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THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA HOLDENT AT KABALE

HCT-11-CRIMINAL CASE-00CR-CSC-0112 OF 2022

(Arising from Criminal case KAB No. AA-0067 of 2021)

(Arising from Police CRB No. 716 of 2021)

10 **UGANDA:.....PROSECUTION**

VERSUS

A1: AGABA SIPORITO

A2: KAMPEREZA HABERT

A3: MUTILIZE LABAN ERIC

15 **A4: KITAMBO PIUS ALIAS ZAYOMBA**

A5: BYAMUKAMA MARIKYORI

A6: MUSHABE ANDREW

A7: KYARIKUNDA POLITAZI

A8: ANYENSI KARUSYA

20 **A9: NIGHT MACULATE**

A10: TWEMERE DIVERA

A11: MUREMBE JULIUS ALIAS GAHUNGU

A12: TUKAMUHEBWA JAVIRA:.....ACCUSED PERSONS

25 **BEFORE: HON. JUSTICE SAMUEL EMOKOR**

JUDGMENT

Agaba Siporito (A1), Akampereza Habert (A2), Mutilize Laban Eric (A3), Kitambo Pius alias Zayomba (A4), Byamukama Marikyori (A5), Mushabe Andrew (A6), Kyarikunda Politazi (A7), Anyensi Karusya (A8). Night Maculate (A9),
30 Twebembere Divera (A10), Murembe Julius alias Gahungu (A11) and

5 Tukamuhebwa Javira (A12) were all indicted jointly on 3 counts of Murder contrary to **Section 188** and **189** of the **Penal Code Act**.

It is alleged that the 12 Accused persons and others still at large on the 20/08/2021 at Ruboroga Village in Kabale District with malice aforethought unlawfully killed Niwagaba Zepharino alias Pumpu, Akampereza Dickson and Akampurira Justus Benon alias Jaaja.

The 12 Accused persons all pleaded not guilty to each of the 3 counts.

Representation.

Ms. Najjunju Julie (State Attorney) appeared for the Prosecution while Mr. Bakanyebonera Felix and Mr. Kibulirani Nicholas appeared jointly for the Accused persons on State brief. The Assessors in this case were Mr. Ndyamutunga Livingstone and Ms. Kembabazi Christine.

During the Preliminary hearing pursuant to **Section 66** of the **Trial on Indictment Act**, the following were admitted as being un contested.

- Postmortem report in respect of Niwagaba Zepharino dated 25/08/2021 on Police Form 48B received as Exhibit P1.
- Postmortem report in respect of Akampereza Dickson dated 25/08/2021 on Police Form 48B received as Exhibit P2.
- Postmortem report in respect of Akampurira Justus Benon dated 25/08/2021 in Police Form 48B received as Exhibit P3.
- Medical examination of all 12 Accused persons on Police Form 24 – all found to be adults and mentally sound received as Exhibit P4 to 16 respectively.
- 7 photographs taken by No. 5890 Detective Constable Godwin received collectively as Exhibit P17.

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- Sketch plan received as Exhibit P18.
 - Exhibit slip of a bundle of sticks with suspected bloodstains received as Exhibit P19.

The burden and standard of proof.

10 This being a Criminal case in which the Accused persons have not pleaded guilty the Prosecution has the burden of proving the case against the Accused persons beyond reasonable doubt. The burden does not shift to the Accused persons and the Accused can only be convicted on the strength of the Prosecution case and not on the weakness of the defence case. (**See Ssekitoleko Versus Uganda (1961) EA 531**)

15 The Accused persons have no obligation to prove their innocence and the onus is on the Prosecution to prove each of the ingredients beyond reasonable doubt before it can secure a conviction, proof beyond reasonable doubt though does not mean proof beyond a shadow of doubt. The standard is satisfied once all evidence suggesting the innocence of the Accused, at best creates a mere fanciful possibility but not any probability that the Accused is innocent. (**See Miller versus Minister of Pensions**
20 **(1947) 2ALLER 372**)

Ingredients of the offence.

The Prosecution must prove each of the following essential ingredients beyond reasonable doubt for the Accused persons to be convicted of Murder.

- 1) Death of a human being
- 25 2) That the death was caused by some unlawful Act.
- 3) That the unlawful Act was actuated by malice aforethought.
- 4) That it is the Accused persons who caused the unlawful death.

5 a) **Death of human being.**

Death may be proved by Production of a postmortem report or evidence of a witness who states that they knew the Deceased and attended the burial or saw the body.

It is the evidence of Guderia Bakakyemala (PW1) that on the 20/08/2021 her son Niwagaba Zepharino was assaulted by a mob that included the Accused persons and
10 died. She testified that she viewed his body and attended his burial on 22nd/08/2021. While Orishaba Dina (PW2) testified that on the 20/08/2021, her son Akampurira Justus Benon was assaulted by a mob that included the Accused persons and killed. She identified his body and he was buried on 22/08/2021.

And Provia Kyomuhendo (PW3) testified that Akampereza Dickson was her
15 grandson and on 20/08/2021 he was assaulted by a mob that included the Accused persons and died. That she viewed his body and he was buried on the 23/08/2021.

The evidence of the above three Prosecution witnesses is corroborated by the postmortem conducted on their bodies on the 22/08/2021 as the date of examination with the reports being signed on 25/08/2021.

20 The postmortem report of Niwagaba Zepharino was received as Exhibit P1 while that of Akampereza Dickson was received as Exhibit P2 and that of Akampurira Justs Benon was received as Exhibit P3. The postmortem reports detail the nature of death suffered by the 3 deceased. This Court is also in receipt of 7 photographs taken of the bodies received as Exhibit P17.

25 Indeed the Accused persons did not contest the fact that the three deceased are actually dead.

I therefore find that the Presecution has succefully proved the death of Niwagaba Zepharino, Akampereza Dickson and Akampurira Justus beyond reasonable doubt.

5 b) **That the death was caused by some unlawful Act:**

The law presumes that any homicide (killing of a human being by another) is unlawful unless it was accidental, excusable or it was authorized by law. (**See R versus Gusambizi son of Wesonga (1948) EACA 65**)

10 It is not disputed that the three deceased persons in this case that is Niwagaba Zepharino, Akampereza Dickson and Akampurira Justus Benon died as a result of the extensive injuries that were occasioned to them on the 20/08/2021 as evidenced by PW1, PW2, PW3, Pw4, PW5 and PW6, the postmortem reports in Exhibit P1, Exhibit P2 and Exhibit P3 detail the nature of injuries that they each suffered with the cause of death being blunt force trauma to the head.

