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# Uganda: Award-Winning Essay Earns Gabula 26 Years in Prison

29 OCTOBER 2012

Gabula was a 17-year-old Makerere University student in 1987 when he was arrested, charged with treason and sentenced to death. He still maintains his innocence 25 years later , but says what he misses most is seeing his 82-year-old mother. Elvis Basudde writes

The yearning to see his 82-year-old mother is the greatest urge Ronald Gabula has in his heart. Formerly on death row and now serving a commuted sentence of twenty years, Gabula, 43, has been in Luzira Upper Prison for 20 years.

He is suffering from peptic ulcers with on and off bleeding. Gabula will have been behind bars for 26 years by the time his sentence ends in November 2013.

Ever since he was charged with treason, Gabula has resolutely maintained his innocence, claiming a confession was coerced out of him by a now deceased lieutenant then in charge of political affairs in the Internal Security Organisation (ISO).

Gabula was a Makerere University student in 1987 when he was arrested. He joined university so young because as a bright pupil, he skipped two classes in primary school.

Gabula was convicted and sentenced to death. Twenty years down the road, he was saved from the gallows following the ruling on Suzan Kigula's appeal that decreed that after three years on death row without execution, the sentence be commuted to life imprisonment of 20 years.

Promising economist

Tears fill his eyes and his voice trembles as he narrates how he ended up in jail. In 1986, as a senior six student, Gabula participated in a BBC essay writing competition.

He wrote an essay entitled: 'Under development in Africa: A Case of False Economics'.

A year later, while in first year at Makerere University pursuing a degree in commerce, he was invited to BBC headquarters in London to collect his prize and present the essay.

Among other profound statements, in his presentation, Gabula reasoned that economic development is a matrix of five components namely; massive research, manufacturing, mining, construction and massive investment in food production.

He said the service sector is part of consumption and not production; but western economists have falsified facts to keep Africa in perpetual dependency to the developed West.

Dream cut short

Gabula's presentation earned him many invitations to speak in the US and after a while, he founded an organisation, which he called 'State Union'. He was dreaming of excellent prospects but his dreams came to an abrupt end.

Gabula says many Americans raised money for his organisation, but foreign exchange was not yet liberalised in Uganda at the time. He had to talk to the then Bank of Uganda chief, Sulaiman Kiggundu, who sent him for vetting to the lieutenant of the then newly founded ISO.

The lieutenant who was excited about the project, facilitated Gabula with all necessary documentation to transfer the \$1.2m (about sh2.8b in the current exchange rate).

Once the money arrived in Uganda, the lieutenant took hold of it, arrested Gabula and kept him in a private house somewhere in Makindye. This was in 1987. With mounting pressure from the International Committee of the Red Cross (ICRC), he transferred Gabula to the then Lubiri barracks, and labelled him a rebel.

Justice Eronget of the High Court ordered for Gabula to be produced in court in 1988. Instead, Kamukama had him charged by a lower grade magistrate and remanded to Luzira.

Gabula says in 1989, the late Justice Margaret Kireju ordered for his release over what she termed frivolous charges. But his tormentor transferred him to Gadaffi barracks, in Jinja and had him tortured until he signed a confession that he was part of the rebel Ninth October movement.

Tortured and convicted

He says he was beaten, routinely locked in a cell so small that he could not sit or turn, with water constantly dripping on his head. Those drops over several hours would feel like a hammer.

He also claims a five kilogramme stone was hung from his testicles. Eventually he relented. Gabula claims that he was added to the treason file of 22 others, allegedly of the Ninth October Army, whom he first met in Kirinya prison.

He was first tried under Justice Margaret Kireju in Jinja. Since she had already known about the case, she said she would set Gabula free upon production of original documents relating to the money.

However, the charges were then withdrawn and the whole group was later tried by another judge in 1992.

In October 1993, Justice Christopher Kato sentenced the group to death. Gabula appealed to a higher court in 1994, but he lost.

