

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA HOLDEN AT KAMPALA
HCT-00-CR-SC-0458-2019

UGANDA **PROSECUTOR**

VERSUS

1. KISULE JOHNSON

a.k.a KISAKYE

MOHAMMED JOHNY

2. LUYOMBO ABDU **ACCUSED**

3. WASSWA MOSES

a.k.a PAPA

BEFORE: THE MR. JUSTICE MICHAEL ELUBU

JUDGEMENT

The accused persons: 1. **KISULE JOHNSON a.k.a KISAKYE MOHAMMED JOHNY**; 2. **LUYOMBO ABDU**; and 3. **WASSWA MOSES a.k.a. PAPA** face two counts.

The first is Murder contrary to sections 188 and 189 of **the Penal Code Act**. It is alleged in the particulars of offence that the accused persons on the 24th day of October 2019 at Mukutugumu village in Kira Municipality in Wakiso district with malice aforethought unlawfully killed **ARCHIE RWEGO**.

The second count is Aggravated Robbery c/ss 285 and 286 (2) of **the Penal Code Act** where it is alleged in the particulars of offence that the accused persons on

the 24th day of October 2019 at Mukutugumu village in Kira Municipality in Wakiso district robbed one **ARCHIE RWEGO** of a television set, documents and a bag containing 300,000/- and at, immediately before or immediately after the time of the said robbery caused the death of the said **ARCHIE RWEGO**.

All the accused persons pleaded not guilty on both counts putting proof of all elements of the offences into issue.

The brief facts for the prosecution are that at about 3.00 am on the 24th of October 2019, PW 1 - Dorah Aciro Rwego, was asleep with her husband, Archie Rwego, in the bedroom of their home located at Mukutugumu village in Kira Municipality in Wakiso district. Suddenly she heard a bang at the bedroom door. She woke up her husband before she changed into jeans. That her husband Archie Rwego rushed to the door but it was broken down by the assailants. He got into a struggle with them. They were armed with sharp implements and started stabbing and hitting him repeatedly on the head and around the chest. He shouted out in pain. PW 1 pleaded with the men to let her husband go. One man, she identified as A2, Abdu Luyombo, came to where she was and said to her that if she wanted them to let him be she should surrender money to them. PW 1 went into her bedroom with the man following. She handed him her handbag that had 300,000/- and several ATM cards in it. She could see that the assailants were three in number. Meanwhile PW 5 - Achan Dorcus, a maid in the home, had been woken up by the noise and stood in the corridor to watch what was happening. She also saw three intruders in the house. She identified all three accused persons as the intruders. When the offenders stabbed Archie Rwego she screamed. That A1 came and kicked her before he pierced her arm with a metallic object. She fled the house and went and stood outside behind the door. She saw all three men leave by climbing on an outside sink, jumping over the wall and razor wire and leaving. They carried a TV with them. That there were dogs outside and one bit A2 Luyombo on the hand. As it held on A3 came and cut the dog and it let go.

At about 11.00 pm the previous evening, the defence secretary of Kamwokya market zone, Ashraf Kiggundu, PW 8, had been tipped that three men appeared to have laid an ambush to rob a woman. When he went for the woman's rescue he found that it was the three accused persons. That he warned them off and had a bitter quarrel with them.

Early the next morning, the very defence secretary (PW 8) was tipped by an informant that A1 was lying injured in a nearby clinic. That he went to the clinic with Police officers where they found A1 had cuts on his hands and a pierced wound between the neck and the shoulder. There were blood stained and soiled cloths under the bed. That A1 was accordingly arrested. That he gave different versions of what had happened to him which police followed up but found to be baseless. His muddy blue canvass shoes were recovered as exhibits. The police took photographs of his wounds and cloths which were also put in as evidence.

Later the police got information that the mother of A2 (Abdul Luyombo) was shifting his property from his home in Mulimira zone. They followed up and found that A2 was not in Mulimira zone but hiding at a shrine in Mayuge district. They were led to the shrine in Rutare village in Mayuge district where A2 was arrested. Meanwhile a search of A2's home revealed that he had a red pair of soiled jungle boots. There were also bloody cloths recovered near the house. A2 had cuts on his hands at the time of arrest.

The recovered items were submitted to the Government Analytical Laboratory (GAL) for examination. Soil samples from the scene of crime and the point of exit were also obtained for comparison.