15 The photographs in Exhibit P17 are graphic and provide compelling visual evidence of the nature of the death that they suffered.

I therefore have no difficulty in finding that the death of the three was neither excusable accidental or authorized by law.

20 The Prosecution it is my finding has proved beyond reasonable doubt that Niwagaba Zepharino, Akampereza Dickson and Akampurira Justus Benon were unlawfully killed.

c) **That the unlawful Act was actuated by malice aforethought.**

Section 191 of the **Penal Code Act** provides that malice aforethought may be proved by direct evidence or maybe inferred from the evidence indicating knowledge that
25 the conduct of an Accused would probably cause death.

Malice aforethought in Murder trials can be ascertained from the weapon used (whether it is a lethal weapon or not) the manner in which it is used (whether it is used repeatedly or the number of injuries inflicted) the part of the body that is

5 targeted or injured (whether or not it is a vulnerable part) and the conduct of the Accused before, during and after the incident (whether there was impunity). **See R versus Tubere (1945) 12 EACA 63.**

10 It is the evidence of PW1 that she viewed the body of her son Niwagaba Zepharino and that he was lying facing upwards and had been seriously injured on the head and face. Her evidence is corroborated by the postmortem report in Exhibit P1 that indicated that the body of Niwagaba at the time of examination was bleeding from both ears, nose and mouth. It had a swollen and bruised face, bruises all over the back, multiple skull fractures and fractured ribs. The cause of death was listed as blunt force trauma.

15 While PW2 testified that she viewed the body of her son Akampurira Justus Benon and he was bleeding from all over the body and he was unrecognizable in some parts. That he had been injured in his private parts, his teeth had been knocked out, he had a sharp wound to the neck and his face was shattered. Her evidence is corroborated by the medical findings in Exhibit P3 that detail that Akampurira
20 suffered 29 bruises to the scalp, face, chest and the back. He also suffered subcutaneous hemorrhages, bleeding from both ears and nostrils, basilar skull fracture with the cause of death and reason being listed as blunt force trauma.

25 It is the evidence of Provia Kyomuhendo (PW3) that on 20/08/2021 when the mob left her home in search of her grandson Akampereza Dickson they later returned and as they were taking him passed her home she saw that he had been assaulted and was bleeding.

Her evidence is corroborated by the postmortem report in Exhibit P2 whose medical findings were that Akampereza had suffered multiple bruises all over the body,

5 sustained a skull fracture and was bleeding from both ears, nose and mouth. The cause of death and reason for the same was listed as blunt force trauma to the head.

I am persuaded from the testimonies of PW1, PW2 and PW3 who saw the deceased's bodies (PW1 and PW2) and PW3 who saw her grandson while still alive but bleeding that the assaults carried out on the 3 deceased was intended to cause death. The
10 postmortem reports in Exhibit P1, P2 and P3 all detail extensive injuries with all the 3 deceased suffering fractured skulls. The head it is trite law is a vulnerable and sensitive part of the body that when targeted is likely to cause death. I have no doubt that in targeting the heads of the deceased persons, the intention of their attackers was solely to cause death and they indeed achieved this.

15 It is therefore my finding that the Prosecution has successfully proved that there was malice aforethought in the killing of Niwagaba Zepharino, Akampereza Dickson and Akampurira Justus Benon.

d) Participation of the Accused persons.

All the twelve Accused persons in this case raised the defence of alibi and presented
20 witnesses in support of their defence save for A1 who did not present a witness.

It is trite law that the Accused persons have no duty to prove their defence of alibi and the onus is on the Prosecution to discredit their defence and to place them individually at the scene of the offence/crime. **(See Kyalimpa Edward versus Uganda SCCA No. 10 of 1995).**

25 The Prosecution in abid to discharge this obligation presented Guderia Bakakyemara (PW1) who testified that on the 20/08/2021 at around 8:00AM she was at home looking when A1, A2, A3, A8, A9, A11 and several other people came to her home looking for her son Niwagaba who at the time was inside the house sleeping.

5 It is the testimony of PW1 that she asked them what they wanted and they replied that they wanted a corpse. PW1 states that one Atuhaire removed her son from inside the house and that they were saying that he had stolen a pig that belonged to A8 and they were taking him to Kitidia where there was another suspect but that when they reached Byakatera Atuhaire struck him with a stick on the head and he fell down
10 where upon other people began to throw stones at him.

According to PW1 A1 struck her son with a stick along the waist and so did A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, and 12. All the twelve Accused persons were armed with sticks and assaulted her son all over the body. PW1 states that A8 was saying *“let’s kill him today he should not survive”*. Others who joined but are not
15 charged included Boaz, Osbert, Deus and others. It is her evidence that her son was later moved to Bolorane cell where the assaults continued and he was being assaulted together with one Akampurira and she left her daughter Monica Kyomugisha to follow what was happening because she could not continue to see what was happening to her son. That later at 5:00PM her daughter informed her that Niwagaba
20 had been killed at Ruboroga and she went and saw his body and it was seriously injured on the face and head.

PW1 testified that she now has only one daughter left and the pig said to have been stolen by her son was recovered at the home of A2.

Her evidence is supported by that of her daughter Kyomugisha Monica (PW4) who
25 testified that on the date in issue of the 20/08/2021 at around 11:00am her mother Guderia (PW1) went to her home in Kachuro and informed her that her brother Pumpu had been arrested for stealing A8’s pig by Atuhaire, A1, A3, A9 Yakobo, Nelson and others. It is the evidence of PW4 that she advised her mother that they report the matter at Police in Kyanamira which they were able to do and they were
30 advised to call Police once they got to the scene. According to PW4 when they got

5 to Kabira Cell I they found her brother Niwagaba and Dickson. One Setti was cutting off the hair of Dickson using a panga and the hair was coming off with the flesh and those present were A1, A2, A3, A9, Atuhairi, Yakobo, Nelson and others. PW4 states that it was decided that they should arrest the third one and that by this they meant Akampurira and it was Nelson who made the suggestion.

