

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA
HOLDEN AT SOROTI
HCT-09-CR-SC-0176 OF 2013

UGANDA:.....PROSECUTOR

VERSUS

**A1 AGAYO CHRISTINE }
A2 AMUGE ELIZABETH }.....ACCUSED**

BEFORE HIS LORDSHIP HON. MR. JUSTICE BATEMA N.D.A, JUDGE

RULING

This is an abandoned Prosecution Case of Manslaughter.

The accused were on an indictment of Manslaughter C/S 187 and 190 of the Penal Code Act.

It was alleged that they participated in mob justice where Asano Betty alias Atim was assaulted and left for the dead. Although the deceased was taken to hospital, she later died.

The key witness brought by Prosecution was their neighbour **AGUDO JENIFER**. She told Court that she knew the accused and the deceased.

The deceased was alleged to have stolen some property from the accused and disappeared for some time. On the fateful day she was arrested and subjected to mob justice near the gate of the accused.

Agudo told Court that she ran to the scene and found very many people surrounding the girl. She was down crying. She found the girl just lying down. When asked whether she saw any of the accused assaulting the deceased this witness was reluctant to say anything. She said she thought that the girl was crying because people had assaulted her. She saw A1 holding a small light stick, as big as

the stand of the microphones in Court. That then A2 grabbed the stick from A1 but that is all she saw. She did not see them beat the deceased but thought they did.

She could not exactly tell which part of the body the deceased was hit at.

She tried to persuade the accused to leave the deceased alone but they did not. She left the scene and went back to her shop. Later she saw the assaulted girl being taken away on a bodaboda.

Prosecution abandoned the case at this stage and called no more witnesses.

This Court has examined that evidence of the single eye witness and found it useless. The witness was unable to pinpoint at anyone or any of the accused as having participated in assaulting the deceased.

She found the girl lying down and crying and merely thought she had been assaulted by these accused persons.

The two had a stick but she never saw them using it to assault the deceased. Her evidence against the accused was no evidence at all. One may say she was reluctant to testify against her neighbours.

Fortunately for the Prosecution there were two earlier convictions in this case on pleas of guilty. Those are the ones who admitted having beaten the deceased. I wonder why prosecution was reluctant to withdraw charges against these remaining suspects when it had no witnesses.

Prosecution has miserably failed to establish a prima facie case against the two accused. Agayo Christine and Amuge Elizabeth are acquitted of Manslaughter and set free.

Judge
19/04/2017