It was established that the soil from the shoes of both Kisuule and Luyombo matched the soil from the point of exit at the house of the deceased.

The accused persons were subsequently charged. They all denied the commission of the offences.

A1 – Kisuule Johnson stated that on the 24th of October 2019 he went to watch a football match in a place called Zaga Zaga located in Kiwatule. That on his way home he was confronted by armed thugs who tried to rob him near Oryx station in Kiwatule. That they shot him through the shoulder. As he fled, he jumped into a parking yard and climbed over the fence which had sharp wire. That it was this wire that cut his hands. That he got a boda and drove to his home to get money before he went for treatment at Nabuuto's clinic along the Northern Bypass. While he was in this clinic he was arrested by police to whom he explained what had happened. Instead he was arrested and moved to the Chieftaincy of Military Intelligence (CMI) and Kireka SIU where they kept him for several weeks. He was severely tortured while the soldiers there demanded that he produce a gun. They also accused him of robbing and killing Archie Rwego. That his phone was taken by the Police for tracking but the results were never availed to him. He admits knowing Ashraf Kiggundu but did not meet him on the night of the robbery. He also admitted that the blue canvass shoes produced in Court were his.

In his defence, Luyombo Abdul - A2, stated that he did not commit the offence. That he worked as a hawker selling school bags. That he lived in Mulimira zone. On the day after the robbery he was coming from the shops near his home where he had gone to buy bread. He found that the police were rounding up people and arrested him as well. At one stage he ran off escaping from the police. In the process he went to hide in a nearby latrine. There, an exposed iron sheet cut his hands. The next morning he went to Mayuge district to sell his bags. While there he received a call from a man who said he was a client and wanted bags. He met the man who turned out to be a police officer and arrested Luyombo. That he was driven to Kampala ending up at the CMI where he was severely tortured. The officers in CMI were demanding for a gun which he did not have. He was also interrogated about the death and Robbery of Archie Rwego which he knew

nothing about. That he had never met his co accused persons before he was charged. They first met in Court.

A3, Wasswa Moses denied committing this offence. It was his evidence that he lived in Nsoba zone of Kyebando. He was a self-employed chef who had other businesses including a shop selling electrical goods, another business running boda bodas, and a video hall. That on the 14th of November 2022 he was arrested from his home as he helped his daughter do her homework. That his phones were taken. He was told they would be tracked to determine whether he participated in the commission of the crime. Later they also took blood samples and finger prints. He was told they would be investigated but he has never been told what the results of those examinations yielded. That it was not his first time to see A2 (Luyombo) as he was a hawker who dealt in bags and Wasswa had seen him several times. He also knew A1 (Kisuule) who used to sell women's cloths out of a container shop. Although he had never spoken to him, he once saw him in his video hall. On his arrest however the police asked him about the two co-accused persons. Later when he was remanded he met the two in Luzira. That he was not at the scene of crime and did not commit this offence.

As this is a criminal case it is trite law that the burden of proof rests with the prosecution and never shifts (**Okethi Okale vs R 1965 E.A 555**). The standard of proof is beyond reasonable doubt (see **Kamesere Moses vs Uganda S.C.C.A 8/1997** (unreported)).

The parties in this case filed written submissions at the close of the hearing. Ms Amy Grace was Counsel for the Prosecution while Mr Muhwezi Anthony represented all the accused persons on state brief. This court will deal with the two counts in turn.

With regard to charges of Murder contrary to sections 188 and 189 of **the Penal Code Act** the essential elements are:

- i. There was a death
- ii. The death was caused unlawfully
- iii. With Malice aforethought
- iv. The accused participated.

i. There was a death

Archie Rwego was the husband of PW 1, Dora Aciro Rwego. It is stated that on the 24th of October 2029 he was stabbed to death. PW 1 told the Court that the deceased was buried on the 27th of October 2019 in a place called Shoji in Nyakabande, Kisoro district. PW 3 Cornelius Alere Amai took the deceased to hospital. He is the father of PW 1 and had been called by his daughter for help immediately after the incident. He rushed the deceased to Najerra Hospital where he was declared dead on arrival by the doctors. A post mortem was conducted at the City Mortuary in Mulago hospital. It confirmed that the deceased was Archie Rwego. There is no evidence to dispute any of the foregoing pieces of evidence.