10 That she then called the Police at Kyanamira Police post to try and rescue the one not yet arrested. PW4 states that as they were moving they decided to wait for A8 before they could go to the home of Akampurira and that when A8 came she told Niwagaba and Dickson that *“You have been stealing but this is now your final day”* That she (PW4) stayed with Akampurira and Dickson near Kamulega’s home as the
15 2nd group went in search of Akampurira and that the 2nd group included A2, A3, A8 And others. PW4 states that it had been agreed that Niwagaba and Dickson should not be killed until Akampurira is brought so that they are all killed together and that the 2nd group returned with Akampurira and found them still at Kamulega’s place and the time was around 4:00Pm. PW4 states that A1, A2, and A3 then started to
20 assault the three using sticks but the chairperson Kaferi advised that they should not be killed from there but should be taken away and that as a result they were moved to Ruboroga near a stream of water at the bridge where A1, A2, A3, A5, A6, A8, A9, A10, A11 and A12 all participated in assaulting the 3 arrested persons.

According to PW4, A6 used a big stick to strike Niwagaba, A2 and A12 used a stick
25 to strike Dickson, A5 used a stick to strike all three, A9 used a stick to strike Niwagaba and A10 used a stick to strike Akampurira and that at 6:00PM again she (PW4) called the Police to inform them that all 3 had been killed and she begged them to respond so that the bodies are not burnt and later the Police responded and took the bodies away.

5 The Prosecution also presented Orishaba Dina (PW2) who testified that on the 20/08/2021 at around 3:00PM she was at home with her son Akampurira Justus Benon when A1, A8, A2, A3, A12, A7, A5 and A10 came to her home and accused her son Justus of stealing a pig.

Specifically it was A1 and A8 who made the accusations according to PW2 and that
10 Justus denied the allegations and entered the house. PW2 states that A1 then called the gang and then A1 broke the door to the house and the gang then entered inside the house and removed her son Justus from the house. PW2 states that A1, A2, A3, A8, A9, A10 and A12 were all armed with clubs when they came for Justus and that A1 struck him on the head using his club, A2 struck him on the ribs, A12 struck him
15 on the back, A10 struck him on the ribs, and A8 struck him on the mouth breaking his teeth and that they then led him away and her daughter Apofia later told her that he had been killed.

Her evidence is supported by that of Owomugisha Apofia (PW5) who testified that on the date in issue of the 20/08/2021 at around 3:00pm she was on her way to visit
20 her mother PW2 when she met a group of people about 300 meters from their home and that they had with them her brother Akampurira Justus and that A1 was holding Justus by the collar of his T-shirt and that it was A1 and A8 who were leading the group. The group according to PW5 consisted of A4, A5, A6, A7, A9 and A10 amongst others. The group she states was armed with sticks and that she followed
25 them to Ruboroga where they met another group that had Dickson and Niwagaba and that A3 and A2 were a part of the 2nd group that they met. It is the evidence of PW5 that the crowd then began to assault the 3 men until they died. The crowd according to PW5 had grown to about 90 people.

Further evidence was given by Alinaitwe Maureen (PW6) who testified that on the
30 date in issue of the 20/08/2021 at 3:00PM she was at home with her mother Orishaba

5 (PW2) when A1 and one Boaz came looking for Akampurira and accused him of stealing a pig an accusation that he denied. PW6 states that A5 then joined the two and said we want a dead body and told Akampurira to say farewell to his people because he would not return home that day. According to PW6 Akampurira then entered the house and a group of men came to their home, forced the door open by
10 breaking it and pulled Akampurira out of the house and they began to assault him with sticks. PW6 states that those armed with sticks included A6, A5, A8, A12, A1 and others. She further states that A1 struck Justus on the head with a stick and they led him away as he was being assaulted and that later their sister Apofia (PW5) told them that he had been killed.

15 The Prosecution also presented Kyomuhendo Provia (PW3) who testified that on the 20/08/2021 at around 8:00AM she was sleeping when she was called by A1 and one Nelson and when she moved out of her house she found him with Yakobo, Osbert, Boaz, Muhereza, Namutwe, Kenneth and Deus.

That they were armed with spears, sticks and A1 held a stone. According to PW3
20 they told her that they were looking for a pig that belongs to A8 but she informed them that they did not own pigs at their home but that they insisted that her grandson Dickson had stolen the pig. PW3 states that they looked for the pig but they did not find it and that she heard them saying that they would look for her grandson Dickson at Kitibia. It is the evidence of PW3 that later the crowd returned and passed by her
25 home on its way to Bolorani and she saw A1, A2 and A3 who had Dickson with them and that this was at around 3:00PM and she was only 5 meters from them. PW3 states that her grandson Dickson was bleeding and was asking to be taken home but A3 refused and that she later heard that he had been killed.

Evidence was further given by Detective Constable Turyahabwe Godwin (PW7)
30 who testified that he was the SOCO and that on the 20/08/2021 at 7:30PM he visited

5 the scene at Ruboroga together with other detectives where they found bodies of 3
men who had been badly beaten and 2 of the bodies were together while the 3rd was
close by. PW 7 describes the surrounding area as being surrounded by trees, a foot
path with a water stream and that he found several sticks at the scene and picked 8
(received as Exhibit P.20) with suspected blood stains and that he also took
10 photographs (Exhibit P.17) at the scene.

Further evidence was given by Detective Constable Sabiiti Erick (PW8) the
investigating Officer in this case who testified that he arrested all the 12 Accused
persons on charges of a triple murder and that he recorded the statements of the
witnesses as well.

15 According to PW8 his investigations revealed that the trio had been killed over theft
of a pig but that the pig was on the 22/08/2021 recovered from the home of A2 and
handed back to the owner A8. It is the evidence of PW8 that his findings revealed
that A1 and A8 were the ones who organized the people to hunt down the 3 deceased
persons.

20 Agaba Siporito (A1) in his sworn defence denied participating in the murder of the
3 young men stating that on the date in issue of the 20/08/2021 he left home at
6:45AM for work in Town where he arrived at 8:00AM. According A1 he is a
builder and worked at the site until 5:20PM when he left for home and reached home
at around 7:30PM and that is when he learnt from his wife that pumpu, Jajja and
25 Dickson had been killed.

I do not accept the defence of A1 to be true. All the Prosecution witnesses in this
case testified that they saw A1 among the people who came to their home in search
of their sons and grandson.

5 Guderia PW1 testified that A1 was among the people who came to her home in search of her son Niwagaba and together with the group walked away with him as he was being assaulted and she even saw him strike her son using a stick across the waist. This evidence is corroborated by that of Kyomugisha Monica (PW4) who testified to seeing A1 and others assaulting Niwagaba at Ruboroga where he was
10 killed.

