

THE REPUBLIC OF UGANDA
IN THE COURT OF APPEAL OF UGANDA AT KAMPALA
CRIMINAL APPEALS NO. 094 OF 2018 AND 058 OF 2019

(Appeal from the decision of the High Court of Uganda at Kampala (Anti-Corruption Division) before Tibulya, J. delivered on 15th June, 2018 (conviction) and 30th August, 2018 (sentencing) in Criminal Session Case No. 017 of 2014)

- 1. NATANGA PATRICK MATEMBU**
- 2. FREDRICK RWABUHORO KWIHIRA**
- 3. NAMOLYA ALEX**
- 4. SAKARI GODFREY WOPUWA:.....APPELLANTS**

VERSUS

UGANDA:.....RESPONDENT

CORAM: HON. JUSTICE ELIZABETH MUSOKE, JA
HON. JUSTICE CATHERINE BAMUGEMEREIRE, JA
HON. JUSTICE STEPHEN MUSOTA, JA

JUDGMENT OF THE COURT

The appellants were convicted of various offences, as follows: the 1st appellant on four counts – one of Abuse of Office contrary to **Section 11 (1)** of the **Anti-Corruption Act, 2009** (count 1); one of **Forgery contrary to Sections 342 and 347** of the **Penal Code Act, Cap. 120** (count 4), Cap. 120; and two of **Uttering a False Document** contrary to **Sections 351 and 347 of the Penal Code Act, Cap. 120** (counts 6 and 8); the 2nd appellant on one count of **Abuse of Office** contrary to **Section 11 (1) of the Anti-Corruption Act, 2009** (count 2); the 3rd appellant on one count of **Preparation to Commit an Offence**



contrary to Section 52 (b) of the Anti-Corruption Act, 2009 (count 3); and the 4th appellant on one count of **Attempting to Commit an Offence** contrary to **Sections 387 and 22 of the Penal Code Act, Cap. 129** (count 9).

On 30th August, 2018, the High Court imposed the following sentences: the 1st appellant to concurrent sentences of 1 year's imprisonment on count 1 and 6 months' imprisonment on each of counts 4, 6 and 8; the 2nd appellant was sentenced to 1 year's imprisonment on count 2; the 3rd appellant was sentenced to pay a fine of Ug. Shs. 2,000,000 or in default to serve a sentence of 2 years imprisonment on count 3; and the 4th appellant was sentenced to 1 year's imprisonment on count 9. The High Court also made an order disqualifying each appellant from holding public office for a period of 10 years from the date of sentencing.

The appellants were dissatisfied with the decision of the High Court and separately appealed to this Court. The 2nd appellant's appeal was registered as No. 94 of 2018 while that for the 1st respondent as No. 58 of 2019. The 3rd and 4th respondents were given audience during the joint hearing of the 1st and 2nd appellant's appeals.

The 1st appellant's grounds of appeal are that:

- 1. The learned trial Judge erred in law and fact when she accepted and believed the prosecution case in isolation and without consideration of the defence case thereby arriving at a wrong conclusion.**