From all the above I find that Archie Rwego is dead and the first element of the offence is proved.

ii. The death was caused unlawfully

The post mortem report showed that the deceased suffered multiple stab wounds. PW 1 stated that she saw the deceased stabbed by assailants in her house. The position of the law is that every homicide is deemed to be unlawful unless the evidence shows that it was lawful or accidental or committed in excusable circumstances (See **Gusambizi s/o Wesonga [1948] 15 EACA 63**).

A homicide is the killing of one human being by another. The Post mortem shows several deep wounds that resulted in death. The pictures taken by PW 2 of the dead body show him bloodied with several wounds.

The circumstances in this case show the death to have been a homicide. I shall return to this element later to determine whether it was unlawful.

iii. With Malice aforethought

Malice aforethought is provided for in S. 191 of **the Penal Code Act** and is deemed to be established from evidence showing a positive intention, by the accused, to cause death.

Malice aforethought is not easily proved by direct evidence, as intention resides in the mind. For that reason, the High Court and superior courts have held in a long line of decisions, that malice aforethought can be inferred from: the type of weapon used; the nature of the injuries inflicted; the part of the body affected; and the conduct of the perpetrator before and after the attack. (See **Amis Katalikawe & 2 Ors V Ug SCCA 17/94** Unreported).

The submission for the defence is that the evidence relied on by the prosecution is contradictory and fell short of proving malice aforethought. That PW 1 saw the deceased stabbed with a handsaw but this weapon was not produced in court. Secondly that PW1 did not state which part of the deceased person's body was targeted in the attack. For that reason, it was argued that malice aforethought was not proved.

In this case the post mortem describes in some detail the nature of the injuries suffered by the deceased. It shows a depressed fracture of the skull, resulting from blunt force trauma. It is evidence of a heavy blow to the head, delivered with such force that it cracked the skull, injuring the brain. There were also deep penetrating wounds on the top of the back in the scapular area. These are the wounds are clearly illustrated in the pictures taken by PW 2, AIP Mutono. There were several other stab wounds on the chest near the scapular one of which went through the back and punctured the lung. There is another where the depth is demonstrated by the insertion of the length the whole index finger into the scapular region.

There are several other wounds described on the head. The doctor concluded that these wounds were caused by a sharp implement.

Considering this evidence alongside the eye witnesses who say Rwego was attacked by three men who stabbed him multiple times in the chest area. The deceased bled so heavily that the right side of his chest cavity filled with about a litre of blood. He was bludgeoned on the head with such heavy force using a blunt object that his skull broke. All the areas targeted are vulnerable parts of the body. Any one of these injuries could have resulted in death. PW 1 stated that one of the metallic objects she saw an intruder holding was a long sharp metallic implement almost the length of her arm.

The sum of this evidence is to show that whoever stabbed and hit the deceased did so with no regard to whether the wounding resulted in fatal injury. One of the assailants is said to have told PW 1 that if she wanted the stabbing to stop she should give them money.

The only inference that can be drawn from the evidence is that the perpetrators acted with malice aforethought. In addition, the circumstances do not show any lawful excuse or legality for the manner in which the deceased met his death.

In light of the foregoing I find that this homicide which was caused unlawfully. In circumstances clearly prove that the offenders acted with malice aforethought.

This court therefore finds and holds that the second and third elements of the offence have been proved.

Whether the accused persons participated in the commission of the offence

The offences were committed in the course of one transaction. For that reason, proof of participation in Count 1 confirms participation in Count 2. I will therefore evaluate the evidence regarding participation for both counts of Murder and Aggravated Robbery jointly. It will therefore be done later in this judgement.

Count 2: Aggravated Robbery c/ss 285 and 286 (2) of the Penal Code Act

There are four elements for proof.

a. Theft

PW 1, testified that on the night of the attack a Samsung colour TV, her handbag containing 300,000/- (three hundred thousand shillings), ATM cards from Standard Chartered Bank, Diamond trust bank and TD Bank were all taken.

The Penal Code Act Cap 120 provides for theft in Section 254. It states that theft is complete when a person fraudulently and without a claim of right takes something capable of being stolen with an intention to permanently deprive the owner of the item.