Orishaba (PW2) testified that A1 and others came to her home in search of her son Akampurira Justus Benon specifically with A1 and A8 accusing her son of theft of A8's pig and that it was A1 who called the gang and broke the door leading into her house allowing the gang to enter and remove Akampurira. She also testified to seeing
15 A1 strike Akampurira on the head using a club. Her evidence is well corroborated by that of Owomugisha (PW5) who saw A1 holding Akampurira by the collar of his T-shirt and observed that A1 and A8 were the ones leading the group. Further corroboration is given by Alinaitwe (PW6) who testified that A1 was among the people who came to their home in search of Akampurira and that she saw A1 strike
20 Akampurira on the heads as they led him away.

Kyomuhendo (PW3) testified that A1 was among the people who went to her home in search of her grandson Dickson and that A1 was holding a stone. She testified that later as the mob returned with Dickson, she saw A1 amongst the people leading her grandson away and he was bleeding.

25 The evidence presented by the Prosecution against A1 is overwhelming. A1 was an active participant and even ring leader of the mob according to PW5. I have no reason to believe that the evidence against A1 was propelled by malice. Indeed A1 himself under cross-examination admitted that he had no grudge with any of the Prosecution witnesses and had even been neighbours with PW1 for over 30 years.

5 I reject the cover up story of A1 that he was arrested because it was his sister's pig in A8 that was stolen. This does not make any sense and is a very poor attempt by A1 to absolve himself of the murders of Niwagaba, Akampereza and Ampurira.

A1 was personally known to PW1 as a neighbor, PW2, PW3 and PW5 knew him as a resident of Bolorani, and A1 is an uncle to PW4. There is therefore no possibility
10 of any error in the identification of A1.

Akamperera Herbert (A2) in his sworn defence denied the charges stating that on the date in issue of the 20/08/2021 he woke up at 7:00AM and went to Maziba where he was part of a construction team at Rwempunu Primary School arriving there at 8:30AM and that he worked until 6:30PM when he left for home and reached home
15 at 9:00PM because he passed by one Baguma's bar. In support of his defence A2 presented a witness in Jackson Kwegahangano (A2/DW2) who testified that he was in charge of the construction at Rwempunu Primary School and that A2 was one of his workers on the date in issue from 8:30AM to 6:00PM and that later that evening A2 passed by his home to obtain the next day's programme.

20 I do not believe that A2 is being truthful in his defence. There is credible evidence presented by the Prosecution that places A2 amongst the people who hunted for the 3 young men who lost their lives on 20/08/2021. Guderia (pw1) testified that A2 was amongst the people who came to her home in search of her son Niwagaba and that she saw A2 strike Niwagaba on the waist using a stick. Her evidence is corroborated
25 by that of Kyomugisha (PW4) who testified that when she got to Kabira cell 1 she found her brother Niwagaba and Dickson and that those present included A2 and that it was decided that the 3rd one should be arrested also (by this meaning Akampurira) and that A2 was part of the group that went in search of Akampurira and later returned with him. PW4 testified that A2 was among the people who
30 assaulted the 3 deceased men thereafter using sticks until they died.

5 Further corroborative evidence was given by Orishaba (PW2) that A2 was among the people who came to her home in search of Akampurira her son. This corroborates PW4's testimony that A2 was part of the group that went in search of Akampurira. According to PW2, A2 struck her son Akampurira on the ribs using a club and they led him away.

10 Kyomuhendo (PW3) also testified that she saw A2 amongst the people who were leading Dickson away and that he was bleeding.

The evidence presented by the Prosecution was cogent and consistent against A2. I accept the evidence of PW1, PW2, PW3, PW4 and PW5 that A2 was actively part of the mob that hunted and arrested Niwagaba, Dickson and Akampurira and later
15 assaulted them to death. I do not believe A2 that the Prosecution witnesses told lies against him. There is no reason for this to have happened. A2 admitted that he had no grudge with any of the Prosecution witnesses and also admitted that the suspected stolen pig belonging to A8 was recovered in his banana plantation and that he handed it over to the LC1 Chairperson. A2 was also well known to the Prosecution
20 Witnesses and therefore there was no possibility of any error in his identification.

Mutilize Laban Eric (A3) in his sworn defence states that he did not know any of the 3 deceased persons nor any of his co-accused save for A2.

It is his evidence that on 20/08/2021 he went to Bolorani in Kabira II at 7:00AM with his wife and children together with a hired worker one Twebaze Birakwate and
25 that they worked there from 8:00AM up to around 6:00PM when they left and that it was the following day of 21/08/2021 that he heard about the deaths and that when he was arrested he told the Police that he knew nothing about them.

5 A3 presented his wife Kenyange Irene (A3/DW2) who testified that on the date in issue she together with her husband spent the entire day at Bolorani Kabira II where they were planting beans from 8:00AM to 6:00PM.

I do not accept the defence of A3 and his witness that he was in Kabira II as the 3 men were being hunted and killed.

10 Guderia (PW1) testified that she saw A3 among the people who went to her home in search of her son Niwagaba and that she saw A3 using a stick strike him on the waist as he was being led away. Kyomugisha (PW4) further places A3 far away from his garden stating that she saw him at Kabira Cell I with Niwagaba and Dickson and that A3 was among those who left them in search of Akampurira and indeed returned
15 with him and that she saw him assault all 3 deceased persons using sticks. Orishaba (PW2) corroborates the evidence of PW4 stating that A3 was among the people who came to her home in search of her son Akampurira and that A3 was armed with a club.

Kyomuhendo (PW3) also places A3 far from his gardens stating that she saw A3
20 among the people who returned with her grandson Dickson and that Dickson was bleeding and when he asked to be taken home A3 refused.

I believe that the defence of alibi that A3 is raising is a work of fiction. A3 was well known to the Prosecution witnesses and there could have been no error in his identification. I am also satisfied that the evidence of PW1, PW2, PW3 and PW4
25 against A3 was not tainted by malice or any ill will. Indeed A3 did not allege this to be the case.

Kitambo Pius (A4) in his sworn defence denied the charges brought against him stating that on the 20/08/2021 he was in Mwanjari having reached at 8:00AM and that he was building for one Katoma Timothy until 6:00PM after which he left for

5 home and arrived at 9:00PM. According to A4 he only learnt of the death of the 3 men on 23/08/2021 after he had been arrested and was making a statement at Police. A4 presented Katoma Timothy (A4/DW2) who testified that on the date in issue he was at Mwanjari supervising his construction and that A4 was one of his workers who worked from 8:00AM until 6:30PM.

