodies of the toddlers and Phoebe Namutebi, a caretaker at the school.

"I am in agreement with the assessors that the prosecution proved that the four are dead," Justice Komuhangi said.

Regarding participation, Justice Komuhangi cited the closed-circuit television footage, the evidence from Phoebe Namutebi, a caregiver at the daycare centre, and Annet Odong, the centre's co-ordinator, who had just interacted with Okello before gruesomely killing the children, among others.

"Whereas the defence counsel said the videos were not clear, he was seen when he parked at the Renewal Savings and Credit Co-operative Organisation on April 2, which is behind the school.

"In the April 2 footage, he could easily be identified because he was wearing a chequered shirt and sunglasses. It is corroborated by the evidence of the crime scene officer. The DNA analysis reveals that the cuttings from his shirt match the DNA on Otim," Komuhangi ruled.

"In light of the above and in agreement with the assessors, it is my finding that the prosecution proved beyond reasonable doubt that the accused caused the death of the four children."

While the prosecution never adduced in court Silas Bukunya and Moses Opio (daycare security guard), who apprehended Okello, Justice Komuhangi ruled that this did not affect the prosecution's case since he was apprehended in the act of slaughtering the children.

Concerning

malice aforethought, the judge, citing his conduct before, during and after the incident, said it is clear that he intentionally killed the children.

Therefore, malice aforethought was proved by the prosecution, given that Okello never explained the circumstances behind his actions.

SENTENCE

While the Supreme Court in 2009 in the case of Susan Kigula and 417 others ruled that the mandatory and automatic imposition of the death sentence for offences such as murder on conviction violated the Constitution, the death sentence remains legal.

Additionally, judges have the discretion to impose it based on the specific circumstances of the case rather than it being an automatic punishment on conviction.

However, the law dictates that if a convict is not executed within three years after the Supreme Court confirms their sentence, the sentence is commuted to life imprisonment.

The last civilian execution in the country was on April 29, 1999, when 28 convicts, including Haji Musa Sebirumbi, were hanged at Luzira Upper Prison.

Although no executions have been carried out in years, President Yoweri Museveni has previously threatened to resume signing death warrants to deter rising crime.

Chief state attorneys Jonathan Muwaganya and Anna Kiiza prosecuted the matter, while Richard Kumbuga and Sarah Awero have been representing Okello on the state brief.

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