PW 5, Dorcas saw the assailants leave with the handbag and TV. The position is that these the TV and the money were never recovered. PW 1 got the handbag back. It is clear therefore that the items were taken with the intention of permanently depriving PW 1 of them. Theft is complete when an item is taken with the intention to deprive the owner of the item taken.

In view of the above I find that the element of theft is proved.

b. Violence and Use of Deadly Weapon

I shall consider these two items jointly.

The 8th Edition of Black's Law Dictionary, defines violence as the use of physical force unlawfully exercised with intent to harm.

S. 286 (2) of **the Penal Code** stipulates that where at the time of the robbery, an offender causes death he shall suffer death. It means therefore if in the course of the robbery a death is caused then the offence meets the criteria to be defined as an aggravated robbery.

In this case the death of the victim, Archie Rwego, was a consequence of the injuries sustained during the Robbery. His death therefore establishes the element

of causing death in the course of committing the offence and I find this ingredient has been proved to a standard beyond reasonable doubt.

c. Participation

All three accused persons denied committing the offences.

A1 Kisuule told the Court he was watching a football match. As he returned home he was himself attacked by robbers who shot him through the shoulder. That he got a boda and first rushed to his residence before going to one Nabuuto's clinic to get treatment for the injuries he suffered during the attack. His defence was that he was never at the scene of crime.

A2 Luyombo stated that at 9.00 pm on that day he was returning home from the shops when he found the police who were rounding up people near his home in Mulimira zone. He was also arrested but managed to escape from the police. That he left for Mayuge district early the next morning to go and sell bags. He was therefore never at the scene of crime.

A3 Wasswa Moses denies participating in the offence or being at the scene of crime.

All three accused persons have raised alibis. The law is that an accused person who sets up an alibi does not thereby assume the duty to prove it. The burden remains on the prosecution to prove to the required standard of proof that the accused was at the scene of crime (see **Moses Bogere & Anor Vs Ug SCCA 1/97**).

In this case the prosecution relies on the evidence PW 1. She stated that after several people had broken into the house, her husband went to investigate and ended up in a struggle with the assailants. She saw them stab him several times. It was at that stage that she pleaded with them to let him go. That a man she identified as A2 came to her and said that if she wanted them to stop, she should give them money. She stated that there was light from a torch that A2 held in his

mouth as well as from a bulb in the corridor. That he came very close to her, close enough for her to remember his eyes. That she had him under observation for approximately 5 minutes.

As submitted by the defence, it is true that this alleged identification was made in difficult circumstances at 2.00 pm deep at night. This court must therefore scrutinise this evidence very closely. An identification in such circumstances may very well be mistaken.

PW 5 - Achan Dorcas stated that she slept in a room next to the victim and PW 1. That she was awoken by a bang at about 2.00 am and when she got up and went to investigate what had happened, she found 3 people she identified as the accused persons in the house. That A1 was standing in the doorway to the master bedroom. A3 was the one who stabbed Rwego. A2 was standing near the kitchen door. At the time she was observing from about 10 metres away. That they had torches in their mouths but there was also electric light coming from a room in the corridor used by PW 1's son, Jonathan, who was away at school. That when she saw the stabbing PW 5 screamed which made A1 to kick her in the abdomen before he pulled out a long piece of metal, that looked like burglar proofing and pierce her arm. That when she saw A1 go and pick PW 1's bag from the bedroom, she took the chance to sneak out of the house through the back door. PW 5 stated outside she hid and saw the attackers exit the house. They came out through the back door, climbed on a sink along the perimeter wall near a tank stand and then over the wall which was covered with razor wire. That A1 went first followed by A2. As A2 moved out he was attacked by one of their dogs which held on to his hand and would not let go until A 3, who was following closely, cut it hard on the back and it fell down severely injured. It was her evidence that it was about 4 metres from the back door to the wall fence, which was lit by security light. In her view the entire incident lasted for more than an hour.

It is the law that where identification is made in difficult conditions, such as at night, caution must be exercised and court should warn itself to examine such evidence closely to avoid a case of mistaken identity (see **Roria vs R 1967 E.A. 583**). I hereby warn myself as I warned the assessor of this danger in respect to the evidence above.