10 Guderia (PW1) however places A4 at her home stating that he had come with others in search of her son Niwagaba and that he was armed with a stick that he used to strike him on the head. Owomugisha (PW5) corroborates her evidence stating that she saw A4 among the group that was leading Niwagaba away. I am not convinced that PW1 and PW5 are deliberately telling lies against A4. Indeed, A4 admits that
15 PW1 is his village mate and that he has no grudges with her. The only explanation that he offered in cross-examination as to why she mentions his name was that she just mixed him up with others and told lies against him.

I am not persuaded that the evidence of PW1 was as a result of a mix up. I believe that PW1 was telling the truth and that her daughter PW5 also saw A4 among the
20 people leading her brother Niwagaba away. I will therefore reject the defence of Alibi put up by A4.

Byamukama Marikyori (A5) in his sworn defence denied the charges brought against him stating that on the 20/08/2021 he closed his shop at Ruboroga Trading Centre at 8:00AM and went in search of sorghum in Buhala Sub County where he
25 spent the whole day and returned at 8:00PM and therefore did not participate in the murders.

A5 presented Asimwe Tito (A5/DW2) as his witness and Asimwe testified that on the date in issue he spent the entire day from 9:00AM to 8:30PM with A5 purchasing sorghum.

5 I do not believe that A5 is giving a true account of how his day went on the
20/08/2021. According to Guderia (PW1) A5 was among the people who went to
her home in search her of son Niwagaba and that he struck Niwagaba on the waist
using a stick. Owomugisha (PW5) testifies to later at Ruboroga seeing A5 actively
participating in the assault of Niwagaba and the other 2 deceased persons. While
10 orishaba (PW2) testified that A5 was part of the armed group that went to her home
and arrested her son Akampurira and this is corroborated by Owomugisha (PW5)
who testified to seeing A5 among the people who were leading Akampurira away.

Further corroborative evidence is given by Alinaitwe (PW6) who testified that while
the group was still at their home A5 joined them and said that we want a dead body
15 and told Akampurira to say fare well to his people because he would not return home
that day and that A5 was armed with a stick.

I find the evidence presented by the Prosecution in regard to the participation of A5
to be more believable and I accept it as being true. The Prosecution witnesses knew
A5 and did not bare any grudges against him. I am persuaded that the defence of
20 alibi put up by A5 is a mere work of fiction and a poor attempt to get out of the
charges leveled against him.

Mushabe Andrew (A6) in his sworn defence denied the charges brought against him
stating that on the date in issue of the 20/08/2021 he was in Kihumuro in Kaganzi
Village digging for a catechist one Bosco and that he spent the entire day in the
25 garden with him until 6:00PM when he left and arrived home at 6:30PM. A6
presented Rukundo Bosco (A6/Dw2) who testified that on the date in issue he was
with A6 at Kihumuro digging in his garden from 9:00AM until 6:00PM when they
departed.

5 I do not believe that A6 is telling the truth about working for a catechist in Rukundo Bosco on the date in issue. This is because there is evidence that A6 was not in a garden but rather at the home of PW1 and even at the murder scene at Ruboroga.

It is the evidence of Guderia (PW1) that A6 was among those who went to her home in search of her son Niwagaba and that she saw him strike Niwagaba using a stick.
10 This evidence is corroborated by that of Owomugisha (PW5) who testified that she saw A6 among those who were leading Niwagaba away armed with sticks while Kyomugisha (PW4) testified to seeing A6 at Ruboroga assaulting the 3 deceased including Niwagaba using a stick. I have no reason to believe that the evidence of any of the Prosecution witnesses was propelled by malice. PW1 stated that the father
15 of A6 is her in law and indeed A6 admitted that they were related and also admitted that he had no grudges with either of the Prosecution witnesses. The Prosecution witnesses knew A6 and I am persuaded that they were telling the truth concerning the participation of A6.

Kyarikunda Politaz(A7) in his sworn defence testified that on the 20/08/2021 he was
20 at Iwikome with his mother digging from 7:00AM until 6:00PM and that it was on the 21/08/2021 that he heard of the murder of the 3 men but he did not in any way participate in their murder.

A7 in his defence presented his mother Angelica Tumukwase (A7/DW2) who testified that on the date in issue of the 20/08/2021 she was with her son A7 digging
25 at Iwikome in Bolorani cell from 8:00AM until 6:00PM and that they got home at 7:00PM.

I am not convinced that A7 was not present at the arrest of Niwagaba and subsequently his death and that of the other two. Guderia testified that A7 was armed with a stick and struck Niwagaba on the head while Orishaba (PW2) testified that

5 A7 was among those who came to their home in search of Akampurira that she saw him and this is corroborated by the evidence of Owomugisha (PW5) who testified to seeing A7 as being part of the group that led Akampurira away. I therefore believe that the defence of alibi put up by A7 was coined by him to try and absolve himself of his participation in the arrest and death of the 3 men.

10 Anyensi Karusya (A8) in her sworn defence denied the charges levied against her stating that on the date in issue she was a witness at Maknga Court in a case of Kancwekena versus Twinomugisha Shallon and that she was a witness for Shallon. That she left home at 6:30AM and moved to Court on foot reaching at 9:00AM and that the matter was adjourned to another date so she did not give evidence, this being
15 because their lawyer was missing and that they left for home at 4:00PM on foot and she arrived at 7:00PM having walked with Twinomugisha part of the way.

A8 testified that she later heard that people had been killed over stealing a pig that belonged to her and it had been stolen on the night of the 19/08/2021. According to A8 she recovered her pig it was at the home of Herbert (A2) but that she had nothing
20 to do with the deaths and her name could have been mentioned because the pigs were hers.

A8 presented in her defence Twinomugisha Shallon (A8/DW2) who testified that on the 20/08/2021 she spent the entire day at the Chief Magistrates Court where she has a case in Civil Suit No. 0113 of 2015 between Kancwekana and herself as the
25 Defendant.

It is her evidence that the case did not proceed due to the absence of her lawyer Mutungi that they left Court at 1:00PM and then proceeded to her lawyer's chambers and started their journey home at 4:00PM with A8 and separated at 6:00PM when she reached home first. That their journey was made on foot.