Gabula insists that he was the youngest and last to be added to the alleged treason file of suspects, he reaffirms that he was the only one convicted solely on the evidence of the lieutenant and his sister, who he claims both uttered falsehoods.

Gabula's mother longs to see her son after very many years in prison . Gabula's mum lives in a ramshackled house in Kalerwe. She used up the family's fortune trying to secure her son's freedom

Forgiving Gabula

Today Gabula is a born again Christian. He says he has since forgiven his tormentors. On hearing about his mother's suffering, Gabula applied for amnesty despite his innocence. His plea was unsuccessful though.

He says he bears no grudge against the Government because he knows it was the lieutenant, as an individual, who stole his money and then covered it up by having him convicted of treason.

He is now left with 15 months in prison, but what hurts him most is that he spent six years on remand that were never considered in computing his 20 years of life imprisonment.

Appeal to the government

When Gabula graduated recently, he made several eloquent appeals to the Government on behalf of other prisoners. They pleaded that errant Police officers and prosecutors be tamed to avoid unnecessary convictions.

He also called for abolition of the death penalty and for the pardoning of reformed inmates and those on petty charges in order to decongest the jails.

"We have undergone comprehensive behavior change courses; many of us came as illiterates but are now at university level. An offender who was arrested when illiterate is not the same man who is a holder of a university certificate.

Reforming a person and letting him die in prison is tantamount to squandering resources. We call upon the Government to recognise its own investment in prisoners and pardon them to decongest prisons," Gabula said.

Finally he requested the Government to step-up counselling and behaviour change programmes.

Gabula's prayer is that he is released so that he can be able to care for his mother.

"She is sick and lonely. A so-called lawyer fraudulently sold off all her property claiming he would help get me out of prison.

She is unwell, in addition to psychological torture, stress and trauma. She does not sleep, only seeing illusions and flashbacks of me. She rents a house for sh40,000 in Kalerwe -Sabina zone," he said.

Graduating

Gabula recently graduated with a diploma in Christian ministry. He expressed gratitude to all those who have supported him in this effort. He said inmates who studied the course are grateful to God for giving them encouragement, despite the challenges in prison.

"The course has given them more knowledge and skills to face life. Prisons have been used as an institution for either keeping rejects from society or hanging some of them. Very few Ugandans would expect that the same inmates would be able to touch other people's hearts upon release," he said.

He says the two-year diploma course has equipped them with both timely spiritual and secular skills as well as training in mediation and counselling.

During the graduation ceremony, Gabula and fellow graduands appreciated the reform efforts the prisons authority, spiritual leaders and charity organisation have undertaken over the years.

They are already practicing the skills within the prisons community and affirm that they are ready to do the same good work when they are released.

"Most of all, is the divine call for the great commission (Mat 28:18-20) and the evidence that the inmates' churches, both in Boma and Condemned section, are growing," Gabula declared.

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When pardon can be granted

By Charles Etukuri

The Commissioner General of Prisons, Dr. Johnson Byabashaija, says prison authorities do not have power to pardon a prisoner under their detention facilities.

He maintains that: "Every year, the Uganda Prison Services submits names of people they think should benefit from the pardon to the Attorney General for consideration under the prerogative of mercy committee which forwards the names to the president".

The prerogative of mercy committee is set up under article 121 of the 1995 Constitution and its chairperson is the Attorney General and six prominent citizens of Uganda appointed by the President.

Under Article 121 (4), the President may on the advice of the committee grant to any person convicted of an offence either free or subject to lawful conditions, grant a person a respite either indefinitely or for specified time, substitute a less severe form of punishment or remit a whole or part of the punishment imposed on a person

Byabashaija says the committee puts into account certain factors.

"We usually look at people who are about to finish their sentence and are well behaved," he says.

We also focus on breastfeeding mothers who have probably served half their sentence. We also have old men who are serving their sentences and are over 70 years of age".

"In the last four years I have known about four people who have benefited from the Presidential pardon, yet we have been submitting the names every year. So I cannot explain on behalf of the committee why the numbers are few," he added.

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