To allay the danger of mistake and wrongfully convicting the innocent, a court should ordinarily test identification evidence for its quality. The test was clearly enunciated by the Court of Appeal in **Abdalla Nabulere and 2 Ors vs Ug Cr App No.9 of 1978** as follows,

The judge should then examine closely the circumstances in which the identification came to be made, particularly, the length of time the accused was under observation, the distance, the light, the familiarity of the witness with the accused. All these factors go to the quality of the identification evidence. If the quality is good, the danger of a mistaken identity is reduced but the poorer the quality, the greater the danger.

In this case both eye witnesses state that there was a light on in the corridor. PW 5 stated that at first the assailants were 10 meters from her. However when she screamed, one of the intruders came close enough to assault her. Dorcas stated that in her view the entire incident lasted for an hour. Thereafter, these people passed very close to her as they left the house. Again at this point there was a light source on the perimeter wall.

I am mindful that PW 5 remains the sole identifying witness for A1 and A3.

It should be remembered that PW 1 had stated that she took particular note of the A2 when he demanded for money. He was also very close to her at the time. They both had ample time to make keen observations of the perpetrators.

The sum of these two testimonies is that the evidence made for a good quality of identification and the possibility of mistake was greatly diminished.

Regarding the route taken on exit from the house, PW 6, an officer from the canine section who was a dog handler introduced a police dog to the scene. She explained that she first took care to ensure that the scene was conducive for use by a dog. She established that it had not been tampered with. It was indeed protected and guarded by police officers by the time she got there. When she introduced the dog to the scene at the point where there were footmarks in the house, it picked the scent and exited through the back door. It went past a dog that had been cut to a point on the wall fence near a tank stand. At that point the razor wire had been cut and there were visible signs on the wall where a person had climbed over. She went out of the gate round the wall to the other side of this point. She found several footsteps. The dog picked the scent and eventually led to the main road. This evidence tallies with the account regarding the movement and point of exit given by PW 5. It is pertinent that the officer ensured the integrity of the scene before the canine was introduced to the scene. She also explained what sort of competence the dog had acquired in tracking of the past few years.

In his evidence PW 2, Detective Assistant Inspector of Police Mutono Geoffrey, a scenes of crime officer (SOCO), recovered soil samples from the point of exit and from the spot on the other side of the wall where the intruders had jumped over. These soil samples were sent to the GAL for analysis. A 1's blue canvas shoes were recovered from his room after a search done by Detective Sergeant Ochom. They had blood stains at the time. This officer handed them to PW 2 the SOCO. PW 7 also testified that a pair of blue jeans trouser belonging to A1 was also handed over to him.

A2's red jungle boots were recovered by PW 4, the investigating officer who carried out a search of A 2's home.

A1 stated that the blue canvass shoes exhibited as PE 23 were his, while A2 confirmed that he owned the red jungle boots whose pictures were exhibited as PE 22 (13 & 14).

Soil samples from the shoes and the clothing were submitted for comparison and analysis with the samples from the scene.

The analyses of these samples and exhibits were done by two different officers.

The first was Christine Zawedde a Senior Government Analyst. She had a Bachelor's degree from Makerere University and several other specialised trainings in Chemistry focusing on analysis and trace evidence. She had also worked in this field of analysis from 2011. The shoes belonging to both A1 and A2 plus the blue jeans belonging to A1 were sent to the lab for analysis. The samples were subjected to a range of analytical tools including the physical and microscopic examination; chemical analysis and a statistical analysis. It was observed that the soil from the point of exit matched the soiled trouser which belonged to Kisuule Johnson. Secondly soil from the secondary scene matched the soil from both pairs of shoes belonging to both suspects, that is A1 and A2.

Another examination request had been made earlier. Exhibit D₁ and D₂ were Adidas canvas shoes belonging to A1 Kisuule. P₁ was a soil sample from point of entry into the residence. P₂ was a soil sample from the secondary scene where the suspects may have loaded property. These exhibits were obtained by the SOCO PW 2 AIP Mutono.

The examination was conducted by a Michael Justus Ongom, a Principal Analyst with GAL. He holds a Masters Degree in Food Science and Technology and a Bachelors Degree in Food Science. He had been an analyst for 27 years and headed the division of Chemistry, Microbiology and Bioterrorism where the analysis was done. He subjected the samples to a physical and microscopic

examination. He followed that with a Chemical analysis and ended with a statistical analysis of the data obtained.