5 I am not convinced by the evidence of A8 and that of her witness Twinomugisha
that she was at the Chief Magistrates Court at Makanga on the 20/08/2021. There is
overwhelming evidence that places A8 far away from the Temple of Justice. The
claim of A8 that she was at the Court is impossible to verify basing on the Court
record because she admits that the Court did not record her as being present as a
10 witness on the date in issue and she also admits to never making any witness
statement in Civil Suit No.113 of 2015 and so there is no proof that she is a witness
in that case. The Written Statement Defence tendered to Court as Exhibit D2 does
not list her as a witness. The above facts notwithstanding Guderia (PW1) testified
that A8 was among those who went to her home in search of her son Niwagaba over
15 her stolen pig and that as he was being led away when they reached Byakatera they
began to sssault him and that A8 was armed with a stick and saying that lets kill him
today he should not survive. Her evidence is corroborated by that of Kyomugisha
(PW4) who testified that she followed the group that was taking Niwagaba and
Dickson at Kabira cell I and that A8 told Niwagaba and Dickson that you have been
20 stealing but this is now your final day and that A8 proceeded with the 2nd group in
search of Akampurira and that it had been agreed that Niwagaba and Dickson should
not be killed until Akampurira is brought so that they are all killed together. It is her
evidence that later at Ruboroga near the stream A8 participated in the assault of the
3 men. Further corroborative evidence is given by Orishaba (PW2) that A8 was part
25 of the group that came in search of her son Akampurira. This corroborates the
evidence of PW4 that A8 was part of the group that left in search of Akampurira. It
is the evidence of PW2 that A8 when her son was arrested struck him on the mouth
breaking his teeth and that they then led him away. Further corroborative evidence
is given by Owomugisha (PW5) who testified to following the group taking
30 Akampurira and testified that A1 and A8 were the ones leading the group that was
armed with sticks and that when they reached Ruboroga the 3 men were assaulted

5 and died. Alinaitwe (PW6) also testified that A8 was present among those who came for her grandson Dickson and that she was armed with a stick.

I find the evidence presented by the Prosecution in regardd to the participation of A8 to sufficiently discredit her defence of alibi that she was at the Chief Magistrates Court in Makanga on the date in issue.

10 Night Immaculate (A9) testified in her defence given on oath that she is the spouse to A1 and on the date in issue of the 20/08/2021 she was at Kihumuro digging and that she left home at 8:00AM reached there at 9:00AM and worked until 5:00Pm when they left for home and arrived home at 6:00PM. A9 denies participating in the murder of the 3 men stating that she was later arrested on the 26/09/2021.

15 A9 presented her mother as a witness in Sarafina Kyensirikora (A9/DW2) who testified that she has a neighboring garden to that of A9 at Kihumuro and that on the 20/08/2021 when she went to her garden she found A9 already working on her piece and that by the time that she was departing at 5:00PM A9 was still digging but about to complete her part.

20 Guderia (PW1) however testified that A9 was among those who went to her home to arrest her son Niwagaba and that as he was being assaulted A9 pushed a stick into his rectum and began to mingle while Kyomugisha (PW4) testified that when they got to Kabira Cell I they found Niwagaba and Dickson and that A9 was also present and later at Ruboroga A9 used a stick to strike Niwagaba. Orishaba also testified that
25 A9 was among those who came to her home to arrest Akampurira.

I am not persuaded that Guderia (PW1) saw A9 inserting a stick into the rectum of Niwagaba while he was being assaulted. The postmortem report in Exhibit P1 did not support this assertion. I therefore do not believe this to be true. The arrest of A9 on the 26/09/2021 more than one month after the incident and the early arrest of her

5 husband A1 does raise some serious questions. There does not appear to have been a justifiable reason for the delay. I am not convinced by the reasons advanced by Detective Constable Sabiiti (PW8) of lack of resources. This is because A9 it appears was not even on the run during all this period. The untruthfulness of Guderia in relation to A9 further casts doubt on the Prosecution case in this regard. It is my
10 finding that the defence of alibi put up by A9 has not been sufficiently rebutted by the Prosecution evidence.

Twemere Divera (A10) in her sworn defence states that on the 20/08/2021 she was at Nyangorongoro in Kigata Parish where she was cutting bean sticks from 8:00AM until 6:00PM and that the Prosecution witnesses told lies against her because the
15 murder took place near the gate of her home. Her evidence is supported by that of Ngabirano Doreen (A10/DW2) who testified that she spent the entire day on the date in issue in the garden with her mother A10 from 9:00AM until 5:00PM and reached home at 6:00PM.

I am not persuaded by the evidence of A10 that the allegations brought against her are on the basis that she stays near the scene where the 3 men were killed from.
20 Indeed, the Prosecution put it to her that if this was the case then her husband wouldn't have been exempted. Guderia (PW1) places A10 among those who went to her home in search of her son Niwagaba and testified that when he was being assaulted A10 struck him with a stick on the head.

25 Orishaba (PW2) also testified that A10 went to her home with others in search of her son Akampurira and A10 was armed with a club and assaulted him in the ribs.

Owomugisha (PW5) also testified to seeing A10 among the people who were leading Akampurira away armed with sticks. Further corroborative evidence was given by Kyomugisha (PW4) who testified to seeing A10 striking Akampurira at Ruboroga

5 along with others until he and the other 2 died. A10 was well known to all the Prosecution witnesses and their testimony is based on what they saw on the date in issue. It would appear that their evidence against A10 is not tainted by malice since no such allegations arose. I therefore accept the testimony presented by PW1, PW2, PW4 and PW5 against A10.

10 Murembe Juluis (A11) in his sworn defence denied the allegations stating that on the 20/08/2021 he was at Omukibungo in Kihumuro planting beans with his wife and children from 8:00AM until 7:00PM and that he was only arrested on mere suspicions by the Police as he was going to burn charcoal.

A11 presented his wife Natukunda Allen (A11/DW2) who testified that on the date
15 in issue she was in Kihumuro in Omukibega Cell with A11 digging together with their children having left home at 7:00Am until 6:00PM when they returned.

The evidence presented by the Prosecution against A11 appears to be scanty. Guderia (PW1) testifies that A11 was among those who came to her home in search of Niwagaba and that A11 struck him using a piece of firewood on the head and
20 Kyomugisha (PW4) testifies to seeing A11 at Ruboroga assaulting the 3 deceased persons. I am not very convinced about the evidence against A11 on the basis that PW4 gives a narration of events chronologically but only mentions A11 at the tail end at Ruboroga and yet according to PW1 he was present right from the beginning. It would appear that A11 is an afterthought.

25 I am fortified in this position by the fact that PW4 does not provide a detail of exactly how A11 was assaulting the 3 deceased persons. I am not persuaded by the Prosecution evidence in the face of the defence of alibi put up by A11.

