

THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT MUKONO  
HCT-O3-CR-SC-/85/06

UGANDA :::::::::::::::::::: PROSECUTION

**VERSUS**

KASEREBANYI J. :::::::::::::::::::: ACCUSED

**BEFORE: JUSTICE E.K. MUHANGUZI**

**PROCEEDINGS:**

**21.11.2006**

Mr. Ndamurani Atenyi, Resident State Attorney for the State.

Mrs Rita Matovu for accused

Accused in Court

Ms Nabirye Rebecca – Court Clerk

**Court:**

Indictment read over and explained to accused.

**Accused:**

It is true.

**Court:**

Plea of guilt entered

**Mr. Ndamurani:**

Briefly the victim is a biological daughter to the accused. Her mother having divorced the accused had custody of the victim and were resided at Buvuma Island. In 2004 the accused got

her from her mother's place that she would study at his place at Namengo village. There were step children in the accused's home. After mother stopped staying at the accused's home, the accused began sneaking into her bedroom late in the night and subjecting her to forceful sexual intercourse and telling her that he was merely teaching her what she was meant to do as a grown up. When she refused these advances the accused threatened to throw her out at night until she gave in. He ordered her to lie on her back and he inserted his male organ into her sexual organ. He repeated the same act three days later and warned her not to reveal the same to anyone else. He assured her that she would get used to that with the passage of time. He continued subjecting her to sexual intercourse on a more or a regular basis until neighbours noticed a change in her physical appearance. They in turn alerted her mother who reported promptly by checking on the victim at school.

When asked who was responsible for the pregnancy the victim revealed that the accused was responsible. The accused was arrested by the LCs and taken to police where he was rearrested and charged with the offence.

Medical exam on the victim on 9.8.2005 revealed that she was 15 years old with a ruptured hymen (4months prior to exam) and a pregnancy of 16 weeks old.

Medical exam on the accused on 9.8.2005 revealed that he was of apparent age of 45 years old with normal mental condition.

**Accused:**

The facts were correct.

**Court:**

Court finds the accused guilty of the offence of defilement and accordingly convicts him as charged, on his own plea of guilty.

**Mr. Ndamurani:**

Briefly the convict has been on remand since 11.8.2005 = 1 year and 3 months. No previous criminal record, suggesting that he is a first offender. He pleaded guilty, thus saving in resources.

However, these are the aggravating factors in this case:-

- The victim was a biological daughter of the convict, unlawful, cultural taboo the victim was 15 years old while the convict was 45 years older.
- The act was repeated several times.

In light of the above grave factors I invite court to impose the maximum sentence prescribed by the law.

**Mrs. Matovu:**

The convict is a first offender, he pleaded guilty. He is repentant and wishes to have an opportunity to go and look after the victim and the child.

**Allocutus:**

My 2<sup>nd</sup> wife was chased away by clan demons or evil spirits and my children have no body to take care of them. The same demons/spirits made me turn my daughter, the victim, into my wife. I have learnt a lesson and if I am released I will not repeat the offence.

**Court:**

Sentence and reasons on 24.11.2006.

**E.K. Muhanguzi**

**Judge**

**21.11.2006**

**Court: Sentence and reasons:**

Court has carefully considered the facts of this case, the submissions of both state and defence Counsel as well as allocutus of the accused.

**Court noted that the convict:-**

1. May be a first offender who pleaded guilty and saved State resources. He has already served 1 year and 3 months period on remand – These are favourable factors to the convict.
2. He is the biological father of the victim.
3. He was 45 years old while the victim was 15 years old at time of commission of the tiple offence.
4. He committed the offence under threats and force. These are extremely aggravating factors.

In the circumstances, Court hereby sentences the convict to life imprisonment. Right of appeal against sentence within 14 days from today is explained to the convict.

**E.K. Muhanguzi**

**Judge**

**24.11.2006**

**Court:**

**Delivered in presence of**

1. **Mr. Ndamurani Atenyi, Resident State Attorney for State.**
2. **Mr. Serwanga on brief for Mrs Matovu for accused.**
3. **Accused in Court.**
4. **Ms Nabirye Rebecca – Court Clerk**

**E.K. Muhanguzi**

**Judge**

**24.11.2006**