The findings were that the shoes had soil that was of the same geographical origin as P₁ the soil from the point of entry. The elemental profile or make up of the soil was not different. The statistical analysis of the elemental composition of the soil from the point of exit was similar to the soil on both shoes.

The examinations demonstrate scientific method to eliminate mere conjecture or guess work. The court should not blindly follow the opinion of an expert but I am persuaded that the officers had the proper expertise and experience to make proper conclusions from the findings which this court can rely on. They ably demonstrated the basis of their conclusions.

The results of the above analysis of A1 - Kisule's trousers, his shoes and A2 - Luyombo's shoes leads to the conclusion that they were both at the scene of crime.

A court can competently rely on an identification made by a single witness in difficult circumstances. It is however prudent but not compulsory to look for corroborative evidence. This GAL evidence appears to lend credence or corroborate the identification made by PW 1 and PW 5.

I have also considered the evidence following the arrest of both A 1 and A 2.

A1 is said to have given the police three different explanation to account for the injuries on his hands and where he was the previous night. He told PW 4 that he was on a boda boda with a friend and as they got near home in Kisasi they were attacked by robbers near the Northern by-pass. Then he said that he was attacked by robbers near Mariam High. PW 7 stated that he went along with the A1 to verify these claims. That they went to the by-pass but A1 could not point out where the attack had happened. Secondly they went to Mariam High, where they

found a school security guard who stated that there had been no recent incident of shooting in the area.

With regard to A2, PW 7 stated that he was found in Mayuge district and on arrest attempted to flee but was apprehended. A2 denied this version and stated he was in Mayuge for business. It is however difficult to see how he could conduct business in view of the extent of the injuries on his body. These injuries are clear from the PF 24.

This evidence of conduct was not rebutted either in cross examination of both PW 4 and PW 7 or contested in the defence evidence. The inference that can be drawn from such conduct is that it is inconsistent with the truth.

Lastly regarding the cuts on the hands on A 1 and A 2. The explanation given by A1 is challenged by the evidence of PW 7 that he visited all the areas the accused said he sustained the attacks and found that the alleged attacks on A1 did not happen. These versions are also different from the account given in court alleging that the A1 was cut by barbed wire as he fled robbers. It would appear on the whole that indeed A1 told lies about how he sustained the cuts on his hands.

While the court remains mindful that the burden of proof never shifts from the prosecution, it has also been held that evidence of proved lies may corroborate an inference of guilt and may be taken into account by the court when it makes its determination on the guilt or innocence of an accused (**Broadhurst vs R [1964] All ER 111; Ug vs Mwase [1976] H.C.B. 217**).

A 2 also had cuts on his hands which he said were sustained when he was cut by an iron sheet after he run from the police which had arrested him in Mulimira zone.

I have considered that there was a cut section of razor wire at the scene of crime and it is plausible that it may be the one that cut these accused persons on their hands.

There is the evidence given by PW 8 Ashraf Kiggundu, the Kamokya Market area defence secretary, who had at 10.00 pm the same night of the robbery, seen the accused persons armed with pangas preparing to attack a resident. He knew all three accused persons well. A1 in his defence testimony also admitted knowing PW 8 but disputed meeting him on that day. In my view this evidence was not discredited in any way. This evidence standing on its own would be worthless. However to show that all three had been together that night only three to four hours before the robbery then it then becomes relevant and may points to opportunity and preparation.

In sum therefore, this court has considered the denials and alibis set up by all the accused persons, and contrasted that account with the identification evidence, the scientific evidence, the conduct of the A 1 and A 2, and the fact that all three were seen together in Kamwokya on the night of the robbery.

I find that the prosecution evidence has placed the accused persons at the scene of crime and completed destroyed their alibis. It is therefore my finding that all three accused persons participated in the commission of this offence.

In the result:

1. **KISULE JOHNSON a.k.a KISAKYE MOHAMMED JOHNY;**
2. **LUYOMBO ABDU;** and
3. **WASSWA MOSES a.k.a. PAPA**

are found *guilty* on the charges of:

- a) Murder Contrary to Sections 188 and 189 of the PCA
- b) Aggravated Robbery contrary to sections 285 and 286 of the PCA

And are hereby *convicted* on both counts.

Dated at Kampala this Day of October 2022

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Michael Elubu

Judge