Tukamuhebwa Javira (A12) in his sworn defence denied the charges against him stating that on the 20/08/2021 he was at Rubira in Katoke Parish buying sorghum

5 and beans having left home at 9:30AM and returned at 08:00PM and that on his way he saw 2 bodies and Police men and was arrested on the 26/09/2021. He states that he is a maternal uncle to Akampurira and was even the one who bought his coffin while he was still in the mortuary but was later refunded by Akampurira's father.

10 A12 in his defence presented Turyatamba Peter (A12/DW2) who testified that on the date in issue of the 20/08/2021 he was with A12 at Rubira purchasing sorghum and that they met at 11:30AM at his home and moved to different homes making purchases until 6:00PM when they separated.

I am not persuaded that A12 is not in any way responsible for the death of any of the three deceased persons in this case. The fact that A12 advanced money for the purchase of a coffin for Akampurira which money he admits was later refunded to him does not absolve him of criminal responsibility. Orishaba (PW2) admits that A12 is an uncle to the late Akampurira but maintains that he was present at the arrest of Akampurira and that he used a club to strike him on the back as he was being arrested. She was emphatic about this, I have no reason to doubt her testimony.

20 Guderia (PW1) was also insistent that A12 struck Niwagaba on the head using a stick as he was being arrested. Further corroborative evidence is given by Alinaitwe (PW6) who testified that she saw A12 strike Akampurira using a stick as he was being arrested by the mob.

25 Kyomugisha (PW4) also testified that at Ruboroga she saw A12 using A1's stick to strike Dickson. The evidence on record presented by the Prosecution clearly places A12 as actively participating in the arrest and subsequent assault of the three deceased persons in Niwagaba, Dickson and Akampurira.

The defence during this trial sought to highlight inconsistencies between the evidence given while at Police by PW1, PW2 and PW3 in relation to their Police

5 statements and their testimonies before Court. The defence tendered to Court the statements of PW2 and PW3 as Exhibit D1 and Exhibit D2 respectively to high light the inconsistencies in relation to the persons mentioned at the time as against their testimony in Court.

I fully appreciate the concerns raised by the defence but it must be noted that Police statements many times are not taken in conducive environments or at the most convenient 3 of times. In the present case PW1, PW2 and PW3 were emphatic that what they had told the Police Officer recording their statement is not what was being read back to them in Court.

Justice Ntagoba in Uganda Versus Joseph Lote (1978) HCB 269 when considering discrepancy between a Police statement and testimony in Court held thus:

“It is what a witness states in Court that the Court will accept as that witnesses’ evidence because it is stated under oath and the defence has had the opportunity to cross-examine the witness on it, what a witness states to the Police is neither stated on oath nor is the witness-cross-examined on it by the defence and therefore cannot be treated as that witness evidence by Court”

The Court of Appeal dealing with a similar matter in **Chemonges Fred versus Uganda CACA No. 0138 of 1999** held that it is well established that where a Police statement is used to impeach the credibility of a witness and such statement is proved to be contradictory to his testimony in Court, the Court will always prefer the witnesses’ evidence which is tested by cross-examination.

In light of the above authorities and the vehement protestations of PW1, PW2 and PW3 that they did mention the names of the Accused persons but the officers

5 recording their statements did not take the same down, I will accept their testimonies given in Court on oath and tested by cross-examination.

It is imperative to note that the evidence on record is to the effect that the arrests and the subsequent killings of the 3 deceased men took place between 8:00AM and 5:00PM. It is therefore occurred in broad day light and there is therefore no
10 possibility of any error in the identification of the Accused persons arising from poor lighting.

The Prosecution it is my finding with the exception of A9 and A11 has been able to discharge its duty and has discredited the defence of alibi put up by the Accused persons and they have been placed at the scene of crime.

15 The deceased in this case Niwagaba, Dickson and Akampurira met their death at the hands of a mob. They were assaulted to death as detailed in the postmortem reports in Exhibit P1, Exhibit P2 and Exhibit P3. The nature of their death therefore makes it impossible to point with any accuracy who of the Accused persons delivered the killer blows.

20 The above fact notwithstanding **Section 20 of the Penal Code Act** provides that when two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another and in the Prosecution of that purpose an offence is committed of such a nature that its commission was a probable consequence of the Prosecution of that purpose, each of them is deemed to have
25 committed an offence.

The evidence on record has established that save for A9 and A11 all the Accused persons formed unlawful common plans to assault Niwagaba, Dickson and Akampurira in a manner that made it probable that as a consequence of the Prosecution of that purpose death would result to each of the 3 deceased persons.

5 It is trite law that acts whether they occurred at the same time and place or at different
times and places which are so interconnected and are also connected with the final
outcome will be deemed to form part of the same transaction. Where the transactions
of which the alleged murder formed an integral part cannot be truly isolated from
the assaults leading to death or where a killing is committed by the Accused during
10 what may be said to be continuous orgy the prior assaults will be deemed to form
part of the same criminal transaction and any of the Accused who took any
significant part in the process is deemed to have committed the offence. The
distinction of who participated at what phase thus becomes irrelevant.

The Assessors in this case in their opinion guided that this Court convicts all the
15 Accused persons save for A6 and A8 who should be acquitted.

I have disagreed with the Assessors in this respect for the reasons that I have already
given. After considering the evidence adduced by the Prosecution and the defence
together it is my finding that the Prosecution has successfully proved its case on all
three counts against A1, A2, A3, A4, A5, A6, A7, A8, A10, and A12.

20 I accordingly find them guilty on all 3 counts as indicted and convict them of the
same.

In regard to A9 and A11 it is my finding that the Prosecution has failed to prove its
case beyond reasonable doubt and I accordingly find them not guilty on all 3 counts
and acquit them of the charges.

25 I order that A9 and A11 be set free unless liable to being held for some other lawful
purpose.

Before me

5

SAMUEL EMOKOR

JUDGE

02/08/2023

02/08/2023

10 All Accused persons present

Chief State Attorney: Ms Nabagala Grace.

Mr. Kibulirani Nicholas and Mr. Bakanyebonera Felix: On state brief.

Assessors present.

Clerk: Vianney

15 **Court:** Judgment delivered in open Court.

Before me

SAMUEL EMOKOR

JUDGE

02/08/2023

20

Prosecution: The convicts are convicted of 3 counts of murder that calls for maximum sentence of death. They are therefore liable to 3 sentences of death. It involved loss of 3 young lives for an offence the convicts decided they were guilty of. The offence involved violence where the convicts used stones targeted at the head of their victims. It was premeditated and intentional. The Convicts even allocated themselves duties and even agreed on a collection center for the murders. The deceased were killed with such cruelty and impunity. The Convicts even asked them

5 to say fare well to their relatives who watched helplessly. They caused extreme trauma to their relatives.

The offence of mob justice is rampant in the region being done in broad day light. This kind of conduct cannot condoned.

The response should be a deterrent sentence. The sentencing guidelines give a range
10 of 35 years. We rely on **Patrick and another versus Uganda CACA No.0076 of 2019** in which sentence of 47 years was maintained.

We pray for a sentence of 55 years.

We so pray.

Allocutus:

15 **Mr. Kibulirani:** The Convicts A1 – A6 are first time offenders. A3 is the sole breadwinner at his home where he looks after 8 children.

A1 is also a sole breadwinner same as A2 and A4. We pray that this Court exercises its lenience for the Convicts to be rehabilitated. We so pray.

Mr. Bakanyebonera: A6 in this case is a young man of 31 years. He is married with
20 3 children and the eldest is 5 years and youngest is 1 year. Two are in school. They were staying in a rented house, which the wife is now struggling to pay rent for because A6 was the sole bread winner. A7 is 26 years and was the one looking after his mother by doing odd jobs.

A8 is 55 years old. She has a 17-year-old son whom she was looking after and is still
25 in school. She has no parents and the child is all alone.

5 A10 is 44 years old married with 12 children. She also has a grandchild. Although she is married, her husband is closer to another wife and therefore he is not properly looking after the children and her presence is missed.

A12 is 58 years old with 9 children plus 3 other children Produced by his sister and left behind. The children are all school going. His wife was operated and is in
10 capable of doing heavy duty work and so the burden was all on him.

We pray considering the above that this honorable Court exercises lenience and gives an appropriate sentence.

We so pray.

Court: Do you have anything to say.

15 A1: I have 3 children aged 10, 13, 15 years respectively. My wife A9 has been acquitted and needs my support.

I pray for a lenient sentence.

A2: I am 45 years old and I have 8 children and 4 orphans and I also take care of my mother.

20 I pray that Court is lenient when passing sentence.

A3: I am 56 years. I have a wife with 7 children and 3 orphans. I have been taking care of them. I have been involved in accident. My leg is disabled.

I pray for a lenient sentence.

25 A4: I have 4 children. My wife is sickly.

I pray that Court gives me a lenient sentence.

5 A5: I pray for lenience. I have 14 children. I pray that I serve a short sentence.

A6: I have a wife and 2 children. They are all school going. I pray for lenience and pray that I serve a short sentence.

A8: I am 55 years. I have one child. My child is suffering without me. I pray for a lenient sentence. I have chest problems including cough. I pray for lenience.

10 A7: I have been taking care of my mother. I have been the sole breadwinner. I pray that I am released.

A10: I pray for forgiveness from the parents of the deceased. In my whole life this is the first time I am being charged in Court over any offence.

15 My husband has a 2nd wife. We have 12 children. My daughter also conceived while at home and the child is at home. I depend on casual work. Am told that the house is even collapsing. The older children am told left home. The young ones are helpless.

I pray for a sentence that I am able to serve and leave peacefully. I so pray.

20 A12: I am 58 years. I pray that I am given a sentence that Court also considers that I did not commit this offence. That is all.

Court: Sentence reserved for the 04/08/2023.

Before me

25

SAMUEL EMOKOR

JUDGE

02/08/2023

REASONS FOR SENTENCE.

The Convicts before this Court have been convicted of a triple murder of Niwagaba
10 Zepharino alias pumpu, Akampereza Dickson and Akampurira Justus Benon alias
Jaaja.

The manner in which the Convicts carried out the murders shows that it was not
some random act. The Convicts laid out a meticulous plan in which they left nothing
to chance. The Convicts began their reign of terror as early as 8:00AM on the
15 20/08/2021 when they first picked Niwagaba from his parents home on allegations
that he and others had been involved in theft of a pig belonging to A8. Niwagaba
was brutally assaulted then the Convicts who had now formed themselves into a
hunting party decided that they would not kill Niwagaba alone but that it was best
that the other two suspects be killed together with him. The hunting party then left
20 in search of Akampereza Dickson and Akampurira Justus who they managed to trace
and subdue in very brutal ways. The trio were then matched to Ruboroga village
where their lives were cut short in the most gruesome way.

One can only imagine how frightened these young men were and what thoughts
crossed their minds as their end arrived. It is worth noting that one of the pictures
25 tendered to Court showed that one of them died with a rosary in his mouth
presumably pleading his cause to the ultimate Judge. What makes the killing of these
young men even more unfortunate is that the pig that they were suspected of stealing
was later recovered from the home of one of their assailants A2 and handed back to

5 the owner another of their assailants in A8. The death of these young men was senseless. The Convicts acted as investigators/Police, jury/Court and executioner.

I would agree with the Prosecution that to appreciate the conduct and magnitude of the actions of the Convicts one has to look at in in the sense that they are each liable to 3 death sentences. One for each of their victims.

10 In sentencing the Convicts I will be guided by the Provisions of the Constitution (sentencing Guidelines for Courts of Judicature) (Practice) Directions that places the starting point for the charge of murder at 35 years with the aggravating factors either pushing the same higher or the mitigating factors lowering the same.

The Prosecution in this case has prayed for a sentence of 55 years as being
15 appropriate.

The Convicts have prayed for mercy even if they did not show any to their victims.

I will however in favour of the Convicts take into consideration the period that they have spent on remand during the course of this trial.

SENTENCE

20 For the reasons advanced above for the offence of Murder Contrary to Section 188 and 189 of the Penal Code Act I hereby sentence A1, A2, A3, A4, A5, A6, A7, A8, 10, and A12 to serve a custodial sentence of 25 (twenty five) years imprisonment on CT1, CT2 and CT3.

I will from this sentence deduct the period spent on remand of 01 (one) year,
25 11(eleven months) and 03 (three days).

As a result the Convicts shall serve 23 (twenty three) years and 28 (twenty eight) days of their sentence on CT1, CT2 and CT3.

5 The sentences on CT1, CT2 and CT3 shall run concurrently commencing today the 04/08/2023.

Right of Appeal explained within 14 days.

Before me,

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Samuel Emokor
Judge
.04/08/2023.

15

04/08/2023

All 10 convicts present.

Senior State Attorney: Ms. Najjunju Julie

Mr. Bakanyebonera and Mr. Kibulirani on state brief.

Assessors present.

20

Clerk: Vianney.

Court: Sentence delivered in open Court.

Before me,

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Samuel Emokor
Judge
04/08/2023.

